

COUNCIL

MINUTES OF MEETING HELD ON MONDAY, 4 OCTOBER 2021

Present:

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

Councillor Alex Platts	Councillor Philip Wheelhouse
Councillor Nigel Barker	Councillor Jayne Barry
Councillor Pat Antcliff	Councillor William Armitage
Councillor Joseph Birkin	Councillor Stephen Clough
Councillor Andrew Cooper	Councillor Suzy Cornwell
Councillor Charlotte Cupit	Councillor Alex Dale
Councillor Peter Elliott	Councillor Michelle Emmens
Councillor Mark Foster	Councillor John Funnell
Councillor Roger Hall	Councillor David Hancock
Councillor Lee Hartshorne	Councillor Ann Holmes
Councillor Anthony Hutchinson	Councillor Maggie Jones
Councillor Jeremy Kenyon	Councillor Pat Kerry
Councillor Barry Lewis	Councillor Heather Liggett
Councillor Jeff Lilley	Councillor Gerry Morley
Councillor Paul Parkin	Councillor Stephen Pickering
Councillor Maureen Potts	Councillor Alan Powell
Councillor Tracy Reader	Councillor Carolyn Renwick
Councillor Kathy Rouse	Councillor Ross Shipman
Councillor Lee Stone	Councillor Kevin Tait
Councillor Richard Welton	Councillor Brian Wright
Councillor Philip Wright	

Also Present:

N Calver	Governance Manager
J Dethick	Assistant Director - Finance and Resources (Section 151 Officer)
L Hickin	Director of Operations and Head of Paid Service
S Sternberg	Assistant Director of Governance and Monitoring Officer
D Stanton	Governance Officer
J Bradley	Executive Assistant
A Bond	Governance Officer
S Gordon	HR & OD Manager
L Ingram	Legal Team Manager - Contentious Team
K Shillitto	Solicitor & Deputy Monitoring Officer

COU Apologies for Absence

/50/2

0-21 Apologies for absence had been received from Councillors L Deighton, D Drabble, A Foster, O Gomez-Reaney, E A Hill, J Ridgway, M Roe and P Windley.

COU **Declarations of Interest**

/51/2

0-21

Councillors M E Thacker MBE JP, R Welton, S Clough, and D Ruff declared a disclosable pecuniary interest in item 12 – The Management Agreement with Rykneld Homes Ltd for the Management of the Council's Housing Stock, and advised that they would withdraw from the meeting at the appropriate time.

Councillor R Hall declared a significant other interest in item 8 – Mandatory CCTV in Taxis and advised that he would withdraw from the meeting at the appropriate time.

COU **Minutes of Last Meeting**

/52/2

0-21

RESOLVED – That the Minutes of the meeting held on 12 July 2021 were approved as a correct record and signed by the Chair.

COU **Chair's Announcements (if any)**

/53/2

0-21

The Chair paid tribute to those killed in the tragic event that unfolded in Killamarsh recently. Council's thoughts were with the Killamarsh community and beyond who had been affected by the tragedy, and with the family and friends of those who had died. Council observed a minute of silent reflection to demonstrate solidarity with the community in Killamarsh.

The Chair also paid tribute to former Councillor Peter Ranshaw who had sadly died. Council observed a minute of silent reflection in memory and conveyed its best wishes to his family and friends.

The Chair welcomed Councillors Bentley Strafford-Stephenson and Tony Lacey as newly elected Members for Barlow and Holmesfield and Killamarsh East.

Council heard that the Civic Service on 26 September was a wonderful occasion that showed several representative groups from North East Derbyshire, including the deaf community who were able to access the service via a BSL interpreter.

Members noted that the event on 03 October demonstrated the Council's commitment to the armed forces covenant and was an opportunity to showcase all it did for those involved in military service. The Chair informed Council that he had received a message from the Vice Lord Lieutenant of Derbyshire who congratulated the Council on all it did for the serving community and thanked elected Members and officers.

The Chair announced that he and his consort Jean had attended the inauguration of Peter Schellhaas as Landrat of Darmstadt-Dieburg where they also toured Council facilities, a school, met with representative groups and held civic engagements.

