

COUNCIL

MINUTES OF MEETING HELD ON MONDAY, 6 MARCH 2023

Present:

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

Councillor Pat Antcliff	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 Oscar Gomez Reaney	Councillor Roger Hall
Councillor David Hancock	Councillor Lee Hartshorne
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 Stephen Pickering	Councillor Alex Platts
Councillor Maureen Potts	Councillor Alan Powell
Councillor Carolyn Renwick	Councillor Michael Roe
Councillor Kathy Rouse	Councillor Ross Shipman
Councillor Lee Stone	Councillor Bentley Strafford-Stephenson
Councillor Kevin Tait	Councillor Richard Welton
Councillor Philip Wheelhouse	Councillor Pam Windley
Councillor Philip Wright	

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 and Monitoring Officer
L Ingram	Legal Team Manager & Deputy Monitoring Officer
A Maher	Interim Governance Manager
A Bond	Governance Officer
T Scott	Governance and Scrutiny Officer
M E Derbyshire	Members ICT & Training Officer
J Taylor	Personal Assistant

COU Apologies for Absence

177/2

2-23 Apologies for absence were received from Councillors B Hill, P Parkin, A Hutchinson, T Reader, J Ridgway and B Wright.

COU Declarations of Interest

/78/2

2-23 None

COU Minutes of Last Meeting

/79/2

2-23 RESOLVED –

That the Minutes of the meeting held on Monday, 30 January 2023 were approved as a true and accurate record.

COU Chair's Announcements

/80/2

2-23

The Chair of the Council, Councillor D Ruff, praised the action which had been taken to remove an illegal encampment within the District. Councillor D Ruff, also thanked those who had attended her Memorial Service for the late Queen, which had been held at All Saints Church in Wingerworth. The Chair of the Council reminded Members of her forthcoming charitable events in support of the Soldiers, Sailors and Airforce Families Association (SSAFA).

Finally, Councillor D Ruff informed Council Members that a series of briefing sessions would be arranged for Candidates and Agents for the Local Government elections, on Thursday 4 May 2023.

RESOLVED –

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

COU Leader's Announcements

/81/2

2-23

The Leader of the Council, Councillor A Dale, thanked all Members for their services to local Communities and the District as a whole since the last local government elections, in May 2019. He reflected on the challenges which the Council had faced over these years. They included the Covid 19 Pandemic, addressing locally the Climate Change Emergency and helping the District's residents and businesses with the Cost of Living Crisis. As part of this, the Leader of the Council explained how the Council had supported vulnerable people during the Pandemic lock-downs, took action to increase Re-cycling and reduce the Council's Carbon Footprint, by improving the District's Leisure Centres and providing advice and support to help local people and businesses save on their energy costs.

Members were reminded that significant improvements had been made to the Council's Planning Service during recent years. In particular, the Planning Enforcement Service had more than doubled in size, which meant that it could now take action against those who built developments without planning permission. Councillor A Dale referred to the Clay Cross Town Deal, the Eckington Master Plan and the Council's success in securing £2.5M from the UK Shared Prosperity Fund for improvements to parks, play areas and other initiatives across the District. He also reminded Council of the generous support from the local community for those victims of the war in Ukraine who were now

guests in North East Derbyshire.

RESOLVED –

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

COU Talent Pipeline - Presentation

/82/2

2-23

The Council's Managing Director gave a presentation on the 'Talent Pipeline' initiative. He explained how the initiative would enable the Council to carry out workforce planning, in line with its objectives, how it would help existing staff to develop their careers as North East Derbyshire District Council employees and create new employment opportunities in the District.

Council discussed the presentation. As part of this Councillor J Birkin asked for and received clarification of Staff and Trade Union involvement in developing the initiative. Councillor R Hall asked for and received information about staff retention issues within the Council. Councillor D Hancock commented on the format of Talent Pipeline Strategy Document. Councillor J Barry asked for clarification on the use of skills assessments and work experience placements by Council services.

