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## **COUNCIL**

**Minutes of a Council Meeting held on Thursday 26 July 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, Ann Elliott, Graham Elliott, Steve Flitter, Helen Froggatt, Chris Furness, Alyson Hill, Vicky Massey Bloodworth, Jean Monks, Tony Morley, Dermot Murphy, Joyce Pawley, Garry Purdy, Irene Ratcliffe, Mike Ratcliffe, Lewis Rose, OBE, Andrew Shirley, Peter Slack, Andrew Statham, Jacquie Stevens, Colin Swindell, John Tibenham, Philippa Tilbrook and Joanne Wild.

Sandra Lamb (Head of Corporate Services), Karen Henriksen (Head of Resources), Tom Braund (Head of Regulatory Services), Ashley Watts (Head of Community and Environmental Services), Caroline Leatherday (Business Support Manager), Mark Nash (Financial Services Manager), Jim Fearn (Communications and Marketing Manager) and Jackie Cullen (Committee Assistant).

John Cornett and Katie Hill – KPMG.  
7 members of the public.  
1 member of the Press.

The meeting was recorded and broadcast live on YouTube.

### **PRESENTATION**

Councillor Andrew Statham arrived at 6.06pm and Councillor Colin Swindell at 6.14pm during the presentation.

A presentation was given by DCI Greg McGill of Derbyshire Police on unsolved burglaries in the Derbyshire Dales, with reference to a recent article in the Sunday Times alleging the Derbyshire Dales had had no burglary detections throughout 2017. DCI McGill explained the recording system and procedure in processing burglary crimes, and explained that low numbers of burglaries would result in a low detection rate. DCI McGill then took questions from the floor.

The Chairman thanked DCI McGill for his informative presentation.

The Chairman advised that Items 13 - Section 106 Annual Report 2017/18 14 - Annual Review of Planning Decisions and 15 - Treasury Management Annual Report for 2017/18 on the Agenda had been deferred until the September meeting of the Council, and that two late items would be considered after the last item on the Agenda.

## **APOLOGIES**

Apologies for absence were received from Councillors Susan Hobson, Tony Millward and Mark Salt.

## **92/18 – PUBLIC PARTICIPATION**

Mr Robin Greenwood (Matlock Local Resident) made a statement on Agenda Item 9: (Motion B) Proposal of a Notice of Motion (Rule of Procedure 16) on the closure of the public conveniences at the Hall Leys Park play area. Mr Greenwood presented a petition with 400 signatures in support of the Motion.

Councillor Vicki Raynes (on behalf of Tansley Parish Council) asked a question in relation to Item 13 on the Agenda: Section 106 Annual Report 2017/18, with reference to the Section 106 agreement for the Old Coach Road, Tansley, as to why no land had been earmarked in Matlock for expansion of the existing healthcare provisions. Cllr Raynes also asked for clarification on unpaid invoices tabled in paragraph 5.2 of the report and asked whether they were related to developments in Tansley; the date the houses in question were built; the Application Nos. of the developments, and the name of the Developer(s).

Councillor Lewis Rose OBE advised Cllr Raynes in response to her first question that the Council was awaiting a meaningful response from Derbyshire CCG, and were not able to impose healthcare contributions on Developers without an identified need. With regard to the unpaid invoices, Cllr Rose advised that this was a live legal matter and as such he was unable to provide any detail at this stage, but he hoped that the District Council would recover the money owed.

Ms Jackie Dew (on behalf of the Doveridge Neighbourhood Steering Group) made a statement on Item 18 on the Agenda: Doveridge Neighbourhood Plan and asked that on behalf of the villagers and the Steering Group thanks to Mike Hase and Tanya Rowntree for their unwavering support during the process be recorded.

## **93/18 - MINUTES**

It was moved by Councillor Richard FitzHerbert, seconded by Councillor Andrew Shirley and

**RESOLVED** That the Minutes of the meeting of the Derbyshire Dales District Council held on 31 May 2018 be approved as a correct record.  
(unanimously)

The minutes were signed by the Chairman.

