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COUNCIL

Minutes of a Council Meeting held on Thursday 24 January 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, Tom Donnelly, Ann Elliott, Graham Elliott, Steve Flitter, Helen Froggatt, Chris Furness, Alyson Hill, Susan Hobson, Jean Monks, Tony Morley, Dermot Murphy, Joyce Pawley, Garry Purdy, Irene Ratcliffe, Mike Ratcliffe, Lewis Rose OBE, Mark Salt, Peter Slack, Andrew Statham, Jacquie Stevens, Colin Swindell, John Tibenham and Philippa Tilbrook.

Paul Wilson (Chief Executive), Sandra Lamb (Head of Corporate Services), Karen Henriksen (Head of Resources), Tim Braund (Head of Regulatory Services), Steve Capes (Head of Regeneration & Policy), Mike Galsworthy (Estates and Facilities Manager), Jim Fearn (Communications and Marketing Manager) and Jackie Cullen (Committee Assistant).

3 members of the public.

The meeting was recorded and broadcast live on YouTube.

The Chairman advised that in light of the volume of business to be transacted, the following reports that had been included in tonight's Council Agenda had been withdrawn and would now be redirected to meetings in March:

Item 12 – Derbyshire Dales District Council – Authority Monitoring Report 2017 – 28

Item 13 – Resident's Online Panel Survey Results

Item 17 – Capital Strategy Report for 2019/20

Item 18 – Capital and Treasury Monitoring Report for 2019/20

Item 19 – Local Projects Fund – Update and Review

Furthermore, an additional urgent item had been submitted for inclusion in tonight's meeting as Item 10(a): Disposal of Freehold Interest – Land at Station Car Park, Matlock Bath.

APOLOGIES

Apologies for absence were received from Councillors Jennifer Bower, Neil Horton, Angus Jenkins, Vicky Massey Bloodworth, Andrew Shirley and Joanne Wild.

304/18 – PUBLIC PARTICIPATION

Councillor Richard Bright arrived at 6.03pm during this item.

Ms Laura Stevens of Matlock Fair Trade Group spoke in support of Councillor Irene Ratcliffe's question to Councillor Rose OBE on Fair Trade, Item 8 on the Agenda: QUESTIONS (RULE OF PROCEDURE 15). Ms Stevens reminded Members that the bid to become a Fairtrade district had been successful.

Mr Terry Galloway, former Care Leaver, made a statement regarding Item 10 on the Agenda: Local Council Tax Discount for Care Leavers. Mr Galloway asked the Council to consider the following:

- That the wording of the definition of 'care leaver' in paragraph 1.5 (i) of the report be refined in order to become more inclusive;
- That the last sentence of paragraph 1.5(i) in the report – "No reduction will be made for care leavers of other authorities living within the area." be removed from the policy, to ensure all young care leavers from any local authority would be covered by the exemption.

305/18 – APPROVAL OF MINUTES

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

RESOLVED That the Minutes of the meetings of the Derbyshire Dales District
(unanimously) Council held on 29 November 2018 and 5 December 2018 be approved as a correct record.

The minutes were signed by the Chairman.

306/18 – INTERESTS

Councillor Irene Ratcliffe requested it be noted that in her capacity as County Councillor, she had also put the motion under Item 8 on the Agenda regarding the Council's ongoing commitment to Matlock Fairtrade Group to Derbyshire County Council for consideration.

307/18 – CHAIRMAN'S ANNOUNCEMENTS

A list of engagements carried out between Thursday 6 December 2018 and Wednesday 23 January 2019 was distributed at the meeting. Councillor Monks thanked all those who participated in the Chairman's Peak Rail Steam Train Ride Fund Raiser, as well as those who had put forward nominations for the Council's Community Awards.

308/18 - COMMITTEES

It was moved by Councillor Richard FitzHerbert, seconded by Councillor Dermot Murphy and

RESOLVED That the non-exempt minutes of the Committees listed in the Minute Book for the period 29 November 2018 to 17 January 2019 be received.
(unanimously)

309/18 – QUESTIONS (RULE OF PROCEDURE 15)

Councillor Philippa Tilbrook arrived at 6.11pm during discussion of this item.

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

“Would the Leader agree to establishing a role for the Chairman of the District of Derbyshire Dales to continue our commitment to FAIRTRADE? A practical demonstration of our support would be to include the role of Chairman to the Fairtrade Group in the role profile?”

Councillor Rose OBE acknowledged Councillor Irene Ratcliffe’s support and participation with regard to the Fairtrade Group, as expounded by Ms Stevens, and agreed that the Council’s ongoing commitment should be to continue chairing meetings and be its figurehead.

