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COUNCIL

Minutes of the Council meeting held at 6.00pm on Thursday 25th November 2021 in the Wheeldon Hall, Highfields School, Lumsdale, Matlock DE4 5NA.

PRESENT

Councillor Sue Bull - In the Chair

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

Paul Wilson (Chief Executive), Tim Braund (Director of Regulatory Services), Steve Capes (Director of Regeneration & Policy), Rob Cogings (Director of Housing), Karen Henriksen (Director of Resources), James McLaughlin (Director of Corporate & Customer Services), Jim Fearn (Communications & Marketing Manager), Lee Gardner (Legal Services Manager) and Simon Johnson (Democratic Services Officer).

Public - 1 member.

APOLOGIES

Apologies for absence were received from Councillors: Robert Archer, Paul Cruise, Steve Flitter, Peter O'Brien and Lewis Rose OBE.

200/21 - MINUTES

It was moved by Councillor Tony Morley seconded by Councillor Michele Morley and

RESOLVED

That the minutes of the meeting of Council held on 14th October 2021 be approved as a correct record.

Voting:

For	26
Against	2
Abstention	5

The Chairman declared the motion **CARRIED**.

201/21 - PUBLIC PARTICIPATION

Note:

“Opinions expressed or statements made by individual persons during the public participation part of a Council or committee meeting are not the opinions or statements of Derbyshire Dales District Council. These comments are made by individuals who have exercised the provisions of the Council’s Constitution to address a specific meeting. The Council therefore accepts no liability for any defamatory remarks that are made during a meeting that are replicated on this document.”

Item 11 - BLACK’S HEAD, ASHBOUNRE

In accordance with the procedure for public participation, Mr Graham Elliott (Ashbourne local resident) spoke regarding the future of the Black’s Head, Ashbourne.

The further following questions and statements were submitted in writing:

STATEMENT and QUESTION from Mr Peter Dobbs, Ashbourne Local Resident

“I would like to ask 3 questions and make comments concerning the suspension of separate food waste collections in Derbyshire Dales.

I understand that the 4 month suspension of food waste collection and its diversion to landfill via the black / grey bins was an operational decision taken by officers. I also understand that there was no climate impact assessment made at the time.

It would appear that an operational decision may have been made to extend the suspension beyond 4 months.

Q1. *Could you indicate when separate food waste collections are predicted to be resumed?*

Q2. *At the 14th October Full Council it was indicated by Mr Braund that delegated decisions would also have climate impact assessments undertaken. So if the decision was made to extend the food waste suspension (a matter specifically mentioned during that meeting), was an impact assessment made and if so could it be published?*

Q3. *Are the Council intending to follow the DCC policy outlined in their Climate Change Strategy Report 2021-25 (*1) to increase the diversion of food waste from landfill by 2022? They appear at present to be doing the opposite.*

*Calculations (*2) will show that the 17 week suspension has placed 1,450 tonnes of food waste in landfill. By anaerobic decay this will produce methane with a greenhouse gas equivalent of about 960 tonnes CO₂.*

*This is more than the total GHG emissions reported by Derbyshire Dales for 2019-20 and for 2020-21. (*3) This is obviously bad news - but how bad? How expensive will it be to ‘remove’ this amount of CO₂ in the future to ‘repair’ the damage?*

The PV array and air source heat pumps currently being installed at Ashbourne Leisure centre are predicted to save 123t CO₂e per year at an installation cost of £734,000. Assuming an operational lifetime of 20 years this equates to a cost of £300 per tonne of CO₂ saved.

This suggests that it will cost well over £0.25 million to repair the damage already caused by sending food waste to landfill. A sum that will increase by £17,000 for every week this policy continues.

*1:<https://www.derbyshire.gov.uk/site-elements/documents/pdf/environment/climate-change/climate-change-strategy.pdf>

*2:<https://derbyshiredaleslibdems.org.uk/en/article/2021/1412362/food-waste-in-the-black-bin-really>

*3:<https://www.derbyshiredales.gov.uk/environment-and-waste/climate-change2>

Peter Dobbs Ashbourne resident.”