The Chair thanked those supporting his Charity Appeal for Ashgate Hospice. Council heard that there had been a cricket match supported by staff from NEDDC and Rykneld Homes, an ABBA tribute night, and a tour of Tissington.

There was a brass band concert scheduled for this Friday evening.

COU **Leader's Announcements (if any)**

/54/2

0-21

The Leader echoed the Chair's words by offering his condolences to the family and friends of those tragically killed, and to all residents across Killamarsh. Council heard that the Leader had laid flowers alongside Councillors R Welton and S Clough shortly after the event to pay their collective respects. The Council and Rykneld Homes continued to support the Police with their investigations and support the local community in their grief.

The Leader also welcomed Councillors Bentley Strafford-Stephenson and Tony Lacey as newly elected Members for Barlow and Holmesfield and Killamarsh East.

Council was updated on the Local Plan. The Leader announced that the Inspector's final report had been received and that Lee Rowley MP had subsequently written to the Secretary of State to request this it was reviewed. It was therefore stated that the process had to be fulfilled before it could be brought to Full Council for a vote on the adoption.

Council heard that for the leisure service it had been an extremely busy couple of months with major refurbishments taking place. In Eckington a £1 million grant had been secured from the Government to help make significant improvements, and work was expected to start imminently on the Council's £1.9 million investment in Killamarsh Leisure Centre. Sharley Park Leisure Centre was also due for investment as part of the funding secured for Clay Cross through the Town Board Deal.

The Leader announced that the Council and Rykneld Homes were working at speed to refurbish over 320 Council properties across the District having secured a £1.5 million green homes grant from the Government in addition to £8.5 million of Council funds.

The Leader expressed his concerns in regards to the situation in Afghanistan. The Council had offered two three bed properties in response to assistance from the Government in looking to resettle interpreters which was in line with other District Councils.

Members heard about the 'meet the Council event' which recently took place, and the Leader thanked Members and officers for supporting it.

The Leader thanked the Chair and the Partnerships Team for organising the Armed Forces Covenant Event which was a huge success and enjoyed by all those attended.

COU **Public Participation**

/55/2

0-21

In accordance with Council Procedure Rule No 8 members of the public were allowed to ask questions about the Council's activities for a period of up to 15 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 had been submitted to this meeting.

COU /56/2 0-21 **Political Balance and Amendments to Committees, Advisory Groups and Outside Body Appointments**

The Governance Manager presented a report which outlined amendments to the appointment of Members to the Council's Committees, Advisory Groups, and Outside Bodies for the 2021/22 Municipal Year following a change to the Council's political groups affecting proportionality (by-election).

A verbal amendment to the appointment of Members to the Council's Committees was provided to Council. It was moved that Councillor Bentley Trafford-Stephenson would replace Councillor A Platts on Growth Scrutiny Committee, and that Councillor D Drabble would replace Councillor R Welton on Organisation Scrutiny Committee.

A verbal amendment was also made to the appointments to Outside Bodies. It was moved that Councillor A Dale would replace Councillor A Hutchinson on the Northwood Group Ltd Board.

Council noted that the Groundwork Trust had been dissolved and therefore should be removed from the Council's Outside Bodies list.

RESOLVED – That:-

- (1) That the Council agrees the allocation of seats of Committees as detailed in Appendix 1 to the report is in accordance with the political balance rules following the outcome of the By-Election on 9th September 2021.
- (2) That the appointment to Committees be agreed as set out in Appendix 2 to the report and verbally updated in the meeting.
- (3) That the appointment to Outside Bodies be amended as set out in Appendix 3 to the report and verbally updated in the meeting.

Councillor R Hall withdrew the meeting.

COU /57/2 0-21 **Mandatory CCTV in Taxis**

The Council's Solicitor and Deputy Monitoring Officer presented a report which invited Council to approve a policy on mandatory CCTV in Taxis. This followed a recommendation from the Licensing Committee that the final draft Policy be adopted following a public consultation.

Council heard that in recent years, some local authorities had introduced a requirement for mandatory CCTV in licensed taxis, in response to local issues where CCTV could make a difference. In July 2020 the Government issued their revised statutory Taxi and Private Hire Vehicle Standards. It was stated that this guidance, which the Council had a statutory obligation to have regard to, clearly demonstrated that authorities were expected to introduce

mandatory CCTV in taxis unless there was a compelling local reason not to.

