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**North East
Derbyshire
District Council**

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Date: Friday, 15 September 2023

To: **All Members of the Council**

You are summoned to attend a meeting of the Council to be held on **Monday, 25 September 2023 at 2.00 pm in the District Council Offices, Mill Lane, Wingerworth, Chesterfield S42 6NG**

Group meetings will be arranged, where necessary, by the Group Leaders.

The meeting will also be live streamed from the Council's website on its You Tube Channel. Click on the following link if you want to view the meeting:

[North East Derbyshire District Council - YouTube](#)

Yours sincerely

A handwritten signature in black ink that reads "Sarah Steuberg".

Assistant Director of Governance and Monitoring Officer

AGENDA

1 Apologies for Absence

2 Declarations of Interest

Members are requested to declare the existence and nature of any disclosable pecuniary interest and/or other interests, not already on their register of interests, in any items on the agenda and withdraw from the meeting at the appropriate time.

3 Minutes of the Last Meeting (Pages 7 - 20)

To approve as a correct record and the Chair to sign the attached Minutes of the Council meeting held on 31 July 2023.

4 Chairman of the Council's Announcements

5 Leader of the Council's Announcements

6 Public Participation

In accordance with Council Procedure Rule No 8 to allow members of the public to ask questions about the Council's activities for a period up to fifteen 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 have been submitted under Procedure Rule No 8 for this meeting.

7 Appointments to Committees (Pages 21 - 23)

Report to the Assistant Director of Governance and Monitoring Officer

8 Establishment of a Local Plan Review Working Group - NOW PUBLISHED (Pages 24 - 31)

Report Councillor S Pickering, Portfolio Holder for Environment and Place

9 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 following questions have been submitted:-

Question 'A' - Councillor W Jones to Councillor S Pickering, Portfolio Holder for Environment and Place

Will the Portfolio Holder confirm if the new administration will increase fines for fly tipping and littering to the new national maximum amount allowable as recently increased by Government and, if so, when?

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

Can you confirm whether you will be pursuing a Local Plan review or a new Local Plan, what the timeframe for work on this is and, importantly, what the plans for public consultation with any affected communities will be?

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

Will the Portfolio Holder please confirm the financial cost (or provide an estimate if not yet established) of each of the new spending commitments announced by the Leader of the Council in his acceptance speech on 22 May 2023?

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

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

The following Motions have been submitted:-

Motion 'A' Moved by Councillor C Cupit and Seconded by Councillor A Dale

The Conservative Group notes with disappointment the statement by the relevant portfolio holder at the last Full Council meeting that the new administration would not be supporting the previous Council's unanimous commitment on the 28 November 2022 to extend the garden waste collection period throughout the winter period.

Council notes that the extension of green bin collections is something many residents across the District have requested to facilitate and encourage increased recycling rates and reducing waste.

Council therefore resolves to extend green bin collections throughout the winter period on an at least monthly collection basis from Winter 2023.

Motion 'B' Proposed by Councillor D Hancock

Council notes:

- Management fees are becoming a common method by developers to charge new home buyers to cover provision of services for things such as play areas, communal gardens and private roads.
- The use of these communal areas is not limited to the residents that have to

pay the management fees.

Council believes:

- Management fees are effectively an additional tax on new home buyers.
- These fees should be abolished and that developers should pay a fixed fee to via Section 106 agreements to fund these communal areas and have them adopted by the relevant local authority.

Council resolves:

- To relay the Councils position through the LGA and East Midlands Councils so that lobbying can be carried out to government to change the legislation.
- To write to Lee Rowley MP and Mark Fletcher MP to lobby the government to change the legislation.

Motion 'C' Proposed by Councillor R Shipman

Council notes:

- There has been a worrying increase in illegal encampments in North East Derbyshire over the last couple of years.
- Derbyshire Police have been given Section 61 and 62 powers to allow them to robustly tackle illegal encampments.

Council believes:

- Senior Derbyshire Police Representatives could and should do more when it comes to tackling illegal encampments, instead of leaving it to land owners to deal with the problem.
- The illegal encampments task force setup by the Police and Crime Commissioner has not been effective in preventing illegal encampments in North East Derbyshire.

Council resolves:

- To write to the Police and Crime Commissioner, Angelique Foster, and the Chief Constable, Rachel Swann to ask them to commit to use their existing powers and to explain why this hasn't been done thus far.
- To report the response to the letter back to Councillors.

Motion 'D' Proposed by Councillor P Windley

Council notes:

- The lengthy time it took to adopt the current local plan.
- The need for more social and affordable housing within North East Derbyshire.
- Existing settlements in North East Derbyshire are being overdeveloped, and lacking infrastructure.

Council resolves:

For the relevant scrutiny committee and cabinet to create a strategy with a view to;

1. Begin the process of developing a local plan and begin consultation with local residents as early as possible.
2. Only develop on Council owned land with Social and affordable housing projects.
3. Explore options to build a new settlement in North East Derbyshire with the necessary infrastructure to support such a development.

11 Chair's Urgent Business

To consider any other matter which the Chair is of the opinion should be considered as a matter of urgency.



