

COUNCIL**Wednesday, 18th December, 2019**

Present:-

Councillor Simmons (The Mayor)

Councillors	Barr	Councillors	Holmes
	Bingham		J Innes
	Blakemore		P Innes
	Blank		Kellman
	Borrell		Kelly
	Brady		Ludlow
	Brittain		Mannion-Brunt
	Callan		Marriott
	Catt		A Murphy
	Caulfield		T Murphy
	D Collins		P Niblock
	L Collins		S Niblock
	Coy		Rayner
	Dyke		Redihough
	G Falconer		Rogers
	K Falconer		Sarvent
	Fordham		Serjeant
	P Gilby		Snowdon
	T Gilby		Thornton
	Hollingworth		

45 MINUTES OF COUNCIL**RESOLVED –**

That the Minutes of the meetings of the Council held on 9 October and 18 November, 2019 be approved as a correct record and be signed by the Chair.

46 MAYOR'S COMMUNICATIONS

The Mayor referred to the following Mayoral engagements:

- The 1940s Market at the end of October which had involved town centre shops and traders on the open and indoor markets, and had attracted thousands of residents and visitors into the town centre;
- Commemorative events over the Remembrance period including opening a new 'Gateway Path' at Spital Cemetery, attending the annual Festival of Remembrance and taking part in services at Staveley, Chesterfield Parish Church and Christ Church;
- The large number of primary schools that had visited the Mayor's Parlour and Council Chamber for the Local Democracy programme;
- A celebration at St Mary and All Saints Church for Derbyshire Carers Association to recognise the valuable contribution made by Derbyshire's 130,000 unpaid carers.

The Mayor thanked Members for wearing festive attire to the Council meeting to raise funds for the Mayor's Appeal.

47 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bagshaw, Bellamy, Davenport, Flood, Mann, Miles, Perry and Perkins.

48 DECLARATIONS OF MEMBERS' AND OFFICERS' INTERESTS RELATING TO ITEMS ON THE AGENDA.

No declarations of interest were received.

49 PUBLIC QUESTIONS TO THE COUNCIL

Under Standing Order No. 12, the following question was asked by Max Kerley:

"In April 2019 four new council houses in Rufford Close, Chesterfield had to be demolished as a result of a suspected fire under the houses. The fire took place in a coal seam under the houses. The presence of the coal seam was known to the council during the planning process for these houses and a consultant's report (idom merebrook ref L-20129-2.4.2-16-S349-KRP dated 15 July 2016) recommended that "coal be removed in its entirety from beneath proposed building footprints, from service trenches and gardens".

This recommendation was, however, not carried out in full and the coal seam was left in place under two of the houses. The reason given is that "the reinforced concrete raft foundation design would overcome any issues". This decision has now cost Chesterfield tax payers almost £1 million.

Does Chesterfield Borough Council accept that the decision to ignore the consultant's recommendation and not to remove all the coal from under these houses was seriously flawed?"

Councillor P Gilby, Leader of the Council, provided a verbal response referring to:

- The Council's priority being to safeguard the health and wellbeing of residents at Rufford Close;
- The Council's ongoing investigation and the potential for legal action;
- All the coal below the footprint of the properties having been removed prior to construction;
- The results of a detailed investigation which had identified that the elevated carbon monoxide and hydrogen levels had arisen as a result of chemical reactions occurring within the infill material and not from the presence of an underground fire;
- The Council's plans to appoint a contractor to begin removing the material and cleaning the site.

Max Kerley asked a supplementary question as to when the findings would be made public.

Councillor P Gilby provided a verbal response advising that the Council's investigation was ongoing, but, due to the potential legal action, she was not able to comment further.

50 **PETITIONS TO COUNCIL**

No petitions had been received.

51 **QUESTIONS TO THE LEADER**

No questions were received.

52 **ANNUAL AUDIT LETTER 2018/19**

The Cabinet Member for Governance presented the Annual Audit Letter for 2018/19 submitted by Mazars, the Council's external auditors.

The annual audit letter summarised the outcome from the audit of the Council's financial statements and assessment of arrangements to achieve value for money in the use of resources. The letter confirmed that Mazars had issued an unqualified opinion on the financial statements for 2018/19 and an unqualified conclusion on the arrangements to secure value for money for 2018/19 on 31 July, 2019, confirming that the financial statements gave a true and fair view of the Council's financial position and its expenditure and income for the year and that the Council had appropriate arrangements in place to secure economy, efficiency and effectiveness in its use of resources.

