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## Council

**Minutes of a Council meeting held at 6.00 pm on Thursday, 25th January, 2024 in the Council Chamber, Town Hall, Matlock, DE4 3NN.**

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

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

Jim Fearn (Communications & Marketing Manager), Samantha Grisman (Clean & Green 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), Dave Turvey (Events Manager), Ashley Watts (Director of Community and Environmental Services) and Paul Wilson (Chief Executive)

### **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**

No apologies were received.

## **293/23 - PUBLIC PARTICIPATION**

### **STATEMENT and QUESTION from Mr Nick Elliott, Matlock Community Land Trust**

*“Matlock Community Land Trust has been established with the aim of acquiring land currently owned by the County Council, to adapt the land for enhanced community use.*

*Our plans if successful would deliver approximately nine houses for affordable rent on the brown field site (formerly the car park on Cavendish Road) along with much needed off street parking for the area and finally an area for allotments and recreation now even more needed after the loss of similar provision at Starkholmes.*

*Would elected members of the Council consider meeting the MCLT to explore possible avenues of partnership working and also if financial support is possible.”*

### **RESPONSE:**

**The Council has worked successfully with community land trusts in Bradwell and Youlgreave. We recognise the valuable contribution CLTs can make in the provision of affordable homes. I understand the Housing Department and Matlock Community Land Trust have already met twice and discussed development and finance. I’m sure Members would be keen to encourage further engagement with the Housing Department about how we can work together in the future.**

## **294/23 - INTERESTS**

### **Item 2 - Public Participation**

Councillors Steve Wain, Martin Burfoot and Sue Burfoot declared a non-pecuniary interest in Item 2 due to attending meetings of the Matlock Community Land Trust.

### **Item 10 – Local Council Tax Support Scheme for 2024/25**

Councillor Peter O’Brien declared a non-pecuniary interest in Item 10 due to a family member being in receipt of the Discretionary Hardship Fund.

### **Item 11 – Review of Polling Districts and Polling Places**

Councillor Steve Flitter declared a non-pecuniary interest in Item 11 due to being the director of a building used as a polling station.

## **295/23 - CHAIRMAN'S ANNOUNCEMENTS**

### **Councillor David Burton, Civic Chair, made the following announcements:**

*“Members I think it’s important to acknowledge the sad news that Mark Wakeman has resigned as Ward Member for Bakewell. He was an outstanding and committed Ward Member and brought great credibility to the Council in the manner and way he served Bakewell. I am personally grateful to Mark as he was one of the first Members to respond to my appeal and wish him all the best for the future.*

*Tonight, I bring to your attention my Civic Charitable Appeal ‘Send a child to Hucklow’.*

*Please take time at home to read my Appeal Letter with the enclosed 'Annual Report'.*

*My hope is that from your direct donations Members of this Council will collectively raise enough money to fund one Child the opportunity of a full weeks holiday at The Nightingale Centre Great Hucklow.*

*May I suggest that members consider a minimum donation of £10 - Cheques made out to "Send a child to Hucklow Fund" and returned in the envelope provided at the Town Hall Reception."*

## **296/23 - COMMITTEES**

It was moved by Councillor Neil Buttle, seconded by Councillor Steve Flitter and

### **RESOLVED**

That the non-exempt minutes of the Committees listed in the Minute Book for the period 05 December 2023 to 20 December 2023 be received.

### **Voting**

**30 For**

**01 Against**

**01 Abstention**

The Chair declared the motion **CARRIED**.

## **297/23 - QUESTIONS (RULE OF PROCEDURE 15)**

**Question from Councillor David Chapman to Councillor Steve Flitter, Leader of the Council:**

*"Will this Council be requesting a portrait of King Charles III to hang in the Town Hall?"*

**Councillor Flitter provided the following response.**

### **RESPONSE:**

On 15<sup>th</sup> November, the Council received a letter from the Department for Levelling up Housing and Communities offering a free, framed portrait of his Majesty the King to celebrate the new reign. The Council placed an order on 24<sup>th</sup> November with delivery expected before April.

