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Council

Minutes of a Council meeting held at 6.00 pm on Thursday, 16th March, 2023 in the Council Chamber, Town Hall, Matlock, DE4 3NN.

PRESENT Councillor Sue Bull - In the Chair

Councillors: Andrew Shirley, Jacqueline Allison, Matt Buckler, Martin Burfoot, Sue Burfoot, Neil Buttle, David Chapman, Tom Donnelly, Graham Elliott, Richard FitzHerbert, Steve Flitter, Chris Furness, Clare Gamble, Dawn Greatorex, Alyson Hill, Susan Hobson, David Hughes, Stuart Lees, Tony Morley, Peter O'Brien, Mike Ratcliffe, Peter Slack, Colin Swindell, Steve Wain and Mark Wakeman

Paul Wilson (Chief Executive), Tim Braund (Director of Regulatory Services), Steve Capes (Director of Regeneration & Policy), James McLaughlin (Director of Corporate and Customer Services (Monitoring Officer)), Ashley Watts (Director of Community and Environmental Services), Kerry France (Legal Services Manager), Samantha Grisman (Clean & Green Manager), Dave Turvey (Events Manager) and Tommy Shaw (Democratic Services Team Leader)

Note:

"Opinions expressed or statements made by individual persons during the public participation part of a Council or committee meeting are not the opinions or statements of Derbyshire Dales District Council. These comments are made by individuals who have exercised the provisions of the Council's Constitution to address a specific meeting. The Council therefore accepts no liability for any defamatory remarks that are made during a meeting that are replicated on this document."

APOLOGIES

Apologies for absence were received from Councillor(s): Robert Archer, Jason Atkin, Richard Bright, Paul Cruise, Helen Froggatt, Michele Morley, Dermot Murphy, Janet Rose, Mark Salt, Andrew Statham and Alasdair Sutton.

336/22 - PUBLIC PARTICIPATION

STATEMENT and QUESTION from Mr Peter Rastall, Derbyshire Dales Resident

“I am disappointed to hear that two years after agreeing to stop using glyphosate, the council are proposing to reintroduce its use. Why on earth would this be the case, when the World Health Organisation says it is very likely to be highly carcinogenic, and linked to lymphoma?”

As I'm sure you well know, the simplest way to reduce risk and protect both your workers and public is to simply not use this. Surely an alternative (which presumably has been in use for two years now) is the better option?”

RESPONSE:

We appreciate the concerns around the use of glyphosate and we are trying to balance this against this other factor such as, complaints and service requests received and the resources available to provide hand removal. Therefore, we are proposing to reintroduce its use in a significantly reduced and limited manner. The use will solely be considered for closed churchyards and access roads to cemeteries and leisure centres. All other areas will continue to be managed with a weed ripper and hand weeding. This was decided in 2020 following a review of possible alternatives.

Please note the point in the report that we will continue to work towards finding a suitable replacement for glyphosate.

STATEMENT and QUESTION from Ms Hillary Hart, Derbyshire Dales Resident

“The scientific proof of the damage that Glyphosate does to biodiversity, the environment and its contribution to global warming is irrefutable. Would the Council please explain to me and the voting electorate what possible justification there is for reintroducing its further use in the Derbyshire Dales?”

RESPONSE:

We appreciate the concerns around the use of glyphosate and we are trying to balance this against this other factor such as, complaints and service requests received and the resources available to provide hand removal. Therefore, we are proposing to reintroduce its use in a significantly reduced and limited manner. The use will solely be considered for closed churchyards and access roads to cemeteries and leisure centres. All other areas will continue to be managed with a weed ripper and hand weeding. This was decided in 2020 following a review of possible alternatives.

Please note the point in the report that we will continue to work towards finding a suitable replacement for glyphosate.