RESOLVED –

That Mazar's Annual Audit Letter for 2018/19 be received.

53 **INDEPENDENT REMUNERATION PANEL ON MEMBERS' ALLOWANCES**

Pursuant to Cabinet Minute No. 81, the Senior Democratic and Scrutiny Officer submitted a report detailing the recommendations of the Independent Remuneration Panel (IR Panel) following its recent review of the Members' Allowances Scheme. The Council appointed the IR Panel earlier in the year to consider Members' allowances as a statutory requirement of the Local Government Act 2000. The IR Panel last carried out a comprehensive review in 2015.

Andy Watterson, who chaired the panel, attended Council to present the panel's recommendations.

The IR Panel's report recommended increases to the Basic Allowance along with the Special Responsibility Allowances (SRAs) for the Chairs of Planning, Appeals and Regulatory and Standards and Audit Committees, and the Vice Chairs of Planning and Appeals and Regulatory Committees. The Panel's report also recommended the introduction (or re-introduction) of three SRAs: Chair of Licensing Committee, Vice Chair of Standards and Audit Committee and Deputy Leader of the main opposition group. In addition, the Panel recommended that the SRA for

the Vice Chairs of Scrutiny Committees be reduced. The overall cost of implementing the Panel's recommendations amounted to an additional £10,057 a year compared to the current scheme, although this reduced to £5,303 whilst the Chair of the Appeals and Regulatory Committee was also the Chair of the Licensing Committee.

RESOLVED –

1. That the IR Panel's recommendations be approved with the exception of the Special Responsibility Allowances for the Deputy Leader of the main opposition group and Vice Chair of Standards and Audit Committee.
2. That the changes to the members' allowances scheme be introduced with effect from 1 April, 2020.
3. That the IR Panel's report be published in the press and on the Council's website, as set out in paragraph 6 of the officer's report.
4. That a supplementary estimate to meet the additional costs be approved.
5. That Full Council expresses both its appreciation and thanks to the members of the IR Panel for the thorough and efficient way in which they carried out the review.
6. That the basic allowance, special responsibility allowances, subsistence allowance and Mayoral Allowance be updated annually in line with the annual percentage pay increase given to Chesterfield Borough Council employees as agreed for each financial year by the National Joint Council for Local Government Staff until 31 March, 2023 unless the Council has before then sought a further recommendation from its IR Panel on their application in this scheme.

54 QUARTER 2 BUDGET MONITORING 2019/20 & UPDATED MEDIUM TERM FINANCIAL PLAN

Pursuant to Cabinet Minute No.49, the Acting Chief Finance Officer submitted a report outlining the budget position at the end of the second quarter, covering the General Fund Revenue Account, the General Fund Capital Programme and the Housing Revenue Account.

RESOLVED –

1. That the financial performance in the first half of the financial year and the new medium term financial forecast be noted.
2. That the changes to the medium term financial forecast, as outlined in section 4 and section 6 of the officer's report, be approved.
3. That the proposed use of reserves and the new applications for funding, as set out in section 5 of the officer's report, be approved.
4. That the updated capital programme, as detailed in section 7 of the officer's report, be noted.
5. That the proposed additions to the capital programme, as detailed in paragraph 7.2 of the officer's report, be approved.
6. That the position of the Housing Revenue Accounts budgets, as detailed in section 8 of the officer's report, be noted.
7. That the budget preparation guidelines, as set out in paragraph 9.1 of the officer's report, be approved.
8. That the planned approach to budget consultation, as detailed in paragraph 9.3 of the officer's report, be approved.

55

MARKHAM VALE ENTERPRISE ZONE - BUSINESS RATES

Pursuant to Cabinet Minute No. 66, the Executive Director and Assistant Director – Economic Growth submitted a report seeking approval for revisions to the Council's business rates policy for Markham Vale Enterprise Zone (MVEZ) to enable the income from business rates to be used to support the delivery of local economic priorities in and around Chesterfield.

In October, 2019, the Council had approved the establishment of a Joint Growth Board and a Joint Growth Unit in partnership with Derbyshire County Council to enable the development of detailed programmes of investment for key growth projects. The Unit would be funded from the retained MVEZ business rates income.

