

COUNCIL

MINUTES OF MEETING HELD ON MONDAY, 25 SEPTEMBER 2023

Present:

Councillor Martin E Thacker MBE JP (Chair) (in the Chair)
Councillor Gerry Morley (Vice-Chair)

Councillor Frank Adlington-Stringer	Councillor Neil Baker
Councillor Nigel Barker	Councillor Jayne Barry
Councillor Graham Baxter MBE	Councillor Richard Beech
Councillor David Cheetham	Councillor Kathy Clegg
Councillor Stephen Clough	Councillor Andrew Cooper
Councillor Suzy Cornwell	Councillor Charlotte Cupit
Councillor Alex Dale	Councillor Peter Elliott
Councillor Stuart Fawcett	Councillor Clive Fletcher
Councillor Mark Foster	Councillor Christine Gare
Councillor Kevin Gillott	Councillor David Hancock
Councillor Lee Hartshorne	Councillor Daniel Higgon
Councillor Pam Jones	Councillor William Jones
Councillor Pat Kerry	Councillor Carol Lacey
Councillor Tony Lacey	Councillor Heather Liggett
Councillor Fran Petersen	Councillor Stephen Pickering
Councillor Kathy Rouse	Councillor Ross Shipman
Councillor Derrick Skinner	Councillor Caroline Smith
Councillor Christine Smith	Councillor Mick Smith
Councillor Richard Spooner	Councillor Lee Stone
Councillor Richard Welton	Councillor Helen Wetherall
Councillor Pam Windley	

Also Present:

A Bond	Governance Officer
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	Governance Manager
S Sternberg	Assistant Director of Governance and Monitoring Officer

COU Apologies for Absence

/35/2

3-24 Apologies for absence were received from Councillors P Antcliff, J Birkin, L Deighton, M Durrant, M Emmens, N Morley, S Reed, C Renwick, M Roe and K Tait.

COU Declarations of Interest

/36/2

3-24 There were no interests declared at this meeting.

COU **Minutes of the Last Meeting**

/37/2

3-24

The Minutes of the last meeting were approved as a true record, subject to clarification on Min: COU/31/23-24, that Councillor M Roe had declared an interest in Item 11 – Stonebroom Community Governance Review, as a local resident and Member of Shirland and Higham Parish Council and not as a Member of Stretton Parish Council.

RESOLVED – That the Minutes of the meeting held on Monday, 31 July 2023 were approved as a true and accurate record subject to the above clarification.

COU **Chairman of the Council's Announcements**

/38/2

3-24

The Chairman of the Council, Councillor M E Thacker MBE, paid tribute to the England Team that had participated in the FIFA Women's World Cup earlier this year. In particular, he congratulated player Millie Bright, who had attended school in the District and who had made 73 appearances for England and captained the side during the World Cup campaign.

Councillor M E Thacker MBE outlined a series of events that he had attended in his capacity as Chairman of the Council. These included the Calow Gala, the Ireland Colliery Chesterfield Brass Band Concert, and a civic ceremony held at Chesterfield Borough Council where he awarded the title of honorary alderman and alderwoman on three former Councillors. The Chairman congratulated Penny Cartledge and Samantha Sherlock for their hard work in facilitating the Calow Gala.

The Chairman of the Council gave thanks to all those who had supported the Dawn Rose Canal Boat pull, he gave special thanks to Cllrs N Barker, P Elliott and J Barry. He explained that Council supported the work of the Canal Trust and that the event had enabled those who participated to see first-hand what the volunteers were achieving.

Councillor M E Thacker MBE reminded members of the upcoming curry luncheon event that was taking place in conjunction with the Asian Community Association in support of his Charitable Appeal for Ashgate Hospice.

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**

/39/2

3-24

The Leader of the Council, Councillor N Barker, informed Members of events that he had attended. These included the Dawn Rose Canal Boat pull to support the Chairman's Charity, handing over the keys to seven affordable homes to local residents at Clay Lane, and attending the start of the work on the housing development at Whiteleas Avenue in North Wingfield. The development would provide a significant number of affordable homes for rent and to buy in the area. He informed Members that these two events demonstrated his and the Administration's commitment to increase the number of affordable homes within the District.

Council heard that the Leader and the Portfolio Holder for Health & Leisure, Councillor K Rouse, had been invited to the Sharley Park Leisure Centre for the launch of Sharley Active. Councillor N Barker informed Members that good progress was being made on the redevelopment of the leisure centre, which would be a real hub for the local community.