## **94/18 - LEADER'S ANNOUNCEMENTS**

The Leader of the Council advised the Council that he had learned from Derbyshire Dales Council for Voluntary Services that the Patient Experience Team were currently consulting on proposals to remove all discretionary Clinical Commissioning Group funding from the voluntary sector in Derbyshire. Cllr Rose had circulated to Members a copy of his response to PET, commenting on, inter alia, the unacceptably short 3-week consultation period and content, and the fact that there was a threat of a 100% cut in funding, and not the 10-20% that might have been expected. Cllr Rose would keep the Council informed as to the outcome of his response.

## **95/18 – CHAIRMAN'S ANNOUNCEMENTS**

A list of engagements carried out between Tuesday 22 June and Saturday 14 July 2018 was distributed at the meeting. The Chairman of the District of Derbyshire Dales reminded Members of upcoming events, including a swimming pool event and a vineyard visit.

## **96/18 - COMMITTEES**

It was moved by Councillor Richard FitzHerbert, seconded by Councillor Tom Donnelly and

**RESOLVED** That the non-exempt minutes of the Committees listed in the Minute Book for the period 31 May 2018 to 19 July 2018 be received.  
(unanimously)

## **97/18 – QUESTIONS (RULE OF PROCEDURE 15)**

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

*“With a number of Councils now looking to bring services back in house, due to the great uncertainty of many private companies like Carillion, Capita, Amey, Serco and many other companies with financial problems, not completing or struggling to complete their contracts, leaving hospitals, Councils and other public authorities with unfinished contracts, to which local authorities have to step in to keep services running. Will the Council be looking for the officers and consultants to put in an in house bid for the waste collection services?”*

Councillor Rose provided the following response:

As part of the approved project brief, Eunomia Research & Consultancy Ltd will be supporting the Waste Review Project Team by providing an options appraisal on possible delivery models.

This work has only recently started but please be assured, all options will be considered. Also, as outlined in the 12 July Waste Procurement report, there will be workshops to consult with Members prior to the recommendations being put forward.

Just to remind Members, these workshops will take place at 16:00 on Thursday 27 September and at 18:00 on Thursday 18 October, here at the Town Hall.

## **98/18 – PROPOSAL OF A NOTICE OF MOTION (RULE OF PROCEDURE 16)**

### **MOTION A**

It was moved by Councillor Sue Bull, seconded by Councillor Joyce Pawley and

**RESOLVED**  
(unanimously)

That this Council

Humbly acknowledges that 2018 marks the Centenary of the Representation of the People Act 1918 which, in granting (some) women the right to vote, was a significant step forward to universal suffrage and to achieving gender equality. The Act permitted many women to vote in local and national elections and to stand for election to Parliament for the first time.

- (a) Notes that universal suffrage was finally achieved in July 1928, through the Representation of the People Act 1928.
- (b) Celebrates the Deeds and Words of the suffragette movement in shaping the Derbyshire Dales District Council as it now stands.

## **99/18 - PROPOSAL OF A NOTICE OF MOTION (RULE OF PROCEDURE 16)**

### **MOTION B**

In accordance with Rule of Procedure 19 (d) Councillor Sue Burfoot and Councillor Richard FitzHerbert requested a recorded vote on this item.

Under Rule of Procedure 24, it was moved by Councillor Sue Burfoot, seconded by Councillor Steve Flitter and

**RESOLVED**

That given the decision of Council held on the 30<sup>th</sup> April 2018 to permanently close the public toilets at the Hall Leys Park play area in Matlock, we urge the Council to reconsider its decision.

We believe that this facility is much valued and considered essential by parents and grandparents, especially given the popular water play feature. The play area is some distance from the main toilets on Causeway Lane.

We propose

- 1) That the toilets are reopened given the inadequacy of the Portaloo facility at busy times and kept open on a seasonal basis.
- 2) That the proposed demolition is postponed until all avenues for its retention are explored, without time limit.
- 3) That an independent assessment of the toilet building is commissioned to verify the cost of repairs to the facility.

