

COUNCIL

MINUTES OF MEETING HELD ON MONDAY, 25 NOVEMBER 2024

Present:

Councillor Christine Smith (Chair) (in the Chair)
Councillor Graham Baxter MBE (Vice-Chair)

Councillor Frank Adlington-Stringer	Councillor Neil Baker
Councillor Jayne Barry	Councillor Nigel Barker
Councillor Joseph Birkin	Councillor David Cheetham
Councillor Kathy Clegg	Councillor Stephen Clough
Councillor Andrew Cooper	Councillor Suzy Cornwell
Councillor Charlotte Cupit	Councillor Alex Dale
Councillor Peter Elliott	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 Nicki 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 Richard Spooner
Councillor Lee Stone	Councillor Kevin Tait
Councillor Martin E Thacker MBE JP	Councillor Richard Welton
Councillor Helen Wetherall	Councillor Pam Windley

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
D Thompson	Assistant Director of Planning
A Bryan	Governance Manager

COU Apologies for Absence

/59/2

4-25 Apologies for absence were received from Councillors P Antcliff, R Beech, L Deighton, M Durrant, M Emmens, M Smith.

COU Declarations of Interest

/60/2

4-25 In respect of Item 7, Housing Development Scheme – Whiteleas Avenue, North Wingfield:

- Councillor C Cupit declared an interest as she was aware of the issue from her role at Derbyshire District Council. She would remain in the room but

would not speak or vote on the item.

- Councillor N Barker declared he was Chair of North Wingfield Parish Council, but this would not preclude him from participating in and considering the item.
- Councillor J Barry declared that she was a member of North Wingfield Parish Council, but this would not preclude her from participating in and considering the item.

In respect of Item 13, Motion B, Councillor A Dale declared that he had a farming background which was relevant to the Motion but it was not a prejudicial interest so he would still participate in the item.

COU Minutes of Last Meeting

/61/2

4-25 RESOLVED – that the minutes of the Council meeting held on 23 September 2024 be approved as a true and correct record, subject to the inclusion of Councillor S Fawcett in the list of attendees and Councillor H Wetherall's apologies being noted.

COU Chairman of the Council's Announcements

/62/2

4-25 The Chair of the Council, Councillor Christine Smith, welcomed Councillor J Stokes to her first meeting following the recent by-election.

The Chair reported that former Councillor Terry Smith had died recently at the age of 87. He had been leader of the Conservative Group on the District Council and had also a Town Council Mayor in 1990. The Chair sent condolences from the Council to his family.

The Chair asked for donations to the local food banks; there was a box available to deposit any donations.

The Chair reported that she had recently attended the Marsh Lane Macmillan coffee morning, opened a new walkway at Grassmoor County Park, an exhibition at Wingerworth Art Group, visited Eckington Food Pantry, Clay Cross Food Bank, Ridgeway Sports and Social Club, an armed forces fair, a jobs fair at Killamarsh, the Remembrance Parade at Dronfield, and Dronfield Baptist Church playgroup.

COU Leader of the Council's Announcements

/63/2

4-25 The Leader of the Council, Councillor N Barker, welcomed Councillor J Stokes.

Councillor N Barker reported that he had been busy since the last meeting, with a focus on working with others and developing relationships with other organisations. He reported he would be meeting with the ICB for Derby and Derbyshire in the New Year, to improve services for residents in the district. Councillor N Barker stated that he had been working with the new East Midlands Mayor and EMCCA, along with other councils and organisations as the planning phase for regional strategy development was beginning. He had also met with EMCCA regarding a regional talent pipeline.

Councillor N Barker had also chaired a strategic meeting of all district, borough

and city councils within Derbyshire, which would be an important forum moving forwards. A meeting had been held with the LGA with a view to the Council undertaking a corporate peer review. Councillor N Barker had attended the LGA conference in Harrogate. Finally, Councillor N Barker confirmed that construction on Clay Cross Active was back underway with reopening due early summer 2025.

COU Public Participation

/64/2

4-25

No questions from the public had been received.

COU Housing Development Scheme - Whiteleas Avenue, North Wingfield

/65/2

4-25

The report to Council, presented by Councillor P Kerry, sought Council approval for additional borrowing to fund the essential works required on the site at Whiteleas Avenue, North Wingfield under a Section 278 (S278) agreement with Derbyshire County Council.

The report stated that the original budget had included an allowance for S278 works, with a reasonable assessment of what would be required. However, once construction was underway it was discovered that Whiteleas avenue was in a poorer state than originally thought and as construction continued the road condition had deteriorated very quickly. The additional work required had now been agreed with Derbyshire County Council and priced and independently verified at a cost of £0.849m. This could not be contained within the original budget, so an increase was required, funded by additional borrowing.

