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COUNCIL

Minutes of the Council meeting held at 6.00pm on Wednesday 27th April 2022 in the Council Chamber, Town Hall, Matlock DE4 3NN.

PRESENT

Councillor Sue Bull - In the Chair

Councillors: Jacqueline Allison, Robert Archer, Jason Atkin, Matthew Buckler, Martin Burfoot, Sue Burfoot, Neil Buttle, David Chapman, Tom Donnelly, Graham Elliott, Richard Fitzherbert, Steven Flitter, Helen Froggatt, Chris Furness, Clare Gamble, Susan Hobson, David Hughes, Stuart Lees, Tony Morley, Peter O'Brien, Garry Purdy, Mike Ratcliffe, Claire Raw, Mark Salt, Andrew Shirley, Alasdair Sutton, Colin Swindell, Steve Wain and Mark Wakeman.

Paul Wilson (Chief Executive), Tim Braund (Director of Regulatory Services), Rob Cogings (Director of Housing), Karen Henriksen (Director of Resources), Lee Gardner (Legal Services Manager), Tommy Shaw (Democratic Services Team Leader) and Lucy Harrison (Democratic Services Assistant).

Public - 4 members.

APOLOGIES

Apologies for absence were received from Councillors: Peter Slack, Dawn Greatorex, Michele Morley, Alyson Hill and Dermot Murphy.

378/21 - MINUTES

It was moved by Councillor Andrew Shirley seconded by Councillor Jason Atkin and

RESOLVED

(Unanimously)

That the minutes of the meeting of Council held on 24th March 2022 be approved as a correct record.

The Chairman declared the motion **CARRIED**.

379/21 - PUBLIC PARTICIPATION

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.”

Item 13 – Gypsy And Traveller Site Update

In accordance with the procedure for public participation, Mr John Youatt (Local resident), Mr Mark Gwynne Johnson (Local resident) and Cllr Vicky Raynes (Chair of Tansley Parish Council) spoke regarding the update on the Gypsy and Traveller Site.

The further following questions and statements were submitted in writing:

STATEMENT from Mr John Youatt, on behalf of the owners of the Woodyard at Homesford.

Application for 8 travellers pitches at the Woodyard Homesford.

The first thing I learned from my clients, a few years ago, was that the Council had adopted the Woodyard (after thorough checks and due process) to provide permanent pitches, when the then need was for 6 pitches. It was a majority vote.

Since then that decision has been serially subverted. The Woodyard approval is for 3, not 6 pitches and for three years, not permanent. Since then several compromised sites have been adopted. None have worked. Many encampments have cost the taxpayer a lot of money (FOI to follow); and cost the travellers and neighbours stress.

On behalf of the owners, my re-application to approve 8 permanent pitches at the Woodyard is registered and on the portal.

Please

- accept the officers’ recommendation to not pursue the Tansley site
- re-adopt the Woodyard and support the new application
- seek the Government grant for a ‘shovel-ready’ site.

STATEMENT and QUESTIONS from Mr Mark Gwynne Johnson, Local Resident.

In view of the huge expense associated with developing the site at Knabhall Lane, and the fact that badgers are returning to a traditional homeland - would the Council now consider earmarking the site as a wildlife habitat? Which was the Council’s intention in the 1990’s, when the site’s walls were rebuilt with badger runs and further trees were planted within. In 1999, the Secretary of State for the Environment approved the site for the release of Barn Owls. This was successful and Barn Owls still frequent the box in the tall scots pines alongside the site. Habitats everywhere are under increasing pressure. Would the Council agree that now more than ever we need to provide for wildlife and if this site is unsuitable for development would they please consider returning it to what it had become: a home for little owls, barn owls, willow warblers and badgers, to name but a few?

RESPONSE:

The Council is keen to establish the extent of badger activity on the site and will make available

the information to the local badger group. The constraints identified in the report significantly limit the future use of the site.

If Council resolves not to continue with the proposal to develop the land as a Traveller site then it will be necessary to consider what future use the land might be put to. In those circumstances we would be happy to consider your suggestion alongside any others that might come forward.

