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COUNCIL

Minutes of a Council Meeting held on Thursday 25 January 2018 in the Council Chamber, Town Hall, Matlock at 6.00 pm.

PRESENT

Councillor Richard FitzHerbert - In the Chair

Councillors Jason Atkin, Deborah Botham, Richard Bright, Sue Bull, Martin Burfoot, Sue Burfoot, David Chapman, Tom Donnelly, Graham Elliott, Steve Flitter, Helen Froggatt, Chris Furness, Alyson Hill, Neil Horton, Angus Jenkins, Tony Morley, Dermot Murphy, Joyce Pawley, Garry Purdy, Irene Ratcliffe, Mike Ratcliffe, Mark Salt, Andrew Shirley, Peter Slack, Andrew Statham, Jacquie Stevens, Colin Swindell, John Tibenham and Joanne Wild.

Dorcas Bunton (Chief Executive), Paul Wilson (Corporate Director), Sandra Lamb (Head of Corporate Services), Karen Henriksen (Head of Resources), Mike Hase (Policy Manager), Jim Fearn (Communications and Marketing Manager) and Jackie Cullen (Committee Assistant).

1 member of the public.

APOLOGIES

Apologies for absence were received from Councillors Albert Catt, Ann Elliott, Susan Hobson, Vicky Massey-Bloodworth, Tony Millward BEM, Jean Monks, Lewis Rose, OBE and Philippa Tilbrook.

Members were asked to light their candles and stand for a minute's silence in respect of Holocaust Memorial day on 27th January 2018.

294/17 – MINUTES

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

RESOLVED
(unanimously)

That the Minutes of the meetings of the Derbyshire Dales District Council held on 30 November 2017 and 7 December 2017 be approved as a correct record.

The minutes were signed by the Chairman.

295/17 - CHAIRMAN'S ANNOUNCEMENTS

A list of engagements carried out between Thursday 30 November 2017 and Thursday 12 25 January 2018 was distributed at the meeting. The Chairman of the District of Derbyshire Dales reminded Members that he had launched the Council's Civic Award Scheme, for which he had already received three nominations. He urged Members to consider further nominations and advised that the application form was available on the Council's website. He emphasised that all nominations would be considered anywhere within the Derbyshire Dales, and the Chairman was willing to travel to present the awards if necessary. It was noted that the deadline for applications was 28th February 2018.

296/17 – COMMITTEES

It was moved by Councillor Andrew Shirley, seconded by Councillor Joanne Wild and

RESOLVED That the non-exempt minutes of the Committees listed in the Minute
(unanimously) Book for the period 30 November 2017 to 16 January 2018 be received.

297/17 – QUESTIONS (RULE OF PROCEDURE 15)

Councillor Peter Slack asked the following question of Councillor Lewis Rose, OBE, Leader of the Council:

"In the light of some major housing planning applications coming forward with extremely low or none at all Affordable Housing provision, will the Leader of the Council give us assurance that the DDDC Local Plan Policy on the Provision of Affordable Housing will be kept up to and honoured and that the Council will do all it can to see that its Target of 30% percentage allocations are met."

At 6.08pm the fire alarm sounded – the meeting was adjourned.
At 6.20pm the meeting recommenced.

Councillor Richard Bright left the meeting at 6.10pm and Councillor Angus Jenkins arrived at 6.15pm during the adjournment.

In the absence of Councillor Rose OBE, Councillor Joanne Wild responded on his behalf as follows:

The District Council remains fully committed to the delivery of affordable housing as one of its key corporate objectives. The target of 30% provision is consistently applied, but it should be remembered that this is a target and that sometimes developers can make a strong case that it cannot be met if a site is to be developed at all. In these cases Planning Officers make sure that the financial case put forward by the developers is independently appraised.

In line with Government Guidance the Council has allocated a substantial proportion of development on brownfield sites, such as former quarries and the reality of bringing these sites forward sometimes means that we cannot deliver on each and every planning policy objective, as they carry substantial upfront costs that have to be borne by the developer. In these cases we have to strike a balance as sometimes trying to rigidly apply the 30% target might mean that a site cannot be delivered at all.

Councillor Slack thanked Councillor Wild for the response, and asked the following supplementary question:

If the Council's District Valuer valued a site that should provide affordable housing, should DDDC commit to this?

Councillor Wild advised that a written response would be provided in due course.

Councillor Peter Slack asked the following question of Councillor Lewis Rose, OBE, Leader of the Council:

"In regards to waste collection and with Carillion going into liquidation and Serco having financial problems. Also, in view of great uncertainty of companies that are supplying service to Local Authorities, is there a Council fall-back plan if Serco go the way of Carillion into liquidation?"