RESOLVED –

1. That the Business Rates income from the Markham Vale Enterprise Zone (MVEZ) be retained by the Council from 1 April, 2020 and re-invested locally to support the delivery of local economic priorities.
2. That the change in Business Rates policy for MVEZ be applied annually for the remaining 17 years of allowable business rates retention up to 2036/37.
3. That approval be granted for three key programmes of investment: key projects delivery, economic growth activities and skills activities; and that the funding be particularly targeted at unlocking and accelerating key developments and sites and delivering better outcomes for local communities.
4. That detailed programmes of investment be developed, with a particular emphasis on the key growth projects being progressed through the Joint Growth Board, with Derbyshire County Council; and recommendations made to Cabinet and Council as appropriate to ensure the programmes and associated spending are approved in line with the Council's constitution.

56 LOCAL COUNCIL TAX SUPPORT SCHEME 2020/21

Pursuant to Cabinet Minute No.67, the Acting Chief Finance Officer submitted a report seeking approval for the Council Tax Support Scheme to be applied in 2020/21. The report noted that the scheme being recommended for adoption in respect of the next financial year (2020/21) was unchanged from that operated in 2019/20.

RESOLVED –

1. That approval be granted to continue with the current Local Council Tax Support scheme for 2020/21. The scheme is based on The Council Tax Reduction Scheme England Regulations 2012 amended to reflect the following local decisions concerning the key principles of the scheme:
 - For those of working age the maximum amount of the Local Council Tax that will be eligible for reduction is 91.5% of their full Council Tax Liability;

- The Council continues its policy of disregarding war pensions for the purposes of calculating income in respect of the Local Council Tax Support scheme;
 - The 'taper', i.e. the rate at which support is withdrawn as income increases be maintained at 20%.
2. That delegated powers be granted to the Chief Finance Officer in conjunction with the Cabinet Member for Business Transformation to update the 2020/21 scheme to reflect such up-ratings of premiums, allowances and non-dependent deductions as may be determined by the Department of Work and Pensions, and in respect of other minor technical changes which may be required.
 3. That approval be granted to continue the current local council tax discounts, which were originally implemented in 2013/14.

57 HOUSING STRATEGY 2019-2023

Pursuant to Cabinet Minute No.68, the Assistant Director – Housing submitted a report seeking approval of the Chesterfield Housing Strategy 2019-2023.

RESOLVED –

That the Chesterfield Housing Strategy 2019-2023 be adopted.

58 DERBYSHIRE CARE LEAVER OFFER

Pursuant to Cabinet Minute No.69, the Assistant Director – Policy and Communications submitted a report seeking approval for the Council to support and commit to a countywide (Derbyshire excluding Derby City) local offer for children in care and care leavers.

RESOLVED –

1. That the council tax discretionary discount for eligible Derbyshire care leavers aged 18 – 25 be applied from 1 April 2020 and the Care Leaver discretionary discount policy be approved.
2. That the other elements of the local children in care and care leaver offer (active fostering, employment, skills, apprenticeships and work

experience, housing and recruitment of foster carers/supported lodgings) come into force with immediate effect.

3. That Chesterfield Borough Council continues to work with Derbyshire County Council, Derbyshire districts/boroughs and other partners to further develop and improve the children in care and care leaver offer/care leaver covenant for Derbyshire.
4. That a review of the Chesterfield Borough Council elements of the local care leaver offer is undertaken on an annual basis to ensure continued affordability and effectiveness.

59 PEOPLE PLAN 2019 - 23

Pursuant to Joint Cabinet and Employment and General Committee Minute No.28, the Assistant Director – Customers, Commissioning and Change submitted a report seeking approval for the Council’s workforce strategy, known as the ‘People Plan 2019-2023’.

RESOLVED –

That the People Plan 2019-2023 be approved and adopted.

60 LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF THE PUBLIC

RESOLVED –

That the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 3 of Part I of Schedule 12A to the Local Government Act 1972.

61 AWARD OF CONTRACT TO COLLECT AND DISPOSE OF DOMESTIC WASTE FROM MAY 2020

Pursuant to Cabinet Minute No.85, the Interim Assistant Director – Commercial Services submitted a report to update members on the actions taken to procure a supplier for the future delivery of the Council’s waste collection contract.

The report proposed that the contract be awarded to Veolia following an open tender process and sought approval for a revised five-year revenue

budget for the provision of the contract and capital expenditure for the purchase of a new vehicle fleet.