**Question from Councillor Susan Hobson to Councillor Steve Flitter, Leader of the Council:**

*"Why is the full membership of Derbyshire Dales District Council being denied the opportunity to discuss the report into the independent investigation of the complaint that was sent to all councillors, and why is this information only to be discussed at committee level by 9 councillors?"*

**Councillor Flitter provided the following response.**

**RESPONSE:**

Thank you for your question.

Members agreed to the terms of reference for the Governance and Resources Committee at Council in July 2023 further to the hard work undertaken by the Constitution Working Group. In it the terms of reference clearly state that the business of the Committee is to look at 'issues identified of significant strategic importance'. It also clearly states the functions of Council business that the Committee has responsibility for are complaints, HR and corporate governance. It is therefore right and proper that this matter is looked at by the Governance and Resources Committee.

Elected Members are free to attend any Committee meetings and I am confident that Cllr Wilton as Chair would welcome that attendance.

None of the ten allegations made were fully upheld. Four were partially upheld and that is essential to recognise. This Council must and will learn from this complaint and I have full faith in the Governance and Resources Committee to lead on that improvement.

**Question from Councillor Dermot Murphy to Councillor Steve Flitter, Leader of the Council:**

*"In recent months there have been major concerns about drainage and flooding issues relating to planning applications presented to the planning committee for consideration. Matlock and Ashbourne applications have come in for intensive scrutiny as two areas that suffer from ever increasing flooding events. Severn Trent Water have responded to applications stating they have capacity to handle ever greater amounts of drainage and sewage demand. Ward Councillors have brought to the attention of the members of planning committee the reality of the Severn Trent Water systems failing.*

*The evidence is undeniable. The cumulative effect of all the new developments in recent years makes members wonder where is all the new infrastructure to cope with the ever increasing demand. I would like to ask Councillor Flitter in his role as DDDC leader to request STW attend a meeting with all councillors to explain how they process requests for further demands on their systems. The evidence in recent years makes one really question their responses to our planners.*

*I am sure Councillor Flitter will agree flooding is a soul destroying experience for our residents and there is very little as a local authority we can do. Further concerns surrounds the sight of human waste and other detritus which has been proved to make local school children ill in one example. As Councillors we have a duty of care for our residents and with a heavy heart we often have to approve applications that we really have little confidence in?"*

**Councillor Flitter provided the following response.**

**RESPONSE:**

Thank you for your question.

Members may know that our Scrutiny Committee has already set out its intention to look in detail at this very issue. I understand that the Scrutiny Committee has agreed to establish a politically equal Task Group to move this work forward and correspondence to Group Leaders has been made to establish the Task Group.

As part of that work, I am more than happy to support colleagues on that Task Group by writing to Severn Trent requesting that they attend a meeting to give evidence. I will take the advice of my Task Group colleagues as to whether such a meeting would be best served by the attendance of all Members or whether it should form part of the planned work of the Committee. As Councillor Murphy has a keen interest in this issue I would encourage him to have a close interest in or take part in this enquiry, directly.

### **298/23 - APPROVAL OF MINUTES OF PREVIOUS MEETING**

It was moved by Councillor David Burton, Seconded by Councillor Martin Burfoot and

#### **RESOLVED**

That the minutes of a meeting of Council held on 14 December 2024 be approved as a correct record.

#### **Voting**

**27 For**

**01 Against**

**04 Abstentions**

The Chair declared the motion **CARRIED**.

### **299/23 - DERBY AND DERBYSHIRE STRATEGIC LEADERSHIP BOARD**

The Chief Executive introduced a report providing Members with an update on work taking place with Derby and Derbyshire Councils on a revised approach to collaborative and partnership working. The report sought Member approval to participate in a new Joint Committee of Derby and Derbyshire's Councils – the D2 Strategic Leadership Board.

