

COUNCIL

MINUTES OF MEETING HELD ON MONDAY, 7 MARCH 2022

Present:

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

Councillor Nigel Barker
Councillor Pat Antcliff
Councillor Joseph Birkin
Councillor Andrew Cooper
Councillor Charlotte Cupit
Councillor Peter Elliott
Councillor John Funnell
Councillor David Hancock
Councillor Maggie Jones
Councillor Pat Kerry
Councillor Heather Liggett
Councillor Gerry Morley
Councillor Alex Platts
Councillor Alan Powell
Councillor Jacqueline Ridgway
Councillor Kathy Rouse
Councillor Bentley Strafford-Stephenson
Councillor Kevin Tait
Councillor Philip Wheelhouse
Councillor Brian Wright

Councillor Jayne Barry
Councillor William Armitage
Councillor Stephen Clough
Councillor Suzy Cornwell
Councillor Alex Dale
Councillor Michelle Emmens
Councillor Roger Hall
Councillor Ann Holmes
Councillor Jeremy Kenyon
Councillor Tony Lacey
Councillor Jeff Lilley
Councillor Stephen Pickering
Councillor Maureen Potts
Councillor Oscar Gomez Reaney
Councillor Michael Roe
Councillor Ross Shipman
Councillor Lee Stone
Councillor Richard Welton
Councillor Pam Windley
Councillor Philip Wright

Also Present:

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

COU Apologies for Absence

/100/

- 20- Apologies for absence had been received from Councillors L Deighton, D Drabble, A Foster, M Foster, L Hartshorne, B Lewis, P Parkin, T Reader and C Renwick.

COU Declarations of Interest

/101/

- 20- Councillors M E Thacker MBE, D Ruff, S Clough and R Welton declared a

- 21** Disclosable Pecuniary Interest in item 14 – North Wingfield Housing Development, in their capacity as members of the board of Rykneld Homes Limited. The Councillors indicated that they would withdraw from the meeting during Council's consideration and determination on the item.

Councillor H Liggett declared a Disclosable Pecuniary Interest in item 7 – Outcomes of the Review of the Chair of Licensing's Allowance by the Independent Remuneration Panel as Chair of Licensing. Councillor H Liggett indicated that she would not participate or vote during Council's consideration and determination on the item.

COU **Minutes of Last Meeting**

/102/

- 20-** **RESOLVED** – That the Minutes of the meeting held on 31 January 2022 were approved as a correct record and signed by the Chair.

COU **Chair's Announcements**

/103/

- 20-** The Chairman of the Council, Councillor M E Thacker MBE expressed his abhorrence at the attack on Ukraine. He highlighted the humanitarian aid and support which had already been provided from across the District to those affected by the war in Ukraine. In this context, the Chairman gave special thanks to John and Peter Curry, along with the Calagran 'Four Paws' hotel, for collecting and transporting aid to Ukraine. Members were also reminded that the Ukrainian national flag would be flown at the Council's offices as an act of solidarity with that country.

The Chairman informed Council that he and senior officers had held a virtual meeting with their counterparts in the Council's twin town of Darmstadt-Dieburg. They had discussed the Climate Emergency and the ways in which they could help to tackle this locally.

Councillor M E Thacker MBE paid tribute to Councillor J Barry, for organising a 'race night' event, which had raised £1,000 for his charitable appeal, the Ashgate Hospice. He also paid special tribute to Councillor L Hartshorne for his generous contribution.

RESOLVED - That Council noted the announcements of the Chairman of the Council, Councillor M E Thacker MBE (by acclamation).

COU **Leader's Announcements**

/104/

- 20-** The Leader of the Council, Councillor A Dale associated himself with the comments made by the Chairman of the Council and shared his abhorrence of the attack on Ukraine. He explained that the Council would do all that it could, along with other partner local authorities and Government, to help the people of that country.

Councillor A Dale explained that good progress had continued to be made towards implementing the Council's Agile Working policy. He also explained that the Council had received a grant of £1.4 million from the Government's Public Sector Decarbonisation Fund. This would be used to improve the

energy efficiency of the Dronfield Leisure Centre; which would help to both reduce its environmental impact and its energy costs to the Council.

Councillor A Dale explained that Cabinet had recently agreed to increase Fixed Penalty Notices for Fly Tipping and Littering. He hoped that this measure would help emphasise the Council's zero tolerance approach to these offences.