North East Derbyshire District Council

Access for All statement

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COUNCIL

MINUTES OF MEETING HELD ON MONDAY, 31 JULY 2023

Present:

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

Councillor Frank Adlington-Stringer	Councillor Pat Antcliff
Councillor Neil Baker	Councillor Nigel Barker
Councillor Jayne Barry	Councillor Graham Baxter MBE
Councillor Richard Beech	Councillor Joseph Birkin
Councillor David Cheetham	Councillor Kathy Clegg
Councillor Stephen Clough	Councillor Andrew Cooper
Councillor Suzy Cornwell	Councillor Charlotte Cupit
Councillor Alex Dale	Councillor Lilian Deighton
Councillor Michael Durrant	Councillor Peter Elliott
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 Nicki Morley
Councillor Fran Petersen	Councillor Stephen Pickering
Councillor Stephen Reed	Councillor Michael Roe
Councillor Kathy Rouse	Councillor Ross Shipman
Councillor Derrick Skinner	Councillor Caroline Smith
Councillor Christine Smith	Councillor Richard Spooner
Councillor Lee Stone	Councillor Richard Welton
Councillor Helen Wetherall	Councillor Pam Windley

Also Present:

L Hickin	Managing Director – Head of Paid Service
M Broughton	Director of Growth & Assets
J Dethick	Director of Finance & Resources (Section 151 Officer)
S Sternberg	Assistant Director of Governance & Monitoring Officer
A Maher	Governance Manager
A Bond	Governance Officer
T Scott	Governance & Scrutiny Officer
M E Derbyshire	Members ICT & Training Officer

COU Apologies for Absence

/21/2

3-24 Apologies for absence were received from Councillors M Smith, C Renwick, S Fawcett, K Tait, and M Emmens.

Apologies were also received from Councillor P Antcliff and Councillor K Gillott, who would be required to leave before the end of the meeting.

COU **Declarations of Interest**

/22/2

3-24

Councillor M E Thacker MBE declared an interest in Item 11 – Stonebroom Community Governance Review, as a member of the Rykneld Board. The company was undertaking a re-development project in the area covered by the review. He indicated that he would remain in the meeting and participate in Council’s deliberations and determination on the Item.

Councillor M Roe also declared an interest in Item 11 - Stonebroom Community Governance Review, as a local resident and Member of Stretton Parish Council. He indicated that he would remain in the meeting and participate in Council’s deliberations and determination on the Item.

COU **Minutes of the Last Meeting**

/23/2

3-24

RESOLVED – That the Minutes of the meeting held on Monday, 22 May 2023 were approved as a true and accurate record.

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

/24/2

3-24

The Chairman of the Council, Councillor M E Thacker MBE, paid tribute to former District Councillor, Clive Hunt, following the sad news of his death. The Chairman of the Council praised former Councillor Hunt’s kindness and consideration and offered his condolences to his family on their loss. He asked Members to observe a moment of personal reflection.

Councillor M E Thacker MBE explained that he had taken part in events to celebrate the 60th anniversary of the Council’s partnership with the Landkreis of Darmstadt-Dieburg in Germany. The Chairman of the Council indicated that he had met the costs of this visit personally.

The Chairman of the Council informed Members he had attended the Annual Pilgrimage to the Crich War Memorial, to honour those soldiers of the Mercian Regiment and its predecessors who had died in conflict; many of whom were from or had close links to the District.

Councillor M E Thacker MBE reiterated his support for Ashgate Hospice as his Charitable Appeal for the year. He highlighted several events, which he hoped Members would support. In this context, he thanked Councillor N Barker and Councillor P Elliot for agreeing to participate in his planned Canal Barge-pulling event.

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**

/25/2

3-24

The Leader of the Council, Councillor N Barker, paid tribute to former Councillor Clive Hunt. He praised former Councillor Hunt’s contribution to the local community, as both a Parish and District Councillor and how he would be missed by family and friends.

Members were informed that the Leader of the Council had attended the Local Government Association (LGA) Annual Conference. He had also attended the Annual General Meeting of East Midlands Councils. The Leader of the Council explained the issues covered at these events and the opportunity which they had provided to represent the views of the Council and the interests of the District.

Councillor N Barker explained that he had also met with Cllr B Lewis, Leader of Derbyshire County Council to discuss the Vision Derbyshire initiative.

Councillor N Barker reminded Members that an 'Introduction to Housing' training session had been arranged as part of the on-going programme of development events for Members, that had been organised by the Council.

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

COU Public Participation

/26/2

3-24 There were no questions from the public.

COU The Council Plan - 2023 to 2027

/27/2

3-24 The report to Council set out the draft Council Plan for 2023 to 2027.

The Leader of the Council, Councillor N Barker and Deputy Leader of the Council, Councillor P Kerry, moved and seconded a Motion that the draft Council Plan be approved. Councillor N Barker explained how the Plan would build on the new Administration's vision, that by putting Strong Community Leadership at the heart of everything which the Council does, we would create a Great Place. In particular, he explained that the Council would aim to create a place where people could earn a decent living, have a comfortable home, live long, happy and healthy lives, feel safe in their communities and be conscious of and care for their environment.

Councillor N Barker made clear that the Plan was intended to evolve and grow over the four-year term of the Council, and that it would be delivered in an inclusive and transparent way. The Council would do this in collaboration with other public sector organisations, businesses, voluntary organisations and the District's communities as a whole.

Prior to speaking on the Motion, Councillor A Dale, expressed his sorrow at the death of former Councillor Clive Hunt and offered his condolences to his family.

Councillor A Dale then spoke on the Motion. He welcomed its continuity with many of the goals of the previous Council Plan but expressed concerns about the draft Plan. He indicated that the Conservative Group would abstain on the Motion.

Councillor C Cupit contended that there had been insufficient consultation on the Plan. She also thought that it lacked detail, especially on key issues such as growth and town centres.

Councillor R Shipman and Councillor D Hancock expressed concerns that Council was being asked to agree general aims rather than a plan for how these would be achieved.

Cllr N Barker responded by reiterating that the Council Plan was intended to be an evolving document and that the specific targets, goals and objectives, along with an appropriate suite of performance measures, were now being developed, which Members would be able to consider. In particular, specific aspects of the Plan would be referred to the relevant Scrutiny Committees, who would be asked to consider how the Plan was being delivered as part of their ongoing work programmes.