Councillor N Barker informed Council that he had recently completed filming in Danesmoor with Sustainable Building Solutions, the company that would be providing external wall insulation and providing benefits to the Council's tenants.

The Leader explained that he had filmed his recent Leader's Briefing video from Ashover Rock in order to help illustrate the District's natural beauty.

Council was informed of the action taken to help combat fly tipping in the District. In particular, Councillor N Barker explained that there had been a successful prosecution for fly tipping in Holmesfield and two Closure Orders in West Handley and Ridgway. The Leader of the Council gave thanks to all those who were involved in delivering this action.

Members heard of the progress made in developing the detailed Service Planning for the Council Plan, which should be completed by October 2023. Council also heard of the progress made in developing specific strategies.

Councillor N Barker noted the recent financial difficulties faced by other local authorities. In this context he stressed that while savings would still need to be made, the Council remained fiscally sound. He informed Members that the financial difficulties of other authorities were being monitored to determine if they would impact on the Council's ability to make progress on projects which had been agreed with the support of other authorities and businesses.

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

COU **Public Participation**

/40/2

3-24 There were no questions from the public.

COU **Appointments to Committees**

/41/2

3-24 The report to Council set out a proposed amendment to the composition of the Planning Committee and the Business Scrutiny Committee for the remainder of the 2023/24 Municipal Year.

The Monitoring Officer highlighted the proposed changes, as shown in the report, and informed Members that the proposed changes would have no impact on the political proportionality of the Committees, or that of the Council as a whole.

Councillors N Barker and J Barry proposed and seconded a motion to approve the recommendations as contained within the report.

The motion was put to a vote and approved (by acclamation).

RESOLVED –

1. That in line with the request of the Leader of the Labour Group, Councillor F Petersen be appointed to serve on the Planning Committee for the remainder of the 2023/24 Municipal Year.
2. That Councillor N Morley ceases to serve on the Planning Committee for the remainder of the 2023/24 Municipal Year.
3. Councillor T Lacey be appointed to serve on the Business Scrutiny Committee for the remainder of the 2023-24 Municipal Year.
4. That Councillor L Stone ceases to serve on the Business Scrutiny Committee for the remainder of the 2023/24 Municipal Year.

COU Establishment of a Local Plan Review Working Group

/42/2

3-24

The report to Council set out proposals for the establishment of a Local Plan Review Group.

Councillor S Pickering, the Portfolio Holder for Environment & Place and the Leader of the Council, Councillor N Barker, moved and seconded a motion to approve Officer recommendations, as contained within the report, to establish a Local Plan Review Working Group. Councillor N Barker reserved his right to speak.

Councillor S Pickering contended that it was important to establish the Group and for it to begin its work as soon as possible. He explained that by comprising the membership of the Group of the Chairs and Vice Chairs of the Scrutiny and Planning Committees, as well as one Liberal Democrat and one Independent Group representative, the group would have a broad political representation across the Council and that its Members would be able to feedback to their Committees and Groups and update them on the process.

Councillors R Shipman, A Dale, M Foster and C Cupit argued that each Political Group should be able to nominate their own representatives to the Group.

Councillors C Cupit, A Dale and R Welton expressed their concerns about the proposed composition of the Group and in particular, that all areas of the District and all Political Groups should be adequately represented on it and that the different Groups ought to choose their representatives on it. They also raised concerns that the Minutes of the Group would not be published.

Councillor D Hancock moved an amendment to the motion that membership to the Local Plan Review Group should be based on proportionality, the motion would also ensure that each political group was represented in the Group and would enable each political group to appoint their own Members to the Group. Councillor R Shipman seconded the motion.

Councillor A Dale proposed that the meetings of the Group should take place in public session unless there were any specific reasons that would allow for certain items to be taken in exempt session. Councillor D Hancock agreed that this provision be included in the amendment to the Motion.

The Leader of the Council, Councillor N Barker, reminded Council that the proposed composition would ensure that all of the political groups were represented on the Review Group. The inclusion of the Chairs and Vice Chairs of the Planning Committee and of the four Scrutiny Committees would enable them to contribute and then by provide feedback to their respective Committees. He indicated that he would not support the amendment but that he would consider ways of keeping Members and the public aware of the work carried out by the Group.

Councillor H Wetherall indicated her support for the amendment to the Motion.

