

**COUNCIL****Wednesday, 16th December, 2020**

Present:-

Councillor G Falconer (The Mayor)

Councillors Bagshaw  
 Barr  
 Bellamy  
 Bingham  
 Blakemore  
 Blank  
 Borrell  
 Brittain  
 Callan  
 Catt  
 Caulfield  
 D Collins  
 L Collins  
 Coy  
 Davenport  
 Dyke  
 K Falconer  
 Flood  
 Fordham  
 P Gilby  
 T Gilby

Councillors Holmes  
 J Innes  
 P Innes  
 Kellman  
 Kelly  
 Mannion-Brunt  
 Mann  
 Miles  
 A Murphy  
 T Murphy  
 P Niblock  
 S Niblock  
 Perkins  
 Perry  
 Rayner  
 Redihough  
 Sarvent  
 Serjeant  
 Simmons  
 Snowdon

**6 MINUTES OF COUNCIL****RESOLVED –**

That the Minutes of the meetings of the Council held on 14 October and 21 October, 2020 be approved as a correct record and be signed by the Chair.

## **7 MAYOR'S COMMUNICATIONS**

The Mayor referred with sadness to the recent death of former Mayoress, Mrs Joan Wain. Members observed a minute's silence in her honour.

The Mayor referred to the following Mayoral engagements:

- Meeting virtually with the High Sheriff of Derbyshire to discuss how Chesterfield and other towns and boroughs were coping with the COVID-19 pandemic;
- The Borough Council's Remembrance Service, which, despite being scaled back, had been dignified and poignant. She thanked those who had enabled this to take place given the difficult circumstances.

The Mayor wished everybody a Happy Christmas and New Year, and she thanked Members for wearing festive attire to the Council meeting to raise funds for the Mayor's Appeal in support of Chesterfield Samaritans and the Volunteer Centre Chesterfield & North East Derbyshire.

## **8 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Brady, Hollingworth, Ludlow, Marriott, Rogers and Thornton.

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

No declarations of interest were received.

## **10 PUBLIC QUESTIONS TO THE COUNCIL**

Under Standing Order No. 12, the following questions were asked:

### **(1) by Max Kerley:**

“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. My question to the Council is: 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?"

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

- The responses given to Mr Kerley's questions on this issue at previous Council meetings and responses provided to his requests under the Freedom of Information Act;
- The Council's willingness to assist the Information Commissioner when contacted;
- The Council 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 mediation leading to potential compensation or legal proceedings would be commenced.

Councillor P Gilby provided a verbal response confirming that appropriate legal procedures were being followed, which were complex and time-consuming, and that she was not able to disclose further information at this stage.

**(2) by Lisa Hopkinson on behalf of Transition Chesterfield:**

"We welcome the appointment of the new climate officer and look forward to urgent implementation of the Climate Action Plan, agreed in February 2020. Although Covid-19 has delayed this, we hope that the Council will give the plan its utmost priority in 2021, the year of the United Nations Climate Change conference in Glasgow COP26.

The Council's plan, which was always intended as a starting point only, is largely focused on actions to address the direct emissions from the Council within their direct control. However, there are many additional actions that need to happen throughout the borough, in every sector and ward. How and when does the Council intend to engage with the wider community to ensure that carbon emissions are reduced significantly throughout the borough and how and when are councillors planning to engage with their constituents on this?"

Councillor Serjeant provided a verbal response referring to:

- The Climate Change Action Plan for 2020-23 developed by the Climate Change Working Group, including actions leading to the targets of becoming a net carbon neutral Council by 2030 and net carbon neutral borough by 2050;
- The Council's community leadership role working with other organisations and businesses to encourage environmental best practice;
- The contribution so far of a wide range of stakeholders in developing and delivering the action plan;
- The communications and engagement plan to involve other groups and individuals who had not yet engaged with the action plan.

Lisa Hopkinson asked a supplementary question as to the expected timescales for widescale engagement by the Council and councillors with the community and their constituents on this issue.

Councillor Serjeant provided a verbal response explaining that the aim was to share a draft communications plan with stakeholders in early 2021.

## 11 **PETITIONS TO COUNCIL**

No petitions had been received.