Councillors H Liggett, J Kenyon, C Cupit and D Ruff welcomed the initiative. They emphasised the valuable contribution it would make to Workforce Development across the Council. At the conclusion of the discussion the Chair of the Council thanked to the Managing Director and other officers for their work on developing and implementing the Talent Pipeline.

RESOLVED –

That Council noted the presentation on the Talent Pipeline (by acclamation).

COU Level of Council Tax 2023-24

/83/2

2-23

The report of the Portfolio Holder for Economy, Transformation and Climate Change reminded Members that under the Localism Act 2011 the Council was responsible for calculating the total Council Tax requirements as a whole for the North East Derbyshire area. These included the requirements of the other participating bodies Members heard that the approved demand on the Collection Fund in respect of this Council is one of £6,659,905. Table 2.5 of the report detailed the Council Tax amounts for the year by area and for the Valuation Bands A to H

Councillor J Kenyon and Councillor A Dale moved and seconded a Motion that Council formally approve the Council Tax for the Financial Year 2023/24, as set out in the report.

The Motion was put to the vote and was agreed. As required by law a recorded vote was taken.

For: 47

Councillors P Wright, P Windley, P Wheelhouse, R Welton, M Thacker MBE JP, K Tait, L Stone, B Strafford-Stephenson, R Shipman, D Ruff, K Rouse, M Roe, C Renwick, A Powell, M Potts, A Platts, S Pickering, G Morely, J Lillely, H Liggett, B Lewis, T Lacey, P R Kerry, J Kenyon, M Jones, L Hartshorne, D Hancock, R Hall, O Gomez Reaney, K Gillott, J Funnell, M Foster, A Foster, M Emmens, P Elliott, D Drabble, L Deighton, A Dale, C Cupit, S Cornwell, A Cooper, S Clough, J Birkin, J Barry, N Barker, W Armitage, P Antcliff

Against: 0

Abstentions: 0

RESOLVED –

That Council formally approved the Council Tax for the Financial Year 2023/24, as set out in the report.

COU **Auditors Annual Report 2021-22**

/84/2

2-23

Council considered the Annual Audit Letter for the 2021/22 Financial Year. The report, which had been prepared by the Council's External Auditors, Mazars LLP summarised the work carried out during the year. This included the audit of the Council's Financial Statements, its Value for Money arrangements and Financial Sustainability.

Councillor J Kenyon and Councillor M E Thacker MBE JP moved and seconded a Motion that Council note the report.

The Motion was put to the vote and was approved by acclamation.

RESOLVED –

That Council noted the Auditors Annual Report for the Financial Year 2022-23, prepared by the Council's External Auditors, Mazars LLP.

COU **Pay Policy Statement**

/85/2

2-23

The Managing Director and Head of the Paid Service presented the Council's Pay policy Statement for 2023-24. Members heard that the Statement set out the Council's policy on pay for Senior Managers and other employees, as required under Section 38 of the Localism Act 2011 and Supplementary Guidance 2013.

Councillor A Dale and Councillor M Foster moved and seconded a Motion to approve the Pay Policy Statement. The motion was put to the vote and approved (by acclamation.)

RESOLVED –

That Council approved the Council's Pay Policy Statement for 2023-24.

COU **Members Allowances**

/86/2

2-23

The report of the Assistant Director of Governance and Monitoring Officer set out the recommendations of the recent Independent Review Panel (IRP) on the Council's Members Allowance Scheme. The report explained that the Scheme provided for an annual increase in Allowances, based on the yearly pay award to employees. However, Council was reminded that as part of the current pay award employee pay had increased by a flat rate of £1925 rather than by a percentage figure. Consequently, it had been necessary for the Panel to recommend to Council how its Allowances should now be increased.

Members discussed the Independent Review Panel recommendations. As part of this Councillor A Dale as Leader of the Conservative Group indicated that his Members would have a free vote on whether or not to accept the Panel's recommendations. In this context, he had agreed to move a Motion to support the recommendations, so that Council could decide if it wished to accept the proposed increase. The Leader of the Council made clear that he would vote against the increase. He explained his reasons for this and in particular, highlighted the financial challenges facing the Council and the District.