380/21 - INTERESTS

Item 10 – DISPENSATION FOR NON-ATTENDANCE AT COUNCIL MEETINGS

Councillor Tony Morley declared a personal interest in Item 10 due to the Councillor seeking dispensation being his wife.

381/21 - LEADERS' ANNOUNCEMENTS

Councillor Garry Purdy, Leader of the Council, made the following statement:

"We meet to conduct our business here this evening, Wednesday 27th April 2022 at the Town Hall in Matlock.

But it's a surreal world that we live in.

Whilst the Ukraine flag flies from our mast in front of the Town Hall I cannot help but think of the over 7 million Ukrainian people that have been displaced from their homes, thousands have been dealt with in the most barbaric of ways, transported away from their homeland, raped, tortured murdered and the revealing of mass graves. And whilst I am pleased to hear of the support that the UK, the USA and some other Countries are providing to Ukraine, we now live under threat from Putin of the UK being bombed by a Nuclear weapon possibly this Autumn.

The real concern is that there will be a World food shortage and that in itself will bring not only much higher food prices for us all, but a breakdown of society in some parts of the World as the poorer countries starve.

It really puts into perspective what we concern ourselves with this evening. What more can be done to stop this War and more especially what can be done to stop the threats of a madman bringing nuclear war to us all. We are but a small and perhaps insignificant speck in this World issue. But we have a voice, and I ask you Members to ponder on what I have just said and to consider what more can be done: I welcome any thoughts on this, not tonight, but by email to me."

382/21 - CHAIRMAN'S ANNOUNCEMENTS

Councillor Steve Wain, Civic Chairman, made the following statement:

"On the 28th March 2022 I represented the Council at the Chatsworth House stakeholder event in the company of my wife. This was a very enjoyable evening hosted by the Duke and Duchess of Devonshire.

On Saturday 2nd April my wife and I attended the opening of the Wellspring Church in Wirksworth at the request of Councillor Peter Slack. This was a well-attended event to formally reopen this historic Church and highlight the new modern annexe.

On the 23rd April I represented the Council at a St George's Day concert in the painted Hall at Chatsworth house, hosted by the Earl of Burlington. This event showcased inspirational performances by musicians from North Derbyshire, including Peak Performance Choir and a trio of two flautists and a cellist.

I have also recently attended Bakewell Market on three occasions and a Matlock Town football game to collect funds for the Civic Chairs Air Ambulance Charity. I thank Councillor Mark Wakeman and members of his Royal British Legion group for assisting me in Bakewell.

Obviously my term as Chair ceases on 26th May and I will be emailing Members a link and QR code to my Just Giving page, as I'm sure they will want to donate to such a worthy cause."

383/21 - COMMITTEES

It was moved by Councillor Jason Atkin seconded by Councillor Tom Donnelly and

RESOLVED That the non-exempt minutes of the Committees listed in the Minute
(Unanimously) book, for the period 01st March 2022 to 17th March 2022 be received.

The Chairman declared the motion **CARRIED**.

384/21 – NOTICE OF MOTION (RULE OF PROCEDURE 16) – FLOODING IN THE DERBYSHIRE DALES – THANKING THE DISTRICT COUNCIL STAFF FOR THEIR EFFORTS

The Council considered a motion submitted by Councillor Colin Swindell in accordance with Rule of Procedure 16.

At the meeting the motion was moved by Councillor Colin Swindell and seconded by Councillor Garry Purdy as follows:

'This council recognises the hard work and dedication shown by our District Council staff during the recent floods across the Derbyshire Dales. We express our sincere thanks and gratitude for their efforts in safeguarding and protecting our residents, homes and businesses.'

The motion was put to the vote and

RESOLVED That the Council recognises the hard work and dedication shown by
(Unanimously) our District Council staff during the recent floods across the Derbyshire Dales. We express our sincere thanks and gratitude for their efforts in safeguarding and protecting our residents, homes and businesses.

The Chairman declared the motion **CARRIED**.

385/21 – DISPENSATION FOR NON-ATTENDANCE AT COUNCIL MEETINGS

Councillor Tony Morley was absent during consideration of this item as he had previously expressed a personal interest.

The Legal Services Manager introduced a report seeking a dispensation for a Councillor in respect of a forthcoming absence from Council and Committee meetings for a period of six consecutive months.