## 12 **QUESTIONS TO THE LEADER**

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

- Councillor Fordham asked whether there were plans to revitalise the existing dog park at Holmebrook Valley Park and to establish a dog park at Poolsbrook Country Park.

The Leader provided a verbal response, referring to the Council's approach to balancing the needs of dogs and dog owners with those of other users of its parks and open spaces. She explained that the Council was currently reviewing its parks and open spaces and play area strategies, which would include consideration of the options for dog parks at Holmebrook Valley Park and other locations.

- Councillor L Collins asked about the expected long-term benefits from the Staveley Town Deal for the children and young people of the wider Staveley area.

The Leader provided a verbal response, referring to potential benefits from the proposed Staveley Town Deal, including a construction skills hub at Mastin Moor to equip young people for jobs in construction, the Derbyshire Rail Innovation and Training Centre at Barrow Hill Roundhouse, which would build on interest already shown by young people through the HS2 and You project in engineering, opportunities for learning through sport at Staveley Miners Welfare Football Club and an active travel project to enable young people to get to work. She explained that a response on funding for the Staveley Town Deal bid was currently awaited from central government.

- Councillor Snowdon asked whether the Leader would agree to work on developing and submitting a proposal to government to build a prototype fusion energy plant in the borough, in support of the town's commitment to developing a carbon-free energy future.

The Leader provided a verbal response, explaining that she would continue to consider the feasibility of such proposed developments with the Council's strategic partners at the Sheffield City Region and D2N2 LEAs, with the aim of delivering cleaner energy supplies.

- Councillor S Niblock asked the Leader for her favourite Christmas carol.

The Leader provided a verbal response, referring to 'In Dulci Jubilo' and 'Fairytale of New York'.

- Councillor Borrell asked about the potential impact on the plans for the redevelopment of the area around Chesterfield rail station if the

government accepted the recommendation of the National Infrastructure Commission to not build the eastern leg of HS2 as far as Chesterfield and Sheffield.

The Leader provided a verbal response, referring to the potential benefits of the eastern leg of HS2 on the lives of people in Chesterfield and to her work with the Sheffield City Region Mayor and other Council leaders in Yorkshire and Nottinghamshire to press government to fulfil its commitment to deliver HS2 in full.

**13 CHANGE TO ALLOCATION OF SEATS TO POLITICAL GROUPS AND TO MEMBERSHIP OF MEMBER LEVEL COMMITTEES - 2020/21**

The Chief Executive reported that he had undertaken a review of the political balance of Committees in accordance with Section 15 of the Local Government and Housing Act 1989, following the notification to him of a change to political groups within the Borough Council, as with effect from 21 October, 2020, Councillor Bagshaw had stated that he was no longer a member of the Community Independents group and wished to be recognised as a Your Ward Independent member.

**RESOLVED –**

That the recent changes to the political composition of the Council be noted and that the following changes to the membership of Committees as proposed by the relevant political groups be approved:

**Licensing Committee**

- removal of Councillor Bagshaw as a Community Independents group member;
- addition of Councillor Bagshaw as a Your Ward Independent member;

**Community, Customer and Organisational Scrutiny Committee**

- removal of Councillor Bagshaw as a Community Independents group member;
- addition of Councillor Bagshaw as a Your Ward Independent member.

14 **QUARTER 2 BUDGET MONITORING 2020/21 & UPDATED MEDIUM TERM FINANCIAL FORECAST**

Pursuant to Cabinet Minute No. 5, 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 of the General Fund Revenue Account for the first half of the financial year and the updated medium term financial forecast, as set out in sections 5 and 7 of the officer's report, be noted.
2. That the General Fund reserves position, as set out in section 6 of the officer's report, be noted.
3. That the updated General Fund capital programme, as outlined in section 8 of the officer's report, be noted.
4. That the additions to the General Fund capital programme, as set out in paragraph 8.3 of the officer's report, be approved.
5. That the financial performance of the Housing Revenue Account for the first half of the financial year, as outlined in section 9 of the officer's report, be noted.
6. That the proposed compensation mechanism and cost recovery model to address the income shortfall to the Operational Services Division (OSD) trading account, as set out in paragraphs 5.3 and 9.1 of the officer's report, be approved.
7. That the budget preparation guidelines, as set out in paragraph 10.1 of the officer's report, be approved.