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

RESOLVED – That the draft Council Plan for 2023 to 2027 is approved.

COU The Council's Scrutiny Committees - Terms of Reference

/28/2

3-24

The report to Council set out the proposed Terms of Reference of the Council's Scrutiny Committees. Members were reminded that the structure of the Scrutiny Committees had been reviewed, and that new Scrutiny Committees were established by Council at its Annual Meeting, on 22 May 2023. It was also agreed that the Terms of Reference for the new Committees should be developed and then submitted to Council for approval.

It was explained that the four Scrutiny Committees had been briefed on the emerging Council Plan and in particular, how their proposed Terms of Reference would focus on the relevant parts of the Plan, monitoring how specific initiatives were being implemented and assessing what results had been achieved.

Following on from this, Standards Committee considered the proposed new Terms of Reference and the Scrutiny Protocol for the four new Scrutiny Committees. Standards Committee endorsed the proposed Terms of Reference and recommended them to Council for approval.

Councillor K Gillott, Chair of the Standards Committee, and Councillor J Birkin moved and seconded a motion to approve the proposed Terms of Reference and Scrutiny Protocol for the Scrutiny Committees. Councillor K Gillott reserved his right to speak.

Cllr A Dale expressed concern that focusing the Scrutiny Committee Terms of Reference on the Council Plan might prevent them from addressing other important issues that emerge, but which are not covered by the Plan. He also asked for and received clarification of the role of the Joint Scrutiny Committee and the technical reasons why it was required.

Cllr K Gillott made clear that the Terms of Reference of the Scrutiny Committees would be assessed by Standards Committee as part of its ongoing annual review of the Constitution. If any changes to the Scrutiny Committees Terms of Reference proved to be necessary, then these could be determined as part of that process.

The Motion was put to the vote and approved (by acclamation).

RESOLVED – That the attached Terms of Reference and the Scrutiny Protocol for the Scrutiny Committees were approved.

COU **Values in the Constitution**

/29/2

3-24

The report to Council sought agreement to incorporate an additional ‘Value’ into the Constitution. Members were reminded that the Constitution currently sets out four Values for the Council. *To be honest, open and accountable, To treat everyone fairly and with respect, To listen, involve and respond, and To embrace change and innovation.*

The proposed additional Value was intended to represent the view of the new Administration that the Council’s business should be dealt with as openly and as transparently as possible by: *Being collaborative, open and transparent.*

Councillor N Barker and Councillor J Birkin proposed and seconded a Motion that the proposed additional Value be included in the Constitution.

The Leader, Councillor N Barker, informed Members of the Administration’s genuine desire to be as open and transparent as possible in line with the proposed Value.

Councillor A Dale and Councillor R Shipman emphasised that it would be important for this new Value to be seen consistently in the actions of the new Administration.

Upon the conclusion of the discussion the Motion was put to a vote and approved (by acclamation).

RESOLVED – That Council approved the addition of the fifth Value to the Constitution.

COU **Schedule of Meetings 2023-24**

/30/2

3-24

Council was presented with the proposed schedule of Meetings for the remainder of the 2023-24 Municipal Year.

Councillor J Birkin and Councillor N Barker moved and seconded a motion to approve the proposed schedule of meetings.

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

RESOLVED – That Council approved the proposed Schedule of Meetings for the 2023-24 Municipal Year.

COU **Stonebroom Community Governance Review**

/31/2

3-24

Members were reminded that on 12 September 2022 Council had considered the arrangements for a Community Governance Review for Stonebroom. A

Working Group was subsequently established to carry out the required consultation and following on from this the Group recommended to Council that a separate Parish Council for Stonebroom be not established and to keep the existing arrangements/boundaries at the current time.

The Working Group's recommendations were submitted to Council at its meeting on 28 November 2022. It agreed at that meeting to ask the Working Group to carry out further, more extensive consultation into the possibility of a separate Parish Council for Stonebroom. This can be seen at Minute Number COU/55/22-23 of the 28 November 2022 meeting of Council.

The report to Council explained that this further consultation had been carried out and following on from this the issue was now being brought to Council for a decision. Council was asked to consider several possible recommendations. The Monitoring Officer informed Council that recommendation 2, as contained within the report, was outdated and would not be voted on.

Cllr J Birkin thanked the previous Working Group and the elections staff for their work on the Review. He suggested that following on from the additional Consultation Option 1b – Not to establish a separate Stonebroom Parish Council – be adopted, but with an additional provision that the wards be established for the Shirland and Higham Parish.

Councillor J Birkin and Cllr N Barker moved and seconded a motion that recommendation 1b as contained within the report, with the additional provision that parish wards be put in place for the Shirland and Higham Parish Council prior to its next full elections, be approved.

Councillor C Cupit, Councillor D Hancock and Councillor M Foster indicated their support for the Motion.

Councillors C Cupit and D Hancock signalled their disappointment that the review could not remain open while the warding was trialled.

The Monitoring Officer reminded Members that although the Review could not remain open while the warding arrangements developed, another Review could be carried out, if this was requested.

At the conclusion of the discussion the Motion, was put to the vote and agreed (by acclamation).

RESOLVED – That:

1. That a separate Stonebroom Parish Council is not established.
2. That warding arrangements for the existing Shirland and Higham Parish Council be considered in advance of the May 2027 Parish Elections.
3. This decision having been made, further consultation is carried out in accordance with the legislation and guidance and reported back to Council.

4. The following delegation Council previously gave to the Managing Director is reconfirmed – That the Managing Director and Head of Paid Service in consultation with the Returning Officer/Electoral Registration Officer, be authorised to put in place the arrangements and timetable for undertaking the Community Governance Review.

