

COUNCIL

MINUTES OF MEETING HELD ON MONDAY, 22 JULY 2024

Present:

Councillor Christine Smith (Vice-Chair) (in the 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 Stephen Clough
Councillor Andrew Cooper	Councillor Charlotte Cupit
Councillor Alex Dale	Councillor Lilian Deighton
Councillor Michael Durrant	Councillor Michelle Emmens
Councillor Stuart Fawcett	Councillor Clive Fletcher
Councillor Christine Gare	Kevin Gillott
Councillor David Hancock	Councillor Lee Hartshorne
Councillor Pam Jones	Councillor William Jones
Councillor Pat Kerry	Councillor Carol Lacey
Councillor Tony Lacey	Councillor Nicki Morley
Councillor Fran Petersen	Councillor Stephen Pickering
Councillor Stephen Reed	Councillor Carolyn Renwick
Councillor Kathy Rouse	Councillor Ross Shipman
Councillor Derrick Skinner	Councillor Mick Smith
Councillor Richard Spooner	Councillor Lee Stone
Councillor Martin E Thacker MBE JP	Councillor Richard Welton
Councillor Helen Wetherall	Councillor Pam Windley

Also Present:

L Hickin	Managing Director - Head of Paid Service
J Dethick	Director of Finance and Resources & (Section 151 Officer)
S Sternberg	Assistant Director of Governance and Monitoring Officer
J Hayden	Senior Scrutiny Officer
A Maher	Governance Manager
N Ellis-Hall	Temporary Senior Governance Officer

COU Minute's Silence - Councillor Gerry Morley

/30/2

4-25 Council observed a minute's silence as a mark of respect, following the sad death of the Chair of the Council, Councillor Gerry Morley.

COU Apologies for Absence

/31/2

4-25 Apologies for absence were received from Councillors J Birkin, S Cornwell, K Clegg, M Foster, D Higgon, H Liggett, M Roe, and K Tait.

COU Declarations of Interest

/32/2

4-25 Councillor K Gillott declared an interest in item 10, Motion 'A', proposed overhead

electricity transmission line Infrastructure project as he lived close to the suggested route. The Monitoring Officer had confirmed that this Interest would not prevent him from participating in the discussion of, and determination on the Motion.

Councillor M E Thacker MBE declared an interest in item 7, Social Housing Regeneration Scheme – Stonebroom, as a Member of the Rykneld Homes Limited Board of Directors. He intended not to participate in the Committee's consideration or determination on this matter.

COU Minutes of Last Meeting

/33/2

4-25 RESOLVED – That the minutes of the Annual Council and Ordinary Council meetings held on 20 May 2024 were approved as true and correct records.

COU Chair of the Council's Announcements

/34/2

4-25 The Vice Chair of the Council, Councillor C Smith, gave Members the opportunity to pay their respects and express their condolences following the death of Councillor G Morley, Chair of the Council.

The Leader of the Council, Councillor N Barker, reminded Members of the huge commitment to the community of Clay Cross and the public service as a whole, which had been shown by Councillor G Morley. He had been a Member of Clay Cross Parish Council and served as a Member of North East Derbyshire District Council for 29 years.

The Leader of the Council praised Councillor G Morley, who had been an excellent ambassador for the Council. He had been and was extremely proud when he had been elected Chair for the year. He had looked forward to carrying out this role, supported by his Consort Anne Millington, and the opportunity it would give him to help communities across the District.

On behalf of the Labour Group, Councillor N Barker gave thanks for Councillor G Morley's commendable life of public service and offered his and the Labour Group's condolences to his family.

Councillor A Dale expressed the condolences of the Conservative Group to the family of Councillor G Morley on their loss. Councillor A Dale felt that he had a really strong passion for Clay Cross, its community and for the District as a whole. His passing would not just be a loss for Clay Cross but for all of the North East Derbyshire District

Councillor K Rouse expressed her condolences and those of Clay Cross Parish Council, to the family of Councillor G Morley. She made it clear that it was difficult to find words to convey the impact of his loss. Councillor G Morley had always been a beacon of hope in the community, which he had served with tireless dedication. He always went above and beyond the call of duty, and his generosity and compassion had left a mark on all. Councillor G Morley's positive spirit had inspired everyone. His contributions had been invaluable, and he would be sadly missed.

Councillor R Shipman offered the condolences of the Liberal Democrat Group to the family of Councillor G Morley. He praised the value which he had placed on the importance of service to the community and, and that he had been a huge advocate for Clay Cross and its community.

