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## Council

**Minutes of a Council meeting held at 6.00 pm on Thursday, 27th July, 2023 in the Council Chamber - Town Hall.**

**PRESENT** Councillor Steve Wain - In the Chair

Councillors: Robert Archer, Anthony Bates, John Bointon, Geoff Bond, Kelda Boothroyd, Martin Burfoot, Sue Burfoot, David Chapman, Peter Dobbs, Nigel Norman Edwards-Walker, Steve Flitter, Marilyn Franks, Dawn Greatorex, Susan Hobson, David Hughes, Stuart Lees, Joanne Linthwaite, Laura Mellstrom, Tony Morley, Dermot Murphy, Andy Nash, Peter O'Brien, Lucy Peacock, Simon Ripton, Roger Shelley, Peter Slack, Mark Wakeman and Nick Whitehead

Steve Capes (Director of Regeneration & Policy), Giles Dann (Regeneration and Place Manager), Samantha Grisman (Clean & Green Manager), Lucy Harrison (Democratic Services Assistant), Karen Henriksen (Director of Resources), James McLaughlin (Director of Corporate and Customer Services (Monitoring Officer)), Tommy Shaw (Democratic Services Team Leader), Laura Simpson (Principal Regeneration Officer) 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, David Burton, Neil Buttle, Gareth Gee and Nick Wilton.

## **76/23 - PUBLIC PARTICIPATION**

Mr Peter Walton (Wirksworth Local Resident) and Ms Deborah Short (Wirksworth Local Resident) commented on the microwave radiation pollution emitted by the cellular tower erected on Millers Green, Wirksworth, and asked that an independent survey of the area be carried out.

## **77/23 - INTERESTS**

There were no declarations of interest.

## **78/23 - LEADERS' ANNOUNCEMENTS**

Councillor Steve Flitter, Leader of the Council, made the following statement:

*Chair – I thought someone was going to relay to members Cllr Burton's good wishes, unfortunately he is not well but he will update members when his health improves and his activities as Civic chair.*

*Due to some verbal reports, it appears that since taking office we have done very little, so I thought the theme of tonight's announcements would concentrate on what a very busy couple of months we have had.*

*We said we would take a fresh look at and place our mark on the local plan that was fit for the future, that paper was taken to C & E and accepted, we have also prepared papers for pollution and biodiversity. We are progressing with reports on public conveniences, gypsy and travellers, economic development and partnership working.*

*We have yet to submit draft papers on Housing and the corporate plan however meetings are planned.*

*We also wish to develop the Leaders Advisory Group and the Joint Consultative Group.*

*Partnership working- LGA conference was interesting with discussions on Waste, Leisure, planning and housing. I also brought back for discussion details of the Sutton Green Enterprise and South Tyneside pledge, both which are worthy of thought. I was also a speaker at a political fringe meeting and networking was the key word.*

*DCN – Baroness Taylor in the house of Lords tabled that districts should be full constituent members of the new mayoral arrangements. 162 for 157 against. DCN urging government to retain when discussed by the commons after the recess.*

*East Midlands Council – The meetings main considerations revolved around regional infrastructure and investment, Asylum and refugee resettlement and HS2 but I had the opportunity to speak on the lack of and insufficient consistency of funding from government to rural local authorities suggesting a 3 or 4 year settlement.*

*County – We continue to play our part in the D2 Economic prosperity committee, Vision Derbyshire county deals and devolution, whether we agree with the devolution or not we have to ensure, if we can, the best solution for our residents.*

*More Locally – Paul Wilson and myself met with the Peak Parks CEO and chair and we hope to have a member joint briefing, attended the Peak Park think tank and the National Stone centre project group.*

*We have also been asked to meet with two hoteliers in the near future to discuss the difficulties the industry is facing and how this council can assist through our tourism policies.*

*Ashbourne reborn, we have had a meeting with DCC and our MP in relation to the chair of the project board. Unfortunately, his was not very constructive despite the Facebook video that followed as comments reflecting that this council was small and not able to meet the challenges of the project. In all I thought it was negative and unhelpful.*

*But this is a new beginning, and my door is always open for everyone. We have also been dealing with the recent floods again not just Matlock but district wide and that takes officer time away from normal duties.*

*To conclude I would like to say a big thank-you to the excellent work of our parks staff in achieving the green flag awards in Matlock and Bakewell, unfortunately Ashbourne just missed out, but an appeal is under way.*

*Finally, one of our members of staff is about to leave us, this is James's last meeting, Since joining us James you have been like a breath of fresh air, welcomed by all, members and staff alike, your contributions have been unquestionable your professionalism has been unquestionable. We will all miss you however we cannot stand in the way of progression, wish you well in your new post, but we hoped you could stay a little longer.*

*Thank-you Chair.*

## **79/23 - CHAIRMAN'S ANNOUNCEMENTS**

Councillor Steve Flitter gave Councillor David Burton's apologies.

