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## **COUNCIL**

**Minutes of a Council Meeting held on Thursday 26 January 2017 in the Council Chamber, Town Hall, Matlock at 6.00 pm.**

**PRESENT** Councillor Richard FitzHerbert - In the Chair

Councillors Jason Atkin, Deborah Botham, Jennifer Bower, Richard Bright, Susan Bull, Martin Burfoot, Sue Burfoot, Albert Catt, David Chapman, Phil Chell, Tom Donnelly, Ann Elliott, Graham Elliott, Steve Flitter, Helen Froggatt, Chris Furness, Susan Hobson, Neil Horton, Angus Jenkins, Vicky Massey-Bloodworth, Jean Monks, Tony Morley, Joyce Pawley, Garry Purdy, Irene Ratcliffe, Andrew Shirley, Peter Slack, Andrew Statham, Jacquie Stevens, Colin Swindell, John Tibenham, Philippa Tilbrook and Joanne Wild.

Dorcas Bunton (Chief Executive), Paul Wilson (Corporate Director), Sandra Lamb (Head of Corporate Services), Tim Braund (Head of Regulatory Services), Karen Henriksen (Head of Resources), Mike Hase (Policy Manager), Heidi McDougall (Head of Environmental Services), Deborah Unwin (Human Resources Manager), Keith Postlethwaite (Parks and Street Scene Manager) and Jackie Cullen (Committee Assistant).

Brian Ford and Helen Crane, Matlock Community Vision

14 members of the public.

Members were asked to light their tea-lights after which the Chairman called for one minute's silence in commemoration of Holocaust Memorial Day

The Parks and Street Scene Manager announced that the District Council had received an award in respect of the East Midlands Authority Challenge. The Council's team, which was one of twenty authorities represented, won the award for 'the best presentation of the day'. The Chairman congratulated the participants.

## **PRESENTATION**

Helen Crane of Matlock Community Vision (MCV) gave a presentation on the group's primary focus, which was the regeneration of Matlock's old bus station and old market hall. MCV had distributed a paper prior to the meeting that provided background information to the presentation. MCV was now at a stage where they needed specialist advice and

active involvement from the District Council in order to take their concepts forward. Ms Crane then took questions from Members.

Councillors thanked the representatives of MCV and their Chair, Tony Symes, as well as all the other volunteers who had worked tirelessly on this project.

## **APOLOGIES**

Apologies for absence were received from Councillors Alyson Hill, Tony Millward BEM, Mike Ratcliffe, Lewis Rose OBE and Mark Salt.

## **342/16 – PUBLIC PARTICIPATION**

In accordance with the procedure for public participation, the following members of the public addressed the meeting in respect of Agenda Item 9 – Gypsies and Travellers – Update.

Councillor Simon Spencer (DCC Divisional Member for Dovedale) spoke of his concerns that the Watery Lane site would impact on future proposals for a by-pass in Ashbourne and requested Members to consider relocating the proposed Traveller Site.

Councillor Steve Bull (DCC Divisional Member for Ashbourne) requested clarification on the fact that the Watery Lane site had been granted planning permission for 4 pitches, yet 6 pitches were now being considered. Cllr Bull also commented on the Officers' request for approval of £20,000 funding for a design specification.

Mr Paul Siddall (local resident) commented on the lack of surveys regarding badger setts on the Watery Lane site and submitted questions to the Corporate Director in respect of ecology matters/

Mr John Youatt (Agent for Paul Hodgkinson and colleagues) made a statement objecting to the site at Watery Lane in favour of the selected site at Woodyard, Homesford. Mr Youatt also asked a question relating to badger setts at the Watery Lane site.

## **343/16 – MINUTES**

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

**RESOLVED** That the Minutes of the meetings of the Derbyshire Dales District Council held on 24 November 2016, 1 December 2016 and 8 December 2016 be approved as a correct record.  
(unanimously)

The minutes were signed by the Chairman.

## **344/16 – CHAIRMAN'S ANNOUNCEMENTS**

A list of engagements carried out between Friday 24 November 2016 and Thursday 26 January 2017 was distributed at the meeting.

### **345/16 – COMMITTEES**

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

**RESOLVED** That the non-exempt minutes of the Committees listed in the Minute  
(unanimously) Book for the period 24 November 2016 to 17 January 2017 be received.

Councillor Simon Spencer (DCC Divisional Member for Dovedale) asked the Chairman for permission to record the debate on Agenda Item 9; this was granted.

