

## **COUNCIL**

### **MINUTES OF MEETING HELD ON MONDAY, 22 MAY 2023**

#### **Present:**

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

Councillor Pat Antcliff	Councillor Neil Baker
Councillor Nigel Barker	Councillor Jayne Barry
Councillor Graham Baxter MBE	Councillor Richard Beech
Councillor Joseph Birkin	Councillor David Cheetham
Councillor Kathy Clegg	Councillor Stephen Clough
Councillor Andrew Cooper	Councillor Suzy Cornwell
Councillor Charlotte Cupit	Councillor Michael Durrant
Councillor Alex Dale	Councillor Lilian Deighton
Councillor Peter Elliott	Councillor Michelle Emmens
Councillor Stuart Fawcett	Councillor Clive Fletcher
Councillor Mark Foster	Councillor Christine Gare
Councillor Kevin Gillott	Councillor David Hancock
Councillor Lee Hartshorne	Councillor Daniel Higgon
Councillor Pam Jones	Councillor William Jones
Councillor Pat Kerry	Councillor Carol Lacey
Councillor Tony Lacey	Councillor Heather Liggett
Councillor Gerry Morley	Councillor Fran Petersen
Councillor Stephen Pickering	Councillor Stephen Reed
Councillor Carolyn Renwick	Councillor Michael Roe
Councillor Kathy Rouse	Councillor Ross Shipman
Councillor Derrick Skinner	Councillor Caroline Smith
Councillor Christine Smith	Councillor Mick Smith
Councillor Richard Spooner	Councillor Lee Stone
Councillor Frank Adlington-Stringer	Councillor Kevin Tait
Councillor Helen Wetherall	Councillor Richard Welton
Councillor Pam Windley	

#### **Also Present:**

L Hickin	Managing Director – Head of Paid Service
M Broughton	Director of Growth & Assets
J Dethick	Director of Finance & Resources (Section 151 Officer)
S Sternberg	Assistant Director of Governance & Monitoring Officer
A Maher	Interim Governance Manager
A Bond	Governance Officer
T Scott	Governance & Scrutiny Officer
M E Derbyshire	Members ICT & Training Officer

**COU** **Election of the Chairman of the Council**

**/1/23**

**-24**

The retiring Chair of the Council, Mrs Diana Ruff, called for nominations for the election of a new Chair of the Council for the 2023-24 Municipal Year. Councillor N Barker and Councillor P Kerry moved and seconded a Motion that Councillor M E Thacker MBE be elected as Chairman of the Council. The Motion was put to the vote and was agreed. Councillor D Skinner asked that it be recorded in the minutes that he did not support the Motion.

RESOLVED -

That Councillor M E Thacker MBE be elected Chairman of the Council for the 2023/24 Municipal Year (by acclamation).

**COU** **Address of Gratitude to Members by the Newly Elected Chairman of the Council**

**/2/23**

**-24**

Councillor M E Thacker MBE accepted his election as Chairman of the Council. He solemnly swore the Oath of Office to carry out, to the best of abilities, his duties and responsibilities as Chairman of the Council. And that in doing so he would bear true allegiance to His Majesty The King.

The Chairman of the Council, Councillor M E Thacker MBE, thanked Members for their support and for electing him to once again serve as Chairman of the Council. He made clear that he would carry out this role in the interests of the Council and Councillors as a whole, regardless of their party-political affiliation.

Councillor M E Thacker MBE confirmed that he intended to support Ashgate Hospice through his Charitable Appeal for the year. In this context he highlighted a programme of planned fundraising events over the coming months.

The Chairman of the Council indicated that he had appointed the Reverend Nick Green to be his Civic Chaplain for the year. The Reverend Green confirmed that he accepted the appointment and swore a formal Oath of Office to carry out the duties of this post.

The Chairman of the Council also appointed his Civic Cadets for the year and presented them with their Badges of Office.

