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## **COUNCIL**

**Minutes of a Council Meeting held on Wednesday 5 December 2018 in the Council Chamber, Town Hall, Matlock at 6.00 pm.**

### **PRESENT**

Councillor Andrew Shirley - In the Chair

Councillors Jason Atkin, Sue Bull, Martin Burfoot, Sue Burfoot, Albert Catt, Tom Donnelly, Graham Elliott, Steve Flitter, Helen Froggatt, Chris Furness, Susan Hobson, Neil Horton, Angus Jenkins, Jean Monks, Tony Morley, Joyce Pawley, Garry Purdy, Irene Ratcliffe, Lewis Rose OBE, Mark Salt, Peter Slack, Jacquie Stevens, John Tibenham, Philippa Tilbrook and Joanne Wild.

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), Rob Cogings (Head of Housing), Mark Nash (Financial Services Manager), Eileen Tierney (Licensing Manager), Jim Fearn (Communications and Marketing Manager) and Jackie Cullen (Committee Assistant).

1 member of the Press.

The meeting was recorded and broadcast live on YouTube.

### **PRESENTATION**

Councillor Joanne Wild arrived at 6.01pm during the presentation.

Councillor Jean Monks, Chairman of the District of Derbyshire Dales, introduced Melanie Mallinson, Operations Manager of Derbyshire Dales District Citizens Advice Bureau, who gave a brief presentation on the aims and principles of the charity; the services provided; and an overview of benefits and grants secured in the last year. Ms Mallinson advised the Council that the CAB had been awarded a contract by the DWP to give support in respect of Universal Credit applications – one of four pilot schemes awarded nationwide. Ms Mallinson then took questions from the floor.

The Chairman thanked Ms Mallinson for her informative presentation.

## **APOLOGIES**

Apologies for absence were received from Councillors Deborah Botham, Jennifer Bower, Richard Bright, David Chapman, Ann Elliott, Richard FitzHerbert, Alyson Hill, Vicky Massey Bloodworth, Dermot Murphy, Mike Ratcliffe, Andrew Statham and Colin Swindell.

## **258/18 – MINUTES**

It was moved by Councillor Tom Donnelly, seconded by Councillor Mark Salt and

**RESOLVED** That the Minutes of the meeting of the Derbyshire Dales District  
(unanimously) Council held on 27 September 2018 be approved as a correct record.

The minutes were signed by the Chairman.

## **259/18 – INTERESTS**

Councillor Sue Bull declared a personal interest in Agenda Item 17 – REVIEW OF STATEMENT OF PRINCIPLES: GAMBLING POLICY 2019 as an owner of a licensed establishment with gaming facilities.

## **260/18 - LEADER'S ANNOUNCEMENTS**

The Leader of the Council advised Members that the anticipated notice from Government regarding funding for Local Authorities had been expected tomorrow (6<sup>th</sup> December), but had now been postponed until after the Brexit vote.

The Leader then asked the Council to join him in congratulating Ms Sandra Lamb, Head of Corporate Services, for 40 years' service at the District Council.

## **261/18 – CHAIRMAN'S ANNOUNCEMENTS**

A list of engagements carried out between Thursday 27 September 2018 and Wednesday 5 December 2018 was distributed at the meeting.

## **262/18 - COMMITTEES**

It was moved by Councillor Garry Purdy, seconded by Councillor Mark Salt and

**RESOLVED** That the non-exempt minutes of the Committees listed in the Minute  
(unanimously) Book for the period 27 September 2018 to 22 November 2018 be received.

## **263/18 – QUESTIONS (RULE OF PROCEDURE 15)**

Councillor Joyce Pawley asked the following question of Councillor Lewis Rose OBE, Leader of the Council, on behalf of Councillor Mike Ratcliffe:

*"The recent tragic events involving knife crime in London show just how fortunate we are in a low crime area like Derbyshire Dales. Despite reported but inaccurate perceptions of crime and police detection rates and in the face of continuing underfunding from central government and reductions in staffing, our district remains one of the safest in the country. However public cooperation is essential if we are to maintain this secure environment. Therefore will the*

*Leader join with me in thanking the Chief Constable and Derbyshire’s Police & Crime Commissioner for investing in a rural crime initiative, setting up a rural crime task force based in Matlock and noting this council’s continuing support?”*

Councillor Rose OBE acknowledged the police efforts against rural crime and joined all Members in thanking them.

