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Council

Minutes of a Council meeting held at 6.00 pm on Thursday, 29th February, 2024 in the Council Chamber, Town Hall, Matlock, DE4 3NN.

PRESENT Councillor Steve Wain - In the Chair

Councillors: Dawn Greatorex, Robert Archer, Sue Bull, Martin Burfoot, Sue Burfoot, Bob Butcher, Neil Buttle, David Chapman, Susan Hobson, David Hughes, Stuart Lees, Peter Slack, Roger Shelley, Nick Wilton, Peter Dobbs, Gareth Gee, Anthony Bates, Kelda Boothroyd, Marilyn Franks, Lucy Peacock, Simon Ripton, David Burton, Geoff Bond, Joanne Linthwaite, Nigel Norman Edwards-Walker, John Bointon, Laura Mellstrom and Steve Flitter

Tim Braund (Director of Regulatory Services), Steve Capes (Director of Regeneration & Policy), Jim Fearn (Communications & Marketing Manager), Lucy Harrison (Democratic Services Assistant), Karen Henriksen (Director of Resources), Helen Mitchell (Director of Corporate and Customer Services (Monitoring Officer)), Jason Spencer (Electoral and Democratic Services Manager) and Ashley Watts (Director of Community and Environmental Services)

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): Matt Buckler, Dermot Murphy, Peter O'Brien, Andy Nash and Nick Whitehead.

332/23 - PUBLIC PARTICIPATION

There was no public participation.

333/23 - INTERESTS

Item 8 - Council Second Homes Council Tax Premium

Councillors Hughes, Linthwaite and Wilton declared a personal interest in Item 8 due to owning more than one residential property in the Derbyshire Dales.

334/23 - APPROVAL OF MINUTES OF PREVIOUS MEETING

It was moved by Councillor Martin Burfoot, seconded by Councillor Peter Dobbs and

RESOLVED (unanimously)

That the minutes of a meeting of Council held on 25 January 2024 be approved as a correct record.

The Chair declared the motion **CARRIED**.

335/23 - LEADERS' ANNOUNCEMENTS

Councillor Steve Flitter, Leader of the Council, gave the following announcements:

"I must give my apologies to Members as I listened to your view on the length of meetings and took the view that Leaders Announcements should only be used when necessary and not as an excuse to waffle on. However, I feel tonight that I must recognise two officers of outstanding service and commitment.

Tim, our Director of Regulatory Services, is retiring at the end of next month after 36 years. He hails from Somerset and, after graduating, apart from one year's work experience with Sedgemoor District Council, has spent his entire working career here at Derbyshire Dales, and we are extremely grateful for that. He started out as an Environment Health Officer for the central area, was appointed Manager and, from 2014, has led teams responsible not only for Environmental Health but also Licensing, Development Management, Building Control, Emergency Planning and, in more recent times, Estates and Climate Change.

You may not also be aware that Tim played rhythm guitar in the staff band – DD/Dc – and managed and captained the staff cricket team. Indeed, he is proud to still be playing cricket to be a decent level at the age of 60, bamboozling the opposition with his leg spin and googlies! He tells us he is now looking forward to exploring the Derbyshire Dales as a member of the public without any regulatory responsibilities and is also planning to travel the rest of the UK and beyond. I would add only that Tim is a good bloke with vast knowledge, respected and well-liked by all, and we will miss him.

Eileen Tierney is also retiring after 36 years with us. She joined us as an Admin Assistant / Committee Clerk at the end of 1987 having worked up the road in the County Council's Library Service for the previous 10 years. I recall her back then when I was a member of the old Recreation and Environmental Health Committee, and she tells me she struggled to see the Councillors across the room in those days due to the thick fog of cigarette smoke in the room!

Eileen was promoted to Administration Officer in the Community Services Department and, in 2001, the transfer of alcohol licensing from the Magistrates' Court to the District Council resulted in the creation of a specialist Licensing Team, which she has managed ever since,

with, it has to be said, many more rules and regulations to implement and enforce in recent times.