**COU** **Address of Gratitude to the Outgoing Chair of the Council**

**/3/23**

**-24**

The Chairman of the Council thanked the retired Chair, Mrs Diana Ruff, for her services to the Council and the District during her term of office. He stressed that she had carried out her role with fairness and dignity at a time of great emotion and historical significance for the Community. These included mourning for her Late Majesty Queen Elizabeth II, the Proclamation of his Majesty King Charles III and the District's celebration of the King's Coronation. He also drew attention to her work in the community, her support for the Soldiers, Sailors and Airforce Families Association (SSAFA) through her Charitable Appeal and her commitment to the Armed Forces Community,

including the very successful Armed Forces Fun Day.

Councillor A Dale and Councillor N Barker also congratulated Mrs Diana Ruff on her successful term as Chair of the Council. They thanked her for the important contribution which she had made to the Council, to the Armed Forces Community and to the District as whole.

Councillor M E Thacker MBE presented Mrs Diana Ruff with the Past Chair of the Council medal as a token of appreciation.

Mrs D Ruff thanked Members for their kind words. She stressed that it had been a privilege to serve as Chair of the Council, especially at such an historic time for the Country as a whole. She also highlighted her Charitable Appeal in support of SSAFA and which was expected to have raised over £6,000. In this context, Mrs Ruff thanked all those who had helped her by organising community fund raising events. She gave special thanks to Councillors P Antcliff and H Liggett for their assistance.

Concluding her comments, Mrs Diana Ruff wished all Members and the Council as a whole, well during the four-year Term of Office which had now begun.

RESOLVED -

That Mrs Diana Ruff be thanked for carrying out the office of Chair of the Council during the 2022-23 Municipal Year (by acclamation)

**COU Apologies for Absence**

**/4/23**

**-24** Apologies for absence were received from Councillor N Morley

**COU Declarations of Interest**

**/5/23**

**-24** None

**COU Minutes of the Last Meeting**

**/6/23**

**-24** RESOLVED –

That the Minutes of the meeting held on Monday, 6 March 2023 were approved as a true and accurate record.

**COU Election of the Vice-Chair of the Council**

**/7/23**

**-24** Councillor N Barker and Councillor Christine Smith moved and seconded a Motion that Councillor G Morley be elected as Vice Chair of the Council for the 2023-2024 Municipal Year.

RESOLVED –

That Councillor G Morley be appointed Vice Chair of the Council for the 2023-2024 Municipal Year (by acclamation).

**COU** **Election of the Leader of the Council**

**/8/23**

**-24**

Councillor J Barry and Councillor T Lacey moved and seconded a Motion that Councillor N Barker be elected as Leader of the Council.

RESOLVED –

That Councillor N Barker is elected as Leader of the Council (by acclamation)

**COU** **Address of Gratitude to Members by the Newly Elected Leader of the Council**

**/9/23**

**-24**

Councillor N Barker thanked Members for electing him as Leader of the Council. He then thanked Councillor A Dale and C Cupit, the former Leader and Deputy Leader of the Council, for their work during the previous Administration and especially for helping the Council to respond effectively to the Covid Pandemic. He also thanked the Council's staff for their hard work in successfully organising the District and Parish Council elections.

Councillor N Barker congratulated all Members on their election as Councillors for the 2023-27 term of office. He also gave thanks to the former Members for their contribution to the Council and their communities. He gave special thanks to former Councillor Bette Hill for her contribution to the Council. He asked Members to join with him in wishing her best wishes for the future. Council concurred with this.

The Leader of the Council informed Members of the recent death of former North East Derbyshire District Councillor, Pete Riggitt. Councillor N Barker mentioned the many contributions which he had made to the District, including his service as a Councillor, County Councillor and as the former Chair of Clay Cross Parish Council. Councillor N Barker expressed his condolences to former Councillor Riggitt's family. With the agreement of the Chairman of the Council, Councillor Martin Thacker MBE, a minute's silence was observed in memory of former Councillor P Riggitt

Council heard that the new Administration would seek to work in an inclusive and transparent way. As part of this inclusive approach, specific positions would be appointed to on a cross party basis. These included the post of Chairman of the Council and the Vice Chairs of some of the committees.

