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COUNCIL

Minutes of a Council Meeting held on Thursday 8 May 2014 in the Council Chamber, Town Hall, Matlock at 6.00pm

PRESENT

Councillor Geoff Stevens MBE - In the Chair

Councillors Jacque Bevan, Jennifer Bower, Richard Bright, Steve Bull, Sue Burfoot, Albert Catt, David Chapman, Tom Donnelly, Ann Elliott, David Fearn, Richard FitzHerbert, David Frederickson, Chris Furness, Neil Horton, Cate Hunt, Angus Jenkins, Andrew Lewer, Mike Longden, Jean Monks, Garry Purdy, Irene Ratcliffe, Mike Ratcliffe, Lewis Rose OBE, Peter Slack, Andrew Statham, Jacque Stevens, Colin Swindell, Judith Twigg, Carol Walker, Joanne Wild.

Dorcas Bunton (Chief Executive), Peter Foley (Corporate Director), Paul Wilson (Corporate Director), Deborah Unwin (Human Resources Manager), Rob Cogings (Head of Housing), Sandra Lamb (Head of Democratic Services), and Jackie Cullen (Committee Assistant), Mike Galsworthy (Estates and Facilities Manager)

APOLOGIES

Apologies for absence were received from Councillors Ken Bull, David Burton, Bob Cartwright, Steve Flitter, Tony Millward, Andrew Shirley, Philippa Tilbrook and Barrie Tipping.

OPENING ADDRESS

Councillor Richard Bright arrived at 6.06pm during the Opening Address.

Mr David Brown of Derbyshire Village Mission gave an opening address, presenting a history of the Mission since its inception in 1914 by Mr. Robert Allen Scase, and becoming a charity in 1916.

432/13 – MINUTES

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

RESOLVED
(unanimously)

That the minutes of the Council meeting held on 6 March 2014 be approved as a correct record.

The Minutes were signed by the Chairman.

433/13 - INTERESTS

Councillor David Chapman declared a pecuniary interest in item 10 on the Agenda – REVIEW OF THE LEASE CAR SCHEME, as a member of his immediate family was currently a participant in the scheme. Councillor Chapman was not present during discussion and voting of this application.

434/13 - CHAIRMAN'S ANNOUNCEMENTS

A list of functions attended by Councillor Slack from January to date was circulated at the meeting. Councillor Slack presented a brief summary in his announcement, with particular mention of the Pea and Pie supper held in March, the Bingo Night and the plant sales at Wirksworth Market Place.

In April Councillor Slack attended the Freedom March by the Mercian Regiment and was presented with a picture of their Mascot Lcpl Derby, which he brought to the meeting.

Councillor Slack reminded Members that plant sales would be held again at Wirksworth Market Place during the Spring Bank Holiday, 24-26 May.

In conclusion, Councillor Slack announced that £1,500 had been raised so far for his nominated charities, for which he thanked all those who had supported him over the year. Councillor Slack also commented that he hoped that through the District Council, the area could become a Fair Trade district.

435/13 – COMMITTEES

It was moved by Councillor Steve Bull, seconded by Councillor Carol Walker and

RESOLVED That the reports of the Committees listed in the Minute Book for the
(unanimously) period 6 March 2014 to 10 April 2014 be received.

436/13 - QUESTIONS (RULE OF PROCEDURE 15)

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

“Can Councillor Lewis Rose update members on the progress the Council has made with regards to the recommendations made by the Corporate Committee with regards to exploring further site options for a permanent site for the Travelling Family seeking a permanent site?”

Response from Councillor Rose

Councillor Rose circulated a written response at the meeting, and advised verbally that the Council had written to the County Council regarding suitable land and had received a response that the situation remained as previously advised. The Council would continue to make enquiries.

Supplementary Question from Councillor Ratcliffe

Councillor Ratcliffe asked whether a formal request had been made, and if so, had a written reply been received?

Councillor Rose replied that a formal request had been made on 10th December 2013, and a written response had been received on 12th December 2013.

437/13 – COMMUNITY RIGHT TO BID – GRINDLEFORD VILLAGE SHOP

A report was presented requesting Council to review a decision taken by the Community Committee on 16th January 2014 to nominate the former village shop in Grindleford for inclusion in the List of Assets of Community Value.

The freehold owner was unable to attend the meeting, but a letter from him was attached as Appendix 1 to the report, as well as Grindleford Parish Council's response (Appendix 2). A copy of the Community Committee report, including the original nomination from Grindleford Parish Council, was attached as Appendix 3 to the report.

It was moved by Councillor Jean Monks, seconded by Councillor Jacque Bevan and

RESOLVED That the Council upholds the decision to include the former
(unanimously) Grindleford Village Shop (formerly Country Choice) on the Register of Assets of Community Value.

