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## **COUNCIL**

### **Minutes of a Virtual Council Meeting held at 6.00 pm on Thursday 27 August 2020.**

Under Regulations made under the Coronavirus Act 2020, the meeting was held virtually. Members of the public were able to view the virtual meeting via the District Council's website at [www.derbyshiredales.gov.uk](http://www.derbyshiredales.gov.uk) or via our YouTube channel.

### **PRESENT**

Councillor Richard FitzHerbert - In the Chair

Councillors Jacqueline Allison, Robert Archer, Jason Atkin, Richard Bright, Matthew Buckler, Sue Bull, Martin Burfoot, Sue Burfoot, Neil Buttle, Tom Donnelly, Graham Elliott, Steve Flitter, Helen Froggatt, Chris Furness, Clare Gamble, Alyson Hill, Susan Hobson, David Hughes, Stuart Lees, Tony Morley, Michele Morley, Peter O'Brien, Joyce Pawley, Garry Purdy, Mike Ratcliffe, Claire Raw, Lewis Rose OBE, Andrew Shirley, Peter Slack, Alasdair Sutton, Steve Wain and Mark Wakeman.

Paul Wilson (Chief Executive), James McLaughlin (Director of Corporate & Customer Services), Tim Braund (Director of Regulatory Services), Karen Henriksen (Director of Resources), Steve Capes (Director of Regeneration and Policy), Rob Cogings (Director of Housing), Ashley Watts (Director of Community & Environmental Services), Mike Galsworthy (Estates and Facilities Manager), Caroline Leatherday (Business Support Manager), Becky Bryan (Community Development Manager), Emma Mortimer (Community Development), Chris Laver (Democratic and Electoral Services Manager) and Jackie Cullen (Committee Assistant).

### **APOLOGIES**

Apologies for absence were received from Councillors David Chapman, Paul Cruise, Elisa McDonagh, Andrew Salt and Colin Swindell.

### **53/20 - PUBLIC PARTICIPATION**

In line with the Council's temporary suspension of direct public participation, all questions submitted in writing pertaining to this Council meeting, together with the Leader of the Council's responses, were available to view on the Council's website.

## **54/20 – APPROVAL OF MINUTES**

Councillor Claire Raw joined the meeting at 6.06pm during this item.

It was moved by Councillor Richard FitzHerbert, seconded by Councillor Garry Purdy and

**RESOLVED** That the following Minutes of the Derbyshire Dales District Council be  
(unanimously) approved as a correct record:

Council – 15 July 2020  
Annual Council – 22 July 2020  
Extraordinary meeting – 12 August 2020

## **55/20 - LEADERS' ANNOUNCEMENTS**

Councillor Garry Purdy, Leader of the Council, read out the following statement:

Between now and Christmas this Authority faces three Key Challenges:

1. The Boundary Commission have agreed upon the total numbers of Members for this Authority in the future to be 34. The Director of Corporate & Customer Services has called a meeting of Group Leaders to discuss this, but I would ask each and every Member to contribute to this debate and submit ideas as to where lines might be drawn on a new Boundary map for Derbyshire Dales. It comes as no surprise to me on the figure of 34, as that was the figure put forward by the Boundary Commission Officers at our initial meeting. In order to help Members with this issue I think it would be helpful if a Mapping exercise took place with some suggested modelling.
2. This exercise though might be affected by a Government White Paper that is due in September/October time on Devolution. There is much speculation throughout the Country with regard to this, but I believe that it would be wise to keep our speculation to what is actually revealed in the White Paper.
3. Vision Derbyshire is critical to the Devolution White paper and it has reached a very critical stage as to its next move, a move that will hopefully see all Derbyshire Leaders sign a joint letter to Government requesting a meeting in order to present our case for Vision Derbyshire. I will keep Members, Opposition Leaders and this Authority updated as to the progress or otherwise on Vision Derbyshire.
4. A White Paper on sweeping Planning Reform is out now for consultation and Mike Hase is currently working on this to see what it actually means for our Planning Committee. The White Paper, entitled "Planning for the Future" is on the Gov.doc website. I urge all those connected with planning to take an early view on it.

## **56/20 - CHAIRMAN'S ANNOUNCEMENTS**

Due to the current Covid-19 situation, the Chairman of the District of Derbyshire Dales had no updates.

## **57/20 – COMMITTEES**

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

**RESOLVED** That the non-exempt minutes of the Committees listed in the Minute  
(unanimously) Book for the period 02 July 202 to 20 August 2020 be received.

