

COUNCIL

MINUTES OF MEETING HELD ON TUESDAY, 11 NOVEMBER 2025

Present:

Councillor Lee Hartshorne (Chair) (in the Chair)
Councillor Graham Baxter MBE (Vice-Chair)

Councillor Frank Adlington-Stringer	Councillor Neil Baker
Councillor Nigel Barker	Councillor Jayne Barry
Councillor Richard Beech	Councillor Joseph Birkin
Councillor David Cheetham	Councillor Stephen Clough
Councillor Andrew Cooper	Councillor Suzy Cornwell
Councillor Charlotte Cupit	Councillor Alex Dale
Councillor Peter Elliott	Councillor Clive Fletcher
Councillor Christine Gare	Councillor Kevin Gillott
Councillor David Hancock	Councillor Daniel Higgon
Councillor Pat Kerry	Councillor Carol Lacey
Councillor Tony Lacey	Councillor Heather Liggett
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 Mick Smith
Councillor Jessica Stokes	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
M Broughton	Director of Growth and Assets
J Dethick	Director of Finance and Resources (Section 151 Officer)
S Sternberg	Assistant Director of Governance (Monitoring Officer)
A Smith	Legal Services Manager and Deputy Monitoring Officer
A Bryan	Governance Manager
M E Derbyshire	Members ICT & Training Officer

At the start of the meeting the Council observed a minute's silence to mark Armistice Day.

COU Apologies for Absence

/55/2

5-26 Apologies were received from Councillors Pat Antcliff, Kathy Clegg, Michael Durrant, Michelle Emmens, Stuart Fawcett, Mark Foster, Pam Jones, William Jones, Nicki Morley, Carolyn Renwick, Richard Spooner, and Kevin Tait.

COU Declarations of Interest

/56/2

5-26 There were no declarations of interest.

Requisition to call an Extraordinary Meeting of Council under Section 3.1 of the Constitution

The Chair of the Council had agreed to a requisition, signed by five Members of the Council (Councillors R Shipman, D Hancock, P Antcliff, H Liggett, and R Spooner) to hold an Extraordinary Meeting of Council, as provided for under Section 3.1 of the Constitution, to consider and determine a Motion proposed by Councillor R Shipman.

As the Motion called to rescind a decision arising from a Motion moved and adopted at a Council meeting within the past six months, one third of all Councillors had to sign the notice of Motion, as set out in Section 13.1 of the Council Procedure Rules. The required number of signatures had been received, the following Councillors had signed: Councillors P Antcliff, H Liggett, R Spooner, P Windley, J Stokes, A Dale, R Welton, N Baker, M Foster, W Jones, P Jones, S Clough, D Hancock, R Shipman, M Roe, H Wetherall, C Renwick, and K Tait.

The Assistant Director of Governance and Monitoring Officer read out a statement in response to an email from Councillor D Hancock to all Members in advance of the meeting. This outlined the legal position and confirmed the professional view of both the Monitoring Officer and the external legal advisors that the motion of 22 September 2025 was lawful. It also confirmed that the Environment Scrutiny Committee could carry out this review without a motion from Council. A copy of the statement by the Monitoring Officer was tabled at the meeting. Members were offered the opportunity to ask any questions of clarity.

Councillor D Hancock queried what he believed to be an apparent contradiction in the advice; that only a court of judicial review would determine legality, yet the wording suggested that the Motion would not be found unlawful. The officer clarified that the phrase reflected professional opinion, including that of an external solicitor, and confirmed that only a court can make a legal determination.

Councillor K Gillott sought confirmation that the legal advice remained consistent throughout proceedings. It was confirmed that it had.

Questions were raised regarding whether Asset Management Board or Cabinet held authority for asset-related decisions. The Assistant Director of Governance and Monitoring Officer confirmed that under law and the Council's Constitution, formal decisions on assets could only be made by Cabinet. Asset Management Board may make recommendations or express opinions, but not formal decisions. It was also confirmed that the decision to terminate the lease had been made by an officer under delegated authority, not by Cabinet or Asset Management Board, and the final decision on the asset's future remained with Cabinet.

Questions were also raised regarding the wording of the Motion agreed at Council on 22 September 2025, asserting that it explicitly placed decision-making with the Asset Management Board. The Assistant Director of Governance and Monitoring Officer confirmed that constitutional law prevailed regardless of the wording.

A Councillor queried whether the alteration of an amendment complied with the Council Procedure Rules. The Assistant Director of Governance and Monitoring Officer responded that an amendment was a Motion, and consent had been

demonstrated by the vote that had been taken.

Motion A – Submitted by Councillor R Shipman

Council notes:

- Concerns that Clay Cross Angling Club are being asked to remove fish from Wingerworth Lido “without further delay.”
- NEDDC hasn’t paused the Friends of Wingerworth Lido group process while an open and transparent review is conducted by Environment Scrutiny Committee.
- Fishing is currently not allowed at Wingerworth Lido.
- NEDDC has not carried out any pond maintenance, or equality impact assessments or evaluated the environmental implications of any proposed changes.

Council resolves to:

- (1) Rescind Motion ‘C’ (Council on 22 September 2025)
- (2) Immediately allow Clay Cross Angling Club to maintain the welfare of the fish stock, and allow angling permits for Wingerworth Lido to be applied for (through NEDDC or Wingerworth Parish Council or an angling club), prohibit any fish removal or site alterations, and stop the Friends of Wingerworth Lido proposal.
- (3) Conduct an open and transparent public consultation on the Lido’s future including, but not limited to, the question of angling.
- (4) Report back to Full Council within 6 months on the consultations’ findings, and recommended implementation plan for approval and recommendation by Council, to Cabinet for a formal decision.
- (5) Conduct an Environmental Impact Assessment, and if the consultation leads to a proposed change of use, an Equality Impact Assessment.

