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## **COUNCIL**

**Minutes of a Council Meeting held on Thursday 28 January 2016 in the Council Chamber, Town Hall, Matlock at 6.00 pm.**

### **PRESENT**

Councillor Richard FitzHerbert - In the Chair

Councillors Jason Atkin, Deborah Botham, Martin Burfoot, Sue Burfoot, David Chapman, Phil Chell, Tom Donnelly, Graham Elliott, Helen Froggatt, Chris Furness, Alyson Hill, Susan Hobson, Neil Horton, Vicky Massey, Tony Millward, BEM, Jean Monks, Tony Morley, Joyce Pawley, Garry Purdy, Irene Ratcliffe, Mike Ratcliffe, Mark Salt, Andrew Shirley, Peter Slack, Jacquie Stevens, Colin Swindell, John Tibenham, Philippa Tilbrook and Joanne Wild.

Dorcas Bunton (Chief Executive), Sandra Lamb (Head of Corporate Services), Karen Henriksen (Head of Resources), Tim Braund (Head of Regulatory Services), Eileen Tierney (Licensing Manager), Paul Radcliffe (Benefits Manager) and Jackie Cullen (Committee Assistant).

Liz Partington and Kevin Young, Emergency Planning (DCC).

### **PRESENTATION**

Liz Partington gave a presentation on the County Council's Emergency Planning strategy, including the statutory duties outlined in the Civil Contingencies Act 2004. She advised Members that a booklet entitled 'What you need to know and how you can prepare for emergencies' would be available after the meeting, and online advice was available via a link on Derbyshire Dales District Council's website.

### **APOLOGIES**

Apologies for absence were received from Councillors Jennifer Bower, Richard Bright, Sue Bull, Albert Catt, Ann Elliott, Steve Flitter, Lewis Rose OBE and Andrew Statham.

A minute's silence was observed in memory of the late former Councillor W.H. Doxey MBE, JP who had recently passed away.

## **297/15 – MINUTES**

It was moved by Councillor Garry Purdy, seconded by Councillor Tony Millward and

**RESOLVED** That the Minutes of the Council meetings held on 19 November 2015  
(unanimously) and 11 January 2016 be approved as a correct record.

The Minutes were signed by the Chairman.

## **298/15 – CHAIRMAN’S ANNOUNCEMENTS**

In the absence of the Chairman of the District of Derbyshire Dales, a list of his engagements between 20<sup>th</sup> November 2015 and 28<sup>th</sup> January 2016 was distributed.

## **299/15 – COMMITTEES**

It was moved by Councillor Garry Purdy, seconded by Councillor Joanne Wild and

**RESOLVED** That the non-exempt minutes of the Committees listed in the Minute  
(unanimously) Book for the period 19 November 2015 to 21 January 2016 be received.

## **300/15 – QUESTIONS (RULE OF PROCEDURE 15)**

**Councillor Mike Ratcliffe asked the following question of Councillor Richard FitzHerbert, Chairman of the Council:**

*“Will the Leader of the Council give consideration to establishing an agenda item in these meetings that provides, at appropriate intervals, provision to allow written or oral feedback from its member representatives on significant outside bodies?”*

In the absence of Councillor Rose, OBE, Councillor FitzHerbert responded that it had been suggested that this matter be discussed at the Leader’s Advisory Group in order to reach a decision.

### **Supplementary comment from Councillor Ratcliffe:**

Cllr Ratcliffe advised the Council that he had already raised this several times because he felt that some of the District Council’s outside agencies were of particular importance in the Council’s affairs. Cllr Ratcliffe said he hoped this would be looked at during the current Council year.

Cllr FitzHerbert noted his request.

**Councillor Mike Ratcliffe asked the following question of Councillor Joanne Wild, Chairman of the Community and Environment Committee:**

*“Would she agree that a report and discussion on the implications for current tenants and social housing development in the district as a result of the intended merger between Dales and Waterloo Housing Associations would be useful?”*

Councillor Wild confirmed that the Dales Housing and Waterloo Housing Association merger was on track and discussions were continuing between Acclaim and Waterloo. Council officers had previously raised the possibility of a Director from Waterloo HA attending a future full Council to introduce Waterloo and the intention was for Members to receive such a presentation at the March or April meeting.

