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COUNCIL

Minutes of a Council Meeting held on Thursday 12 April 2018 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, Sue Bull, Martin Burfoot, Sue Burfoot, Albert Catt, David Chapman, Tom Donnelly, Ann Elliott, Steve Flitter, Chris Furness, Alyson Hill, Susan Hobson, Angus Jenkins, Vicky Massey Bloodworth, Jean Monks, Tony Morley, Dermot Murphy, Joyce Pawley, Garry Purdy, Mike Ratcliffe, Lewis Rose OBE, Mark Salt, Andrew Shirley, Peter Slack, Andrew Statham, Jacquie Stevens, Colin Swindell and Philippa Tilbrook.

Dorcas Bunton (Chief Executive), Sandra Lamb (Head of Corporate Services), Tim Braund (Head of Regulatory Services), Deborah Unwin (Human Resources Manager), Steve Capes (Head of Regeneration and Policy), Tanya Rowntree (Senior Planning Policy Officer), Eileen Tierney (Licensing Manager), Rob Wilks (Community Development & Wellbeing Officer), Simon Beynon (Housing Strategy Officer), Jim Fearn (Communications and Marketing Manager) and Jackie Cullen (Committee Assistant).

Paul Radcliffe (Avarto).

The Chairman advised those present that the meeting was being recorded live and would be broadcast on YouTube.

PRESENTATION

Councillor Angus Jenkins arrived at 6.02pm, Councillor Richard Bright arrived at 6.03pm and Councillor Andrew Statham arrived at 6.10pm during the Presentation.

A short presentation was given by Simon Beynon and Paul Radcliffe on Universal Credit in the Derbyshire Dales, including the proposed roll-out schedule and an outline of the claim procedure. It was noted that the Council had commenced preparations towards the implementation in the Derbyshire Dales, and Members were advised that the DWP had made positive changes to their initial scheme that had come into effect in January, including the abolition of the waiting days; UC allowances and access to a free helpline.

Messrs Beynon and Radcliffe then took questions from the floor and confirmed that a leaflet regarding UC would be available to Members for their constituents.

APOLOGIES

Apologies for absence were received from Councillors Graham Elliott, Helen Froggatt, Irene Ratcliffe, John Tibenham and Joanne Wild.

363/17 – MINUTES

It was moved by Councillor Andrew Shirley, seconded by Councillor Joyce Pawley and

RESOLVED That the Minutes of the meetings of the Derbyshire Dales District Council held on 5 March 2018 and 8 March 2018 be approved as a correct record.
(unanimously)

The minutes were signed by the Chairman.

364/17 – CHAIRMAN’S ANNOUNCEMENTS

A list of engagements carried out between Thursday 25 January 2018 and Thursday 12 April 2018 was distributed at the meeting. The Chairman of the District of Derbyshire Dales reminded Members that the Civic Service was to be held on 22 April 2018 in Tansley. The Chairman of the District of Derbyshire Dales confirmed that he had awarded 3 Civic Community Awards to date, and expected to deliver another 14 within the next 3 weeks. He thanked Members for their nominations. The Chairman of the District of Derbyshire Dales had received a letter from the High Sheriff, in light of his retirement, thanking him for his support and company over the past 12 months.

365/17 – COMMITTEES

It was moved by Councillor Andrew Shirley, seconded by Councillor Jason Atkin and

RESOLVED That the non-exempt minutes of the Committees listed in the Minute Book for the period 18 January 2018 to 22 March 2018 be received.
(unanimously)

366/17 – QUESTIONS (RULE OF PROCEDURE 15)

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

“On Monday 5th March at the meeting of Special Council for Business Rates Discretionary Relief, the recommendation for 100% relief being introduced for a number of charities was discussed. The debate was much divided with 13 Members voting for the changes of 100% relief for local charities and 13 Members voting against. This issue has generated a great deal of opposition and the day after the meeting I received a large number of telephone calls and e-mails from many local charities. They expressed opposition to the changes and pointed out that buildings were needed for most sports and other charities; also their contribution as Volunteers to Sport and charity works in the Derbyshire Dales and for the Authority should not be a source of revenue for the District Council. So I ask you to look at this again and at other sources of revenue. May I suggest that one of a number of sources could be The Public

Works Loan Board which lends at a rate of 2.5% and property assets will yield at least 4.5%; more recently a large number of Councils are using this source.”