The Leader of the Council then paid tribute to the Homelessness Team. He explained that it had been able to prevent 75 families in the District from becoming homeless over the winter. He reminded Members that the Parking Strategy had now been approved and that £280,000 would be allocated to tackle the most challenging parking problems in within the District.

RESOLVED - That Council noted the announcements of the Leader of the Council, Councillor A Dale (by acclamation).

COU Public Participation

/105/

20- No questions were submitted by the public.

21

COU Outcomes of the Review of the Chair of Licensing's Allowance by the /106/ Independent Remuneration Panel - TO FOLLOW

20-

21 The report to Council explained that the Independent Review Panel (IRP) had recommended the Chair of the General Licensing Committee and Licensing and Gambling Acts Committee should receive a Special Responsibility Allowance (SRA). Council heard how the IRP had reviewed responsibilities of the post. It had concluded that these were comparable to those of the Chair of Standards Committee. Members were also informed that the Council was the only licensing authority in Derbyshire not to provide an SRA to the Chair of its Licensing Committee.

Members discussed the report. They heard that in the past the post had been filled by the relevant Cabinet Portfolio Holder, who received an SRA for that role. Council was informed that the current Chair of the Committees had been in the post since May 2020. She did not serve on Cabinet and had not received a Special Responsibility Allowance during this period.

Members heard that as part of its review, the IRP had identified the appropriate level of Special Responsibility Allowance, for if Council established a post of Vice Chair of the General Licensing and Licensing and Gambling Acts Committees.

At the conclusion of the discussion, Councillor A Dale and Councillor C Cupit moved and seconded a motion that a Special Responsibility Allowance for the post of Chair of the General Licensing and Licensing and Gambling Acts Committees be established, at the level recommended by the Independent Remuneration Panel.

The motion was put to the vote and was approved.

RESOLVED – That Council:

- (1) Endorsed the recommendations of the IRP in relation to the role of the Chair of the General Licensing and Licensing and Gambling Acts Committees;
- (2) Agreed that a Special Responsibility Allowance of £4,128 be set for the post of Chair of the General Licensing and Licensing and Gambling Acts Committees, in line with the recommendations of the Independent Review Panel;
- (3) Agreed that the SRA for Chair of the Committees be backdated to the 1st April 2021 in accordance with Regulation 10(6) of The Local Authorities (Members' Allowances)(England) Regulations 2003.
- (4) Noted the recommendations of the IRP that the Vice Chair of the Committees receive an SRA of £1,373, if Council should choose to establish this post.

COU NEDDC Annual Pay Policy Statement 2022/23
/107/

20- The Leader of the Council presented the Annual Pay policy Statement for 2022/23. Members heard that the Statement set out the Council's policy on pay for senior managers and employees and is in accordance with the requirements of section 38 of the Localism Act 2011 and Supplementary Guidance 2013.

Councillor A Dale and Councillor C Cupit moved and seconded a motion to support the Pay Policy Statement. The motion was put to the vote and was approved.

RESOLVED – That the Council supported the Annual Pay Policy Statement 2022/23.

COU Level of Council Tax 2022-23
/108/

20- The report of the Portfolio Holder for Finance, Councillor P Parkin, reminded Members that under the Localism Act 2011 the Council was responsible for calculating the total Council Tax requirement for the North East Derbyshire area. This calculation included the requirements of the other preceptors as well as those of the Council. The other preceptors were Derbyshire County Council, the Police and Crime Commissioner, the Fire and Rescue Service and the Parish Councils within the District.

Members discussed the report. Concerns were raised by Councillors N Barker and R Shipman about the cumulative impact of the increase in Council Tax precepts by the preceptor authorities. Concerns were also raised about the ongoing financial difficulties facing the Council and how these would be met.

The Leader highlighted cost pressures facing local government. He made clear that in this context the 2.58% increase set by the Council was both modest and necessary. He highlighted the progress which had been made in achieving savings by transforming how the Council works as an organisation. Councillor A Dale pointed out that no significant cuts to front line services or large scale redundancies had been made and that there were no plans to do

so.

Councillor A Dale and Councillor C Cupit moved and seconded a motion to formally approve the level of Council Tax as specified in the report.

