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COUNCIL

Minutes of a Council Meeting held on Thursday 30 June 2016 in the Council Chamber, Town Hall, Matlock at 6.00 pm.

PRESENT

Councillor Richard FitzHerbert - In the Chair

Councillors Jason Atkin, Martin Burfoot, Sue Burfoot, David Chapman, Tom Donnelly, Ann Elliott, Graham Elliott, Steve Flitter, Chris Furness, Alyson Hill, Susan Hobson, Neil Horton, Angus Jenkins, Vicky Massey, Jean Monks, Tony Morley, Joyce Pawley, Garry Purdy, Irene Ratcliffe, Mike Ratcliffe, Lewis Rose, OBE, Peter Slack, Jacquie Stevens, Colin Swindell, John Tibenham and Joanne Wild.

Dorcas Bunton (Chief Executive), Sandra Lamb (Head of Corporate Services), Tim Braund (Head of Regulatory Services), Karen Henriksen (Head of Resources), Rob Cogings (Head of Housing), Heidi McDougall (Head of Environmental Services), Steve Capes (Head of Regeneration and Policy) and Jackie Cullen (Committee Assistant).

2 members of the public.

PRESENTATION

A verbal presentation was given by Louise Swain, Head of Patient Engagement and Experience, NHS North Derbyshire CCG, on the 'Better care closer to home' consultation that had just been launched for a period of 14 weeks. .

Ms Swain then took questions from the floor.

APOLOGIES

Apologies for absence were received from Councillors Deborah Botham, Richard Bright, Sue Bull, Albert Catt, Helen Froggatt, Tony Millward BEM, Mark Salt, Andrew Shirley and Philippa Tilbrook.

82/16 – PUBLIC PARTICIPATION

In accordance with the procedure for public participation, Cllr Peter Baranek, Chairman of Matlock Bath Parish Council, spoke on behalf of the Parish Council about temporary toilet provision in Matlock Bath during the refurbishment of the Memorial Garden toilets. Cllr

Baranek emphasised the importance of modern toilet provision in this renowned popular tourist area.

83/16 – MINUTES

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

RESOLVED That the Minutes of the meeting of the Derbyshire Dales District
(unanimously) Council held on 19 May 2016 be approved as a correct record.

The minutes were signed by the Chairman.

84/16 – CHAIRMAN'S ANNOUNCEMENTS

A list of engagements carried out between 20th May and 30th June 2016 was distributed at the meeting.

85/16 – COMMITTEES

It was moved by Councillor Garry Purdy, seconded by Councillor Jean Monks and

RESOLVED That the non-exempt minutes of the Committees listed in the Minute
(unanimously) Book for the period 24 May 2016 to 9 June 2016 be received.

86/16 – QUESTIONS (RULE OF PROCEDURE 15)

Councillor Colin Swindell asked the following question of Councillor Lewis Rose, OBE, Leader of the Council:

“Over recent weeks, many members have come under pressure from their constituents who are concerned about proposals in the Derbyshire Dales Local Plan. Many are quite rightly concerned about the potential development of hundreds of houses on their doorstep and the serious and significant impact this will have on their lives and communities, as well as their home towns and villages.

Will the Council Leader please tell me whether or not the District Council will take up the proposal by Darley Dale Town Council and supported by Matlock Town Council to creating a new village in the Derbyshire Dales? Does he not agree that this will remove the burden on our communities and, at the very least, show our residents that this authority has explored this idea?”

Councillor Rose OBE responded as follows:-

“As Councillor Swindell correctly points out the District Council has received a suggestion from Darley Dale Town Council (and now supported by Matlock Town Council) for the inclusion of a new village within the proposals in the Derbyshire Dales Local Plan.

This matter has been raised on a number of occasions at Local Plan Advisory Committee meetings where both myself and Officers had made it clear that we are open to such an idea being included within the Local Plan providing that it is a realistic proposition. Whilst there are potential advantages of such a proposal, as Members will be aware one of the overriding principals that the District Council has to demonstrate in respect of the Derbyshire Dales Local Plan is that it is capable of being implemented over the plan period. Proposals that are not likely to be brought forward and implemented over the plan period should not therefore be included within the plan.

The Corporate Director and Policy Manager have met with representatives of Darley Dale Town Council to discuss their proposals. As a result of this meeting the Corporate Director and Policy Manger have contacted a developer at the suggestion of Darley Dale Town Council to seek their views about the extent to which there was likely to be market demand for such a proposal. The advice being given is that there is unlikely to be market demand for such a proposition.

