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COUNCIL

Minutes of a Council Meeting held on Thursday 14 March 2019 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, Albert Catt, David Chapman, Tom Donnelly, Ann Elliott, Graham Elliott, Helen Froggatt, Chris Furness, Alyson Hill, Susan Hobson, Vicky Massey Bloodworth, Jean Monks, Tony Morley, Dermot Murphy, Joyce Pawley, Garry Purdy, Irene Ratcliffe, Mike Ratcliffe, Lewis Rose OBE, Mark Salt, Andrew Shirley, Jacque Stevens, Colin Swindell, and Philippa Tilbrook.

Paul Wilson (Chief Executive), Tim Braund (Head of Regulatory Services), Karen Henriksen (Head of Resources), Steve Capes (Head of Regeneration & Policy), Ashley Watts (Head of Community & Environmental Services), Rob Cogings (Head of Housing), Jim Fearn (Communications and Marketing Manager) and Jackie Cullen (Committee Assistant).

Mr Nik Hughes-Roberts, Eunomia

4 members of the public.
1 member of the Press.

The meeting was recorded and broadcast live on YouTube.

APOLOGIES

Apologies for absence were received from Councillors Steve Flitter, Peter Slack, Andrew Statham, John Tibenham and Joanne Wild.

The Chairman of the District of Derbyshire Dales, together with Councillor Irene Ratcliffe as Chair of Matlock's Fairtrade Group, presented a prize to Councillor Susan Hobson, whose poem won the Members' Fairtrade competition. Cllr Irene Ratcliffe took the opportunity to thank Members for their support over the years as both a District Councillor and Chair of the Fairtrade group.

Cllr Jean Monks, as Chairman of the District of Derbyshire Dales, thanked Cllr Irene Ratcliffe for her untiring efforts on behalf of the District Council and Fairtrade.

393/18 – PUBLIC PARTICIPATION

In accordance with the procedure for public participation Jacqueline Ferguson-Lee (local resident) submitted two questions to the Leader of the Council, as follows:

- 1. Could the committee please update me on what progress has been made across Derbyshire, but the Derbyshire Dales specifically, for a permanent traveller site and what budget has been allocated to it?*

Councillor Rose's response was that Officers of the District Council continued to progress the search for the identification of a permanent site within the Derbyshire Dales for Gypsies and Travellers with the consultants appointed. In addition, a public call for sites was initiated last week for members of the public to put forward site suggestions for evaluation, and some responses had already been received. Until a suitable site was identified, it was not possible to specify a budget since the costs of land acquisition and site provision would vary considerably depending upon the circumstances of the individual site. However, the District Council was committed to the provision of a site as soon as possible and appropriate budget provision would be made available once a site had been identified.

- 2. The current travellers based at Matlock Bath are about to be moved again; has the site at Wirksworth been risk assessed bearing in mind the family's particular needs?*

Councillor Rose advised that the proposed site had been risk assessed by Officers and discussed with a representative of the family and with the Derbyshire Gypsy Liaison Group. The family's Adult Care Support worker had also been informed. The site was not considered to present any significant risks over and above those presented at previous temporary sites or the unauthorised sites occupied by the family in the past.

Samantha Spencer then submitted the following question to the Leader of the Council:

As the DDDC have a legal duty of care to all travellers, some of which have quite complex needs, to provide an adequate permanent and transit site, then why after such a number of years have the DDDC still failed to provide these facilities while all other district councils do, as this could be seen that the DDDC are being discriminative about travellers having a permanent residence in their district?

Councillor Rose acknowledged that the District Council had a Local Plan duty to provide 6 Traveller pitches by 2019, and that this duty then rose by 1 further pitch every 5 years up until 2034, giving a total of 9 pitches. The Council remained committed to meeting these obligations, and had previously identified a site at Watery Lane in Ashbourne as suitable for use for the first 6 of these pitches, but this land was not now available as a result of Derbyshire County Council's commitment to a bypass for Ashbourne. Derbyshire County Council owned the site at Watery Lane and it was their decision that had led to the site being unavailable as a Traveller site. The District Council was continuing to search for a suitable permanent site, as referred to in the previous response, but in the meantime the Council continued to accommodate the family on a series of sites that it realised were less than ideal.

