

**COUNCIL****Wednesday, 24th February, 2021**

Present:-

Councillor G Falconer (Mayor)

Councillors	Barr	Councillors	P Innes
	Bellamy		Kellman
	Bingham		Kelly
	Blank		Ludlow
	Borrell		Mannion-Brunt
	Brady		Marriott
	Brittain		Miles
	Callan		A Murphy
	Caulfield		T Murphy
	D Collins		P Niblock
	L Collins		S Niblock
	Coy		Perkins
	Davenport		Perry
	K Falconer		Rayner
	Flood		Redihough
	Fordham		Rogers
	P Gilby		Sarvent
	T Gilby		Serjeant
	Hollingworth		Simmons
	Holmes		Snowdon
	J Innes		Thornton

**31 MINUTES OF COUNCIL****RESOLVED –**

That the Minutes of the meetings of the Council held on 16 December, 2020 and 10 February, 2021 be approved as a correct record and be signed by the Chair.

**32 MAYOR'S COMMUNICATIONS**

The Mayor referred with sadness to the recent deaths of former Councillors, Mr Keith Lomas and Mr Malcolm Stewart. Members observed a minute's silence in their honour.

The Mayor referred to recent virtual events which she and the consort had attended including:

- The annual Holocaust Memorial Day event where attendees this year heard from Vivienne Cato whose mother had lived in Nazi occupied Budapest;
- A meeting with representatives from the Elm Foundation, which offers support to those suffering or escaping from domestic abuse;
- The High Sheriff's Legal Service live from Derby Cathedral;
- The Chesterfield and North East Derbyshire Employability and Skills Conference, where attendees heard about the 'My Future' career platform, which Council employees had developed in partnership with local education partners and local employers.

The Mayor thanked participants of their virtual quiz night for their support of the Mayor's Appeal which had raised £300. The Mayor also thanked Councillor Paul Niblock and Councillor Shirley Niblock for their work organising the event.

The Mayor reminded Members that the next virtual fundraising event would take place on 22nd March, 2021 with details to follow.

### **33 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Bagshaw, Blakemore, Catt, Dyke and Mann.

### **34 DECLARATIONS OF MEMBERS' AND OFFICERS' INTERESTS RELATING TO ITEMS ON THE AGENDA.**

Councillor Thornton declared an interest in Minute Nos. 45 and 46 and confirmed that she would not be taking part in the vote on these items.

### **35 PUBLIC QUESTIONS TO THE COUNCIL**

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

“Demolition of Council Houses on Rufford Close, Chesterfield:

At the Council meeting on 26 February 2020 in response to my question on the above topic, Cllr Gilby informed me that a full technical/geological investigation had been undertaken to establish what created the conditions that necessitated the demolition of the brand new houses on Rufford Close. It subsequently emerged that the Council had received the report of this investigation in September 2019.

On 6 March 2020, I requested a copy of the report under the Freedom of Information Act. This request was refused by the Council on the grounds that the report was being used by the Council to engage in negotiation and possible mediation with contractors who had been involved in building the houses on Rufford Close and that the Council might use the report in legal proceedings. The refusal of the Council to release this report is now the subject of an appeal to the Information Commissioner.

At the Council meeting on 16 December 2020 I asked the Council the following question? Based on the technical/geological report has the Council engaged in negotiations with the contractor(s) involved and reached mediation? If not, has the Council initiated legal proceedings?

Cllr Gilby refused to answer this question and also refused to answer my follow up question which was when can we expect the Council to engage in negotiations with contractors or initiate legal proceedings.

In the absence of any answer let alone a satisfactory answer I am forced to return to the question. Given that this sad affair has so far cost the taxpayers of Chesterfield about £1 million and that the Council has had the technical/geological report now for 17 months surely this is a long enough period of time for the residents of Chesterfield to be able to expect that the Council has now formulated a plan of action. Therefore, I ask yet again by what date can we expect the Council to engage in negotiations with contractors or by what date can we expect the Council to initiate legal proceedings?”

Councillor P Gilby, Leader, provided a verbal response, confirming the Council’s willingness to assist the Information Commissioner when contacted and re-iterated that the Council was following appropriate legal

procedures in relation to this complex matter, which were time-consuming, and that disclosure of further detail would breach legal professional privilege.