Council discussed the draft Policy. Councillor R Shipman welcomed the Policy, however expressed concern that drivers could apply for a license in a different authority that did not enforce mandatory CCTV, and could still operate in North East Derbyshire.

Councillor J Lilley commented that the revised guidance from the Government stipulated that authorities were expected to introduce mandatory CCTV in taxis unless there was a compelling local reason not to do so. It was therefore reasonable to expect that other authorities would follow suit in introducing mandatory CCTV in taxis.

Councillor M Foster welcomed the draft Policy as a preventative measure that would protect both residents and drivers. It was explained that consideration had been given by the Licensing Committee to drivers applying for a license in a different authority to avoid installing CCTV, and that by making the public aware of the policy change, residents were more likely to request NED licensed taxis with CCTV. The Portfolio Holder for Council Services stated that he was pleased to see the Policy finally progress to a vote for adoption at Council, given that previous efforts, which included a recommendation made by a Scrutiny Committee in 2017, failed to be accepted by the previous administration. Council was encouraged to vote for the draft Policy so that the District's residents could be made safer.

Councillor H Liggett commented that she had spoken to a number of taxi license holders who were in favour of mandatory CCTV installation as it made them safer.

Councillor A Dale spoke in favour of the draft Policy, and urged other councils to follow suit and make CCTV mandatory in their licensed taxis.

RESOLVED – That Council approve the recommendation from Licensing Committee that the final draft Policy be adopted.

Councillor R Hall re-joined the meeting.

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

/58/2

0-21

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.

Question submitted by Councillor D Hancock to Councillor P Parkin

“We note the increased cost of taking recycling in house, along with several internal restructures over the last two years and the potential cost of taking on Killamarsh Sports Centre, and I think it is fair to say that all members have significant concerns as to how the Council will balance its budgets over the medium term.

For the last couple of years Council has been provided with reference to unidentified savings. Can Cllr Parkin provide Council with a clear proposal as to how he intends to balance the medium-term financial plan”.

The Portfolio Holder for Finance informed Council that full proposals on balancing the Medium Term Financial Plan would be outlined in the annual budget process, which started in September, and concluded with a recommendation from Cabinet to Council to approve the budget each January.

It was stated that substantial progress had been made with the Council's growth agenda on regenerating and bringing significant income into the District. Council and the work of the Investments and Assets Board as well as the Transformation Programme in delivering savings and income opportunities for the Authority was noted.

Councillor P Parkin reassured Council that he was fully aware of the challenges that the Authority faced, however, the Council's financial position was not unique and that many local authorities around the country were in similar situations.

Council heard about a number of challenges currently impacting the Council's financial position including rising fuel and utility costs, Covid-19 affecting the ability to raise local taxation through business rates, and uncertainty over central government settlements.

The Portfolio Holder for Finance concluded by stating he was optimistic that the challenges faced could be overcome, and that a balanced budget would be delivered in January.

Supplementary question from D Hancock

Councillor D Hancock welcomed Councillor P Parkin's response, however sought further assurance that the January Budget would not refer to unidentified savings and that there would be detailed proposals within it.

Response from Councillor P Parkin

Councillor P Parkin responded by assuring Council that the Budget would contain all the necessary supportive materials as required by CIPFA.

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

/59/2

0-21

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.

Two motions had been submitted from Members.

Motion submitted from Councillor R Shipman

Council notes:-

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

Council resolves:

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

Councillor R Shipman moved the motion and explained that he hoped it could be used as a mechanism for Planning Committee to reconsider an application in respect of Clay Lane, Clay Cross, due to new information coming to light retrospectively of the application being approved by the Committee.

Councillor T Reader seconded the motion and spoke of her support for the residents of Clay Lane and that all of the Clay Cross District Councillors had made their objections, alongside the Parish Council, to the original application.

Councillor C Cupit stated that she completely understood the concerns of residents and Members, however, would vote against the motion as in essence it asked for the consideration of the revocation of planning permission for the site. Councillor R Shipman was encouraged to reconsider his motion and engage in practical solutions to help residents as revocation would be premature given that potential solutions were on the table and should be considered. Council heard that following meetings with a range of stakeholders, the developers had agreed to hire an external consultant to do additional assessments of the brook to address residents' concerns, and that further meetings were planned.

