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COUNCIL

Minutes of a Council Meeting held at the Wirksworth Leisure Centre, Wirksworth at 6.00 pm. on Thursday, 8 July 2021.

PRESENT

Councillor Sue Bull, - In the Chair

Councillors, Jacqueline Allison, Robert Archer, Jason Atkin, Richard Bright, Matthew Buckler, Martin Burfoot, Neil Buttle, David Chapman, Tom Donnelly, Graham Elliott, Richard Fitzherbert Helen Froggatt, Chris Furness, Clare Gamble, Dawn Greatorex, Susan Hobson, David Hughes, Stuart Lees, Tony Morley, Michele Morley, Dermot Murphy, Peter O'Brien, Garry Purdy, Mike Ratcliffe, Mark Salt, Andrew Shirley, Peter Slack, Andrew Statham, Alasdair Sutton, Steve Wain and Mark Wakeman.

Paul Wilson (Chief Executive), James McLaughlin (Director of Corporate & Customer Services), Tim Braund (Director of Regulatory Services), Steve Capes (Director of Regeneration and Policy), Paul Frith (Finance Services Manager), Angela Gratton (Democratic Services Officer).

This meeting was recorded and broadcast live on YouTube

APOLOGIES

Apologies for absence were received from Councillor Sue Burfoot, Paul Cruise, Steve Flitter, Alyson Hill, Claire Raw and Colin Swindell.

65/21 - PUBLIC PARTICIPATION

In accordance with the procedure for public participation, Councillor Sandra Spencer (Ashbourne Town Council), Dr Siohan Spencer MBE (Derbyshire Gypsy Liaison Group) and Mr Graham Elliott made a statements on Agenda Item 12 – Gypsies and Travellers.

In accordance with the procedure for public participation, Councillor Sandra Spencer (Ashbourne Town Council), Ms Dawn Lewis (Ashbourne resident) and Mr Graham Elliott made a statements on Agenda Item 15 – Black's Head, Ashbourne

The following questions were submitted in writing and were read out at the meeting:

QUESTIONS from Mr Darren Archer, Ashbourne Local Resident

“I wish to submit the following questions for the council meeting to be held on the 8th July I do not wish to appear or speak at the meeting.

- 1. How long they expect it to be until the proposed permanent site will be ready and as such will these temporary stopping places be in place until the permanent site is ready.*
- 2. Under what legislation can the District Council designate a 'negotiated stopping place'. This is not explained in the officer report*
- 3. What happens should the travellers choose not to move on to the next temporary site after the 8 week period on one site has ended and what will be the process and potential costs incurred for forcing the traveller families to move on.*

RESPONSE:

Q1. It is difficult to provide an exact timeframe as there are a number of steps to go through; (i) undertaking the land contamination assessment and responding to any further recommendations (ii) information from utilities (iii) private water supply assessment (iv) completion of an appropriate design, (v) planning application, (vi) if approved, tender for works (vii) construction.

Q2. Under the Housing Act 1996 a Gypsy or Traveller is homeless if they do not have a lawful place on which they can put their caravan or living vehicle. If a Gypsy or Traveller is homeless then the local authority must offer them suitable accommodation. If permanent accommodation is not available then the local authority needs to provide suitable temporary accommodation.

Q3. If a decision is made that an encampment should cease at one location and move to another it is expected that the family concerned will cooperate. If they do not then the Council may use its existing powers under either the Civil Procedure Rules or the Criminal Justice and Public Order Act 1994

The cost would depend on whether we applied for an order of possession in the County Court or for an eviction of traveller through the Magistrates Court.
In the County court the issue fee is £355 and bailiff fees are £121

In the Magistrates Court there is no issue fee and we have to use private bailiff firms which is approximately £600-£1000 depending on the number of bailiffs, traveller and time taken. For very large evictions it can be more.

STATEMENT and QUESTION from Patricia Parsons, Bakewell Summertime Local Resident

“We are summer residents in the Bakewell area, but have been unable to come for obvious reasons.

On the subject of fees or parking fines in the town areas, it would seem a sensible plan to allow vehicles parking without fees or fines, just to support the re-growth of town businesses through Covid. For the future's benefit, holding to current rules, made for easier times, is not practical.