394/18 – APPROVAL OF 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 07 March 2019 be approved as a correct record.
(unanimously)

The minutes were signed by the Chairman.

395/18 – INTERESTS

There were no declarable pecuniary interests, but for clarity Cllr Irene Ratcliffe wished it to be noted that she was chair of the Longcliffe Quarry Community Liaison Group, in relation to Item 9 on the Agenda – WASTE & RECYCLING CONTRACT PROCUREMENT; SPECIFICATION.

396/18 – LEADER'S ANNOUNCEMENTS

Councillor Lewis Rose, OBE, congratulated Martin Rickard on his forthcoming retirement, having achieved 43 years employment with the District Council. Cllr Rose thanked Mr Rickard for his hard work, loyalty and commitment over the past 43 years.

Cllr Rose also thanked those Councillors who were retiring at the end of the term: Councillors Irene Ratcliffe, Jean Monks, Joanne Wild, Philippa Tilbrook, John Tibenham and Neil Horton.

397/18 – CHAIRMAN'S ANNOUNCEMENTS

A list of engagements carried out between Thursday 24 January 2019 and Wednesday 13 March 2019 was distributed at the meeting. Councillor Jean Monks gave her thanks to those she had worked with during her time representing Hathersage as a District Councillor, and in particular for their support during her term as Chairman of the District of Derbyshire Dales.

398/18 – COMMITTEES

It was moved by Councillor Tom Donnelly, seconded by Councillor Garry Purdy and

RESOLVED That the non-exempt minutes of the Committees listed in the Minute Book for the period 24 January 2019 to 06 March 2019 be received.
(unanimously)

399/18 – WASTE & RECYCLING CONTRACT PROCUREMENT: SPECIFICATION

The Council considered a report on a key decision point in the process for the procurement of the Waste Management Contract, and approval of the service specification that had undergone substantial Member and public engagement.

Through its contractor, Serco, the District Council currently provided a weekly collection of food waste, and alternate weekly collections of (i) residual waste, and (ii) garden waste and recycling, at a cost of approximately £1.9m per year. Additional services provided by the current contractor were listed in the report. This contract was due to expire in August 2020,

and so in April 2018 a Waste Procurement Group was formed to conduct a review of the current service, consider the options available for the new contract and steer the project through to implementation in August 2020. The group included Eunomia Consultants, as previously resolved by Members, together with the Officers tabled in the report. Furthermore, a specialist legal advisor had been procured and joined the group in February 2019.

Consultation with key stakeholders and Members had been carried out during summer and autumn 2018 and it was acknowledged that to procure a waste and recycling contract that continued to meet residents' needs and statutory recycling targets, whilst meeting unavoidable affordability criteria, presented a significant challenge.

In line with Regulation 40 of the Public Contracts Regulations 2015, market consultation via soft market testing questionnaires and meetings took place with seven of the larger contractors identified by Eunomia as potential bidders, the results of which were summarised in Section 2 of the report, and it was noted that all potential bidders indicated that the use of Longcliffe Depot would be preferable.

The main body of the report highlighted the key points of the specification, and addressed matters arising from Members' Workshops, public and staff consultation and advice from the Project Team.

The timescale for procurement was set out in the report, as duplicated below:

- 20 March – OJEU Contract Notice and Selection Questionnaire (SQ) published
- 6 May – notify bidders of SQ evaluation outcome and next steps
- 13 May – invitation to submit initial tenders (ISIT) (13 week period)
- 6 September – notify bidders of ISIT evaluation outcome and next steps
- 14 October – negotiation period end date
- 28 October – invitation to submit final tenders (ISFT)
- 16 December – recommendation of preferred bidder
- 16 January 2020 – decision to award followed by mobilisation

The Equality Impact Assessment had been updated to take account of the resolution of Council on 29th November 2018 - a copy of the updated Assessment was attached at Appendix 1 to the report. The only policy changes proposed were charging for garden waste collections and, potentially, reducing the frequency of residual collections.