In line with the provisions set out within the Council's constitution a recorded vote was taken (where matters affecting the Council's budget or Council Tax are considered).

The motion was put to the vote and was agreed.

For: 39

Councillors P Wright, P Wheelhouse, R Welton, M E Thacker MBE JP, K Tait, L Stone, B Strafford-Stephenson, R Shipman, D Ruff, K Rouse, M Roe, J Ridgway, A Powell, M Potts, A Platts, S Pickering, J Lilley, H Liggett, T Lacey, P R Kerry, J Kenyon, M Jones, P Holmes, D Hancock, R Hall, O Gomez Reaney, J Funnell, M Emmens, P Elliott, A Dale, C Cupit, S Cornwell, A Cooper, S Clough, J Birkin, J Barry, N Barker, W Armitage, P Antcliff.

Against: 2

Councillors B Wright, G Morley

Abstentions: 1

Councillor P Windley

RESOLVED – That the Council formally approved the Council Tax for the Financial Year 2022/23 as set out in the report.

COU /109/ To answer any questions from Members asked under Procedure Rule No 9.2

20- The Chair confirmed that two questions had been received.

21

Question from Councillor J Funnell to the Leader of the Council

Councillor J Funnell endorsed the comments made by the Chairman of the Council and the Leader of the Council about the war in Ukraine. He thanked those residents across the District who were doing their part to help the people of that country.

Councillor J Funnel then asked the Leader of the Council the following question: Can the Leader confirm that all section 106 contributions generated following new builds will be used 100% for the benefit of the community affected and not redistributed to other areas.

The Leader of the Council explained the overall purpose of Section 106 Agreements, reached between local planning authorities and developers. He pointed out that agreements must be necessary in planning terms, directly related to the development and also related, in both scale and kind to the proposed development. This meant that most infrastructure projects, funded through these agreements were likely be in or very close to the settlement where the development was located.

However, Councillor A Dale emphasised that this would depend on the exact wording of an agreement. In particular, whether the Council had agreed with the developer that their contribution should fund specific projects at a named location, or whether it could be used to help achieve more general goals across a wider area

Councillor A Dale argued that even when Section 106 Agreements were not linked to specific projects, it would be in the interests of developers to ensure that their contributions were spent in the local area. This would help to ensure that their developments were sustainable and contributed to the surrounding community.

Councillor J Funnel indicated that he did not wish to ask a supplementary question.

Question from Councillor R Shipman to Councillor P Parkin

Councillor R Shipman asked the Portfolio Holder for Finance, Councillor P Parkin, the following question: At the last Council meeting Members were told the social housing rents increase of 4.1% was 'in line' with government guidance, however, upon further investigation it was found to be a cap and not a recommendation, can Cllr Parkin clarify this inconsistency.

Councillor R Shipman was informed by the Leader of the Council that Councillor P Parkin was unable to attend the meeting. Consequently, a written response to the question would be provided to him. Following on from this, Councillor R Shipman would be entitled to ask a supplementary question. The written response to the original and any supplementary question would then be appended to the Minutes and published.

COU /110/ To consider any Motions from Members under Procedure Rule No 10

20- Council considered a motion moved and seconded by Councillor R Shipman and Councillor D Hancock:

"That Council abhors racism in all its forms and in all circumstances, but accepts that the public do not understand that the Code does not apply to this behaviour in a Councillor's private life. Because of this conviction, Council agrees that the Chair should write to the Secretary of State asking that the applicability of the Code of Conduct is extended to apply to a Councillor's private life in addition to their role as a Councillor".

Members discussed the motion. Councillor R Shipman argued that the Code of Conduct should apply to Councillors at all times when they are acting within a public forum. He referred to instances when inappropriate behaviour had occurred.

The Leader of the Council made clear that he supported the aims of the Motion, but felt that it should cover all forms of discrimination. Councillor A Dale also recognised the high standards that the public expected of their representatives and the confusion which can arise about when they are speaking as private individuals or as elected Members. He felt that clarity

should be sought from the Secretary of State on whether the Code of Conduct ought to be extended to apply to a Councillor's private life, in addition their role as an elected Member, in those instances where this would have a direct impact on the reputation of this Council

Councillor A Dale and Cupit then moved and seconded an amendment to the motion:

That Council: -

- Abhors discrimination in all its forms and in all circumstances.
- Accepts that the public do not always understand that the Code of Conduct does not apply to the behaviour of a Councillor in their private life.
- Believes that Members are entitled to a private life and therefore accepts that the Code of Conduct only applies to Members while they are conducting their role as Councillors.
- But Council agrees that the Chair of Standards Committee should write to the Secretary of State asking whether the applicability of the Code of Conduct should be extended to apply to a Councillor's private life, in addition their role as a Councillor, in those cases where there is a direct impact on the reputation of this Council

Councillor R Shipman accepted the proposed amendment.