The Leader of the Council also explained the new Administration's goals and objectives. He made clear that it would seek to tackle Climate Change locally, increase the number of affordable houses in the District and provide additional resources to help combat anti-social behaviour and promote Community Safety.

The Leader of the Council highlighted his commitment to combatting the impact of the Cost-of-Living Crisis on the District and especially on those who were most vulnerable. In this context he made clear that grant aid would now once again be provided to the Derbyshire Unemployed Workers Centre.

**COU** **Composition of the Cabinet**

**/10/2**

**3-24**

The Leader of the Council, Councillor N Barker, informed Council of the Cabinet Members and their Portfolios appointed for the 2023-24 Municipal Year.

Councillor N Barker

Leader and joint Portfolio Holder for Strategic Leadership & Finance

Councillor P Kerry

Deputy Leader and joint Portfolio Holder for Strategic Leadership & Finance

Councillor J Birkin

Portfolio Holder for Council Services

Councillor J Barry

Portfolio Holder for Growth & Assets

Councillor S Pickering

Portfolio Holder for Environment & Place

Councillor K Rouse

Portfolio Holder for Health & Leisure

RESOLVED –

That Council noted the Cabinet for the 2023/2024 Municipal Year.

**COU** **Review of the Audit Committee Structure and Terms of Reference**

**/11/2**

**3-24**

The report to Council set out the Chartered Institute of Public Finance Accountants (CIPFA) updated Position Statement on Audit Committees in Local Authorities. Members were asked to agree several recommendations that would, it was explained, demonstrate that the Council had sought to meet the principles set out by the Chartered Institute in its Position Statement. In particular, Council was recommended to establish a specific Audit Committee, to provide an independent and high-level focus on the adequacy of governance, risk, and control across the Council.

This new Audit Committee, it was explained, would replace the existing Audit and Corporate Governance Scrutiny Committee. It would not have a scrutiny function. Two independent Members from outside of the Council would also be appointed to the Committee.

Council discussed the proposed arrangements. At the conclusion of the discussion Councillor J Barry and Councillor J Birkin moved and seconded the recommendations as set out within the report. The Motion was put to the vote and was approved.

## RESOLVED –

That:

- (a) That in accord with the CIPFA position statement in their position statement on Audit Committees as detailed in the report and approved:
  - The separation of the audit and scrutiny functions
  - A refresh of the terms of reference for the Audit Committee in the Constitution
  - Recruitment of co-opted independents as required, taking account of the overall knowledge and expertise of the existing membership
- (b) The Assistant Director of Governance is given delegated in consultation with the Chair of Audit Committee to amend the Schedule of Meeting Dates to provide for appropriate dates for the new Audit Committee to meet over the 23/24 Corporate year.
- (c) The Director of Finance & Resources (S151 Officer) is given delegated power in consultation with the Chair of Audit Committee to run the recruitment process for the co-opted independents, for the Council to then make the decision on their appointment.

### **COU Proposals for Scrutiny Committees**

**/12/2**

**3-24**

The report to Council set out specific proposals to establish a new structure of four Scrutiny Committees. These committees would be:

- Business Scrutiny Committee
- Communities Scrutiny Committee
- Environment Scrutiny Committee
- Services Scrutiny Committee

The changed structure, it was explained, would help to align the committees to the developing Council Plan and to help provide ‘checks and balances’ on the effective delivery of the Plan.

Council discussed the proposed changes. The Leader of the Council, Councillor N Barker, informed Members that the proposed Committees would allow for ideas to align with the emerging Council Plan and would give Members a chance to get more involved with the Council business.

Councillor A Dale queried how extensive the changes to the Scrutiny Committee structure would actually be.

At the conclusion of the discussion, Councillors N Barker and J Barry proposed and seconded the recommendations as contained within the report. The Motion was put to the vote and was approved.