Councillor Rose confirmed that the Council would indeed look again at this issue, and that a consultation would take place shortly, the results of which would be reported back to the Council. Cllr Rose asked Members to encourage their constituents to respond to the consultation.

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

“Please see the comments from Wirksworth Town Council: There is much concern about the housing problem in Wirksworth, with many young people moving out of the Dales to other areas such as Derby and Belper to find housing they can afford. So the Town Council believe that affordable and social housing is very much needed for low to middle income families. With many expensive three and four bedroom houses being built in the Dales, many are being taken up by retired people moving to the Dales for the wonderful Dales countryside. But this in turn makes it very hard for low to middle income families to get on the housing ladder, so many are moving away, breaking up families that have been in the Dales for generations. So can the Leader give assurance to Wirksworth Town Council that the Council will stand by the Local Plan’s target of a 30% allocation for affordable housing and to also address the problem with the CIL consultation document so other comments can be relayed to District Council?”

Councillor Rose OBE assured Cllr Slack that as the Local Plan had now been adopted, the Council intended to stick to it as far as it was able, but reiterated that this was not always possible, particularly in respect of brownfield sites requiring remediation. Individual applications would be decided by the Planning Committee in the usual democratic process. With regard to CIL, no problems had been identified as yet, and 47 responses to the consultation had been received.

Supplementary question from Cllr Slack:

Cllr Slack referred Cllr Rose to his response with the caveat that the target of 30% may not always be achievable. Was Cllr Rose not concerned that the development in Snitterton would set a precedent for a lower figure?

Cllr Rose replied that the Council would have to consider the application on its merits at a special meeting; but the aim in general was to follow the Local Plan.

Councillor Mike Ratcliffe asked the following question of Councillor Lewis Rose, OBE, Leader of the Council:

“As a responsible local authority, Derbyshire Dales District Council has a moral obligation if not duty of care towards its residents. The Government’s reckless implementation of a flawed Universal Credit Full Service roll out in our district will put in jeopardy both the way this council fulfills that level of care but also have a detrimental impact on the lives of residents who are already in financial hardship. Will he reiterate his previous pledges that this council will do all it can to assist the welfare of our residents and join with me in speaking out against the inadequacies and inherent unfairness of Universal Credit in its present form?”

Councillor Rose reminded Members that the Council had a discretionary fund, which would be reviewed should it be found to be inadequate. Cllr Rose also reiterated that the Council was a member of the District Councils’ Network, who were on the front foot when it came to

making points to Government regarding the problems in the system. It was through this organisation, i.e. working collectively, that the Council was able to improve the system and make it as good as it could.

Supplementary question from Cllr Ratcliffe:

Cllr Ratcliffe was hopeful that this matter would remain in the Council and the public domain. He further commented:

Fluctuating income experienced by the self-employed could make it difficult to achieve the minimum income floor level and thereby prevent their access to universal credit being stopped. The self-employed who are at present dependent on in-work benefits could be £2k a year worse off than employees with similar earnings or forced out of business altogether. The Federation of Small Businesses has called Universal Credit as it stands ‘a real threat to entrepreneurship’. Would you not agree with me that this is an element counter-productive to any incentives that DDDC may give to small business start-up?

Cllr Rose OBE assured Cllr Ratcliffe that the Council would pursue the matter with the DC Network and that Cllr Ratcliffe’s concerns would be brought to their attention.

Councillor Mike Ratcliffe asked the following question of Councillor Lewis Rose, OBE, Leader of the Council:

“The extent and quality of what councils are able to provide for their communities is under threat because of externally imposed financial restraints that have in turn provoked a need for stringency and savings. The recent news of Northamptonshire County Council’s announced bankruptcy is both disturbing and dispiriting. Over the period 2010-18 DDDC along with others has had to endure Government funding cuts of almost 50%. Will the council leader join with me and stand in solidarity with all local authorities who are speaking out against an austerity regime that is progressively undermining the level at which we can function; and to urge all representative bodies such as the Local Government Association, the Association of Local Councillors and the National Association of Local Councils to continue to lobby central government on our behalf to seek an end to year on year funding cuts and to reiterate the now real threat to local authorities?”