STATEMENT and QUESTION from Mr Bill Sellicks, Cressbrook Local Resident

“My wife and I never expected to be second home owners. My dockworker father-in-law received compensation for a life-changing industrial accident in 1977, which he used to buy a modest property in Hitchin, Hertfordshire. He died before he could enjoy it. After my mother-in-law died, the sale of that house provided the deposit to buy our one-bedroom flat in Cressbrook Mill in 2006. We were only just able to afford it with a mortgage for 50% of the cost. The flat was never intended as an investment – apart from ourselves, we offer it free of charge to family and friends, occupying the flat for well-over the 70 days stipulated in the legislation. It is not rented-out as a holiday property. We love walking in the area, contribute

to the local economy, employ local tradespeople and get involved in local campaigns and organisations. We pay our Council tax in full. We are not, in the words of Michael Gove, ‘... people in privileged positions (who) abuse the system by unfairly claiming tax relief and leaving local people counting the cost.’¹

According to DDDC’s Local Plan², settlements like Cressbrook are classed as rural areas, ranked below the 5th tier in the development hierarchy. They are ‘... those villages ... where nearly all services and facilities must be accessed in higher order settlements (and) are, for the purposes of this plan, considered as ‘countryside’. In these locations, development will be strictly limited to that which has an essential need to be located in the countryside.’ The only facility Cressbrook has is a community-run pub. Most residents need a reliable car to access shops, schools, doctors’ surgeries and employment opportunities. The Local Plan rules out most development in places like Cressbrook because it is unsustainable. If owners such as ourselves were to sell, how would a small flat in what is mainly a holiday complex suddenly become sustainable for a local person?

The most recent DDDC Housing Needs Surveys³ that we can find for Tideswell, Litton and Bakewell all identify a need for 2 and 3 bedroomed houses and some 2 bedroom bungalows for affordable rent. Only in Bakewell is there a need for ‘some flats for younger single people’. Whilst some of the larger 3 bedroom flats at Cressbrook Mill are permanently occupied, nobody lives permanently in The Bobbin Mill where our flat is situated. There is a significant service charge to cover the managing agent, grounds and common area maintenance and a continuing programme of repairs to the buildings (one is over 200 years old). We have, at times, had to carry shopping and even furniture up the stairs when the lift has been out of commission. The flat has little storage space. Heating is by electric storage heaters, which are not economical under current circumstances. There is no mobile signal. It is classed as band C for council tax purposes. Total costs, excluding utilities and mortgage for 2022 were £3360. Even if owners such as ourselves were to sell, in what sense would our flat be ‘affordable’ or practical for young people in Bakewell? How could it be made to work?

From the survey, it is clear that doubling council tax for owners such as ourselves is locally popular. We do not blame residents for that, but a few of the responses worryingly border on the vindictive, with one urging tripling or even quadrupling the tax. Such responses suggest that second home owners are being stereotyped as wealthy, privileged and unprincipled; easy targets in hard times. A vote in support of the measure will satisfy the electorate in the short term. Nevertheless, we hope that Councillors will look beyond that, and consider exactly how to achieve their aim of providing affordable accommodation in a way that is fair, effective and does not have unintended consequences. One such consequence could be that unsuitable accommodation such as ours is released onto the market for no useful purpose. We find it difficult to see what the outcome would be – would places like Cressbrook Mill be blighted – we have no idea. The Report of the Director of Resources and Director of Housing implies that a discount could be considered in certain circumstances, but does not suggest that such a discount might be available to those whose properties are unsuitable. We suggest that be considered to avoid such an undesirable outcome.

1. Press release; ‘Gove closes tax loophole on second homes’

<https://www.gov.uk/government/news/gove-closes-tax-loophole-on-second-homes>

2. Derbyshire Dales District Council Local Plan

<https://www.derbyshiredales.gov.uk/planning/planning-policy-and-local-plan/local-plan/local-plan-information-and-adoption>

3. Derbyshire Dales Housing needs surveys

<https://www.derbyshiredales.gov.uk/housing/housing-strategy-and-enabling/development-in-the-peak-park/housing-needs-surveys>”

RESPONSE:

Thank you for your feedback which will be taken into account as part of the overall evaluation of the consultation responses received where exemptions to this will reviewed, subject to Member approval being received this evening. A further report is planned to be submitted to Council in the summer.