## RESOLVED –

- That Council agreed to the following Scrutiny Committees being established (with nine Councillors on each Committee):
  - Communities Scrutiny Committee
  - Business Scrutiny Committee
  - Environment Scrutiny Committee
  - Services Scrutiny Committee
- That delegated authority is given to the Assistant Director Governance and Monitoring Officer to appoint the Members to the four Scrutiny Committees in accordance with the proportionality rules and in consultation with the relevant group Leader and to appoint Members who are not in political groups.

### **COU /13/2 3-24 Proportionality of the Council and Appointments to Committees and Advisory Groups**

Members considered the proposed appointments to Committees and Advisory Groups. As part of this, Council was asked to agree that the Assistant Director Governance and Monitoring Officer be given the delegated authority to appoint Members to the vacant Committee positions in accordance with the proportionality rule and in consultation with the relevant Group Leaders.

Councillors N Barker and J Barry moved and seconded the proposals as contained within the report. The Motion was put to vote and was agreed.

## RESOLVED –

That:

- The proposed Committees of Council and Advisory Group be established for the 2023-24 Municipal Year
- The size of the Committees and Working Groups as set out in Appendix 1 to the report be agreed for the 2023-24 Municipal Year, in accordance with the Council Procedure Rules
- The proposed appointment to Committees and Advisory Groups, as set out in Appendix 2 to the report and updated at the meeting be agreed.
- That delegated authority is given to the Assistant Director Governance and Monitoring Officer to appoint the Members to the remaining vacant Committee positions in accordance with the proportionality rules and in Consultation with the Relevant Group Leader and to appoint Members who are not in political groups

### **COU /14/2 3-24 Appointment of Chairs and Vice-Chairs of Committees**

Council considered the report to appoint elected Members to serve as the Chairs and Vice Chairs of the Council's Committees and Advisory Groups for the 2023/24 Municipal Year.

Councillor R Shipman informed Members that he believed that the Chairs and

Vice Chairs of the Committees should not all be from the current administration.

Councillor R Shipman and Councillor D Hancock moved and seconded a motion to amend the report to the effect that the Chairs and Vice Chairs would be nominated on a proportionality basis.

The Monitoring Officer explained to Council that as the motion had been considered by Council within the last six months, it could not be raised again unless there was support from one third of Council.

Councillors N Barker and J Birkin proposed and seconded the recommendations as contained within the report. The Motion was put to the vote and was approved.

**RESOLVED –**

That Council appoint elected Members to serve as the Chair and Vice Chairs of the specified Council Committees and Advisory Groups

**COU** **Proposed Interim Schedule of Meetings for the 2023-24 Municipal Year**

**/15/2**

**3-24**

The proposed interim schedule of meetings for May-July 2023 was set out to Council.

Members were informed that the proposed schedule of meetings had been developed and circulated to Members. However, it had now become clear that significant changes would be required. For this reason, it was proposed that Council agree an interim schedule of meetings for the May to July 2023 period.

Council heard that a revised schedule of meetings for the remainder of Municipal Year would then be prepared and submitted to Council for approval at its meeting on 31 July 2023.

Councillors N Barker and P Kerry proposed and seconded the recommendations as contained within the report. The motion was put to the vote and was agreed.

**RESOLVED –**

That:

- Council approved the proposed Interim Schedule of Meetings for May-July 2023
- The finalised Schedule of Meetings for the whole of 2023-24 Municipal Year be submitted to the July Meeting of Council for approval.

**COU** **Appointments to Outside Bodies**

**/16/2**

**3-24**

Council considered the list of Members to be appointed to serve as the Council's representative on other organisations for the 2023/24 Municipal



Year. The Leader of the Council explained that a review would now be undertaken to determine which other bodies it would be appropriate for the Council to be represented on.

Councillor N Barker and Councillor P Kerry proposed and seconded the recommendations as set out in the report.

### RESOLVED –

That Council appoint elected Members to serve as its representatives on other organisations for the 2023-24 Municipal Year.

## **COU Review of the Council's Constitution**

**/17/2**

**3-24**

The report asked Members to approve the proposed Constitution of the Council for the 2023-24 Municipal Year. The proposed Constitution, it was explained, had been produced following an extensive review by the Standards Committee. The purpose of the review was to make sure that the Constitution was up to date, that it was in line with current legislation and that it provides appropriate rules and a framework to ensure the good governance of the Council and how it co-operates with others.