RESPONSE:

Q1: Separate food waste collections will commence on Monday 29 November, as will the collection of side waste for recycling

Q2: A Climate Change Impact Assessment was not undertaken. As stated in previous meetings, the primary focus and reason for the temporary adjustments to the waste and recycling collection service was to support the improvement of waste collections to our residents. Whilst it is regrettable that the Council has needed to take these steps, we have seen a significant reduction in the disruption to our waste collection service as a result of these difficult decisions.

Officers understand and acknowledge the concern of Members in respect of the Methane emissions associated with food waste temporarily going to landfill, however completing a full quantitative assessment would have not changed the situation. At this time there were not enough drivers to to restore the food waste rounds. We are however, pleased to report that separate food waste collections and the collection of side waste for recycling will resume from Monday 29 November.

Q3: As the waste collection authority, the Council will continue to work in partnership with DCC as they aim to achieve their ambitions as set out in the Climate Change Strategy. This includes the prioritised action to ‘Identify solutions to increase the diversion of organic waste including food, soiled materials, carpets, organic textiles, etc. from landfill’ – which will start by 2022 and the more ambitious target (T3) that ‘No more food and garden waste sent to landfill by 2030’

Officers understand and acknowledge Mr Dobbs’ concern in respect of the Methane emissions associated with food waste temporarily going to landfill, however completing a full quantitative assessment would have not changed the situation.

With regards to Ashbourne Leisure Centre, the Council is committed to reducing our emissions in respect of our own estates and operations. The current grant funded project at Ashbourne Leisure Centre demonstrates this commitment and is an exemplar, enabling us to not only reduce emissions at this site but also gain an understanding of technologies such as air source heat pumps for potential use at our other sites.

QUESTIONS from Mr David Smith, Wardlow Local Resident

Q1. *I have to ask this question, as the Monitoring Officer of this authority seems to have interpreted the constitution in a way that denies my wife, a councillor, the opportunity of asking questions herself, in the public arena. Her questions to the last council meeting were neither read out or minuted.*

On July 26th, officers made the operational decision to landfill food waste for 3 months, without any climate change impact assessment. This decision expired on 26th October. At the full council meeting on 14th October Tim Braund agreed with my wife, that any future decision to landfill food waste should have a climate change assessment. Can you tell me if a climate change assessment has been done, for the subsequent decision to landfill food waste, that must have been made on or after 26th October?

Q2. *I have to ask this question, as the Monitoring Officer of this authority seems to have interpreted the constitution in a way that denies my wife, a councillor, the opportunity of asking questions herself, in the public arena. Her questions to the last council meeting were neither read out or minuted.*

We have all witnessed recent events that paint a picture of the Conservative Party as one of sleaze and lobbying for vested interests. At the Governance and Resources Committee on 18th November I watched Cllr Purdy use his allocated speaking time to present the case for a local landowner. Does the council think this is an appropriate use of his position as the leader of a council which is supposed to represent all of the residents in the Derbyshire Dales? How many times, and on what dates, has Cllr Purdy met Mr Newton to discuss the Starkholmes allotments? Were officers present on all occasions?

Q3. *I have to ask this question, as the Monitoring Officer of this authority seems to have interpreted the constitution in a way that denies my wife, a councillor, the opportunity of asking questions herself, in the public arena. Her questions to the last council meeting were neither read out or minuted.*

Whilst on the subject of Conservative Party sleaze, earlier this year, as part of a complaint, my wife provided the Monitoring Officer with photographic evidence of Cllr Atkin's declared employer, with outside table and chairs that would require a pavement license. Cllr Atkin had participated in debate and voted to give businesses free pavement licenses. My wife was told by the Monitoring Officer he would prefer to treat the issue as a training matter. Can the council confirm whether Cllr Atkin has received the training required to inform him he should not be voting to potentially financially benefit his employer?

RESPONSE:

1. A Climate Change Assessment was not undertaken. As stated in previous meetings, the primary focus and reason for the temporary adjustments to the waste and recycling collection service was to support the improvement of waste collections to our residents. Whilst it is regrettable that the Council has needed to take these steps, we have seen a significant reduction in the disruption to our waste collection service as a result of these difficult decisions.

Even if an assessment had been completed, there were not enough drivers to restore the food waste rounds. We are however, pleased to report that separate food waste collections and the collection of side waste for recycling will resume from Monday 29 November.