However, to respond to the other specific question raised, the Council is not looking for all second homes to be brought back into “affordable” use, as most will be well out of reach of many looking to get on the housing ladder. If second homes become a first home then there is an increase in the number of homes for those who live and work in the district. If there is a re-sale to someone who takes a property as a holiday let then the intention behind this report is that it will bring in the additional tax to be used as set out in the report.

337/22 - INTERESTS

Councillor Matt Buckler declared a pecuniary interest in Item 12 – Public Sector Biodiversity Duty.

338/22 - CHAIRMAN'S ANNOUNCEMENTS

Councillor Graham Elliott, Civic Chairman, made the following statement:

“On Wednesday 22nd Feb. I was invited to introduce the turner up on the second day of the Royal Ashbourne Shrovetide football match.

The turner up was a well-known Ashbourne man, Mr Mick Mee. Jen accompanied me and following a three course lunch at the leisure centre enjoyed by about 600 guests, we moved on to the Shawcroft Car Park to start the event. The turnout was estimated at well over 4000.

My thanks go to the Shrovetide committee members and in particular Councillor Sue Bull, her daughter Stacey and Councillor Stuart Lees who made sure we were where we were supposed to be at all times.”

339/22 - COMMITTEES

It was moved by Councillor Andrew Shirley, Seconded by Councillor David Chapman and

RESOLVED

That the non-exempt minutes of the Committees listed in the Minute Book for the period 12th December 2022 to 16th February 2023 be received.

Voting

24 For

00 Against

01 Abstention

The Chairman declared the motion **CARRIED**.

340/22 - QUESTIONS (RULE OF PROCEDURE 15)

Question from Councillor Peter O'Brien to Councillor Susan Hobson, Deputy Leader of the Council:

"Residents of the Derbyshire Dales have voted decisively by 51% to 38% against the proposal for an Elected Mayor (and Combined Authority) for Nottinghamshire and Derbyshire. In the light of this, do you agree that this Council should urgently reconsider its unconditional support for this additional layer of bureaucracy as part of the so-called "devolution deal"?"

Councillor Susan Hobson provided the following response:

Thanks for your question, Councillor O'Brien. You will recall from previous reports here and in briefings provided that the governance arrangements for the proposed Mayoral Combined County Authority are prescribed by central government. Consultation on the governance arrangements does not constitute a referendum, but I am sure that the Constituent Authorities will have due regard to the consultation outcomes. As far as this Council is concerned, we hope to benefit from the economic dividends promised through devolution and that promise is something that I am sure that all Members in this Chamber will want to be realised.

Questions from Councillor Clare Gamble to Councillor Susan Hobson, Deputy Leader of the Council:

"Q1. Cllr. Garry Purdy has reportedly resigned from the Conservative Party and the Conservative Group rather than face an internal investigation into his conduct over the agreement he and the Chief Executive, Paul Wilson, made with the Heights of Abraham. There can now be little doubt that Cllr. Purdy has accepted that his conduct has fallen below that expected of an elected representative and that he misled the council in answering my questions on 26th January 2023. The Chief Executive, Paul Wilson, made the same written guarantee to Heights of Abraham, which appears to have been subsequently denied by the council in press releases. In your opinion, does the Chief Executive, Paul Wilson, have any responsibility for the agreement signed with Heights of Abraham, and does he have any responsibility to ensure any press releases on the subject are both accurate and truthful?"

Councillor Susan Hobson provided the following response:

Thanks for your question, Councillor Gamble. To be absolutely clear, no agreement exists between this Council and the Heights of Abraham. The correspondence you refer to confirms the decision taken in October 2022 by officers on the recommendation of the Gypsy and Traveller Site Provision Working Group to designate land at Matlock Bath Station Yard Car Park as a temporary tolerated site for a specific homeless Traveller family. A decision that this Council confirmed by way of resolution on the 24th of November. The Chief Executive has acted entirely within the remit of the Head of Paid Service and enjoys not only my full confidence, but that of all other political group leaders on this Council, as confirmed in a public statement issued yesterday.