## **80/23 - COMMITTEES**

It was moved by Councillor David Hughes, seconded by Councillor Dermot Murphy and

**RESOLVED** (unanimously)

That the non-exempt minutes of the Committees listed in the Minute Book for the period 02 March 2023 to 11 July 2023 be received.

The Chair declared the motion **CARRIED**.

## **81/23 - QUESTIONS (RULE OF PROCEDURE 15)**

No questions on notice were received.

## **82/23 - APPROVAL OF MINUTES OF PREVIOUS MEETING**

It was moved by Councillor Mark Wakeman, Seconded by Councillor Peter Slack and

## RESOLVED

That the minutes of the meeting of Council held on 25 May 2023 be approved as a correct record.

### Voting

**27 For**

**00 Against**

**01 Abstained**

The Chair declared the motion **CARRIED**.

### 83/23 - 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 and the recommendations which were deferred by Council on the 16 March 2023.

It was noted that on 26<sup>th</sup> November 2020 the Council approved a review of its clean and Green Service, including the outlined scope and formation of a Project Team and an Elected Member Sub-Group. Due to the COVID-19 pandemic and the subsequent independent review of the waste collection service, several members of the Project Team were reassigned to leading on the Council's response to these issues, resulting in delays in the completion of this review.

On 16th March 2023, a report outlining the findings and recommendations of the review was presented to Members. Prior to the meeting, the former Leaders Advisory Group (LAG) agreed that only recommendation 1,3 and 6 be considered, as they were viewed to be either time sensitive or offer an opportunity to address current capacity pressures, these recommendations were approved. The remaining recommendations were deferred and had been included in the recommendations of this report, as the former LAG believed new Members were best placed to decide on the future impact of the service.

The recommendations as set out in the report were moved by Councillor Peter O'Brien and seconded by Councillor Boothroyd with the addition of recommendation 2:

2. That the Council confirms its policy of not utilising glyphosate in its weed control and vegetation management activities, other than in respect of the control of invasive species.

And the following amendment to recommendation 4:

4. That officers discuss the feasibility of using alternative weed control methods on land included on the highways contract in the Derbyshire Dales with Derbyshire County Council, with the objective of eliminating the use of products and materials containing glyphosate and that an update be provided to Members.

The recommendations were then each voted on independently, the details of these votes are as follows:

Recommendation 1 – Unanimous

Recommendation 2 – 19 For, 8 Against, 1 Abstention

Recommendation 3 – Unanimous

Recommendation 4 – 19 For, 8 Against, 1 Abstention

Recommendation 5 - Unanimous

Following the voting, it was therefore

## **RESOLVED**

1. That a Supplementary revenue budget of £41,100 is approved for 2023/24, financed from the general reserve, and that £61,658 is included in the next update of the Medium-Term Financial Plan to reflect the subsequent ongoing costs for the introduction of two additional staff for the Burials and Play Area Maintenance team.
2. That the Council confirms its policy of not utilising glyphosate in its weed control and vegetation management activities, other than in respect of the control of invasive species.
3. That the proposed service standards and frequencies set out in Appendix C are introduced as outlined in the proposed timetable (Table 2.58).
4. That officers discuss the feasibility of using alternative weed control methods on land included on the highways contract in the Derbyshire Dales with Derbyshire County Council, with the objective of elimination the use of products and materials containing glyphosate and that an update be provided to Members.
5. That the Project Group, along with a Members Sub-Group, remain in place for the first year of implementation to monitor performance and consider options for future benchmarking.

The Chair declared the motion **CARRIED**.

## **84/23 - AMENDMENTS TO THE CONSTITUTION**

The Director of Corporate and Customer Services introduced a report detailing a series of proposals to amend the Constitution of the Council to ensure that it was relevant and up to date, as well as compliant with the law. The proposals within the report had been developed to improve governance processes and procedures.