The report noted that Councillor Michele Morley had given notice to the Proper Officer that she would be unable to attend meetings of the Council, its committees or any outside bodies on which she represents the authority for medical reasons.

It was moved by Councillor Susan Hobson, seconded by Councillor Chris Furness and

RESOLVED
(unanimously)

1. That approval be given to a dispensation for Councillor Michele Morley from attending meetings of the Council for a period of six months commencing on 6 May 2022, thus nullifying the disqualification to hold office for a six month period.
2. That it be noted that any extension to the dispensation for Councillor Michele Morley after the six month period ends on 6 November 2022, will require further approval in accordance with 1 above.

The Chairman declared the motion **CARRIED**.

386/21 – COUNCIL TAX DISCRETIONARY DISCOUNTS

The Director of Resources introduced a report asking Members to agree to changes to the Council's policy for council tax discretionary discounts (under section 13A 1 (c) of the Local Government Finance Act 1992) to allow more flexibility to backdate awards to care leavers, and to add an appeals process for all dissatisfied applicants. The report also sought approval for a new class of discount for those in receipt of council tax support and facing a Homes for Ukraine-related increase in council tax liability during 2022/23.

The report noted that the Council had a policy to award discretionary council tax discounts. The policy was intended ultimately to enable the Council to provide discounts to specific classes of applicants, such as care leavers or those who would suffer undue financial hardship if they had to pay the council tax without a discretionary discount, in cases of unforeseen or exceptional circumstances that affect their home or wellbeing or to comply with government guidance.

The report addressed that the cost of these discretionary discounts would be borne wholly by the Council, whereas council tax income is shared between major preceptors, with the authority retaining around 14%.

Approval of a new class of discount was suggested to offset any Homes for Ukraine-related increase in council tax liability during 2022/23. It was noted that on 1 April 2022 the government issued a Council Tax Information Letter which set out the steps it would take to deliver the Secretary of State's commitment that participation in the Homes for Ukraine scheme would not affect the sponsor household's council tax status. Regulations have since been laid so that a person who has secured an immigration permission under Homes for Ukraine is disregarded for council tax discounts. This will protect the sponsor's single person discount and the 50% discount received by household's where all the occupants are already disregarded. The

regulations also amend the Council Tax (Exempt Dwellings) Order 1992 so that there is no loss of an exemption where a household hosts a person who has secured an immigration permission under Homes for Ukraine.

An amendment was proposed by Councillor Claire Raw and seconded by Councillor Jacqueline Allison to replace the phrase 'Homes for Ukraine-related' with the word "refugee" in recommendation 2 and the following amendment was put to the vote:

2. That approval is given for a new class of discount where a discount is provided to offset a refugee related increase in council tax liability during 2022/23.

Voting:

| | |
|-------------------|----|
| For | 12 |
| Against | 18 |
| Abstention | 0 |

The Chairman declared the amendment **LOST**.

During debate, a motion to proceed to the vote was moved by Councillor Garry Purdy, seconded by Councillor Jason Atkin and

RESOLVED That the vote on the substantive motion be put.

Voting:

| | |
|-------------------|----|
| For | 22 |
| Against | 8 |
| Abstention | 0 |

The Chairman declared the motion **CARRIED**.

It was moved by Councillor Susan Hobson, seconded by Councillor Tony Morley and

RESOLVED (unanimously)

1. That approval be given to the revised Policy for council tax discretionary discounts (under section 13A 1 (c) of the Local Government Finance Act 1992), attached as Appendix 1.
2. That approval is given for a new class of discount where a discount is provided to offset a Homes for Ukraine-related increase in council tax liability during 2022/23.

The Chairman declared the motion **CARRIED**.

The meeting was briefly adjourned from 7.20pm to 7.32pm.

387/21 – DURATION OF MEETINGS (MOTION TO CONTINUE)

At **8.25pm**, during the discussion of **Item 13 – GYPSY AND TRAVELLER SITE UPDATE**

It was moved by Councillor Jason Atkin, seconded by Councillor David Hughes and

RESOLVED That, in accordance with **Rule of procedure 13**, the meeting
(unanimously) continue beyond 2 hours 30 minutes to enable the business on
the agenda to be concluded.