"Q2. As the new leader of the council, in the local press, you have publicly welcomed a "robust and thorough investigation", by the Conservative Party, into Cllr. Purdy's role in the agreement made with Heights of Abraham, to move a homeless family off a council car park

so the Heights of Abraham could use it for coach parking. Will you, as Leader of the Council, now commit to an investigation of the council's role in this sorry affair, with a remit to investigate and identify who in the council knew about the written guarantees being made to Heights of Abraham, who determined the date of 31.01.23, why in emails to the Chairman and political leaders to obtain approval for the urgent decision, was this date credited to the working group, when they had determined 28.02.23 as the end date, who asked for the guarantees to be sent and to whom, who wrote and signed off on press releases sent out by the council, and what steps were taken to ensure they were both accurate and truthful?"

Councillor Susan Hobson provided the following response:

Thanks for your question, Councillor Gamble. You will have seen the joint statement of the political group leaders of the Council who have reviewed correspondence in relation to this matter and publicly reiterated their confidence in and support for the Chief Executive. All correspondence in relation to this matter will be published on the Council's website tomorrow for anyone to review, along with links to the already published decisions, reports and minutes. As Members we should promote openness and transparency and all political group leaders were unified in calling for the publication of these documents. The ultimate exercise in accountability will take place on 4 May with voters choosing their new district council representatives and they will be able to do so in possession of all factual information.

"Q3. The previous leader of the council, Cllr. Purdy, sought to cover up emails sent by himself and Paul Wilson, playing with semantics to try and claim that an agreement is not an agreement. The Heights of Abraham were so reassured by what was written to them they had the "confidence" to instigate a marketing campaign. Clearly an agreement was made. Cllr. Purdy as well as attempting a cover up, has tried to damage a young journalist's career in his response to the article breaking news of the agreement. He has threatened me personally with legal action when I attempted to ask him questions. This is no one-off occasion of such behaviour by Cllr. Purdy. Over 4 years Cllr. Purdy has, both in council meetings and in the press, made insulting/slandering comments about fellow councillors, made remarks, which I found offensively racist, called travellers a "species". He has never appeared to understand that in his role of leader he represented the whole of the council, not just the Conservative Party. How do you intend to deal with this toxic legacy, and specifically, how are you going to deal with the fact that the Heights of Abraham will regard this authority as having breached the agreement made to ensure the travellers vacate the car park by 31.01.23. A deadline that has already passed?"

Councillor Susan Hobson provided the following response:

Thanks for your question, Councillor Gamble. As Deputy Leader of the Council I believe that Derbyshire Dales District Council should operate with integrity in an open and transparent way, and welcome the scrutiny of other Members and members of the public. I would like to commit to working with my fellow Group Leaders in a consensual way to ensure that any Council business is transacted fairly and openly up until the election of the new Council in May 2023. With regard to the location of the specific Traveller family, a report from the Gypsy and Traveller Site Provision Working Group will be considered by the Community and Environment Committee next week. This report is submitted to provide a position statement at the end of this term of the Council and demonstrates this authority's ongoing commitment to transparency and openness. As ever, it will be a matter for this full Council to determine what future steps are taken.

341/22 - SECOND HOMES COUNCIL TAX PREMIUM

18:40 – Councillor David Hughes entered the meeting during discussion of this Item.

The Chief Executive introduced a report which sought Member approval to adopt a 100% premium for council tax relating to 2nd homes with effect from 1st April 2024.

The report detailed how the Levelling Up and Regeneration Bill would be expected to receive Royal Assent in 2023 and this Bill would provide powers councils to double the Council Tax payable on 2nd homes. Nationally, rural councils had been campaigning for this power for many years, reflecting the impact of 2nd homes in national parks, other rural areas and coastal authorities. The report also informed Members of the work being done by the Welsh devolved government to implement a higher premium of up to 300%.

The report detailed the progress of the ongoing consultation process and the results of the consultation up to the date of the publication of the report. The report also sought Member approval to undertake work to amend the policy concerning long term empty homes to reflect a handful of cases causing difficulty to owners of empty homes currently improving their property.

The recommendations as set out in the report were moved by Councillor Susan Hobson and seconded by Councillor Steve Flitter.