Cllr Ratcliffe thanked the District Council’s staff for their efforts and commitment, and hoped the next Chair of the Council would continue to promote the ethos of the Council’s rural values and strive to maintain the current status of a Fairtrade Council.

310/18 – LOCAL COUNCIL TAX SUPPORT FOR 2019/20

The Council considered a report that provided information relating to proposed changes to, the Local Council Tax Reduction Scheme for the financial year 2019/20, and sought approval for adoption of the revised scheme.

Any changes made were to be 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 2019/20 and so no new consultation with the public or with precepting authorities had been necessary. Amendments to the Regulations were set out in paragraph 1.2 of the report. It was proposed, in the interests of clarity and equity, that all allowances, premiums and non-dependent 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 (SI No. 1346 The Council Tax Reduction Schemes (Amendment) (England) Regulations 2018) and the DWP Uprating Circular (HB A8/2018). No other changes to the local scheme were proposed for 2019/20.

A regular in-year review continued to monitor the impact of Full Service Universal Credit on local residents’ entitlements and their ability to budget for the payment of council tax. These findings would inform the Council’s decisions on changes to its future year’s scheme.

Alongside the ‘main’ Local Council Tax Support Scheme, the Council also gives Discretionary Council Tax Assistance, as explained in the report. Prior to 2018/19, elected members had set this Discretionary fund at £15,000 per annum; however this budget was increased to £16,000 during 2018/19 to reflect the increased demand from local residents.

This budget for 2019/20 was fully committed at the time of writing this report, and it was therefore proposed that it should be increased to £17,000 for 2018/19 and 2019/20, to be spent appropriately to support the most vulnerable households.

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

RESOLVED
(unanimously)

1. That under section 13A (1)(a) of the Local Government Finance Act 1992, Local Council Tax Reduction Scheme for 2019/20 be approved and adopted
2. That a maximum total amount of £17,000 be set provisionally for all hardship relief applications under Schedule 11 of the scheme for 2019/20 (to be reviewed by a further report to Council during the year if it appears that this amount may be insufficient).
3. That the maximum total amount for all hardship relief applications under Schedule 11 of the scheme for 2018/19 be increased to £17,000.

311/18 – LOCAL COUNCIL TAX DISCOUNT FOR CARE LEAVERS

It was reported that the Leader of the Council had received a letter from Derbyshire County Council asking the District Council to introduce an exemption so that Derbyshire Care Leavers under the age of 25 would not have to pay council tax. The Council was now asked to consider a report that sought approval for this.

Section 13A of the Local Government Finance Act 1992 (as amended by Section 10 of the Local Government Act 2012) allowed the Council (in its capacity as billing authority) to reduce the amount of Council Tax payable to such extent as it thought fit, including the power to reduce the council tax to nil.

Currently, the Council had a policy for awarding reliefs under Section 13A (1) (C), but at the present time the Council had not specified any classes, so all claims were considered on an individual basis. Should Members wish to establish a class of discount for care leavers, this would require approval of a revised policy which could be achieved by introducing a new council tax discount. It was recommended that the discount should be introduced from 1 April 2019, to be applied within the criteria specified in the report.

The Council's policy had been revised as shown in Appendix 1 to the report, with revisions to the policy shown in red text. This was based on a model being considered by all Derbyshire Authorities, and it was reported at the meeting that it had now been approved by South Derbyshire District Council, Bolsover District Council and North East Derbyshire District Council. However, this had since been corrected, as only Bolsover District Council had approved it, with the other two Councils deferring the decision.

For Members' information, the position at other Derbyshire Districts / Boroughs at the time of writing the report was tabled in paragraph 1.7 of the report.

The Chief Executive advised the Council that he had met with the speaker, Mr Galloway, earlier in the week and had agreed to raise the issue of the broader offer at the Derbyshire Chief Executives' meeting, following which he would be able to bring a more comprehensive policy to the Council which would hopefully be taken up across the whole of Derbyshire.

Notwithstanding Mr Galloway's request for the definition of a care leaver to be refined in due course, it was proposed that paragraphs 1.5 (i) and (ii) of the report be amended to read:

- i) A care leaver is defined as a young person aged 18 to 25 who was formally a child in the care of a Local Authority and who then became a 'care leaver' as described

in The Children (Leaving Care) Act 2000 and is liable for Council Tax on a dwelling within the Derbyshire Dales District Council area.

- ii) Applications must be made by the Leaving Care Team, or equivalent, for and on behalf of the care leaver previously registered with a Local Authority in the financial year immediately preceding their 18th birthday.