It was noted that it was good practice to keep the Constitution under regular review and with the Council last considering changes to the document in July 2022, it was timely to bring forward recommendations that sought to update the document to reflect the changes that had taken place since the election of the new Council in May 2023.

The report also sought members approval to adopt the Local Government Association's Model Code of Conduct for Members, on the recommendation of the Constitution Working Group.

The recommendations as set out in the report were moved by Councillor Peter Dobbs and seconded by Councillor David Hughes with the following amendment to recommendation 4:

4. That, subject to the deletion of the first bullet point of Draft Council Procedure Rule 14.4 and Rule 16.3(a) and the referral of the third bullet point of Draft Council Procedure Rule 14.4 and Rule 16.3(c) to the Constitution Working Group, Part 4 of

the Constitution (Rules of Procedure) be amended on the basis of the insertions and deletions highlighted in Appendix 2 of this report.

The motion was the put to the vote and

**RESOLVED** (unanimously)

1. That the Constitution be amended to reflect the change in the size of the Council's membership from 39 councillors to 34 councillors.
2. That Article 3 be amended to clarify citizen involvement and participation and remove reference to customer service standards and opening hours.
3. That Part 3 of the Constitution be amended to incorporate the terms of reference for the Biodiversity Sub-Committee, Local Plan Sub-Committee and the insertion and deletion of functions as set out in Appendix 1 of this report.
4. That, subject to the deletion of the first bullet point of Draft Council Procedure Rule 14.4 and Rule 16.3(a) and the referral of the third bullet point of Draft Council Procedure Rule 14.4 and Rule 16.3(c) to the Constitution Working Group, Part 4 of the Constitution (Rules of Procedure) be amended on the basis of the insertions and deletions highlighted in Appendix 2 of this report.
5. That the Members Allowances Scheme, as drafted and published by the Monitoring Officer in accordance with the Council decision on 26 January 2023, be agreed.
6. That Part 5 of the Constitution (Codes and Protocols) be amended to delete the current Code of Conduct for Members and be replaced with the Local Government Association's Model Code of conduct for Members, as set out in Appendix 4 of this report.
7. That Constitution Working Group be tasked with reviewing:
  - (a) Petition Scheme
  - (b) Area Community Forum arrangements
  - (c) Public Participation arrangements
8. That, in accordance with the recommendation from the Community and Environment Committee on 13 July 2023, Contract Standing Orders be amended by inserting a new Standing Order 6.15 in respect of exceptional waivers.

The Chair declared the motion **CARRIED**.

**85/23 - CUSTOMER ACCESS STRATEGY 2023-2026**

The Director of Corporate and Customer Services introduced a report proposing the adoption and approval of a Customer Access Strategy which would codify for the way in which the District Council would offer a high-quality customer experience to residents, businesses, and visitors to the Derbyshire Dales.

It was noted that over the last four years the Council, through the implementation of a Customer Relationship Management (CRM) system had made significant steps towards improving the outcomes experienced by customers. Due to significant changes over the last three years, it was deemed appropriate for the Council to now introduce a new customer

Access Strategy to make sure it reflected both the current and future needs of the Councils customers and the organisation.

Members were informed that the difficult financial position caused by the ongoing reduction in central government grants and the impacts of the pandemic would mean that the Council as an organisation must strive to look for new efficient ways to do things so that the Council could maintain the high-quality services that its customers deserved.

The recommendations as set out in the report were moved by Councillor David Hughes and seconded by Councillor Dermot Murphy with the following amendment to recommendation 1:

1. That the Customer Access Strategy for the period 2023 to 2026 be approved with the addition of a bullet point on page 264 that reads 'fully prepared with the necessary documents'.

The motion was then put to the vote and

**RESOLVED** (unanimously)

1. That the Customer Access Strategy for the period 2023 to 2026 be approved with the addition of a bullet point on page 264 that reads 'fully prepared with the necessary documents'.
2. That an annual report detailing progress made in implementing the Customer Access Strategy be submitted to the Governance and Resources Committee for each year of the strategy.

The Chair declared the motion **CARRIED**.

There followed a short adjournment at **8:21pm**, returning at **8:28pm**.

### **86/23 - DURATION OF MEETINGS (MOTION TO CONTINUE)**

At 20:20, it was moved by Councillor Martin Burfoot, seconded by Councillor Robert Archer and

**RESOLVED** (unanimously)

That in accordance with Rule of Procedure 13, the meeting continue for 30 minutes to allow for the completion of business.