During debate, an amendment to include the following additional recommendation was moved by Councillor Peter O'Brien and seconded by Councillor Sue Burfoot:

“That in principle, the income generated through the council tax premium be ring fenced for the provision and development of affordable housing and that further consideration is given, by this Council, as to how and where it is utilised.”

The amendment was then put to the vote as follows:

11 For

12 Against

02 Abstention

The Chairman declared the amendment **LOST**.

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

RESOLVED

1. That, subject to the Levelling Up and Regeneration Bill becoming an Act of Parliament and the consideration of any additional representations received up to the close of consultation on 22nd March at a future Council meeting, the adoption of a 100% premium for Council Tax relating to second homes with effect from 1st April 2024, be approved.
2. That, subject to the adoption of the policy position in recommendation 1 above, authority be delegated to the Director of Housing and the Director of Resources to implement the adoption of a 100% premium for Council Tax relating to second homes with effect from 1st April 2024.

3. That further work takes place to consider the introduction of discretionary discounts to the 100% second homes premium, with a report to follow in July 2023.
4. That, subject to the adoption of the second homes premium policy position, negotiations take place with Derbyshire County Council concerning the use of the additional income generated.
5. That further work continues to develop discretionary discounts concerning empty homes where owners are undertaking works to bring properties back in to use.

Voting:

22 For
01 Against
02 Abstained

The Chairman declared the motion **CARRIED**.

342/22 - CLEAN AND GREEN REVIEW

The Director of Community and Environmental Services introduced a report outlining the work to date on the review of the Council's Clean and Green service. This included the review of the service by the Association of Public Service Excellence (APSE) and the involvement of staff, management and unions in that review.

It was noted in the introduction of the report that there had been several requests to defer consideration to the July meeting, for the new Council to consider. However, with approval of the Political Group Leaders, it had been agreed that the time sensitive recommendations should be put forward to this meeting, these were recommendations 1, 3 and 6 as set out in the report. It was proposed that all other recommendations be deferred to the next meeting of Council in July.

It was noted that on 26th November 2020 the Council approved a review of the Clean and Green service, including the outlined scope and formation of Project Team and an Elected Member Sub-Group. In addition to this, the Council approved the use of external consultants to bring wider industry knowledge to the review and help with benchmarking the performance of the service.

It was moved by Councillor Chris Furness, Seconded by Councillor Stuart Lees and

RESOLVED (Unanimously)

1. That a supplementary revenue budget of £15,053 be approved for 2023/24, financed from the general reserve, and that the Medium Term Financial Plan be updated to reflect the subsequent ongoing costs to increase the staff revenue budget in respect of the proposed change in the management structure, allowing for the creation of an Operations Manager role and increasing the number of Team Leaders from two to four.
3. That the new structure of the service, as set out in Appendix A and initiation of formal discussions with staff be approved, in line with the Council's Change Management Policy.

6. That it be agreed to increase the level of biodiversity across the district by signing up to Derbyshire County Council's '*Pathfinders*' pilot scheme.

The Chairman declared the motion **CARRIED**.

343/22 - CALENDAR OF MEETINGS FOR COUNCIL AND COMMITTEE MEETINGS IN THE 2023/24 MUNICIPAL YEAR

The Director of Corporate and Customer Services introduced a report submitting the proposed Calendar of Meetings for Council and Committee Meetings in the 2023/24 municipal year.

Members were informed that the procedure rules within the Council's constitution required that the calendar of meetings be approved annually by the Council. It was noted that it was good practice to set meeting dates in advance for the forthcoming year. This approach would enable the Council to have robust governance arrangements in place to facilitate informed decision-making.

It was moved by Councillor Susan Hobson, seconded by Councillor Colin Swindell and

RESOLVED (unanimously)

That the Calendar of Meetings for the 2023/24 municipal year be approved.

The Chairman declared the motion **CARRIED**.

344/22 - DECARBONISATION OF THE ARC LEISURE CENTRE (MATLOCK) AND WIRKSWORTH LEISURE CENTRE

The Director of Corporate and Customer Services introduced a report which sought to gain agreement for the acceptance of a grant offer from the Public Sector Decarbonisation Scheme (PSDS) phase 3b of £1.9m in order to decarbonise the Arc Matlock and Wirksworth Leisure Centre.