*Cllr Pawley then asked the following supplementary question:*

*The Police within our district have lost many staff over the years; will the Council support them in their efforts to increase the number of staff in the future?*

Cllr Rose acknowledged that this had no doubt been a result of funding cuts, and reminded Members that the police force had been granted an opportunity to increase their precept next year. Cllr Rose also referred to Item 14 on the Agenda (Empty Homes Premium) where it was suggested that the Police force might benefit from the Council’s proposals to adopt the 100% premium on Council Tax on long-term empty homes.

### **264/18 – PROPOSAL OF A NOTICE OF MOTION (RULE OF PROCEDURE 16)**

It was moved by Councillor Irene Ratcliffe, seconded by Councillor Joyce Pawley and

**RESOLVED** That this Council resolves to institute a review of its Housing Policy that currently excludes single persons from applying for a two bedroom property. Consideration should be given for a more inclusive acknowledgement that single tenants ought to be able to access two bedroom options thereby allowing for social and family wellbeing.

An amendment was proposed by Councillor Lewis Rose OBE, seconded by Councillor Joyce Pawley and was:

**RESOLVED** (unanimously) That this motion be referred to the relevant Committee by way of a report from the Head of Housing in order that the matter may be considered in-depth and Members’ questions may be addressed and debated.

The Chairman declared the Amendment CARRIED.

The substantive motion was then put to the vote and it was

**RESOLVED** (unanimously) That this motion be referred to the relevant Committee by way of a report from the Head of Housing in order that the matter may be considered in-depth and Members’ questions may be addressed and debated.

### **265/18 – ORGANISATIONAL HEALTH – KEY PERFORMANCE INDICATORS, MID-YEAR 2018/19**

The Council considered a report that summarised half-year performance against the District Council’s 12 Key Performance Indicators for 2018/19 (excluding Corporate Plan Targets), highlighting where the organisation was performing strongly and where improvements were to be made.



## **267/18 – REVENUE BUDGET MONITORING FOR QUARTER 2 2018/19, REVISED BUDGET 2018/19 AND UPDATE OF MEDIUM TERM FINANCIAL PLAN**

The Council considered a report that summarised the Council's forecast outturn position as at the end of September 2018 and sought approval for a revised 2018/19 revenue budget and an updated medium term financial plan.

On 5<sup>th</sup> March 2018 Council set a total revenue budget of £10,307,000. The full year forecast to March 2019 based on quarter 2 (September 2018) indicated an underspend of £212,000 as tabled in paragraph 1.2 of the report. This variance consisted of £137,000 service underspend and £75,000 increase in funding; the major variances were explained in the body of the report.

An updated MTFP was attached as Appendix 1 to the report which indicated that the Council needed to identify savings of around £600,000 by 2020/21. A review of all service budgets and several service restructures were underway and their financial implications would be included in the next update of the MTFP.

It was reported that the Council's budget was significantly affected by the policies and decisions made by central government, delayed until after the Brexit vote. In particular, the Council was waiting for confirmation of the position in relation to negative Revenue Support Grant, New Homes Bonus and the application to form a new 75% retention business rates pool in 2019/20. Each of these areas, dependant on government policy, had the potential to change the Council's funding position by several hundred thousand pounds. Due to the uncertainty of the funding position, a separate report on the Medium Term Financial Strategy (MTFS) had not been produced at this time, pre settlement. The draft MTFS, and an updated MTFP, would be brought to Council in January 2019 when the provisional local government finance settlement had been received.

It was moved by Councillor Jacquie Stevens, seconded by Councillor Steve Flitter and

**RESOLVED**  
(unanimously)

1. That the identified variances and current overall forecast position are noted.
2. That the revised budget of £9,530,000 for 2018/19 shown in table 1 of the report is approved.
3. That the additional funding and service underspend of £212,000 is transferred to a new Waste Contract Fluctuations Reserve to mitigate the risk of recycling material price changes.
4. That the updated Medium Term Financial Plan (MTFP) as included in Appendix 1 to the report is approved.

## **268/18 – CAPITAL PROGRAMME 2018/19 TO 2022/23**

The Council considered a report that determined a Revised Programme and financing arrangements for 2018/19 and for 2019/20 to 2022/23; and outlined potential future liabilities not included in the Capital Programme.