### **346/16 – GYPSIES AND TRAVELLERS - UPDATE**

The Council considered a report providing an update on actions to secure the provision of a permanent Gypsy and Traveller site on land at Watery Lane, Ashbourne.

The Corporate Director addressed some of the issues raised by the speakers, as follows:-

- As yet no definitive route had been identified by the County Council for a by-pass at Ashbourne and as such there was no certainty that the Watery Lane site would in fact be affected in the future;
- 4 pitches had been approved at the Watery Lane site; however if 6 were considered in order to fulfil the Council's 5-year requirement, an application for the extra pitches would have to be brought back to the Planning Committee for a decision;
- Any potential costs identified in respect of ecological surveys would be brought back to the Council at its Spring meeting;
- No application for licences from National England had been made – this would be done at the point where any activity on site was imminent. No statutory notifications regarding badger setts had been made at the time of the planning application on this site;
- With regard to the Homesford site, an appeal decision by the Secretary of State in July 2016 in respect of 8 pitches was dismissed on principal; therefore it was considered that this site was no longer an option.

At its meeting on 29<sup>th</sup> September 2016 Council accepted its duties and responsibilities towards Gypsies and Travellers under housing and planning legislation and endorsed the principle of development of the site at Watery Lane, Ashbourne as a permanent Gypsy and Traveller site.

A number of actions were also agreed, which had now progressed to a stage where a report could be presented to the Council for information and action as appropriate:

- investigate the development costs for the construction of a Gypsy and Traveller site at Watery Lane, Ashbourne.
- engage in discussions with Derbyshire County Council and Derbyshire Gypsy Liaison Group in order to agree the heads of terms and define the lessee for the land at Watery Lane, Ashbourne.

As reported to the Council in September, 2016, the median cost of developing a new Traveller pitch in the Midlands was £112,128. In order to progress the permanent provision

of a site for Gypsies and Travellers and refine the estimate of development costs, the Head of Regulatory Services had visited a purpose built site in the West Midlands, accompanied by a representative of the Derbyshire Gypsy Liaison Group (DCLG), the outcome of which was set out in the report. An illustrative design and layout, prepared by BM3 Architects of Birmingham, was attached as an Appendix to the report. Following the visit to the site and further discussions between the Head of Regulatory Services and BM3, a fee proposal had been received from BM3 of £20,000, broken down into 50% for Planning and 50% for Working Drawings, based on a requirement for 6 units on site, with only 4 units being developed initially. It was recommended that this amount be made available from the Capital Programme, and that the resulting design specification be used to invite tenders to undertake all the works necessary to develop the site. The outcome of this tender would be reported back to Council before any final decision was taken as to the development of the site.

The current funding arrangements for Traveller sites had still to be confirmed by Government and it was noted from correspondence with the Housing Minister that he recognised the need to address historical under-provision of authorised sites for Travellers and was reviewing options on how best to support Traveller pitches and Gypsy and Traveller groups. A Housing White Paper was due to be published in due course.

At the Cabinet Member Meeting for Council Services on 31<sup>st</sup> October 2016, Derbyshire County Council formally agreed to the allocation of 0.3ha of land at Watery Lane Ashbourne as a Gypsy and Traveller site in the Derbyshire Dales Local Plan. In accordance with the resolution of Council on 29<sup>th</sup> September 2016, the Corporate Director had undertaken initial discussions with representatives of the County Council in regard to the formulation of heads of terms for a lease agreement for a period of 25 years. The lease would be a Full Repair and Maintenance Lease. During these discussions, the County Council had indicated that it would be their preference for the District Council to be the leaseholder rather than a third party and that appropriate provisions be included within the lease to accommodate any future opportunities for an A515 Ashbourne by-pass to be constructed. A detailed management and maintenance agreement setting out how the site would be operated and maintained would also need to be formulated and agreed with the County Council prior to the finalisation of any lease agreement.

Councillor Richard FitzHerbert requested a recorded vote, which was seconded by Councillor Peter Slack.

It was then moved by Councillor Albert Catt, seconded by Councillor Irene Ratcliffe and

**RESOLVED**

1. That £10,000 be made available from the Capital Programme to commission consultants to draw up a design specification for a Gypsy and Traveller site at Watery Lane, Ashbourne, based on the outline provision summarised in paragraph 2.6.
2. That the specification is used to invite tenders for the execution of works to develop the site at Watery Lane, Ashbourne site for 6 pitches and that the outcome of the tender is reported back to Council prior to any final decision being taken.
3. That all opportunities for external funding to assist with the potential development costs, be explored by the Head of

Housing and a report be presented to the Council in the Spring of 2017.

