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## **COUNCIL**

**Minutes of a Council Meeting held on Thursday 25 June 2015 in the Council Chamber, County Hall, Matlock at 6.00 pm.**

### **PRESENT**

Councillor Richard FitzHerbert - In the Chair

Councillors Jason Atkin, Deborah Botham, Sue Bull, Martin Burfoot, Sue Burfoot, David Chapman, Phil Chell, Tom Donnelly, Ann Elliott, Graham Elliott, Steve Flitter, Helen Froggatt, Chris Furness, Alyson Hill, Susan Hobson, Neil Horton, Angus Jenkins, Vicky Masson, Tony Millward, BEM, Jean Monks, Joyce Pawley, Irene Ratcliffe, Mike Ratcliffe, Lewis Rose, OBE, Peter Slack, Andrew Statham, Jacquie Stevens, Colin Swindell, John Tibenham, Philippa Tilbrook and Joanne Wild.

Dorcas Bunton (Chief Executive), Sandra Lamb (Head of Corporate Services), Paul Wilson (Corporate Director), Tim Braund (Head of Regulatory Services), Karen Henriksen (Head of Resources), Heidi McDougall (Head of Environmental Resources), Mike Hase (Planning Policy Manager), Sarah Gee (Senior Solicitor) and Jackie Cullen (Committee Assistant).

A minute's silence was observed in remembrance of the late Councillor Mike Longden, and Liz Miller of the Licensing Team who had recently passed away.

### **OPENING ADDRESS**

Mr Tony McIlveen, Senior Solicitor, and Councillor Michael Gordon, Chair of Derbyshire Law Centre's Management Committee, gave a presentation on the work of the Derbyshire Law Centre. Mr McIlveen outlined the services provided by the Law Centre, with particular emphasis on specialist employment services and the mortgage rescue scheme. Councillor Gordon distributed leaflets advertising the Law Centre, and thanked the District Council for its recent financial contribution.

### **APOLOGIES**

Apologies for absence were received from Councillors Jennifer Bower, Richard Bright, Albert Catt, Tony Morley, Garry Purdy, Mark Salt and Andrew Shirley.

### **38/15 – MINUTES**

It was moved by Councillor Tom Donnelly, seconded by Councillor Joanne Wild and

**RESOLVED** That the minutes of the Council meeting held on 28 May 2015 be  
(unanimously) approved as a correct record.

The Minutes were signed by the Chairman.

### **39/15 – CHAIRMAN’S ANNOUNCEMENTS**

In the absence of the Chairman of the District of Derbyshire Dales, a list of his engagements between May and June 2015 was distributed.

### **40/15 – COMMITTEES**

It was moved by Councillor Tony Millward, seconded by Councillor Jason Atkin and

**RESOLVED** That the non-exempt minutes of the Committees listed in the Minute  
(unanimously) Book for the period 14 April 2015 to 8 June 2015 be received.

### **41/15 – QUESTIONS (RULE OF PROCEDURE 15)**

**Councillor Sue Burfoot asked the following question of Councillor Lewis Rose, Leader of the Council:**

*“Does Councillor Rose accept that the new regime regarding dog waste bins is not working in that we now have a reduced overall number of regular/dog waste bins, including some places where there is no provision at all, resulting in environmental/health hazards and does he agree that those dog waste bins removed should be reinstated?”*

Councillor Rose refuted that the scheme was not working, and reiterated that although the service had been reduced in order to make it more efficient, the overall capacity for accepting dog waste had increased, as the public could now use standard litter bins as well. Where dog waste bins had been removed, in the majority of cases another bin, of greater capacity, was available within a short distance. All proposals had been undertaken in consultation with Parish and Town Councils and Ward Members.

Where bins had been removed, complaints had been monitored and no major issues had been identified. Where Members have concerns, they should contact the Head of Environmental Services who will arrange for the situation to be monitored and if necessary, determine appropriate measures such as bins, signage and/or enforcement.