Max Kerley asked a supplementary question as to when it was expected that legal proceedings would be commenced.

Councillor P Gilby provided a verbal response, advising Mr Kerley again that the Council was following appropriate legal procedures and referring to the Council's recent record and future plans for building and acquiring new Council homes.

### **36 PETITIONS TO COUNCIL**

No petitions had been received.

### **37 QUESTIONS TO THE LEADER**

Under Standing Order No. 14 Members asked the following questions:

- Councillor Fordham asked whether a permanent memorial to Violet Markham could be installed in the town and if consideration would be given to more female and BAME individuals being commemorated on plaques, given that they had previously been underrepresented.

The Leader provided a verbal response, commending Councillor Fordham's participation in the consultation, confirming that all suggestions would be given due consideration and acknowledging Violet Markham's legacy to the town and impact on her own life and career as an inspirational role model.

- Councillor K Falconer asked if any additional resources had been allocated to the Borough's parks and open spaces following their increased usage throughout the lockdown periods.

The Leader provided a verbal response, advising that no requests had been received for additional resources to be allocated to the Borough's parks and open spaces as yet but that any such requests would be given due consideration.

- Councillor Caulfield asked whether the Council had investigated the possibility of making a bid to the UK Atomic Energy Authority's Spherical Tokamak for Energy Production (STEP) programme following the question asked by Councillor Snowdon at the December meeting of the Council.

The Leader provided a verbal response, confirming that she had asked the Chief Executive to consider if a suitable site or sites existed within Chesterfield Borough for the potential development of the UK Atomic Energy Authority's new fusion prototype plant. Key requirements included a minimum 100-hectare site, proximity to a source of cooling water and grid connectivity. It was concluded that Chesterfield Borough Council was not in a position to nominate a site or an aggregation of sites at this time that met the key requirements. The only appropriate sites within the D2N2 LEP area would be existing or decommissioned power stations. It had been communicated to the LEP that should one of these sites become the location for the STEP programme, Chesterfield Borough Council would wish to be engaged and involved as part of the wider ecosystem for innovation in the generation, transmission and storage of clean energy.

- Councillor Lisa Collins asked what the Leader was looking forward to doing most once the national lockdown restrictions had eased.

The Leader provided a verbal response stating that she was looking forward to swimming at Staveley Healthy Living Centre and would very much like to climb a mountain.

## 38 **ANNUAL AUDIT LETTER 2019/2020**

The Cabinet Member for Governance presented the Annual Audit Letter for 2019/20 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 Mazars 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 Council's financial statements for 2019/20 and an unqualified value for money conclusion on 27 November, 2020. The financial statements gave a true and fair view of the Council's financial position and its expenditure and income for the year ending 31 March 2020. The Council also had appropriate arrangements in place to secure economy, efficiency and effectiveness in its use of resources.

**RESOLVED –**

That Mazars Annual Audit Letter for 2019/20 be noted and received.

**39 LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF THE PUBLIC****RESOLVED –**

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

**40 TREASURY MANAGEMENT STRATEGY 2021/22**

Pursuant to Standards and Audit Committee Minute No. 14 the Group Financial Accountant submitted a report recommending for approval the Treasury Management Strategy Statement for 2021/22, the Capital Strategy Report for 2021/22, the Investment Strategy Report for 2021/22 and the Minimum Revenue Provision (MRP) policy for 2021/22.

**RESOLVED –**

1. That the Treasury Management Strategy Statement for 2021/22 be approved.
2. That the Capital Strategy report, including the Prudential Code Indicators, for 2021/22 be approved.
3. That the Investment Strategy report for 2021/22 be approved.
4. That the Minimum Revenue Provision (MRP) policy for 2021/22 be approved.

**41 GENERAL FUND CAPITAL PROGRAMME 2021/22**

Pursuant to Cabinet Minute No. 65 the Group Financial Accountant submitted a report recommending for approval the updated General Fund Capital Programme for 2021/22.

**RESOLVED –**

That the updated General Fund Capital Programme expenditure and financing, as detailed in Appendix A of the officer's report, be approved.