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

/32/2

3-24

The Chairman of the Council confirmed that five questions have been received.

Question 'A' from Councillor H Liggett to Councillor S Pickering, Portfolio Holder for Environment and Place

A question had been submitted by Councillor H Liggett to Councillor S Pickering, Portfolio Holder for Environment and Place on whether the Council would empty green waste bins throughout the winter period. The full text of the question from Councillor H Liggett, marked as Question 'A', was set out in the Agenda for the meeting.

The Portfolio Holder thanked Cllr H Liggett for her question. He questioned whether the previous administration had fully thought through or understood the implications of the issues involved. He informed her that residents had been consulted through the Citizens Panel and that following on from this the period when Green Bin Collections were suspended had been reduced by three weeks. Councillor S Pickering stressed that the Council was committed to providing an effective and efficient green waste collection service and that an investigation would be undertaken to determine whether the amount of green waste collected from a further reduction in the suspension period could be justified in terms of the additional Carbon emissions that would be generated in order to collect it.

Councillor H Liggett expressed her disappointment with the response, given the impact which Climate Change has had on growing seasons during the winter months.

Question 'B' from Councillor C Cupit to Councillor N Barker, Leader of the Council

A question had been submitted by Councillor C Cupit to Councillor N Barker, the Leader of the Council on whether the Council would commit to continuing to replace the Bungalows in Stonebroom with new bungalows in line with agreed timeframes and plans. The full text of the question from Cllr C Cupit, marked as question 'B', was set out in the Agenda for the meeting.

The Leader of the Council responded by confirming the Administration's commitment to this and that the project would form part of the Council's plans for increasing affordable housing in the District.

Cllr C Cupit asked a supplementary question about whether the Leader would commit to working with herself, Cllr H Liggett and Cllr M Roe on the replacement scheme.

Cllr N Barker responded that he would commit to do so.

Question 'C' from Councillor M Foster to Councillor J Barry, Portfolio Holder for Growth & Assets

A question had been submitted by Councillor M Foster to Councillor J Barry, the Portfolio Holder for Growth & Assets on whether the Council would honour its financial commitments in relation to its allocation of the UK Shared Prosperity Fund and the Investment Plan. The full text of the question from Cllr M Foster, marked as question 'C', was set out in the Agenda for the meeting.

The Portfolio Holder for Growth and Assets responded that the Council would be honouring and delivering the NEDDC Shared Prosperity Fund Investment Plan.

Cllr M Foster asked a supplementary question asking for assurance that the town centre and landscape improvements for Eckington, Lansbury Park and Dronfield Town Centre would continue to be supported as part of the Investment Plan.

The Portfolio Holder confirmed this.

Question 'D' from Councillor A Dale to Councillor N Barker, the Leader of the Council

A question had been submitted by Councillor A Dale to Councillor N Barker, the Leader of the Council on what steps had been taken to assist residents with the cost of living challenges. The full text of the question from Cllr A Dale, marked as question 'D', was set out in the Agenda for the meeting.

The Leader of the Council explained that the grant to the Derbyshire Unemployed Workers Centre had been reinstated, that new and existing businesses would be supported to maintain new and existing jobs, that the Council would look at further community led support through the UK Shared Prosperity Fund which would focus on financial inclusion. Members also heard that Rykneld Homes Limited were working with tenants to help with any cost of living issues experienced.

Cllr A Dale asked a supplementary question on what additional action would be taken in order to support residents through the cost of living crisis.

Cllr N Barker explained that the Council was committed to helping as many people as possible and would continue to action the points already mentioned as well as signpost residents to the appropriate organisations and services. He also highlighted the limitations on what could be done as a District Council.

Question 'E' from Councillor W Jones to Councillor S Pickering, Portfolio Holder for Environment and Place

A question had been submitted by Cllr W Jones to Cllr S Pickering, the Portfolio Holder for Environment & Place on what steps would be taken to ensure that all new build homes were environmentally sustainable and how this would be satisfactorily demonstrated to residents. The full text of the question from Cllr W Jones, marked as question 'E', was set out in the Agenda for the meeting.

The Portfolio Holder responded that the Local Development Scheme would be updated later this year and would outline the timetable for the review process of

updating the Local Plan. He explained that the new Council Plan included commitments to encouraging sustainable places, as well as to build and acquire sustainable and affordable homes. He also notified Members that the Council's Climate Change Strategy would be reviewed.

Cllr W Jones asked a supplementary question around whether the Council would insist on developers to future proof their new build constructions.

The Portfolio Holder for Environment and Place, Councillor S Pickering, explained that the commitment within the Council Plan would ensure that climate change adaptation was a key consideration in the design process.

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

/33/2

3-24 **MOTION 'A'**

Members considered a motion submitted by Cllr R Shipman, which called on the Council to explore further ways that empty homes could be brought back into use, and in particular by using new powers when they are introduced to charge an increasing Council Tax premium on Long Term Empty Properties and Second Homes. The full text of Cllr R Shipman's Motion, set out as Motion 'A', was included on the agenda for the meeting.

Councillor D Hancock seconded the motion but reserved his right to speak.

The Leader of the Council responded to the Motion. He explained that it was unnecessary to support it as the Council had recognised this challenge and had agreed to review the Council Tax discretionary policy. The relevant Scrutiny Committee would be asked to review this in the autumn.

Cllr A Dale signalled broad support for the Motion but argued that it was important to be mindful of any potential impact on tourism across the District.

Cllrs R Shipman and D Hancock replied that if the Council was already committed to the steps outlined by the Leader of the Council, then there would be no reason not to support the Motion.