Councillor Rose confirmed that the Council would fight alongside the LGA and DC network in respect of concerns of funding cuts. The Council had made representations regarding fair funding in recent consultations, with particular emphasis on rural areas receiving appropriate funding.

Supplementary question from Councillor Mike Ratcliffe:

Lord Porter, Chair of the Local Government Association said the Government needs to address the growing funding gaps facing councils – this is the only way to protect our vital local services over the next few years. Is it now time to give more vigorous support to such statements?

Cllr Lewis Rose confirmed that the Council does indeed give vigorous support to such statements, and reiterated that the Government does take notice of the LGA.

367/17 – LOCAL PROJECTS FUND

Council considered a report on the success of the Local Projects Fund and grants awarded during 2017/18.

The Local Projects Fund had been operating successfully since September 2015 and at the Council meeting held on 6 April 2017 it was agreed that:-

- That the Local Projects Fund for 2017/18 and 2018/19 was reduced by 10% giving an allowance for each Councillor of £900 per annum ;
- That carry forwards would not be allowed from 31st March 2018 and any amounts not spent would be released back to the revenue account at the year-end;
- That the Local Projects Fund concluded in 2019, however, it was suggested the scheme be reviewed in 2019, although it should be noted that the approved MTFP did not include provision for the Local Projects Fund after 2018/19;
- That improvements to the terms and conditions of the Scheme be implemented as outlined in the report.

A schedule setting out the grants awarded by area and Councillor for 2017/2018 was attached at Appendix 1 to the report. All awards of grant were subject to the District Council being recognised in any promotional material and as such, grant awards had featured in Dales Matters and a snapshot of recent grants was attached as Appendix 2 to the report, with some photographs and feedback from the beneficiaries.

Members' attention was brought to an amendment made since publication of the Agenda:

In section 3 of the report, the actual expenditure for 2017/18 had been increased from £56,270.97 to £57,270.97 in view of the number of awards being higher.

It was moved by Councillor Lewis Rose OBE, seconded by Councillor Albert Catt and

RESOLVED
(unanimously)

1. That the report is noted.
2. That the future of the Local Projects Fund be reviewed in 2019.

368/17 – DOVERIDGE NEIGHBOURHOOD PLAN

Councillor Vicky Massey Bloodworth left the meeting at 7.03pm during discussion of this item.

The Council considered a report that set out the key recommendations of the Examiner's report into the Doveridge Neighbourhood Plan, which, subject to the amendments, met the basic conditions and could proceed to a referendum, for which Members' approval was sought. Such amendments would, subject to the outcome of any referendum, need to be incorporated into the final version of the Doveridge Neighbourhood Plan. A copy of the amendments, together with the recommended response to each, were set out in Appendix 2 to the report.

The Examiner's Responses to issues raised by the District Council in response to the publicity stage (Regulation 16) were set out in the report.

Should recommendations 1-4 of this Report be accepted the District Council would issue a decision statement to the Qualifying Body, Doveridge Parish Council, and anyone who requested to be notified in accordance with the 1990 Act Schedule 4B para12. The District Council was responsible for making the necessary arrangements for the referendum to be

held, at which the following question defined in the Neighbourhood Planning (Referendums) Regulations 2012, Schedule 1 would be 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?

It was noted that a simple majority of all votes cast was sufficient for the Doveridge Neighbourhood Plan to have a mandate to be taken forward into the Development Plan for Derbyshire Dales and that a further report would be presented to this Committee/Council once the outcome of the referendum was known.