Public Consultation plan

The Information and Improvement Team will lead an open and transparent consultation with the public and stakeholders to determine the future of the Lido.

1. Methods for feedback:

Online and In-person opportunities

2. Consultation Data Handling

- Information and Improvement Team to:
- Collate all responses.
- Fact-check submissions where required.

- Produce a comprehensive report summarising key findings.

3. Post-Consultation Process

- The Information and Improvement Manager will establish a multi-stakeholder Working Group (including NEDDC, WPC, CCAC, and community representatives).
- The Working Group will review the findings and develop a long-term plan for the Lido.

Councillor R Shipman moved the Motion and spoke regarding the delays in officers providing legal advice prior to the meeting, concerns over governance failures, procedural errors, and constitutional issues during the 22 September 2025 meeting. He asserted that Council had voted on instructions placing decision-making with the Asset Management Board, which had no constitutional authority to make formal decisions, which rendered the previous resolution ultra vires. He stated that there was public support for transparent consultation and interim reinstatement of angling at the Lido.

Councillor D Hancock seconded the Motion and stated that voting on wording that was factually incorrect made the motion invalid. He referenced *Anisminic v Foreign Compensation Commission* and *Credit Suisse v Allerdale Borough Council*. He stated that Council had voted on wording that misidentified the decision-maker which had created a constitutional defect and the remedy should be rescission and proper reconsideration, not retrospective interpretation. Councillor Hancock concluded that the Motion aimed to correct the record, ensure future consultation and decisions were lawful and transparent, and to protect the Council's integrity and mitigate reputational and legal risk.

Councillor H Wetherall thanked officers for all their work and referenced the core principles from the Code of Corporate Governance, including integrity, respect for the rule of law, openness, stakeholder engagement and transparency. She suggested restarting the process with clear community involvement and consultation.

Councillor N Barker reaffirmed that neither he nor the Council opposed fishing and the process aimed to meet legal obligations regarding biodiversity at the Lido, which was a designated Local Wildlife Site. He stressed that future plans could include fishing, alongside wider community involvement. Concern was expressed over the time and cost that had been spent on this and criticised claims of procedural unlawfulness, noting that the Monitoring Officer and external solicitors had confirmed that the Council had acted lawfully and constitutionally. He called the questioning of officer integrity and professionalism inappropriate. Councillor Barker stated that he wished to correct some inaccuracies. These included that the removal of fish had been instigated by the Council when in fact it was the Angling Association. He confirmed that the Council had engaged with all stakeholders and encouraged submissions to the Environment Scrutiny Committee and weekly maintenance inspections had continued. He highlighted the statutory biodiversity duty the Council had, and the ongoing work with Derbyshire Wildlife Trust. He concluded that rescinding the September decision was unnecessary given the scrutiny process and consultation was underway.

Councillor N Baker stated that Wingerworth Parish Council had not refused involvement, and offered to share experiences of permit administration but the Parish Council had not yet voted to take on responsibility. He stated there was a perception that meetings were taking place behind closed doors and advocated for temporary fishing arrangements until a full decision on the Lido's future could be made.

Councillor A Dale acknowledged that there was concern and a lack of clarity around the Asset Management Board processes but expressed discomfort at the tone towards officers and also between Councillors. He favoured resetting the process by rescinding the Motion and starting afresh, and called for lessons to be learnt including a review of the Asset Management Board governance.

As a point of personal explanation, Councillor D Hancock stated that he had not questioned officer integrity, he had only disagreed with the Monitoring Officer's interpretation of law. He also stated that he had not threatened judicial review as one had already been filed.

Councillor H Liggett expressed confusion at the comments about Derbyshire Wildlife Trust involvement, citing previous information that they only acted on its own land. She supported calls for transparency, suggesting a full reset. She also highlighted the coexistence of fishing and biodiversity at Ogston Reservoir, which was a SSSI site.

Councillor J Barry, as the Portfolio Holder for Growth and Assets, provided background information, including that complaints had been received about environmental concerns and antisocial behaviour. The lease with Clay Cross Angling Association had expired 14 years ago and was unfit for purpose. She cited the Environment Act 2021 obligations, which required biodiversity enhancement and conservation. The temporary pause of fishing had been necessary to assess ecological impact and to ensure the Council was complying with its statutory duties. She stated that external legal advice had confirmed that decisions and processes had been lawful but acknowledged that there was confusion over the Asset Management Board's role and a review of the Disposals and Acquisitions strategy, including Asset Management Board governance, had been initiated. Councillor Barry concluded that she would vote against the Motion, and the current scrutiny process should continue.

Councillor F Adlington Stringer expressed disappointment at the tone of the meeting, and raised concerns about the implications of the Motion, including halting the Friends of Wingerworth Lido group and pre-empting scrutiny outcomes. He proposed that the Motion should be taken in two parts, one vote to rescind the previous Motion, and the remaining provisions in a second vote.

Councillor S Reed was prepared to second the proposed amendment, but it was confirmed that it was not an acceptable amendment and the Motion would be taken as one vote.

Councillor S Pickering stated that the Motion agreed in September had already agreed a process for review and consultation, and it would go back to Cabinet and that process needed to be followed through. He added that rescinding the

Motion was unnecessary given the legal advice confirming lawfulness.

Councillor R Shipman, in his right of reply, criticised the lack of leadership and failure to challenge officers on the original decision-making, and emphasised that the Motion aimed to restore transparency and public confidence, not to seek political advantage. He reiterated his belief that the previous decision was constitutionally flawed, and the Motion presented a means to correct governance failures.

The Motion was put to the vote and lost.