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COUNCIL

Minutes of a Virtual Council Meeting held at 6.00 pm on Wednesday 15 July 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 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, David Chapman, Paul Cruise, Tom Donnelly, Graham Elliott, Helen Froggatt, Chris Furness, Clare Gamble, Alyson Hill, Susan Hobson, David Hughes, Stuart Lees, Tony Morley, Michele Morley, Peter O'Brien, Garry Purdy, Mike Ratcliffe, Mark Salt, Andrew Shirley, Peter Slack, Andrew Statham, Alasdair Sutton, Colin Swindell, Steve Wain and Mark Wakeman.

Paul Wilson (Chief Executive), Sandra Lamb (Director of Corporate 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), Jim Fearn (Communications and Marketing Manager) and Jackie Cullen (Committee Assistant).

The meeting was recorded and broadcast live on YouTube.

APOLOGIES

Apologies for absence were received from Councillors Steve Flitter, Joyce Pawley, Claire Raw and Lewis Rose OBE.

389/19 – PUBLIC PARTICIPATION

In line with the Council's temporary suspension of direct public participation the following questions were submitted in writing and were read out at the virtual meeting:

QUESTION from Mr Dobbs an Ashbourne resident, on whether Buxton Road Ashbourne should be declared an Air Quality Management Area (AQMA)

For the avoidance of doubt will the Council confirm or deny the rumour that they will NOT be declaring an Air Quality Management Area on Buxton Road, Ashbourne at this time?

If an AQMA is NOT being declared in the Annual Status report that has been submitted to Defra, could the Council explain how they will therefore NOT be in breach of the 1995 Environment Act? In particular how they have followed the advice in TG16 Chapter 2 which contains the following;

It is a statutory requirement for local authorities to regularly review and assess air quality in their area and take action to improve air quality when objectives set out in regulation cannot be met. Throughout the annual reporting cycles, Defra expects local authorities to have identified all areas within their jurisdiction where air quality exceeds the objectives, or may do so in future. Where these areas have been identified, the local authority is obliged to declare them as an Air Quality Management Area (AQMA) and put in place an action plan to reduce emissions from key sources.

Could the Council also indicate if they have taken legal advice as to the consequences of ignoring this obligation?

Response

Mr Dobbs is aware that the Council's 2020 Air Quality Annual Status Report has been submitted to Defra for assessment prior to publication. Amongst other things, this report considers the air quality data obtained for Ashbourne during 2019.

In August 2019, 4 additional diffusion tubes were deployed in Ashbourne in order to obtain more information about levels of nitrogen dioxide. This was in response to exceedances of the air quality objective for nitrogen dioxide on Buxton Road and were intended to provide information about the area over which those exceedances might exist. We have asked Defra for their views on the information submitted and their initial response is:

In response to your initial query on the 16th of June 2020 (ref 6349), a Detailed Assessment should be commenced once there is a full 12 months of monitoring data available from the additional NO₂ diffusion tubes you have put out. In terms of the impact of CV-19 upon monitored concentrations, this should be taken into account when looking at the input data that is used within any modelling that is completed, e.g. traffic data and the monitoring data.

Once 12 months of monitoring data is available if you wish to talk through the scope of the DA please just give the helpdesk a call and we'll be happy to talk through how this should be completed.

Officers are awaiting Defra's final comments before publishing the Report. The implications of Defra's opinion are being discussed with the Council's Legal Team.

QUESTION from Mr Dave Smith a Wardlow resident, on the motion to be prepared for Council in September in support of the condemnation of racism.

On 2nd July the council passed a motion to review property it owned that might have connections to slavery, colonialism and racism. I welcome the intent of this motion, however some of the wording was disturbing. It appeared to be conflating colonialism, slavery and racism, as if racism could be deemed to be in the past due to the abolition of the slave trade and the end of the British Empire, and that racism only applies to objects. As slavery was abolished and former colonies gained independence, racism continued. When the slave trade ended, the perpetrators of the crime were compensated for their loss of 'property'. The victims were left abandoned in a country they had been forcibly removed to, with nothing. This, after having been traded like cattle to 'owners' who could beat, rape and kill. The victims had no recourse to the law, as under it they were deemed to be property.

The British Empire stripped out the natural resources of any country it ruled by military occupation, to fuel the rapid industrialisation and wealth creation that allowed workers here to eventually gain better employment conditions. The people in those countries suffered incarceration, brutality and genocide.

