

## COUNCIL

### MINUTES OF MEETING HELD ON MONDAY, 30 JANUARY 2023

#### **Present:**

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

Councillor William Armitage	Councillor Nigel Barker
Councillor Jayne Barry	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 Michelle Emmens	Councillor Angelique Foster
Councillor Mark Foster	Councillor John Funnell
Councillor Kevin Gillott	Councillor Roger Hall
Councillor David Hancock	Councillor Lee Hartshorne
Councillor Anthony Hutchinson	Councillor Maggie Jones
Councillor Jeremy Kenyon	Councillor Pat Kerry
Councillor Tony Lacey	Councillor Barry Lewis
Councillor Heather Liggett	Councillor Jeff Lilley
Councillor Gerry Morley	Councillor Paul Parkin
Councillor Stephen Pickering	Councillor Alex Platts
Councillor Maureen Potts	Councillor Alan Powell
Councillor Tracy Reader	Councillor Carolyn Renwick
Councillor Michael Roe	Councillor Kathy Rouse
Councillor Ross Shipman	Councillor Bentley Strafford-Stephenson
Councillor Kevin Tait	Councillor Richard Welton
Councillor Brian Wright	Councillor Philip Wright

#### **Also Present:**

M Broughton	Director of Growth and Assets
J Dethick	Director of Finance and Resources & (Section 151 Officer)
L Hickin	Managing Director - Head of Paid Service
S Sternberg	Assistant Director of Governance and Monitoring Officer
C Terry	Environmental Health Team Manager (Licensing)
J Wragg	Communications Officer
T Hickin	Communications Officer
A Bond	Governance Officer
T Scott	Governance and Scrutiny Officer
M E Derbyshire	Members ICT & Training Officer
J Taylor	Personal Assistant
A Maher	Interim Governance Manager

#### **COU Former Councillor Dorothy Ward**

**/64/2**

**2-23**

With the permission of the Chair, Councillors M E Thacker MBE and N Barker paid their respects to former Councillor Dorothy Ward, who had died recently.

On behalf of the Conservative Group, Councillor M E Thacker MBE extended his sincere sympathy to former Councillor D Ward's family and friends.

Councillor M E Thacker highlighted her 31 years of service to the Council, having first been elected in 1976 and serving until 1987 and then again between 1991 and 2011. During this time she served as Chair of the Council for the 1997-1998 Municipal Year, as a Cabinet Member and as Chair of the Planning Committee. Councillor Thacker MBE drew attention to her work fundraising for Macmillan Cancer Centre, while she served as consort for Councillor Ann Holmes during 2015-16.

The Leader of the Labour Group, Councillor N Barker, thanked Councillor M E Thacker MBE for his tribute. N Barker then expressed his own condolences to friends and family of Councillor D Ward on behalf of the Labour Group. Councillor Barker informed Council that Councillor D Ward had been a model community Councillor, who had championed the North Wingfield Central Ward and been instrumental in establishing the local Community Association. He reflected on her long years of service and commitment to the Labour Party and informed Members that she had received an award for being a Member of the Labour Party for over 50 years. Councillor

**COU Apologies for Absence**

**/65/2**

**2-23** Apologies for absence had been received from Councillors P Antcliff, O Gomez Reaney, B Hill, J Ridgway, L Stone, P Wheelhouse and P Windley.

**COU Declarations of Interest**

**/66/2**

**2-23** Councillors D Ruff, M E Thacker MBE, S Clough, R Welton declared a Pecuniary Interest in Item 6 on the Agenda - Medium Term Financial Plan 2022/23 – 2026/27, Housing Revenue Account as Members of the Board of Rykneld Homes Limited. They indicated that they would leave at the appropriate and would not participate in Council's consideration or determination on this aspect of the Item.

Councillors J Lilley, S Pickering and W Armitage declared an interest Item 6 on the Agenda – Medium Term Financial Plan 2022/23 – 2026/27, Housing Revenue Account as tenants of Rykneld Homes Limited (RHL). They indicated that they would participate in Council's consideration or determination on this aspect of the Item.

**COU Minutes of the Last Meeting**

**/67/2**

**2-23** RESOLVED – That the Minutes of the meeting held on Monday, 28 November 2022 were approved as a true and accurate record.

**COU Chair's Announcements**

**/68/2**

**2-23** The Chair of the Council, Councillor D Ruff, informed Members that a memorial service for the Late Queen would be held on Sunday 5 February 2023 and that all Members were welcome to attend. The Chair also informed

Council of her upcoming race night to raise funds for her Charity, the Soldiers, Sailors and Airforce Families Association (SSAFA). She thanked Councillor H Liggett for her work in helping to organise this.