Councillor M E Thacker MBE expressed his condolences. Councillor G Morley had shown great passion and had been an advocate and a true servant for Clay Cross. He had been a genuinely caring person, who had been willing to seek and give advice. Clay Cross had lost a genuine ambassador for the town.

At the conclusion of these comments the Vice Chair of the Council, Councillor C Smith, thanked Members for their contribution. She asked that the condolences given be collated and then presented to the family of Councillor G Morley.

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

/35/2

4-25

The Leader of the Council, Councillor N Barker, congratulated the two Members of Parliament elected for the constituencies covering the District, Louise Jones MP, (North East Derbyshire) and Natalie Fleet MP (Bolsover). He thanked the former MPs Lee Rowley, and Mark Fletcher for their work and support which they had given to the District and to their constituents. He wished both of them well for the future.

Councillor N Barker emphasised the role which the Council could play locally in helping to achieve the new Government's agenda for change. As part of this, he stressed the Council's commitment to working in partnership with public and private bodies for the benefit of the District and its communities. He gave details of recent meetings which had been held with senior representatives from other organisations. These included the Mayor of the East Midlands Combined County Authority Claire Ward, and the Police and Crime Commissioner, Nicolle Ndweni.

The Leader of the Council reminded Members that the Council's housing function had been recently inspected by the Regulator of Social Housing and that the outcome of this inspection would be published by the Regulator in August. Councillor N Barker also explained that good progress continued to be made with the Whiteleas development. Finally, Councillor N Barker informed Council that he had been elected as the new Chair of the of the Derbyshire Strategic Leadership Board.

COU **Public Participation**

/36/2

4-25

No questions from the public had been received.

COU Social Housing Regeneration Scheme - Stonebroom

/37/2

4-25

The report to Council recommended that additional borrowing be agreed to fund a replacement community building, as part of the wider regeneration scheme at Stonebroom. Members were informed that as the proposed new community building had not formed part of the original scheme costs, additional funding for it would be required. Council heard that Cabinet had agreed to support the inclusion of the new community building in the scheme, subject to the agreement by Council to provide the necessary funding.

The Local Ward Member, Councillor C Cupit, made clear that she supported strongly the regeneration scheme as a whole and for the proposed new community building.

Councillor P Kerry and Councillor N Barker moved and seconded a Motion to approve the recommendations to fund the proposed new community buildings, as set out in the report. The Motion was put to the vote and was agreed.

RESOLVED - That Council:-

1. Approved borrowing of £0.650m to fund the replacement community building as part of the wider regeneration scheme at Stonebroom.
2. Approved the inclusion of this addition to the scheme in the Housing Revenue Account (HRA) Capital Programme.
3. Approved the revised Capital Financing Requirement, Operational Boundary and Authorised Limit as set out in the financial implications of this report.

COU Scrutiny Committees Annual Report 2023-24

/38/2

4-25

The report to Council by the Chairs of the Scrutiny Committees summarised the work of the Business, Communities, Environment and Services Scrutiny Commissions during the 2023/24 Municipal Year. The report was introduced by the Chair of the Services Scrutiny Committee, Councillor M Smith, who expressed his satisfaction with the progress that had been made in carrying out the new Council Plan focused approach to the work of the Scrutiny Committees.

Council discussed the report. Councillor N Baker asked that further information be provided in the Annual Report about the actions taken or agreed by the Committees. In this context he felt that the report contained insufficient information about the review carried out by the Environment Scrutiny Committee in the procurement and provision of plant-based foods. The Chair of the Environment Scrutiny Committee, Councillor Caroline Smith, explained that text in the Annual Report was only intended to be a short summary. Extensive minutes of the meeting had been prepared, and a report on the Committee's findings was subsequently submitted to Cabinet. She explained that Cabinet had welcomed the review and agreed the Committee's recommendations from it.

Councillor A Dale made clear that the Conservative Group members serving the Scrutiny Committees, recognised and welcomed the value of carrying out short

'Spotlight' reviews on a wider range of topics. However, his Group felt it was important that a correct balance be struck, so that the Committees had more opportunity to revisit issues and scrutinise them in greater depth than is sometimes now possible.

Councillor S Reed asked that, when possible, information should be provided as part of the agenda, when Business Scrutiny Committee and the other Scrutiny Committees are scheduled to receive presentations on specific topics, so that the Members can then carry out the necessary preparatory work in advance of the meeting.