Members were informed that as work progressed towards the establishment of a proposed new East Midlands Mayoral Combined County Authority, which would bring new opportunities to improve outcomes for people and places throughout Derby and Derbyshire, it was important to ensure that Derby and Derbyshire Councils strategic approach to collaborative and partnership working continued, had the flexibility to evolve to meet changing circumstances and was fit for purpose in managing the interface with this new authority, which would have key responsibilities for major investment strategies and programmes for the East Midlands region.

The D2 Strategic Leadership Board was proposed as offering a single framework for discussion and decision making across agendas incorporating the remits of the Vision Derbyshire Joint Committee and the D2 Economic Prosperity Committee; and additionally, accommodating the proposed D2 Growth Board alongside the proposed D2 Business Board. This meant that the Derbyshire Economic Recovery Board and the Derbyshire Economic Partnership would no longer exist.

The proposed structure for the new Board was attached at appendix 1 to the report.

It was moved by Councillor Peter Dobbs, seconded by Councillor Peter Slack and

## **RESOLVED**

1. That Council notes the outcome of the governance review undertaken by the Vision Derbyshire Joint Committee and the proposals to merge appropriate governance structures into a single new framework for Derbyshire Councils, which will include a new formal decision-making Joint Committee called the Derbyshire Strategic Leadership Board.
2. That Council approves proposals for the establishment of the D2 Strategic Leadership Board and delegates functions to the Joint Committee as set out in the Functions and Responsibilities document in Appendix 2.
3. That Council notes the draft Terms of Reference, including the Introduction and Context, Functions and Responsibilities, Procedural Rules and Information Procedure Rules for the Strategic Leadership Board as set out at Appendix 2 and the position detailed in those documents regarding scrutiny and co-option.
4. That Council approves the Council's active participation in the D2 Strategic Leadership Board and appoints the Leader of the Council – Cllr Steve Flitter, as the Council's representative on the D2 Strategic Leadership Board, and Deputy Leader – Cllr Peter Slack, as substitute.
5. That Council notes the intention that the SLB be the body for the nomination of district and Borough representatives to the East Midlands Combined County Authority, when established, further noting that this is subject to the CCA's agreement that this be the mechanism.
6. That Council notes the intention that the County Council will act as the host authority for the Joint Committee.
7. That Council notes the dissolution of the D2 Joint Committee for Economic Prosperity, the enactment of which is subject to the establishment for the D2 Strategic Leadership Board, and that the Council's Constitution is amended accordingly.
8. That Council notes the dissolution of the Vision Derbyshire Joint Committee, the enactment of which is the subject to the establishment of the D2 Strategic Leadership Board, and that the Council's Constitution is amended accordingly.

## **Voting**

**24** For  
**00** Against  
**08** Abstained

The Chair declared the motion **CARRIED**.

### **300/23 - STRUCTURAL CHANGES TO THE ORGANISATIONAL ESTABLISHMENT**

The Chief Executive introduced a report setting out proposals to realign organisational resources in order to ensure the Council was adequately resourced to deal with existing and future priorities and challenges.

Members were informed that as Head of Paid Service, it was the Chief Executives responsibility to inform Council of the staffing resources required to discharge the function of the authority and to reflect upon the future ambition of the Council and advise whether the Council had the resources in place to deliver on the collective ambition of the Council.

It was noted that in September 2022, members agreed to invest in a comprehensive package of external support measures provided by 'Circling Squares', to support the Chief Executive, Corporate Leadership Team, Senior Management Team and Elected Members. The Circling Squares report made a number of recommendations as detailed in section 1.3 of the report.

In addition to considering implementation of the findings of the Circling Squares report, an opportunity had presented itself through the retirement of the Director of Regulatory Services to look at the distribution and alignment of the Council's functions across the respective directorates and identify areas where service alignment could be improved in response to the new priorities of the Progressive Alliance. The proposed changes to the organisation structure were outlined in section 2 of the report.