She too is looking forward to travelling the world to watch cricket and fulfil bucket list dreams. We will miss you too Eileen and wish both you and Tim all the very best for the future in well-deserved retirement.

While on the subject of long, distinguished service, can I also add my thanks to Karen Henriksen for which tonight would not be possible. Not retiring yet (we hope) is Karen Henriksen, our Director of Resources, who this week marks 35 years with Derbyshire Dales District Council.

She Started with us as a Senior Accountant way back in February 1989, became our Chief Account within six months and was promoted to Accountancy and Exchequer Manager in October 2000. Ten years ago she was promoted again to Head of Resources, becoming Director of that service area in April 2020. Thank you, Karen, for all your sterling work throughout those many years. We will of course be seeing some more of it in our debates this evening.

I would also like to take this opportunity to welcome to this Council the two successful candidates at last week's by-elections in Norbury and Bakewell. Sue Bull has of course previously held high officer with the Council and we look forward to benefiting from her contribution to debate in the coming years. Bob Butcher is a newcomer and is equally welcome, especially as he adds to the number of the Progressive Alliance Councillors on this authority.

As Leader I feel that I must stand and respond to the continued unacceptable behaviour of what has been termed "bullying" by our MP aimed at our excellent officers highlights the worst of political influences towards this Council in an outrageous manner that calls for the resignation of our Chief Officers.

This continued offensive aimed at the previous leadership has escalated towards our officers that were already under pressure from that leadership, this can only be seen as a political attack with the forthcoming elections in mind. In fact, at our last meeting in public question time our officers were named which was shameful and insulting, I wonder if those taking this action have a shred of decency.

Let me make it clear, every member of staff has a right to feel safe and able to go about their everyday lives in both their personal and professional capacity without being named and shamed in this Council Chamber.

It is worth noting that the Liberal Democrats, Labour, Green and Non-aligned Progressive Alliance were committed at the very start of this administration to be more open and transparent than the previous leadership or controlling party.

When this Hasker Farm complaint was first raised, I requested an internal review involving all Leaders. That review found no factual evidence of wrongdoing. We then had an independent review by East Midlands Council, and none of the 10 cited issues were fully supported but found that some improvements in governance that should be followed to improve and tighten procedure, but hindsight is a wonderful thing and who has never made an error of judgement in their life. Can you imagine, a different politician or Prime Minister every few weeks because they made a decision that according to the assumptions of others without factual evidence.

In relation to the last communication from our present MP, stressing present, of which I do not accept the ramblings in the preamble. As to questions 1,2 and 3 refer to lying or misleading, the report from East Midlands Council clearly does no support that view but the questions have now been turned around to personally attack our CEO. Questions 4, 5, 6 and 7 can only be seen in widening the net to escalate this attack on even more officers and the Derbyshire Dales District Council. Question 8 talks about discipline. Discipline is what we learnt as kids, also respect and this action shows none. Grown-ups seek to learn and that is what we shall focus upon.

The lack of record keeping has been noted and is being addressed by this Council, but could you imagine walking down a corridor and saying, "by the way have you heard" and then having to write a report after being stood at the coffee machine.

So, in closing Chair, I must send a strong message to those who seek retribution, to those who seek political gain, we nor the officer will be steered away from completing the tasks before us, we have a duty of care towards our staff and we shall resist false and unsubstantiated claims against us. To our Chief Officers and all staff working at Derbyshire Dales District Council, the progressive Alliance of Liberal Democrats, Labour, Green and non-aligned Councillors are resolute and completely oppose unsubstantiated claims against this Council and the new administration will continue to work alongside you, encourage you, listen and learn together and continue to build for the future supporting our highly valued workforce."

18:18pm – Councillor Archer entered the meeting.

336/23 - DERBYSHIRE DALES PLAN 2024-28 (CORPORATE PLAN)

The Leader of the Council introduced a report reiterating the Aims, Themes and Principles approved by Council in December 2023, and proposed priorities, outcomes and delivery plans for adoption as detailed in the Derbyshire Dales Plan for the period 2024-2028.