Members were informed that the PSDS provided grants for public sector bodies to fund heat decarbonisation and energy efficiency measures, putting the public sector at the forefront of decarbonising buildings in the UK and in a leadership role to create exemplar projects in their communities that pave the way to help the UK meet its Carbon Budgets and Net Zero commitments. Most of the buildings in the public sector still rely on fossil fuel-based heating and, as these heating system approach the end of their working lives, it was an ideal opportunity to transition those systems to low carbon heating.

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

RESOLVED (Unanimously)

1. That the recommendation of the Governance and Resources Committee of 8th March 2023 to accept the grant offer, as set out in this report, be approved.
2. That the recommendation of the Governance and Resources Committee of 8th March 2023 be approved for the addition of £2,189,500 to the Capital Programme for 2024/25

for 'PSDS3b Decarbonisation at Arc Leisure Centre Matlock and Wirksworth Leisure Centre', to be financed by a grant of £1,925,000 and a 'like for like' contribution of £264,000, the latter being financed from the capital receipts reserve.

3. That authority be delegated to the Director of Community and Environmental Services, the Director of Resources and the Chief Executive to utilise Leisure Centre support funding, should it become available.

The Chairman declared the motion **CARRIED**.

345/22 - DURATION OF MEETING (MOTION TO CONTINUE)

At **20:27**, it was moved by Councillor Peter Slack, seconded by Councillor Colin Swindell and

RESOLVED (Unanimously)

That in accordance with Rule of Procedure 13, the meeting continue to enable the business on the agenda to be concluded.

The Chairman declared the motion **CARRIED**.

346/22 - PUBLIC SECTOR BIODIVERSITY DUTY

20:15 - Councillor Matt Buckler left the meeting due to previously declaring an interest in this Item.

The Director of Regeneration and Policy introduced a report advising Members about the Public Sector Biodiversity Duty, and setting out activities which the District Council has, and was currently undertaking that contributed to meeting the new requirement. It was recommended that a plan be prepared which set out further actions the Council should undertake to meet the requirements of the newly enhanced biodiversity duty, and in particular those relating to Biodiversity Net Gain.

It was noted that the Natural Environment and Rural Communities Act 2006, (NERC Act 2006) which came into force on 30th March 2006 introduced in Section 40 a duty on public authorities to conserve biodiversity defined as in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.

Following the introduction of this duty the County Council's Biodiversity Officer undertook an audit of the District Council's services in relation to this duty, which was completed in December 2008. It was concluded that "Derbyshire Dales District Council takes biodiversity into consideration within the majority of its services". A copy of the audit was attached at Appendix 1 of the report.

It was noted that since then, the District Council had:

- Continued to operate its Ranger Service, whose function is to manage High Tor, Pic Tor and Lovers' Walk for the purpose of preserving and where appropriate enhancing these sites as designated LNR.
- Continued to operate an SLA with the Derbyshire Wildlife Trust which provides advice on planning applications and works with landowners of sites on the LWS register to

improve biodiversity. The Trust also reviews sites to determine the extent to which sites are appropriate for inclusion on the LWS Register. We are likely to enhance the SLA to cover additional Biodiversity Net Gain duties from this year (see below).

- Updated and adopted the Local Plan in 2017 with a suite of new policies including a set covering Biodiversity.
- Instigated the Biodiversity Verge project.
- Continued to have the Clean and Green Team manage District Council-owned sites on behalf of the District Council.

It was moved by Councillor Stuart Lees, seconded by Councillor Peter Slack and

RESOLVED (Unanimously)

1. That the additional requirements in relation to the new Biodiversity Duty, as set out in section 3 of the report, be noted.
2. That past and current activities in relation to biodiversity, as set out in sections 1 and 2 of the report, be noted.
3. That the initial assessment of biodiversity activity set out in the appendix be noted.
4. That a further update be presented to Members by no later than 30th November 2023 that sets out what further actions have been and will be implemented in respect of the Biodiversity Duty.

The Chairman declared the motion **CARRIED**.

Meeting Closed: 8.56 pm

Chairman