

## COUNCIL

### MINUTES OF MEETING HELD ON MONDAY, 29 NOVEMBER 2021

#### **Present:**

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

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 Lilian Deighton	Councillor David Drabble
Councillor Peter Elliott	Councillor Angelique Foster
Councillor Mark Foster	Councillor John Funnell
Councillor Roger Hall	Councillor David Hancock
Councillor Lee Hartshorne	Councillor Anthony Hutchinson
Councillor Jeremy Kenyon	Councillor Pat Kerry
Councillor Tony Lacey	Councillor Barry Lewis
Councillor Heather Liggett	Councillor Paul Parkin
Councillor Stephen Pickering	Councillor Alex Platts
Councillor Maureen Potts	Councillor Alan Powell
Councillor Tracy Reader	Councillor Oscar Gomez Reaney
Councillor Carolyn Renwick	Councillor Michael Roe
Councillor Kathy Rouse	Councillor Ross Shipman
Councillor Bentley Strafford-Stephenson	Councillor Kevin Tait
Councillor Richard Welton	Councillor Philip Wheelhouse
Councillor Pam Windley	Councillor Brian Wright
Councillor Philip Wright	

#### **Also Present:**

L Hickin	Managing Director
G Callingham	Director of Growth
M Broughton	Director of Transformation
J Dethick	Assistant Director - Finance and Resources (Section 151 Officer)
R Purcell	Assistant Director of Planning
S Sternberg	Assistant Director of Governance and Monitoring Officer
L Ingram	Legal Team Manager - Contentious Team
N Calver	Governance Manager
A Maher	Senior Governance Officer
M E Derbyshire	Members ICT & Training Officer
D Stanton	Governance Officer
A Bond	Governance Officer

#### **COU Apologies for Absence**

**/66/2**

**0-21** Apologies for absence had been received from Councillors M Emmens, E A Hill, P A Holmes, M Jones, J Lilley, G Morley, J Ridgway and L Stone.

**COU** **Declarations of Interest**

**/67/2**

**0-21** Councillor H Liggett declared an interest in items 7 – Independent Remuneration Panel, and item 15 – Refurbishment of Eckington Depot.

**COU** **Minutes of Last Meeting**

**/68/2**

**0-21** RESOLVED – That the Minutes of the meeting held on 04 October 2021 were approved as a correct record and signed by the Chair subject to the following clarifications:

- That Councillors B Strafford-Stephenson and T Lacey were present.
- That the acoustics at the previous meeting held at Killamarsh Sports Centre were poor, and as a result some Councillors were unable to fully participate in the meeting.

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

**/69/2**

**0-21** Council heard that since the last meeting of Council, the Chair and his Consort had represented the District at a number of events including the 769<sup>th</sup> Ilkeston Charter Fair and the Voluntary Sector awards. A Wreath had been laid at Mill Lane on Remembrance Day in a service led by the Civic Chaplain and supported by Members and staff.

The Chair announced that plans had been progressed for her Majesty's Jubilee celebrations, which included the Queen's Green Canopy initiative, a District Community event on 04 June, and a massed choir's event on 05 June.

Council noted that a District Civic Service had been booked for 22 May, and Members, staff and Parish Councils were thanked for their contributions to the Chair's charity appeal in aid of Ashgate Hospice. The Chair informed Council about a number of events that had taken place including a quiz night and a Christmas fair at the Technique Stadium. There was also a Christmas Concert which would be taking place at St John's Church on 10 December.

**COU** **Leader's Announcements**

**/70/2**

**0-21** The Leader expressed his concerns in regards to the new Omicron Variant and encouraged residents to take extra precautions such as mask wearing, regular testing, and getting a booster jab.

Council heard about a successful enforcement incident by the Environmental Health Team involving fly tipping. The Leader thanked the officers involved and hoped that it would act as a deterrent to anyone thinking of fly tipping in the District.

Members were updated on the progress of the carbon reduction inspired renovation of Eckington Sports Centre. Contractors had also initiated work on Killamarsh Sports Centre. The Leader announced that a further grant application had been submitted to Government to decarbonise Dronfield Sports Centre which could save at least 193 tonnes of carbon emissions per year. Council also heard about other initiatives to reduce the District's carbon

footprint including the insulation of around 400 homes and eco schools grants scheme.

Members were updated on the latest developments in respect of Vision Derbyshire.

The Leader requested that Members complete a survey from the Member Development Working Group so that they could carry out a training needs analysis and that they return it to the Governance Team as soon as possible.

The Leader congratulated the Chair of the Council on his recent election as Chair of the North Derbyshire Magistrates Bench.

#### **COU Public Participation**

**171/2**

**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 Independent Remuneration Panel**

**172/2**

**0-21**

The Assistant Director of Governance and Monitoring Officer presented a report which made proposals for the setting up of an Independent Remuneration Panel (IRP) to review the Members' Allowances Scheme.