The revised capital programme for 2018/19, updated to reflect slippage and new bids; the major projects where expenditure was forecast to be more than £250,000; and the overall

financing package for forecasted expenditure in 2018/19 were tabled in paragraph 1.2 of the report; those for 2019/20 in paragraph 1.3 of the report, and those proposed for 2020//21 to 2022/23, in paragraph 1.4 of the report.

The impact on the Council's Reserves and Balances of the above proposals was tabled in paragraph 1.5.1 of the report.

It was reported that the Corporate Leadership Team had identified a number of future capital liabilities and potential new projects that would be required in the next 1-2 years that had not been included in the revised capital programme. These projects were set out in Appendix 2 to the report, totalling £2.54m, but did not include the estimated costs of a traveller site. If the £2.54m were deducted from the £2.59m, it would leave the Council with a balance of only £0.05m.

The Capital strategy was due to be updated in January 2019, along with the Medium Term Financial Strategy, to include an updated borrowing strategy for unforeseen issues.

The fully-funded capital programme of £10.5m could be considered as fairly healthy; however, much of the capital programme was spent on enhancing and replacing existing assets and existing funds were likely to be depleted by 2022/23. There would always be a need for some asset replacements and hence the need for annual contributions from revenue to capital reserves, as identified in the Medium Term Financial Strategy.

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

**RESOLVED**  
(unanimously)

1. That the revised Capital Programme and financing arrangements for 2018/19, as detailed in Appendix 1 to the report, in the sum £4,002,268 be approved;
2. That the revised Capital Programme and financing arrangements for 2019/20, as detailed in Appendix 1 to the report, in the sum of £3,716,083 be approved;
3. That the Capital Programmes for 2020/21 to 2022/23, as detailed in Appendix 1 to the report, for the sum of £2,758,482 be approved;
4. That the potential future liabilities outlined in Appendix 2 to the report be noted.

## **269/18 – EMPTY HOMES PREMIUM**

The Council considered a report that set out the results of a recent consultation exercise concerning the impending introduction of new powers for local authorities to increase the Council Tax on long term empty homes, defined as those which had been empty for more than two years. The report sought approval to charge a 100% premium (i.e. double council tax) on long term empty homes from 1<sup>st</sup> April 2019, in line with The Rating (Property in Common Occupation) and Council Tax (Empty Dwellings) Act, as amended in the Lords by an all-party amendment which introduced the 'escalator amendment', as set out in the report, which was considered a spur to maximise housing stock availability.

The District Council had established an Empty Homes Hub with the aim of developing a corporate approach to the issue of long-term empty homes, comprising officers from across the council and its focus was set out in the report.

With regard to the utilisation and allocation of extra Council Tax income, the breakdown across the main precepting authorities for the next 10 years was tabled in Appendix 1 to the report, based on the existing 500 homes which had been empty for more than 6 months, of which approximately 214 had been empty for more than 2 years.

It was reported that the consultation had generated 227 responses over a six week period ending at the end of October 2018. The results were attached at Appendix 2 to the report and summarised in the body of the report.

It was moved by Councillor Lewis Rose, seconded by Councillor Joanne Wild and

**RESOLVED**  
(unanimously)

1. That the results of the consultation concerning the empty homes premium are noted.
2. That the 100% premium is adopted from April 1<sup>st</sup> 2019.
3. That further decisions regarding the 200% and 300% premium are considered once further guidance has been issued by the government.

## **270/18 – BUSINESS RATES DISCRETIONARY RELIEF POLICY**

The Council considered a report on the results of a technical consultation conducted on the draft Business Rates Discretionary Relief Policy and recommended adoption of the resulting policy.

Consultation on the draft policy took place between Tuesday 2 October and Sunday 28 October 2018, and it was made clear that this was a technical consultation, the purpose of which was to identify any further improvements which might be made to the draft Business Rates Policy for Discretionary Rates Relief before its adoption by Council and was aimed especially at stakeholders (particularly Derbyshire County Council and Derbyshire Fire & Rescue Service). Fifteen stakeholder organisations were also contacted for their views, including Rural Action Derbyshire and Derbyshire Dales Council for Voluntary Service (see Appendix 1 to the report).

It was reported that the County Council did not respond to the consultation. The Fire Service responded as follows: “Thank you for sharing this with us. There are no specific comments on our part.” One other organisation made a response: “It appears to be a good idea.”

