

COUNCIL

MINUTES OF THE ORDINARY MEETING HELD ON MONDAY, 20 MAY 2024

Present:

Councillor Gerry Morley (Chair) (in the Chair)
Councillor Christine Smith (Vice-Chair)

Councillor Frank Adlington-Stringer	Councillor Pat Antcliff
Councillor Neil Baker	Councillor Nigel Barker
Councillor Joseph Birkin	Councillor David Cheetham
Councillor Kathy Clegg	Councillor Stephen Clough
Councillor Andrew Cooper	Councillor Alex Dale
Councillor Lilian Deighton	Councillor Michael Durrant
Councillor Stuart Fawcett	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 Nicki Morley
Councillor Fran Petersen	Councillor Stephen Pickering
Councillor Stephen Reed	Councillor Michael Roe
Councillor Kathy Rouse	Councillor Ross Shipman
Councillor Derrick Skinner	Councillor Caroline Smith
Councillor Mick Smith	Councillor Richard Spooner
Councillor Lee Stone	Councillor Kevin Tait
Councillor Martin E Thacker MBE JP	Councillor Richard Welton
Councillor Helen Wetherall	

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
A Maher	Governance Manager
N Ellis-Hall	Temporary Senior Governance Officer
J Hayden	Senior Scrutiny Officer
T Scott	Governance and Scrutiny Officer

COU Apologies for Absence

/18/2

4-25 Apologies for absence were received from Councillors J Barry, G Baxter MBE, R Beech, S Cornwell, C Cupit, P Elliott, M Emmens, C Fletcher, C Renwick and P Windley.

COU Declarations of Interest

/19/2

4-25 Councillor G Morley indicated that he would Declare an Interest in Item 12 – Upgrade of Pitch and Path Installation at Sharley Park, Clay Cross, at the

appropriate point on the agenda.

COU **The Council's Commitment to the Armed Forces Community**

/20/2

4-25

The Council's Armed Forces Champion, Councillor Stuart Fawcett, informed Members that he now intended to formally re-sign the Armed Forces Covenant. Councillor Fawcett explained that this would be a further confirmation of the Council's ongoing commitment to the District's Armed Forces Community and in particular, the promise to ensure that those who currently serve in the Armed Forces, who have served, and their families, were treated fairly and with respect. The Armed Forces Champion reminded Members of the Council's long-standing support for the Armed Forces Community, and how this commitment was recognised when the Council received the Ministry of Defence Employer Recognition Scheme (ERS) Gold Award.

Councillor S Fawcett thanked the Members and officers who had provided support to the Armed Forces Community. He gave special thanks to his predecessor as Armed Forces Champion, Councillor M Thacker MBE.

Councillor S Fawcett re-signed the Armed Forces Covenant. This was witnessed by Colonel John Wilson OBE DL, Vice Lord Lieutenant of Derbyshire and Kirsty Lawrence, Deputy Director of Employer Engagement for the East Midlands Reserve Forces and Cadets Association. The Vice Lord Lieutenant praised the Council's support for the Armed Forces community and its commitment to continue this support into the future.

RESOLVED – That Council welcomed the re-signing of the Armed Forces Covenant and its continuing support for the Armed Forces Community (by acclamation).

COU **Public Participation**

/21/2

4-25

There were no questions from the public.

COU **Council Plan Annual Report 2023-24**

/22/2

4-25

Members considered the Council Plan 2023-27 Annual Performance Report. This highlighted the progress which had been made towards achieving the Plan's goals and objectives during its first year in operation – 2023-24. In particular, it highlighted key successes. These included the delivery of projects financed through the UK Shared Prosperity Fund, work to regenerate Clay Cross through the Town Deal and a significant increase in social housing for rent.

The Leader of the Council, Councillor N Barker, welcomed the progress that had been achieved and the 'One Team' approach throughout the Council which had enabled this. He thanked all who had contributed and especially the work of the previous Administration, that the Plan had built upon. He made clear that further progress would be required on specific targets and goals as the Plan progressed, He stressed how important it would be to work with the parish and town councils and community groups to achieve this. He also hoped that the Council's Scrutiny Committees could help by identifying through their work programmes possible improvements.

Councillor N Barker and Councillor P Kerry moved and seconded a Motion that the Annual Performance Report be noted.

Councillor A Dale welcomed many of the positive improvements which had been achieved, building on projects launched during the previous Administration. He highlighted issues where he felt that the current Administration had not been collaborative, or transparent during the year. In this context he mentioned a specific planning permission which had been granted, changes to the green bin policy and regeneration priorities.

Councillor R Shipman felt that the report did not explain what initiatives or improvements the Council had not taken or achieved. He also queried the suggested role for the Scrutiny Committees in identifying ways of achieving the Plan's goals and objectives. He felt that officers had too great a role in running the Council. Councillor M Foster also felt that the Plan should have made clear what initiatives or improvements had not been introduced or achieved.

