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COUNCIL

Minutes of a Council Meeting held on Thursday 23 January 2014 in the Council Chamber, Town Hall, Matlock at 6.00pm

PRESENT

Councillor Geoff Stevens MBE - In the Chair

Councillors Jacque Bevan, Richard Bright, Steve Bull, Sue Burfoot, Bob Cartwright, Albert Catt, David Chapman, Tom Donnelly, Ann Elliott, David Fearn, Richard FitzHerbert, Steve Flitter, David Frederickson, Chris Furness, Cate Hunt, Andrew Lewer, Tony Millward, Jean Monks, Garry Purdy, Irene Ratcliffe, Mike Ratcliffe, Lewis Rose OBE, Peter Slack, Andrew Statham, Jacquie Stevens, Colin Swindell, Philippa Tilbrook, Judith Twigg, Carol Walker, Joanne Wild.

Dorcas Bunton (Chief Executive), Peter Foley (Corporate Director), Paul Wilson (Corporate Director), Sandra Lamb (Head of Democratic Services) Tim Braund (Head of Environmental Health), Phil Colledge (Head of Finance), Peter Lisewski (Revenue Services Manager), Steve Capes (Head of Regeneration and Organisational Development), Mike Galsworthy (Estates Manager), Karen Henriksen (Accountancy and Exchequer Manager), , and Jackie Cullen (Committee Assistant).

1 member of the public.

APOLOGIES

Apologies for absence were received from Councillors Jennifer Bower, David Burton and Barrie Tipping.

301/13 – MINUTES

It was moved by Councillor Geoff Stevens MBE, seconded by Councillor Richard FitzHerbert and

RESOLVED

(unanimously)

That the minutes of the meeting of the Council meeting held on 11 December 2013 be approved as a correct record.

The Minutes were signed by the Chairman.

302/13 – CHAIRMAN’S ANNOUNCEMENTS

Councillor Peter Slack, Chairman of the District Council of the Derbyshire Dales, reported on his attendance at recent civic engagements. He asked Members to note the date of his planned charity Pea and Pie Supper, with entertainment, which would be held at Wirksworth Town Hall on Friday 21 March 2014, and a Bingo Night at the Nelson Pub in Middleton on Friday 4 April 2014. Finally, during the Easter and Spring Bank Holidays, Councillor Slack would be holding plant sales on Wirksworth Market Place.

303/13 – MINUTE BOOK

Councillor David Chapman arrived at 6.10pm during discussion of this item.

It was moved by Councillor Tony Millward, seconded by Councillor Tom Donnelly and

RESOLVED That the reports of the committees listed in the Minute Book for the
(unanimously) period 11 December to 17 December 2013 be received.

304/13 – QUESTIONS (RULE OF PROCEDURE 15)

Councillor David Fearn asked the following question of Councillor Lewis Rose, OBE, Leader of the Council:

What contractual arrangements does Derbyshire Dales District Council have with Henry Davidson Developments?

Response from Councillor Rose

“None”

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

Can Cllr Rose confirm that as part of the wider public consultation process, he with Cllr Catt and relevant senior officers will arrange to meet local groups, including the Town Council, to discuss Matlock’s proposed Bakewell Road redevelopment scheme, in order to ascertain their views about the way forward, following the resolution passed at the meeting of the Corporate Committee on Monday 13 January?

Response from Councillor Rose

The Committee would organise a meeting with all interested local groups and town councils together with an independent facilitator. It was suggested that this be more of an informal gathering than a Council-led meeting, possibly with an alternative venue to the Chambers.

Councillor Burfoot asked a supplementary question:

How would the Council ensure the relevant groups that wished to be involved would be informed of a meeting?

The Council would make it known publicly to the interested groups, from which communications had previously been received; and Councillor Burfoot's assistance with any other communications would be welcomed.

305/13 – PROVISIONAL LOCAL GOVERNMENT FINANCE SETTLEMENT

A report was presented informing Members of the provisional Local Government Finance Settlement for 2014/15 and 2015/16, together with its implications for the Council's finances.