Has the council considered a small multi-passenger vehicle pick-up point to carry shoppers in, if parking in town is tight?

On subject to “Gypsy and Traveller”, an on-going problem, possibly now influenced on a larger scale by out-of-workers. Are there farm of large land-owners interested and helpful to

opening any out-of-the-way area for the purpose of these sites? Perhaps encouraged with a small stipend from the local council?

Would very much like to know the outcome of these discussions.

Thanks.”

RESPONSE:

In relation to the question about Gypsy and Traveller sites, the Council is committed to helping to find a permanent site for the families to whom it owes a homelessness duty. As part of that commitment we have issued several ‘calls for sites’. So far this process has not produced a single site that could be developed for this purpose. However, we would be pleased to talk with any land owners about this matter.

66/21 – INTERESTS

Councillors David Hughes, Stuart Lees, Steve Wain and Mark Wakeman declared a personal interest in Item 9 as collectors for the Poppy Appeal.

Councillor Andrew Statham declared a Disclosable Pecuniary Interest in Item 12

Councillor Sue Bull declared a personal interest in Item 15 as an Ashbourne Town Councillor.

67/21 – APPROVAL OF MINUTES

It was moved by Councillor Mark Wakeman seconded by Tom Donnelly and

RESOLVED That the Minutes of the Derbyshire Dales District Annual Council held (unanimously) on 27 May 2021 be approved as a correct record:

The Chairman declared the motion CARRIED.

68/21 - LEADERS' ANNOUNCEMENTS

Councillor Gary Purdy Leader of the Council, made the following statement:

As we draw nearer to the Government's proposed Freedom Day of 19th July 2021, I need to add a cautionary note. I personally do not agree the wholesale opening up approach given the data on the increase of the Covid 19 Delta variant infection. Figures in Derbyshire have doubled only this last week and even the new Secretary of State for Health - Sajid Javid MP is quoted as saying that figures could rise to 100,000 per day.

I strongly believe that there is good reason to continue to be cautious and to ensure the safety of others by the continuing of the wearing of face masks, social distancing and repeated messaging on the washing of hands. I fully appreciate that the Government do not wish to continue a dictate to people and that there is a real desire for freedom. However, we cannot escape the fact that the Delta infections are doubling up each and every week and this will have serious consequences for us all. If we are not careful we could put the safety of our Staff and Members at jeopardy and I therefore agree with the Chief Executives cautious approach to opening the Authority up to the public.

I also insist that we continue to utilise the outside venues for our meetings in order to ensure social distancing and safety measures are complied with.

I was really impressed with the latest Organisational Update which shows a tremendous amount of work being done by the Authority. I trust other Members will join me in congratulating the staff in producing so much and in difficult circumstances.

69/21 - CHAIRMAN'S ANNOUNCEMENTS

Councillor Steve Wain advised the Council there had been no meetings or functions attended and informed Members the Air Ambulance was his chosen charity for this year.

70/21 – COMMITTEES

It was moved by Councillor Mark Wakeman seconded by Tom Donnelly and

RESOLVED That the non-exempt minutes of the Committees listed in the Minute
(unanimously) book for the period 27 May 2021 to 25 June 2021 be received

71/21 - QUESTIONS (RULE OF PROCEDURE 15)

Question from Councillor Peter Slack to Councillor Garry Purdy, Leader of the Council:

“With the season coming round for Fun Fair and other events and prizes of live animals are given as pets, mainly goldfish are given as prizes and a great number of Goldfish are sadly left in unsuitable plastic bags at Fairground and fetes. Many are won by Children or their parents who are unprepared to take on a pet, many of the Goldfish are stressed in a small plastic bags and many die as result of oxygen starvation.

I am asking you Cllr. Purdy as Leader of the Council to agree with me that pets as prizes should not be allowed to take place on Derbyshire Dales District Council owned land. I am looking to bring a Motion to Council at the earliest opportunity to officially ban pets for prizes on Derbyshire Dales District Council owned land, this is supported by RSPCA. Please give me your support?”