## **58/20 - QUESTIONS (RULE OF PROCEDURE 15)**

### **Question from Councillor Clare Gamble to Councillor Garry Purdy, Leader of the Council:**

*“In a motion presented to council regarding the use of glyphosate, members were told that it was used at times that would not bring it into contact with the public.*

*Can you confirm what the time limits on the use of glyphosate by council workers or council contractors are?”*

Councillor Purdy gave the following response.

Town Centre areas will be permitted at any time other than between the hours of 4 a.m. and 7 a.m. This is to avoid pedestrian footfall in these high tourist areas.

Although there are no set times for the rural areas, the contractor should ensure that all laws and regulations relating to the application of Herbicide Products are strictly adhered to, including using an approved pesticide that has been approved by the Department for Environment, Food & Rural Affairs (DEFRA), COSHH regulations and the Control of Pesticides Regulations (COPR).

District Council staff no longer use Glyphosate, but in the past the operatives sprayed early in the mornings, at the start of the shift, or in places where there is low footfall and after undertaking a dynamic risk assessment before the commencement of any spraying.

A report on future use will be presented to the Community & Environment Committee in October. I am also aware that Officers are investigating a concern you have raised and will update you in due course.

## **59/20 - NON TRADITIONAL HOMES IMPROVEMENT SCHEME**

The Council were asked to consider a proposal for a bid to the Government’s recently announced Green Homes Grant: Local Authority Delivery (GHG: LAD). The funding package could reach £1,000,000 comprising government grant, council funding and further contributions from Platform Housing Group. The focus of the programme was a further round of improvement works to non-traditional homes in the Derbyshire Dales together with energy efficiency measures to Platform housing stock.

The Council recently funded a programme of external wall insulation improvements to 11 non-traditional homes on Hurst Farm as part of the Hurst Farm Regeneration Project, and across the Derbyshire Dales there remained 68 non-traditional homes: Hurst Farm (33), Brookside, Ashbourne (24), Hognaston (6), Oker, Darley Dale (4) and Tansley (1), which were some of the least energy efficient homes in the district. A second round of insulation improvements on Hurst Farm was proposed, with the potential addition of further properties in Tansley and Darley Dale, subject to the identification of suitable funding.

The timetable for the Government’s new £200m funding package was very challenging, with bids to be submitted by the 1<sup>st</sup> September and works completed by March 2021. This funding provided scope to include the non-traditional homes in Hognaston and Ashbourne. Furthermore, Platform Housing Group had asked to join the Council’s application, proposing works to 50 properties focussing on solar thermal photo voltaic and energy efficient doors,

with a total project cost of £342,000. Including Platform strengthened the Council's application and would help to meet the minimum funding requirement of £500,000.

The background and current situation regarding non-traditional homes and the Hurst Farm Estate regeneration project were set out in sections 2 and 3 of the report, together with the potential funding ideas to undertake the works.

Following approval by Council, the works would begin in Q3 2020, with a programmed finish by the end of Q4 2020.

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

**RESOLVED** That Council approve the inclusion of £1,000,000 within the Capital  
(unanimously) Programme for 2020/21 for the improvements to homes as set out in  
the report.

## **60/20 – ASHBOURNE RECREATION GROUND PAVILION**

The Council were asked to consider terms for a lease of land and associated sports pitches to Ashbourne Recreation Ground Sport & Community Partnership ("ASCP"); the provision of capital contributions to the scheme comprising a new sports pavilion building and a programme of sports pitch improvements; and to consider the early release of some of the capital funding.

A report on the Ashbourne Pavilion project was originally presented to the Community & Environment Committee on 7 June 2018, when approval was given to enter into a 50 year lease of the site of the existing Memorial Pavilion to ACSP, subject to conditions listed in the report. The terms of the proposed lease agreement were included in the Heads of Terms at Appendix 1 to the report and terms for a Construction Licence to cover the demolition and construction phase of the project, were included in the Heads of Terms at Appendix 2 to the report.

If no adverse comments were received, the lease would progress as indicated; however should any fundamental objections be received, these would be reported to a future meeting of Council. Ashbourne Town Council had submitted questions that they asked be considered by the Community & Environment Committee, to which written responses would be provided in due course.

It was recommended that the capital contribution of £70,000 proposed in the 2018 report be revised to £79,000 from within the existing Capital Programme budgets, together with S106 funds of £71,573 relating to the Redrow Homes Leys Farm development (when received) to ASCP as match funding towards the proposed redevelopment scheme. ASCP had requested the release £34,980 of the above funding now to cover the cost of professional fees incurred by the Group for work up to start on site. An additional request for further capital funding had recently been received from ASCP as outlined in the letter at Appendix 3 to the report.