Councillors A Dale, C Cupit and D Hancock asked that a recorded vote be taken on the amendment.

The amendment was put to the vote and was defeated.

For: 17

Councillors N Baker, S Clough, A Cooper, C Cupit, A Dale, P Elliott, M Foster, D Hancock, P Jones, W Jones, H Liggett, R Shipman, R Spooner, M E Thacker MBE, R Welton, H Wetherall and P Windley.

Against: 25

Councillors N Barker, J Barry, G Baxter MBE, R Beech, D Cheetham, K Clegg, S Cornwell, S Fawcett, C M Fletcher, C Gare, K Gillott, L Hartshorne, D Higgon, P Kerry, C Lacey, T Lacey, G Morley, F Petersen, S Pickering, K Rouse, D Skinner, Caroline Smith, Christine Smith, M Smith, L Stone

Abstentions: 0

Council then voted on the substantial motion.

Councillors M Foster, A Dale, C Cupit and D Hancock asked for a recorded vote to be taken.

For: 26

Councillors N Barker, J Barry, G Baxter MBE, R Beech, D Cheetham, K Clegg, S Cornwell, S Fawcett, C M Fletcher, C Gare, K Gillott, L Hartshorne, D Higgon, P Kerry, C Lacey, T Lacey, G Morley, F Petersen, S Pickering, K Rouse, D Skinner, Caroline Smith, Christine Smith, M Smith, L Stone and H Wetherall.

Against: 15

Councillors N Baker, S Clough, C Cupit, A Dale, P Elliott, M Foster, D Hancock, P Jones, W Jones, H Liggett, R Shipman, R Spooner, M E Thacker MBE, R Welton and P Windley.

Abstentions: 1

Councillor A Cooper

The motion was approved.

RESOLVED –

1. That Council approved the establishment of the Local Plan Review Working Group in accordance with the structure and terms of reference detailed in Appendix 1 to the report, consisting of: the Chairs and Vice Chairs of the Scrutiny Committees, the Planning Committee Chair and Vice Chair, One Liberal Democrat Group Member and one Independent Group Member.
2. That Council appointed Cllr D Hancock from the Liberal Democrat Group and Cllr A Cooper from the Independent Group to serve on the Local Plan Review Working Group.
3. That the Review Working Group be chaired by the Portfolio Holder for Environment and Place.

COU **To answer any questions from Members asked under Procedure Rule No 9.2**
/43/2
3-24 The Chairman of the Council confirmed that three questions had been received.

Question ‘A’ – Councillor W Jones to Councillor S Pickering, Portfolio Holder for Environment and Place

A question had been submitted by Councillor W Jones to Councillor S Pickering, Portfolio Holder for Environment & Place on whether the Administration intended to increase fines for fly tipping and littering to the new national maximum. The full text of the question from Councillor W Jones, marked as Question ‘A’, was set out in the agenda for the meeting.

The Portfolio Holder thanked Councillor W Jones for his question. Councillor S Pickering explained that he was committed to seeking out and prosecuting significant fly tipping where possible. In particular, he explained that the Council would continue to prosecute in serious cases, which could result in an unlimited fine or up to five years in prison.

The Portfolio Holder explained that Fixed Penalty Notices were an alternative to criminal prosecutions through the courts. He stated that the existing penalty of £400 was considered to be appropriate and was continuously under review. Councillor S Pickering went on to explain that when fixed penalty notices were

last increased in 2021/22 the payment rates dropped from 100% to 80%.

The Portfolio Holder informed Council that fines needed to be proportionate and it was important for residents to be able to afford to pay them if they were to act as an effective deterrent.

Councillor W Jones asked a supplementary question about whether a strategy would be put in place in order to watch fly tipping 'hot spots' with targeted surveillance. He enquired as to what other measures would be put in place in order to help combat this issue.

The Portfolio Holder explained Environmental Services do a thorough job and investigate where possible. He explained that there had been significant operations and investigations in West Handley and Ridgeway. The Portfolio Holder praised those staff who had taken part in these.

Question 'B' – Councillor C Cupit to Councillor S Pickering, Portfolio Holder for Environment and Place

A question had been submitted by Councillor C Cupit to Councillor S Pickering, Portfolio Holder for Environment & Place on whether a Local Plan review or a new Local Plan would be pursued and what the timeframe for this would be. The full text of the question from Councillor C Cupit, marked as Question 'B', was set out in the agenda for the meeting.