**Voting:**

**For** Councillors Deborah Botham, Martin Burfoot, Sue Burfoot, Graham Elliott, Steve Flitter, Vicky Massey Bloodworth, Joyce Pawley, Irene Ratcliffe, Mike Ratcliffe, Peter Slack and Colin Swindell (11).

**Against** Councillors Jason Atkin, Richard Bright, Sue Bull, David Chapman, Tom Donnelly, Ann Elliott, Richard FitzHerbert, Helen Froggatt, Chris Furness, Alyson Hill, Jean Monks, Tony Morley, Dermot Murphy, Garry Purdy, Lewis Rose, OBE, Andrew Shirley, Andrew Statham, Jacquie Stevens, Philippa Tilbrook and Joanne Wild (20).

John Tibenham (1).

**Abstentions**

The Chairman declared the motion DEFEATED.

There was a short adjournment.

Councillors Jason Atkin, Graham Elliott, Helen Froggatt, Garry Purdy and Andrew Statham left the meeting at 7.45pm prior to discussion of the next item.

**100/18 – EXTERNAL AUDIT ISA 260 REPORT**

Councillor Steve Flitter left the meeting at 8.08pm during discussion of this item.

The Council considered a report presented by John Cornett of KPMG, which summarised the key findings arising from the external auditor’s work in relation to the Authority’s 2017/18 financial statements; and the work to support the external auditor’s 2017/18 conclusion on the Authority’s arrangements to secure economy, efficiency and effectiveness in its use of resources (‘VFM conclusion’).

The Council’s external auditors, KPMG, had issued their ISA260 report on the 2017/18 accounts and Value for Money (VFM) conclusion. A copy of the report was attached as Appendix 1 to the report for Members’ attention. As there was an earlier statutory deadline (31 July, rather than 30 September) for the approval of the 2017/18 financial statements and the audit had only recently been concluded, the report was presented to Council, rather than the Governance and Resources Committee, as had been customary.

The key issues and risks in the ISA260 report were listed in the report, and it was noted that there were no issues arising from the auditor’s work that needed to be brought to Members’ attention.

It was moved by Councillor Jacquie Stevens, seconded by Councillor Mike Ratcliffe and

**RESOLVED** That the “External Auditor’s ISA260 Report 2017/18” is noted.  
(unanimously)

**101/18 – STATEMENT OF ACCOUNTS 2017/18 AND ANNUAL GOVERNANCE STATEMENT 2017/18**

The Council considered a report that provided interpretation of the Statement of Accounts for 2017/18 and highlighted the key issues. The report also requested approval of the Statement

of Accounts for 2017/18 and approval of a revised Annual Governance Statement for 2017/18.

The Statement of Accounts 2017/18, distributed with the report, had been audited by the Council's External Auditors, KPMG, who had also reviewed the Annual Governance Statement for 2017/18. It was reported that some minor changes had been made to the Statement of Accounts in order to address issues identified during the audit; however, the overall financial position remained the same as that reported to Council on 31 May 2018. Some minor changes had also been made to the Annual Governance Statement in order to address issues identified during the audit. Therefore, the report recommended approval of a revised Annual Governance Statement, which would form part of the Statement of Accounts.

The Audit Opinion would be issued after the Council had approved the Statement of Accounts and Letter of Representation.

The Council's accounts had been prepared to comply with proper practices, as demonstrated by the satisfactory completion of the external audit of the accounts. Compliance could also be checked by reviewing the Statement of Accounts against the Audit Commission's Aide Memoire, attached as Appendix 1 to the report.

An amendment was noted on page 6 of the Statement of Accounts, where the paragraph beginning with the asterisk should read: '\*This target relates to the identification of £1.6m saving by 2019/20 and so is not applicable for **2017/18**.'

It was moved by Councillor Jacquie Stevens, seconded by Councillor Mike Ratcliffe and

- RESOLVED** (unanimously)
1. That the revised Annual Governance Statement for 2017/18 is approved;
  2. That the Statement of Accounts for 2017/18 is approved.