2. Thank you for raising this issue, Mr Smith. I do not accept the view that I was presenting a case for anyone. I used my contribution to share information that had been provided to me in the meeting I had agreed to hold with the landowner. This information was relevant to the matter under discussion. I am keen that the discussion can move on to support all

parties to achieve a solution for the allotment holders at Starkholmes. I will provide the remaining information to you in writing after the meeting.

3. All Members have been invited to attend training on Decision Making and Ethics in December and I understand that the Monitoring Officer will provide a much needed refresher for all Members on the requirements of the Code of Conduct and maintaining the highest standards as elected representatives. I am advised that the Monitoring Officer has discussed the issue with Cllr Atkin, despite not receiving a formal complaint when the matter was raised in September 2020, and reiterated the need to seek advice on such matters in future. I would recommend any Member to approach the Monitoring Officer for advice or counsel ahead of any decision whether they consider that there may be a potential conflict of interest.

202/21 - INTERESTS

Item 11 - BLACK'S HEAD, ASHBOURNE

Cllr Sue Bull declared a personal interest in Item 11, as a Member of Ashbourne Town Council.

Item 12 - DERBYSHIRE CLAUSE POLICY AND PROCEDURE

Cllr Helen Froggatt declared a pecuniary interest in Item 12, for being resident in a property subject to the Derbyshire Clause. Councillor Froggatt did not intend to participate or vote on Item 12.

Cllr Mark Wakeman declared a pecuniary interest in Item 12, for being resident in a property subject to the Derbyshire Clause. Councillor Wakeman did not intend to participate or vote on Item 12.

203/21 - LEADERS' ANNOUNCEMENTS

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

"I recently attended the District Council Network Conference when I had the opportunity to question Housing Minister Christopher Pincher MP with regard to the lack of new and affordable homes being built in the Peak Park.

Whilst I have received a reply from the Housing Minister he did not fully answer the point of my question and so with thanks to Mike Hase we have set out a very detailed letter on the subject matter and now wait a further response.

I fully appreciate the special purpose of the Peak Park Authority, to keep and beautify the Peak District area, but it is falling behind other National Parks with its building programme and sustainability is key to keeping the Park alive.

Due to the fact that Derbyshire was successful in only two bids for Government grant monies out of 14 applications I am writing to the LMHCLG SOS Michael Gove MP to ask the question as to why our bids were not successful, and in addition I am also stating the case for a really decent settlement for our Authority given the fact that there is no clear evidence in the recent Chancellors Budget statement, and finally, outlining two years of collaborative work by Derbyshire Local Authorities on Vision Derbyshire and the hope that it will be successful in our County bid.

Two weeks ago I received a telephone call from James Jaimeson, Chairman of the Local Government Association who wished to know how things were in our area.

I was able to inform James of the troubles we were experiencing with our Serco contract, the concern I have with regard to a fair and decent settlement for our Authority given the ten years and more of Austerity cuts which have badly affected our Authority to the point where our hard pressed Officers are as concerned as I am together with the Chief Executive on the lack of Officer capacity to be able to put together a ‘shovel ready’ green book case for the second Tranche of Levelling Up monies expected to be announced in the Spring.

Members really ought to take notice of and support the point I make here – that the lack of Officer capacity is threatening any bid we might make to Government under the Levelling Up fund round of grants.

I then touched upon Vision Derbyshire with James and that after two years of hard work by Derbyshire County Council Officers and the close collaboration of Derbyshire Local Authorities during this time that we were ever hopeful that Government would approve our County Deal. James replied that he was fully behind the idea of County Deals and hoped to see one get over the line and approved.

I am now able to report that Cllr Barry Lewis has been invited to speak to Ministers in London with regard to our County Deal bid.

Its fingers crossed time.

Other Counties are following our idea on Vision Derbyshire but we are two years of the rest with a lot of hard work ahead of the other bids and so we remain ever hopeful that our Joint Committee will be approved.”

204/21 - CHAIRMAN’S ANNOUNCEMENTS

Councillor Steve Wain, Civic Chairman, made the following statement:

“On the 12th November 2021 I attended a luncheon at the Museum of Making in Derby with the Lord Lieutenant, who presented a ‘Queen’s Enterprise Award for International Trade’ to MasterMover of Ashbourne; around one hundred staff and their families attended the event.