The provisional Local Government Finance Settlement was reported to Parliament on 18th December 2013, covering the financial years 2014/15 and 2015/16. This was accompanied by a consultation paper, to which responses were required by 15th January 2014. A response had been submitted in consultation with the Leader and Deputy Leader of the Council, attached to the report. The response from SPARSE was also attached to the report.

Members were informed that, due to the Government's proposal not to top-slice the New Homes Bonus outside of London, the Council's medium term financial plan would need to be updated to reflect savings and a report would be presented to the Council in March this year. Tables showing the District Council's Settlement, as well as the District Council's spending power, were set out in the report.

The Head of Finance advised that the council tax increase threshold that would trigger a local referendum was, as yet, unknown, but was expected to be less than 2%. The limit would be announced in the final settlement in mid-February, therefore a short time before the Council sets the precept.

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

RESOLVED

1. That the provisional Local Government Finance Settlement for 2014-15 and 2015-16 be noted.
2. That the response to the Consultation Paper, as given in Appendix 1, be noted.

Voting

For	29
Against	0
Absentions	1

306/13 – LOCALISING COUNCIL TAX SUPPORT

A report was presented outlining the proposed changes to the local Council Tax Reduction Scheme for the financial year 2014/15. The final adopted scheme for 2014/15 would be published in full on the Council's website by 31 March 2014.

Of particular note was the Hardship Fund, which appeared to be working well. Of the £15,000 fund, £11,600 had been utilised to date in respect of 140 claimants; none of which had been refused assistance. It was therefore proposed that the same amount be set for hardship applications in 2014/15.

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

RESOLVED
(unanimously)

1. That under section 13A(1)(a) of the Local Government Finance Act 1992, the Council approves and adopts the scheme detailed in this report as the local Council Tax Reduction Scheme for 2014/15.
2. That a maximum total amount of £15,000 be set provisionally for all hardship relief applications under Schedule 11 of the scheme for 2014/15 (to be reviewed by a further report to Council during the year if it appears that this amount may be insufficient).

307/13 – DALES HOUSING – PROPOSED AMENDMENTS TO ARTICLES OF ASSOCIATION

Councillor Richard Bright arrived at 6.45pm during discussion of this item.

A report was presented setting out a request to amend the Articles of Association governing the management of Dales Housing Limited which principally ends the formal right to membership by members of the District Council and Tenant representatives on the Board of Dales Housing.

The proposal presented to the Dales Housing Board in November 2013 was attached to the report.

Members of the Council had received undated letters requesting them to resign from the Board; the Head of Democratic Services advised them not to do so until the Council had made a decision on the proposed amendments to the Articles of Association.

It was proposed that a decision be deferred as the issue of Council's accountability to its tenants needed to be addressed, as did the issue of composition of the proposed panel with particular regard to skills and expertise.

It was moved by Councillor Lewis Rose OBE, seconded by Councillor Jacque Bevan and

RESOLVED
(unanimously)

That a decision regarding the proposed amendments to the Articles of Association governing the management of Dales Housing is deferred.

308/13 – STREET TRADING: DESIGNATION OF CERTAIN STREETS FOR TRADING PURPOSES

A report was presented as feedback on the process of designating and re-classifying the status of certain streets within the District for street trading purposes, and the adoption of a Street Trading Policy.

No formal representations had been received subsequent to Council's meeting on 21 November 2013 after which an advertisement was placed in a local newspaper. Direct consultations had been held with town and parish councils; Bakewell Town Council had requested that King Street be retained as a prohibited street, and agreed that Black Mill Street be re-named Castle Mount Crescent.

The Street Trading Order Schedule was attached to the report. Any revisions in the Street Trading Order would be re-advertised in local newspapers.

In order to facilitate an environment where trading that brings significant benefits to the area was encouraged, a Street Trading Policy and Guidance had been prepared.

It was envisaged that Street Trading as a District Council function would be transferred to the Licensing & Appeals Committee from 1 April 2014, with routine decision making delegated to Officers.

It was agreed that Blind Lane, Wirksworth would be deleted from the schedule, as it was a one-way street which housed the Almshouses and had no parking facilities, therefore the setting up of any stalls would make access very difficult.