It was therefore recommended that the policy be adopted.

The Discretionary Relief Policy was attached as Appendix 2 to the report, and set out procedures and processes by which applications for discretionary business rate relief would be considered. Newly proposed was a role for the Licensing and Appeals Committee in considering appeals against decisions to award/not award discretionary business rate relief.

After adoption, the policy would come into effect for any new applications for business rate on 1 April 2019. However, changes to existing reliefs would only take place on 1 April 2020, ensuring that any organisations impacted would have well over a year to plan for the change.

It was moved by Councillor Lewis Rose OBE, seconded by Councillor Joyce Pawley and

**RESOLVED**  
(unanimously)

1. That the consultation results are noted.
2. That the Business Rates Discretionary Relief policy is adopted.

## **271/18 – DERBYSHIRE DALES COMMUNITY INFRASTRUCTURE LEVY**

The Council considered an update on the advice received from the District Council's Community Infrastructure Levy advisors in respect of the representations received on the Draft Charging Schedule. The report advised Members that the updated evidence suggested that the introduction of a Derbyshire Dales Community Infrastructure Levy was now likely to have an adverse impact upon the viability of development across the local planning authority area, and that as a consequence it was recommended that work be suspended on the preparation of a Derbyshire Dales Community Infrastructure Levy with an alternative approach to developer contributions being put in place instead.

The District Council's Community Infrastructure Levy Advisors Cushman and Wakefield were instructed on 9<sup>th</sup> October 2018 to review submissions on the Draft Charging Schedule and undertake an update of the Community Infrastructure Levy evidence in preparation for submission and Examination in Public, as set out in the report.

The results of the evidence base update were set out in Appendix 1 to the report. Their conclusion was as follows: "The results of the viability modelling indicate that at the current time, based on current development costs and the typical development values that are being achieved across the Derbyshire Dales District, there is no capacity to charge CIL without it adversely impacting on development."

The Community Infrastructure Regulations set out that the charging authority must aim to strike an appropriate balance, as explained in the report. In such circumstances it was considered that the statutory test of there being an appropriate balance could not be met, and it was therefore recommended that Members considered suspending work on the introduction of a Derbyshire Dales Community Infrastructure Levy, and formal withdrawal of the Derbyshire Dales Community Infrastructure Levy Draft Charging Schedule published in July 2018.

Members were reminded that the Government was considering a number of changes to the way in which the Community Infrastructure Levy regime operated. This included the suggestion of removing the restriction of Section 106 pooling in certain circumstances. It was understood that the Government was intending to consult on draft amended CIL regulations by the end of the (calendar) year.

Whilst the future potential to pool financial contributions from s106 obligations was to be welcomed it was considered that, in light of the recommendation that the statutory test of there being an appropriate balance could not be met, that a Developers' Contributions Supplementary Planning Document be prepared. This document would have statutory weight, and would provide an overview of the policy approach to securing the provision of essential infrastructure necessary to support future development, as outlined in the report. It would provide transparency for framing obligations, in appropriate cases, where developers would contribute towards facilities in towns and parishes such as play areas and open space.

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

### **RESOLVED**

1. That the updated evidence base prepared by the District Council's consultants Cushman and Wakefield and as set out in Appendix 1 to the report be noted.

2. That the Government’s proposals for lifting Section 106 pooling restrictions be welcomed.
3. That the District Council suspend preparatory work on the Derbyshire Dales Community Infrastructure Levy and serve notice to formally withdraw the Derbyshire Dales Community Infrastructure Levy Draft Charging Schedule dated July 2018 in accordance with Regulation 18 of the Community Infrastructure Regulations.
4. That the financial viability of development across the plan area be continually monitored and in the event that evidence suggests that the introduction of the Community Infrastructure Levy will not have an adverse upon economic viability that work be re-commenced on the introduction of a Derbyshire Dales Community Infrastructure Levy.
5. That a further report be presented to a future meeting which sets out for Members consideration details of a draft Developer Contributions Supplementary Planning Document.

**Voting:**

|                    |    |
|--------------------|----|
| <b>For</b>         | 24 |
| <b>Against</b>     | 2  |
| <b>Abstentions</b> | 0  |

**272/18 – REVIEW OF STATEMENT OF PRINCIPLES: GAMBLING POLICY 2019**

Councillor Mark Salt left the meeting at 8.10pm prior to discussion of this item.