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

RESOLVED
(unanimously)

1. That the specification as outlined in the report be approved and procurement is initiated;
2. That authority is delegated to the Chief Executive to enter into a lease for Longcliffe Depot subject to agreement of terms;
3. That the Council acknowledges the tremendous efforts of Officers and individuals in the District Council, together with Eunomia, in progressing the project to date.

400/18 – LOCAL PROJECTS FUND – UPDATE AND REVIEW

The Council considered an updating report on the Local Projects Fund and that sought approval of the 2019/2020 arrangements.

The Local Projects Fund was introduced on 1 October 2015 to enable all Ward Members to administer a small budget and distribute to worthy causes within their Ward. The Fund was reviewed and revised at Council on 6 April 2017, which had helped streamline the process and ensure timely processing of applications; and the introduction of an End of Grant Form had enabled better and more focussed monitoring of grant impact.

Applications and Awards to date (4/3/19) were tabled in paragraph 1.7.1 of the report and it could be seen that an annual allocation of £900 had allowed Ward Members to support a number of projects within their Wards. It was reported at the meeting that the underspend had been adjusted in light of further applications submitted after publication of the Agenda. The annual allocation was again proposed for 2019/2020. Furthermore, the current criteria stipulated that grants were a one-off and did not imply a commitment to any future funding and that repeat requests would not be considered in the same financial year; however it was emphasised that it was possible for the same organisation to receive a grant each year, but not guaranteed

It was moved by Councillor Susan Hobson, seconded by Councillor Colin Swindell and

RESOLVED
(unanimously)

1. That the report on the Local Project Fund progress so far, is noted;
2. That approval is given for the Fund to continue in 2019/20 as follows:-
 - The funds remain as is, £900 allocation per Councillor, with no carry forward of underspends at the financial year-end
 - Minimum grant of £100 and maximum of £1,000
 - Current criteria to remain, but to exclude grants for individuals
 - Bids should be focussed on outcomes that benefit the wider community where possible, rather than just small sections of communities
 - It should be possible for the same organisation to receive a grant each year, but not guaranteed
 - Emphasis on the District Council being acknowledged in any publicity and coverage of the project as a condition

401/18 – NEW RULE OF PROCEDURE – MAIDEN SPEECHES

The Council considered a proposal for an amendment to the Rules of Procedure contained in the Constitution to permit a Maiden speech by a newly elected member of the Council, to allow newly elected Councillors to address the full Council on an issue of local or personal importance to the Councillor. The time limit for such an address would be 3 minutes in all.

The suggested Rule of Procedure for insertion at paragraph 5 of Part 4 of the Constitution was as follows:

“That the order of business for Ordinary meetings is amended to add at point 5(i)-

Receive the maiden speech of newly elected Councillors to last no more than 3 minutes per Councillor, subject to a limit of no more than 3 such speeches per ordinary meeting”.

The recommended proposal, if moved and seconded, would return to the table at the Annual Meeting on 23 May 2019.

It was moved by Councillor Alyson Hill, seconded by Councillor Jacquie Stevens and

RESOLVED That the following motion, as approved, will stand adjourned until the
(unanimously) next ordinary meeting of the Council:

“That the order of business for Ordinary meetings is amended to add at point 5(i) –

Receive the maiden speech of newly elected Councillors to last no more than 3 minutes per Councillor, subject to a limit of no more than 3 such speeches per ordinary meeting”.

402/18 – REGULATION OF INVESTIGATORY POWERS ACT

Councillor Vicky Massey Bloodworth left the meeting at 7.00pm during discussion of this item.

The Council considered a report on issues relevant to the use of the Regulation of Investigatory Powers Act 2000, asking Members to consider and approve the updated policy on the Regulation of Investigatory Powers.

The Regulation of Investigatory Powers Act 2000 (RIPA) gave the Council significant powers in order to investigate serious matters and offences, and to use covert surveillance, covert human intelligence sources (CHIS), as set out in the report.