The Chair declared the motion **CARRIED**.

### **87/23 - LAND AT BAKEWELL ROAD MATLOCK: OUTCOME OF TENDER PROCESS AND OPTIONS FOR FURTHER ASSESSMENT**

The Regeneration and Place Manager introduced a report updating members on the outcome of the further invitation to Tender and status of the project. Members were also informed of options to be carried forward for further assessment.

The Updated Business Case for the proposed conversion of the former Market Hall enabling provision of a new indoor leisure attraction – two screen cinema – and enclosure of part of

the adjacent covered bus bay area to provide an ancillary commercial use - food & beverage / retail unit - was approved at the meeting of the Community & Environment Committee held on 1 March 2022. The scheme received detailed planning consent on 8 February 2022 and further reports were considered by Members at meetings of Council held on 22nd July 2022 and 2nd March 2023.

It was noted that since the last report to Members, the further tender process had been completed. Two tenders were received in response to the re-issued ITT. Both tenders exceeded the 2022 cost plan / budget, and despite value engineering, both tender prices had increased. A significant variation in rates and price was also noted and potential financial resilience risks identified.

Members were informed that following evaluation, unfortunately an acceptable / affordable tender had again not been received and the second tender exercise had concluded without a contractor appointment, illustrating the significant challenge of delivering the proposed scheme within the current volatile construction market, impacted by high cost inflation.

In consultation with the Project Management Group, an initial longlist of options was prepared by officers. Following meetings with Ward Members, Leaders and the Chair of C&E, a refined list of options recommended for further assessment were set out in the report.

It was moved by Councillor Martin Burfoot, seconded by Councillor Stuart Lees and

**RESOLVED** (unanimously)

1. That the update on the project be received and agreed.
2. That Members note the outcome of the second tender exercise which concluded without contractor appointment.
3. That the longlist of options considered for the project be noted.
4. That the refined options be noted and carried forward for further assessment with the support of external consultants with a report on the outcome to be brought back to Members for consideration at the earliest opportunity.

The Chair declared the motion **CARRIED**.

**88/23 - ASHBOURNE REBORN GOVERNANCE AND DELIVERY**

The Regeneration and Place Manager and the Principal Regeneration Officer introduced a report summarising activity and progress related to the Ashbourne Reborn Levelling Up Fund (LUF) award by Government in January 2023, highlighting key programme risks and setting out proposals for an updated governance structure.

It was noted that Ashbourne Reborn was a £15.22m programme aimed at transforming Ashbourne town centre through significant improvements to highways and public realm and the development of the Link Community Hub. The programme was principally funded by the UK Government through the Levelling Up Fund. The initial Levelling Up Fund capital grant award in January 2023 was £13,373,509, with a further grant of £70,000 awarded in July 2023 to provide revenue capacity support.



The proposed revised governance structure, provided in Appendix 2 and supported by the proposed Terms of Reference in Appendix 3, reflected recent requests for direct Member involvement in Ashbourne Reborn governance and decision making. It was proposed that the membership of the Programme Board be extended to enable this, whilst being chaired by a District Councillor to reflect the status as the Accountable Body. Decisions or recommendations that had implications for the Accountable Body would be escalated to Community and Environment Committee for appropriate consideration.

The recommendations as set out in the report were moved by Councillor Roger Shelley and seconded by Councillor Robert Archer with the following amendment to recommendation 3:

3. That Councillors Peter Dobbs, Steve Flitter, David Hughes and Stuart Lees be appointed to the Ashbourne Reborn Programme Board to represent the District Council.

And the following two additional recommendations:

4. That Councillor David Hughes be nominated as Chair of the Ashbourne Reborn Programme Board.
5. That relevant partners be invited to nominate representatives to enable representation on the Board to be finalised.

The motion was then put to the vote and

**RESOLVED** (unanimously)

1. That activity and progress to date be received and agreed.
2. That the proposed governance structure and Terms of Reference for the Programme Board are received and approved.
3. That Councillors Peter Dobbs, Steve Flitter, David Hughes and Stuart Lees be appointed to the Ashbourne Reborn Programme Board to represent the District Council.
4. That Councillor David Hughes be nominated as Chair of the Ashbourne Reborn Programme Board.
5. That relevant partners be invited to nominate representatives to enable representation on the Board to be finalised.
6. That delivery partner Project Boards' Terms of Reference are in accordance with paragraphs 2.5 to 2.8 of this report and that they be submitted to the proposed Programme Board for approval.
7. That the highlighted risks and associated mitigation measures be received and noted.