4. That authority is delegated to the Corporate Director to agree appropriate heads of terms for the Council to become the leaseholder of the site at Watery Lane site, Ashbourne for a period of 25 years.

**Voting:**

**For**

Councillors Jason Atkin, Deborah Botham, Richard Bright, Sue Burfoot, Albert Catt, David Chapman, Ann Elliott, Graham Elliott, Richard FitzHerbert, Steve Flitter, Helen Froggatt, Chris Furness, Susan Hobson, Neil Horton, Angus Jenkins, Jean Monks, Tony Morley, Joyce Pawley, Garry Purdy, Irene Ratcliffe, Andrew Shirley, Peter Slack, Andrew Statham, Jacquie Stevens, John Tibenham, Philippa Tilbrook and Joanne Wild (27).

**Against**

Councillors Jennifer Bower, Susan Bull, Martin Burfoot, Phil Chell, Tom Donnelly, Vicky Massey-Bloodworth and Colin Swindell (7)

**Abstentions**

(0)

The Chairman declared the motion carried.

**347/16 – LOCALISM ACT – PAY POLICY STATEMENT**

Councillors Neil Horton, Richard Bright and Andrew Statham left the meeting at 8.10pm prior to discussion of this item.

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 2017/18 financial year was attached as Appendix 1 to the report.

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

**RESOLVED** That the annual Pay Policy Statement 2017/18 be approved.  
(unanimously)

**348/16 – DERBYSHIRE DALES COMMUNITY INFRASTRUCTURE LEVY**

The Council considered a report that set out background information about the Community Infrastructure Levy, and the outcomes of work that had been undertaken to support the preparation of the Derbyshire Dales Local Plan in respect of the Infrastructure Needs and Plan Viability and the Community Infrastructure Levy (CIL). The report recommended that the District Council moved forward with the introduction of a Derbyshire Dales Community Infrastructure Levy.

The Community Infrastructure Levy came into force on 6 April 2010 through the Community Infrastructure Levy Regulations 2010, which had been updated on several

occasions since then. The criteria under which local planning authorities were permitted to charge a CIL were set out in the report, together with the perceived benefits to the introduction of a Derbyshire Dales CIL. The onus was on the District Council to demonstrate that a Derbyshire Dales CIL regime would not have an adverse impact upon the viability of development that may come forward across the plan area. It was noted that whilst there were benefits to the introduction of a Derbyshire Dales CIL, it was unlikely that the level of charges generated through a Derbyshire Dales CIL regime would be sufficient to fund the cost of all required infrastructure. It would, however, be utilised as one possible source of funding.

The use of S106 obligations would continue; however their use would be limited to the specific circumstances of individual planning applications, and would no longer be used to seek financial and/or other contributions towards pooled infrastructure provision such as education or medical provision.

Consultants had undertaken a comprehensive assessment of both the deliverability and viability of sites allocated in the Derbyshire Dales Local Plan, and the extent to which there was viability headroom for the introduction of a Derbyshire Dales CIL for a wide range of development types including both residential and commercial developments. The conclusion was set out in the report.

Taking all the factors into account, a potential CIL charging scenario was tabled in the report and on this basis it was considered that there was sufficient potential to justify the introduction of a Derbyshire Dales Community Infrastructure Levy. This Community Infrastructure Levy had to follow a number of statutory procedures and to this end, it was considered that the timetable set out below was appropriate for its introduction:

Date	Stage
April/May	Six weeks' consultation on preliminary charging schedule
June/July	Report back to Council on consultation responses and seek authority for public consultation on draft charging schedule
October	Consultation on Draft Charging Schedule
November	Examination – Hearing or Written Reps
January 2018	Council –Consider Report of Examiner & Agree to Introduction of CIL
March 2018	CIL formally introduced

The Planning Policy Manager agreed to report back to Members on the question of exemption for agricultural buildings; this had not been tested as part of the assessment work done so far and advice would be sought in this regard.

It was moved by Councillor Albert Catt, seconded by Councillor Garry Purdy and

**RESOLVED**  
(unanimously)

1. That approval in principle be given to the introduction of a Derbyshire Dales Community Infrastructure Levy regime.
2. That the timetable for the introduction of a Derbyshire Dales Community Infrastructure Levy as set out in Section 4 be approved
3. That figures set out in Table 1 in the report be used as the basis for public consultation as a preliminary CIL Charging Schedule
4. That delegated authority be given to the Corporate Director, Head of Regeneration and Policy and Policy Manager to undertake consultation on a preliminary charging schedule

5. That responsibility for implementation of CIL be delegated to the Community and Environment Committee
6. That a further report be presented to Community and Environment Committee which sets out details of the consultation responses on the preliminary charging schedule.