Councillor Purdy provided the following response:

Thank you for the question Cllr Slack, this is a question which has been asked of officers by a number of members throughout the week. The District Council simply does not allow fairs or any other events to use pets, which includes Goldfish, as prizes.

The events team have discussed this matter with fair operators who currently operate on our land and would have any pets (goldfish) removed immediately if they were made aware this was happening.

The District Council also does not allow the sale of pets on its markets or markets operating on District Council land.

For further clarity we are happy to include this clause clearly in all licences to occupy Council land for an event, not just for fair operators. In addition we are able to add it as a detail to the next version of the event strategy which is due in April 2022.

Question from Councillor Steve Wain to Councillor Garry Purdy, Leader of the Council:

*“Last Saturday I visited a very busy Ashbourne and parked on the Cockayne Avenue car park, and being conditioned to seek out a pay and display machine, I was amazed to be informed that the **parking was free!** I later checked this out on the DDDC website, which stated there were **119 free** car parking spaces at this location, approximately **200 metres from the Town Centre**. Upon further checking of the Council website for free car parking at Bakewell and Matlock, none was apparent.*

As a District Councillor for All Saints Matlock and Mayor I am disappointed that there is no such provision in Matlock and other larger towns in the area. Matlock residents are saying they have rush around the town and then go home. They add that they would have stayed in the town longer, if parking charges were not an issue. This has been exacerbated by the removal of the 14 free places on Edgefold Road. I don't know the history of why the Ashbourne car park is free, it may be because of the sports pavilion use, but most of the people parking there were heading into town, which from our perspective was a pleasure to visit. I do not wish to remove this benefit from the people of Ashbourne, but feel it would be an excellent opportunity to promote the image of the Council, whilst being fair to all.

Why can't Matlock be allocated a similar number of free car parking spaces perhaps on the Imperial Road Car Park (shown as 125 places), and likewise in Bakewell and other towns?

Would this Council not wish that all residents had the same opportunity and benefit as the residents of Ashbourne, thereby enabling local businesses to bounce back from the pandemic?”

Councillor Purdy provided the following response:

There is no such thing as free parking, only free at the point of use. There are costs involved managing and maintaining all our council car parks. Those that are free at the point of use such as Cokayne Avenue, Ashbourne are subsidised by other car parks which are chargeable. Parking income generated throughout the District is crucial to the council's ability to continue to run its services.

The Council provides all residents a permit, this allows them to use the car park free of charge after 4pm and before 11am. This leaves the car park to be used by tourists or other uses during peak times.

As Councillor Wain will have seen, there is a recommendation on the table tonight to help extend the tourist season across the four market towns and Matlock Bath by providing an option to provide free parking after 2pm for all car park users, which is the same offer we also have provided previously in the month of December.

Question from Councillor Clare Gamble to Councillor Garry Purdy, Leader of the Council:

“1. As councillors we are, I think you would agree, often the conduit between officers and the residents of the Derbyshire Dales. As such we are likely to hear a variety of opinions from residents on how they view the performance of both the organisation as a whole and individual officers. In your opinion as leader of the council, how should a councillor treat negative views expressed by residents, both of the organisation and/or individual officers?”

2. At the last Planning meeting you recommended that an application at Brassington should be refused in line with officer recommendation, on the basis it would create a precedent for building in open countryside.

In 2018, you chaired a planning meeting with a very similar application, also in Brassington, that had an officer recommendation of refusal on the grounds it was building in the open countryside. Approval for that application was voted through with only one abstention. Both you and Cllr Atkin were present, so at least one of you must have voted against officer recommendation. This was based on the view there was a gateway to Brassington, and that houses on the edge of the village formed this. Would you agree this set a precedent?"

Councillor Purdy provided the following response:

1. Each councillor operates differently and will have their own thoughts and approach to dealing with issues and complaints. However, an approach that I believe to be quite common across local government would be for such concerns to be taken seriously by councillors and raised with the relevant Director or with the Chief Executive, who can then investigate the concerns to establish what action, if any, needs to be taken.
2. Planning decisions are often made on balance, by weighing up a number of competing factors. If I am thinking of the correct application from 2018, I believe that this was presented to Committee by officers precisely because such a fine balance existed. The issues presented by a development outside of the village were counteracted by an opportunity to improve an unsightly brownfield site and to deliver visual improvement from the architectural quality of the proposal. As such it was different to the more recent decision quoted in this question and did not set a precedent.