Councillor Wild responded on behalf of Cllr Rose OBE as follows:

In light of the situation with Carillion, members of the District Council's Corporate Leadership Team have discussed possible preventative measures and contingency plans.

However, should a similar situation occur, it is likely that a short break in service would take place as the District Council does not have the staffing capacity and/or relevant skills to seamlessly continue the service without impact. There may be options to work with neighbouring Authorities but the probability of support is low, due to staffing levels often being designed to meet a set schedule. Our Clean & Green Team could provide emergency support but this would be at the expense of ceasing delivery of other services and could not fulfil the whole schedule.

The most likely solution would be to negotiate the transfer of staff, vehicles and facilities from Serco. Our Environmental Services team have detailed information on the current structure of rounds, vehicles and disposal sites which would help with the short term continuation of the service.

Although the District Council cannot prevent a company from entering into liquidation or receivership, it does ensure that a robust method of evaluation forms part of the initial procurement of contracts. The District Council commissions reports produced by the credit rating company Equifax Business Information Services when assessing the financial and economic standing of companies who express interest in tendering for contracts.

As part of the tendering process, the PQQ or pre-qualification stage is the first stage in the process of awarding a contract or contracts for services (including waste). This considers financial components, such as trading performance, profitability and working capital as well as non-financial components such as county court judgements, records of insolvency proceedings, winding up petitions and aged accounts.

Where issues of concern are noted by Equifax or become known to the evaluation team via other sources (e.g. trade or business media), the District Council may follow these concerns up through clarification with bidders before making a final determination as to their economic and financial standing.

Regular meetings with the Contractor have continued throughout the term of the contract and include matters relating to performance, working arrangements, staffing, health and

safety and finance. As it stands Officers are as confident as they can be that Serco are able to fulfil their contractual obligations until it expires in 2020.

Cllr Slack thanked Cllr Wild for her response, by which he was reassured. He asked whether Serco owned the refuse vehicles, or were they hired?

Cllr Wild advised that a written response would be provided in due course.

298/17 – DOVERIDGE NEIGHBOURHOOD PLAN

The Council considered a report that set out the responses received during the statutory publicity period on the Doveridge Neighbourhood Plan, as well as Officer recommendations in respect of the contents of the Plan and its general conformity to the District Council's strategic policies. It was noted that the report was being presented to Council as an urgent item, instead of being presented to the Community and Environment Committee in order to facilitate the early progression of the Doveridge Neighbourhood Plan to the examination stage.

The Doveridge Neighbourhood Plan Steering Group (on behalf of Doveridge Parish Council) had undertaken consultation amongst the local community in October 2016, and the plan was then submitted to the District Council for its formal publicity stage in October 2017 - this commenced on 30th October and finished on the 11th December 2017. A link to a copy of the draft Doveridge Neighbourhood Plan was set out in Section 8 Background Papers of the report, and the locations at which the documents and consultation forms had been made available for public inspection were listed in the report, and were also made available on the District Council's website on the following page: www.derbyshiredales.gov.uk/doveridgenp.

In order to progress the preparation of the Doveridge Neighbourhood Plan, with the assistance of the RICS Neighbourhood Planning Independent Examiner Referral Service, and the agreement of the Doveridge Parish Council, Mr Andrew Matheson had been appointed as the Independent Examiner.

During the statutory publicity period a total of 7 representations were received from individuals and organisations. A link to the full responses was given in Section 8 of the Background Papers to the report, and were summarised in Section 2 of the report.

A detailed review of the policies and proposals contained within the Doveridge Neighbourhood Plan was undertaken during the local consultation, and whilst there was general support for the contents of the Draft Plan a number of comments were made by the District Council in respect of the text and policy content, as set out in Section 3 of the report. These comments were taken into account by the Doveridge Neighbourhood Plan Group in redrafting the Doveridge Neighbourhood Development Plan in readiness for submission to the District Council. It was recommended that those comments be endorsed by Members as the District Council's formal response to the plan, as detailed in the report, and that they should be submitted to the Independent Examiner for his further consideration.

To enable the Doveridge Neighbourhood Plan to come into force it must meet the 'basic conditions' as set out in the report. In addition to the detailed comments on each of the policies, the Council's recommended responses on whether each of the basic conditions had been met were set out in paragraph 4.4 of the report, and the next step was for the Doveridge Neighbourhood Plan to be subject to an Examination by an Independent Examiner who would consider whether the basic conditions had been met. The Examiner

would produce a report with his recommendations, the reasons for them and a summary of findings.

It was noted that the Parish Council had commissioned consultants to undertake an Equalities Impact Assessment; this was included in the Basic Conditions Statement and concluded that the Neighbourhood Plan did make equal provision for housing and sought to provide community facilities which would benefit groups equally. It also sought to provide a safer environment and public realm. The District Council's Equalities Officer concurred with this view.