Although a number of possible locations and sites were suggested by Darley Dale Town Council none of the sites or locations identified were either available or of sufficient size to enable such a proposition to come forward through the Local Plan process. Nor may I add have any sites of a sufficient size come forward through the call for sites process which could be justified as being suitable for allocation as a stand-alone new village proposal in the Local Plan.

In the absence of any available sites from willing landowners it would be wholly inappropriate to allocate land for such a provision within the Derbyshire Dales Local Plan as it could potentially jeopardise the soundness of the whole Local Plan.

Finally advice from Department for Communities and Local Government is that in terms of preparing the Derbyshire Dales Local Plan this should not be unduly delayed in order to give any significant additional consideration to the suitability of a including a site(s) for a new village proposal within the Derbyshire Dales Local Plan.”

Supplementary question from Cllr Swindell:

Regarding any sites that have been brought forward recently, has the Council been to explore any of them? And with regard to the timescale, should the District Council not approach Government and ask them for an extension in order to be able to present a better Local Plan?

Councillor Rose responded that he had nothing to add to his previous answer.

Councillor Colin Swindell asked the following question of Councillor Lewis Rose, OBE, Leader of the Council:

“Following the results of the EU referendum and the political fallout that now follows, a general election is now a high possibility. Can the Council Leader please tell me if he thinks a possible change of government could have implications on the Local Plan? If so, what is this authority doing to prepare for this?”

Councillor Rose OBE responded as follows:

“At this time it would be inappropriate for me to speculate as to the implications for the Local Plan of Brexit and any future Government policy as we simply don’t know what is likely to be in the future.”

Councillor Colin Swindell asked the following question of Councillor Lewis Rose, OBE, Leader of the Council:

“In recent weeks, Serco have once again shown that they are not up to the job of providing our residents with the service they pay for and expect. Does the Council Leader agree with me, that we have heard enough excuses from Serco and that it is now time to get serious with the company - including the possibility of withdrawing from the contract?”

Councillor Rose OBE responded as follows:

“In recent weeks Serco have had some staffing issues, particularly with HGV drivers, this has caused some difficulties in delivering the waste service.

The waste team have been working closely with Serco to help resolve the issues and things are gradually improving. Two agency workers have now been recruited to fill HGV positions covering the rounds and an additional vehicle and driver have been hired to clear the backlog of container and liner deliveries.

When Specific Service Defaults occur the Council can follow a legal process to terminate the Agreement but this is likely to have significant cost implications for DDDC.

It is suggested at this stage that officers continue to work with Serco to resolve the issues and monitor performance in the future. If members have any specific concerns they should raise them directly with the Head of Environmental Services.”

Supplementary comment from Cllr Swindell:

Although some of the problems experienced have been resolved, for which I am grateful to the Head of Environmental Services, I wonder how much longer we can go on making excuses for Serco?

Councillor Rose OBE reminded members that not all areas were affected, and in fact at the Community & Environment meeting in June it was reported that a recent survey showed a 93% satisfaction rate.

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

“There is a level of very real concern and growing frustration being expressed by local ward members and others over the significant numbers of travellers who recently camped on the Matlock Bath District Council Station Car Park.

With the knowledge of inevitable delays incurred by legal enforcement, likelihood of damage to property and environment, harm to the local tourist profile, loss of car parking income and the prospect of future traveller incursions into our district, would the Leader of the Council agree that positive and vigorous action is now needed and make this high priority issue an agenda item, as proposed by all the members of my group, in order to both clarify the matter and importantly to allow member discussion on progressive ideas and options?”

Councillor Rose OBE acknowledged that this issue was causing the Council great difficulty and was consuming numerous resources. Cllr Rose agreed that this matter should be debated at either a full Council meeting or a relevant Committee meeting in the near future.

Supplementary comment from Cllr Ratcliffe:

Cllr Ratcliffe thanked the Leader for his support and for an affirmative answer, and emphasised that this should be dealt with sooner rather than later.

87/16 – GENERAL FUND OUTTURN 2015/16

Members considered a report on the final expenditure for 2015/16, and a recommendation that the under-spend be transferred to the general reserve. The report also advised

Members of the updated Medium Term Financial Plan which reflected the financial position as at 31st March 2016 and which would be reflected in the Revenue Spending Proposals for 2017/18 to be presented in early 2017.

The final accounts for 2015/16 showed an under-spending on the General Fund of £24,394 when comparing the final expenditure with the revised budget. The main variations were summarised in Appendix 1 to the report and the most significant variations were listed in the report.

It was moved by Councillor Lewis Rose, OBE, seconded by Councillor Jacquie Stevens and

- RESOLVED**
(unanimously)
1. That the General Fund under-spending of £24,394 in 2015/16 be noted
 2. That £24,394 be transferred to the General Reserve;
 3. That the updated Medium Term Financial Plan be noted.