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

RESOLVED
(unanimously)

1. That pursuant to paragraph 2 of Schedule 4 to the Local Authority (Miscellaneous Provisions) Act 1982 the streets and classifications of prohibited and consent status as set out in Appendix 1 be approved, subject to the renaming of Black Mill Street to Castle Mount Crescent in relation to its junction with Baslow Road, Bakewell and subject to the following amendments:
 - (i) King Street, Bakewell, remains on the prohibited list.
2. That a formal advertisement be placed in a newspaper circulating in the area to give effect to the above decision with effect from 1 April 2014.
3. That the Street Trading Policy as set out in Appendix 2 be approved.
4. That Street Trading as a function of the District Council be discharged to the Licensing and Appeals Committee with effect from the Annual Meeting in 2014.
5. That the scheme of officer delegation in relation to Street Trading be amended as set out in paragraph 4.1 of the report with effect from 1 April 2014.

309/13 – WIRKSWORTH LEISURE CENTRE COMMUNITY GROUP – CONSTITUTION

A report was presented setting out a model Constitution for adoption by the Council, which aimed to create a Community Group to assist the District Council in its promotion and development of the Wirksworth Leisure Centre.

At the Annual Meeting of the Council held in May 2013, a decision to establish the Wirksworth Leisure Centre Advisory Committee was suspended pending a report on recommendations to restructure the Wirksworth Leisure Centre Advisory Committee as a consultative body. Further to discussions between the Head of Democratic Services,

Councillor Mike Ratcliffe (former Chairman of the Advisory Committee) and John Thompson (representing the Foundation Trustees), it was felt that a more diverse membership was considered crucial in updating the rules of engagement for a new structure.

The Model Constitution for the Wirksworth Leisure Centre Community Group was attached as to the report.

It was suggested that two Members were put forward as representatives; at least one of which should be a Wirksworth Ward member. Nominations would be considered at the annual meeting.

It was moved by Councillor Mike Ratcliffe, seconded by Councillor Carol Walker and

RESOLVED

(unanimously)

1. That the Constitution of the Wirksworth Leisure Centre Community Group be approved and that steps be taken to establish the Group with a view to the Inaugural meeting taking place as soon as practicable
2. Those nominations to fill the District Council's quota of two seats, which includes one member representing the Wirksworth Ward, be discussed at the annual meeting.
3. That the operational decisions regarding implementation of the Management Agreement for Wirksworth Leisure Centre be delegated to the Head of Community Development.

310/13 – NEW AUDIO SYSTEM

Councillor Richard Bright left at 7.30pm and Councillor Steve Flitter left at 7.33pm during discussion of this item.

A report was presented recommending the purchase of an audio system for the Council Chamber, from a specialist provider.

The sound quality from the current PA system was poor, with a limited number of microphones. A quotation for the supply, fit and provision of an after-sales service of a new system had been received, and was summarised within the report. Feedback from a similar system used by Peak Park was favourable and it was noted that a recording facility was also available.

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

RESOLVED

(unanimously)

1. That application of Contract Standing Order 7 be waived, to enable the procurement of an audio system for the Council Chamber from a specialist provider.
2. That the sum of £29,625 be made available from the General Reserve to fund the purchase of the equipment.

311/14 – REFURBISHMENT OF JUBILEE BRIDGE, MATLOCK BATH

Councillor Jo Wild left at 7.40pm and Councillor Lewer left at 7.50pm during discussion of this item.

A report was presented informing the Committee that a tendering exercise had been completed for the refurbishment of Jubilee Bridge and advised of the project timescale and anticipated costs of delivering the scheme. An updating report was also presented, confirming the outcome of the procurement process for works, advising on the anticipated costs of delivering the scheme and recommending the appointment of a contractor.

Members were advised that 5 tenders had been received and had undergone a full tender assessment exercise. The project outline and timetable was set out in the report.

It was moved by Councillor Garry Purdy, seconded by Councillor Albert Catt and

RESOLVED

1. That a tender submission for the works from G.F.Tomlinson & Sons of Derby in the sum of £207,769.07 is accepted and that a contract is placed.
2. That the Capital Programme be revised to include a sum of £250,000 to cover the cost of the proposed works and professional fees, to be met from the Direct Revenue Financing of Capital Expenditure Reserve pending a review of Capital Programme to take place before the end of the current financial year.