It was moved by Councillor Albert Catt, seconded by Councillor Tony Morley and

RESOLVED
(unanimously)

1. That the report of the examiner appointed to undertake the Examination of the Doveridge Neighbourhood Plan be noted.
2. That subject to the recommended modifications set out in Appendix Two to the report that the District Council be satisfied that the basic conditions as required by Paragraph 8(1)(a) of Schedule 4B to the Town and Country Planning Act 1990 have been met
3. That the Doveridge Neighbourhood Plan as modified be submitted to a referendum in the Parish of Doveridge and that it is held as soon as practically possible.
4. That a further report be presented to this Committee/Council following the holding of the referendum.

369/17 – REVIEW OF TAXI AND PRIVATE HIRE LICENSING POLICY

The Council considered a report on the final draft of the District Council's Taxi and Private Hire Licensing Policy with a recommendation for adoption. The report outlined the consultation exercise that had been undertaken as part of the review and explained the consideration of the Policy, the comments received as part of the consultation exercise and their consideration by the Licensing and Appeals Committee.

The main areas of proposed change to the Policy related to the Driver Knowledge Test process, the enforcement of breaches of conditions and convictions with the introduction of a penalty points system for drivers; and the introduction of mandatory training for drivers in relation to issues such as Safeguarding/Child Sexual Exploitation, and Equalities.

The revised Policy was issued for consultation between December 2017 and February 2018, as set out in the report, including thorough internal consultation with the District Council's Legal Team in relation to legal compliance, and with the Senior Mechanic in relation to the vehicle specification within the Policy.

All the comments received during the consultation were collated and presented to the March meeting of the Licensing and Appeals Committee, along with the recommended actions in respect of each comment. The Committee agreed the actions and had now referred the final draft Policy to Council with a recommendation for adoption, attached as Appendix 1 to the report. The table of comments received during the consultation, along with the actions taken in respect of each comment, was attached as Appendix 2 to the report.

It was moved by Councillor Jean Monks, seconded by Councillor Angus Jenkins and

RESOLVED

That the final draft Tax and Private Hire Licensing Policy be adopted, and implemented with effect from 1st May 2018.

370/17 – PEAK DISTRICT NATIONAL PARK AUTHORITY – MANAGEMENT PLAN FINAL CONSULTATION

Council were asked to consider a report that provided a District Council response to the Peak District National Park Authority's second and final consultation on its proposed Management Plan 2018. The consultation would close on 16 April 2018.

On 27 July 2017, Council agreed a response to the Peak District National Park Authority with regard to its initial consultation on its 'Management Plan', and subsequently commented on a draft delivery plan that was circulated in December 2017. A further revised draft Management Plan had now been received (incorporating a delivery plan) for final consultation, that had taken note of District Council feedback given throughout the consultation process. In fact, the sixth proposed 'Area of Impact' (Supporting thriving and sustainable communities and economy) incorporated suggestions made by the District Council, and in particular, the text now included in section 6.2 (Support the provision of locally needed housing) was largely written as suggested by the District Council, which was a positive change. Along with other organisations and the public at large, the District Council had been invited to respond to this [final consultation](#) with a deadline of 16 April 2018.

Whilst greatly improved, the Management Plan had not gone as far as it might in some areas, as detailed in the report. On this basis, the proposed response in Appendix 1 to the report was recommended for submission to the National Park Authority.

It was moved by Councillor Chris Furness, seconded by Councillor Susan Hobson and

RESOLVED

(unanimously)

That the draft District Council response in Appendix 1 to the report is agreed for submission to the National Park Authority.

371/17 – WASTE AND RECYCLING MANAGEMENT CONTRACT REVIEW

The Council was asked to consider a report that sought funding and approval to appoint legal, procurement and waste management consultancy services to support the District Council over the next two years leading up to and during the renewal and implementation of the Council's Waste Management contract. The report also gave initial consideration to ongoing governance arrangements for the project.

The Council currently had a Waste Management contract with Serco, which was due to expire in August 2020; however due to the considerable amount of work involved in letting such a large and complex contract, it was vital that the process began now. In view of this, an internal Officer Waste Procurement Project Team had already been formed in order to lead and oversee the contract renewal and to work alongside consultants to be appointed. Furthermore, in light of the importance of this contract to the Council and the impact that it had on the Council's recycling performance indicators, it was thought that it would be best to involve the widest possible number of Councillors in the process. Members were advised that that the contract award needed to be some months in advance of the contract commencement in order to allow sufficient time for post award negotiations, vehicle ordering, changes to the service and possible transfer of staff.