**Supplementary comment from Cllr Ratcliffe:**

Some feedback would be welcomed, as the Council had a duty of care and a need to be involved with any change of operation that had an impact on Social Housing residents.

**Councillor Joyce Pawley asked the following question of Councillor Joanne Wild, Chairman of the Community and Environment Committee:**

*"Could the Chair inform Members if a representative from the District Council will be attending the free breakfast event at West Nottinghamshire College next month to hear how a £6.5million learning centre – part-funded by the D2N2 Local Enterprise Partnership – can help supply the Council and other businesses locally with skilled workforces?"*

Councillor Wild congratulated Cllr Pawley on keeping a close eye on D2N2 press releases. She confirmed that the Council had not been informed of this event, and would not expect to be. New facilities in Mansfield colleges were out of area and, more significantly, not on the radar of the District Council because its economic issues were largely not skills focused.

However, the District Council did participate in D2N2 Business Breakfasts and had in fact hosted them at the Agricultural Business Centre on at least two occasions, and kept an eye out for relevant local events, including helping to arrange them. The District Council actively organised events in the Dales for local employers, and had recently held marketing workshops. Next month the Council was holding two sessions aimed at helping local businesses make the most of the internet.

**Supplementary question from Cllr Pawley:**

If no-one attended, how did Cllr Wild intend to inform the public about the information, for example the opening of the £6.5 million learning centre?

Cllr Wild referred Cllr Pawley to her first response, in that this particular event was based around the Mansfield area, and as such was not relevant, nor was it an approved Council duty, although Cllr Pawley was welcome to attend. Cllr Wild agreed to provide a detailed written response to Cllr Pawley.

**Councillor Irene Ratcliffe asked the following question of Councillor Joanne Wild, Chairman of the Community and Environment Committee:**

*"Following the experiences and concerns of several elected members regarding inconsiderate parking by motorists in their wards, would she agree to submit this as an item to the High Peak and Derbyshire Dales Joint Community Safety Partnership?"*

Councillor Wild responded as follows:

It was of course possible to raise this as an issue at the Community Safety Partnership but she considered that the Partnership would need more information regarding the exact nature of the concerns and what expectations the Council had of the Partnership in terms of actions it expected as a result of raising the issue.

Members were aware that Cllr Purdy raised access issues over the Christmas period when the Head of Environmental Services advised that Serco had issues in two areas for bin emptying purposes. Cllr Purdy's concerns were around access difficulties for emergency vehicles and he offered his time to discuss the issues further with concerned Members; it was Cllr Wild's understanding that there was to be a meeting shortly with several Members attending along with a fire service representative. In assisting this process the Head of Environmental Services had supplied Cllr Purdy with a list of roads with which Serco had had sporadic issues, though access issues stated may have been over-estimated.

Cllr Wild suggested Cllr Mrs Ratcliffe might like to discuss the matter with Cllr Purdy in the first instance, and certainly if there was a wish to raise this at the Community Safety Partnership with any relevant information then this could be done.

**Supplementary question from Cllr Irene Ratcliffe:**

Cllr Ratcliffe asked what role did elected Members have in dealing with inconsiderate parking in relation to a reduction in all public services?

Cllr Wild referred Cllr Ratcliffe to her first answer.

**Councillor Peter Slack asked the following question of Councillor Joanne Wild, Chairman of the Community and Environment Committee:**

*"The Conservative Candidate for London Mayor Elect, Zac Goldsmith, told MPs that legislation should require Councils to build two Affordable Houses for every home sold off in the right to buy housing bill.*

*Research by the Guardian newspaper has put the Derbyshire Dales as being in the top ten of places to retire and many retired people come into the Dales, but this of course leads to high housing prices and many low to middle income families have found it very hard indeed to get on the housing ladder, so in the Dales there is great need for more affordable - social housing. Will the Leader and the Council support making representations to Government to get the same Legislation that Mr Goldsmith has suggested for Dales Housing Associations with Government financial backing?"*