Voting	For	25
	Against	0
	Abstentions	2

The Chairman declared the motion carried.

312/13 – ASHBOURNE LEISURE CENTRE CHANGING FACILITY MODERNISATION PROJECT

Councillor David Chapman left at 7.58pm during discussion of this item.

A report was presented informing the Committee that a tendering process had been completed and the anticipated costs of delivering the scheme.

An updating report was also presented, confirming the outcome of the procurement process for works to modernise Ashbourne Leisure Centre swimming pool changing facilities following the award of a grant from Sport England's Improvement Fund last year, advising on the anticipated costs of delivering the scheme, and recommending the appointment of a contractor.

The swimming pool and changing facilities at Ashbourne Leisure Centre had been constructed in 1974. The changing facilities were partly upgraded in 1994, but over the past 18 years they had become dated. At the time of the application, the cost of the project was estimated at £195,000, £175,000 of which was to be met by the grant from Sport England awarded in April 2013.

7 tenders were received and analysed and the tender submission received from R.A. Edwards & Partners in the sum of £308,219 represented the 'Most Economically Advantageous Tender' and was consistent with the Council's obligation to achieve value for money.

A breakdown of costs and a project timescale were set out in the report. Alternative changing arrangements would be put in place whilst the improvements were being carried out in order to avoid closure and associated loss of revenue.

It was suggested that a maintenance contract should be put to the Committee in the future in order to avoid the recurrence of major structural and cosmetic works.

It was moved by Councillor Lewis Rose OBE, seconded by Councillor Steve Bull and

RESOLVED
(unanimously)

1. That a tender submission for the works from R.A. Edwards and Partners of Stafford in the sum of £308,219 is accepted and that a contract is placed.
2. That the Capital Programme be revised to include a sum of £402,000 to cover the cost of the proposed works and professional fees, to be met from the Direct Revenue Financing of Capital Expenditure Reserve pending a review of Capital Programme to take place before the end of the current financial year.

313/13 – CLOSED CHURCHYARDS – PROPOSED REPAIRS TO RETAINING WALL, ST GILES CHURCH, MATLOCK

Councillor Andrew Statham left at 8.25pm during discussion of this item.

The Committee considered a report informing them that a tendering process had been completed for the rebuilding of the partially collapsed retaining wall to the northern edge of the churchyard at St Giles Church, Starkholmes and advised of the project timescale and anticipated costs of delivering the scheme.

A plan showing the northern section of the wall was attached to the report.

The Corporate Committee had considered the matter at the 13 December 2012 meeting, and negotiations with the Diocese of Derby, Structural and Civil Engineering Consultants, applications in respect of Planning and Listed Building consents, together with consultations with the County Archaeologist had all resulted in a long delay. These matters had all been finalised, and 6 tenders had been received and analysed.

It was moved by Councillor Geoff Stevens MBE, seconded by Councillor Albert Catt and

RESOLVED
(Unanimously)

1. That the works undertaken to date as outlined in paragraph 2 of this report are noted.
2. That the action taken in accepting a tender for the works from Danaher & Walsh of Leicester in the sum of £229,810.50 is endorsed.

3. That the Capital Programme be revised to include a sum of £300,000 to cover the estimated cost of the proposed repair works, to be met from the Direct Revenue Financing of Capital Expenditure Reserve pending a review of Capital Programme to take place before the end of the current financial year.

314/13 – MOTION TO CONTINUE

It was moved by Councillor Geoff Stevens MBE, seconded by Councillor Albert Catt and

RESOLVED That, in accordance with Rule of Procedure 13, the meeting continue
(Unanimously) beyond 2 ½ hours to enable the business on the agenda to be concluded.

311/13 – DRAFT PROGRAMME OF MEETINGS 2014/15

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

RESOLVED That the draft programme of meetings for the 2014/15 Civic Year was
(Unanimously) noted, with an amendment to the Council meeting in May, which should read 21 May.