**42 LOCAL GOVERNMENT ACT 1972 - RE-ADMISSION OF THE PUBLIC**

**RESOLVED –**

That the public be re-admitted to the meeting.

**43 HRA HOUSING CAPITAL PROGRAMME 2021/22**

Pursuant to Cabinet Minute No. 63 the Asset Management and Programmed Works Manager submitted the Housing (Public Sector) Capital Programmes for 2020/21 and 2021/22 and the provisional Capital Programmes for 2022/23 to 2025/26 for approval.

**RESOLVED –**

1. That the Housing (Public Sector) revised Capital Programme for 2020/21 be approved.
2. That the Housing (Public Sector) Capital Programmes for 2021/22 be approved and its procurement, as necessary, be authorised.
3. That the Housing (Public Sector) Capital Programmes for 2022/23 to 2025/26 be provisionally approved.
4. That the in-house Operational Services Division share of the Housing (Public Sector) Capital Programme for 2021/22 be approved.
5. That the Service Director – Housing and/or Acting Chief Finance Officer be authorised to transfer funds between programmes and budgets to manage the Housing (Public Sector) Capital Programme for 2021/22.

**44 HRA BUDGET 2021/22 - 2025/26**

Pursuant to Cabinet Minute No. 62 the Group Financial Accountant submitted a report presenting the probable outturn for the Housing

Revenue Account (HRA) for 2020/21 and recommending for approval the budget estimates for 2021/22 through to 2025/26.

**RESOLVED –**

1. That the probable outturn for 2020/21 be noted.
2. That the draft budget estimates for 2021/22 and future financial years be approved.
3. That the development of a detailed programme and funding strategy for Organisational Development be noted.

**45 2021/22 BUDGET AND MEDIUM TERM FINANCIAL PLAN**

Pursuant to Cabinet Minute No. 57 the Chief Financial Officer submitted a report seeking Council approval for the General Fund Budget for 2021/22, including recommendations on the budget allocations and Council Tax level for 2021/22.

In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, a recorded vote was taken for this item as follows:

**FOR –**

Councillors:

Bellamy  
Blank  
Brady  
Brittain  
Callan  
Caulfield  
D Collins  
L Collins  
Flood  
P Gilby  
T Gilby  
J Innes  
P Innes

Councillors:

Kelly  
Ludlow  
Mannion-Brunt  
Marriott  
Miles  
A Murphy  
T Murphy  
Perkins  
Perry  
Rayner  
Sarvent  
Serjeant  
Simmons

**AGAINST –**

Councillors:

P Barr  
Bingham  
Borrell  
Coy  
Davenport  
G Falconer  
K Falconer  
Fordham

Councillors:

Hollingworth  
Holmes  
Kellman  
P Niblock  
S Niblock  
Redihough  
Rogers  
Snowdon

**ABSTENTIONS –**

None

**RESOLVED –**

1. That the revised budget for 2020/21, as detailed in section 4.3 of the officer's report, be approved.
2. That the overall revenue budget summary for 2021/22, as detailed in section 4.5 and Appendix A of the officer's report, be approved.
3. That the Collection Fund and Tax Base forecasts, as detailed in section 4.6 of the officer's report, be noted.
4. That the use of the capital receipts flexibility to fund the revenue costs of the ICT programme which will lead to budget savings, as detailed in section 4.7 of the officer's report, be approved.
5. That the budget forecasts for 2022/23 and the medium term and the action plan for addressing the projected deficits, as detailed in section 4.8 of the officer's report, be noted.
6. That the intention to develop a detailed programme and funding strategy for Organisational Development, as detailed in section 4.9 of the officer's report, be noted.

7. That the estimates of reserves including maintaining the General Working Balance at £1.5m, as detailed in section 4.10 and Appendix D of the officer's report, be approved.
8. That the budget risks and sensitivity analysis, as detailed in Appendix E of the officer's report, be noted.
9. That the recommended increase in the Council's share of Council Tax in each band be approved on the basis of a £5 increase for a Band 'D' property, in 2021/22.
10. That the 2021/22 Council Tax Requirement and financing, as detailed in Appendix F of the officer's report, be approved.
11. That the Chief Financial Officer's assurances, as detailed in section 4.14 of the officer's report, be noted.