Councillor D Ruff spoke against the motion and confirmed that the application had been considered by the Planning Committee in March 2020 where it was given approval following a lengthy debate. Council heard that since approval,

fresh issues had been identified, however a solution in principle seemed to have been agreed following meetings between Councillor C Cupit, Lee Rowley MP, and the developer. Councillor D Ruff looked forward to the proposals being presented to the Planning Committee in due course, and asked that Councillor R Shipman consider his language about the Council on social media in future.

Councillor M Foster also confirmed that as a Planning Committee Member the application had been considered in March 2020, and approved following a lengthy debate. The Portfolio Holder for Council Services argued that the previous administration had placed the application into the emerging Local Plan.

Councillor D Hancock spoke in favour of the motion and stated that subsequent information had come to light since the approval of the application. The motion therefore looked to protect the public, so that the Committee could reconsider the application with all of the facts that it did not have at the time.

Councillor R Shipman responded by arguing that it was only right and fair, given the new evidence, that the application was reconsidered by Committee and questioned the message it sent to residents. Council heard that the process was a failure if the Authority refused to consider sending it back to the Committee, and that it should automatically go back if new issues were identified which were not outlined in any original application.

On being put to a vote, the motion was defeated.

Motion submitted by Councillor N Barker

This Council notes:

- *That there are roughly 5,500 households on Universal Credit in North East Derbyshire and that unemployment is expected to continue to rise into the New Year.*
- *Many of these families will not only lose the £20 uplift to the UC but will also be expected to pay the increase to their National Insurance contributions*

The Council agrees to:-

- *Write to the Chancellor Rishi Sunak demanding that the £20 increase to Universal Credit is reinstated and made permanent.*
- *Urge the Government to end the five week wait for Universal Credit by converting advances into grants instead of loans.*
- *Continue to work alongside partner organisations to provide help and assistance wherever possible to all those struggling during these difficult times.*

Councillor N Barker moved the motion and argued that whilst he acknowledged and supported the extensive financial assistance offered by the

Government and the Council during the Pandemic, he felt that the £20 uplift to Universal Credit should not be taken away and that it should be made permanent. Council also heard that the five week wait was unacceptable and should be ended.

The motion was seconded by Councillor S Pickering who reserved his right to reply until later in the debate.

Councillor R Shipman spoke in favour of the motion and agreed it was important that people who were experiencing financial hardship continued to receive support, otherwise they would be plunged into further poverty.

Councillor A Dale acknowledged that it had been an exceptionally tough time for families and that both the economy and peoples livelihoods had been severely affected by the Pandemic. Council heard that the Authority had provided extensive support to the District's poorest and most vulnerable, and that the Government had also supported and done its best to prop up the economy and assist those in need. The Leader of the Council outlined the scale of support which had been provided by the Government which totalled £350 billion worth of investment including the furlough scheme, the self-income support scheme, a bounce back loan scheme, a kick start scheme for young people, and a range of other measures. It was argued, however, that the cost of all this had come from borrowing and that the level of UK debt was unsustainable. The uplift to Universal Credit had always been a temporary measure of support, and therefore Councillor A Dale would vote against the motion.

Councillor A Powell spoke to confirm the situation in regards to Links CVS, a voluntary organisation which had received funding from the Council. Council heard that following the contract opportunity being publicised by the Council, Links CVS failed to submit a tender for the work and it remained unclear as to why they had not.

Councillor D Hancock acknowledged the support offered by the Government as outlined by Councillor A Dale, however, argued that the situation had changed due to factors such as high inflation, and that taking away £20 would be a blow to the poorest in society. Council heard how he would be voting for the motion.

Councillor J Kenyon spoke against the motion and argued that the uplift to Universal Credit was provided in an emergency situation. Other measures to provide a better standard of living such as increasing the living wage and providing a high wage economy were better strategies to deal with poverty.