Councillor P Kerry moved the recommendations as set out in the report, which was seconded by Councillor S Pickering.

A number of Councillors raised concerns regarding the additional costs and asked a variety of questions regarding the contract, independent verification of the costs, management/scoping of the project, relationships with contractors and sub-contractors and the responsibility for the work.

The Director of Finance and Resources (Section 151 Officer) in reply to a number of questions stated that it was the Council's responsibility, as the developer, to meet these costs and the road condition had deteriorated very quickly.

Councillor A Dale proposed an amendment to defer consideration of the item for more detail to be provided and for appropriate scrutiny of the issue. This was seconded by Councillor R Shipman. The amendment was voted on and lost.

A vote was taken on the original Motion and was passed.

RESOLVED – That:

- (1) borrowing of £0.849m to fund the essential S278 works to complete the full development scheme at Whiteleas avenue, North Wingfield, be approved.
- (2) the inclusion of this addition to the scheme in the HRA Capital Programme be approved.

- (3) the revised Capital Financing Requirement, Operational Boundary and Authorised Limit, as set out in the financial implications of the report, be approved.

COU **Treasury Management Update**

/66/2

4-25

The report to Council, presented by Councillor P Kerry, updated on the Treasury Management activities for the period April to September 2024.

The report stated that the Council had approved the 2024/25 Treasury Management Strategy at its meeting on 29 January 2024. Appendix 1 to the report identified the Treasury Management activity undertaken in the period April – September 2024. Appendix 2 to the report identified the impact on the Prudential Indicators from the treasury management activity in the first half of the financial year.

Councillor H Wetherall asked if performance tables could be colour coded in future reports.

RESOLVED that the treasury management activities undertaken during the period April to September 2024, as outlined in Appendices 1 and 2, be noted,

COU **Proportionality of the Council and Appointments to Committees**

/67/2

4-25

The Assistant Director of Governance and Monitoring Officer presented a report on the proportionality of the Council and Appointments to Committees.

The political balance for the Council as a whole and the specific bodies covered by the political balance requirements were set out in the report. The current membership of Committees was set out in Appendix 1 to the report.

Councillor D Skinner was nominated to fill the vacancy on Audit Committee.

Councillors K Clegg, T Lacey and H Liggett were nominated to fill vacancies on General Licensing Committee and Licensing and Gambling Acts Committee.

Councillor C Lacey was nominated to fill the vacancy on Communities Scrutiny Committee.

RESOLVED – that:

- (1) the changes to the political make-up of the Council be noted and the proportional allocation of committee places as set out in paragraph 2.1 and 2.2, be agreed.
- (2) The proposed appointments to Committees, as set out in Appendix 1, and as updated at the meeting, be agreed.

COU **Local Plan Steering Group**

/68/2

4-25

The Assistant Director of Governance and Monitoring Officer and the Assistant

Director of Planning submitted a report which proposed new arrangements for the Local Plan Working Group.

The arrangements for the Working Group were set out in the report and the draft Terms of Reference were attached to the report at Appendix 1.

The following Councillors were nominated for appointment to the Working Group: Councillors N Barker, C Cupit, M Foster, D Hancock, L Hartshorne, S Pickering, Caroline Smith, M Smith, and H Wetherall.

RESOLVED - that:

(1) a new Local Plan Working Group (replacing the previous Working Party) and consisting of 9 Members be established.

(2) the seats on the Working Group be allocated as follows:

Labour	5
Conservatives	2
Independents	1
Lib Dems	1
Total	9

(3) the proposed members of the Working Group, as nominated by the relevant Party Groups, be approved.

(4) the Terms of Reference, as attached to the report, be approved.

COU Consultation on Virtual Attendance of Members at Meetings

**/69/2
4-25**

The Assistant Director of Governance and Monitoring Officer introduced a paper which set out the proposed Council response to the Ministry of Housing, Communities and Local Government consultation on enabling remote attendance and proxy voting at local authority meetings.

Councillor K Gillott, Chair of Standards Committee, reported that the consultation and proposed response had been discussed in detail by the Standards Committee.

There was broad support for the drafted consultation response. Comments were made that the response might need amendment to address issues regarding inclusion, which was missing from the draft response. Comments were also made about poor internet connections, especially in rural areas, which could affect the ability to keep cameras on for the duration of meetings.

RESOLVED – that the consultation response, with the minor amendments proposed during the meeting, be approved.

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

**/70/2
4-25**

The Chair confirmed that four questions had been received.