Councillor Wild responded as follows:

Right To Buy had 3 main forms. These include:

1. Councils who owned their own stock and sold their homes to existing council tenants. Stock owning Councils were generally trying to build new council homes, but this could be difficult due to rent changes and borrowing limits within the Housing Revenue Account;

2. Councils who had sold their stock to a housing association, such as the Derbyshire Dales. Existing tenants had a preserved Right To Buy. Currently Dales Housing sold up to 20 homes a year. The District Council received a proportion of the capital receipt and used this to support its own capital programme which included affordable housing. The District Council had a good track record of building new affordable homes, always providing more many homes than were sold under RTB;
3. Recently Government, working with the National Housing Federation, the trade body for housing associations, had initiated a pilot voluntary Right To Buy scheme to allow tenants of Housing Associations to buy their homes. Five national housing associations were part of the pilot, but none had stock in the Derbyshire Dales. Government and the National Housing Federation were working on a proposal to allow the replacement of every home sold. Certain areas such as rural areas and certain property types such as sheltered housing were likely to be exempt from this new form of RTB. The link to Council housing was important because The government's Housing and Planning Bill would require councils to sell, when they became vacant, the top third of their most valuable council homes from their remaining stock. This would part fund the extension of right to buy to housing association homes. The remaining profit was intended to fund a one-for-one replacement of affordable housing in the area. Zac Goldsmith made his remarks in the House of Commons because he was concerned that the inflated price of council homes in London would mean that the capital receipts generated from sales in London would be used to build more homes in lower value areas.

Local people aspiring to get a home of their own faced real problems given the cost of market housing in the district. The Derbyshire Dales was the 2<sup>nd</sup> least affordable district in the East Midlands region. In 2014 the income required to buy a home in the district with an 80% mortgage stood at **£59,270**. Providing affordable homes remained one of the Council's top priorities. Whilst the changes to RTB in the housing and planning bill would largely not apply to the Dales, the Council would continue to work with its partner housing associations, the Homes and Communities Agency and the emerging devolution deals to ensure investment in affordable housing continued for the benefit of residents. There would be other housing policies that would require representations to government but this specific issue did not apply to the Derbyshire Dales.

#### **Supplementary question from Cllr Slack:**

Cllr Slack asked if the District Council was now in a more dangerous situation than previously with regard to provision of affordable housing?

Cllr Wild advised that she would provide a written response to Cllr Slack.

#### **301/15 – LOCAL COUNCIL TAX SUPPORT FOR 2016/17**

Council considered a report recommending proposed changes to the Local Council Tax Reduction Scheme for the financial year 2016/17, and sought approval to adopt same.

The government abolished Council Tax Benefit from April 2013 and replaced it with Local Council Tax Reduction Schemes, to be determined by each Council. Details of the scheme approved and adopted were set out in the report, and the mandatory annual review showed

that no technical changes were proposed to the scheme for 2016/17 and thus no new consultation with the public or with precepting authorities had been necessary.

An explanation of the government's annual changes to the prescribed elements of the scheme was set out in the report, together with changes to the allowances, premiums and non-dependent deductions for working age claimants, which remained at the discretion of the local authority.

The amount £15,000 previously fixed for hardship applications was being used in appropriate cases and it appeared that the amount would be sufficient and was currently on track to be used in full. It was therefore proposed that the same amount be set for hardship applications in 2016/17 with the provision that a further report be taken to Council if it appeared during the year that this amount may not be sufficient.

The final adopted scheme for 2016/17 would be published in full on the Council's website by 31st March 2016.

It was moved by Councillor Jacquie Stevens, seconded by Councillor Joanne Wild and

**RESOLVED**  
(unanimously)

1. That under section 13A (1)(a) of the Local Government Finance Act 1992, the Local Council Tax Reduction Scheme for 2016/17 be approved.
2. That a maximum total amount of £15,000 be set provisionally for all hardship relief applications under Schedule 11 of the scheme for 2016/17 (to be reviewed by a further report to Council during the year if it appears that this amount may be insufficient).