It was moved by Councillor Flitter, seconded by Councillor Martin Burfoot and

**RESOLVED** (unanimously)

1. That approval be granted for the implementation of the changes to the Council's establishment structure as outlined at Section 2.

The Chair declared the motion **CARRIED**.

**19:26: Councillor Gareth Gee left the meeting during debate and returned at 19:28.**

### **301/23 - LOCAL COUNCIL TAX SUPPORT SCHEME FOR 2024/25**

The Director of Resources introduced a report providing information relating to proposed changes to, and sought approval to adopt, the Local Council Tax Support Scheme for the financial year 2024/25.

The government requires each billing authority to determine a Council Tax Reduction Scheme for each financial year. It was highlighted that no significant changes were being proposed to the scheme to be adopted for 2024/25 and so no new consultation with the public or precepting authorities had been necessary.

Alongside the 'main' Local Council Tax Support Scheme, the Council also has a Discretionary Hardship Fund to provide further financial support to CTS applicants facing undue financial hardship. When setting the budget for 2023/24, a budget of £20,000 was approved for the Discretionary Hardship Fund. It was suggested that the Discretionary Hardship Fund budget remain as £20,000 for 2024/25. Should the amount appear to be insufficient during 2024/25, the Director of Resources would present a further report to Council to explain the reasons and to request additional funding.

It was moved by Councillor Roger Shelley, seconded by Councillor Neil Buttle and

**RESOLVED** (unanimously)

1. That the Council approves and adopts the scheme detailed in this report as the Local Council Tax Reduction Scheme for 2024/25.
2. That £20,000 be set as the budgeted amount for all Discretionary Hardship Fund applications under Schedule 11 of the scheme 2024/25 (to be reviewed by a further report to Council during the year if it appears that this amount may be insufficient).

The Chair declared the motion **CARRIED**.

**302/23 - REVIEW OF POLLING DISTRICTS AND POLLING PLACES**

The Electoral and Democratic Services Manager introduced a report which sought Member approval to progress outline plans for a statutory review of polling districts and polling places within the district. The report recommended officer delegation to make amendments to polling places for elections to be held between now and completion of review.

The Electoral Administration Act 2006, as amended, introduced a duty on all local authorities in Great Britain to review their polling districts and polling places at least once every five years. Under section 18C of the Representation of the People Act 1983, the next compulsory review must be undertaken within a 16-month window between 1 October 2023 and 31 January 2025.

Members were informed that although the Council had been unable to commence the review itself earlier, due to capacity issues arising from the introduction of tranche 2 of the Elections Act 2022, some preparatory work had been carried out as detailed in section 2.8 of the report. This included writing to contacts at all existing polling places to establish whether the premises were still available and to assess their suitability.

It was noted that it was unlikely that the review would result in significant changes to existing polling districts due to the whole of the district remaining in a single parliamentary constituency.

It was moved by Councillor Kelda Boothroyd, seconded by Councillor Martin Burfoot and

**RESOLVED**

1. To note that the compulsory polling district and places review commenced on Monday 4 December 2023.
2. To note the outline timetable for the review and the process described in this report.
3. To authorise the Electoral Registration Officer to take the necessary measures as soon as possible to give effect to parliamentary constituency changes, ensuring that the register reflects existing and new constituency boundaries, until they are fully in force.
4. To authorise the Electoral Registration Officer to take the necessary measures to give effect to any new or amended polling districts on completion of the polling district review,



ensuring that the register reflects existing and new boundaries, until the boundaries are fully in force.

5. To delegate to the Governance and Resources Committee the power to designate polling districts in accordance with section 18 and 18A of the Representation of the People Act 1983.
6. To delegate the power to designate polling places in accordance with section 18 and 18B of the Representation of the People Act 1983 to the Director of Corporate and Customer Services including the changes set out in paragraph 2.11.

## **Voting**

**31 For**

**00 Against**

**01 Abstention**

The Chair declared the motion **CARRIED**.