Question from Councillor Clare Gamble to Councillor Jason Atkin, Chairman of the Planning Committee:

"1. On the same item, it was questioned what connection of the applicant to the village was. When I stated that the applicant had run a business at the site for 15 years, because it was written, without any qualification, in the officer's report, I was informed this was information that could not be relied upon.

Would you agree that all information in officers reports that members use to make planning decisions, should be information that can be relied upon?"

Councillor Atkin will provide provided the following response:

Thank you for your question, Cllr Gamble. The Planning Officer's report reads, 'Whilst the agent states the business has been run from the existing agricultural buildings for 15 years there is no planning history in relation to the business and the requirement for its extension and expansion has not been sufficiently justified in in this unsustainable location with the resultant impacts on rural character.' This makes it clear that the claim that the business had been run from that location for 15 years was made by the applicant's agent and that there was no planning history to either support the statement or disprove it. As such, the information in the report was qualified, but can be relied upon in terms of reporting the information submitted by the agent.

72/21 – REVIEW OF ALCOHOL, REGULATED ENTERTAINMENT AND LATE NIGHT REFRESHMENT LICENSING POLICY – 2021/2026

The Director of Regulatory Services presented a report informing Members that following the most recent consultation exercise the Draft Policy document had been considered by the Licensing and Appeals Committee on 15th April 2021. As it was a legal requirement that this Policy must be approved by the full Council, and not under delegated powers the Committee recommended that the Policy be approved.

Members thanked the Director of Regulatory Services and Licensing Manager for the regular updates they circulate to Members.

It was moved by Councillor Mike Ratcliffe, seconded by Councillor Stuart Lees and

RESOLVED

1. That the final Draft Policy in Appendix 1, relating to the licensing of Alcohol, Regulated Entertainment and Late Night Refreshment, be approved by the Council, for publishing with immediate effect.
2. That the revised Alcohol, Regulated Entertainment and Late Night Refreshment Policy is kept under review during the next 5-year period, and any interim changes proposed be subject to the appropriate consultation exercise(s) with all stakeholders.

Voting 21
For -
Against 1
Abstain

The Chairman declared the motion CARRIED.

73/21 – REFERRED ITEM - INTRODUCTION OF HOUSE-TO-HOUSE AND STREET COLLECTIONS (FOR CHARITY) POLICY

The Director of Regulatory Services presented a report informing Members that this was a new policy which had been considered at the April 2021 meeting of the Licensing and Appeals Committee where it was resolved that a final Draft Policy relating to Street Collections and House to House Collections (for charitable and other good causes), be approved for referral to the next available meeting of the full Council, with a view to adoption as soon as possible.

It was moved by Councillor Jason Atkin, seconded by Councillor Tony Morley and

RESOLVED
(Unanimously)

1. That the final Draft Policy (Appendix 1), relating to Street Collections and House to House Collections (for charitable and other good causes), be approved for implementation with effect from 1st August 2021.
2. That the Policy be reviewed every 3 years, when further consultation would be required before the Policy is revised, approved and published.

The Chairman declared the motion CARRIED.

74/21 – PROVISIONAL REVENUE AND CAPITAL OUTTURN 2020/21, REVISED REVENUE BUDGET 2021/22, CAPITAL PROGRAMME AND MEDIUM TERM FINANCIAL PLAN UPDATE

Council received a report seeking approval for the updated Capital Programme for 2021/22 to 2025/26, revised revenue budget for 2021/22 and an updated Medium Term Financial Plan (MTFP) for 2021/22 to 2025/26.

The Finance Services Manager presented the report highlighting how the Council's Revenue Budget and Capital Programme assisted in delivering the priorities and targets within the Corporate Plan, by allocating budgets to specific projects. It was noted that not all projects shown in the new Corporate Plan had been costed and included in these financial plans. The report was positive and showed that the Council was in a good financial position.