### **302/15 – PROVISIONAL LOCAL GOVERNMENT FINANCE SETTLEMENT 2016/17**

Council considered a report regarding the provisional Local Government Finance Settlement for 2016/17 together with its implications for the Council's finances.

The provisional Local Government Finance Settlement for 2016/17 was reported to Parliament on 17<sup>th</sup> December 2015, and was accompanied by a consultation paper on the general nature of the basis of distribution of Revenue Support Grant, and of the general nature of the basis of calculation of 'tariff' and 'top up' payments. Responses were required by 15<sup>th</sup> January 2016. In view of the short timetable, a response had been submitted in consultation with the Leader and Deputy Leader of the Council. This was attached as Appendix 1 to the report.

The key points of the provisional settlement were listed in the report, together with the key points in respect of business rates.

Details on the consultation on "sharpening the incentive" for New Homes Bonus (NHB) were set out in the report. The deadline for responses to the consultation was 10 March 2016.

The Council's funding entitlement following the provisional Settlement was tabled in the report, alongside a comparison with 2015/16, and showed that the 2016/17 Settlement Funding Assessment of £2.269 million was a reduction of 21% over the 2015/16 level. This

was significantly above the assumptions in the Council's Medium Term Financial Plan, which would be updated as part of the report on the Council's Revenue Budget, to be considered at the Council meeting on 3<sup>th</sup> March 2016.

The government's offer to Derbyshire Dales District Council was tabled under paragraph 3.3 of the report. A calculation showing the reduction of 3.7% in the Council's "revenue spending power" was tabled in the report.

The Local Government Association's key messages were set out in the report.

The Rural Services Network and SPARSE had recommended that Rural Authorities responded to the consultation about the 2016/17 Provisional Settlement. It had provided a draft template to assist authorities, which was considered when drafting the Council's response shown in Appendix 1 to the report.

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

- RESOLVED** (unanimously)
1. That the provisional Local Government Finance Settlement for 2016/17 be noted.
  2. That the response to the Consultation Paper, as given in Appendix 1 to the report, be noted.

### **303/15 – TRANSFORMING DERBYSHIRE BUILDING CONTROL**

Members considered a report on the development of the proposed alternative service delivery model for Building Control.

At the Council meeting on 23 April 2015 Members agreed that support should be given to the proposal to transform Building Control services within Derbyshire by looking to move to a service delivery model where Building Control Authorities merged to form a single 'public sector company'.

An update on progress since the last report was detailed in the report. In order that all the steps listed could be taken in a timely manner it was considered necessary to request Council to delegate authority to progress them to officer level. Because of the importance of these issues it was, however, recommended that this authority be delegated to the Chief Executive in consultation with the Leader and Deputy Leader of the Council, and the Chair and Vice Chair of the Governance Committee.

It was moved by Councillor Chris Furness, seconded by Councillor Tony Morley and

- RESOLVED** (unanimously)
1. That the District Council agrees in principle to entering into an arrangement with other Derbyshire Authorities for the delivery of all Building Control services as a transfer of undertakings.
  2. That authority be delegated to the Chief Executive, in consultation with the Head of Resources (acting as the Section 151 Officer), the Leader and Deputy Leader of the Council, and the Chairman and Vice-Chairman of the Governance & Resources Committee to agree service level

agreements and contract terms and conditions.

3. That the 6 posts on the staff establishment to provide the Building Control services are transferred to the new provider and the post holders' current terms and conditions of employment are protected under the Transfer of Undertakings (Protection of Employment) Regulations 2006 as amended in 2014 (TUPE).

### **304/15 – HEALTH AND WELLBEING STRATEGY**

Councillor Neil Horton left the meeting at 7.32pm during discussion of this item.

Members considered the consultation actions undertaken, following consideration of a draft Health and Wellbeing Strategy by the Community and Environment Committee on 10 September 2015, and the adoption of the final draft as the District Council's Health and Well Being Strategy.