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### **COUNCIL TAX FOR 2021/22**

The Chief Financial Officer submitted a report, the purpose of which was to enable the Borough Council, as Tax Collecting Authority, to set the Council Tax for its area for 2021/22 as required by the Local Government Finance Act 1992.

In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, a recorded vote was taken for this item as follows:

#### **FOR –**

Councillors:

Bellamy  
Blank  
Brady  
Brittain  
Callan  
Caulfield  
D Collins  
L Collins  
Flood

Councillors:

Kelly  
Ludlow  
Mannion-Brunt  
Marriott  
Miles  
A Murphy  
T Murphy  
Perkins  
Perry

P Gilby  
T Gilby  
J Innes  
P Innes

Rayner  
Sarvent  
Serjeant  
Simmons

### **AGAINST –**

Councillors:

P Barr  
Bingham  
Borrell  
Coy  
Davenport  
G Falconer  
K Falconer  
Fordham

Councillors:

Hollingworth  
Holmes  
Kellman  
P Niblock  
S Niblock  
Redihough  
Rogers  
Snowdon

### **ABSTENTIONS –**

None

### **RESOLVED –**

1. That it be noted that at its meeting on 28<sup>th</sup> January 2021 the Employment and General Committee calculated the following tax base amounts for the year 2021/22 in accordance with regulations made under Section 31B of the Local Government Finance Act 1992 as:

- (a) 29,268.96 being the tax base calculated for the whole Council area.
- (b) For those areas to which a parish precept applies:

Staveley Town Council	4,243.38
Brimington Parish Council	2,408.75

2. That the Council approves the calculation of the Council Tax requirement for the Council's own purposes for 2021/22 (excluding parish precepts) as **£5,118,848**.

3. That the following amounts be calculated for the year 2021/22 in accordance with Sections 31 to 36 of the Act:

- (a) **£104,531,772** being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act (gross expenditure) taking into account all precepts issued to it by Parish Councils;
- (b) **£106,127,463** being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act (gross income including grants and the use of reserves);
- (c) **£26,344** being the surplus on the Council tax elements of the Collection Fund and **£7,162,530** being the deficit on the Business Rate elements;
- (d) **£5,593,183** being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above plus 3(c), calculated by the Council, in accordance with Section 31A(4) of the Act, as its Council Tax requirement for the year. Please note that this is the total of the Borough's requirement of **£5,118,848** plus the total parish precepts of **£474,335**.
- (e) **£191.10** being the amount at 3(d) above divided by 1(a) above, calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish precepts).
- (f) **£474,335** being the aggregate amount of all special items (parish precepts) referred to in Section 34(1) of the Act.
- (g) **£174.89** (Band 'D' Council Tax) being the amount at 3(e) above less the result given by dividing the amount at 3(f) above by the amount at 1(a) above, calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates. The tax does not exceed the principles set by the Secretary of State for determining excessive tax increases and triggering a referendum.

Parts of the Council's area:

- (h) The following being the amounts calculated by adding the amount at 3(g) to the amounts of the special item or items relating to dwellings in those parts of the Council's area mentioned in 3(f) divided in each case by the amount at 1(b), calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amounts of its Council Tax for the year for dwellings in those parts of its area to which one or more items relate.

<b>Parish</b>	<b>Band 'D' Tax £</b>
Staveley	273.94
Brimington	197.32

- (i) The amounts given by multiplying the amounts at 3(g) and 3(h) by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands:

<b>Part of the Council's area</b>	<b>Valuation Band</b>							
	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>	<b>G</b>	<b>H</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>
Staveley Town Council	182.62	213.07	243.50	273.94	334.81	395.69	456.56	547.88
Brimington Parish Council	131.54	153.47	175.40	197.32	241.17	285.02	328.86	394.64
All other parts of the Borough	116.59	136.03	155.46	174.89	213.75	252.62	291.48	349.78

4. That it be noted that for the year 2021/22 the Derbyshire County Council, the Derbyshire Fire and Rescue Service and the Derbyshire Police & Crime Commissioner have stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:
- 5.