88/16 – CAPITAL PROGRAMME 2016/16 TO 2019/20

Council considered a report that determined the Actual Capital Expenditure and financing arrangements for 2015/16; determined Capital Programme and financing arrangements for 2016/17; and outlined the Capital Programme proposals for 2017/18 to 2019/20.

The impact on the Council's Reserves and Balances of the above proposals was set out in the report.

It was moved by Councillor Lewis Rose, OBE, seconded by Councillor Garry Purdy and

- RESOLVED**
(unanimously)
1. That the Actual Capital Expenditure and financing arrangements for 2015/16 and as at 31st March 2016, as detailed in appendix 1 to the report in the sum of £1,773,848, be approved;
 2. That the revised Capital Programme and financing arrangements for 2016/17 in the sum of £5,257,397 as detailed in Appendix 1 to the report, be approved;
 3. That the Capital Programmes for 2017/18 – 2019/20 onwards as detailed in appendix 1 to the report be noted.

89/16 – TEMPORARY TOILET PROVISION IN MATLOCK BATH

Council considered a report on the cost of providing temporary toilet provision in Matlock Bath until the end of October 2016 and options for cleaning the facilities.

The Memorial Garden toilets in Matlock Bath were closed in early 2015 due to significant structural defects highlighted as a result of the stock condition survey. In 2016, temporary toilet provision has been provided in Matlock Bath, consisting of six temporary portaloo units. It was recommended that the cost of hiring these units from March until the end of October be funded from the general reserve.

The cleaning of toilets is currently undertaken by the Clean and Green Team 7 days a week, and in 2015 extra provision for cleaning was provided in Matlock Bath over the summer and during the illumination period.

Two options that would ensure that the temporary portaloos were clean and restocked were set out in the report.

It was recommended that the temporary toilet provision be cleaned within the existing Clean and Green service arrangements in accordance with option 2 and monitored on a regular basis.

It was moved by Councillor Garry Purdy, seconded by Councillor Joanne Wild and

- RESOLVED**
(unanimously)
- 1) That a cost of £16,416 for the temporary toilet provision, between March and October be funded from the general reserve.
 - 2) That the temporary toilet provision is cleaned within existing Clean and Green resources in accordance with option 2, outlined in paragraph 2.9 of the report.

90/16 – PERFORMANCE MANAGEMENT – KEY PERFORMANCE INDICATORS OUTTURN 2015/16

Council considered a report that summarised the outturn performance against the District Council's Key Performance Indicators for the year 2015/16, demonstrating where services were performing strongly and where improvements were to be made.

The Corporate Plan adopted by Council in March 2016 identified a number of priority targets to be achieved each year, as outlined in the report. Progress against Key Performance Indicators, which measured how well the District Council was doing at maintaining basic service standards, was measured and continually reviewed using a 'traffic light' system, as explained in the report.

A summary of final outturns for the financial year 2015/16, including the nine Corporate Plan targets and the 14 Key Performance Indicators for services, was tabled in the report.

Corporate Plan target performance was reported to Council in March 2016, and there were a number of performance highlights from 2015/16, as listed in the report.

The Corporate Plan and Service Plans approved by Council on 3 March 2016 set out the Corporate Plan targets and Key Performance Indicators for 2016/17. Service Plans were being updated to include 2015/16 outturn data and would be published on the District Council's website in due course.

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

- RESOLVED**
(unanimously)
1. The outturn performance against the Key Performance Indicators for 2015/16 be noted;
 2. Bi-annual reports be brought to Council to highlight progress, demonstrate good performance, and address areas for improvement.

91/16 – A NEW APPROACH TO ENABLING AFFORDABLE HOMES

Council considered a report that set out an option that could provide the basis for a new local method of delivery of affordable homes for local people.

Local authorities remained a key player in the delivery of new affordable homes and, in the case of the Derbyshire Dales, this was achieved by acting as an enabler for new affordable

housing schemes, as outlined in the report. In summarising the Council's capital finance options, both Section 106 income and Right to Buy receipts would in the short term provide a reasonable degree of funding to support delivery of homes for rent; however, the medium term position was much less certain. However, housing associations, developers and councils still had a strong desire to build homes for rent. Local authorities had a variety of options for securing investment in new homes for rent, as listed and evaluated in the report.

It was considered that Option 1 (Section 106 on site provision) would deliver a reasonable supply of new homes, although they would not necessarily be in areas where the greatest need for rented homes existed; Option 4 (Rural Exception sites) also offered a modest supply of delivery; and Option 7 (Contractual joint ventures and Joint Venture company structures) was an opportunity which could be explored further, providing access to housing association and developer expertise and financial resources.