The 6 week public consultation was undertaken via a mixture of direct contact with key partners and stakeholders, and a web-based questionnaire for the general public. Comments were received from a total of 19 responders; the responses were summarised in the report, together with the action that had been taken as a result.

It was clear from the consultation response that mental health and emotional wellbeing was an issue of increasing importance and as such it had been included in the amended Strategy as an issue to be investigated in 2016/17.

Several comments from key partners regarding the role of communities and the voluntary sector were noted, and it was intended that over the coming years Community Development Action Plans would be further developed to reflect this area of work. Where appropriate, other comments received had been incorporated into the amended Strategy and officers now considered that the Final Draft version was ready for adoption.

It was also noted that the Action Plan was not, at this stage, definitive, and could be amended if Members were minded to make recommendations or put forward suggestions.

It was moved by Councillor Joanne Wild, seconded by Councillor Morley and

**RESOLVED** That the Health and Wellbeing Strategy attached as Appendix 1 to  
(unanimously) the report be adopted.

### **305/15 – REVIEW OF THE COUNCIL'S GAMBLING STATEMENT OF PRINCIPLES (POLICY) MADE UNDER THE GAMBLING ACT 2005**

Members considered a report on the requirement for the Council to carry out a formal review of its current Gambling Statement of Principles (Policy), and sought approval to adopt and re-publish the revised version produced in Appendix 1, by 31 January 2016.

Under section 349 of the Gambling Act 2005 (the Act) each licensing authority must prepare and publish a statement of principles, which must be reviewed and approved by the

full Council at least once every 3 years.

Before the original policy could be determined a consultation exercise with statutory consultees, as listed in the report, was undertaken.

Since the policy was first adopted and published, the Gambling Commission had produced amended Guidance for Licensing Authorities and the Policy had been revised taking any changes contained in the guidance into account. As a result of the revised guidance and departmental structure changes at the Council, it had been necessary to make some administrative amendments to the content/format of the document. These changes were either deleted, or highlighted in the draft document in **Appendix 1** to the report.

In March 2015 the Licensing and Appeals Committee resolved that a final draft policy should be produced and presented to full Council for approval and re-publishing before the end of January 2016. At that time the Gambling Commission was intending to revise its Licence Conditions and Code of Practice (LCCP) for Operators of gambling establishments, to include a formal requirement for them to consider local risks and propose and implement measures to mitigate them. This requirement, which was not published until February 2015, was explained in more detail in paragraph 1.18 of the report.

The statutory consultees referred to earlier in the report were currently being consulted . Comments were invited by 25 January 2016. Since publication of the report, late comments had been received from the Solicitors of the Association of Bookmakers, as reported verbally at the meeting, resulting in 3 changes to the Appendix (Part B):

- (i) Delete paragraph 1.5 (p.9)
- (ii) Delete the last two sentences of paragraph 1.6
- (iii) It was suggested that the word 'perceived' be removed from paragraph 1.11

Regulations regarding Local Risk Assessments were set out in the report and this provision would come into force on 6 April 2016. Similarly, the new social responsibility provision was supplemented by an ordinary code provision as set out in the report; this would also take effect from 6 April 2016.

It was moved by Councillor Jean Monks, seconded by Councillor Tony Morley and

**RESOLVED** That the revised Gambling Statement of Principles be approved for  
(unanimously) adoption and re-published to take effect from 31 January 2016 to  
January 2019.

### **306/15 – LICENSING ACT 2003 REVIEW OF LICENSING POLICY (ALCOHOL, ENTERTAINMENT AND LATE NIGHT REFRESHMENT)**

Members considered the latest review of its Licensing Policy Statement, relating to alcohol, regulated entertainment and late night refreshment, and approval was sought for it to be adopted and re-published in January 2016.

The Licensing Act 2003 (section 5) required a Licensing Authority to review and re-publish a statement of its alcohol, entertainment and late night refreshment licensing policy every five years; section 122 of the Police Reform and Social Responsibility Act 2011 changed

this period from every 3 to 5 years with effect from January 2011.