## **303/23 - REFERRED ITEM - RECOMMENDATIONS OF THE COMMUNITY & ENVIRONMENT COMMITTEE**

Members were asked to consider the recommendations of the Community and Environment Committee which sought Council approval of a supplementary budget estimate of £10,000 to facilitate a 12-month subscription to Earthsense.

It was moved by Councillor Peter Dobbs, seconded by Councillor David Hughes that the recommendation of the Community and Environment Committee be accepted with the addition as set out below:

2. That following conclusion of its use in Ashbourne, Officers establish a plan for moving the monitor around the District to record NOx and particulate matter pollution.

It was moved by Councillor Sue Burfoot that a recorded vote be taken, this was seconded by Councillor Steve Flitter. The amended motion was put to a recorded vote as follows:

**For: 23, Councillors:** Robert Archer, Kelda Boothroyd, Matt Buckler, Martin Burfoot, Sue Burfoot, David Burton, Neil Buttle, Peter Dobbs, Steve Flitter, Marilyn Franks, Dawn Greatorex, David Hughes, Joanne Linthwaite, Laura Mellstrom, Andy Nash, Peter O'Brien, Lucy Peacock, Simon Ripton, Roger Shelley, Peter Slack, Steve Wain, Nick Whitehead and Nick Wilton.

**Against: 7, Councillors:** Anthony Bates, John Bointon, Geoff Bond, Edwards-Walker, Susan Hobson, Stuart Lees and Dermot Murphy.

**Abstentions: 2, Councillors:** David Chapman and Gareth Gee.

It was therefore **RESOLVED**

1. That a supplementary budget estimate of £10,000, to facilitate a 12-month subscription to Earthsense, be approved.

2. That following conclusion of its use in Ashbourne, Officers establish a plan for moving the monitor around the District to record NOx and particulate matter pollution.

The Chair declared the motion **CARRIED**.

**The meeting adjourned at 20:24 and reconvened at 20:32.**

### **304/23 - DURATION OF MEETINGS (MOTION TO CONTINUE)**

At 20:23, it was moved by Councillor Steve Wain, seconded by Councillor Robert Archer and

**RESOLVED** (Unanimously)

That in accordance with Rule of Procedure 13, the meeting continue until 21:00.

### **Voting**

**25 For**

**07 Against**

**00 Abstained**

The Chair declared the motion **CARRIED**.

### **305/23 - VEHICLE REPLACEMENT PROGRAMME - 2023/24**

The Director of Community and Environmental Services introduced a report requesting the transfer of £166,133 of funds already approved and allocated to the Vehicle Replacement Programme for 2024/25 into the current financial year.

At the meeting of Council held on 14<sup>th</sup> December 2023, Members were presented with the Capital Programme Update Report. This report indicated that the Vehicle Replacement Programme, which formed part of the Council's Capital Programme, was going to be underspent by £166,133. Therefore, the amount was moved into the following financial year as slippage.

Members were informed that the Clean and Green Manager had been working with the Council's Procurement Officer to purchase replacement vehicles for the Clean and Green service in line with the Council's Procurement Policy. The underspend of £166,133 would not have been used as a saving and would have been used for the same purpose but in the following financial year. It was, however, required in this current financial year. It was noted that this would not require any increase in fund to those already approved by Members.

In response to concerns raised prior to the meeting, a revised officer recommendation was circulated to Members as follows, this was moved by Councillor Peter O'Brien and seconded by Councillor Peter Dobbs.