Councillor M Thacker MBE felt that further information was required about the progress on longer-term projects, such as progress on implementing the British Deaf Association Charter initiatives. He also highlighted the importance of focusing on the rural as well as urban parts of the District within the Plan.

Councillor N Barker exercised his right of reply. He reiterated the valuable role which the Scrutiny Committees could play in helping to achieve the Council Plan Objectives and the need to collaborate with other organisations on this. He agreed with some of the specific points that had been made, including the need to provide more information about ongoing initiatives. He praised officers for their work in collaboratively supporting Members, as part of the One Team approach to ensuring that the Council was well run and effective.

The Motion was put to the vote and was approved.

RESOLVED – That the Progress against the Council Plan 2023-2027 be noted (by acclamation).

COU Review of the Council's Policy Under the Licensing Act 2003

/23/2

4-25

Members were reminded that under the Licensing Act 2003 the Council had responsibility for administering and regulating licences for the sale and supply of alcohol in the District. As part of these responsibilities it was required to prepare and publish a Statement of Principles (or 'Policy') every five years. The current Policy was published in 2019 and was now due for renewal.

The Report to Council explained that a revised Policy had been produced. The revised Policy proposed specific minor amendments to ensure that it complied with the current legislative requirements. The revised Policy had been subject to a public consultation exercise, to which there had been only a minimal response. Following on from this consultation exercise, the Licensing and Gambling Committee agreed to the proposed Policy at its meeting on 30 April 2024. It recommended the Policy to Council for approval.

Councillor C Lacey, as Chair of the Licensing and Gambling Acts Committee and Councillor S Pickering, Portfolio Holder for Environment and Place, both expressed their support for the revised policy. Councillor M Thacker suggested that the approach to consultation should be reassessed in order to secure a more comprehensive response to future consultation exercises. The Portfolio Holder for Environment and Place indicated that he would support such a reassessment.

Councillor S Pickering and Councillor P Kerry moved and seconded a Motion to approve the Policy. The Motion was put to the vote and was agreed.

RESOLVED - That Council approved the recommendation from the Licensing and Gambling Acts Committee and agreed that the draft Statement of Principles (Policy) under the Licensing Act 2003 be now adopted with immediate effect (by acclamation).

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

/24/2

4-25

The Chair of the Council confirmed that two questions had been received.

Question 'A' - Councillor A Dale to Councillor J Barry, Portfolio Holder for Growth and Assets

A question had been submitted by Councillor A Dale to Councillor J Barry, the Portfolio Holder for Growth and Assets on what Cabinet's decision to designate the Southern Avenue site as the priority regeneration scheme would mean for other regeneration projects. The full text of the question from Councillor A Dale, marked as Question 'A', was set out in the agenda for the meeting.

The Leader of the Council, Councillor N Barker responded to the question in Councillor J Barry's absence. Councillor N Barker made clear that prioritising the Southern Avenue site would not adversely impact the other regeneration schemes. These would still be pursued as resources allowed. Rather, the prioritisation was intended to give a clear strategic steer to officers and external partners of the site's strategic importance to the Council. In this context he quoted Section 4.4 from the report to Cabinet in March 2024 which stated that: "Identifying The Avenue as the priority regeneration project does not mean resources will not be used to deliver ongoing schemes such as Clay Cross Town Deal, Dronfield Masterplan, etc or any of the pipeline schemes [set out in the report]."

Councillor A Dale asked a supplementary question. He asked whether the Administration would continue to pursue the redevelopment Plan for Eckington, in the event that further Levelling-up or other funding became available. The Leader of the Council explained that specific problems had to be addressed in order to progress the Redevelopment Plan, but that the Administration remained committed to it. In this context Councillor N Barker explained that he had raised the matter with the elected Mayor of the East Midlands Combined County Authority, Clare Ward.

Question 'B' - Councillor N Baker to Councillor J Barry, Portfolio Holder for Growth and Assets

A question had been submitted by Councillor N Baker to Councillor J Barry, the Portfolio Holder for Growth and Assets about what consultation would take place with Wingerworth and other local residents about the redevelopment of the Southern Avenue site. The full text of the question from Councillor N Baker, marked as Question 'B', was set out in the agenda for the meeting.

The Leader of the Council, Councillor N Barker responded to the question in Councillor J Barry's absence. He reminded Councillor N Baker that that the Southern Avenue had now been designated as a strategic site for development for more than twenty years. He also pointed out that extensive consultation had taken place on the site as part of the process for developing the current Local Plan. Under this Plan, it had been earmarked for housing development, some of which had already been delivered. Councillor N Barker made clear that any applications for further developments would be subject to the normal planning processes.