The Chairman declared the motion **CARRIED**.

388/21 – GYPSY AND TRAVELLER SITE UPDATE

During Discussion of this item, Councillor Claire Raw left the meeting between 8:28pm and 8:30pm, as a result of this she was unable to vote on the item.

The Director of Housing introduced a report updating the Council on the work that had been undertaken to bring forward a site at Knaball Lane, Tansley as both a permanent and temporary Traveller site. The report also advised of the recently announced Government funding programme for Traveller sites and aimed to determine the Council's future approach.

The report recalled that approval was granted at the meeting of council on the 27th July 2021 for an allocation of £25,000 to fund the assessment of the proposed traveller site at Knabhall Lane in Tansley. It was noted that the assessments included geotechnical and land contamination surveys. The Council's Contract Standing Orders required three quotes to be sought for the work. Three companies were approached however, only one tender was returned and RSK was appointed at the end of October. The report stated that the cost of the surveys was less than originally anticipated at £11,518.

The report informed that during the course of preparing the site for the geotechnical and land contamination survey, an outlying badger sett was discovered, which was not present when the site was first surveyed. It was noted that the presence of the outlying sett caused delay and modification of the proposed survey works, 30% of the site could not be investigated without causing harm to the badgers.

It was addressed that the badger sett had impeded the land contamination and geotechnical survey and it seemed likely that without the sett eventually moving, the Council would not be able to complete a full assessment of the entire site. The extent of the ground investigations and piling using heavy machinery close to the sett would disturb the badgers and would be illegal. It was noted that there would be a significant risk of developing a part of the site without full knowledge of what is in the adjacent ground or how stable it is.

Thus, it was suggested that the timetable for government funding makes it difficult to deliver a realistic bid that can be delivered within the period allowed for the protection of the badger sett.

It was proposed by Councillor Garry Purdy and seconded by Councillor Tom Donnelly, that the officer recommendations be approved as set out in the report, with an additional recommendation as set out below:

‘That the Council initiates a pro-active programme of publicity to encourage landowners to submit potential Traveller sites for consideration with potential financial assistance being provided by the District Council to acquire and develop a permanent site for Travellers in the Derbyshire Dales.’

During debate, an amendment was suggested by Councillor Sue Burfoot and supported by Councillor Martin Burfoot to replace the term ‘consider ceasing’ with the word ‘cease’. This amendment was accepted by Councillor Garry Purdy and Councillor Tom Donnelly to be incorporated into the original motion.

During further debate, an additional amendment was proposed by Councillor Peter O’Brien and seconded by Councillor Clare Gamble, this was put to the vote as follows:

“That this council formally apologise for the distress caused to the local residents and the traveler community.”

In accordance with **Rule of procedure 19d**, a recorded vote was requested and proposed by Councillor Steve Wain, seconded by Councillor Steve Flitter. The amendment was put to the vote and the votes recorded as follows:

Voting:

For **12 Councillors:** Jacqueline Allison, Robert Archer, Matthew Buckler, Martin Burfoot, Steve Flitter, Clare Gamble, David Hughes, Peter O’Brien, Mike Ratcliffe, Colin Swindell and Steve Wain.

Against **16 Councillors:** Jason Atkin, Sue Bull, David Chapman, Tom Donnelly, Graham Elliott, Richard Fitzherbert, Helen Froggatt, Chris Furness, Susan Hobson, Stuart Lees, Tony Morley, Garry Purdy, Mark Salt, Andrew Shirley, Alasdair Sutton and Mark Wakeman.

Abstention **1 Councillor:** Neil Buttle.

The Chairman declared the amendment **Lost**.

The substantive motion moved by Councillor Garry Purdy and seconded by Councillor Tom Donnelly was then put to the vote and

- RESOLVED**
(unanimously)
1. That Council notes the work undertaken to date and the findings of the geotechnical ground investigations and ecological assessments.
 2. That, having regards to the conclusions of the geotechnical and ecology assessments, Members cease the pursuit of the Knabhall Lane site as a location for a temporary and permanent Traveller site.