The Portfolio Holder explained that these issues would be considered by the Local Plan Review Working Group, there was also new planning legislation to come through from central Government. He informed Members that Officers had already conducted some review work on the local plan and would be using a planning advisory survey toolkit on best practice.

Councillor S Pickering informed Council that the length of time of the review would depend on the scope and scale of the work undertaken by the Group. He suggested that it could take up to four years as they wanted it to be inclusive and there were plans in place for a wider public consultation.

Councillor C Cupit questioned how inclusive the Working Group would be.

The Portfolio Holder explained that he hoped the Group would work collaboratively and collectively decide whether a partial or full review of the Plan would be the most appropriate way forward.

Question 'C' – Councillor A Dale to Councillor P Kerry, Deputy Leader of the Council

A question had been submitted by Councillor A Dale to Councillor P Kerry, Deputy Leader of the Council on the financial costs of each of the new spending commitments announced by the Leader of the Council. The full text of the question from Councillor A Dale, marked as Question 'C', was set out in the agenda for the meeting.

The Deputy Leader thanked Councillor A Dale for his question. He explained

that the budget for the 2023/24 municipal year had been approved in January of this year and was inherited from the previous administration. The current Administration would work within this budget to deliver their services and had incurred no additional expenditure to date. The Administration planned to address their commitments in the Council Plan in relation to community safety and sustainability during the current budget cycle and these would be funded by existing budgets.

Councillor P Kerry informed Members that the Stonebroom regeneration scheme would require further consideration by Council in due course.

Council heard that as part of the annual review of the budget, the financial commitments in the Council Plan would be reviewed. The budget review was currently underway and would be presented to Council for consideration and approval in January 2024 following a robust review by the Joint Scrutiny Committee.

Councillor A Dale asked the Deputy Leader about the costs of the new Council Chamber.

Councillor P Kerry reminded Council that the need for improvements had been discussed and agreed previously.

COU
/44/2
3-24

To consider any Motions from Members under Procedure Rule No 10

MOTION 'A'

Members considered a motion submitted by Councillor C Cupit, which called on the Council to extend green bin collections to at least a monthly collection basis from Winter 2023. The full text of Councillor C Cupit's Motion, set out as Motion 'A' was included on the agenda for the meeting.

Councillor C Cupit argued that an extension to the collection period had been unanimously supported by Council in November 2022. The extension would also be popular with residents, who now have to dispose of more garden waste as a result of longer growing seasons.

Councillor A Dale seconded the motion and reserved his right to speak.

Councillors R Welton and D Hancock spoke in favour of the motion. They argued that the policy had previously enjoyed cross-party support and reflected the concerns raised by residents.

Councillor N Barker responded that this matter had been resolved during Councillor H Liggett's question at the previous meeting of Council. He informed Council that the motion that had been agreed at the meeting on the 28 November 2022, marked as Motion 'D', which can be viewed at Minute: COU/58/22-23, had stated that Council would extend the garden waste collection period, not that garden waste would be collected throughout the entire winter period. The collection period had already been extended by three weeks, the proposed motion was uncosted and unfunded.

Councillor R Shipman argued that if the budget had already been agreed then this would not pose an extra financial commitment. He suggested to Members that some people might start burning garden waste if the collection period was not extended. He also expressed his concern that people were not being encouraged to compost their waste.

Councillor S Pickering reiterated that the collection period had been extended by three weeks. If this was extended to cover the whole winter period, then this would lead to an increase of only 2.5% in terms of recycling but would cost an additional £82,000. Council heard that there were alternatives in place for residents such as waste recycling centres.

Councillor A Dale explained that the funding for this extension had been included in the budget inherited by the Administration and that the cost of an extension would not be significant.

Councillor C Cupit used her right of reply to share her disappointment at the response. She suggested that encouraging residents to drive to a waste recycling centre would not be environmentally sustainable.

At the conclusion of the debate the Motion was put to the vote and defeated.

MOTION 'B'

Members considered a motion submitted by Councillor D Hancock which called on the Council to lobby the Government to change the legislation to prevent developers from using management fees to charge new home buyers for the provision and maintenance of play areas, communal gardens and private roads. The full text of Councillor D Hancock's Motion, set out as Motion 'B' was included on the agenda for the meeting.

Councillor R Shipman seconded the Motion but reserved his right to speak.