Councillor Rose reminded the Council that it was the responsibility of dog owners to dispose of dog waste appropriately and where a bin was not provided it should be taken home and put in the waste bin. Where this behaviour is not being carried out the Council would exercise the use of fixed penalty notices under the recently implemented Public Spaces Protection Orders.

### **Supplementary Question from Councillor Sue Burfoot:**

Councillor Burfoot accepted that the issue of disposing of dog waste was the responsibility of the owners, but pointed out that a photograph had been published in the Matlock Mercury, as

well as a letter regarding dog waste in the Cavendish area. Councillor Burfoot asked whether we, as an Authority, could guarantee that urgent problems could be dealt with quickly so they would not result in environmental or health hazards, and so no more photos or complaints would be publicised.

Councillor Rose replied that he was confident that the Head of Environmental Services would do her best to address any future issues.

## **42/15 – WIRKSWORTH NEIGHBOURHOOD PLAN**

Council considered a report that set out the results of the referendum on the Wirksworth Neighbourhood Plan and recommended that the Plan be formally made and brought into use for the determination of planning applications with immediate effect.

At its meeting on 13<sup>th</sup> December 2012, the Corporate Committee resolved to designate the whole of the Parish of Wirksworth as a Neighbourhood Area in accordance with Section 61G of Town and Country Planning Act 1990 (As amended by the Localism Act 2011).

Following a period of local consultation the draft plan was submitted to the District Council for its formal publicity stage, and the formal statutory publicity on the Wirksworth Neighbourhood Plan commenced on 30<sup>th</sup> October 2014 and finished on 11<sup>th</sup> December 2014

An examination of the Wirksworth Neighbourhood Plan was undertaken by Dr Charles Mynors FRTPI FRICS IHBC, by written representations during February 2015. The key conclusions in the Examiner's report were set out in the report, and subsequently a referendum was held on 7<sup>th</sup> May 2015, the results of which were given in the report.

A copy of the final version of the plan was attached at Appendix 1 to the report for Members' information.

It was moved by Councillor Mike Ratcliffe, seconded by Councillor Irene Ratcliffe and

**RESOLVED**  
(unanimously)

1. That the result of the referendum on the Wirksworth Neighbourhood Plan be noted.
2. That the Wirksworth Neighbourhood Plan be formally "made" as a Neighbourhood Development Plan, and form part of the Development Plan for the Derbyshire Dales.
3. That the Wirksworth Neighbourhood Plan be used in the determination of planning applications that are situated within the Plan Area with immediate effect.

## **43/15 – PERFORMANCE MANAGEMENT – KEY PERFORMANCE INDICATORS OUTTURN 2014/15**

Council considered a report that summarised the outturn performance against the District Council's Key Performance Indicators for 2014/15.

The Corporate Plan set out the District Council's priorities and areas for improvement and identified a number of key targets to be achieved each year, and the District Council's Performance Management regime monitors progress against the Key Performance Indicators.

For the period 2014/15 there were 26 Key Performance Indicators identified, of which 11 were Corporate Plan targets.

The Key Performance Indicators outturn 2014/15 was set out in the report, and summarised in the table at 2.2 of the report.

The outturn figures indicated that 62% of the key performance indicators were achieved during 2014/15. The detailed outturn position for each of the key performance indicators for 2014/15 was set out in Appendix 1 to the report.

It was moved by Councillor Chris Furness, seconded by Councillor Jacquie Stevens and

**RESOLVED** That the outturn performance against the Key Performance  
(unanimously) Indicators for 2014/15 be noted.

#### **44/15 – LOVERS' WALK CLOSURE**

Council considered a report that set out the background to the recent closure of Lovers' Walk in Matlock Bath and detailed the actions taken to date and progress made. It also addressed the potential impact on the Matlock Bath Illuminations event.