## **102/18 – LETTER OF REPRESENTATION 2017/18**

Councillor Richard Bright left the meeting at 8.16pm prior to discussion of this item.

The Council considered a report containing the draft Letter of Representation, as part of its responsibility for approving the financial statements in line with The International Standard on Auditing (U.K. & Ireland) 580 (ISA 580).

The Head of Resources' letter of representation had been prepared in accordance with guidance given in ISA 580 and was attached as Appendix 1 to the report. It was noted that the letter contained no matters of concern which needed to be brought to the attention of Members. Approval of the letter of representation by the Governance & Resources Committee prior to receiving the external auditor's Annual Governance Report contributed to the evidence referred to above.

It was moved by Councillor Jacquie Stevens, seconded by Councillor Dermot Murphy and

- RESOLVED** (unanimously)
- That the draft Letter of Representation be approved.

### **103/18 – REVISED SCHEME OF DELEGATION TO OFFICERS**

The Council considered a report that sought a revision to the Scheme of Delegation to Officers, as proposed in Appendix 1 to the report.

It was moved by Councillor Lewis Rose OBE, seconded by Councillor Mike Ratcliffe and

**RESOLVED** That the revised Scheme of Delegation as set out in Appendix 1 to the  
(unanimously) report is approved.

### **104/18 – DERBYSHIRE COUNTY COUNCIL BUS STRATEGY CONSULTATION**

The Council considered a report on a District Council response to the County Council's consultation on its Bus Strategy. The consultation was due to close on 10 September 2018.

It was moved by Councillor Chris Furness, seconded by Councillor John Tibenham and

**RESOLVED** That a response be submitted to Derbyshire County Council based on  
(unanimously) comments set out in section 2 of the report.

### **105/18 – DOVERIDGE NEIGHBOURHOOD PLAN**

The Council considered a report that set out the outcome of the referendum into the Doveridge Neighbourhood Plan and recommended that the Doveridge Neighbourhood Development Plan be formally "made" under Section 38A(4) of the Planning and Compulsory Purchase Act 2004.

A referendum on the Doveridge Neighbourhood Plan was held on the 14<sup>th</sup> June 2018 at which the following question as defined in the Neighbourhood Planning (Referendums) Regulations 2012 Schedule 1 was asked:

**Do you want Derbyshire Dales District Council to use the neighbourhood plan for Doveridge to help it decide planning applications in the neighbourhood area?**

The results of the referendum were as follows:

Those Voting in Favour	<b>YES</b>	418
Those Voting Against	<b>NO</b>	35
Rejected ballot papers		3
(38.1% turnout)		

Given the result of the referendum it was recommended that the Doveridge Neighbourhood Plan be formally made and used in the determination of planning in accordance with the provisions of Section 1 of the Neighbourhood Planning Act 2017.

A copy of the final version of the plan was attached at Appendix 1 to the report for Members' information. The Doveridge Neighbourhood Development Plan would be available online ([www.derbyshiredales.gov.uk/doveridge-np](http://www.derbyshiredales.gov.uk/doveridge-np) and [www.doveridge-village.org/doveridge-neighbourhood-plan](http://www.doveridge-village.org/doveridge-neighbourhood-plan)) and paper copies provided to the libraries.

The Council acknowledged the hard work and commitment of the residents and the Doveridge Neighbourhood Plan Steering Group resulting in the exemplary final plan.

It was moved by Councillor Tony Morley, seconded by Councillor Tom Donnelly and

- RESOLVED**  
(unanimously)
1. That the result of the referendum on the Doveridge Neighbourhood Development Plan be noted.
  2. That the Doveridge Neighbourhood Development Plan be formally “made” as a Neighbourhood Development Plan, and form part of the Development Plan for the Derbyshire Dales.
  3. That the Doveridge Neighbourhood Development Plan be used in the determination of planning applications that are situated within the Plan Area in accordance with the provisions of Section 1 of the Neighbourhood Planning Act 2017

### **106/18 – MOTION TO CONTINUE**

It was moved by Councillor Vicky Massey Bloodworth, seconded by Councillor Tom Donnelly and

- RESOLVED**  
(unanimously)
- That, in accordance with Rule of Procedure 13, the meeting continue beyond 2 ½ hours to enable the business on the agenda to be concluded.