Councillor A Dale declared an interest in the current Motion due to his role as a Director of the Northwood Development Group and informed Council that he would not participate in Council's discussion of or determination on the motion.

Councillor N Baker suggested that the Council should be conscious of potential costs down the line for maintaining areas such as green spaces and parks when making planning decisions and setting conditions.

Councillors N Barker and C Cupit recognised the issues contained within the Motion but informed Members that there was a new Levelling-up and Regeneration Bill coming through Parliament which would contain a new infrastructure levy and that the Motion was pre-emptive of these changes.

Councillor C Cupit suggested that the relevant Scrutiny Committees should be asked to investigate this issue.

Councillor R Shipman argued that it would be better to influence legislation

before it has been passed into law. He agreed with Councillor C Cupit that it would be worthwhile for this issue to be tackled by the relevant Scrutiny Committees.

Councillor D Hancock exercised his right of reply to echo the comments made by Councillor R Shipman. He informed Councillor C Cupit that he would have accepted a friendly amendment to refer the issue to Scrutiny if one had been proposed. He appealed to the Labour Group to reconsider their position and support the Motion.

At the conclusion of the discussion, the Motion was put to the vote and defeated.

MOTION 'C'

Members considered a Motion submitted by Councillor R Shipman which called on the Council to write to the Police and Crime Commissioner and the Chief Constable and ask them to commit to use their existing powers in order to prevent illegal encampments throughout the District. The full text of Councillor R Shipman's Motion, set out as Motion 'C' was included on the agenda for the meeting.

Councillor D Hancock seconded the Motion and reserved his right to speak.

Councillors N Barker, J Barry, C Cornwell, C Cupit and A Dale spoke against the Motion. They argued that the Illegal Encampments taskforce was carrying out good work and helping to alleviate the issue of illegal encampments.

Councillor C Cupit informed Council that the powers contained within Section 61 and 62 of the Criminal Justice and Public Order Act 1994 were used when it was appropriate to do so and had been used in relation to an incident at Grassmoor.

Councillor F Adlington-Stringer spoke against the Motion. He argued that the travelling community was valued and that a better nationwide strategy was required in order to provide safe spaces for these communities to exist.

Councillor M Foster explained that the powers contained within Section 61 and 62 require threatening or abusive words or behaviour or damage and six or more vehicles to be involved. Therefore, it was not always possible or appropriate for the police to use these powers.

Councillor D Hancock reminded Members that the Motion was in reference to all illegal encampments and did not refer to travellers. Councillor D Hancock finished by outlining a number of areas where the Illegal Encampments Taskforce had not worked well.

Councillor R Shipman exercised his right of reply to echo the words of Councillor D Hancock and to remind Members that the Motion did not refer to travellers. He informed Council that the Motion was in relation to the police not using the powers contained in Section 61 and 62 and to encourage them to do so when appropriate.

At the conclusion of the debate the Motion was put to the vote and defeated.

MOTION 'D'

Members considered a Motion submitted by Councillor P Windley which called on Council to begin the process of developing a Local Plan and to begin consultation with residents as early as possible. The Motion also called on Council to only develop on Council owned land with Social and affordable housing projects and to explore options to build a new settlement within the District. The full text of Cllr P Windley's Motion, set out as Motion 'D' was included on the agenda for the meeting.

Councillor R Shipman seconded the Motion and reserved his right to speak.

Councillor N Barker responded by contending that the new Working Group would consider the scope of the Local Plan and that the allocation for additional land would be an evidence-led process and would not be prejudged at this stage.

Councillor A Dale agreed that communities should be consulted on the Local Plan as early as possible. He supported the goal of providing more affordable homes but contended that the provision of open market sale would also be important. He also expressed interest in the principle of establishing a new settlement as a way of reducing further development on existing settlements but explained that he and the Liberal Democrat Group had disagreed in the past over the potential location of such a settlement.

Councillor H Wetherall echoed the comments made by Councillor A Dale and explained that a mixed economy approach to housing development would be more beneficial.

Councillor C Cupit spoke against the Motion. She argued that Members and the public as a whole ought to be consulted as part of the review process.

Councillor R Shipman argued that the Local Plan Review process should be started soon and that local communities ought to be consulted.

Councillor P Windley exercised her right of reply to inform Council that the Motion focussed on involving residents and planning for more social housing.

At the conclusion of the debate, the Motion was put to the vote and defeated.

COU **Chair's Urgent Business**

/45/2

3-24

There was no urgent business.