Since the Policy was first adopted two new Responsible Authorities had been named in the legislation: the Licensing Authority itself, and each Local Authority's Director of Public Health in England. This latter change was made as a result of the commencement measures in the Health and Social Care Act 2012. The Health Body for Derbyshire Dales was Derbyshire County Council.

In light of the guidance and departmental structure changes at the Council, some administrative amendments had been necessary to the content/format of the document. These changes were either deleted, or highlighted in the draft document in **Appendix 1** to the report.

The proposed revisions to the document were mainly administrative and did not alter the principles of the policy. A simple consultation had been carried out with only the main consultees being notified of the changes. Comments were invited by 25 January 2016.

In May 2013 it was reported to a meeting of the Licensing and Appeals Committee that this Policy would not need a formal review until January 2016. Authority to approve the final Policy rests with the full Council, not with any of the Policy Committees.

It was moved by Councillor Jean Monks, seconded by Councillor Tony Morley and

**RESOLVED** That the revised Alcohol, Entertainment and Late Night Refreshment  
(unanimously) Licensing Policy Statement be adopted and re-published to remain in force from January 2016 for a maximum of 5 years when it must be formally reviewed.

### **307/15 – LOCALISM ACT – PAY POLICY STATEMENT**

Council considered a report that met the requirement to publish the Council's Annual Pay Policy Statement for the 2016/17 financial year, as attached as Appendix 1 to the report.

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

**RESOLVED** That the annual Pay Policy Statement for 2016/17 is approved.  
(unanimously)

### **308/15 – MEMBERS' ALLOWANCES – RECRUITMENT OF INDEPENDENT REMUNERATION PANEL**

Members considered a request for an extension of the temporary appointment of three members of the Independent Remuneration Panel.

At its July and September meetings, the Council appointed three independent persons to form an Independent Remuneration Panel (IRP) to review the Scheme of Members' Allowances, for a period not exceeding six months, which was now close to expiry. The term of office for the IRP was therefore recommended to be extended for a period to expire on 31 December 2016, during which time steps would be taken to formally to advertise and recruit to the Panel. The three temporary members were entitled to apply.

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

**RESOLVED** That the term of office of the following temporary members of the  
(unanimously) Independent Remuneration Panel be extended for a further period  
expiring 31 December 2016– Ian Orford, Roger Tebb, and Patricia  
Boyle.

### **309/15 – AMENDMENT TO SCHEME OF DELEGATION AND AN APPOINTMENT TO AN OUTSIDE BODY**

Council considered a request to approve amendments to the Scheme of Officer Delegation and representation on an outside body.

It was recommended that the Council delegate authority to the Head of Corporate Services to act in the absence of the Electoral Registration Officer as formal deputy, including the role of Deputy Acting Returning Officer.

The Council appointed Councillor Lewis Rose OBE as its representative on the Sheffield City Region Transport Committee at its Annual Meeting in May 2015. Councillor Rose wished to stand down from that position given his other considerable commitments. Councillor Jean Monks was recommended to take Councillor Rose's place to serve until the next Annual Meeting of the Council.

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

**RESOLVED** 1. That the Head of Corporate Services be delegated authority to  
(unanimously) act as Deputy Electoral Registration Officer and ultimately  
Deputy Acting Returning Officer for any election called under a  
parliamentary franchise and legislation.

2. That Councillor Mrs Jean Monks be appointed to serve as the  
District Council's representative on the Sheffield City Region  
Transport Committee until the next Annual Meeting of the  
Council.

### **310/15 – SEALING OF DOCUMENTS**

It was moved by Councillor Jason Atkin, seconded by Councillor Tom Donnelly 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.

### **311/15 – EXCLUSION OF PUBLIC AND PRESS**

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

*“This report contains information which contains personal information  
relating to a licence applicant.”*

### **312/15 – COMMITTEES**

It was moved by Councillor Jean Monks, seconded by Councillor Tony Millward and

**RESOLVED** That the exempt Minutes of the Licensing and Appeals Sub-  
(unanimously) Committee meeting of 18 November 2015 be received.

**MEETING CLOSED 7.52PM**

**CHAIRMAN**