### **107/18 – REVIEW OF STALL MARKETS**

The Council considered a recommendation from the Community & Environment Committee meeting held on 16 November 2017 that £12,500 (approximately 50% of the overall cost) be added to the capital programme for 2018/19 to assist Wirksworth Town Council with the works required to resurface the gardens to facilitate the relocation from the Market Place Car Park to the Memorial Hall/Gardens.

It was moved by Councillor Mike Ratcliffe, seconded by Councillor Peter Slack and

- RESOLVED**  
(unanimously)
- That provision be made in the capital programme for 2018/19 for a one off payment of £12,500 (approximately 50% of the overall cost) to be made to Wirksworth Town Council to assist with the works required to resurface the gardens to facilitate the relocation from the Market Place Car Park to the Memorial Hall/Gardens.

### **108/18 - SEALING OF DOCUMENTS**

It was moved by Councillor Ann Elliott, seconded by Councillor David Chapman 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.

## **109/18 – EXCLUSION OF PUBLIC AND PRESS**

It was moved by Councillor Lewis Rose OBE seconded by Councillor Jacquie Stevens and

**RESOLVED** That members of the public be excluded from the meeting for the  
(unanimously) remaining item of business to avoid disclosure of exempt information.

## **110/18 – COMMITTEES**

It was moved by Councillor Joanne Wild, seconded by Councillor Colin Swindell and

**RESOLVED** That the exempt minutes of the Committee listed in the Minute Book  
(unanimously) for 07 June 2018 be received.

## **111/18 – REVIEW OF DECISION TO WAIVE OCCUPANCY CONDITION UNDER SECTION 157 OF THE HOUSING ACT 1985 – PROPERTY AT 4 SMITHY KNOLL ROAD, CALVER**

The Council was asked to review a decision taken by the Community and Environment Committee on 12 July 2018 to waive a restrictive occupancy clause on a property in Calver, to a person not meeting the qualifying criteria. The Chairman had agreed to the inclusion of this item on the agenda as an item of urgent business, to enable the Council to review a decision which should not be unreasonably delayed, and to ensure that all relevant information was considered.

Since the decision taken on 12 July 2018, a complaint had been received from a potential local tenant, as detailed in the report. Given the nature of the complaint, a decision was taken in consultation with the Chairman of the Community and Environment Committee to suspend application of the decision pending review. The original applicant had been informed of the decision.

As a basic principle in law, all decisions of the Council should be made having regard to all relevant matters; be in accordance with the law, and comply with the principles of reasonableness. The specific law in this case was Section 137 of the Housing Act 1985 which provided a limitation on disposals or occupancy of former Council properties within the Peak District National Park without the written consent of the landlord.

The property owner had provided information to clarify the facts originally presented to the Committee and in response to the complaint, as set out in the report.

The facts presented to the Community and Environment Committee to determine the waiver had been confirmed.

Council was therefore asked to reconsider the matter and confirm or amend the Committee's original decision.

It was moved by Councillor Joanne Wild, seconded by Councillor Lewis Rose OBE and

**RESOLVED**  
(unanimously)

That the decision taken by the Community and Environment Committee, in granting a waiver to a person who did not satisfy the occupancy conditions, to occupy as tenant, the property at 4 Smithy Knoll Road, Calver is confirmed.

### **112/18 – LEISURE MANAGEMENT CONTRACT**

The Council considered a verbal report with regard to a proposed amendment by Freedom Leisure to the terms of the Leisure Management Contract.

*(This is a summary of an exempt minute. The reason for exemption is that sensitive commercial information may be revealed.)*

Meeting Closed

Chairman