*'That capital funds for the purchase of any diesel fleet are not committed in 2023/2024, that approval is given to use the vehicle renewal reserve for the leasing of vehicles in the short term and the purchase of any future non-electric fleet is paused until such time as the Vehicle Replacement Programme is considered by the Community and Environment Committee, to ensure alignment with the Council's approved Climate Change Strategy and Action Plan'*

It was moved by Councillor Susan Hobson that a recorded vote be taken, this was seconded by Councillor Stuart Lees. The revised officer recommendation, as moved and seconded, was then put to a recorded vote as follows:

**For: 3, Councillors:** Neil Buttle, Peter Dobbs and Peter O'Brien

**Against: 29, Councillors:** Robert Archer, Anthony Bates, John Bointon, Geoff Bond, Kelda Boothroyd, Matt Buckler, Martin Burfoot, Sue Burfoot, David Burton, David Chapman, Edwards-Walker, Steve Flitter, Marilyn Franks, Gareth Gee, Dawn Greatorex, Susan Hobson, David Hughes, Stuart Lees, Joanne Linthwaite, Laura Mellstrom, Dermot Murphy, Andy Nash, Lucy Peacock, Simon Ripton, Roger Shelley, Peter Slack, Steve Wain, Nick Whitehead, Nick Wilton.

**Abstentions: 0, Councillors**

The Chair declared the motion **LOST**.

It was then moved that Councillor Steve Flitter, seconded by Councillor Martin Burfoot and

**RESOLVED**

1. That £166,133 be transferred from the 2024/25 Vehicle Replacement Programme capital budget to the current year for the purchase of vehicles.

**Voting**

**27 For**

**02 Against**

**03 Abstentions**

The Chair declared the motion **CARRIED**.

**306/23 - DURATION OF MEETINGS (MOTION TO CONTINUE)**

At 20:59, it was moved by Councillor Neil Buttle, seconded by Councillor David Hughes and

**RESOLVED**

That in accordance with Rule of Procedure 13, the meeting continue until 21:45.

**Voting**

**21 For**

**11 Against**

**00 Abstained**

The Chair declared the motion **CARRIED**.

### **307/23 - FREEDOM LEISURE - ADDITIONAL FUNDING DUE TO THE INCREASED COST OF ENERGY**

The Director of Community and Environmental Services introduced a report outlining the request for additional funding to support Freedom Leisure with increased utility costs for the 3 financial years from 2023/24 to 2025/26.

The Council has four leisure centres, sited in Ashbourne, Bakewell, Matlock and Wirksworth, the management and development of these was outsourced to Freedom Leisure, a not for profit organisation in August 2018.

In February, Freedom Leisure provided a report to Officers which outlined a request for financial support of £730k to cover the increase of energy costs for 2022/23, which was an estimated 500% increase. This amount was revised to £626k in a follow up report.

Officers and representatives from Freedom Leisure attended a workshop in June 2023 with Members to discuss the financial pressures the Leisure Industry were under and the impact this had on Freedom Leisure in Derbyshire Dales. Freedom Leisure provided a 3-year business plan which showed a deficit of £405,147 over the 3 years, mainly attributed to the increase in energy costs.

Following this workshop, Sport England announced a £60 million support fund to support swimming pool facilities with the impact of increased costs. The joint partnership bid submitted by officers of the Council and Freedom Leisure was successful in receiving £29,679 to support the increased costs at Bakewell Swimming Pool. Following the successful funding bid and achievements of Freedom Leisure improving their financial position, the request for support was now a total of £151,385.

It was moved by Councillor Nick Whitehead, seconded by Councillor Lucy Peacock and

#### **RESOLVED** (Unanimously)

1. That approval be given to a supplementary revenue budget for 2023/24, financed from the General Reserve, to support the partnership in addressing the significant increase in energy costs up to the value of £85,587.
2. That approval be given to financial support to assist the partnership in addressing the significant increase in energy costs up to the value of £34,116 in 2024/25 and £31,682 in 2025/26, with these amounts to be reflected in the budget for 2024/25 and the Medium-Term Financial Plan for 2025/26.
3. That this financial support be ring-fenced to the Derbyshire Dales contract and paid to Freedom Leisure on a monthly basis through open book accounting and monthly meetings with the contract managers up until 31<sup>st</sup> March 2026.

The Chair declared the motion **CARRIED**.

**Meeting Closed: 9.42 pm**

**Chair**