The pitch improvement programme was outlined in the report, and the Pitch Improvement Plan undertaken by the Institute of Groundsmanship in February 2019 was set out in Appendix 4 to the report.

Due to the nature of the proposed lease and the fact that the football pitches and part of the site of the proposed new Pavilion comprised public open space, formal Public Open Space

Consultation was currently taking place. It was reported that no other expressions of interest had been received.

An amendment to Recommendation 5 in the Resolution was made, as highlighted in bold below:

It was moved by Councillor Sue Bull, seconded by Councillor Tom Donnelly and

**RESOLVED**  
(unanimously)

1. That, subject to Public Open Space Consultation, approval is granted to enter into an Agreement for Lease and, subject to appropriate terms being met, a 50 year lease of land at Ashbourne Recreation Ground with Ashbourne Recreation Ground Sport and Community Partnership (Charity No 1178134) (ASCP) as indicated in the plan and Heads of Terms at Appendix 1 to the report.
2. That, subject to the entering into the long term lease in Appendix 1 to the report, approval is given to enter into the Construction Licence with ASCP as indicated in the plan and Heads of Terms at Appendix 2 to the report.
3. That, subject to the entering into the long term lease in Appendix 2 to the report, approval is given to provide a revised amount of £79,000 from within the existing Capital Programme budgets together with S.106 funds of £71,573 relating to the Redrow Homes Leys Farm development (when received) to ASCP as match funding towards the proposed redevelopment scheme.
4. That consideration is given to releasing the amount of £36,000 from the above funds immediately to meet the cost of professional fees incurred by the ASCP to date.
5. That the request for additional capital funding recently received from the ASCP included as Appendix 3 to the report is considered and, should additional funding be approved, appropriate provision is made in the Capital Programme **once a further report has been brought back to Council.**
6. That the Pitch Improvement Programme for the 3 football pitches outlined in Appendices 4 and 5 to the report is approved and the associated increased revenue funding required of £42,000 over a 6 year period should external grant funding for this amount not be available is noted.

There followed a 10-minute adjournment.

**61/20 - PROVISIONAL REVENUE AND CAPITAL OUTTURN 2019/20, REVISED REVENUE BUDGET 2020/21, CAPITAL PROGRAMME AND MEDIUM TERM FINANCIAL PLAN**

Councillor Claire Raw left the meeting at 7.25pm prior to discussion of this item.

The Council was asked to consider a report on the provisional financial outturn for the District Council's Revenue and Capital spending for the year ended 31<sup>st</sup> March 2020 and significant variations from the revised budget. The report also sought approval for the updated Capital Programme for 2019/20 to 2023/24, revised revenue budget for 2020/21 and an updated Medium Term Financial Plan (MTFP) for 2020/21 to 2024/25, with key points summarised below:

1. The provisional outturn on the revenue account for 2019/20 showed a balance of £490,533 against revised estimates, which is recommended to be transferred to the Funding Uncertainties Reserve. Key reasons for the variance were highlighted in the report.
2. The provisional outturn for the 2019/20 capital programme was an under-spend of £498,000 against the revised capital programme that was approved in March 2019 and updated in May 2019, December 2019 and March 2020. Key schemes that contributed to this underspend were given in the report below. Most of the under-spend had been treated as "slippage" and moved into the revised capital programme for 2020/21.
3. If the recommendations of this report were approved, the provisional outturn was that Council would maintain its general fund balances at £2.0m at 31 March 2020 and increase earmarked reserves from £14.0m to £17.7m for the same period.
4. It was necessary to update the budget for 2020/21 to take account of the impact of the coronavirus lockdown on the Council's income and expenditure. Further clarity was awaited on the level of financial support that would be available from the government, but at the time of writing the report it was projected that it would be necessary to transfer £744,000 to balance the budget. It was proposed to initially utilise the £490,533 balance in the Funding Uncertainty Reserve, with the additional expected pressure of £253,467 to be financed by a contribution from the General Reserve.
5. An updated Medium Term Financial Plan had been prepared to reflect the 2019/20 out-turn and events that had occurred since the budget and MTFP were approved in March 2020. The updated MTFP indicated that ongoing annual savings of approximately £500,000 would be required to balance the revenue budget from 2021/22.

A summary of General Fund Reserves and Provisions was tabled in paragraph 2.5 of the report and detailed in Appendix 2 to the report.

The figures for council tax and business rates were set out in paragraph 2.6 of the report.