The Chair declared the motion **CARRIED**.

### **89/23 - DURATION OF MEETINGS (MOTION TO CONTINUE)**

At 20:58, it was moved by Councillor Steve Flitter, seconded by Councillor Stuart Lees 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 Chair declared the motion **CARRIED**.

### **90/23 - PROVISIONAL REVENUE OUTTURN 2022/23**

The Director of Resources introduced a report providing details of the provisional financial outturn for the District Council's revenue spending for the year ended 31<sup>st</sup> March 2023 and significant variations from the revised budget.

It was noted that the provisional outturn on the revenue account for 2022/23 was a surplus against revised estimates (subject to external audit). Most of the areas contributing to the surplus arose from circumstances that were unforeseen at the time the 2022/23 budget was set and arose from one-off, rather than recurring items.

Members were informed that the provisional surplus for 2022/23 (subject to external audit) amounted to £1,956,828. Key reasons for the surplus were detailed in the report.

Subject to the approval of the recommendations as set out in the report it was noted that the Council would have increased its general fund balances from £4.034m at 31 March 2022 to £4.777m at 31 March 2023 and reduced earmarked reserves from £17.739m to £16.871m for the same period.

It was moved by Councillor David Hughes, seconded by Councillor Peter O'Brien and

**RESOLVED** (unanimously)

1. That the overall General Fund revenue budget outturn position for 2022/23 (subject to external audit) and budget variances at 31 March 2023 as set out in paragraphs 1.1 and 1.2 of the report be noted.
2. That the final required movements in reserves for 2022/23 as set out in Appendix 3b be approved.
3. That the transfer of reserves as set out in section 2.4 to achieve a balanced out-turn position be approved.

The Chair declared the motion **CARRIED**.

### **91/23 - PROVISIONAL CAPITAL OUT-TURN 2022/23 AND REVISED CAPITAL PROGRAMME 2023/24 TO 2027/28**

The Director of Resources introduced a report outlining the provisional (subject to audit) out-turn position for 2022/23 and the revised Capital Programme for 2023/24 to 2027/28. Thirteen new projects were proposed for inclusion in the revised programme.

At a meeting of Council on 2<sup>nd</sup> March 2023 Members approved a revised capital programme totalling £35,858,944, covering the financial years 2022/23 to 2026/27 which was summarised in table 1 of the report. A revised capital budget of £6,160,505 was approved for 2022/23. Members were informed that the actual total capital expenditure for 2022/23 was £4,233,274. Therefore, there was an overall underspend of £1,927,231.

The expenditure incurred against each project was outlined in Appendix A to the report, which provided explanations for under- and over-spends and whether each project had concluded. Where projects were continuing beyond the end of 2022/23, budget underspends had been carried forward and added to the budget for 2023/24. It was proposed to carry forward £1,814,037 of the provisional underspend from 2022/23 into 2023/24.

The proposed changes to the capital programme for 2023/24 to 2027/28 were set out in part 3 of the report, along with the proposed financing arrangements.

It was moved by Councillor David Hughes, seconded by Councillor Mark Wakeman and

**RESOLVED** (unanimously)

1. That the provisional Capital Out-turn of £4,233,274, as detailed in Appendix A, be approved.
2. That the explanations regarding significant variances in planned and actual capital expenditure for 2022/23 be noted.
3. That an underspend of £1,814,037 be carried forward at 31 March 2023 and other revisions totalling £96,000 set out in paragraphs 3.1 and 3.2 and Appendix A be approved for inclusion into the capital programme.
4. That new projects totalling £4,652,400 set out in paragraphs 3.5 to 3.18 of the report be approved for inclusion in the programme.
5. That the updated capital programme for 2023/24 to 2027/28 set out in Appendix B to the report totalling £38,450,376 be approved.
6. That financing of the Capital Programme from sources summarised at paragraph 3.21 and shown in Appendix C be approved.
7. That the balance of funds available over the 5-year programme, shown at Appendix C, be noted.

The Chair declared the motion **CARRIED**.

**Meeting Closed: 9.15 pm**

**Chairman**