In the Autumn of 2013, during the Matlock Bath Illuminations, there was a rock fall on Lovers' Walk, damaging the fencing running alongside the river (see Appendix 1 to the report). With the Illuminations having already started, a Risk Assessment was carried out and several actions were taken to minimise the risk to the public, as outlined in the report. These were deemed to be an appropriate response given the Council's knowledge at the time, and enabled the Illuminations event to take place in 2013. It was also agreed that a full rock face survey by appropriate specialists should be commissioned.

Rock Solutions were formally appointed on 15<sup>th</sup> December 2014 and their final report was received on the 1<sup>st</sup> June 2015 (attached as Appendix 2 to the report).

The Corporate Leadership Team considered the report on the 4<sup>th</sup> June 2015 and, given the significance of its findings and the risk to public safety, the Chief Executive, after consultation with the Deputy Leader, instructed that the Lovers' Walk pathway be closed to the public and this was done on the 5<sup>th</sup> June 2015.

There were two main issues arising from the survey, and these, together with the recommendations put forward by Rock Solutions, both long-term and short-term, were outlined in the report, together with their estimated costs of remedial works of £25800.

The legal advice provided by the Council's Solicitor had been confirmed by Counsel, whose recommendations were outlined in the report. The Council also had obligations and a duty of care to all visitors walking the pathway, as well as to those who had purchased fishing rights.

Officers had instructed Rock Solutions to undertake this work pending Members' endorsement and they would commence on 1<sup>st</sup> July 2015, and it was anticipated that Lovers' Walk would be reopened by the end of July and that the Illuminations event could take place as planned from 12<sup>th</sup> September 2015. This did not offer a long-term solution and the implementation of a more permanent solution was recommended; this would be the subject of a further report later in the year.

A schedule showing the breakdown of Rock Solutions' costs was to be forwarded to Members.

Councillor Lewis Rose, wished to record his thanks to Officers for their efforts in dealing with this matter.

It was moved by Councillor Joyce Pawley, seconded by Councillor Jacquie Stevens and

- RESOLVED**  
(unanimously)
1. That Council notes the action taken to date and endorses the further action and works proposed.
  2. That Members endorse the cost of the report (£1,800) and the rock scaling works (£25800) being added to the 2015 / 2016 Capital Programme and financed from the Capital Programme Reserve.

#### **45/15 – REVIEW OF DEVELOPMENT MANAGEMENT**

Council considered a report that informed Members of the actions taken in respect of the review of Development Management. It explained the options that had been considered in order to ensure that the service remained fit for purpose and made recommendations in relation to improvements that would ensure that the District Council could offer the best possible Development Management service in the future.

At its meeting on 19 June 2014, Council approved the scope and methodology of the review of the District Council's Development Management Service. At its meeting on 20 November 2014 Council considered a further report that explained the findings of Planning Officers' Society Enterprises and made recommendations as to how those findings should be carried forward. Following the November 2014 meeting the Review was broken down into 5 sub-areas and groups were formed to consider each of these separate, but linked subjects. The sub-areas were set out in the report, together with the findings and recommendations.

The Development Management Review Action Plan was attached as Appendix 1 to the report.

It was moved by Councillor Lewis Rose, seconded by Councillor Angus Jenkins and

- RESOLVED**  
(unanimously)
- That the action plan attached as Appendix 1 to the report be approved.

#### **46/15 – ANNUAL GOVERNANCE STATEMENT 2014/15**

Council considered a report that sought Members' approval for the Annual Governance Statement, which was consistent with the CIPFA/SOLACE Framework "Delivering Good Governance in Local Government", and met the requirements of the Accounts and Audit Regulations 2015.

The Statement described the key elements of the governance framework and the process that had been applied in maintaining and reviewing the effectiveness of the governance framework. Section 5 of the Annual Governance Statement identified any significant governance issues, as set out in the report.

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

- RESOLVED**  
(unanimously)
1. That approval be given to the Annual Governance Statement 2014/15.
  2. That the significant governance issues, and the actions to

address them, be noted.