3. A further assessment of badger activity on the site be commissioned by the Council.
4. That the £25,000 for surveys at the Knabhall Lane site be removed from the capital programme and approval given to a supplementary revenue budget for £15,000 in 2022/23 for the site surveys, financed from the General Reserve.
5. That the Council initiates a pro-active programme of publicity to encourage landowners to submit potential Traveller sites for consideration with potential financial assistance being provided by the District Council to acquire and develop a permanent site for Travellers in the Derbyshire Dales.

The Chairman declared the motion **CARRIED**.

389/21 – DURATION OF MEETINGS (MOTION TO CONTINUE)

At **9:00pm**, during the discussion of **Item 12 – WASTE & RECYCLING CONTRACT OPTIONS APPRAISAL**

It was moved by Councillor Andrew Shirley, seconded by Councillor Martin Burfoot and

RESOLVED That, in accordance with **Rule of procedure 13**, the meeting continue beyond 2 hours 30 minutes to enable the business on the agenda to be concluded.

Voting:

| | |
|-------------------|----|
| For | 25 |
| Against | 5 |
| Abstention | 0 |

The Chairman declared the motion **CARRIED**.

390/21 – WASTE & RECYCLING CONTRACT OPTIONS APPRAISAL

The Director of Community and Environmental Services introduced a report updating members on a report produced by Recircle Consulting detailing a qualitative assessment of the options available to the Council, should the Council find itself in a terminal dispute position on its Waste Management Contract with Serco Ltd and seek authorisation for the commissioning of a detailed qualitative review of an in-house service delivery option.

The report named the waste and recycling service as one of the most fundamental statutory services performed by the District Council and, perhaps, the most high-profile service received by the public. It was therefore noted that it needs to meet the demands of the public whilst recognising recent changes in the waste management industry.

It was addressed within the report that the Council had outsourced its waste collection and recycling service since August 1989, with the current waste and recycling contract being

operated by Serco Ltd. It was noted that the contract comprised of alternate weekly domestic, garden and recycling waste collections, as well as a separate weekly food waste collection and the provision of a trade waste collection service.

Although the previous contract delivered by Serco from 2012 until 2020, was delivered successfully with excellent recycling rates, regular collections and high customer survey results, the new contract had experienced significant disruption and inconsistent service delivery.

Whilst there had been some progress made on the outstanding issues, it was looking increasingly likely that not all of the matters would be resolved without a request for additional funding from Serco at some point in the future. It was noted that through discussions regarding increased tonnages for recyclable waste and the need to change disposal sites for garden and food waste, Serco had alluded to a loss of approximately £700,000 per annum on the existing contract excluding the increased costs arising from the change in disposal site for garden and food waste. It was addressed that it would be extremely likely that in the future, there would be an increase in costs for waste and recycling, irrespective of who delivered the service.

Therefore, it was suggested that the Council needed to position itself such that any request for additional financial contributions from Serco in the future, could be assessed against other potential service delivery options and costs.

It was moved by Councillor Steve Flitter, seconded by Councillor Andrew Shirley and

RESOLVED
(unanimously)

1. That the Stage 1 qualitative assessment of service delivery options undertaken by Recircle Consulting be noted.
2. That Council agrees to the commissioning of a Stage 2 quantitative assessment to develop a detailed analysis of the necessary steps, measures, timescales and costs of changing the Council's Waste & Recycling service to an 'in-house' service delivery model.
3. The Contract Standing Orders for the procurement of consultants to undertake a Stage 2 assessment be waived in the interests of expediency in order to maintain the functioning of a public service and to avoid serious disruption to Council services.
4. That the Chief Executive and the Director of Community & Environmental Services continue to explore opportunities for partnership working and/or joint delivery of the Waste & Recycling Service with neighbouring Local Authorities.
5. That subject to recommendation 2, approval be given to a supplementary revenue budget of £30,000 for the appointment of an external consultant to undertake this project, financed from the waste and recycling reserve.
6. That a further report be presented to Council upon completion of the Stage 2 assessment,

The Chairman declared the motion **CARRIED**.

Councillors Jason Atkin, Chris Furness, Alasdair Sutton and Graham Elliott left the meeting at 21:01 during consideration of this item.

Meeting Closed: 9:09pm

Chairman