Councillor N Barker as Leader of the Labour Group also recognised the difficulty of the decision and indicated that this Group would have a free vote on the recommendations. He made clear that he would support the recommendations and would vote for them because it was important to respect the independence of the Panel.

Councillors R Hall, M E Thacker MBE JP and J Kenyon argued that the Council ought to respect the independence of the Review Panel and accept its recommendations, as it had done on previous occasions. They noted that the proposed increases to Members' Allowances had been bench marked against other local authorities and would help to ensure that the District's Councillors received fair and appropriate allowances.

Councillors D Hancock, R Shipman and D Ruff spoke against the recommendations. They felt that the proposed increase would be inappropriate, given the Cost of Living Crisis facing many people in the District and the financial pressures facing the Council.

At the conclusion of the discussion Councillor A Dale and Councillor C Cupit moved and seconded a motion to approve the Independent Review Panel's recommendations, as set out in the report. The motion was put to the vote, which was taken as a recorded vote. The motion was approved.

For: 34

Councillors P Wheelhouse, R Welton, M Thacker MBE JP, K Tait, L Stone, B Trafford-Stephenson, K Rouse, M Roe, C Renwick, A Powell, M Potts, A Platts, S Pickering, G Morley, H Liggett, B Lewis, P R Kerry, J Kenyon, M Jones, L Hartshorne, R Hall, O Gomez Reaney, K Gillott, J Funnell, M Foster, A Foster, M Emmens, P Elliott, D Drabble, L Deighton, S Cornwell, A Cooper, J Birkin, N Barker, W Armitage

Against: 11

Councillors P Wright, P Windley, R Shipman, D Ruff, D Hancock, M Emmens, A Dale, C Cupit, S Clough, J Barry, P Antcliff

Abstentions: 2

Councillors J Lilley and T Lacey

RESOLVED –

Council accepted the recommendations of the Independent Review Panel on the Members Allowance Scheme. That following on from this:

1. The Basic Allowance for Members and Special Responsibility Allowances for Members is increased by 4.04%
2. The increase is back dated to 1 April 2022
3. That the Monitoring Officer is authorised to amend the Members' Allowances Scheme to include an alternative mechanism for increasing the allowances of linking the increases to the percentage increase in scale point 43 of the employee pay scales.

COU Public Participation

/87/2

2-23 There were no questions from the public.

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

/88/2

2-23 No questions were submitted.

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

/89/2

2-23 MOTION 'A'

Members considered a motion submitted by Councillor P Windley, which called on the Council to produce a plan on how to improve and properly resource litter picking. It also called on the Council to campaign against and combat litter across the District. The full text of Councillor P Windley's Motion, set out as Motion 'A', was included on the agenda for the meeting.

The Deputy Leader of the Council and Portfolio Holder for Environmental Services, Councillor C Cupit, responded to the Motion. She praised the work of the Council's Streetscene service and its excellent performance in carrying out Street Cleaning and Litter Picking across the District. The Council had maintained the frequency of this work, not reduced it. The Deputy Leader also highlighted the Council's efforts to discourage littering and the enforcement action which had been against offenders. This included an increase in the fixed penalty amount for littering from £80 to £150.

Councillors H Liggett, A Foster, A Dale and, M Foster supported these views. They praised the work of Streetscene team and welcomed the added support provided by local people who wanted to help keep their communities clean.

Councillors N Barker, A Cooper, M Jones, and D Hancock supported the Motion. They stressed their support for Streetscene service and argued that the Council's litter picking services would need to be properly resourced in order to tackle the ongoing problem.

Councillor P Windley used her right of reply to stress that the motion was not a criticism of Streetscene but emphasised that as littering had increased the problem would need to be properly addressed.

Councillor D Hancock seconded the Motion. He made clear that it was not a criticism of Streetscene, but recognition that more resources would be required in order to tackle the problem.

At the conclusion of the discussion the Motion was put to the vote and defeated.

MOTION 'B'

Members considered a motion submitted by Councillor D Hancock which called on the Managing Director, the Leader of the Council and other Group Leaders to express the Council's opposition to the introduction of Photo Identification for the Local Elections on Thursday 4 May 2023. The full text of Councillor D Hancock's Motion, set out as Motion 'B', was included on the agenda for the meeting.