At the conclusion of the discussion, Councillor Caroline Smith and Councillor N Barker moved and seconded a Motion that the report be noted.

RESOLVED - That the Scrutiny Committees Annual Report for the 2023-24 Municipal Year be noted.

COU **To answer any questions from Members asked under Procedure Rule No 9.2**
/39/2
4-25

The Vice Chair of the Council confirmed that one question had been received.

Question 'A' – Councillor C Cupit to Councillor J Barry, Portfolio Holder for Growth and Assets

A question had been submitted by Councillor C Cupit to Councillor J Barry, the Portfolio Holder for Growth and Assets, on how the Council was supporting start-up and incubator businesses in Clay Cross and the District as a whole. The full text of the question from Councillor C Cupit, marked as Question 'A' was set out on the agenda for the meeting.

Councillor J Barry thanked Councillor C Cupit for her question. She explained that the Council provided a wide range of advice and support to businesses across the District. This included support provided through national schemes, such as the Small Business Rate Relief Scheme and through the UK Shared Prosperity Fund. It also included support for new businesses provided through the Derbyshire Start Up Programme. Grants were being match funded by 50% and businesses were benefiting from the Shop Front Enhancement Schemes.

The Portfolio Holder stated that the Council provided advice to support new businesses through local job fairs, free training to help meet Environmental Health criteria and by offering rent free periods and flexible leases, at the Coney Green Business Park in Clay Cross. As well as support for new business provided through the Clay Cross Town Deal. Councillor Barry also explained that businesses benefited from the Low Carbon Challenge Fund Grants, and advice on how to improve energy efficiency through the Council's work in co-operation with the Chamber of Commerce.

Councillor C Cupit thanked Councillor J Barry for her reply. She then asked a supplementary question. Councillor C Cupit asked why start-up businesses were apparently being turned away from renting the new units at Bailey Square in Clay Cross, having been quoted high rents in order to occupy them.

Councillor J Barry made clear that she was not aware of this and confirmed that the Bailey Square Units were intended for use by small businesses. She agreed to provide a written response to Councillor Cupit. A copy of this response was appended to the minutes of the meeting.

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

/40/2

4-25

Motion A

Members considered a Motion submitted by Councillor C Cupit asking the Council to explain to National Grid the Council's concerns and objections to the initial proposals to install a new 400kV overhead electric line between Chesterfield and Willington. The full text of the Motion, marked as Motion 'A' was set out on the agenda for the meeting.

With the Agreement of the Vice Chair, the Monitoring Officer raised her concern that if Council decided to oppose the proposed electricity transmission infrastructure project at this first and informal consultation stage, then the Council might in due course find that it had fettered its discretion and could not change its position in response to the formal consultation exercise when the proposals had been finalised.

Councillor C Cupit noted these concerns but felt it important that the Council represent the concerns of the District's residents at this informal stage before the final proposals had been confirmed.

Councillor C Cupit moved the Motion. She argued that as currently configured, the proposed electricity transmission line would have an adverse impact on the countryside and heritage buildings in the District and on the Visitor Economy. She also highlighted the impact on specific communities which the proposed line would pass close to and the possible impact which the line might have on future planning applications if it resulted in further developments close to the proposed line and facilities. She referred to the extensive concern about the proposal, which had been expressed by local people.

Councillor C Cupit made clear that she recognised the need for electricity transmission infrastructure improvements, but contended that other options would be available, such as the installation of an underground transmission line, which would not have an impact on the District.

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

Councillor D Hancock agreed with the aims of the Motion. He suggested that it be amended to make clear that the Council's objections were based on the existing information and urging the Company to consult on alternative electricity transmission options, and not just on the use of pylons.

The Leader of the Council, Councillor N Barker made clear that he understood the concerns and objections which had been raised about the proposed transmission line and that the route of the line of pylons would run through the North Wingfield Ward (which he represents on the Council). He felt it important that the views and concerns of local communities be heard, and that the Council should express its

views once the proposals had been finalised and the formal consultation had been launched.

In this context, Councillor N Barker noted that Derbyshire County Council had not chosen to submit its own comments at the current informal stage. Councillor N Barker also emphasised the advice of the Monitoring Officer and the dangers to the Council's position in terms of future consultation if it fettered its discretion by objecting at this informal stage.