The Council considered a report on the requirement to carry out a formal review of the Council’s current Gambling Statement of Principles (Policy) in accordance with section 349 of the Gambling Act 2005 (the Act), and that sought approval to re-publish the revised version produced in Appendix 1 to the report by 3 January 2019, for implementation from 31 January 2019.

The revised Policy document, which took into account any changes contained in The Gambling Commission Guidance for Licensing Authorities, focused on the authority’s approach to its responsibilities under the Act, but did not include procedures for needing a licence or making applications or holding committee hearings; these matters were covered by separate guidance and procedural documents which were regularly updated.

It was reported that the Gambling Commission’s Licence Conditions and Codes of Practice (LCCP) were revised and published in February 2015 and January 2018, formalising the need for operators to consider local risks, as explained in the report, to be reviewed regularly. It was noted that the Council’s current policy document did not make reference to a local area profile (LAP), and it was recognised that smaller and more rural districts may not consider it necessary, taking into account the number and type of licensed gambling premises in the area. It was therefore suggested that a local area profile for this area be kept under review and if necessary be developed in the future; and that paragraph 1.8.7 on page 12 of the proposed draft Policy document be deleted.

It was moved by Councillor Jean Monks, seconded by Councillor Susan Hobson and

**RESOLVED** That the revised Gambling Statement of Principles be approved for  
(unanimously) adoption and re-publishing, to take effect from 31 January 2019 until  
30 January 2022.

## **273/18 – RESILIENCE, RESOURCES AND PRIORITIES**

The Council was asked to consider the Chief Executive's proposals to realign organisational resources in order to ensure that the Council's Legal Section was adequately resourced to deal with existing and future priorities and challenges.

It was essential that the Council had sufficient resources, appropriately aligned to deliver upon the Council's priorities. In this regard, there was an urgent need to address a lack of resources in the Corporate Services Section which was hindering the Council's ability to deliver adequate legal support to the organisation, as outlined in the report. A review of organisational resilience, resources and priorities identified that the Council's legal team was currently under resourced and was unable to deal effectively with delivering the Council's corporate priorities.

In order to address this situation, the Head of Corporate Services with the support of CLT had undertaken a review of the current establishment and had identified the need for a revised organisational structure. The current and proposed organisational structures were outlined at Table 1 and Table 2 in the report.

It was proposed by Councillor Lewis Rose OBE, seconded by Councillor Jean Monks and

- RESOLVED** 1. That the changes to the organisational structure set out in the report and  
(unanimously) the net increase in costs of £59070 be noted and included in the draft  
budget for 2019/20 and the updated Medium Term Financial Plan.
2. That the management structure and strategic capacity of the Council be kept under review by the Chief Executive.

## **274/18 – TREASURY MANAGEMENT MID-YEAR REPORT FOR 2018/19**

Councillor Graham Elliott left the meeting at 8.10pm and Councillor Angus Jenkins at 6.11pm prior to discussion of this item.

The Council considered approval of the Treasury Management Mid-Year Report for 2018/19 and that fulfilled the Authority's legal obligation to have regard to the CIPFA Code.

Following consultation in 2017, CIPFA published new versions of the Prudential Code for Capital Finance in Local Authorities (Prudential Code) and the Treasury Management Code of Practice but had yet to publish the local authority specific Guidance Notes to the latter. In England, MHCLG had published its revised Investment Guidance which came into effect from April 2018.

The updated Prudential Code included a new requirement for local authorities to provide a Capital Strategy, which would be produced later in 2018-19 for approval by full Council.

The Head of Resources was pleased to report that all treasury management activities undertaken complied fully with the CIPFA Code of Practice and the Authority's approved Treasury Management Strategy. Compliance with specific investment limits was demonstrated in table 4 in the report, and compliance with the authorised limit and operational

boundary for external debt was demonstrated in table 5 in the report. The Authority's Treasury Management Indicators were set out in the report.

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

**RESOLVED** That the Treasury Management Mid-Year Report for 2018/19 be  
(unanimously) approved.

### **275/18 – SEALING OF DOCUMENTS**

It was moved by Councillor Jason Atkin, seconded by Councillor Garry Purdy and

**RESOLVED** That the common seal of the Council be affixed to those documents,  
(unanimously) 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**