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

MOTION 'B'

Members considered a motion submitted by Cllr D Hancock, which called on the Council to write to the Prime Minister about the need for further support for leisure centres across the District, such as access to the higher level of energy price discount and setting out a plan for growth for the sector. The full text of Cllr D Hancock's motion, set out as Motion 'B', was included on the agenda for the meeting.

Cllr R Shipman seconded the motion but reserved his right to speak.

Cllr A Dale spoke against the motion. He argued that the motion was scaremongering as it did not reflect the investment into the leisure centre and the

support received from Government in recent years.

Cllr N Barker indicated his support for the motion. He recognised that the leisure centres within the District were performing well but that the Motion sought the additional funding required for the Council's leisure centres and placed an emphasis on lobbying central government for increased funds.

Cllr R Shipman emphasised that the motion was not based around Capital Investment but on the day to day running costs of the centres and so should be supported.

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

RESOLVED – That Council Instructs the Leader to write to the Prime Minister, copied to Lee Rowley MP and Mark Fletcher MP urging the Government to act swiftly with three key measures:

1. Reclassify pools and leisure centres as an energy and trade intensive industry in the Energy Bills Discount Scheme so they can access the higher level of energy price discount.
2. Set out what tangible support it will provide to the wider sector – including gyms and sports facilities – to help navigate the energy crisis across 2023 so that service restrictions and facility closures can be minimised.
3. Set out a “plan for the growth” for the sector by aligning the proposed new Sports Strategy with the Autumn Budget to unlock the potential of the sector to support.

MOTION 'C'

Members considered a motion submitted by Cllr P Windley, which called on the Council's Services Scrutiny Committee to review the authority's response to tackling Damp and Mould and for a report to be presented back to Council outlining the action to be taken to reduce Damp and Mould in properties across the district. The full text of Cllr P Windley's motion, set out as Motion 'C', was included on the agenda for the meeting.

Councillor D Hancock seconded the motion. He explained that due to the cost-of-living crisis residents might not be able to afford to take certain measures to prevent damp and mould.

Cllr M Durrant signified his support for the motion but suggested that the report be brought to the Communities Scrutiny Committee and not the Services Scrutiny Committee for review. Cllrs P Windley and D Hancock accepted this.

Cllr N Barker, the Leader of the Council, informed Members that the Council and Ryknled Homes Limited were committed to tackling this issue. He drew Members attention to the Council Plan which stated that the Council would deliver social housing that meets the Consumer Standards. He also updated Council that he would work to monitor the situation within the private rented sector.

Cllr N Barker proposed an amendment to the motion so that the report would be

brought back to Cabinet and not Council for consideration.

Councillors C Cupit and Councillor D Hancock argued that damp and mould was a serious issue and should be debated at Council once the issue had been discussed by the relevant Scrutiny Committees and by Cabinet.

Councillor N Barker agreed that a presentation could be given to Council after the report had been delivered to Cabinet.

Cllrs P Windley and D Hancock accepted this amendment to the motion.

After the discussion the motion, as amended, was put to the vote and agreed.

RESOLVED – That Council:

1. Calls for Communities Scrutiny Committee to review the authority's response to tackling damp, and in doing so consider aspects such as:
 - a) The Council's ability to resource its Environmental Health services in light of continued cuts to local government funding.
 - b) The information provided to tenants and landlords on the best approaches to preventing and tackling damp.
 - c) The response of social housing providers in preventing damp in their properties and investing in capital projects to improve the stock of social housing within the Council area.
 - d) The Council's use of enforcement powers under the Housing Act 2004 to take action against Category 1 hazards including damp, mould and excessive cold.
2. Calls for a report to be presented to Cabinet outlining the action to be taken to reduce damp in properties across North East Derbyshire
3. Calls for a presentation to be displayed to Council outlining the action to be taken to reduce damp in properties across North East Derbyshire following the information being presented to Cabinet.

MOTION 'D'

Members considered a motion submitted by Cllr C Cupit, which called on the Council to condemn the disruptive actions of organisations like Extinction Rebellion and Just Stop Oil, and to continue to recognise that car usage will be a key mode of transport within a rural District and to continue to support car parking and avoid anti-car policies. The full text of Cllr C Cupit's motion, set out as Motion 'D', was included on the agenda for the meeting.

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

The Leader of the Council, Councillor N Barker, responded that the Council recognised the climate emergency and understood the importance of car parking and electric vehicle charging points. He informed Members that the car parking policy was under review. However, he argued that the motion covered a range of distinct issues and it was inappropriate to link the issues of car parking to the right to protest and demonstrate about the Climate Emergency and the failings of the

Government's response to this Crisis. The Leader of the Council stressed that these rights should be protected.

Councillor S Reed spoke in favour of the motion. He argued that it would reassure residents that they would be supported throughout the cost of living crisis.

Councillor S Pickering, the Portfolio Holder for Environment and Place, criticised the unconstructive and confusing nature of the motion. He criticised the response of the Government and its local supporters to the Climate Emergency.

Councillor F Adlington-Stringer stressed the importance of the Climate Emergency and his support for the right of protest to help ensure that more effective action is taken to help combat it. He made clear that he would not support the Motion.

Councillor D Hancock explained his own experience of public transport and how improvements would be required in order to help reduce car use. Councillor R Shipman reiterated this point.

Councillor J Birkin and Councillor M Durrant spoke against the motion. They argued that the right to protest should be protected and that public transport should be improved. They also felt that the motion did not address the Cost of Living Crisis.

Councillor A Dale responded that there was no intention within the motion to limit the right to lawful protest.

Cllr C Cupit used her right of reply to echo the comments made by Cllr A Dale. She expressed her disappointment around the language that had been used throughout the debate and argued that the debate should have been centred around town centres, car usage and the parking strategy.