Question A – Councillor C Cupit to Councillor N Barker, Leader of the Council and Portfolio Holder for Strategic Leadership and Finance

Given the mounting pressure, in the form of National Grid plans for large pylons, the likely follow-on increases in planning applications for solar farms and battery installations sponsored by the Government, and its wide-ranging changes to the National Planning Policy Framework, our countryside is increasingly at risk. Will the leader of the Council therefore confirm that this Council will support the work of Derbyshire County Council along with various local groups and organisations to get the Amber Valley area formally listed as a National Landscape (previously known as an 'Area of Outstanding Natural Beauty')?

Councillor N Barker responded that officers had been working closely with county council officers to highlight areas of concerns and collaborated to respond to the recent consultation. Concerns had been raised around the impact of proposals on the character of the landscape, heritage matters, and questioned the process for selecting the proposed route. Officers would continue to work through the Development Consent Order. There is a statutory process for the designation of national landscapes. Councillor N Barker tasked officers to continue their work on this matter and to report to Environment Scrutiny Committee where necessary.

Councillor C Cupit stated that she had asked the question to get a commitment to support and explore this. Councillor N Barker stated that officers would take this into consideration and if it was possible to get the designation that would work towards it.

Question B – Councillor J Stokes to Councillor K Rouse, Portfolio Holder for Health and Leisure

Councillor J Stokes withdrew her question as it had been answered earlier in the meeting.

Question C – Councillor H Wetherall to Councillor N Barker, Leader of the Council and Portfolio Holder for Strategic Leadership and Finance

In the recent by-election in Clay Cross North the turnout was 22% and the winning candidate won on a share of the total possible votes of just over 10%. Congratulations to our newest colleague however the turnout means that 90% of voters did not vote for the winning candidate. This must be concerning for all of us and can the Leader of the Council please offer some thoughts on how we can all make ourselves more relevant and credible so that we can try to address this democracy deficit that is very worrying.

Councillor N Barker responded that it was a struggle to engage people in elections, especially local elections. The Council had undertaken activities to try and engage with residents, including citizens panels and democracy weeks.

Councillor H Wetherall asked if Councillor N Barker agreed that modernisation and reforms to the national voting processes might help improve the matter. Councillor N Barker agreed that there were concerns regarding apathy and he was happy to consider any suggestions.

Question D – Councillor A Dale to Councillor S Pickering, Portfolio Holder for Environment and Place

Given the concern over increased fly-tipping in certain hotspots of the district and particularly around our rural communities, can the Cabinet Member provide the following information: the number of fly-tipping incidents and clean ups recorded for the financial years 2021-22, 2022-23, 2023-24, and then 2024 to date?

Councillor S Pickering stated that flying tipping data was collated quarterly and submitted to DEFRA. The following information was provided:

2021/22

Total Number of Incidents – 862

Incidents dealt with by Streetscene – 658

2022/23

Total Number of Incidents – 649

Incidents dealt with by Streetscene - 437

2023/24

Total Number of Incidents – 660

Incidents dealt with by Streetscene – 540

2024 Q1 & Q2

Total Number of Incidents – 336

Incidents dealt with by Streetscene – 279

Councillor S Pickering stated that there was a general trend of improvement. Regarding reported incident data in 2021/22 the Council ranked 90th out of 309 authorities, and in 2022/23 ranked 64th. In respect of Fixed Penalty Notices issued in relation to fly tipping offences the Council had ranked 64th in 2021/22 and 36th in 2022/23.

Councillor S Pickering stated that it had been noted that there was a particular increase in fly tipping in East Dronfield, particularly in the Marsh Lane area. Officers had been working in partnership with the Police. Currently, two prosecutions were being undertaken in relation to evidence retrieved specifically from incidents relating to this area.

Councillor A Dale asked a supplementary question about bad hotspot areas, and whether additional cameras could be purchased and whether increasing the fines could be considered?

Councillor S Pickering stated that gathering evidence was crucial and hidden cameras were used. There were a range of measures being used and considered. The level of fines generally seemed to be effective, but they would continue to be monitored.

COU **To consider any Motions from Members under Procedure Rule No 10**
/71/2
4-25 **Motion A – Proposed by Councillor S Clough**

Council notes it has a duty of care to ensure our residents are protected, as much as possible within the planning rules and conditions implemented and managed accordingly. Council also supports the strong enforcement of planning conditions.

Over recent years there have been many developments where Planning Applications and Conditions have been raised as a growing concern, but Enforcement actions have been limited, sometimes down to what residents believe is 'Developer Power'.

Council therefore resolves:

1. To request a review, through the relevant scrutiny committee, into broadening the conditions applied to planning approvals, to protect our residents of our towns and villages as much as possible.
2. To provide more frequent reports to Planning Committee to review sites where potential breaches of condition are being investigated.
3. To write to government and ask them to look at providing extra powers and give more teeth to planning authorities, to allow them to ensure that conditions set at the planning stage, can be enforced without the fear of challenge from developers who apply the greatest pressure, where enforcement is applied.