438/13 – ADDITIONAL HOUSING GRANT ALLOCATION – YOULGRAVE

Council were asked to consider a request from Peak District Rural HA and their development partner, East Midlands Homes, for an additional financial contribution towards the development of 8 affordable homes in Youlgrave.

Credit was given to the Youlgrave Community for their part in bringing this scheme to fruition and it was noted that £508,000 worth of business would be placed with local contractors, consultants and suppliers.

A breakdown of the financial position was given in section 3 of the report, showing a revised shortfall of £140,000.

It was moved by Councillor Jennifer Bower, seconded by Councillor David Frederickson and

RESOLVED That an additional allocation of £140,000 is made available from the
(unanimously) capital programme to support the affordable housing scheme at Youlgrave.

439/13 – REVIEW OF THE CAR LEASE SCHEME

The Council considered a report that had identified the need to review the Lease Car Scheme. The Chief Executive had set up a review team and its findings were reported to the Corporate Management Team (CMT). CMT agreed the recommendations on which to consult staff. These recommendations, together with comments made by staff, were then considered by the Joint Consultative Group. Consultation activity had continued and this report made final recommendations on a proposed way forward that resulted in the ending of the lease car as an option for those staff that currently chose to have a lease car as opposed to the essential user allowance.

The Lease Car Scheme cost the Council £84,459 per annum, as set out in Appendix 1 to the report. The Head of Resources had calculated a saving of £43,418 if all leases were terminated and all current lease car holders became essential users.

The review team had met 4 times over the past six months, and their conclusions were set out in the report.

A formal 30-day consultation with Lease Car Holders began on 11 March, and any comments received were reported to the JCG Meeting held on 27 March; these were attached as Appendix 2 to the report.

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

RESOLVED

(unanimously)

1. That Council accept the proposal that the Lease Car Scheme will end on 31 January 2017
2. When the lease car scheme ends on 31 January 2017, all current lease car holders become essential users with the annual allowance (currently £1,239per annum) and that a review of essential and casual user schemes would not commence until after the lease car scheme has ended
3. Until 31 January 2017, as each lease comes up for renewal, that each employee will be dealt with on a case by case basis dependent on their employee's personal wishes and the affordability of the lease cost (the latter taking precedence) as follows
 - The current car lease can be extended until 31 January 2017
 - That the current lease expires (with an option to purchase under the scheme rules) and the remaining time to 31 January 2017 is compensated by either a monthly taxable cash allowance through payroll equivalent to the values in 11.2 of the scheme conditions or this sum is paid as a lump sum (subject to an agreement that monies are repaid if the employee leaves the District Council before 31 January 2017)
 - Subject to cost, a new lease shorter than 3 years is entered into, to end on 31 January 2017

4. If there is interest, consider offering lease car holders and all staff the opportunity to acquire a vehicle through a 'car salary sacrifice scheme'
5. There is no further compensation for termination of the lease car scheme
6. That essential users be able to use motorbikes and claim an appropriate mileage allowance where only one officer is required to travel
7. That we look at ways to reduce the need to travel e.g. using Skype or videoconferencing where possible.

440/13 – PLANNING PERFORMANCE AND PLANNING CONTRIBUTIONS

Council were asked to consider a report on the recent Consultation paper on 'Planning Performance and Planning Contributions', and to endorse the response that, by virtue of the timescale for consultation, had already been forwarded to the Department for Communities and Local Government (DCLG) by the statutory deadline of 4th May 2014. The comments and response had been agreed with the Leader and Deputy Leader of the Council.

The Consultationsought views on the introduction of changes to decision making and housing delivery in two specific areas:

- The introduction of a threshold for designating authorities as under-performing, based on the speed of deciding applications for major development.
- The introduction a 10-unit and 1,000 square metres gross floor space threshold for affordable housing contributions through section 106 planning obligations.

Any further views arising from the meeting of Council would be forwarded separately to the Department for Communities and Local Government as an addendum.

The consultation document can be viewed in full at <https://www.gov.uk/government/consultations/planning-performance-and-planning-contributions>

It was moved by Councillor Albert Catt, seconded by Councillor Chris Furniss and

RESOLVED That Council retrospectively endorse the Officer comments contained (unanimously) within Section 3 of this report as the District Council's formal response to the Department for Communities and Local Government consultation on 'Planning Performance and Planning Contributions'.

441/13 – PUBLIC INQUIRY AND OTHER RELATED PLANNING COSTS

**LAND AT OLD DERBY ROAD, ASHBOURNE
LAND AT HASKER FARM COTTAGE, KIRK IRETON
LAND AT GRIFFE GRANGE, CARSINGTON**

Councillor Judith Twigg left at 6.55pm during discussion of this item.