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

RESOLVED That a future report is presented to a future meeting of the Council
(unanimously) with proposals for the development of a Joint Venture to deliver mixed tenure housing schemes.

92/16 – WEBCASTING OF COUNCIL MEETINGS AND EVENTS

Council considered a report that recommended the implementation of a working system to webcast Council meetings and events live over the internet.

Webcasting of meetings involved live or 'real time' audio or video being streamed over the web so that the meeting could be experienced remotely, and a copy of the recording could also be made available after the event. It was considered that webcasting of Planning Committee meetings in particular would allow more interested parties to see and hear how individual applications were dealt with.

A quote was obtained from a leading supplier which represented a total cost of £35,611 for a three-year contract, based on 60 hours of recording and storage to cover approximately 22 meetings. Given these relatively large costs it was proposed that the council augmented existing equipment to provide a much less expensive 'in-house' equivalent, as outlined in the report, at a total set-up cost of £2,650.

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

RESOLVED

1. That the purchase and use of equipment that will enable the live broadcast of Council meetings and events over the internet is approved;
2. That the estimated setup costs of £2,650 be met by allocating funds from the Information Technology Reserve.

Voting:

| | |
|--------------------|----|
| For | 24 |
| Against | 3 |
| Abstentions | 0 |

93/16 – AMENDMENT TO RULES OF PROCEDURE

Council considered a proposed amendment to the rules of procedure, as contained in the Constitution, to allow regular announcements from the Leader of the Council at meetings of the Council and for Questions on Notice to be directed to elected representatives on certain Outside Bodies.

At its Annual Meeting, Council discussed these two amendments and agreed the basis of a new procedure whereby elected member representatives on significant partnerships could be questioned on notice at meetings of the Council.

Both amendments to the Constitution required a proposition to be moved and seconded, with debate and voting deferred until the next ordinary meeting.

The relevant significant partnerships and current representatives, were detailed in the report.

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

RESOLVED That in accordance with Rule of Procedure 25.2 the following
(unanimously) amendments are made to the Constitution

- Insert Rule 5(g) in relation to meetings of the Council to “receive any announcements from the Leader of the Council”;
- Insert in Rule 15.3 Questions on Notice to include “any Council Member appointed as the Council’s representative on any outside body classified as a significant partnership” (see para 2.1 of Appointment to Outside Bodies report on the Annual Council Meeting agenda for list of significant partnerships).

94/16 – PLANNING APPEALS – WINDFARM AT GRIFFE GRANGE, MANYSTONES LANE, BRASSINGTON

The Council considered a report regarding an appeal that had been lodged against the refusal of planning permission for 5 wind turbines at Griffie Grange, Manystones Lane, Brassington (Application 14/00224/FUL), for the reason set out in the report. The appeal was to be determined by Public Inquiry in October 2016, and the Council was due to submit its statement of case by 22 July 2016. The report outlined the options available to the District Council in defending the appeal and recommended preferred options.

The relevant points in considering the appeal against the current policy position were set out in the report, and taking all of these into account officers believed that there was a strong case to defend this appeal. However, it was considered necessary to appoint suitably experienced, independent landscape experts in addition to Counsel. A budget of up to £30,000 was therefore required to be funded from the General Reserve.

It was moved by Councillor Garry Purdy, seconded by Councillor Mike Ratcliffe and

RESOLVED 1. That the approach outlined in Section 4 of the report is
(unanimously) endorsed.

2. That expenditure up to £30,000 be met from the General Reserve and that this expenditure into consideration in calculating the revised budget estimates for 2016/17.

95/16 – SEALING OF DOCUMENTS

It was moved by Councillor Tom Donnelly, seconded by Councillor Jean Monks and

RESOLVED
(unanimously)

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

96/16 – EXCLUSION OF PUBLIC AND PRESS

It was moved by Councillor Colin Swindell, seconded by Councillor Angus Jenkins, and

RESOLVED
(unanimously)

That any members of the public or press be invited to leave the meeting for the remaining item of business for the reason shown below:

“These minutes are excluded from the meeting because they may result in the disclosure of information relating to an individual.”

97/16 – COMMITTEES

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

RESOLVED
(unanimously)

That the Minutes of the Licensing & Appeals Sub-Committee shown below be approved as a correct record:

Minute No. 398/15 – 12 May 2016
Minute No. 40/16 – 9 June 2016
Minute No. 44/16 – 9 June 2016
Minute No. 48/16 – 9 June 2016
Minute No. 53/16 – 9 June 2016

MEETING CLOSED 8.17PM

CHAIRMAN