The budget (capital programme) for 2019/20 was set in March 2019 at £3,925,893. This had been revised during the year to reflect progress on schemes and the addition of new schemes. In March 2020 the Council approved a revised capital programme for 2019/20 of £2,533,457. The provisional outturn for 2019/20 was £2,035,085. Details of spending against each scheme were set out in Appendix 3 to the report and summarised in paragraph 3.2 of the report and it was recommended that most of the underspending from 2019/20 be carried forward as slippage into 2020/21.

The revised capital programme for 2020/21 had been updated to reflect slippage. Details were set out in Appendix 3 to the report, and summarised in the body of the report. However, in light of the amendment to the previous resolution (Minute No. 50/20 above) it was

necessary to update the revised capital programme for 2020/21 from £1,368,573 to £1,193,573; and the financing arrangements for 2020/21 from £9,114,092 to £8,939,092 to take account of the £175,000 additional funding for the Ashbourne Recreation Ground Pavilion project not yet committed. This was reflected in the amended Resolution below.

A number of future capital liabilities and potential new projects (attached as Appendix 4 to the report) that would be required in the next 1-2 years had not been included in the revised capital programme.

Taking all of the factors in the report into account, the revised estimates for 2020/21 were summarised in the Medium Term Financial Plan (MTFP) attached as Appendix 5 to the report, with the overall impact being an additional £744,000 expenditure which was recommended to be financed from the Funding Uncertainties Reserve as far as possible, with excess costs currently proposed to be funded from the General Reserve.

The recommendations made in the report had been reflected in the draft Statement of Accounts, which would be published on the Council's website. The Statement of Accounts was subject to an independent audit, carried out by Mazars LLP and the audited Statement of Accounts would be presented for approval at the Council meeting to be held in November 2020.

The impact on reserves and balances of the revised revenue budget for 2020/21 and the updated capital programme was set out in Appendix 2 to the report.

Key events for 2020/21 and beyond were set out in Section 7 of the report.

It was moved by Councillor Garry Purdy, seconded by Councillor Susan Hobson and

**RESOLVED**  
(unanimously)

1. That the General Fund Revenue and Capital Outturn reports for 2019/20 be noted;
2. That the General Fund Revenue Account for the year 2019/20 be balanced by a transfer of £490,533.33 into the Funding Uncertainties Reserve;
3. Members note that the revenue account for 2019/20 is balanced.
4. That the provisional Capital Out-turn, as detailed in Appendix 4 to the report, and financing arrangements for 2019/20, in the sum of £2,035,084.92 are approved;
5. That the revised Capital Programme as detailed in Appendix 4 to the report and including new bids totalling £1,193,573, and financing arrangements for 2020/21, in the sum of £8,939,092 are approved;
6. That the Capital Programmes for 2021/22 to 2023/24, as detailed in Appendix 4 to the report, for the sum of £3,178,176, are approved;
7. That the potential future capital programme liabilities outlined in Appendix 5 to the report are noted.
8. That the revised budget for 2020/21, as detailed in Appendix 3 to the report, and the proposed financing of £490,533.33 from the Funding Uncertainties Reserve followed by £253,466.66 from the General Reserve, are approved;

9. That the updated Medium Term Financial Plan 2020/21 to 2024/25, as shown in Appendix 3 to the report, and revised Corporate Savings Target of £500,000 are approved;
10. That the summary of revenue balances, provisions and earmarked reserves, set out in Appendix 2 to the report, is noted.

## **62/20 - COVID-19 COUNCIL TAX HARDSHIP FUND 2020/21 & REVIEW OF POLICY ON DISCRETIONARY COUNCIL TAX DISCOUNTS**

The Council were asked to approve the way in which additional funds payable by the MHCLG in the form of a Council Tax Hardship Fund were spent in the Derbyshire Dales to provide relief for local residents impacted adversely by COVID-19. It also sought approval for an updated policy for discretionary council tax discounts to provide for these hardship payments and address other changes.

The sum of £338,264 had been allocated by the Ministry of Housing, Communities and Local Government to Derbyshire Dales in order to support to billing authorities to deliver relief to council tax payers impacted adversely by COVID. Whilst the report sought Members' approval on how the funds were to be spent, it was noted that the Government expected billing authorities to provide all recipients of working age local council tax support ('LCTS') during the financial year 2020-21 with a further reduction in their annual council tax bill of at least £150.