This would ensure that applications from care leavers outside the Derbyshire Dales District Council area would not be precluded from the policy.

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

RESOLVED
(unanimously)

That a local council tax discount for care leavers under the age of 25, be introduced from 1st April 2019.,as follows:

- i) A care leaver is defined as a young person aged 18 to 25 who was formerly a child in the care of Derbyshire County Council and who then became a 'care leaver' as described in The Children (Leaving Care) Act 2000 and is liable for Council Tax on a dwelling within the Derbyshire Dales District Council area.
- ii) Applications must be made by the Leaving Care Team, or equivalent, for and on behalf of the care leaver previously registered with a Local Authority in the financial year immediately preceding their 18th birthday.
- iii) Applications may be backdated to 1 April in the year of application if the 18th birthday fell in the previous year.
- iv) Council Tax Discount will be awarded on a single property occupied as the sole or main residence in the District Council's area, from the date of the care leavers 18th birthday until the day immediately preceding their 25th birthday, as follows:
 - a. Sole occupation by a care leaver of 100% of residual balance of Council Tax payable after the award of any other discount relief or exemption.
 - b. Where a care leaver is jointly liable a proportionate award will be made according to their individual circumstances, e.g. if there's one other occupier then a 50% discount will apply.
 - c. Where the care leaver is not liable for Council Tax no discount will apply.
- v) Discounts will be subject to annual review of eligibility which will include financial circumstances.

- vi) The Scheme may be varied or terminated on 12 months' notice on a decision by the Council. (We are intending to keep the Scheme under review as regards cost and administration).

This discount is in addition to the Council's current Local Council Tax Support Scheme (CTS scheme) and will provide assistance to people living within the District that have previously been in care and meet the appropriate qualifying criteria, as detailed above.

The Local Council Tax Discount for Derbyshire Care Leavers Scheme will only be applied after all other relevant discounts and exemptions have been applied. Where the qualifying criteria is met and all discounts and exemptions, including CTS, do not cover the full Council Tax charge, then under this scheme the qualifying care leaver will receive further assistance to cover 100% of their council tax charge.

312/18 – DISPOSAL OF FREEHOLD INTEREST – LAND AT STATION CAR PARK, MATLOCK BATH

The Council considered a report that recommended the freehold disposal of land at Station Car Park, Matlock Bath to Heights of Abraham Limited to enable the construction of a pedestrian access way to serve the Heights of Abraham Cable Car station. The Chairman of the Committee had agreed to the inclusion of this item as a matter of urgent business, for reasons set out in the report.

The District Council owned an extensive area of land in and around Station Car Park, Matlock Bath, shown shaded blue in the plan attached to the report. The base station which provided access to the Heights of Abraham site was shown edged in green.

In October 2018, planning permission (18/00970/FUL) was granted by the District Council for the creation of a new pedestrian access route on land between the Station Car Park and the railway bridge, due to the decision of Network Rail to permanently close the level railway crossing at Matlock Bath station on the grounds of public safety. Without an alternative access in place the closure of the railway crossing threatened the future of the Heights of Abraham operation. In order to safeguard the Heights of Abraham operation, and its valuable contribution to the Derbyshire Dales economy, there was a need to progress the construction of the recently approved pedestrian access way at the earliest possible opportunity. The Heights of Abraham wished to obtain the freehold interest in the land to facilitate construction of the access way, and also the adjoining land in order to ensure that it was maintained to a standard which was befitting the main gateway access to their operation.

The proposed terms for the disposal of the site were listed in section 3 of the report, and this disposal would comprise an undervalue transaction as permitted under the General Disposal Consent 2003, as set out in the report.

The relevant Ward Members had been consulted and raised no objections to the proposed course of action. Matlock Bath Parish Council had also been consulted on the proposed transfer, and similarly raised no objections.

It was moved by Councillor Garry Purdy, seconded by Councillor Joyce Pawley and

RESOLVED
(unanimously)

1. That authority be delegated to the Estates and Facilities Manager to agree disposal of the Council's freehold interest in land adjacent to Station Car Park, Matlock Bath to Heights of Abraham Limited subject to protection of existing use rights and the Council's future interests on the terms outlined in paragraph 3 of the report.
2. That it be noted that the proposed disposal comprises an undervalue transaction relating to the promotion or improvement of the economic, social or environmental wellbeing of the area as permitted under the General Disposal Consent 2003.