The Derbyshire Dales Plan (corporate plan) sets out the aims of the District Council for the coming years and lists the key improvement projects. The Plan is the over-arching strategy for the District Council as it sets out specific areas to maintain and improve service delivery in the coming years.

This report updated work on the new Derbyshire Dales Plan since the report to Council on 14 December 2023 at which the high-level plan (Aims, Themes, Principles) were approved. It sought adoption of priorities, outcomes and delivery plans for each of the five themes, which had been developed by Member Working Groups.

It was moved by Councillor Steve Flitter, seconded by Councillor Peter Slack that the recommendations be approved with the following amendment to recommendation 2:

2. That the Theme priorities and outcomes and Delivery Plans set out in Appendices 2 to 7 be adopted as the new Derbyshire Dales Plan 2024-28 with an amendment to Appendix 6, Parks and Other Open Spaces, to read 'Vary the Public Spaces Protection Order in 2024 with focus on BBQ and Open Fires'.

RESOLVED

1. That the Aims, Themes and Priorities approved by Council on 14 December 2023 as the basis of the new Derbyshire Dales Plan (and set out in Appendix 1) be noted.

2. That the Theme priorities and outcomes and Delivery Plans set out in Appendices 2 to 7 be adopted as the new Derbyshire Dales Plan 2024-28 with an amendment to Appendix 6, Parks and Other Open Spaces, to read 'Vary the Public Spaces Protection Order in 2024 with focus on BBQ and Open Fires'.

Voting

28 For
00 Against
01 Abstention

The Chair declared the motion **CARRIED**.

337/23 - MEDIUM TERM FINANCIAL STRATEGY 2024/25 TO 2028/29

The Director of Resources introduced a report which sought Members approval for the Medium-Term Financial Strategy for 2024/25 to 2028/29. It was noted that the strategy was intended to set out the Council's strategic approach to the management of its finances and provided a framework within which decisions could be made regarding future service provision and council tax levels.

Members were informed that the Council had a statutory duty to set a balanced budget. The Medium-Term Financial Strategy shown in Appendix 1 provided a forecast of the Council's financial position over the five years for 2024/25 to 2028/29. The MTFs detailed the pressures that the Council faced and the impact of reductions in government funding, at a time when public expectations and pressures on service costs were increasing.

It was moved by Councillor Nick Wilton, seconded by Councillor Roger Shelley and

RESOLVED (unanimously)

1. That approval is given to the Medium-Term Financial Strategy (MTFS) for 2024/25 to 2028/29, attached as Appendix 1 to this report;
2. That Council agrees that, when setting budgets for 2024/25 and beyond, spending should be focused on the Council's corporate priorities, wherever possible;
3. That approval is given to the approach set out In the Medium-Term Financial Strategy for achieving the savings required to set balanced budgets i.e. that:
 - i. Steps are taken in 2024/25 to identify measures required to enable a balanced budget to be set for the financial year 2025/26.
 - ii. Savings for 2026/27 and beyond be put on hold pending the outcome of the government reviews of local authority funding (the Fair Funding Review) and business rates retention.

The Chair declared the motion **CARRIED**.

338/23 - SECOND HOMES COUNCIL TAX PREMIUM

The Director of Resources introduced a report which sought Members' approval from the Council to adopt the 100% premium for council tax relating to second homes with effect from 1st April 2025.

The Levelling Up and Regeneration Bill received Royal Assent on 26 October 2023. The new Levelling Up and Regeneration Act provided powers for Councils to double the Council Tax payable on second homes. Nationally, rural councils and lobby groups had been campaigning for this power for many years, reflecting the impact of second homes in national parks, other rural areas and coastal authorities. Details of the legislation were provided in Appendix 1 to the report.

Members were informed that the key issue for the Council concerned the use of the second homes premium in an effort to curb the growth in second homes and potentially reduce the total number over the long term. The government's intention behind the policy is a response to the chronic shortage of lower cost market homes in housing markets distorted by people from outside an area buying an additional property. People in housing need typically report the number of second homes in their locality as one reason why they can't afford to buy a home of their own.