Council discussed the report. Councillor R Shipman and Councillor D Hancock moved and seconded a Motion to remove Section 10.3 of the Council Procedure Rules, requiring that Motions to change any part of the Constitution should first be considered by Standards Committee and Section 10.4 of the Council Procedure Rules, that no Motions to change Council policy should be accepted for debate at a Council meeting, until they had first been considered by the relevant Scrutiny Committee, Cabinet, or by Planning or Licensing Committee if the policy was a regulatory one, from the Constitution. Councillor R Shipman and Councillor D Hancock argued that this would allow Committees to act as gatekeepers and restrict democracy.

Councillor A Dale contended that the proposed approach would prevent the Constitution from being altered on an ad-hoc basis and ensure that it was only altered in an appropriate and constructive manner. Councillor K Gillott considered that the proposals would allow for proper process and consideration to be given to all proposed motions and that this would not restrict democracy or prevent Members from proposing motions to Council.

Councillor R Shipman exercised his right of reply to argue that if a motion cannot be accepted for debate at a meeting of Council, then Members would be unable to table it to go to a Scrutiny Committee meeting.

The Motion was put to the vote and was defeated.

Cllr C Cupit raised concerns over section 16.1 of the Members (Councillors) Planning Rules, which would limit the number of speakers at Planning Committee. She argued that only on rare occasions did large numbers of speakers speak at a Planning Committee meeting and that, as such, it would not be appropriate to impose the proposed restrictions.

Councillor C Cupit and A Dale proposed and seconded a motion to defer section 16.1 of the Members (Councillors) Planning Rules until the Standards Committee had reviewed these changes further. Following on from this, specific proposals should then be submitted to Council on what changes, if any, should be made.

Cllr R Shipman and J Barry supported this approach.

Cllr N Barker considered that there should be a limit on the number of speakers at Planning Committee but that this should be a greater number than five.

The revised motion was put to the vote and was approved by Council.

Following on from this Councillors J Barry and N Barker proposed and seconded a motion to approve the recommendations as set out in the report, subject to the above provision, be agreed.

The motion was put to the vote and was approved.

#### **RESOLVED –**

That:

- Following on from the extensive review carried out by Standards Committee Council approves the proposed Constitution for the 2023-24 Municipal Year. Excluding section 16.1
- Section 16.1 of the Constitution be referred back to Standards Committee for review.
- Standards Committee be asked to undertake a further review of the Constitution, as part of its annual work programme for the 2023-24 municipal year and to make any necessary recommendations for change to Council, as appropriate.
- Delegated power be given to the Monitoring Officer to make changes to the Constitution arising from any new legislation, administration errors or conflicts in interpretation during the course of the Municipal Year

#### **COU Scheme of Delegation**

**/18/2**

**3-24**

Council considered the Scheme of Delegation as outlined in Section 22 of the Council's Constitution Scheme of Delegation.

Councillors N Barker and P Kerry moved and seconded a motion to approve Officers recommendations as set out in the report.

#### **RESOLVED –**

That Council approved the Scheme of Delegation as set out in the Council's Constitution.

**COU** **Operation of Urgency Rules and Thresholds for Key Decisions**

**/19/2**

**3-24**

Council received the report on Operation of Urgency Rules and Thresholds for Key Decisions for consideration.

Councillors N Barker and P Kerry proposed and seconded a motion to approve officer recommendations as contained in the report.

**RESOLVED** –

That Council:

- Noted that no decisions have been taken over the past 12 months under Special Urgency Rules in the Council's Access to Information Rules
- Noted that no decisions taken over the past 12 months under the urgency provisions (called General Exception) in the Council's Access to Information Rules
- Agreed that the financial thresholds for key decisions be maintained at £100,000 (Revenue) and £250,000 (Capital).

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

**/20/2**

**3-24**

There was no urgent business.