The RIPA Policy was revised in 2016 and a number of revisions had now been made to ensure that it remained up to date, as set out in the report, and updates concerning the use of RIPA were discussed at the Information Governance Board and via circulation of the minutes. The Draft RIPA Policy was produced as Appendix 1 to the report for Members’ consideration.

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

RESOLVED 1. That the updated policy on the Regulation of Investigatory
(unanimously) Powers attached at Appendix 1 to the report is approved.
2. That the use of the powers in accordance with RIPA be noted.

403/18 – DISCHARGE OF FUNCTIONS DURING THE ELECTION PERIOD

The Council was asked to consider extending delegated authority to make urgent decisions on a temporary basis, to cover the interregnum caused by the District Council elections on 2 May 2019 and that any matters dealt with be reported for information to the first meeting of the appropriate committee or via email as appropriate.

The election timetable for the District and Parish Elections in May 2019 meant that all Councillors (with the exception of the Chairman of the Council) would officially retire on 6

May 2019. The Chairman of the Council would continue to hold office until the Annual Meeting, which was scheduled to take place on 23 May 2019.

Regulatory business in terms of decisions affecting the rights of individuals could not be delegated to officers and meetings must be held to accord with legal timescales. It would be necessary therefore for the Licensing and Appeals Committee to be available for business up to 5 May – the last working day before the retirement of Councillors.

It was moved by Councillor Chris Furness, seconded by Councillor Albert Catt and

RESOLVED
(unanimously)

1. That the Chief Executive, acting in consultation with the appropriate Policy Committee Chairman, Vice-Chairman and the relevant Ward Members, be delegated authority to deal with urgent matters within the purview of the two policy committees between 15 March 2019 and the date of retirement of Councillors (6 May 2019).
2. That the Principle Planning Officer, Development Manager and Head of Regulatory Services be delegated authority in consultation with the Chairman of the relevant Planning Committee and relevant Ward Members between 15 March and the day of retirement of Councillors to issue decisions on applications submitted under the provisions of the Town and Country Planning Act 1990 and the Planning (Listed Buildings and Conservation Areas) Act 1990.
3. That after the day of retirement of Councillors the authority delegated to officers in 1 and 2 above be exercised in consultation with the Chairman of the Council and such relevant Ward Members who have signed their Declaration of Acceptance of Office, and until such time as Chairman of Committees have been appointed at the Annual Meeting.
4. That any matters dealt with by officers, wholly as a result of the authority conferred by these resolutions, be reported for information to the first meeting of the appropriate committee or via email as appropriate.

404/18 – ARMED FORCES COVENANT

The Council considered a report that set out its obligations in the delivery of the Armed Forces Covenant, published by the Government in May 2011, underpinned by two key principles as set out in the report.

In November 2012 the Council, together with all Derbyshire District and Borough Councils, Derby City Council, Armed Forces and the Nottinghamshire and Derbyshire Chamber of Commerce, signed a joint Community Covenant, and it was recommended that Civilian Military Partnerships were established to oversee the Covenant.

Following discussions at meetings held in 2018, partners concluded that it would be appropriate for the Partnership to reaffirm their commitment to the Armed Forces Community. It was agreed that the revised draft Covenant should reflect the changes in the current landscape and be updated to ensure it was fit for purpose. An official re-signing had

taken place at a formal event on 7 March 2019, which also provided the opportunity to share information about the development and delivery of a countywide Armed Forces Covenant Strategy and Action Plan currently in development.

The structure of the revised Covenant was summarised in the report, and the Covenant itself was attached as Appendix A to the report.

It was moved by Councillor Jean Monks, seconded by Councillor Richard Bright and

- RESOLVED** (unanimously)
1. That the adoption of the Armed Forces Community Covenant in Derbyshire be noted and that the District Council continues to support the initiatives outlined in the Covenant.