At the conclusion of the discussion, Cllr C Cupit, Councillor A Dale and Councillor M Foster asked for the motion to be taken as a recorded vote. The motion was then put to the vote and was defeated.

For: 14

Councillors R Welton, M E Thacker MBE, R Spooner, M Roe, S Reed, W Jones, P Jones, M Foster, P Elliott, L Deighton, A Dale, C Cupit, S Clough, N Baker

Against: 32

Councillors P Windley, H Wetherall, L Stone, Christine Smith, Caroline Smith, D Skinner, R Shipman, K Rouse, S Pickering, F Petersen, N Morley, G Morley, H Liggett, T Lacey, C Lacey, P Kerry, D Higgon, L Hartshorne, D Hancock, C Gare, C Fletcher, M Durrant, S Cornwell, A Cooper, K Clegg, D Cheetham, J Birkin, R Beech, G Baxter MBE, J Barry, N Barker, F Adlington-Stringer

Abstentions: 0

MOTION 'E'

Members considered a motion submitted by Councillor A Dale, which called on

Council to oppose any attempts by the National Labour Party leadership to relax planning restrictions and to resolve to protect the green belt and green fields in any future local plan review. The full text of Councillor A Dale's motion, set out as Motion 'E', was included on the agenda for the meeting.

The Leader of the Council, Councillor N Barker felt that the Motion was not accurate. He explained that the Labour Party Leader, Sir Keir Starmer and the Labour Party Deputy Leader, Angela Rayner, had made clear that it was brownfield sites within the greenbelt that should be considered for development, which would be appropriate. Councillor N Barker confirmed that the new Administration intended to review the Local Plan and to ensure that local communities would have the opportunity to get involved and to have their say about where new development should be.

Councillor D Hancock and Councillor F Adlington-Stringer argued that they were supportive of putting decision making power into the hands of local communities but that this motion was too speculative to support.

Cllr M Foster spoke in favour of the motion. He argued that it simply resolved to protect the green belt and green fields in any local plan and asked that residents be kept fully informed.

Councillor R Shipman spoke against the motion. He argued that the previous administration had removed parts of the green belt which allowed them to built on. He suggested to Council that more houses were required and that most people were willing to accept development on new settlements away from existing ones.

Councillor S Pickering argued against the motion. He drew attention to the Council's five year housing land supply settlement and informed Members that they were in the process of updating their statement of consultation on planning. He also referred to a large development which had been approved on appeal in Killamarsh under the previous administration.

Councillor C Clough made clear that he had supported residents throughout the appeal process on this.

Councillor H Wetherall informed Members that none of her ward was within the green belt and that she would seek to address this in the future.

Councillor C Cupit argued this was a simple motion designed to protect the green belt and green fields in future local plans. She informed Members that the Council's five year housing land supply settlement had been completed prior to the election as had the beginning of the process of updating the statement of consultation on planning.

Councillor A Dale used his right of reply to explain that the Local Plan was completed as early as possible and criticised the failure to adopt a new local plan after the previous one expired in 2011, which had lead to speculative development throughout the District.

At the conclusion of the discussion, Councillor A Dale, Councillor C Cupit and Councillor M Foster asked for the motion to be taken as a recorded vote. The

motion was defeated.

For: 15

Councillors R Welton, M E Thacker MBE, R Spooner, M Roe, S Reed, H Liggett, W Jones, P Jones, M Foster, P Elliott, L Deighton, A Dale, C Cupit, S Clough, N Baker

Against: 30

Councillors P Windley, L Stone, Christine Smith, Caroline Smith, D Skinner, R Shipman, K Rouse, S Pickering, F Petersen, N Morley, G Morley, T Lacey, C Lacey, P Kerry, D Higgon, L Hartshone, D Hancock, C Gare, C Fletcher, M Durrant, C Cornwell, A Cooper, K Clegg, D Cheetham, J Birkin, R Beech, G Baxter MBE, J Barry, N Barker, F Adlington-Stringer

Abstentions: 1

Councillor H Wetherall

COU Chairman's Urgent Business

/34/2

3-24 There was no urgent business.

North East Derbyshire District Council

Council

25 September 2023

Appointments to Committees

Report of the Assistant Director of Governance and Monitoring Officer

Classification: This report is public

Report By: The Assistant Director of Governance and Monitoring Officer

Contact Officer: Governance Manager: alan.maher@ne.derbyshire.gov.uk

PURPOSE / SUMMARY

- To make an amendment to the composition of the Planning Committee and the Business Scrutiny Committee for the remainder of the 2023/24 Municipal Year.
-

RECOMMENDATIONS

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.

Approved by the Leader of the Council

IMPLICATIONS

Finance and Risk: Yes No

Details:

On Behalf of the Section 151 Officer

Legal (including Data Protection): Yes No

Details:

In line with the provisions of the Constitution, the Council is required to comply with the Section 15 of the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990

On Behalf of the Solicitor to the Council

Staffing: Yes No

Details:

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Significantly Affected	None
Consultation: Leader / Deputy Leader <input checked="" type="checkbox"/> Cabinet <input type="checkbox"/> SMT <input type="checkbox"/> Relevant Service Manager <input checked="" type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	Yes Details:

Links to Council Plan (NED) priorities, including Climate Change, Equalities, and Economics and Health implications.

N/A

REPORT DETAILS

1 Details of Proposal or Information

- 1.1 Appointments to the Council's Committees and Advisory Groups were made at Annual Council on 23 May 2022.
- 1.2 The Leader of the Labour Group, Councillor N Barker, has requested that Councillor F Petersen be appointed to serve on the Planning Committee for the remainder of the Municipal Year, in place of Councillor N Morley. He has also requested that Councillor T Lacey serve on the Business Scrutiny Committee for the remainder of the Municipal Year in place of Councillor L Stone.
- 1.3 The proposed changes to the Membership of the Planning Committee and the Business Scrutiny Committee would have no impact on the political proportionality of the Council as a whole, or that of the Committees.