The Summary Revenue Account, comparing the outturn with the revised budget, was shown at Appendix 1. The main reason for the 2020/21 surplus was the receipt of additional government grant funding that was not anticipated when the revised budget was set.

The impact of Covid19 had affected service delivery and Council priorities during 2020/21, Central Government had provided funding to Local Authorities to assist them both with cash flows and with enacting government priorities to protect businesses and individuals who would otherwise have been adversely affected. The longer term impacts and the ability for a V shaped recovery was not guaranteed and this presented a further risk to the Council, especially in returning to pre-covid levels of income for services.

The Capital budget for 2020/21 was set in March 2020 at £7,342,041. This was revised during the year to reflect progress on schemes and the addition of new schemes. In March 2021 the Council approved a revised capital programme for 2020/21 of £7,790,985. The provisional outturn for 2020/21 was £4,944,145. Details of spending against each scheme were in Appendix 3 of the report.

Members thanked the Officers for their prudence and thorough report.

It was moved by Councillor Garry Purdy, seconded by Councillor Susan Hobson and

RESOLVED
(Unanimously)

1. That the General Fund Revenue and Capital Outturn reports for 2020/21 be noted.
2. That the General Fund Revenue Account for the year 2020/21 be balanced by a transfer of £17,873 into the Funding Uncertainties Reserve;
3. To note that, subject to the approval of recommendation 2, the revenue account for 2020/21 was balanced.
4. To approve the creation of a new Covid Funding Reserve to earmark funds for future pressures relating to Covid-19.
5. That the provisional Capital Out-turn, as detailed in Appendix 3, and financing arrangements for 2020/21, in the sum of £4,944,145 be approved;
6. That the revised Capital Programme as detailed in Appendix 3 and financing arrangements for 2021/22, in the sum of £10,444,275 be approved;

7. That the Capital Programmes for 2022/23 to 2025/26, as detailed in Appendix 3, for the sum of £1,731,162, be approved;
8. That the potential future capital programme liabilities outlined in Appendix 4 be noted.
9. That the revised budget for 2021/22, as presented in Appendix 6, including virements and supplemental budgets detailed in appendix 7 be approved.

RESOLVED
Cont'd
(Unanimously)

10. That the updated Medium Term Financial Plan 2020/21 to 2024/25, as shown in Appendix 5, and revised indicative Corporate Savings Target for 2023/24 of £500,000 be approved;
11. That the summary of revenue balances, provisions and earmarked reserves, set out in Appendix 2, be noted.

The Chairman declared the motion CARRIED.

75/21 – VISION DERBYSHIRE – PHASE 4 IMPLEMENTATION PROPOSALS

The Chief Executive presented the report updating Council on the work that had taken place with other Councils in Derbyshire on Vision Derbyshire and sought approval for the Council's involvement in Phase 4 development and implementation and to the Council to become a participating member of the new Vision Derbyshire Joint Committee from September 2021 onwards.

Phase 1 of the approach which commenced in July 2019 was reported to Council January 2020.

Phase 2 of the approach was reported to Council on 15th July 2020.

Phase 3 - October 2020 – June 2021 sought to:

- Maintain the momentum successfully built up during earlier phases, extending engagement to a broader range of Members, employees and partner organisations through agreed implementation and delivery proposals
- Mobilise delivery in order to accelerate the implementation of agreed priorities initially focusing on a number of early start areas aligned to the four agreed ambitions areas
- Develop draft governance proposals for Vision Derbyshire through the development of new Joint Committee arrangements
- Build a broader short and medium-term delivery programme to meet agreed ambitions.

Phase 3 had put in place the foundations and architecture for future phases of the Vision Derbyshire approach putting Derbyshire Councils in a strong position to rapidly accelerate future proposals.

Vision Derbyshire had been driven forward and involved a significant investment of time, hard work and goodwill from participating councils and their leaders, executive officers and lead officers. The future of the approach was now at a critical stage of development.

Phase 4 Vision Derbyshire proposals sought to build on the foundations and architecture built during previous phases whilst clearly focusing on programme delivery specifically aimed at achieving better outcomes for local people and places across Derbyshire.