Councillor N Baker asked a supplementary question about whether a traffic impact assessment would be conducted before any decision was made to move forward with specific redevelopment, including the possible relocation of the Depot to Mill Lane.

Councillor N Barker made clear that traffic assessments would taken place as part of the process for drawing up up and determining on planning applications for the site. He stressed the importance of addressing the traffic problems at the junction of the A61 road with Mill Lane and the need to install traffic lights as a practical, lower cost solution, to the traffic problems at that junction. The Leader of the Council made clear that the Council was looking at options to relocate the Depot from its current site in Eckington, which was prone to flooding, but that no decision had been taken on this.

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

/25/2

4-25

Motion A

Members considered a Motion submitted by Councillor D Hancock which called for the decision to make an annual charge for additional green bins to be rescinded, as contrary to the Constitutional requirement that new policies should be considered by the relevant Scrutiny Committee and Cabinet, prior to approval by Council. It also proposed that the former policy of granting additional bins free of charge, based on evidenced need, should be reinstated. The full text of Councillor D Hancock's Motion was set out as Motion 'A' on the Agenda for the meeting.

Councillor R Shipman seconded the Motion. He felt it inappropriate that the decision to change existing policy, by instituting a charge for additional green bins, had been taken by officers under delegated powers, rather than by Council. Councillor R Welton made clear that he would also support the Motion. He contended that the issue ought to have been discussed and decided on by Council.

Councillor A Dale indicated that he too would support the Motion. He expressed

concern that this change in policy would ultimately lead to charges for all green bin collections and would have a regressive financial impact on many of the District's residents.

The Portfolio Holder for Environment and Place, Councillor S Pickering, made clear that he would not support the Motion. He explained that during the short period in which the new arrangements had been in place, 739 properties had asked for additional green bins. There had been no increase in fly tipping or in green waste being placed in the general waste bins. He contended that there was a lot of support for the new arrangements, and that just two complaints had been received. Councillor S Pickering also queried the reasons for the submitting the Motion and highlighted the difficulties facing Local Government as a result of significant reductions in financial support from Central Government.

Councillor H Liggett stated that she would support the Motion. She gave examples of problems facing residents who could not afford the charge for an additional green bin and how this had resulted in them in disposing of green waste in other ways.

Councillor K Gillott made clear that he would not support the Motion. He argued that it was based on a misunderstanding of Council Procedure Rules, which did not require every executive decision to first be considered by a Scrutiny Committee and Cabinet before being agreed by Council.

Councillor D Hancock exercised his right to reply. He contended that as the summer progressed there were likely to be more problems with green waste as a result of the change. He reiterated the point made by other Members that the charge would have a regressive impact on those who could not afford an additional green bin. Councillor D Hancock also reiterated his view that Section 10.5 of the Council Procedure Rules required changes to all Council Policies (excluding those covering regulatory matters) to be considered by the relevant Scrutiny Committee and Cabinet, before being determined by Council.

On a Point of Order raised by Councillor K Gillott, the Monitoring Officer confirmed the position of the Constitution on this matter and Councillor Gillott's understanding of it.

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

COU **Chair's Urgent Business**

/26/2

4-25

The Chair agreed that an additional urgent item be taken relating to the Business of the Council in its capacity as Trustee of the Clay Cross and Danesmoor Miners Welfare Recreation Ground Charity.

COU **Declarations of Interest relating to the Council Business in its capacity as Trustee of the Clay Cross and Danesmoor Miners Welfare Recreation Ground Charity**

/27/2

4-25

The Chair, Councillor G Morley declared an interest in Item 12 - Upgrade of Football Pitch and Path Installation at Sharley Park, Clay Cross in his capacity as a trustee of the Clay Cross and Danesmoor Miners Recreation Ground Charity.

He indicated that he would not take part in Council's discussion or determination on this item and would leave the meeting at the appropriate time.

COU **Exclusion of Public**

/28/2

4-25 **RESOLVED** – That members of the public be excluded to avoid disclosure to them of exempt information as defined in Paragraph 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 **Upgrade of Football Pitch and Path Installation at Sharley Park, Clay Cross**

/29/2

4-25 Councillor G Morley left the meeting at this point. The Vice Chair of the Council, Councillor C Smith, took the Chair for the remainder of the meeting.

The report to Council as Trustee of the Clay Cross and Danesmoor Miners Welfare Recreation Ground Charity, sought agreement to specific Utility Easements to secure the Utility supply to the Clay Cross Active sport and leisure centre and to the '3G' football pitch. Members were informed why the agreement was now required and the very slight changes to be made.

RESOLVED –

That the Council, as Trustee, agree to the Independent Network Operator (IDNO) Cable Rights as outlined in the report, and a 99 year lease to MUA Electricity Limited as outlined in the report, including any minor changes or ancillary agreements, in order to secure the utility supply to Clay Cross Active and the 3G Football Pitch.