RESOLVED –

1. That the revised five-year revenue budget profile for the provision of Waste Collection Services from 2020/21, as set out in section 8 of the officer's report, be approved.
2. That the capital expenditure for the purchase of a new vehicle fleet for the future delivery of Waste Collection Services, as set out in paragraphs 3.10 and 7.3 of the officer's report, be approved, and that this item of additional expenditure be added to the Council's Capital Programme for 2019/2020.

62 LOCAL GOVERNMENT ACT 1972 - RE-ADMISSION OF THE PUBLIC

RESOLVED –

That the public be re-admitted to the meeting.

63 MINUTES OF COMMITTEE MEETINGS

RESOLVED –

That the Minutes of the following Committees be noted:-

- Appeals and Regulatory Committee of 23 October (two meetings), 30 October, 6 November, 27 November and 4 December, 2019.
- Employment and General Committee of 4 November, 2019.
- Planning Committee of 23 September, 14 October, 4 November, 19 November and 25 November, 2019.
- Standards and Audit Committee of 25 September, 2019.

64 MINUTES OF CABINET**RESOLVED –**

That the Minutes of the meetings of Cabinet of 1 October, 22 October, 12 November and 3 December, 2019 be noted.

65 MINUTES OF THE JOINT CABINET AND EMPLOYMENT AND GENERAL COMMITTEE**RESOLVED –**

That the Minutes of the meetings of the Joint Cabinet and Employment and General Committee of 1 October and 3 December, 2019 be noted.

66 MINUTES OF THE OVERVIEW AND PERFORMANCE SCRUTINY FORUM**RESOLVED –**

That the Minutes of the meeting of the Overview and Performance Scrutiny Forum of 19 September, 2019 be approved.

67 MINUTES OF THE COMMUNITY, CUSTOMER AND ORGANISATIONAL SCRUTINY COMMITTEE**RESOLVED –**

That the Minutes of the meeting of the Community, Customer and Organisational Scrutiny Committee of 26 September, 2019 be approved.

68 MINUTES OF THE ENTERPRISE AND WELLBEING SCRUTINY COMMITTEE**RESOLVED –**

That the Minutes of the meeting of the Enterprise and Wellbeing Scrutiny Committee of 3 October, 2019 be approved.

69 QUESTIONS UNDER STANDING ORDER NO. 19

No questions had been submitted.

70 STANDING ORDER NO. 33 - SUSPENSION OF STANDING ORDERS**RESOLVED –**

That, in accordance with Standing Order No. 33, Standing Order No. 4 paragraph 4.3 be waived to enable the meeting to continue beyond the three hours time limit.

71 NOTICE OF MOTION UNDER STANDING ORDER NO. 21

It was moved by Councillor Fordham and seconded by Councillor Borrell that:

“This Council notes the recent success of events within the Borough such as the Annual Canal Festival, the Motor Fest and Chesterfield Pride. The Council believes that the economic benefit of tourism and the visitor economy is critical to the sustainability of the Town. The Council resolves to identify further events, festivals and opportunities and to build working relationships with residents, outside organisations and bodies to create a working programme that draws on our history, heritage, market tradition and use of public spaces.”

As an amendment, it was moved by Councillor Sarvent and seconded by Councillor Serjeant that the motion be amended to read:

“This Council notes the recent success of events within the Borough such as the Annual Canal Festival, the Motor Fest and Chesterfield Pride. The Council believes that the economic benefit of tourism and the visitor economy is critical to the future sustainability of the town and borough. As part of the Council’s wider growth strategy, which includes:

- bringing forward key regeneration sites such as the Northern Gateway, Chesterfield Waterside and Peak;
- lobbying for HS2 and preparing Chesterfield for its arrival;
- revitalising the heart of Chesterfield through investment in the market grounds and the town centre public realm;
- actively promoting town centre living;
- working through Destination Chesterfield and the Derbyshire Culture, Heritage, Arts and Tourism Board to properly market Chesterfield;
- maintaining our award-winning tourism service;

- improving the quality of the programming offer at our cultural venues;
and
- capitalising on the social media campaigns of key partners such as Alterix;

the Council resolves to continue to fund, organise and support such events and to identify new experiential opportunities to grow our visitor numbers, increase visitor spend and support more tourism jobs above and beyond the record levels achieved in 2019.”

On being put to the vote the amendment to the motion was declared carried.

On being put to the vote the motion (as amended) was declared carried.