Phase 4 of the Programme would seek to:

- Confirm detailed implementation proposals developed during Phase 3a and commence delivery of agreed short and medium-term programmes of activity focused on achieving the four Vision Derbyshire strategic ambitions.
- Establish a new joint Vision Derbyshire programme team, tasked with accelerating and supporting the implementation of delivery plans and proposals.
- Build on the success of Phase 3, further extending and deepening the engagement and involvement of Elected Members, senior managers and partner organisations through agreed implementation and delivery proposals.
- Establish the new Vision Derbyshire Joint Committee embedding new decision-making processes across participating councils.

Build a broader longer-term delivery programme to meet agreed Vision Derbyshire ambitions

The Chairman advised Members the discussion and voting on the recommendations would be split as follows:

Recommendations: 1, 2 and 3 (excluding approval of a Joint Committee which would be voted on under 6),

4 and 5

6 and 7

8 and 9

10 and 11

Councillor Purdy informed Members the arrangements were complex but confirmed that every Leader had signed up at the first meeting discussing the proposals. He commended the Council's Director of Corporate and Customer Services work on governance arrangements which had been applauded by all authorities.

All Authorities had been asked to move the proposals forward through their decision making structure and it was noted that Derbyshire Dales was the first to make their decision. It was confirmed that Derbyshire County Council were committed to Vision Derbyshire.

It was anticipated that all necessary plans and activity would be completed in readiness for the launch of Phase 4 at the end of September 2021.

Councillor Richard Bright left the meeting 7.59pm during consideration of this item.

Recommendations 1, 2 and 3

It was moved by Councillor Chris Furness, seconded by Councillor Tony Morley and

RESOLVED

1. That Council notes progress on the development of the Vision Derbyshire approach and recent Phase 3 developments and achievements
2. That Council considers and notes key actions currently being undertaken during Vision Derbyshire Phase 3a to develop an ambitious programme of work in advance of Phase 4.
3. That Council considers and approves Vision Derbyshire Phase 4 proposals for the forthcoming period as set out in the report.

Voting

For	23
Against	2
Abstain	6

The Chairman declared the motion CARRIED.

76/21 – MOTION TO CONTINUE

It was moved by Councillor David Hughes, seconded by Councillor Martin Burfoot and

RESOLVED That, in accordance with Rule of Procedure 13, the meeting continue beyond 2 hours 30 minutes to enable the business on the agenda to be concluded.
(Unanimously)

The Chairman declared the motion CARRIED.

75/21 Continued

Recommendations 4 and 5

It was moved by Councillor Tom Donnelly, seconded by Councillor Mark Wakeman and

RESOLVED

4. To approve the Council's active participation in Vision Derbyshire Phase 4 and the associated costs of taking forward the programme of work, the maximum cost of which currently stood at £52,350.
5. That, a supplementary revenue estimate of £32,350 for 2021/22 be approved.

Voting	23
For	2
Against	6
Abstain	

The Chairman declared the motion CARRIED.

Recommendations 6 and 7

It was moved by Councillor Andrew Shirley, seconded by Councillor Tom Donnelly and

RESOLVED

6. That proposals for the establishment of the Vision Derbyshire Joint Committee to be in place from September 2021 be approved.
7. That proposals for the Council to become a full participating member of the proposed Vision Derbyshire Joint Committee be approved.

Voting

For	21
Against	2
Abstain	8

The Chairman declared the motion CARRIED.

Recommendations 8 and 9

Councillor Susan Hobson nominated Councillor Purdy as Councils representative on Vision Derbyshire Joint Committee as he had been involved from the beginning. Councillor Atkin seconded the nomination.

It was moved by Councillor Susan, seconded by Councillor Jason Atkin and

- RESOLVED**
8. That Councillor Garry Purdy be appointed to act as the Council's lead representative on the Vision Derbyshire Joint Committee.
 9. That further reports be presented to Council updating Members on the work of Vision Derbyshire and the Vision Derbyshire Joint Committee.

Voting	21
For	2
Against	8
Abstain	

The Chairman declared the motion CARRIED.

Following this item the Chair closed the meeting and confirmed that the remaining agenda items 12-16 would be referred a future meeting of the Council.

MEETING CLOSED 9:13pm

CHAIRMAN