The recommendations as set out in the report were moved by Councillor Sue Burfoot and seconded by Peter Dobbs. It was then moved by Councillor Martin Burfoot that a recorded vote be taken, this was seconded by Councillor Sue Burfoot. The recommendations were out to a recorded vote as follows:

For: 25, Councillors: Robert Archer, Anthony Bates, John Bointon, Geoff Bond, Kelda Boothroyd, Martin Burfoot, Sue Burfoot, Bob Butcher, Neil Buttle, David Chapman, Peter Dobbs, Steve Flitter, Marilyn Franks, Dawn Greatorex, Susan Hobson, David Hughes, Stuart Lees, Joanne Linthwaite, Laura Mellstrom, Lucy Peacock, Simon Ripton, Roger Shelley, Peter Slack, Steve Wain and Nick Wilton.

Against: 1, Councillor: Gareth Gee

Abstentions 2 Councillors: Sue Bull and Nigel Edwards- Walker

It was therefore **RESOLVED**

1. That the Council determines to adopt the 100% premium for council tax relating to second homes with effect from 1st April 2025.
2. That the Director of Resources is granted delegated powers to introduce exemptions/exceptions from Council tax premiums in line with legislation or government requirements.
3. That, subject to the outcome of the government consultation on exemptions, exceptions and discounts, further work takes place during 2024/25 to consider whether amendments are required to the Council's policy on Council Tax Discretionary Discounts in respect of council tax premiums and that a report will be presented to a future Council meeting if changes to the Council's policy are necessary.
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 for Derbyshire County Council and that Members will be informed of the outcome.

The Chair declared the motion **CARRIED**.

19:02pm - Councillor Burton left the meeting during consideration of this item.

339/23 - CAPITAL PROGRAMME UPDATE

The Director of Resources introduced a report which outlined spending for each project against the approved 2023/24 capital programme as at 31st January 2024 and sought approval for an updated capital programme for 2023/24 to 2028/29 and associated financing.

The report indicated that forecast expenditure for 2023/24 was £10,755,16 (a reduction of £2,100,086 from the current budget) and described the main reasons for the underspending.

Two new projects were proposed for inclusion in the revised programme; these were £125,00 for urgent repairs to a retaining wall at Stoney Way, Matlock and £40,969 in respect of grant-funded improvements at Ashbourne Leisure Centre.

It was moved by Councillor Bob Butcher, seconded by Councillor Steve Flitter that the recommendations be accepted with the following addition:

7. That project 652 Matlock Bath Lovers Walk Shelter Rebuild is amended to be Matlock Bath Lovers Walk and Derwent Gardens general improvements project.

It was therefore,

RESOLVED (unanimously)

1. That the Capital Programme expenditure to 31st January 2024 is noted.
2. That re-phasing of existing projects for completion over the next 5 years is approved.
3. That two new projects totalling £165,959, set out in paragraphs 2.13 to 2.21 of the report, are approved for inclusion in the programme.
4. That the revised capital programme for 2023/24 to 2028/29, as shown in Appendix A, totalling £39,629,590 is approved.
5. That financing of the Capital Programme from sources summarised at paragraph 2.24 and shown in Appendix C is approved.
6. That the balance of funds available over the 5-year programme, shown at Appendix C, is noted.
7. That project 652 Matlock Bath Lovers Walk Shelter Rebuild is amended to be Matlock Bath Lovers Walk and Derwent Gardens general improvements project.

The Chair declared the motion **CARRIED**.

340/23 - REVENUE BUDGET 2024/25

The Director of Resources introduced a report seeking approval for the District Council's Revenue Budget for 2024/25 and updated Medium Term Financial Plan.

The revenue spending proposals for all the Council's services and activities, together with a budget summary, were given in Appendices 1 and 2 to the report. The forecasts of revenue spending requirements included both the revenue financing costs and running/operating expenditure associated with the Capital Programme.