For Britain to behave in this way it needed labels so the public here did not see the people in far off countries deserving the rights and considerations they were demanding here. This is why language like 'savages' and 'children' was used. It created a narrative that those countries, and the people in them, had been 'civilised' and benefited from colonialism because they were incapable of running things themselves, and that enslaving them was not a problem because they were not real people.

The legacy of slavery and empire is real and it is here now. It created the hostile environment, it feeds the notion that commonwealth citizens who come here, and any children they have, are spongers and are somehow 'other' so don't belong here and shouldn't have the same rights. This impacts directly on their life chances and their experience of living in Britain. Internationally, it has allowed multinational companies to indulge in a form of corporate colonialism and modern-day slavery that destabilizes governments in search of cheap labour to fuel the West's desire for cheap consumer products, where people live and work in conditions that would not be tolerated in the West.

In passing the motion, the council chose not to consult with the very people who are left dealing with these legacies, and instead to put the review solely in the hands of officers.

My Questions are:

1. Will residents be given the name(s) of officer(s) given the task of assessing council property, and will we be able to scrutinise any qualifications/life experience, etc., which make them, apparently, more suited to carry out this task than residents?
2. When will the council recognise that dealing with racism should involve BAME communities in the process? What steps will the council be taking to start this process?
3. From the debate it is clear the council is at the bottom of the learning curve on the issue of racism. What steps will it be taking to educate itself, since this has implications for how welcome BAME communities feel both living in, and visiting, the Derbyshire Dales?
4. Cllr Joyce Pawley had the additional words "as a first step" inserted into the motion. However, it was not made clear what the end goal is intended to be. When will the council be clarifying this?

Response

The Council did not prescribe the review process, procedure or timescale. The starting point is collating the asset list. The mechanism for reviewing assets will then be planned and undertaken.

390/19 – APPROVAL OF MINUTES OF PREVIOUS MEETINGS

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

RESOLVED That the Minutes of the meeting of the Derbyshire Dales District
(unanimously) Council held on 02 July 2020 be approved as a correct record.

391/19 – LOCAL GOVERNMENT BOUNDARY REVIEW

The Council was asked to consider an updated report on a submission to the Local Government Boundary Commission on the size of the Council for consideration as part of a full review of electoral boundaries within the District.

When established in 1974, West Derbyshire District Council (as it was then) comprised 39 Councillors. A Review by the Commission in 1999 confirmed the Council size of 39 and resulted in the realignment and renaming of 20 of the 25 Ward boundaries.

The 2019 Review was triggered by a number of Wards being + or – 10% from the average elector ratio, currently 1512, based on the February register of electors and it sought to adjust electoral ward boundaries to correct the current inequality.

A draft submission based around the template provided was attached as Appendix 1 to the report. The recommended figure was an officer opinion and Council was actively encouraged to review the evidence and come to a different conclusion if it saw fit.

The review methodology, as approved by the EC, employed in producing the draft submission was set out in Section 2 of the report, along with the electoral and development forecasts to 2026, as requested by the Commission. Key findings were set out in Section 3 of the report and the conclusion in Section 4 of the report. It was suggested that a Council size of 34 was considered to be a proportionate response to the challenge of reviewing the Council size; this would result in an elector/member ratio of 1806 in 2026, an increase of electors per Councillor of 21%, with the reduction in Councillors showing a modest decrease of 13%

The Timetable for the Review had been revised and was set out in paragraph 5.1 of the report. It should be noted that consultation plans had also been revised to reflect the Covid-19 restrictions, as outlined in the report.

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

‘That the draft submission to the Local Government Boundary Commission is approved, recommending a Council size of 34.’

An amendment was proposed by Councillor Martin Burfoot and seconded by Councillor Clare Gamble

‘That the draft submission to the Local Government Boundary Commission is approved recommending a Council size of 36.’

Voting:

| | |
|--------------------|----|
| For | 13 |
| Against | 20 |
| Abstentions | 1 |

The Chairman declared the amendment LOST.

The original motion was then put to the vote, as follows, and it was

RESOLVED That the draft submission to the Local Government Boundary Commission is approved, recommending a Council size of 34.’

Voting:

| | |
|--------------------|----|
| For | 20 |
| Against | 13 |
| Abstentions | 1 |

The Chairman declared the motion CARRIED.