It was moved by Councillor Joanne Wild, seconded by Councillor Tony Morley and

RESOLVED
(unanimously)

1. That the representations received during the statutory publicity period for the Doveridge Neighbourhood Plan, as set out in Section 2 of the report be noted, and forwarded to the examiner appointed to undertake the Examination of the Doveridge Neighbourhood Plan.
2. That the comments made in respect of the policies and proposals contained within the Doveridge Neighbourhood Plan set out in Section 3 of the report be endorsed and that they be forwarded to the examiner appointed to undertake the Examination of the Doveridge Neighbourhood Plan.
3. That a further report be presented to the Community and Environment Committee that sets out the Examiner's Report findings and any recommended modifications to the Doveridge Neighbourhood Development Plan.

299/17 – DERBYSHIRE DALES COMMUNITY INFRASTRUCTURE LEVY

Council considered an update on the Community Infrastructure Levy and a request for approval to continue with the preparation of a Derbyshire Dales Community Infrastructure Levy - a planning charge introduced by the Planning Act 2008 as a tool for local authorities in England and Wales to help deliver infrastructure to support the development needs of their area.

As a charging authority, the District Council was able to set a rate for the CIL which did not threaten the ability to viably develop and deliver the sites and overall scale of development envisaged in the Local Plan.

On 26th January 2017 Council approved in principle the introduction of a Derbyshire Dales Community Infrastructure Regime, as tabled in paragraph 1.4 of the report. However, staff absences and prioritisation of the work necessary to take forward the Derbyshire Dales Local Plan, as well as intelligence that the CIL regime may change in the future, had delayed progress. Nevertheless, given that the Derbyshire Dales Local Plan had now been adopted and progress was being made with many of the key development sites, it was considered appropriate to consider the future options for the delivery of infrastructure across Derbyshire Dales.

Since the introduction of CIL in 2010 the Government had made a number of changes to the Regulations and Guidance relating to CIL, as set out in the report. Furthermore, the

Autumn Budget presented to Parliament on 22nd November 2017 by the Chancellor of the Exchequer included a section on potential future revisions to CIL, as detailed in the report.

There were no indications of the timescales when the Department for Communities and Local Government would commence consultation on the proposed revisions to the CIL regime. However as a minimum it was considered to be at least 12 months before any changes were brought into effect, and it was not known whether there would be any transitional arrangements for those local planning authorities in the process of introducing CIL.

In the meantime key development sites identified in the Derbyshire Dales Local Plan continued to come forward. With the pooling provisions for s106 obligations remaining in place until such times as new legislation was brought into force, the introduction of CIL provided the District Council with the opportunity to secure financial contributions towards the provision of infrastructure, and it was considered that the most appropriate course of action would be to re-commence work on the introduction of the Derbyshire Dales CIL as soon as was feasibly possible. The proposed timetable was tabled in paragraph 3.5 of the report.

Members were advised that given the uncertainty about the future of the CIL the timetable would need to be continually reviewed to ensure that the District Council moved forward with the introduction of CIL in accordance with the most up to date legislation and guidance.

It was moved by Councillor Joanne Wild, seconded by Councillor Garry Purdy, and

RESOLVED
(unanimously)

1. That the revised timetable for the introduction of the Derbyshire Dales Community Infrastructure Levy as set out in Paragraph 3.5 be approved.
2. That the figures set out in Table 1 in Appendix 1 to the report form the basis for public consultation in a preliminary Community Infrastructure Levy Charging Schedule
3. That delegated authority be given to the Head of Regeneration and Policy, to undertake consultation on a preliminary charging schedule
4. That a further report be presented to Community and Environment Committee which sets out details of the consultation responses on the preliminary charging schedule.

300/17 – LOCALISM ACT – PAY POLICY STATEMENT

The Council considered a report fulfilling the requirement under The Localism Act, November 2011, to publish the Council's Annual Pay Policy Statement. The Pay Statement for the 2018/19 financial year was attached as Appendix 1 to the report.

It was moved by Councillor Jacquie Stevens, seconded by Councillor Joanne Wild and

RESOLVED
(unanimously)

That the annual Pay Policy Statement 2018/19 is approved.

301/17 – LOCAL COUNCIL TAX SUPPORT FOR 2018/19

Councillor Jason Atkin left the meeting at 7.00pm during discussion of this item.

The Council was asked to consider a report that provided information relating to proposed changes to, and sought approval to adopt, the Local Council Tax Reduction Scheme for the financial year 2018/19.