### **349/16 – MOTION TO CONTINUE**

It was moved by Councillor Angus Jenkins, seconded by Councillor Jason Atkin and

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

### **350/16 – PEAK DISTRICT NATIONAL PARK DEVELOPMENT MANAGEMENT POLICIES DOCUMENT – PART 2 OF THE LOCAL PLAN FOR THE PEAK DISTRICT NATIONAL PARK**

Councillor Jason Atkin left the meeting at 8.33pm during discussion of this item.

Council considered a report that provided information on the Peak District National Park Development Management Policies Document, (Consultation Version) and sought endorsement for a response to be sent to the Peak District National Park Authority by the 27<sup>th</sup> January 2017 statutory deadline.

The Peak District National Park Authority (PDNPA) adopted a Core Strategy in October 2011, setting out the spatial planning framework to guide land use and development in the National Park for the plan period up to 2026 and providing the strategic planning policies for use in the determination of planning applications.

On 18<sup>th</sup> November 2016 the PDNPA published the Development Management Policies Document for a period of ten weeks' public consultation ending on 27<sup>th</sup> January 2017, as outlined in the report. The content of the document was summarised in the report, along with Officer comments in respect of each section.

It was moved by Councillor David Chapman, seconded by Councillor Chris Furness and

**RESOLVED** That Council endorse the Officer comments contained within Section  
(unanimously) 2 of the report as the District Council's formal response to the Peak District National Park Development Management Policies consultation document.

### **351/16 – PROVISIONAL LOCAL GOVERNMENT FINANCE SETTLEMENT 2017/18**

Councillors Jennifer Bower and Vicky Massey-Bloodworth left the meeting at 8.57pm during discussion of this item.

Council considered a report that informed the Council of the provisional Local Government Finance Settlement for 2017/18 together with its implications for the Council's finances. Details of the national settlement, together with the local settlement for the District Council, were set out in the report.

The Council had accepted the Government's offer as part of the 2016/17 settlement as tabled in the report. The provisional Local Government Finance Settlement for 2017/18 was reported to Parliament on 15<sup>th</sup> December 2016 and was accompanied by a consultation paper for which responses were required by 13<sup>th</sup> January 2017. 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 Rural Services Network and SPARSE-Rural strongly urged all authorities to respond to the consultation and had provided a draft template to assist authorities, which had been considered when drafting the Council's response shown in Appendix 1 to the report.

It was moved by Councillor Albert Catt, seconded by Councillor Jacquie Stevens and

**RESOLVED**  
(unanimously)

1. That the provisional Local Government Finance Settlement for 2017/18 be noted.
2. That the response to the Consultation Paper, as given in Appendix 1 to the report, be noted.

### **352/16 – LOCAL COUNCIL TAX SUPPORT 2017/18**

Councillor Graham Elliott left the meeting at 9.14pm during discussion of this item.

Council considered 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 2017/18.

The scheme approved and adopted for 2013/14 (and retained for all subsequent years) was based on the government's default scheme as set down in The Council Tax Reduction Schemes (Default Scheme) (England) Regulations 2012 (S.I. 2012 No 2886, as amended) which replicated the provisions for Council Tax Benefit but subject to the amendments as listed in the report.

The local Council Tax Reduction Scheme must be reviewed annually and any changes made approved no later than 31st January in the financial year preceding that for which the changes were to have effect. No technical changes were proposed to the scheme to be adopted for 2017/18 and so no new consultation with the public or with precepting authorities had been necessary.

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 in line with the 'Prescribed Requirements' regulations and the DWP circular A12/2016 (Housing Benefit: Uprating 2017/1817). No other changes to the local scheme for 2017/18 were proposed.

The amount of £15,000 previously fixed for hardship applications was being used in appropriate cases and it appeared that the amount would be sufficient and was currently on track to be used in full. It was therefore proposed that the same amount be set for hardship applications in 2017/18 with the provision that a further report be taken to Council if it appeared during the year that this amount may not be sufficient.

The complete proposed local Council Tax Reduction Scheme for 2017/18 was available to Members on request. The final adopted scheme for 2017/18 would be published in full on the Council's website by 31st March 2017.