Councillor S Pickering had seconded the motion and argued that whilst the Government had spent a significant amount of money during the Pandemic, a lot of it had been wasted and not sent to those who need it most. Council heard that the removal of the uplift would leave families in North East Derbyshire facing an unprecedented squeeze on their household budgets and plunge some into further poverty, and that removing it came at a time when the District and country faced a cost of living crisis. Council was encouraged to show compassion and empathy and vote for the motion, and that it was the

responsibility of all Councillors to challenge the removal of the uplift to protect residents.

Councillor N Barker concluded the debate by urging Members to vote for the motion so that Council could demonstrate its opposition to the removal of the uplift with a letter to the Chancellor of the Exchequer.

Councillors S Pickering, N Barker, and B Wright requested a recorded vote.

For the motion:- 21

B Wright, P Wheelhouse, L Stone, R Shipman, K Rouse, T Reader, S Pickering, G Morley, J Lilley, T Lacey, P R Kerry, M Jones, P Holmes, L Hartshorne, D Hancock, J Funnell, S Cornwell, A Cooper, J Birkin, J Barry, N Barker

Against the motion:- 24

P Wright, R Welton, M E Thacker, K Tait, B Strafford-Stephenson, D Ruff, C Renwick, A Powell, M Potts, A Platts, P Parkin, H Liggett, B Lewis, J Kenyon, A Hutchinson, R Hall, M Foster, M Emmens, P Elliott, A Dale, C Cupit, S Clough, W Armitage, P Antcliff (24)

Abstentions – 0

The motion was defeated.

COU **Exclusion of the Public**

/60/2

0-21

RESOLVED – That the public be excluded from the meeting during the discussion of the following item(s) of business to avoid the disclosure to them of exempt information as defined in Part 1 of Schedule 12A to the Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) order 2006.

Councillors M E Thacker MBE JP, R Welton, S Clough, D Ruff, P R Kerry, M Potts and K Tait withdrew from the meeting.

Councillors P R Kerry, M Potts and K Tait returned to the meeting.

In the absence of the Chairman and Vice Chair, former Chair Councillor P Antcliff lead the meeting through the next item of business as agreed by the consensus of the meeting.

COU **The Management Agreement with Rykneld Homes Ltd for the Management of the Council's Housing Stock**

/61/2

0-21

Council received a report which informed them that the renegotiated Management Agreement with Rykneld Homes Limited had been agreed by Cabinet and of the significant changes agreed and made.

RESOLVED – That Council note the new Management Agreement with Rykneld Homes Limited attached to this report which has been approved by Cabinet.

Councillors M E Thacker MBE JP, R Welton, S Clough, and D Ruff returned to the meeting.

Councillor M E Thacker MBE JP took the Chair.

Councillors L Hartshorne withdrew from the meeting.

COU Change in Order of Agenda Items

/62/2

0-21 The Chair agreed to take the next items in the following order.

COU Coronavirus (Covid) Update

/63/2

0-21 The Director of Operations and Head of Paid Service provided an update to Council on the situation in regards to Coronavirus in North East Derbyshire.

RESOLVED – That the update be noted.

COU Senior Management Review

/64/2

0-21 Council received a report which sought approval to implement the proposed Senior Management changes. Members heard about the rationale behind the changes, and the next steps and timescales in regards to the recruitment process.

RESOLVED – That subject to formal consultation with the Directors, Assistant Directors, other directly affected staff and Trade Unions, that Council approve:-

- (1) The establishment of a Managing Director role which will be ring-fenced to existing Director post-holders at the Council.
- (2) The establishment of an additional Director post to be advertised internally and should this prove unsuccessful external recruitment will take place.
- (3) The increase in remuneration and seniority for Statutory Officer post-holders, namely; Section 151 Officer and the Monitoring Officer.
- (4) The disestablishment of the Joint Head of Service Transformation & Organisation and establishment of NEDDC only Assistant Director Transformation & Organisation.
- (5) An Employment and Appeals Committee comprising Leader, Deputy Leader, Cabinet Member and a Member of the largest Opposition Group is called in accordance with the Constitution to undertake Chief Officer interviews where required and make recommendations to Council regarding appointment of candidates to posts where required.
- (6) To agree an increase to the approved budget up to a maximum £105k in accordance with the Council's Budget and Policy Framework Rule.

COU **Chair's Urgent Business**
/65/2

0-21 There was no urgent business discussed at this meeting.