In addition to considering the spending proposals for the forthcoming year, the financial management Code produced by CIPFA required the preparation of a Medium-Term Financial Plan. This showed the known changes in financial commitments for future years, in order that the implications for future spending requirements were identified in advance and included in the strategic planning process. An updated Medium Term Financial Plan was provided in Appendix 4.

The report also covered the following topics:

- Local Government Finance Settlement for 2024/25
- Net spending and Council tax requirement
- Council Tax
- Medium-Term Financial Plan
- Reserves and Balances
- Savings
- Chief Finance Officer's Statutory Report
- Financial Management Code
- Town and Parish Council Precepts
- Pay Policy Statement

It was moved by Councillor Steve Flitter, seconded by Councillor Peter Slack and

RESOLVED (unanimously)

1. That the level of the Derbyshire Dales District Council's Council Tax (excluding parish requirements) for 2024/25 set at £236.98 for Band D, being an increase of £6.88 per band D (2.99%) from the 2023/24 level.
2. That the estimated net revenue expenditure for 2024/25 totalling £13,750,161, as detailed in the Summary Revenue Account in Appendix 1, be approved.
3. That approval be given to the transfer of £400,000 from the General Reserve to increase the level of uncommitted working balances from £1m to £1.4m at 31st March 2024.
4. That approval be given to the transfer of the balance of £508,406 from the Funding Uncertainties Reserve to the Corporate Plan Priority Reserve at 31st March 2024.
5. The net sum of £439,628 be transferred from strategic reserves in 2024/25, as shown in Appendix 1 and detailed in Appendix 5.

6. The following amounts are calculated by the Council for the chargeable financial year 2024/25 in accordance with Section 31A of the Local Government Finance Act 1992:-
- i. aggregate of the amounts which the Council estimates for the items set out in Section 31A(2)(a) to (f) thereof is £35,453,949;
 - ii. aggregate of the amounts which the Council estimates for the items set out in Section 31A(3)(a) to (d) thereof is £26,075,635
 - iii. calculation under Section 31A(4) being the amount of which the aggregate at (i) above exceeds the aggregate of (ii) above, as the Council Tax Requirement for 2024/25 is £9,378,314;
7. That the updated Medium Term Financial Plan, shown in Appendix 4, be approved.
8. That the Director of Resources' report on the robustness of the budget and the adequacy of reserves in accordance with clause 25 of the Local Government Act 2003 be noted.
9. That Council adopts the Pay Policy Statement for 2024/25, set out in Appendix 9 to this report.

Statutory legislation required a recorded vote in respect of the Revenue Budget in accordance with rule of procedure 19e.

The recorded vote was as follows:

For: 28, Councillors: Robert Archer, Anthony Bates, John Bointon, Geoff Bond, Kelda Boothroyd, Sue Bull, Martin Burfoot, Sue Burfoot, Bob Butcher, Neil Buttle, David Chapman, Peter Dobbs, Nigel Edwards-Walker, Steve Flitter, Marilyn Franks, Gareth Gee, Dawn Greatorex, Susan Hobson, David Hughes, Stuart Lees, Joanne Linthwaite, Laura Mellstrom, Lucy Peacock, Simon Ripton, Roger Shelley, Peter Slack, Steve Wain and Nick Wilton.

Against: 0, Councillors:

Abstentions: 0, Councillors:

The Chair declared the motion **CARRIED**.

341/23 - COUNCIL TAX SETTING 2024/25

The Director of Resources introduced a report enabling the Council to calculate and set the Council Tax for 2024/25.

The Local Government Finance Act 1992, amended by the Localism Act 2011, required the billing authority to calculate a Council Tax requirement for a year.

The 2024/25 Council Tax requirement for the Council was subject to a separate report on the agenda. If approved, the Council Tax requirement (excluding town and parish council precepts) would be £7,303,179, resulting in a band D Council Tax of £236.98.

The precept levels of other precepting bodies were detailed in section 2 of the report. The detailed recommendations were set out in the formal Council Tax Resolution in Appendices

A – C to the report and subject to their approval the total Band D Council Tax would be as tabled in 2.8 of the report.