313/18 - ASSET MANAGEMENT PLAN 2019-2023

Following approval of this matter by the Commercial Board, the Council considered a report that recommended adoption of a new Asset Management Plan (AMP) to cover the period 2019–2023.

The last published AMP covered the period 2009-2012, and whilst no formal AMP was in place for the period 2012-2018, property condition and operating cost data fed into a number of wider service reviews, which had had a dramatic effect on the property portfolio, most notably the Leisure Review and Review of Public Conveniences.

The updated AMP was considered and approved in draft form by Commercial Board in December 2018 and a final version incorporating amendments suggested by the Board and the Council's Corporate Leadership Team was attached as Appendix 1 to the report.

It was moved by Councillor Albert Catt, seconded by Councillor Mike Ratcliffe and

RESOLVED
(unanimously)

That the Asset Management Plan included at Appendix 1 of the report is adopted.

314/18 – REVIEW OF LOCAL ENTERPRISE PARTNERSHIPS

The Council considered an update on the Government's review of Local Enterprise Partnerships (LEPs), in particular the Government's immovable view on LEP geography, and the consequences for 'overlap' districts including the Derbyshire Dales.

The Derbyshire Dales was part of two LEP areas: Sheffield City Region (covering South Yorkshire, north Derbyshire and north Nottinghamshire) and D2N2 (covering Derby, Derbyshire, Nottingham and Nottinghamshire), for economic reasons, as set out in the report, and also due to the Derbyshire Dales' natural economic geography. Derbyshire Dales District Council had consistently stated that it would seek to work with partners in both LEP areas for the benefit of our whole district, as confirmed at a Special Council meeting on 3rd March 2016. Derbyshire Dales' participation in LEPs was summarised in the report. Funding secured from SCR and D2N2 was detailed in Appendix 1 to the report and summarised in the body of the report.

Overlaps emerged when LEPs were first formed, and affected LEP areas across the country. The Government had insisted that overlaps must be eradicated, to the extent that transitional funding would be withheld from overlapping LEPs, with a suggestion that reduced post-Brexit

funding would be available to LEPs that retained overlaps. The Government’s position presented a genuine dilemma for the Derbyshire Dales, as explained in the report.

Whilst at present it appeared that the Derbyshire Dales would move into one LEP, it was not clear whether this would be imposed or if the District Council would be required to exercise a choice. If the District Council were to be forced to choose one LEP over the other, it was recommended that the considerations set out in section 4 of the report be used in making this decision.

It was proposed that Recommendation 4 in the report be amended to include an additional 3 Councillors from the north of the district, as shown below.

It was moved by Councillor Lewis Rose OBE, seconded by Councillor Chris Furness and

RESOLVED

1. That the natural economic geography of the Derbyshire Dales – looking both north and south is noted.
2. That the funding gained for Derbyshire Dales businesses – from both Sheffield City Region and D2N2 is noted.
3. That the Government’s view that LEP overlaps must be eradicated is noted.
4. That, should it become necessary for the District Council to choose only one LEP, the Leader of the Council be delegated authority to respond, in consultation with the Deputy Leader, the Leader of the Labour Group, the Member Representative for the Place Shaping Hub and Councillors Susan Hobson, Jason Atkin and Chris Furness, following the criteria set out in the report and taking account of any formal notice periods.
5. That the Council’s continuing non-constituent membership of the Sheffield City Region Mayoral Combined Authority is noted.

Voting:

	27
For	0
Against	3
Abstentions	

The chairman declared the motion CARRIED.

315/18 – PROVISIONAL LOCAL GOVERNMENT FINANCE SETTLEMENT 2019/20

The Council considered a report on the provisional Local Government Finance Settlement for 2019/20 together with its implications for the Council’s finances. The report also outlined two Government consultation papers on local government finance that were issued along with the settlement.

The four-year offer made by the government to Derbyshire Dales District Council as part of the 2016/17 finance settlement was tabled in paragraph section 1 of the report. The provisional Local Government Finance Settlement for 2019/20 was reported to Parliament on 13th December 2018, and was accompanied by two further consultations on reforms to the business rates system and the new approach to distributing funding through the Review of Relative Needs and Resources, as explained in section 4 of the report. Responses are required by 21st February 2019.

This report outlined the details of the national settlement, together with the local settlement for the District Council. The provisional figures were expected to be confirmed in late January or early February 2019, when the Government announced the final settlement. The key points of the provisional settlement were set out in the report.

It was reported that overall the 2019/20 settlement funding assessment was slightly higher than awarded in 2018/19 but remained significantly lower than prior years, as explained in the report.