Councillor D Hancock moved the Motion. He raised concerns over the inconsistencies over what form of Photo ID could be used and how this might disadvantage younger people. He questioned whether the new rules were required, as most electoral fraud involved postal votes, which would not require Photo ID.

Councillor R Shipman seconded the Motion but reserved his right to speak.

Councillors S Cornwell and N Barker supported the Motion. They expressed their concern that the Photo Identification might make it more difficult for people to vote at polling stations. Concern was also expressed about the impact on polling station staff, if those seeking to vote without the necessary Photo Identification had to be turned away.

The Cabinet Portfolio Holder for Council Services, Councillor M Foster, and the Leader of the Council, Councillor A Dale, made clear that they would not support the Motion. They highlighted the wide variety of easily obtainable forms of Photo Identification that could be used and the extensive national and local communications campaigns to explain the new arrangements. They emphasised that the new rules would help to ensure that the electoral process remained free and fair, by preventing voter fraud at polling stations. Councillor R Hall also indicated that he also would not support the Motion for similar reasons.

Councillor R Shipman reiterated the concerns about the potential impact on staff if they were forced to turn away voters who did not have the correct Photo ID. The Monitoring Officer explained what action would be taken to help manage this.

Councillor D Hancock exercised his right of reply. He contended that there may be fewer Police available to cope with possible disorder. The Chair of the Council, Councillor D Ruff, argued that the Police were aware of the issues and able to respond to them.

At the conclusion of the debate the Motion was put to the vote and was defeated.

MOTION 'C

Members considered a motion submitted by Councillor R Shipman which called for the Chairs and Vice Chairs of Council Committees to be appointed on the basis of political proportionality between the different groups and for this requirement to be included in the Constitution of the Council. The full text of Councillor R Shipman's motion, set out as Motion 'C', was included on the agenda for the meeting.

Councillor R Shipman moved the Motion. He informed Members that he wanted to make the system fairer and encourage cross-Party working within Committees. He had worked with the Monitoring Officer to create an example of a proportionate system.

Councillor D Hancock seconded the motion but reserved his right to speak.

Councillors N Barker, R Hall, A Dale, M Foster and K Gillott spoke against the motion. Councillors N Barker, A Dale, M Foster and K Gillott argued that while they had some sympathy for the Motion, it would not be right to restrict the ability of a controlling group to administer the Council. Councillor R Hall raised concerns about whether such changes to the Constitution should be made at a meeting of Council, without first receiving appropriate review and scrutiny. Councillor M Thacker MBE JP contended that although Vice Chairs and Chairs should not necessarily be from the controlling group, the decision on this should not be taken until after the election.

Councillor D Hancock argued that it was important that appointments to Chairs and Vice Chairs of the Council's Committees be made on a politically proportional basis and that this principle should be set out in the Constitution.

Councillor R Shipman used his right of reply to reiterate that this would be a fair approach for all groups which should be adopted as part of the Constitution.

At the conclusion of the debate the Motion was put to the vote and was defeated.

COU Chair's Urgent Business (Public)

/90/2

2-23

There was no urgent business.

COU Exclusion of the Public

/91/2

2-23

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 Paragraphs 1 and 2, Part 1 of Schedule 12A to the Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006).

COU **Councillor Dispensation**

/92/2

2-23

Members gave consideration to an application by a Member of North East Derbyshire District Council for an extension of the dispensation from the 'six month rule' requiring them to attend meetings.

RESOLVED –

Council:

1. Determined that Councillor Bette Hill be granted an extension to the previously granted dispensation from attending meetings of the Council and its Committees under Section 85 of the Local government Act 1972.
2. That the dispensation granted to Councillor B Hill run for 6 months, commencing on Friday 10 March 2023 and expiring 9 May 2023.
3. That Councillor B Hill be informed of the Council's decision on this matter (by acclamation).

COU **Chair's Urgent Business (Private)**

/93/2

2-23

There was no urgent business.