392/19 – DECISION MAKING RECOVERY PLAN

The Council was asked to agree the resumption of decision making through the full committee system, having agreed to suspend normal business through the Committee system and established the Emergency Committee to deal with urgent decision making during the Covid-19 pandemic at its meeting on 12 May 2020. This report provided a recovery plan to bring about the resumption of business within safe and lawful parameters. Resumption of ‘normal’ business needed to comply with recent legislation, taking account of several constraints, as set out in the report.

Public Participation as prescribed in the Constitution was also suspended and an interim scheme approved in its place to provide a means of engaging with the public by remote means, without disadvantaging those without access to technology.

Meetings of the Planning Committee had been similarly suspended, with authority delegated to Officers and the Chairman of the Committee to call a meeting when required to deal with “significant planning applications which attract significant public opposition, and where public participation is desirable”. A virtual meeting had been scheduled for the 21 July 2020. In accordance with the Council’s Constitution public participants, agents and applicants were required to submit their representations at least 3 working days prior to the date of the meeting. Officers would, however, exercise discretion depending on the significance of any late representations to withdraw applications to ensure that members of the committee had ample time to consider the new information.

The current situation and future proposals of the various committees were set out in Section 3 of the report.

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

RESOLVED

1. That decision making as discharged by Council to its policy Committees resumes in accordance with the agreed calendar of meetings following the Annual Meeting on 22 July 2020.
2. That meetings of the Planning Committee are called when required by the Chairman of that Committee prior to the Annual Meeting and thereafter in accordance with the programme of meetings.
3. That to safeguard all Committee members and employees alike, group site visits are suspended until such time as the law permits such events and that photographic or video footage is presented where the relevance of on-site characteristics are required to enable robust decision making.
4. That the interim scheme of Public Participation, agreed by Council on 12 May, continues until such time as the law permits the Council to invite submissions in person.
5. That the extended scheme of delegation to officers on Licensing matters expires on 22 July and all matters requiring a decision are put before the Licensing Committee, or sub-committee as appropriate.
6. That all meetings of the Council and its Committees continue to operate on a virtual platform until such time as the law permits meetings in person or a combination of in person and virtual.
7. That the Emergency Committee reverts to a non-standing committee from 22 July, 2020 and is only called to stand when appropriate in accordance with the agreed terms of reference.

Voting:

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|-------------|----|
| For | 33 |
| Against | 0 |
| Abstentions | 1 |

The Chairman declared the motion CARRIED.

393/19 – EXTENSION OF EMERGENCY DECISIONS MADE UNDER EXTENDED DELEGATION ARRANGEMENTS

The Council considered a report advising of 2 decisions made under delegated arrangements during the initial stages of lockdown that allowed temporary deviations from the Council’s Taxi Licensing Policy; and that requested that both deviations be extended for a further period.

At its meeting on 19 March it was agreed that members of the Corporate Leadership Team would be delegated authority to deal with urgent policy matters in consultation with the relevant Policy Committee Chairman, Vice Chairman and Ward Members (where the matter was Ward specific). These arrangements were subsequently replaced with the Emergency Committee from 12 May 2020.

Two decisions had been made in relation to taxi licensing issues under the initial arrangements: to exempt taxi vehicles from the requirement to be tested for an initial period of 3 months during the pandemic, and to exempt taxi operators from the requirement to replace their vehicles once they passed 10 years old for an initial period of 3 months during the pandemic. These exemptions were necessary as the Council was unable to safely operate its testing depot at that time and car showrooms were closed as non-essential businesses during the pandemic; however, these exemptions had since been reviewed. The

depot was re-opening but did not have the capacity at present to resume full 6-month testing. It was therefore recommended that the current capacity be used to concentrate on the 12-month tests that were now due, with 6-month testing being suspended for a further 4 months, until the end of October 2020. With regard to the replacement of vehicles, it was recommended that this exemption be extended by a further 3 months, until the end of September, for the reasons set out in the report.

Decisions had also been made in relation to some businesses that were tenants of the Council, in respect of accessing the initial Government support grants, as set out in the report.

In relation to the businesses that had been offered a rent reduction, it was considered appropriate to offer a further rent reduction equivalent to an additional 1 month rent free period, for the reasons set out in the report. In addition to those businesses that were initially identified as requiring rent reductions, two further businesses had subsequently been found to have been adversely affected by lockdown requirements: the café at the ABC and the boat operator on the River Derwent at Matlock Bath. It was considered appropriate to offer both of these businesses a rent reduction equivalent to a 4 month rent free period, in line with the other Council tenants outlined above, for the reasons set out in the report.