This is a highly prestigious award and it was a pleasure to see it be awarded to a local Derbyshire Dales company that only started in 1997.”

205/21 - COMMITTEES

It was moved by Councillor Tom Donnelly seconded by Councillor Jason Atkin and

RESOLVED That the non-exempt minutes of the Committees listed in the Minute book, for the period 12th October 2021 to 18th November 2021 be received.

Voting:

For	32
Against	1
Abstention	0

The Chairman declared the motion **CARRIED**.

206/21 - CORPORATE PEER CHALLENGE - REVISED ACTION PLAN

At **6:26pm** Councillor Andrew Shirley arrived at the meeting during the debate of this item. Councillor Shirley was excluded from the vote on this item

The Chief Executive introduced a report on the Corporate Peer Challenge which is used to formulate the District Council's Corporate Plan (2020-2024). The Corporate Plan sets out the District Council's priorities, areas for improvement and identifies targets to be achieved; Service Plans, policies and strategies supplement the Corporate Plan. The final feedback report, following the Local Government Association (LGA) Corporate Peer Challenge undertaken during the 22nd to 24th October 2019, was received and circulated to all Members on 21st January 2020.

Following discussions at the Leaders Advisory Group in February and May 2020, at the meeting of Council held on 02nd July 2020, Members approved an Action Plan which proposed a series of actions in response to the key recommendations of the Peer Challenge report. During the last 18 months, implementation of the Action Plan has been adversely impacted by the need to redirect strategic and corporate resources to respond to the significant challenges arising from dealing with the COVID-19 pandemic. However, as the District Council is gradually recovering from the hiatus of the pandemic, there is a need to revisit the Action Plan and re-prioritise and align our strategic resources to the implementation of the remaining review recommendations.

Where actions from July 2020 have been implemented, or are no longer considered to be relevant, these have been deleted from the updated Action Plan. The revised Action Plan seeks to respond positively to the challenges identified and identifies a series of specific, measurable, achievable and time-bound (SMART) actions over the coming months to deliver full implementation and sustained corporate improvement.

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

RESOLVED That the revised Corporate Peer Challenge Action Plan be approved.

Voting:

For	31
Against	1
Abstention	1

The Chairman declared the motion **CARRIED**.

207/21 - MEMBERSHIP OF POLITICAL GROUPS, POLITICAL BALANCE AND ENTITLEMENT TO SEATS ON COMMITTEES

The Director of Corporate and Customer Services introduced a report on the updated membership of political groups on the Council, the change to the political balance of the authority and the revised entitlement of political groups to seats on committees for the remainder of the 2021/22 municipal year.

The Proper Officer is required to notify the Council of any change in the political balance of the authority or the operation of new political groups under the Local Government (Committees and

Political Groups) Regulations 1990.

Since the last Council meeting, Councillor Peter O'Brien had ceased to be a member of the Labour Group and had now formed a new political group with Councillor Colin Swindell, to be known as the Independent Group. The effect of this change means there were three Members in the Labour Group.

The Proper Officer had received formal notifications, under the provisions of the Local Government (Committees and Political Groups) Regulations 1990, of changes in the membership of the Council's political groups.

The Conservative and Councillors Bright and Elliott Group nominated Councillor Purdy to replace Councillor Bull as a member of the Constitution Working Group. This change was recommended for approval by the Council.

The Director of Corporate and Customer Services verbally reported a further recommendation that Councillor Atkin replace Councillor Purdy as the Council's representative on the Derbyshire Police and Crime Panel.

It was moved by Councillor Helen Froggatt, seconded by Councillor Richard Bright and

RESOLVED

1. That the revised membership of the Labour Group be noted.
2. That the operation of a new political group, to be known as the Independent Group, consisting of two Members be noted.
3. That the Council notes, and agrees, the entitlement of the membership of the political groups and that such entitlements have been reflected in the allocations to Committees.
4. That the nominations of the Labour Group and the Independent Group in respect of their seat entitlements be approved.
5. That Councillor Purdy replace Councillor Bull as a member of the Constitution Working Group.
6. That Councillor Atkin replace Councillor Purdy as the Council's representative on the Derbyshire Police and Crime Panel.

Voting:

For	33
Against	1
Abstention	0

The Chairman declared the motion **CARRIED**.