2 Reasons for Recommendation

- 3.1 To enable the requested alterations to the composition of the Planning and Business Scrutiny Committees.

4 Alternative Options and Reasons for Rejection

- 4.1 None

DOCUMENT INFORMATION

Appendix No	Title
N/A	
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet you must provide copies of the background papers)	

North East Derbyshire District Council

Council

25 September 2023

Establishment of a Local Plan Review Working Group

Report of Councillor S Pickering, Portfolio Holder for Environment & Place

Classification: This report is public

Report By: Assistant Director of Planning

Contact Officer: David Thompson

PURPOSE / SUMMARY

- To recommend to Council that a Local Plan Review Working Group be established at Full Council in September 2023;
 - To recommend a structure for the Working Group in terms of Membership and terms of reference (to be included in the report to Full Council);
 - To consider the merits of the recommended Membership structure.
-

RECOMMENDATIONS

1. To approve 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 appoints the Liberal Democrat and Independent Group Members 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.
-

IMPLICATIONS

Finance and Risk: Yes No
Details:

On Behalf of the Section 151 Officer

Legal (including Data Protection):

Yes

No

Details:

On Behalf of the Solicitor to the Council

Staffing: Yes

No

Details:

There are no adverse staffing implications directly arising from the content of this report.

On behalf of the Head of Paid Service

DECISION INFORMATION

Decision Information	
Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
District Wards Significantly Affected	None
Consultation: Leader / Deputy Leader <input type="checkbox"/> Cabinet / Executive <input type="checkbox"/> SMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	Yes Details: Referred to Cabinet on 21/08.
Links to Council Plan priorities or Policy Framework including Climate Change, Equalities, and Economics and Health implications.	
All of the above.	

REPORT DETAILS

1 **Background** *(reasons for bringing the report)*

- 1.1 The purpose of this report is to recommend to Council that a Member Working Group is established to provide regular feedback to officers during the Local Plan review process.
- 1.2 Officers are mindful of the need to commence the review in the near future, with the first key milestone being the updating of the Local Development Scheme, which will be produced within the current financial year (2023/24). The proposal is therefore to hold the first meeting of the Working Group in October/November this year, with the first meetings revolving around the scope of the review.
- 1.3 Officers consider that a Member Working Group would provide a valuable opportunity for collaboration between officers and Members during the Local Plan review, which is likely to involve intensive work over a number of years.
- 1.4 There are several stages that are likely to be sensitive, which would benefit from collaborative work and the ability to exchange ideas/consider potential implications, including the issues and option stage, which will consider how we plan for future growth and set the scene for the areas that the review process will focus upon.
- 1.5 Officers have considered the risks and potential benefits of a number of options, including not establishing a Working Group at all and then a range of different routes to achieve engagement across the political spectrum.
- 1.6 Officers consider that an independent external advisor would also benefit the Local Plan review process. Discussions have taken place with Planning Officer Society Enterprise (POSE), who can offer a 'critical friend' role, provided by experienced planning professionals.
- 1.7 Officers will continue these discussions with the objective of getting corroboration from POSE on the need for a review and the areas of focus, in advance of the first meeting of the Working Group, should it be established. POSE have also offered to continue the 'critical friend' role through reviewing officer reports/recommendations on sensitive matters as the Local Plan review progresses.

2 **Details of Proposal or Information**

- 2.1 Officers have looked at the potential benefits and risks posed by four options that were felt to cover the spectrum of how the working could operate, if at all, and the way that this would interact with wider Membership and corporate Council business. These options are:
 1. Not to have a Working Group;
 2. A Working Group of members of all groups, including group leaders and portfolio holders/spokespeople but with no specific Scrutiny link;

3. A Working Group involving only the leaders of each political group and report through Cabinet and Portfolio Holder before full Council;
4. A Working Group consisting of the chairs and vice chairs of scrutiny committees, the Planning Committee chair and vice Chair, 1 Lib Dem and 1 independent, chaired by the Portfolio Holder for Environment and Place.

2.2 The risks and benefits of each of the above, from an officer perspective, are listed below:-

1. Not have a Working Group:

Risks:

- Lack of opportunity to discuss issues outside of the formal committee process and for informal dialogue between officers and Members;
- Reduced ability to build consensus on the key objectives of the Plan;
- Less co-ordination of Plan objectives as decisions will be made as issues come forward at Scrutiny committees, Cabinet and full Council
- The above combined are likely to result in delays in the review process and to weaken the Council's position when assessing applications for speculative development.

Benefits:

- Potentially makes decision making quicker, if Members are in agreement with officer recommendations.

2. Set up a Working Group of members of all groups, including group leaders and portfolio holders/spokespeople but with no specific Scrutiny link;

Risks:

- May reduce the speed of deciding on priorities and the direction to be taken;
- Still the potential for disconnect with the Scrutiny process which further risks the consistency and timeliness of decisions;
- May be difficult to produce a consistent corporate message.

Benefits

- A large group of people – good for debate and inclusive of a range of views/Members with different roles and interests.

3. Set up a Working Group involving only the leaders of each political group and report through Cabinet and Portfolio Holder before full Council;

Risks:

- May reduce influence of the group across full Council;

- Potential for disconnect with the Scrutiny process which further risks the consistency and timeliness of decisions;
- Several decision making 'hoops' before a final outcome would be known – potential for delays.