Council considered a report advising Members that two appeals had been lodged, which were to be determined by means of Public Inquiry. The Council does not make any budgetary provision for Public Inquiry costs arising from the Council's planning decisions. The report, therefore, sought authority to fund this expenditure from the General Reserve. The report also advised of the need to engage specialist landscape consultants to appraise an application for a large scale wind farm development.

1. LAND OFF OLD DERBY ROAD, ASHBOURNE

On 26TH March 2014, outline planning permission was refused for residential development of up to 200 dwellings, highway improvements and landscaping on land off Old Derby Road, Ashbourne (Application 13/00911/OUT), for the reason as set out in the report.

An appeal had been lodged against the Council's refusal of planning permission and the matter was to be determined by means of a Public Inquiry which was likely to take place in October 2014 for 3 days. In order to defend the Council's decision it would be necessary to appoint Counsel in addition to an expert landscape witness at an estimated cost of £32,000. Planning evidence will be given by the Council's Corporate Director.

2. LAND AT HASKER FARM COTTAGE, KIRK IRETON

On 14th August 2013 planning permission was refused for conversion and extension of a former hay barn to provide artist's studio, ancillary living accommodation to Hasker Farm Cottage, stabling, wood store, workshop and garaging (retrospective) on land at Hasker Farm Cottage, Kirk Ireton (application 13/00338/FUL). On 6th November 2013 an Enforcement Notice was served in respect of the alleged breach of planning control, which required the owner to permanently cease use of the building for residential and business use, permanently remove the conservatory extension, flue pipe, all external walls and internal subdivisions and reinstate the building to an open sided hay store as it stood prior to the unauthorised works.

An appeal had been lodged against the Council's decision to issue an Enforcement Notice and the matter was to be determined by means of a Public Inquiry on a date yet to be confirmed. The costs of the Public Inquiry itself were estimated at £5,000.

3. LAND AT GRIFFE GRANGE, MANYSTONES LANE, CARSINGTON

An application for planning permission had been received for the erection of 5 no. wind turbines with a maximum tip height of 100m together with associated infrastructure on land at Griffie Grange, north of Manystones Lane, Carsington (Application 14/00224/FUL).

In order to consider the application, it was necessary to appoint an expert landscape consultant with specialist skills in the appraisal of wind farm developments in order to appraise the landscape, visual and cultural heritage impacts of the development proposal. The costs of the appointing the landscape consultant to undertake this work were at £5,500.

It was moved by Councillor Jacque Stevens, seconded by Councillor Garry Purdy and

RESOLVED That expenditure of up to £42,500 be funded from the General
(unanimously) Reserve and that the Council takes this expenditure into consideration in calculating the revised budget estimates for 2014/2015.

442/13 – VOLUNTARY REDUNDANCY AND APPOINTMENT OF CHIEF FINANCIAL OFFICER

Council considered a report regarding the request by the Head of Resources (S151 Officer) for voluntary redundancy which had been accepted and was recommended by the Corporate Management Team (CMT), and sought agreement to the appointment of the current Exchequer & Accountancy Manager, to the post of Head of Resources (S151 Officer).

The Council had in place a policy that enabled employees to request voluntary redundancy. These requests were considered by CMT. If it was agreed to be in the business interests, without significant detriment to the service and delivered an ongoing saving with any costs associated with the redundancy capable of being paid back within 3 years, CMT would usually accede to the request.

The Head of Resources had submitted a request for voluntary redundancy with effect from 1st August 2014.

CMT had considered the proposal from the Head of Resources very carefully. Three considerations were taken into account, as set out in the report.

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

RESOLVED 1. That Council agrees to the request by the Head of Resources
(unanimously) (S151 Officer) for voluntary redundancy with effect from 1st August 2014, subject to consideration of the financial implications contained within the exempt report elsewhere on this Agenda.

2. That Council approves the appointment of the current Exchequer and Accountancy Manager as Head of Resources (S151 Officer) with effect from 1st August 2014, subject to agreeing Recommendation 1 above.

443/13 – SEALING OF DOCUMENTS

It was moved by Councillor Carol Walker, seconded by Councillor Tom Donnelly 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.

444/13 – EXCLUSION OF PUBLIC AND PRESS

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

RESOLVED
(Unanimously)

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

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

445/13 – CONFIRMATION OF FINANCIAL INFORMATION IN RELATION TO VOLUNTARY REDUNDANCY

Council were asked to consider accepting the request of the Head of Resources (S151 Officer) for voluntary redundancy, having now considered the costs involved.

Costs associated with such a request must be capable of being repaid within three years from the savings being made as a result of the redundancy. A table of the associated costs was outlined in the report.

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

RESOLVED
(Unanimously)

That Council confirm the decision to accept the Head of Resources (S151 Officer) for redundancy, having now considered the cost.

MEETING CLOSED 7.15PM

CHAIRMAN