RESOLVED – That Council noted the announcements of the Chair of the Council, Councillor D Ruff (by acclamation).

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

**/69/2**

**2-23**

The Leader of the Council, Councillor A Dale, highlighted the Council's commitment to support all of the District's residents through the Cost of Living Crisis. As part of this he explained that membership fees at the Council's Leisure Centres had been frozen in order to help them.

Councillor A Dale explained that the Council's bid for Levelling Up fund grant aid had not been successful. However, the important work which had gone into producing the Eckington Masterplan would be invaluable in helping the Council to prepare a further bid to the Fund in the future. He also reminded Members about the Council's successes when applying for grant aid and in particular, how over £30 million had been secured in order to improve the District's town centres, make Council houses warmer and greener and to improve the energy efficiency of the Council's leisure centres.

Councillor A Dale informed Members that Council was committed to working alongside the Eckington Parish Council to help progress plans for a destination park at Lansbury, and had already committed £2,000 towards this.

Members were also informed that round two of funding for the UK Shared Prosperity Quality Parks and Play Areas scheme had opened and that all Parish Councils would eligible to apply.

The Leader of the Council praised the hard work of the Environmental Health and Street Scene teams and highlighted work that they had carried out on fly tipping. Members heard that fly tipping reports were down 20% when compared with 2019.

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

**COU** **Medium Term Financial Plan 2022/23 - 2026/27**

**/70/2**

**2-23**

The report to Council that sought approval for the current budget for 2022/23 and original budget for 2023/24 for the General Fund, Housing Revenue Account and Capital Programme, as part of the Council's Medium Term Financial Plan covering the years 2022/23 to 2026/27.

Members were informed that Cabinet considered and endorsed the proposals at its meeting on 26 January 2023. The recommendations from Cabinet were now referred to Council for consideration and approval.

The Chair agreed to consider the report recommendations in two parts. Council would consider recommendations 1-7 (relating to the General Fund)

followed by recommendations 8-13 (relating to the Housing Revenue Account).

Council was informed of the projected budget shortfall for the 2023-24 financial year and the reasons for this. Members also heard how it would be addressed by drawing on its Resilience Reserve, which would be replenished through savings to be identified and achieved during the year. The report also explained that current projections suggested that the further use of the Resilience Reserve would not be required in the future years covered by the MTFP.

The Portfolio Holder for Economy, Transformation and Climate Change, Councillor J Kenyon, explained that through effective financial management the Council was in a better position than many other local authorities, despite the impact of Inflation, the Covid Pandemic and the energy crisis. Members heard that because of this effective financial management the Council would not need to make large cuts to its budgets over the life of the Plan. Councillor J Kenyon thanked the Director of Finance and Resources and her team for their contribution to this.

Councillor J Kenyon and Councillor A Dale moved and seconded a Motion that Council approve recommendations 1-8 of the report. Councillor A Dale reserved his right to speak.

Councillors N Barker and J Funnell gave thanks to the Director of Finance & Resources and their team for their work on this during a difficult period.

Councillors N Barker, R Shipman and J Funnell spoke against the Motion. They queried the use of the Resilience Reserve to meet the projected shortfall and contended that the Plan did not identify the permanent financial reductions required to balance the budget. In this context Councillor J Funnell highlighted the cost to the Council of Planning Appeals. Concerns were also raised that Rykneld Homes Ltd (RHL) had not been given the option to make additional budget savings rather than have to impose higher rent increases on tenants. The Leader of the Council, Councillor A Dale contested this.

The Leader of the Council, Councillor A Dale, highlighted the Council's successful financial management which had enabled it to protect services and to minimise the impact on residents. In this context he reminded Members that the proposed increase in the Council Tax of 2.99% would be well below the level of inflation.

Councillor A Dale explained how the Resilience Reserve had been established to help the Council to meet such financial shortfalls. He highlighted the ways in which it differed from other reserves held by the Council.

Councillor A Dale signified his support for the Council's Planning Committee and believed it was vital that if Committee made a decision to oppose an application, the Council should be prepared to support this.

Councillor J Barry raised concerns over terms used by the Leader of the

Council in his comments.