It was moved by Councillor Chris Furness, seconded by Councillor Helen Froggatt and

RESOLVED
(unanimously)

1. That the decision to suspend routine 6 month testing for taxis be extended by a further 4 months, until 31 October 2020;
2. That the decision to waive the requirement to replace a taxi vehicle when it reaches 10 years of age be extended by a further 2 months, until 31 August 2020;
3. That the decision to offer a rent free period to Hall Leys Park tenants be extended by a further 1 month, until 22 July 2020;
4. That the decision to offer a rent free period to ABC kiosk tenants be extended by a further 1 month, until 22 July 2020;
5. That the ABC café be offered a rent reduction equivalent to a 4 month rent free period, in line with other Council tenants;
6. That the operator of the boating rights on the River Derwent be offered a rent reduction equivalent to a 4 month rent free period, in line with other Council tenants.

394/19 – NEW VISION FOR DERBYSHIRE – NON-STRUCTURAL REFORM (PHASE 2)

The Council considered an updating report on work taking place with all Derbyshire Councils on non-structural reform and the development of a new vision for Derbyshire.

At the meeting of Council on 16th January 2020, Members were appraised of the work commissioned by all Derbyshire Councils to work in partnership with Price Waterhouse Coopers (PwC) to undertake a programme of work to explore the appetite for future collaborative working in Derbyshire.

At the meeting of the Leaders' Advisory Group on 11th February, the Council's participation in Phase 2 of the project and the associated costs (circa £17,000) were agreed, in principle, subject to a retrospective report being presented to a future meeting of Council. The Covid-19 pandemic had prevented this matter being considered by Council to date; however, work had continued on the project and a further update was given in the report.

To deliver the identified outcomes of the Phase 2 non-structural reform proposals, as set out in the report, PWC had proposed the adoption of two work streams, with a number of identified deliverables, as tabled in paragraph 2.12 of the report. An indicative project plan alongside detailed activities and deliverables for each work stream had also been developed and sought to both focus and direct the work of both PWC and participating Councils during the implementation period, which was anticipated to last six months.

Whilst the proposed areas for future collaboration outlined at paragraph 2.7 in the report remained valid, the steering group working with PWC had determined that a more relevant and cogent demonstration of extensive collaboration could be better articulated by the response to the current Covid-19 pandemic. It was proposed that this work be used as part of the case for change to be presented to Government.

An updating report on the outcome of Phase 2 would be reported to a future meeting of Council.

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

RESOLVED

1. That the progress on the development of a new vision for Derbyshire and work to take forward non-structural reform be noted.
2. That the Council's active participation in Phase 2 and the associated costs of supporting PWC proposals be approved.

Voting:

| | |
|--------------------|----|
| For | 32 |
| Against | 0 |
| Abstentions | 2 |

The Chairman declared the motion CARRIED.

395/19 – CORPORATE PEER CHALLENGE – ACTION PLAN

The Council was asked to approve the Draft Corporate Peer Challenge Action Plan, as agreed by the Leaders Advisory Group.

The final feedback report following the Local Government Association (LGA) Corporate Peer Challenge undertaken 22nd – 24th October had been received and circulated to all Members on 21st January 2020. A copy of the feedback report was attached as Appendix 1 to the report.

In response to the feedback report, the Corporate Leadership Team (CLT) commenced work on the drafting of an Action Plan which would outline the proposed actions to be taken in response to the CPC recommendations, together with a timescale for implementation. This draft Action Plan was presented to, and considered by, the meeting of the Leaders Advisory Group held on 18th May 2020. In light of comments received, it had been further revised and was attached as Appendix 2 to the report.

The key recommendations outlined to the Council as part of the LGA Peer Challenge presentation also offered a series of constructive challenges, as listed in the report. The Action Plan sought to respond positively to these challenges by proposing a series of specific, measurable, achievable and time-bound (SMART) actions over the coming months to deliver sustained improvement.

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

RESOLVED That the Corporate Peer Challenge Action Plan be approved.

Voting:

| | |
|--------------------|----|
| For | 33 |
| Against | 0 |
| Abstentions | 1 |

The Chairman declared the motion CARRIED.

396/19 – SEALING OF DOCUMENTS

It was moved by Councillor Stuart Lees, seconded by Councillor Mark Wakeman and

RESOLVED 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.
(unanimously)

MEETING CLOSED 8.11PM

CHAIRMAN