Council was informed that the Members' Allowances Scheme set out the level of allowances payable as Basic and Special Responsibility Allowance to Members as well as Childcare and Dependant Carers' Allowances and Travel and Subsistence Payments. Members noted that the Council must set up an IRP to review the Scheme every four years. This Review was now due.

It was proposed that the Head of Paid Service appoint at least three people to the Independent Remuneration Panel (IRP) and that each of those IRP members were paid £200 plus travel for reviewing and producing a report on the Members' Allowances Scheme in early 2022. In addition, it was proposed that a Special Responsibility Allowance (SRA) for the Chair of the Licensing Committee be considered as part of the Review.

#### **RESOLVED:-**

- (1) To agree that each Panel Member is paid £200 for participation in a full review of the Members' Allowances Scheme, including Basic and Special Responsibility Allowances.
- (2) To give the Head of Paid Service delegated authority to appoint Members to the Independent Remuneration Panel and that this delegation be referred to Standards Committee for inclusion in the Council's Delegation Scheme in the Constitution.

**COU Treasury Management Update**

**173/2**

**0-21**

The Portfolio Holder for Finance presented a report which updated Council on the treasury management activities for the period April to September 2021. This was in line with the CIPFA Treasury Management Code of Practice.

Council heard that the Treasury Management function covered the borrowing and investment of Council money. This included both the management of the Council's day to day cash position and the management of its long term debt. All transactions were conducted in accordance with the Council's approved strategy and the CIPFA Code of Practice. Members noted that good Treasury Management played an important role in the sound financial management of the Council's resources.

RESOLVED - That Council note the treasury management activities undertaken during the period April to September 2021 as outlined in Appendix 1 to the report.

**COU North East Derbyshire Local Plan 2014-2034**

**174/2**

**0-21**

The Deputy Leader and Portfolio Holder for Environmental Services presented a report which allowed Council to consider the Inspector's final report following her examination of the North East Derbyshire Local Plan (2014-2034). Council was asked to consider the adoption of the Local Plan to form part of the Statutory Development Plan for the District.

Council heard that work commenced on the preparation of the new Local Plan in 2007, and that the Plan was formally submitted to the Secretary of State in 2018.

Councillor C Cupit explained that following the local elections in 2019, the new Administration paused the examination of the draft Local Plan to allow a review of the housing numbers allocated and to review the circumstances around the allocation of sites in the green belt in the draft Plan.

Members noted that following correspondence between the Council and the Inspector between 2019-20, the review was considered and three options were given to the Council (as outlined in the report). After much consideration and extensive legal advice given, the Authority decided it would not be possible to amend the evidence base within the current examination and to do so would lead to the withdrawal of the Plan. Due to the risks and consequences of withdrawal, in February 2020 the Council subsequently un-paused the examination and proceeded to the Main Modifications consultation.

All representations received on the Main Modifications were submitted to the Inspector and her final report was issued to the Council on 19 July 2021 which marked the end of the examination process. This report was published on the Council's website and made available to view at the Council Offices at Mill Lane.

A number of Councillors spoke against the Plan and argued that the adoption

of it would break a promise made to the electorate at the 2019 elections by the current Administration which was to remove all green belt sites from the Plan. It was also not in the best interests of the District.

A number of Ward Members, particularly for Dronfield and Killamarsh, argued that it would damage wildlife, ecology and air quality and that the housing allocations for those areas were unfair.

Some Members spoke in favour of the Plan and stated that whilst it was not perfect, it would end speculative developments in the District and by not adopting it could lead to more applications on the green belt.

Councillors S Clough, K Tait, A Foster, A Platts, M Foster and R Welton wished for it to be minuted that they would be voting against the Plan.

Councillors P Windley, D Hancock and R Shipman requested that a recorded vote be taken.

Councillor C Cupit responded by acknowledging the strong feelings in the chamber, and stated that whilst it was a difficult decision, the Council was left with little choice but to continue with the Main Modifications as amendments to the Plan were not possible. Council heard that by rejecting the Plan, it could lead to further speculative developments.

For: 22

Councillors P Wright, P Wheelhouse, M E Thacker JP MBE, B Strafford-Stephenson, D Ruff, M Roe, C Renwick, A Powell, P Parkin, C Liggett, B Lewis, J Kenyon, A Hutchinson, O Gomez Reaney, J Funnell, P Elliott, A Dale, C Cupit, S Cornwell, A Cooper, W Armitage and P Antcliff.

Against: 16

Councillors B Wright, P Windley, R Welton, K Tait, R Shipman, T Reader, M Potts, A Platts, T Lacey, D Hancock, R Hall, M Foster, A Foster, D Drabble, L Deighton and S Clough.

Abstentions: 7

Councillors K Rouse, S Pickering, P R Kerry, L Hartshorne, J Birkin, J Barry and N Barker.