The Council's Benefits Team administered the approved 2020/21 Local Council Tax Support Scheme, as set out in the report. The Benefits Section would automatically assess who was eligible for support from the Hardship Fund and automatically rebill those council taxpayers. Whether or not a taxpayer had been affected by COVID-19, directly or indirectly, should not be taken into account in assessing eligibility for this reduction.

The cost of awarding Hardship Payments, as MHCLG proposed, had been calculated using Capita's updated specialist software, issued for this purpose. Some speculative scenarios in regard to the likely cost of Hardship were tabled in the report. The Council has already given approval (on 9 April) to pay Hardship awards from the MHCLG fund up to a maximum of £150 per household. For reasons set out in the report it was recommended that the baseline award of Hardship assistance should be increased to £200 per household in 2020/21 (or the balance of a household's bill if less), leaving around £61,500 to fund any ad hoc section 13A reliefs.

The Council's policy for Council tax discretionary reliefs (local discounts) had been reviewed and updated, as shown in paragraph 3.1 of the report. A copy of the revised policy was attached as Appendix 1 to the report.

It was moved by Councillor Garry Purdy, seconded by Councillor Susan Hobson and

**RESOLVED**  
(unanimously)

1. That approval be given to increase the award of Hardship Assistance to £200 (or the balance of the council tax bill if less than £200) where a household has been or is in receipt of Council Tax Support during 2020/21.
2. That the changes to the Council's policy for Council Tax Discretionary Reliefs under Section 13A (1) (C) of the Local

- Government Finance Act 1992 as set out in this report are approved;
3. That delegated authority be given under the Local Government Finance Act 1992 – Section 13A (1) (C), allowing the Director of Resources and the Benefits Manager to make ad hoc awards from the balance of the Council Tax Hardship Fund, supplementing the £200 initial award, for deserving households identified as having severe financial vulnerability.

### **63/20 – DERBYSHIRE DALES SECTION 106 MONITORING FEES**

The Council considered changes to legislation that allowed Local Authorities to recover their costs associated with monitoring the operation and implementation of Section 106 Obligations. The report recommended that with immediate effect the District Council introduce a charging regime for monitoring the implementation of relevant Section 106 Obligations.

The Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019 became law on 1 September 2019, in which the revised Regulation 122 now allowed fees to be paid to a local planning authority to cover the costs of monitoring planning obligations, subject to the provisions set out in the report. However, no guidance had yet been made available, nor had any definition been provided of what constituted ‘fair and reasonable’. It was therefore considered appropriate for the District Council to determine how best to bring forward a charging regime which reflected local circumstances.

The three main costs associated with monitoring Section 106 Obligations by the District Council were listed in the report. Annual reports were presented to Council and quarterly reports were presented to the Corporate Leadership Team providing details of developer contributions received and monies allocated to specified projects or capital reserves.

The recommended approach that complied with the statutory requirements involved charging a monitoring fee per obligation based on the average number of hours the District Council’s spent on monitoring; the number of covenants in the Section 106 Obligation, and the size of the development. A number of alternative models had been considered by Officers, as set out in Appendix 1 to the report. To account for the additional time required to monitor the larger, more complex developments it was recommended that the fee be increased on a proportionate basis to the size of development. The proposed percentage increase bands were tabled in the report. It was felt that this approach would lead to a ‘fair and reasonable’ fee.

The revised CIL Regulations (September 2019) also required local planning authorities to publish an annual ‘Infrastructure Funding Statements’ that obliged local planning authorities to set out all the Planning Obligations entered into, and the extent of financial contributions received and spent, during the previous 12 months. The first Infrastructure Funding Statement was due to be published by December 2020.

It was proposed that the charging regime for monitoring s106 Obligations be reviewed as part of the annual update of the Annual Infrastructure Funding Statement, thereby ensuring that the fees collected reflected the true monitoring costs.

It was moved by Councillor Jason Atkin, seconded by Councillor Chris Furness and

**RESOLVED**  
(unanimously)

1. That the charging regime for monitoring S106 Obligations as set out in Paragraphs 2.7 to 2.11 of the report be approved and that it be incorporated as a standard clause in relevant S106 Obligations with immediate effect.
2. The charging regime is published on the District Council's website as soon as is practically possible.

#### **64/20 – MOTION TO CONTINUE**

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

**RESOLVED**  
(unanimously)

That in accordance with Rule of Procedure 13, the meeting continue beyond 2½ hours to enable the business on the agenda to be concluded.

#### **65/20 – SEALING OF DOCUMENTS**

It was moved by Councillor Garry Purdy, seconded by Councillor Neil Buttle 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 8.36PM**

**CHAIRMAN**