208/21 - DISPENSATION FOR NON-ATTENDANCE AT COUNCIL MEETINGS

The Director of Corporate and Customer Services introduced a report seeking a dispensation to a Councillor Rose OBE for non-attendance at council meetings for a period of six consecutive months; his last attendance at a qualifying meeting was on 05th July 2021 when he attended Community and Environment Committee.

Section 85(1) of the Local Government Act 1972 states that "if a member of a local authority fails throughout a period of six consecutive months from the date of his last attendance to attend any meeting of the authority, he shall, unless the failure was due to some reason approved by the authority before the expiry of that period, cease to be a Member of the Authority.

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

- RESOLVED**
1. That approval be given to a dispensation for Councillor Rose from attending meetings of the Council for a period of six months commencing on 26th November 2021, thus nullifying the disqualification to hold office for a six month period.
 2. That it be noted that any extension to the dispensation for Councillor Rose after the six month period ends on 26th May 2022, will require further approval in accordance with recommendation 1 above.

Voting:

For	30
Against	2
Abstention	2

The Chairman declared the motion **CARRIED**.

209/21 - DURATION OF MEETINGS (MOTION TO CONTINUE)

At **8:27pm**, during the discussion of **Item 11 - BLACK'S HEAD, ASHBOURNE**.

It was moved by Councillor Garry Purdy, seconded by Councillor Andrew Shirley and

- RESOLVED** (unanimously) 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.

The Chairman declared the motion **CARRIED**.

210/21 - BLACK'S HEAD, ASHBOURNE

The Director of Regulatory Services, supported by the Legal Services Manager, introduced a report informing Members of the results of the consultation, undertaken in respect of the future of the Black's Head, following the Council meeting held on 14th December 2020.

That meeting determined that, subject to listed building consent being received, the Black's Head figure should not be returned to its original location above St John's Street, Ashbourne and that officers be authorised to undertake consultation with Ashbourne Town Council and neighbouring parish councils, as well as Ashbourne heritage Society in order to determine an acceptable mechanism for the return, future custodianship, management and any public presentation of the Black's Head figure and arch/sign.

Following the resolution at Council, emails were sent to Ashbourne Town Council, Ashbourne Heritage Society and all parish councils that had previously formed part of Ashbourne Rural District Council, as these were considered to be a good approximation of the word 'neighbouring' in the resolution. All were given until 5th March 2021 to respond; in total seven responses were received for this consultation.

Furthermore, following the closure of the formal consultation a number of additional comments were received, including a request from Ashbourne Town Council to transfer the ownership of the Head and sign to them.

At **7:23pm**, there followed 10 minute adjournment for Members to considered the written Motion tabled by Councillor Stuart Lees, returning at **7:33pm**.

It was moved by Councillor Stuart Lees, seconded by Councillor Tom Donnelly and

RESOLVED

1. That, following receipt of the request from Ashbourne Town Council made during their meeting held on 16th November 2021 and submitted in writing to the Director of Regulatory Services, the full ownership of and responsibilities for the Black's Head and 'Green Man & Black's Head Royal Hotel' gantry sign be transferred to Ashbourne Town Council.
2. That Ashbourne Town Council be advised to apply through the District Council for listed building consent to ascertain where the head can legally be displayed, **in a glass case, with appropriate wording to explain its** (the Black's Head) **historical context**.
3. That the costs of any maintenance and repainting work be met by the District Council until the transfer of ownership is complete, after which Ashbourne Town Council will be responsible for meeting any and all costs associated with the Black's Head.
4. That the Black's Head remains in the possession of the Derbyshire County Archive until consent is given on behalf of the Secretary of State and the completion of the legal documents required for the transfer of ownership.
5. That authority be delegated to the Director of Regulatory Services and the Director of Corporate and Customer Services to undertake the actions required to progress the above decisions on behalf of the Council

It was then moved by Councillor Garry Purdy, to amend **resolution 2** (this amendment being accepted by Councillor Lees and Councillor Donnelly) of the resolutions moved by Councillor Stuart Lees and seconded by Councillor Tom Donnelly, as **highlighted in bold lettering**.

Voting:

For	24
Against	6
Abstention	4

The Chairman declared the motion **CARRIED**.

Meeting Closed: 8:59pm

Chairman