It was moved by Councillor Albert Catt, seconded by Councillor Jacquie Stevens and

**RESOLVED**  
(unanimously)

1. That under section 13A (1)(a) of the Local Government Finance Act 1992, the Council approves and adopts the scheme detailed in this report as the local Council Tax Reduction Scheme for 2017/18.
2. That a maximum total amount of £15,000 be set provisionally for all hardship relief applications under Schedule 11 of the scheme for 2017/18 (to be reviewed by a further report to Council during the year if it appears that this amount may be insufficient).

### **353/16 – CUSTOMER PAYMENTS AND FEES AND CHARGES**

Council considered a report on the introduction of a new telephone payment facility, work to rationalise payment facility options, and to establish a working group to review Fees and Charges.

The District Council offered a variety of payment methods to its customers as set out in paragraph 1.5 of the report. Information on those used in 2015/16 was tabled in the report, and analyses of these different methods were detailed in the report. As experience had shown that a significant number of customers would elect to pay by telephone, an automated solution to retain the telephone payment option had been found – The Touchstone Payment System. This system was now on order and should be available to customers from 1 April 2017.

A working group comprising members and officers, in the proportions recommended in the report, was proposed to take this work forward in 2018/19, under the terms of reference set out in the report. This working group would report initially to the Governance and Resources Committee as the body responsible for fees and charges, with any new areas of charging policy being recommended to Council for approval. Work was expected to take place during 2018/19 with a view to a new fee structure being implemented in 2019/20.

It was moved by Councillor Joanne Wild, seconded by Councillor Chris Furness and

**RESOLVED**  
(unanimously)

1. That the introduction of a telephone payment facility in April 2017, is noted
2. That the ability for customers to make payments via Allpay and by cheque be cancelled from 31 December 2017.
3. That the terms of reference for a fees and charges review working group be agreed in principle for creation in 2018/19.

### **354/16 – CIVIC ALLOWANCE PROTOCOL**

Council was asked to consider amending the Protocol on use of the Civic Allowance and Guidance for the Chairman of the District of the Derbyshire Dales, as set out in the report.

The Head of Corporate Services drew attention to an amendment (in bold) to Recommendation 2 in the report, which should read:

“That the allowance for the Civic Chair and Deputy be reduced by 10% in 2017/18 and 2018/19 and that any underspends at the end of the **2017/18** financial year be credited to the summary revenue account to be considered as part of the overall under / over spend.”

The office of a Chairman of the District of Derbyshire Dales was an important element of the District Council’s governance structure and the role was often seen as a symbol of an open society and political neutrality, having a duty and privilege to support local initiatives aimed at providing benefit to the Council area and its diverse communities. The Council adopted a protocol in 2013 – a copy of which was attached at Appendix 1 to the report.

However, in an era of tight fiscal control and limited financial resources, and coupled with the more pressing need for the District Council to make savings, the Corporate Leadership Team (CLT) had given some thought to streamlining the role and allowance afforded to it, as set out in the report. The budgets for the civic chairman for 2016/17 and spending in 2015/16 was tabled in the report.

CLT considered that the role could be modernised and contribute to the overall savings target without diminishing its historic importance. Revisions to the Protocol were proposed which were shown as additions or deletions to the original text, as summarised in the report. In addition it was recommended that the overall allowances be cut by 10% over the next two years and that a review of the role was undertaken by the new Council of 2019.

It was moved by Councillor Tony Morley, seconded by Councillor Garry Purdy and

- RESOLVED**  
(unanimously)
1. That the revised Protocol on use of the Civic Allowance is approved.
  2. That the allowance for the Civic Chair and Deputy be reduced by 10% in 2017/18 and 2018/19 and that any underspends at the end of the 2016/17 financial year be credited to the summary revenue account to be considered as part of the overall under / over spend.
  3. That the role of Civic Chairman be formally reviewed in 2019.

### **355/16 – SEALING OF DOCUMENTS**

It was moved by Councillor Joanne Wild, seconded by Councillor Jean Monks 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.

### **356/16 – EXCLUSION OF PUBLIC AND PRESS**

It was moved by Councillor Jacquie Stevens, seconded by Councillor Colin Swindell, and

- RESOLVED**  
(unanimously)
- That any members of the public or press be invited to leave the meeting for the remaining item of business for the reason shown below:

*“These minutes are excluded from the meeting because they result in exempt information being disclosed.”*

**357/16 – COMMITTEES**

It was moved by Councillor Jean Monks, seconded by Councillor Colin Swindell and

**RESOLVED** That the Minutes of the Licensing & Appeals Sub-Committee dated  
(unanimously) 30 November 2016 be approved as a correct record.

**MEETING CLOSED 9.34PM**

**CHAIRMAN**