To avoid this Councillor N Barker suggested that the Motion be withdrawn and that instead a meeting be convened before the end of the month to discuss the proposal. This would involve the District Councillors for those communities that would be impacted by the proposed electricity line, as well as the relevant Members and officers from Derbyshire County Council, in order to discuss how they ought to respond at this stage of the proposal.

Councillor H Wetherall declared an interest in item 10, Motion 'A', proposed overhead electricity transmission line Infrastructure Project at this point as she had participated in public meetings opposed to the proposed electricity line.

Councillor H Wetherall thanked Councillor C Cupit for bringing the Motion forward, which she supported in its amended form. She also made clear that she would support the proposed meeting. Councillor Wetherall highlighted the growing concern within communities about this. She also hoped that alternative ways of transmitting the electricity could be used, which would not damage the landscape of the District through the use of pylons.

Councillor A Dale exercised his right to speak as seconder of the Motion. He agreed with Councillor C Cupit that the Council ought to make clear its opposition to the proposals at this informal stage. He did not accept that the Council would fetter its discretion if it made clear its opposition now. It could, he contended, change its view at the formal stage if necessary. He felt it important that the Council express the concerns raised within communities about the potential damage which the proposed transmission line could do to the landscape of the District and its communities.

Councillor K Gillott remarked that comments from the community could be passed on to National Grid. However, he felt it important that the Council respond at the formal consultation stage, rather than during the current informal stage. He supported Councillor N Barker's proposal that a joint meeting should be held to help determine how best to respond to the proposals at this Informal Stage.

Councillor R Shipman commented that the proposed amendment would give the Council the option to change its position further down the line. He sought clarification from the Monitoring Officer as to whether the proposed amendment would address her concerns about the motion. He was informed that expressing the views of communities would be appropriate at this stage, but that specifically objecting to the proposals at this informal stage might cause difficulties in terms of fettering the Council's discretion later in the process.

In response to this Councillor R Shipman suggested that the amendment to the Motion be modified to refer to the concerns raised about the proposals, rather

than the Council's objections to them. Councillor D Hancock accepted this.

Councillor M E Thacker MBE contended that the Council should represent the views of the District's communities about the proposed development. He felt that the proposed joint meeting would be of value and thought that the Motion could perhaps be considered by Council following on from that.

Councillor C Renwick concurred that the Council should submit its' objections to the proposals at this stage. Although the alternative routes do need to be explored but if we wait, we miss our chance to object to the initial route.

Councillor J Barry supported the view that a meeting to discuss the response at this stage of the consultation should take place.

Councillor F Adlington-Stringer agreed that the suggested meeting needed to happen so that the views of residents about the project can be expressed accurately to National Grid. He also felt that the Motion should make clear the Council's commitment to sustainable energy.

Councillor C Cupit exercised her right to reply. She indicated that she would be prepared to accept the proposed amendment to the Motion as put forward by Councillor R Shipman. She emphasised that the Council should seek to represent the views of the District's residents' concerns. The proposed meeting whilst helpful would not achieve this.

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

The Leader of the Council, Councillor N Barker indicated that the proposed meeting would now be organised.

COU **Chair's Urgent Business**

/41/2

4-25

There was no urgent business.

Appendix

Min: Coun/39/2/4-25. Written response provided by Councillor J Barry, Portfolio Holder for Growth and Assets, to Councillor C Cupit.

Dear Cllr Cupit

At the July 2024 Full Council meeting you asked if it was correct that businesses were being diverted away from the new Baileys Square.

I have investigated this further with the relevant departments and officers and I am assured that no officer has intentionally advised any new business that we would not discuss potential tenancies with them. If you have an example of where this has happened could you, please give me the details so I can investigate further.

As you are aware we are committed to ensuring that Baileys Square is fully let to a range of food, drink, and leisure businesses, so we welcome and encourage

anyone enquiring about taking up one of the units to contact us for further discussion/information in full confidentiality.

We are mindful of the fact we are bound by Section 123 regulations to maximise the rental income for publicly owned premise so we try to be as flexible and creative as possible when looking at the assistance we can offer (such as offering flexible leases and rent-free period for fit outs), and as you are aware our rents in the main are based on the market value/rate.

We also recognise that some interest may emerge from businesses who are not in the food, drink and leisure sector, in such cases we would seek to discuss their needs and our priorities with them as we may be able to identify opportunities in alternative premises or retain them on a long list should the priorities for businesses, we wish to attract at Baileys Square widens.

I trust this will address your concern but as I stated above if you have evidence to the contrary regarding the units do get back in touch.

Portfolio Holder for Assets and Growth