Precepting Authority	Valuation Band							
	A	B	C	D	E	F	G	H
	£	£	£	£	£	£	£	£
Derbyshire County Council	922.05	1,075.72	1,229.40	1,383.07*	1,690.42	1,997.77	2,305.12	2,766.14
Derbyshire Fire & Rescue Service	52.85	61.65	70.46	79.27	96.89	114.50	132.12	158.54
Derbyshire Police & Crime Commissioner	161.07	187.91	214.76	241.60	295.29	348.98	402.67	483.20

\*The Derbyshire County Council Tax increase of 1.00% is to support the delivery of adult social care duties and responsibilities in 2021/22, equivalent to an additional £13.49 for dwellings in Council Tax Valuation Band 'D', which is included in the £1,383.07 in the table above.

6. That, having calculated the aggregate in each case of the amounts at 3(i) and 4 above, the Council, in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby sets the following amounts as the amounts of Council Tax for the year 2021/22 for each of the categories of dwellings shown below:

Part of the Council's area	Valuation Band							
	A 6/9	B 7/9	C 8/9	D 9/9	E 11/9	F 13/9	G 15/9	H 18/9
	£	£	£	£	£	£	£	£
Staveley Town Council	1,318.59	1,538.35	1,758.12	1,977.88	2,417.41	2,856.94	3,296.47	3,955.76
Brimington Parish Council	1,267.51	1,478.75	1,690.02	1,901.26	2,323.77	2,746.27	3,168.77	3,802.52
All other parts of the Borough	1,252.56	1,461.31	1,670.08	1,878.83	2,296.35	2,713.87	3,131.39	3,757.66

#### 47 **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 in order to consider outstanding items of urgent business at Minute Nos. 48 - 51.

**48 APPROVAL OF THE ANNUAL COUNCIL PLAN DELIVERY PLAN**

Pursuant to Cabinet Minute No. 58 the Service Director - Corporate submitted a report recommending the Council Plan Delivery Plan for 2021/22 for approval.

**RESOLVED –**

1. That the Council Plan Delivery Plan for 2021/22 be approved.
2. That the revised Council Plan commitments for the period 2019 through 2023 be approved.
3. That the Deputy Leader be granted delegated authority to make amendments to the Council Plan commitments and Delivery Plan for 2021/22 should risk assessments and changes to Covid-19 Guidance require further amendments to be made.

**49 LOCAL GOVERNMENT BOUNDARY COMMISSION – COUNCIL SIZE SUBMISSION**

Pursuant to Cabinet Minute No. 59 the Service Director – Corporate presented a report seeking approval for Chesterfield Borough Council's submission on the size of the Council as part of the full review of electoral boundaries within the borough.

**RESOLVED –**

That the draft submission to the Local Government Boundary Commission, as attached at Appendix 1 of the officer's report, recommending a Council size of 40 be approved.

**50 CIVIC ARRANGEMENTS 2021/22**

Pursuant to Cabinet Minute No. 61 the Senior Democratic and Scrutiny Officer submitted a report to confirm arrangements for the civic year 2021/22 in respect of the following:

- a) Election of Mayor 2021/22
- b) Election of Deputy Mayor 2021/22
- c) Annual Council Meeting 2021
- d) Annual Civic Service, Parade and Mayoral Dinner 2021

**RESOLVED –**

1. That Councillor Glenys Falconer be invited to become Mayor of the Borough for 2021/22.
2. That Councillor Tony Rogers be invited to become Deputy Mayor of the Borough for 2021/22.
3. That it be noted that the Annual Council meeting will be held on Wednesday, 12 May, 2021.
4. That it be noted that plans for the Annual Civic Service, Parade and Mayoral Dinner are to be confirmed and that arrangements will be made in line with the latest Covid19 guidance.

**51 SENIOR PAY POLICY**

Pursuant to Cabinet Minute No. 60 the Human Resources and Support Services Manager submitted a report seeking approval for the Senior Pay Policy Statement for 2021/22, in accordance with the Localism Act 2011 and the Local Government (Transparency Requirements) (England) Regulations 2014.

**RESOLVED –**

That the revised Senior Pay Policy Statement for 2021/22, attached at Appendix 1 of the officer's report, be approved.