It was moved be Councillor David Hughes, seconded by Councillor Nick Wilton and

RESOLVED (unanimously)

1. That the Council approves the formal Council Tax resolution set out in Appendices A to C of the report.
2. That the Council endorses the following in respect of the empty homes premium:
 - a) That the Council continues to apply council tax empty homes premiums as follows except where statutory exemptions apply:
 - i) 100% premium in respect of any dwelling that has been unoccupied and substantially unfurnished for at least 2 years but less than 5 years;
 - ii) 200% in respect of any dwelling that has been unoccupied and substantially unfurnished for at least 5 years but less than 10 years;
 - iii) 300% in respect of any dwelling that has been unoccupied and substantially unfurnished for at least 10 years.

Statutory legislation required a recorded vote in respect of Council Tax Setting in accordance with rule of procedure 19e.

The recorded vote was as follows:

For: 28, Councillors: Robert Archer, Anthony Bates, John Bointon, Geoff Bond, Kelda Boothroyd, Sue Bull, Martin Burfoot, Sue Burfoot, Bob Butcher, Neil Buttle, David Chapman, Peter Dobbs, Nigel Edwards-Walker, Steve Flitter, Marilyn Franks, Gareth Gee, Dawn Greatorex, Susan Hobson, David Hughes, Stuart Lees, Joanne Linthwaite, Laura Mellstrom, Lucy Peacock, Simon Ripton, Roger Shelley, Peter Slack, Steve Wain and Nick Wilton.

Against: 0, Councillors:

Abstentions: 0, Councillors:

The Chair declared the motion **CARRIED**.

342/23 - TREASURY MANAGEMENT STRATEGY STATEMENT 2024/25

The Director of Resources introduced a report determining the Treasury Management Strategy Statement for 2024/25, as required by The Chartered Institute of Public Finance and Accountancy's Treasury Management in the Public Services: Code of Practice 2021 Edition (the CIPFA Code).

It was noted that treasury management was the management of the Council's cash flows, borrowing and investments, and the associated risks. The Council borrows and invests

substantial sums of money and is therefore exposed to financial risks including the loss of invested funds and the revenue effect of changing interest rates.

Investments held for service purposes or for commercial profit were considered in a different report: the Investment Strategy.

It was resolved by Councillor Nick Wilton, seconded by Councillor David Hughes and

RESOLVED (unanimously)

That the Treasury Management Strategy Statement for 2024/25 and the Treasury Management Prudential Indicators contained within be approved.

The Chair declared the motion **CARRIED**.

343/23 - CAPITAL AND INVESTMENT STRATEGY REPORT FOR 2024/25

The Director of Resources introduced a report seeking approval for the Council's Capital Strategy, Minimum Revenue Provision Policy and the Corporate Investment Strategy for 2024/25.

The report gave Members a high-level overview of how capital expenditure, capital financing and treasury management activity contribute to the provision of local public services, along with an overview of how associated risk is managed and the implication for future financial sustainability.

It was noted that the decisions made this year on capital and treasury management would have financial consequences for the Authority for many years into the future. They were therefore subject to both a national regulatory framework and to local policy framework policy, as summarised in the report.

Members were informed that The Prudential Code (2021 edition) stipulated that it was not prudent for local authorities to make any investment or spending decision that would increase the Capital Financing Requirement and so may lead to new borrowing, unless directly and primarily related to the functions of the authority and where any commercial returns are related to the financial viability of the project in question. The UK Government's rules for accessing the Public Works Loans Board (PWLB) funding required statutory chief officers to verify that their local authority's capital spending plans do not include the acquisition of assets primarily for yield.

Members were also informed that the Council had not borrowed from the PWLB for the acquisition of assets primarily for yield.

It was moved by Councillor Nick Wilton, seconded by Councillor David Chapman and

RESOLVED (unanimously)

That the Capital Strategy, Minimum Revenue Provision policy and the Corporate Investment Strategy for 2024/25 be approved.

The Chair declared the motion **CARRIED**.

Meeting Closed: 8.12 pm

Chair