Councillor N Barker indicated that he would be prepared to support the amended motion. He emphasised how difficult it was in practice for the public to differentiate between comments made by Members as Councillors and as private individuals and for this to be clarified.

Councillor J Lilley noted that that everyone should be held accountable to the full extent of the law in cases of discrimination.

Councillor J Barry emphasised that action should be taken if Members brought the Council into disrepute, as it would be taken if the Council's staff broke their Code of Conduct.

Councillor S Pickering welcomed the amended motion. He questioned whether comments made by elected Members on social media could be regarded as private. Councillor J Ridgway suggested that comments made on social media should not be regarded as part of a Councillor's private life, if they were publically accessible.

Councillor D Hancock acknowledged that all Members of the Council opposed discrimination. He felt that inappropriate behaviour by even one Member could lead to unwarranted reputational damage for the Council and its elected Members as a whole.

Councillor R Shipman made clear that he shared the concerns raised about comments made on social media. The Leader of the Council reminded Members that the amended motion would address this by seeking clarity from the Secretary of State on whether the Code of Conduct should be extended to

apply to a Councillor's private life, in those cases where this would have a direct impact on the reputation of this Council

At the conclusion of the discussion the motion, as amended, was put to the vote and was agreed unanimously.

COU Exclusion of the Public
/111/

20- That the public be excluded from the meeting during the discussion of the following item of business to avoid the disclosure to them of exempt information as defined in Paragraphs 1 &3, Part 1 of Schedule 12A to the Local Government Act 1972, (as amended by the Local Government (Access to Information) (Variation) Order 2006).

COU Council's Preparedness for a Cyber-Attack and Establishment of a Joint AD of ICT
/112/

20- **21** The Portfolio Holder for Economy, Transformation & Climate Change provided Council with an update and recommendations for consideration on the Council's response to the Cleveland and Redcar Ransomware attack case study.

RESOLVED That Council: -

- (1) Acknowledged the report and measures implemented/recommended in response to learning from the Cleveland and Redcar case study.
- (2) Agreed the recommendation from Joint ICT Committee, implementing the restructure to increase the overall capacity and resilience of the Joint Service (including establishing a Joint Assistant Director for ICT) as set out in the report, along with the associated budget.

COU North Wingfield Housing Development
/113/

20- *Councillors M E Thacker MBE, D Ruff, S Clough and R Welton left the meeting during the discussion of this item.*

As the Chair was not present during the discussion of this item, Councillor P Antcliff chaired the item.

The Portfolio Holder for Leisure, Communities & Communications presented a report to Council seeking approval to progress with the proposed development of 72 mixed tenure new build homes, on vacant Council owned land at Whiteleas Avenue, North Wingfield. Members were reminded that the Council would develop this scheme in partnership with Rykneld Homes Limited.

RESOLVED – That Council: -

- (1) Approved the necessary borrowing as specified in the report to fund the development at Whiteleas, North Wingfield.

- (2) Approved the inclusion of this scheme in the Housing Revenue Account (HRA) Capital Programme.
- (3) Approved the revised Capital Financing Requirement, operational Boundary and Authorised as set out in the report.

Councillors M E Thacker MBE, D Ruff, S Clough and R Welton re-joined the meeting.

COU **Chair's Urgent Business**

/114/

20- Council was informed heard that Councillor A Hutchinson had vacated the post Chair of Growth Scrutiny Committee. It would therefore be necessary for Council to elect a new Chair of the Committee.

Councillor A Dale and Councillor C Cupit moved and seconded a motion that Councillor B Strafford-Stephenson be appointed as Chair of the Growth Scrutiny Committee.

The motion was put to the vote and agreed.

RESOLVED -

That Councillor B Strafford-Stephenson be appointed as Chair of the Growth Scrutiny Committee.