#### **47/15 – GENERAL FUND OUT-TURN 2014/15**

Council considered a report that advised Members of the final expenditure for 2014/15 and recommended that the under-spending be transferred to reserves.

The final accounts for 2014/15 showed an under-spending on the General Fund of £557,660 when comparing the final expenditure with the revised budget, as outlined in paragraph 1.5 of the report.

The main variations were summarised in Appendix 1 to the report, and the most significant variations were set out in the report.

At the Council meeting held on 28 May 2015, Members agreed, in principle, to the allocation of individual budgets to ward members, and a sum has been suggested of £1,000 per annum per Member (resulting in a total of £156,000). Officers were preparing a scheme and governance arrangements, which were due to be presented to the July Council Meeting.

The overall position on revenue reserves was shown at Appendix 2 to the report. The results of a review of reserve balances as at 31 March 2015, together with a review of potential future liabilities, were outlined in the report, with the recommendation that as the balance on the Job Evaluation Reserve exceeded the amount now considered to be required, £233,000 be transferred from this reserve to the Capital Programme Reserve.

It was considered that approximately £68,000 of the under-spend would continue in future years. This had been reflected in an updated medium-term financial plan, which was shown at Appendix 3 to the report.

It was moved by Councillor Lewis Rose, seconded by Councillor Tony Millward and

**RESOLVED**  
(unanimously)

1. That Members note the General Fund under-spending of £557,660 in 2014/15.
2. That £156,000 be transferred to a new Reserve for Ward Member Budgets as set out in paragraph 1.3 of the report.
3. That the remaining balance of £401,660 be transferred to the Capital Programme Reserve.
4. That Members approve the transfer of £233,000 from the Job Evaluation Reserve to the Capital Programme Reserve.
5. That the updated Medium Term Financial Plan be noted.

#### **48/15 – CAPITAL PROGRAMME OUT-TURN 2014/15 – ESTIMATES 2015/16 TO 2019/20**

Councillor Peter Slack left the meeting at 7.33pm prior to discussion of this item.

Council considered a report that:

- Informed members of the out-turn of the 2014/15 Capital Programme

- Determined the revised Capital Programme and financing arrangements for 2015/16
- Outlined the Capital Programme proposals for 2016/17 to 2019/20

The detailed out-turn of the 2014/15 Capital Programme in the sum of £2,358,486 was shown in Appendix 1 to the report, and a table showing how it had been financed was set out in the report. This compared with the revised estimate of £3,110,328; an underspending of £751,842.

The revised General Fund Capital Programme for 2015/16 was tabled in the report, together with the revised 2015/16 Capital Programme.

The major items in the General Fund spending proposals where expenditure in 2015/16 was estimated to be in excess of £250,000 were shown in the report.

It was moved by Councillor Andrew Statham, seconded by Councillor David Chapman and

- RESOLVED**  
(unanimously)
1. That the out-turn of the Capital Programme for 2014/15 in the sum of £2,358,486 be noted and approved.
  2. That the revised Capital Programme and financing arrangements for 2015/2016 in the sum £2,918,781 be noted and approved.
  3. That the revised Capital Programme proposals for 2016/17 – 2019/2020 as detailed in Appendix 1 be noted.

#### **49/15 – SEALING OF DOCUMENTS**

It was moved by Councillor Joanne Wild, seconded by Councillor Vicky Massey 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.

#### **50/15 – EXCLUSION OF PUBLIC AND PRESS**

It was moved by Councillor Tony Millward, seconded by Councillor Angus Jenkins, and

- RESOLVED**  
(unanimously)
- That the public or press excluded from the meeting for the remaining item of business.

#### **51/15 – EXEMPT MINUTES LICENSING AND APPEALS COMMITTEE**

It was moved by Councillor Chris Furness, seconded by Councillor Colin Swindell and

- RESOLVED**  
(unanimously)
- That the Minutes of the Licensing & Appeals Committee, minute No. 345/14 – 30 April 2015 be received.