A summary of the consultation on reforms to the business rates system was set out in Appendix 1 to the report, with the key areas covered by the consultation were listed in the report. A summary of the consultation on the new approach to distributing funding through the Review of Relative Needs and Resources system was set out in Appendix 2 to the report, and the key areas covered by the consultation were listed in the report.

Responses to the consultation papers were required by 21st February 2019. Suggested responses from the Rural Services Network would be considered when drafting the Council's responses. As these had not yet been received, and as the consultation papers had not been fully assessed at the time of writing this report, it was recommended that authority be delegated to the Head of Resources to submit responses to the two consultation papers (after consultation with the Council Leader and Deputy Leader).

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

RESOLVED
(unanimously)

1. That the provisional Local Government Finance Settlement for 2019/20 be noted.
2. That authority be delegated to the Head of Resources to submit responses to the consultation papers on "Business Rates Retention Reform" and "The Review of Local Authorities' Relative Needs and Resources" in consultation with the Council Leader and Deputy Leader.

316/18 – MEDIUM TERM FINANCIAL STRATEGY 2019/20 TO 2023/24

Councillor Mark Salt left the meeting at 8.06pm during discussion of this item.

The Council considered a report that sought approval for the Medium Term Financial Strategy for 2019/20 to 2023/24, intended to set out the Council's strategic approach to the management of its finances and provide a framework within which decisions could be made regarding future service provision and council tax levels.

The Medium Term Financial Strategy (MTFS) shown in Appendix 1 to the report provided a forecast of the Council's financial position over the five years for 2019/20 to 2023/24. The MTFS explained that beyond 2019/20 there was great uncertainty relating to government funding and retained business rates income, as the government was currently consulting on changes to local authority funding for 2020/21 onwards. Further influences on the Council's finances over the next five years were listed in the report.

The Medium Term Financial Plan (MTFP) contained within the MTFS indicated that corporate savings of £400,000 a year (or the use of reserves as a short-term measure) would be required by 2020/21 if the Council was to be able to set a balanced budget. It included forecasts of the Council's income and expenditure over the next five years, with key assumptions shown. It was noted that there were risks that these planned savings may not

be achieved, and given the short timescale to achieve savings to close the savings gap in order to balance the budget for 2020/21, it was proposed that a Funding Uncertainty Reserve should be established in 2019/20, which could then be utilised in 2020/21 if the savings target were not achieved.

The MTFs included a section on reserves and balances, as explained in the report.

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

RESOLVED
(unanimously)

1. That approval is given to the Medium Term Financial Strategy (MTFS) for 2019/20 to 2023/24, attached as Appendix 1 to the report;
2. That Council agrees that, when setting budgets for 2019/20 and beyond, spending should be focused on the Council's corporate priorities, wherever possible;
3. That approval is given to the approach set out in the Medium Term Financial Strategy for achieving the savings required to set balanced budgets.
4. That the corporate savings target be amended to "achieve corporate savings of £400,000 by 2020/21".

317/18 – UPGRADE TO PAYMENT PORTAL – REQUEST FOR CAPITAL FUNDING

The Council considered a report that sought approval for the sum of £20,460 to be included in the Capital Programme for 2019/20 to purchase an upgrade to the payment portal available on the District Council's website. The upgrade would offer greater choice to the customer and enable more services to be available on line.

The Customer Innovation Hub had spent time investigating the current platform with Capita, concluding that an upgrade would offer value for money, a much improved offering to the customer and efficiencies to the Council. Further benefits of an upgrade were listed in the report, and a quotation for a 5 year licence was tabled in paragraph 2.4 of the report, showing a total of £20,460.

A project plan for the upgrade had been presented to and approved by CLT and the ICT User Group. A copy of the Capital Programme scoring sheet was attached at Appendix 1 to the report for information.

It was moved by Councillor Richard Bright, seconded by Councillor Susan Hobson and

RESOLVED
(unanimously)

That the inclusion of £20,460 in the Capital Programme for 2019/20 to enable the upgrade to the payment portal is approved.

318/18 – LOCALISM ACT – PAY POLICY STATEMENT

The Council considered a report that met the requirement of The Localism Act, November 2011, to publish the Council's Annual Pay Policy Statement for the 2019/20 financial year, attached as Appendix 1 to the report.

It was moved by Councillor Chris Furness, seconded by Councillor Tony Morley and

RESOLVED
(unanimously)

That the annual Pay Policy Statement 2019/20 is approved.

319/18 – SEALING OF DOCUMENTS

It was moved by Councillor John Tibenham, seconded by Councillor Ann Elliott 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 8.19PM

CHAIRMAN