Councillor S Clough moved the Motion.

Councillor S Reed seconded the Motion.

Councillor N Barker stated that Councillor S Clough had chaired a scrutiny review into this subject, which had submitted recommendations to Cabinet, which had been accepted. Councillor N Barker moved an amendment, that the Council resolves to request the relevant Scrutiny Committee consider the Motion as submitted and review the recommendations made by the Organisation Scrutiny Committee in June 2023 to be implemented from April 2025.

It was clarified that the original Motion would be considered by the relevant Scrutiny Committee, and whether to consider writing to government would be part of its consideration.

The amendment was seconded by Councillor J Birkin.

Council debated the merits of agreeing the original Motion as submitted or the amendment to request scrutiny to consider the previous review and recommendations.

In responding to the amendment, Councillor S Clough stated that he had concerns if the letter to Government was not taken forward and he therefore could not accept the amendment.

The amendment was put to the vote and passed. The amended Motion became the Substantive Motion.

The Substantive Motion was put to the vote and passed.

RESOLVED - that the Council resolves to request the relevant Scrutiny Committee consider the Motion as submitted and review the recommendations made by the Organisation Scrutiny Committee in June 2023 to be implemented from April 2025.

The meeting was adjourned at 4.10pm and recommenced at 4.19pm.

Motion B – Proposed by Councillor A Dale

This Council notes that all District Councillors are elected to represent the interests of the communities and district area of North East Derbyshire first and foremost.

This Council also notes that since July 2024, the new Government has taken several decisions which will have significant impacts on some of our residents and businesses. Some of these decisions, and the specific impact they have on our area, include:

- the removal of the Winter Fuel Allowance from 22,257 pensioners in North East Derbyshire District;
- the scrapping of the Restoring Your Railway Fund, which had included the re-opening of the Barrow Hill Line to passenger transport and the opening of new stations in Killamarsh and potentially Clay Cross;
- the pausing and review of the funding and provision of a new primary school on The Avenue in Wingerworth;
- the removal of the £2 bus fare cap, increasing it instead by 50%;
- the consultation on planning reforms which would set a mandatory housebuilding requirement of 622 homes each year – a 178% increase;
- changes to inheritance tax relief which would have a detrimental impact on family farms, of which there are a significant number in our predominantly rural District, and also risking food security in our area;
- an increase in National Insurance contributions for employers which local business owners have said will mean job losses in NED and the loss of local business.

In response, Council resolves to:

- request the relevant scrutiny committee(s) to consider carrying out an assessment of the social, economic and regenerative impact/costs of the above changes and wider Budget measures specifically on North East Derbyshire residents and businesses which might include;
 - the impact of the Winter Fuel Payment changes.
 - consideration of additional financial support to local organisations and charities for grant relief payments and the provision of additional warm hubs.
 - consider recommending to Council the signing of the 'Save the Winter Fuel Payment for Struggling Pensioners' petition run by Age UK.
 - Engaging with local residents, farmers and businesses to get their

- feedback on the impact of the changes.
- when appropriate to do so, provide updates on progress to Council.

Councillor A Dale moved the Motion.

Councillor C Cupit seconded the Motion.

Council debated the Motion.

Councillor N Barker responded to the Motion. He stated that the new Government had to make some difficult decisions. The work the Motion requested would be a large project which would take away from services to residents. He would not support the Motion.

Councillor P Windley spoke in support of the Motion and highlighted the effect on families of the revamping of day centres. Councillor F Adlington-Stringer stated that he supported the aims of the Motion, to assess the impact on residents, but it was undermined by the party political nature of the Motion. Councillor M Thacker spoke about the practical solutions the Council could offer to signpost people to help and support. Councillor D Hancock agreed that it needed to be about pragmatic help, such as opening the council offices as a warm hub. Councillor H Wetherall reflected on what Councillors were elected to do. Councillor R Welton talked about the impact of the National Insurance and increased employment regulation. Councillor R Shipman stated that the essence of the Motion was to look at and to help with the social and economic challenges that had and continue to be faced, which he supported. Councillor M Foster talked about the impact on Parish Councils and the effect on the precept as well as the likely increase in excess winter deaths. Councillor S Reed stated that how the residents were being affected needed to be properly considered and actions the Council could take explored.

Councillor C Lacey stated that she would not be supporting the Motion as it was all about party politics. Councillor J Barry stated that Council officers would continue to work to support residents and get them the help they needed.

In reply, Councillor A Dale stated that the intention was to make assessment of the impact to inform Members. Work that officers were likely to be doing anyway. The Motion was broadly trying to assess the pragmatic action that could be taken.

The Motion was put to the vote and rejected.

COU **Chair's Urgent Business**

172/2

4-25 There was no urgent business.