15 **LOCAL COUNCIL TAX SUPPORT SCHEME 2021/22**

Pursuant to Cabinet Minute No. 13, the Acting Chief Finance Officer submitted a report seeking approval for the Local Council Tax Support Scheme to be applied in 2021/22. The report noted that the scheme being recommended for adoption in respect of the next financial year (2021/22)

was unchanged from that which the Council was currently implementing in 2020/21.

## **RESOLVED –**

1. That approval be granted to continue with the current Local Council Tax Support scheme for 2021/22. 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 2021/22 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, as set out in paragraph 4.4 of the officer’s report.

## **16 LICENSING ACT 2003 - STATEMENT OF LICENSING POLICY**

Pursuant to Cabinet Minute No. 14, the Licensing Officer submitted a report seeking approval for the Statement of Licensing Policy following its review in accordance with the Licensing Act 2003.

## **RESOLVED –**

That the Statement of Licensing Policy, as attached at Appendix A to the officer’s report, be approved.

**17 MINUTES OF COMMITTEES****RESOLVED –**

That the Minutes of the meetings of the following Committees be noted:

- Appeals and Regulatory Committee of 4 November and 25 November, 2020.
- Licensing Committee of 30 September and 18 November (two meetings), 2020.
- Planning Committee of 5 October, 26 October and 16 November, 2020.
- Standards and Audit Committee of 23 September, 2020.

**18 MINUTES OF CABINET****RESOLVED –**

That the Minutes of the meetings of Cabinet of 29 September, 20 October, 10 November and 1 December, 2020 be noted.

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

That the Minutes of the meeting of the Joint Cabinet and Employment and General Committee of 20 October, 2020 be noted.

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

That the Minutes of the meeting of the Overview and Performance Scrutiny Forum of 17 September, 2020 be approved.

21 **MINUTES OF THE COMMUNITY, CUSTOMER AND ORGANISATIONAL SCRUTINY COMMITTEE**

**RESOLVED –**

That the Minutes of the meetings of the Community, Customer and Organisational Scrutiny Committee of 10 September, 22 September and 24 September, 2020 be approved.

22 **MINUTES OF THE ENTERPRISE AND WELLBEING SCRUTINY COMMITTEE**

**RESOLVED –**

That the Minutes of the meeting of the Enterprise and Wellbeing Scrutiny Committee of 1 October, 2020 be approved.

23 **QUESTIONS UNDER STANDING ORDER NO. 19**

No questions had been submitted.

24 **NOTICE OF MOTION UNDER STANDING ORDER NO. 21**

It was moved by Councillor Serjeant and seconded by Councillor Kelly that:

**“For Chesterfield Borough Council to be a single-use-plastic free Council –**

The Council notes:

- The production of plastic is a significant source of greenhouse gas emissions globally which is exacerbating climate change.
- Most plastic does not decompose. As of 2015, approximately 6,300 Million tonnes of plastic waste had been generated globally, an estimated 79% of which has accumulated in landfills or the natural environment.
- This has a significant impact on marine and terrestrial ecosystems and is expected to affect both the services we get from these environments and human health.

- While a wide range of governance mechanisms have been implemented globally to control plastic pollution, these have been inconsistent (and further undermined by the widespread use of plastic PPE during the Covid pandemic).
- CBC has a strong track record of environmental policies and is currently implementing an ambitious Climate Change Action Plan (CCAP). Single use plastic does affect our indirect carbon emissions but is not specifically mentioned in the CCAP. It would, however, be included under item 34 (introduction of climate change impact assessments) and item 37 (introduction of sustainable procurement conditions for suppliers).
- While CBC does not use a great deal of single-use-plastic, usage is often prominent and can be interpreted as a visible indicator of an organisation's environmental credentials.

The Council therefore commits to:

1. Undertake a review of our internal use of single-use-plastics to provide a closer estimate of the quantities currently being ordered and used.
2. Where possible, seek to remove single use plastic from council operations by 2023 through engagement with suppliers and switching to alternative products.
3. Encourage and promote plastic free initiatives including the Plastic Free Chesterfield campaign.
4. Offer the support of the Council's Climate Change Officer in an ex officio capacity on the steering group of Plastic Free Chesterfield."

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