315/13 – PLANNING FOR THE FUTURE (3) – UPDATE

The Committee considered a report by the Chief Executive on progress made since the last 'Planning for the future' report presented to Council on 26th September 2013. The report introduced the new organisational structure due to come into effect on 1st February 2014, previously agreed with all Group Leaders. It also reported on the outcome of the Administration Service Review as well as updating on other aspects of the programme of work set out in the original report presented to Council on 7th March 2013.

The five major elements of the programme were:-

- Peer challenge
- Understanding the savings that will be required in the future
- Service review programme
- Strategic direction
- Organisational structure

The Committee were advised that most reviews due to start in 2013/14 were now underway; with the Administrative Service Review having been completed and explained under point 3 of the report.

The overarching recommendation of the review stated: *"That subject to appropriate consultation, a centralised administrative support function called 'Business Support' is created from 1st April 2014, the mission of which is to deliver a service to all departments of the Council, that:-*

- *Has a strong Customer and Corporate focus*
- *Delivers a consistent and competitive service*
- *Creates capacity"*

The full recommendations and thematic approach to the new centralised structure were attached as Appendix 1 to the report, with a projected saving of £200,000 over 3 years.

Three Member workshops had been held during October 2013, the contents of which were detailed in the report.

In September 2013, Council gave approval to the Chief Executive to build a structure that was fit for purpose. The new structure, as agreed with Group Leaders at a meeting held on 4th December 2013, was attached as Appendix 2 to the report. The second phase of the two-phase project was attached as Appendix 3 and was to be effective from 1st January 2015, and required the deletion of one of the Corporate Director posts. The overall costs of the new and final structure were attached as Appendix 4.

A Change Management Policy was approved by the Corporate Committee on 12th December 2013, effective from 1st January 2014.

INVEST TO SAVE RESERVE

Members agreed in September 2013 to set up an Invest to Save Reserve of £165,000. Council was asked to release a sum of £20,000 from the reserve and to delegate use of this sum to the Chief Executive, in consultation with the S151 Office, to respond quickly, if necessary, to any such request to fund shared resources (independent advisor).

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

RESOLVED (Unanimously)

1. That the report be noted.
2. That Council agrees to the request of the Corporate Director to voluntary redundancy with effect from 1st January 2015, subject to consideration of the financial implications contained within the exempt report elsewhere on the agenda.
3. That the Council notes the agreed voluntary redundancy (paragraph 5.4).
4. That Council agrees to release £20,000 from the Invest to Save Reserve for use by the Chief Executive, in consultation with the S151 Officer, to fund appropriate requests for external support/advice on opportunities to explore new delivery models.
5. That Council notes the request to Members to assist in supporting the new structure by directing all requests for action, concerns/issues to do with service delivery, in the first instance to the Head of Service except where an issue is being dealt with by a named Officer (e.g. planning application, ongoing query).

316/13 – SEALING OF DOCUMENTS

It was moved by Councillor Judith Twigg, seconded by Councillor Carol Walker and

RESOLVED That the Common Seal of the Council be fixed to those documents, if
(Unanimously) any, required to complete transactions undertaken by Committees or by way of delegated authority to Officers since the last meeting of the Council.

317/13 – EXCLUSION OF PUBLIC AND PRESS

It was moved by Councillor Geoff Stevens MBE, seconded by Councillor Tony Millward and

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

“The report contains information relating to pay calculations for redundancy purposes, where the identity of the individuals could be revealed. This information is considered to be sensitive and not in the public interest to disclose prior to a decision being made by the Council.”

318/13 – VOLUNTARY REDUNDANCY COSTS

As explained in the previous report, the request of the Leisure Officer Strategy & Development had been dealt with under the old redundancy scheme; whereas the Corporate Director, which did not take effect for another year, was costed using the new scheme as agreed by Members in December 2013. The costs and payback period were set out in the report.

It was moved by Councillor Lewis Rose OBE, seconded by Councillor David Fearn and

- RESOLVED** 1. That the decision to accept the Corporate Director’s request
(Unanimously) for voluntary redundancy, having now considered the costs, is confirmed.
2. That the redundancy costs associated with the Leisure Officer Strategy and Development are noted.

MEETING CLOSED 8.58 PM

CHAIRMAN