405/18 – EMPLOYER PENSION DISCRETIONS IN THE LOCAL GOVERNMENT PENSION SCHEME

Derbyshire County Council, as the District Council's administrator of the local government pension scheme, had requested that the District Council determine a number of discretionary policies allowed in the pension scheme, by 15 May 2019. The Council therefore considered a report that proposed that the District Council adopt the same discretions as in 2014, with some minor presentational differences, as detailed in Appendix 1 to the report. At their meeting on 26th February, Corporate leadership Team resolved to recommend the wording in Appendix 1 be adopted by the District Council and that the current position be maintained whereby the District Council retained delegation to the Governance & Resources Committee to determine pension matters (to include the business case and foreseeable costs) where exercising discretions was involved.

If the District Council adopted the discretions, the Administrator would be advised and the discretions published on the website for the reference of current and past employees.

It was moved by Councillor Andrew Shirley, seconded by Councillor Susan Hobson and

- RESOLVED** (unanimously)
1. That the District Council adopts the pension discretion policies in Appendix 1 to the report;
 2. That these discretions are confirmed to Derbyshire County Council as our Local Government Pension Scheme Administrator.

406/18 – APPOINTMENT OF RETURNING OFFICER

Councillors Mike and Irene Ratcliffe left the meeting at 7.12pm during discussion of this item.

The Council was asked to confirm the appointment of Paul Wilson, the Council's Chief Executive, as the Council's Returning Officer and Electoral Registration Officer for the District Council and Town / Parish Council elections to be held on 2nd May 2019, in accordance with S.35 of the Representation of People Act 1983.

It was moved by Councillor Tom Donnelly, seconded by Councillor Dermot Murphy and

- RESOLVED** (unanimously)
1. That Paul Wilson is appointed the Council's Returning Officer and Electoral Registration Officer for the District Council and Town / Parish Council elections to be held on 2nd May 2019;

2. That the role of Returning Officer and Electoral Registrations Officer reverts to Sandra Lamb, the Council's Head of Corporate Services for all successive elections thereafter until such time that Sandra Lamb leaves the employment of the Council, at which time the position will revert back permanently to the Chief Executive.

407/18 – REVISED SCHEME OF DELEGATION TO OFFICERS

The Council considered a report setting out a revision to the Scheme of Delegation to Officers, which had been included as a matter of urgent business in order to maintain effective decision making arrangements due to the temporary absence of the Head of Corporate Services.

Amendments to the Scheme of Delegation were proposed as set out in Appendix 1 to the report. The report did not seek any new delegations but merely extended the extent of previously approved delegation arrangements to officers in addition to the Head of Corporate Services.

It was moved by Councillor Jason Atkin, seconded by Councillor Garry Purdy and

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

408/18 – APPOINTMENT OF INTERIM MONITORING OFFICER

The Council was asked to confirm the interim appointment of Kay Riley, Assistant Director of Legal Services at Derbyshire County Council, as the Interim Monitoring Officer for the District Council under Section 5 of the Local Government Housing Act 1989. This report was included as a matter of urgent business in order to designate a Monitoring Officer due to the temporary absence of the Head of Corporate Services.

It was moved by Councillor Jason Atkin, seconded by Councillor Richard Bright and

RESOLVED 1. That Kay Riley is appointed the Council's Interim Monitoring
(unanimously) Officer.
2. That the role of Monitoring Officer reverts to Sandra Lamb, the Council's Head of Corporate Services upon Sandra Lamb's return from temporary leave.

409/18 – SEALING OF DOCUMENTS

It was moved by Councillor Jean Monks, seconded by Councillor Philippa Tilbrook and

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

410/18 – EXCLUSION OF PUBLIC AND PRESS

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

RESOLVED That any members of the public or press be invited to leave the meeting for the remaining item of business to avoid disclosure of exempt information relating to individuals.
(unanimously)

411/18 – EXEMPT MINUTES TO BE RECEIVED

It was moved by Councillor Jean Monks, seconded by Councillor Ann Elliott and

RESOLVED That the exempt minutes of the Licensing & Appeals Sub-Committee held on 06 February 2019 be received.
(unanimously)

MEETING CLOSED 7.17PM

CHAIRMAN