The scheme approved and adopted for 2013/14 (and retained for all subsequent years) was based on the government's default scheme which replicated the provisions for Council Tax Benefit, but subject to the amendments as set out in the report.

No technical changes were proposed to the scheme to be adopted for 2018/19 and so no new consultation with the public or with precepting authorities had been necessary. The Benefits Manager was satisfied that based on projected caseload and relevant changes occurring the costs of the 2018/19 scheme fell within budget. A review would however commence after 1st April 2018, to account for the likely impact of Full Service Universal Credit on local residents during 2018/19 with a view to making recommendations for subsequent years.

As part of ongoing Welfare Reform, some technical changes to the national Housing Benefit Scheme had occurred over successive years, as outlined in the report. The decision had been made not to mirror these changes within the Local Council Tax Reduction Scheme for working age households during 2018/19 for reasons set out in the report. It was proposed, in the interests of clarity and equity, that all allowances, premiums and non-dependant deductions and any other associated amounts in the scheme be uprated for both pensioner and working age claimants. No other changes to the local scheme for 2018/19 were proposed.

Members were advised that the amount of £15,000 previously fixed for hardship applications was being used in appropriate cases but had been under increased demand from local residents during 2017/18. This budget was fully committed at the time of writing the report, and it was considered that a modest increase in this budget would assist some households considerably. It was proposed that the budget amount for hardship applications should be increased to £16,000 for 2017/18 and 2018/19. Reassurance was given to elected members that the additional funds would be spent appropriately to support the most vulnerable households.

The complete proposed local Council Tax Reduction Scheme for 2018/19 would be available to Members on request and the final adopted scheme for 2018/19 would be published in full on the Council's website by 31st March 2018.

In response to a question the Head of Resources agreed to look into whether Universal Credit would impact on accessibility of the Hardship Fund, and circulate a response.

It was moved by Councillor Jacquie Stevens, seconded by Councillor Joanne Wild and

RESOLVED
(unanimously)

1. That under section 13A (1)(a) of the Local Government Finance Act 1992, the scheme detailed in this report as the local Council Tax Reduction Scheme for 2018/19 be approved and adopted
2. That a maximum total amount of £16,000 for all hardship relief applications under Schedule 11 of the scheme for 2018/19 (to be reviewed by a further report to Council during the year if it appears that this amount may be insufficient) be approved
3. That the maximum total amount for all hardship relief applications under Schedule 11 of the scheme for 2017/18 be increased to £16,000.

302/17 – PROVISIONAL LOCAL GOVERNMENT FINANCE SETTLEMENT 2018/19

Council were asked to consider a report that informed Members of the provisional Local Government Finance Settlement for 2018/19 together with its implications for the Council's finances.

The appendix to the report set out the Council's response to the Government's consultation paper on the settlement, taking into account The Rural Services Network and SPARSE-Rural's draft template that had been provided to assist authorities.

As part of the 2016/17 Finance Settlement the Government made an offer that "any council that wishes to take up a four-year funding settlement to 2019/20" could do so as long as it had an "efficiency plan". The Council produced an efficiency plan and accepted the Government's offer, as tabled in the report.

The provisional Local Government Finance Settlement for 2018/19 was reported to Parliament on 19th December 2017 and was accompanied by a consultation paper on the general nature of the basis of distribution of Revenue Support Grant, and of the general nature of the basis of calculation of 'tariff' and 'top up' payments. Responses were required by 16th January 2018. In view of the short timetable, a response had been submitted in consultation with the Leader and Deputy Leader of the Council, attached as Appendix 1 to the report.

The key headlines of the national settlement were set out in paragraph 2.1 of the report and the provisional figures in respect of the District Council's settlement were expected to be confirmed in late January or early February 2018, when the Government announced the final settlement. The key points of the provisional settlement were set out in section 3 of the report.

It was noted that the bid for the Derbyshire business rates pilot (reported to Council in November) had been successful, and work to finalise the apportionment of the pilot benefit between constituent authorities would take place in January and February. The business rates pilot had been confirmed for 2018/19, but at the time of writing this report, it was not yet known whether the pilot would continue into 2019/20.

It was moved by Councillor Jacquie Stevens, seconded by Councillor Chris Furness and

RESOLVED
(unanimously)

1. That the provisional Local Government Finance Settlement for 2018/19 be noted.
2. That the response to the Consultation Paper, as given in Appendix 1 to the report, be noted.

303/17 - SEALING OF DOCUMENTS

It was moved by Councillor Irene Ratcliffe, seconded by Councillor Tony Morley and

RESOLVED
(unanimously)

That the common seal of the Council be affixed to those documents, if any, required to complete transactions undertaken by Committees or by way of delegated authority to officers since the last meeting of the Council.

CHAIRMAN