RESOLVED –

- (1) Council notes the significant challenges of balancing meeting the District's housing needs while protecting our environment and countryside. Council also notes that failure to adopt a Local Plan risks even greater speculative development, including on the Green Belt.
- (2) Council accepts and adopts the North East Derbyshire Local Plan (2014-2034) as modified and found sound by the Government appointed Inspector to form part of the Statutory Development Plan for the District; and that it replaces the previous adopted Local Plan (November 2005) and the saved policies within it.

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

**175/2**

**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.

No questions had been submitted to this meeting of Council.

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

**176/2**

**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.

One motion had been submitted from Members.

Motion submitted from Councillor R Shipman and seconded by Councillor P Windley

*Council notes:*

- *Section 106 agreements are an agreement between a developer and the local planning authority to reduce their impact on the community.*
- *Two developers have failed to pay their section 106 agreements to North East Derbyshire District Council totally to £77,000 and £113,000 at Ridgeway and Morton respectively after going into liquidation.*

*Council resolves:*

- *For the Leader of North East Derbyshire District Council to write to the Secretary of State for Levelling Up, Housing, Communities and Local Government, and ask that he introduce measures to ensure that developers, and directors of those companies, are forced to pay the agreed amounts under section 106 agreements*

Councillor S Cornwell spoke in favour of the motion and argued that section 106 agreements were often distributed unfairly and that monies were not paid in full. Council heard about a local ward issue in which a section 106 payment was paid in error to Derbyshire County Council.

Councillor C Renwick acknowledged that whilst it was an important issue, she could not support the motion as the Council remained unable to chase payments from companies who had entered into liquidation, and that she preferred to resolve the issue internally.

Councillor C Cupit spoke against the motion. Council heard that whilst she supported the underlying aims of the motion, she could not support the wording of it. The Deputy Leader and Portfolio Holder for Environmental Services clarified that developers were legally obliged to pay their section 106 contributions, however liquidation issues were in relation to the legal system rather than Government policy. The Leader of the Council had previously written to the Secretary of State as part of the response to the Planning White

Paper Consultation outlining their frustrations and urged reform of the infrastructure system.

Councillor M Foster informed Council about a number of reforms he had initiated which included a traffic light system for monitoring section 106 payments. Members heard that the Planning Committee also considered the payments on a quarterly basis. The Portfolio Holder for Council Services insisted that regular discussions were taking place both at Committee level and at Council to ensure the effective regulation of payments from developers.

Councillor N Barker spoke in favour of the motion and argued that flaws remained within the system that allowed developers to avoid paying their agreed contributions to infrastructure developments.

Councillor D Hancock stated that he would like to see Government action to ensure that payments were made on time and in full, and that no harm would be done to see the Council write to the Secretary of State outlining its concerns. Councillor D Hancock would be voting for the motion.

Councillor R Shipman exercised his right of reply and explained that the motion aimed at addressing the problem of developers entering liquidation and then subsequently avoiding payments of section 106 contributions.

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

**COU** **Exclusion of Public**

**/77/2**

**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.

Council then recessed for a period of 15 minutes.

**COU** **Standards Committee Membership - Parish Councillor**

**/78/2**

**0-21**

The Assistant Director of Governance and Monitoring Officer presented a report which requested that Council facilitate an election amongst the Parish and Town Councils for a replacement Co-optee to Standards Committee.

**RESOLVED** - That Council facilitate an election amongst the Parish and Town Councils for a replacement Co-optee to Standards Committee.

**COU** **Change in Order of Agenda Items**

**/79/2**

**0-21**

The Chair, in agreement with the other Members, changed the order of the agenda items as set out within these Minutes.

**COU** **Refurbishment of Eckington Depot**

**/80/2**

**0-21**

Council received a report from the Portfolio Holder for Leisure, Transformation

and Climate Change which sought approval to fund the extensive refurbishment works required at Eckington Depot, Rotherside Road, Eckington to address deficiencies identified in regard to fire safety and to further address deficiencies in welfare provision.

**RESOLVED** – That Council:-

- (1) Approve Prudential Borrowing of £0.525m to fund to fund the scale of works outlined in this report.
- (2) Approves the scheme outlined within this report for inclusion into the approved capital programme.
- (3) Approves the revised Capital Financing Requirement, Operational Boundary, Authorised Limit and upper limit for service loans as set out in the financial implications to this report.

**COU** **Senior Management Review - TO FOLLOW**

**/81/2**

**0-21**

The Leader of the Council presented a report which sought approval from Council to implement the proposed Senior Management changes as outlined in the report.

**RESOLVED** – That Council approve the recommendations as outlined within the report.

**COU** **Chair's Urgent Business**

**/82/2**

**0-21**

There was no urgent business discussed at this meeting of Council.