The work required would be spread across financial years 2018/19 and 2019/2020, and once the consultants were in place, a precise project plan would be drawn up to enable a more detailed breakdown of the financial implications. This would be reported to a future meeting of the Community & Environment Committee.

In order to avoid any delays it was proposed that the appointment of a Waste & Recycling consultant, procurement and legal services be dealt with by the Waste Procurement Project Group and that the Head of Community & Environmental Services be delegated, in consultation with the Committee Chair and Vice-Chair, to make the appointment.

A further report would be provided at a later date to update on progress with the appointment of consultancy support and on the review of the Waste Management contract.

It was moved by Councillor Susan Hobson, seconded by Councillor Jacquie Stevens and

RESOLVED
(unanimously)

1. That Council to note the budget allocation of £150,000 from the Committed Expenditure Reserve over the next two financial years to procure legal, procurement and waste management consultancy support for the renewal of the Waste & Recycling Management contract.
2. That delegated authority is approved for the Head of Community & Environmental Services in consultation with the Section 151 Officer and the Community & Environment Committee Chair and Vice-Chair to appoint consultancy support.
3. That the establishment of a Waste Management Procurement Team to work on the procurement of the contract is noted
4. That further reports be made to future meetings of the Community and Environment to update and seek approval at key stages during the renewal of this contract.

372/17 – RETIREMENT OF CHIEF EXECUTIVE

Council were asked to consider a report on the request by the Chief Executive to retire from the Council's employ on 31 May 2018, and plans for her replacement.

The procedure for recruitment of the statutory position of Head of Paid of Service was covered in the Constitution Part 4 under Officer Employment rules points 2 and 3, where point 3 reserved appointment to full Council.

Some fundamental questions the Council needed to address when considering how it wished to replace the Chief Executive role were set out in the report, together with comments thereon. With regard to these, the Council was in the enviable position of having a very talented internal candidate, and it was recommended therefore that Members approve the appointments process to give this candidate first consideration. In accordance with the Constitution, a Selection Committee was required to make the final assessment of the internal candidate and make a final recommendation to Full Council. The Committee was recommended to comprise 6 Elected Members based on political proportionality (4:1:1).

It was reported that SOLACE had been approached to assist the Council in the appointment process and provide an expert and independent view, including reviewing the Job Description

and Person Specification to ensure they were up-to-date and relevant. The Leader and Deputy Leader were content with the cost of this support, and under delegated authority the S151 officer had approved the expenditure of £4,400. If Members agreed this appointment process the suggested date for the assessment day including the interview with the Selection Committee was 15 May 2018.

The terms of appointment would be based on the standard NJC Conditions of Employment and the proposed salary range was from 1 April 2017 (pay award pending) £96,379 - £102,279 plus oncosts

It was moved by Councillor Lewis Rose OBE, seconded by Councillor Albert Catt and

RESOLVED

1. The retirement of the current Chief Executive on 31 May 2018, Mrs Dorcas Bunton, is noted.
2. The subsequent vacancy is not advertised but an appointment process as detailed in paragraph 2 is agreed.
3. That a Selection Committee of 6 Members, based on the rules of political proportionality is appointed to carry out the assessment process, supported by SOLACE and the Human Resources Manager. Members nominated at the meeting were:
Councillor Lewis Rose
Councillor Albert Catt
Councillor Steve Flitter
Councillor Mike Ratcliffe
Councillor Jean Monks
Councillor Jason Atkin
4. That the Selection Committee reports back to full Council with recommendations at its earliest convenience.

Voting:

For
Against
Abstentions

28
2
0

373/17 - SEALING OF DOCUMENTS

It was moved by Councillor Jennifer Bower, seconded by Councillor Angus Jenkins 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.

MEETING CLOSED 8.11PM

CHAIRMAN