Benefits

- A small group – may result in quicker resolutions within the meeting;
 - If consensus can be reached, the leadership of each political grouping has agreed the position and would have responsibility for reporting that to the rest of their group.
4. Set up a Working Group consisting of the chairs and vice chairs of scrutiny committees, the Planning Committee chair and vice Chair, 1 Lib Dem and 1 independent, chaired by Portfolio Holder.

Risks

- Quite a large group – 13 Members and representation from all of the political groups on the Council – achieving a consensus may be more challenging.

Benefits:

- Inclusive of a broad range of Members – political grouping and expertise/interests;
- Strong alignment to the Scrutiny process which should increase the speed and consistency of decision making;
- Chaired by Portfolio Holder for Environment and Place gives a corporate and Member focus;
- Representation of each of the Scrutiny committees emphasises the corporate importance of the Local Plan;
- Direct link to Planning Committee, with 4 Members currently on committee (including chair and vice chair)

3 Reasons for Recommendation

- 3.1 On the basis of the above benefits and risks assessment of the 4 options considered, officers are of the view that option 4 is the most appropriate course of action. In the opinion of officers, not having a steering group at all would result in a less collaborative process, less opportunity for informal discussion and less predictability in terms of Council decision making.
- 3.2 Given the relatively tight timeframe that is likely to be available to conduct the review, these factors may cause inefficiency and delays in making key decisions. This is likely to negatively affect the organisation's ability to unite around a strategy and deliver certainty for members of the public.
- 3.3 In relation to options 2-4 above, officers consider that there is a need to strike an appropriate balance between efficient decision making, the spectrum of

political engagement and reporting mechanisms to feed into the wider corporate strategy of the Council. Option 4 is considered to strike this balance most effectively, with all political parties represented, a clear link to the Scrutiny committees and also strong representation from members of the Planning Committee.

4 Alternative Options and Reasons for Rejection

- 4.1 To not recommend the formation of a Local Plan Working Group. For the reason detailed in 3.1 above, officers would not recommend this course of action;
- 4.2 Considering forming a Working Group as per options 2 or 3 set out in section 2 of this report. Both options have merit but officers consider that neither strikes the necessary balance described in paragraph 3.3 above;
- 4.3 Council could propose an alternative structure to the Working Group and officers could consider this and discuss with the Portfolio Holder for Environment and Place before returning to a future Council meeting.
- 4.4 The risk of delaying the decision beyond the September 2023 meeting of the Council is that this will in turn delay commencement of the Local Plan review. This delay runs the risk of the Plan being considered out of date if an extensive review is required.

5 Appendix

- 5.1 Appendix 1 - Draft Terms of Reference and Scope of the Member Local Plan Review Working Group

Appendix 1: Terms of Reference and Scope of the Member Local Plan Review Working Group

1. Purpose and Composition of the Working Group

a) The Local Plan Review Working Group is an informal group whose purpose is to advise Officers and Members in reaching any decisions to moving forward planning policy.

b) To comprise 13 Members as follows:

- Portfolio Holder for Environment and Place (Labour)
- Chair and vice chair of the Environment Scrutiny committee (Labour and Green)
- Chair and vice chair of the Communities Scrutiny committee (Both Labour)
- Chair and vice chair of the Services Scrutiny committee (Labour and Conservative)
- Chair and vice chair of the Business Scrutiny committee (Labour and Conservative)
- Chair and vice chair of Planning Committee (Both Labour)
- 1 Liberal Democrat Member and 1 Independent Member

4 Members of planning committee in the above

c) The meeting will be chaired by the Portfolio Holder for Environment and Place or in their absence the Chair of the Environment Scrutiny committee;

d) The Working Group has no decision making powers but its recommendations (albeit of a majority) will be reported directly to Cabinet;

e) Should allow full participation from other Members – quarterly reports to each of the Scrutiny committees and Cabinet and an annual update to Full Council. Additional consultation with Cabinet and Full Council as deemed appropriate;

f) Should welcome input and advice from Officers as appropriate.

2. TERMS OF REFERENCE

The terms of reference of the group are to:

- Oversee the process for reviewing the Local Plan and the progress made on individual work streams;
- Provide the core officer team (Assistant Director Planning, Planning Policy and Environment Manager, Development Manager and member of those teams) with a Member perspective on issues raised;
- Ensure integration/complementarity of the vision, objectives and policies of the Local Plan with those of the Corporate Plan and any relevant adopted policies
- Advise on other key decisions on matters relating to Local Plan production including: resources, scope of documents, evidence base, identification of alternative development options, content of the local development scheme, sustainability appraisal/appropriate assessment, and consultation methods;
- Provide a critical friend role to advise Council on the extent of the Local Plan review;

Officer recommendations to the working group on the strategic direction of the Local Plan will have the benefit of external and independent expert advice.

3. NEED FOR THE REVIEW

The current Local Plan was adopted in November 2021. The Government requires local planning authorities to review Local Plans at least once every 5 years from their adoption date and update them as necessary, to ensure that policies remain relevant and effectively address the needs of the local community¹.

Officers are committed to working closely with Members during the review of the current Local Plan and so it is proposed that a Member Working Group is established to work with others throughout all stages of the review timetable.

4. DRAFT WORK PROGRAMME

The updating of the Local Development Scheme (LDS) is the first key task as that will provide some detail in terms of the timetable and tasks required to be undertaken each year of the review process.

The LDS will be reviewed by the Working Group before being presented to the Cabinet.

A programme to deliver the key milestones within the LDS will be developed in conjunction with the Working Group once it has been adopted and published

5. OUTCOMES In carrying out its task, the Working Group should have regard to the key principles that underpin the ways of working at the Council:

We plan together
We experiment together
We deliver together
We create together.

¹ [Regulation 10A of The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012 \(as amended\)](#)