The Portfolio Holder for Economy, Transformation and Climate Change, Councillor J Kenyon emphasised the fact that a 2.99% rise would equate to a 5% cut in real terms. He also drew Members attention to the various cost cutting measures which the Council had taken such as; a reduction in energy use, team restructuring and, procurement. He reminded Members that the use of the Resilience Reserve in this way would not have to be repeated in future years

At the conclusion of the discussion the motion to approve recommendations 1-7 of the report was put to the vote. As required by law this was taken as a recorded vote. The motion was approved.

For: 26

Councillors P Wright, R Welton, M Thacker MBE JP, K Tait, B Strafford-Stephenson, D Ruff, M Roe, C Renwick, A Powell, M Potts, A Platts, H Liggett, B Lewis, J Kenyon, A Hutchinson, R Hall, M Foster, A Foster, M Emmens, P Elliott, D Drabble, L Deighton, A Dale, C Cupit, S Clough, W Armitage

Against: 5

Councillors R Shipman, K Rouse, D Hancock, J Funnell, A Cooper

Abstentions: 14

Councillors B Wright, T Reader, S Pickering, G Morley, J Lilley, T Lacey, P R Kerry, M Jones, L Hartshorne, K Gillott, S Cornwell, J Birkin, J Barry, N Barker

RESOLVED – That:

- (1) The view of the Director of Finance & Resources, that the estimates included in the Medium Term Financial Plan 2022/23 to 2026/27 are robust and that the level of financial reserves are adequate at this time, be accepted.
- (2) Officers report back to Cabinet and the Audit and Corporate Governance Scrutiny Committee on a quarterly basis regarding the overall position in respect of the Council's budgets.
- (3) A Council Tax increase of £5.93 will be levied in respect of a notional Band D property (2.99%).
- (4) The Medium Term Financial Plan in respect of the General Fund as set out in the report to Cabinet (Appendix 1) be approved as the Current Budget 2022/23, as the Original Budget 2023/24, and as the financial projections in respect of 2024/25 to 2026/27.
- (5) The shortfall in the General Fund budget for 2023/24 as set out in Appendix 1 be met from the resilience reserve.
- (6) The General Fund Capital Programme be approved as the Current Budget in respect of 2022/23, and as the Approved Programme for

2023/24 to 2026/27.

- (7) Any under spend in respect of 2022/23 be transferred to the Resilience Reserve to provide increased financial resilience for future years of the plan.

The Chair of the Council indicated that she intended to leave the meeting for the remainder of the item dealing with the Housing Revenue Account as she had a Disclosable Pecuniary Interest. By acclamation Councillor B Lewis took the Chair.

Councillors D Ruff, M E Thacker MBE, S Clough, R Welton left the room for the remainder of the discussion on Item 6; Medium Term Financial Plan, as they were Board Members for RHL.

The Portfolio Holder for Economy, Transformation and Climate Change, Councillor J Kenyon reminded Members that the proposed rise of 5% for Council rents was below the 7% Government limit, which would help to limit the additional burden on tenants. It would also enable much needed investment to help improve the housing stock and to make it more energy efficient. He also highlighted that the rents charged would remain well below to those charged by other landlords.

Councillors D Hancock, N Barker and R Shipman spoke against the recommendations, they suggested that a rise of 5% on rents would hit residents at a time when other bills were also increasing. They indicated that a 4% increase might be more appropriate

Councillors B Lewis and A Dale spoke in favour of the recommendations, stating that the 5% rise in rents was necessary in order to provide resilience and allow for contingency. Councillor J Kenyon, reiterated that the proposed 5% increase was already a massive real term cut and that any less than this would equate to £1.6 million lost per administration.

Councillor J Kenyon and Councillor A Dale moved and seconded a motion to approve recommendations eight to 13 as set out in the report. The motion was put to the vote. As required by law this was taken as a recorded vote. The motion was tied. On the Temporary Chair's Casting Vote the motion was passed.

For: 20

Councillors P Wright, K Tait, B Trafford Stephenson, M Roe, C Renwick, A Powell, A Platts, H Liggett, B Lewis, J Kenyon, A Hutchinson, M Foster, A Foster, M Emmens, P Elliott, D Drabble, L Deighton, A Dale, C Cupit, W Armitage

Against: 20

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

Abstentions: 1

Councillor R Hall

RESOLVED – That:

- (1) Council sets its rents levels for 2023/24 by increasing rents by 5% from 1st April 2023.
- (2) All other charges be implemented in line with the table shown in Appendix 1 with effect from 1 April 2023.
- (3) The Medium Term Financial Plan in respect of the Housing Revenue Account as set out in the report to Cabinet (Appendix 1) be approved as the Current Budget in respect of 2022/23, as the Original Budget in respect of 2023/24, and the financial projection in respect of 2024/25 to 2026/27.
- (4) The HRA Capital Programme be approved as the Current Budget in respect of 2022/23, and as the Approved Programme for 2023/24 to 2026/27.
- (5) The Management Fee for undertaking housing services at £10.612m and the Management Fee for undertaking capital works at £1.1m to Rykneld Homes in respect of 2023/24 be approved.
- (6) Members endorse the section in the current Financial protocol which enables the Council to pay temporary cash advances to Rykneld Homes in excess of the management Fee in order to help meet the cash flow requirements of the company should unforeseen circumstances arise in any particular month.
- (7) Members note the requirements to provide Rykneld Homes with a 'letter of comfort' to the company's auditors and grant delegated authority to the Council's Assistant Director – Finance & Resources in consultation with the Portfolio Member for Finance to agree the contents of that letter.

**COU Treasury Strategy Reports 2023/24 -2026/27**

**/71/2**

**2-23**

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

The Portfolio Holder for Economy, Transformation & Climate Change, Councillor J Kenyon, presented a report to Council that provided Council with the necessary information in order to approve the Council's suite of Treasury Strategies for 2023/24 to 2026/27. He highlighted that no new borrowing was planned for 2023/24 and over the previous year, total borrowing had reduced by £2.2 million and was now £147 million. This figure would rise slightly in future years to support investments such as Sharley Park and Whiteleas but would be slightly less in four years' time due to inflation reducing from current levels.

Councillor R Shipman queried whether more could be done to increase the rate of return on the Council's investments

Councillor J Kenyon responded that it was important to remain cautious with public money as other Councils had made some unwise investments in the past.

Councillor J Kenyon and Councillor A Dale moved and seconded the recommendations as contained within the report. The motion was put to the vote and was approved by acclamation.

**RESOLVED** – That:

- 1) Council approve the Treasury management Strategy at Appendix 1 and in particular:
  - a. Approve the Borrowing Strategy
  - b. Approve the Investment Strategy
  - c. Approve the use of the external treasury management advisor Counterparty Weekly List (or similar) to determine the latest assessment of the counterparties that meet the Council's criteria before any investment is undertaken.
  - d. Approve the Prudential Indicators
- 2) Council approve the Capital Strategy as set out in Appendix 2 and in particular:
  - a. Approve the Capital Financing Requirement
  - b. Approve the Minimum Revenue Provision Statement for 2023/24
  - c. Approve the Prudential Indicators for 2023/24, in particular:
    - i. Authorised Borrowing Limit of £217.5m
    - ii. Operational Boundary of £212.5m
    - iii. Capital Financing Requirement of £207.5m
- 3) Council approve the Investment Strategy as set out in Appendix 3.
- 4) That Council approve the Flexible Use of Capital Receipts Strategy at Appendix 4

**COU** **Review of the Council's Policy under the Gambling Act 2005**

**172/2**

**2-23**

The Portfolio Holder for Council Services, Councillor M Foster, presented Council with a report that invited Council to adopt the revised draft Gambling Act 2005 Statement of Licensing Principles together with the draft Gambling Act 2005 Local Area profile.

Council was informed that in 2018 an extensive review had been undertaken in order to ensure that the Council's Policy was consistent with the Gambling Commission's guidance. The Joint Environmental Health Service conducted an initial review of the Policy and the Local Area Profile (LAP), and identified a number of minor amendments necessary to bring the Policy up to date with the GLA and local demographics.



Following a lengthy public consultation and member scrutiny, a recommendation has now been made to Council for them to adopt the revised policy.

Councillor M Foster proposed and Councillor H Liggett seconded a motion to approve the recommendations as set out in the report. The motion was put to a vote and was approved by acclamation.

**RESOLVED** – That:

- 1) Council approve the recommendations from the Licensing and Gambling Act Committee that the final draft Gambling Act 2005: Statement of Principles and Local Area profile be adopted to take effect on 13<sup>th</sup> March 2023.
- 2) Council require the Joint Assistant Director – Environmental Health to follow the formal process to adopt the final draft Gambling Act 2005: Statement of Principles and Local Area Profile.

**COU Public Participation**

***173/2***

**2-23**

There were no questions from the public.

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

***174/2***

**2-23**

No questions were submitted.

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

***175/2***

**2-23**

Motion A – Councillor Barker

Councillor N Barker withdrew his motion.

**COU Chair's Urgent Business**

***176/2***

**2-23**

There was no urgent business.