



# **HIGH PEAK BOROUGH COUNCIL**

## **ORDINARY MEETING OF THE HIGH PEAK BOROUGH COUNCIL**

**In the The Arts Centre, Pavilion Gardens, Buxton on  
Thursday, 15 December 2016 at 7.15 pm**



Councillors are hereby summoned to an **ORDINARY MEETING OF THE HIGH PEAK BOROUGH COUNCIL** at The Arts Centre, Pavilion Gardens, Buxton at 7.15 pm on Thursday, 15 December 2016.

**Wednesday, 7 December 2016**

Page No.

- |    |  |         |
|----|--|---------|
| 1. | Apologies for absence  |         |
| 2. | To receive Disclosures of Interest on any matter before the Council  |         |
|    | i) Disclosable Pecuniary Interests   |         |
|    | ii) Other Interests  |         |
| 3. | To approve the minutes of the previous meeting   | 5 - 8   |
| 4. | Mayor's announcements  |         |
| 5. | Questions of which notice has been given   |         |
| 6. | To approve the recommendation from the Audit and Regulatory Committee meeting held on 29 September 2016 relating to: | 9 - 10  |
|    | a) Appointment of Mayor 2017/18  | 11 - 14 |
| 7. | To approve the recommendations from the Standards Committee meeting held on 17 November 2016 relating to:            | 15 - 16 |
|    | a) Standards Committee - Annual Report 2015/16   | 17 - 24 |
| 8. | Notices of Motion  |         |
|    | a) Dying to Work Campaign  | 25 - 26 |
|    | b) Bus Services Bill   | 27 - 28 |

**SIMON BAKER**  
**CHIEF EXECUTIVE**

This page is intentionally left blank



**High Peak Borough Council**

*working for our community*

## **MINUTES OF A SPECIAL AND ORDINARY MEETING OF THE COUNCIL**

**Meeting:** Thursday 6 October 2016 at 7.15 pm in the Arts Centre, Pavilion Gardens, Buxton

**Present:** Councillor G Wharmby (Mayor)

Councillors Ashton, Atkins, Barrow, Boynton, Claff, Douglas, Dowson, Easter, Flower, Fox, Greenhalgh, Grooby, Haken, Hardy, Helliwell, Howe, Huddleston, Johnson, Kappes, Kelly, Kemp, Kerr, Lomax, Longos, McCabe, A McKeown, R McKeown, Oakley, Perkins, Pritchard, Quinn, Robins, Siddall, Sizeland, Sloman, Stone, Thrane, Todd, Walton, J Wharmby and Young.

An apology for absence was received from Councillor Jenner.

A minute silence was held in respect of former Councillor Terry Corrigan, who had recently passed away.

### **17/10 DISCLOSURES OF INTEREST** (Agenda item 2)

Councillor Dowson                      Item 9 – Other Interest - Member of the Court of the University of Derby.

### **SPECIAL MEETING OF THE COUNCIL**

### **17/11 ADMISSION OF HONORARY FREEMAN OF THE BOROUGH** (Agenda item 3)

It was moved by Councillor Ashton and seconded by Councillor A McKeown:

1. That under the power conferred by Section 249 (5) of the Local Government Act 1972, this Council admits as Honorary Freeman of the Borough, Mr Peter Matthews of Peaknaze Close in Simmondley being a person of distinction who has rendered eminent service to the Borough.
2. That a reception be held in his honour.

When put to the meeting it was RESOLVED accordingly

## **ORDINARY MEETING OF THE COUNCIL**

### **17/12 MINUTES** (Agenda item 4)

It was moved by Councillor Ashton and seconded by Councillor Kemp that the minutes of the Ordinary and Annual meetings of the Council held on 17 May 2016 be approved as a correct record.

The motion was carried and the Mayor was authorised to sign the minutes.

### **17/13 MAYOR'S ANNOUNCEMENTS** (Agenda item 5)

The Mayor's Fundraiser held at Kwei Ping, Glossop had raised £366, and the Civic Service had raised £392. The Mayor thanked members for their support.

The Mayor requested that instead of sending Christmas Cards, that Members make a donation to the Mayor's Charity.

Councillor Kappes was seeking donations towards Homestart and invited members to donate via a collection box.

### **17/14 RECOMMENDATIONS FROM THE EXECUTIVE – 21 JULY 2016** (Agenda item 7)

It was moved by Councillor Thrane and seconded by Councillor Ashton:

That Council supports the way forward and approves the approach for the replacement of the JCC

When put to the meeting it was RESOLVED accordingly

### **17/15 RECOMMENDATIONS FROM AUDIT & REGULATORY COMMITTEE – 27 JULY 2016 AND 29 SEPTEMBER 2016** (Agenda item 8)

It was moved by Councillor Pritchard and seconded by Councillor Robins:

#### **a. ANNUAL TREASURY MANAGEMENT REPORT 2015/16**

That the Annual Treasury Management Report 2015/16 be approved.

**b. TREASURY MANAGEMENT UPDATE – MID-YEAR REPORT  
2016/17**

That the Treasury Management Position as at 30 June 2016 be noted.

**c. TREASURY MANAGEMENT UPDATE: MID YEAR REPORT  
2016/17**

That the Treasury Management position as at 31 August 2016 be noted.

When put to the meeting it was RESOLVED accordingly.

**17/16 RECOMMENDATIONS FROM THE LICENSING COMMITTEE – 5  
OCTOBER 2016 - HACKNEY CARRIAGE AND PRIVATE HIRE  
LICENSING POLICY**

(Agenda item 9)

An update sheet was circulated to councillors which proposed amendments from the Licensing Committee subsequent to its meeting of 5 October 2016.

It was further recommended that Condition N (Private Hire Vehicle Licence Conditions – Maintenance of Vehicle) of the Draft Policy be amended to read “Any repairs to the vehicle where replacement parts are needed that contribute in any way to the safety or structural integrity of the vehicle, must be carried out with either new parts which meet the original manufacturer’s specification, or with previously used parts which have been warranted/reconditioned to industry standards and to not less than the original manufacturer’s specification by a properly accredited agent.”

It was moved by Councillor Kemp and seconded by Councillor Thrane:

1. That the comments be noted, and amendments approved as detailed in Appendix B to the report, subject to the recommendations from the Licensing Committee held on 5 October 2016 which had been circulated.
2. That Condition N of the policy be amended in the terms provided above.
3. That authority be delegated to the Head of Regulatory Services to make minor modifications to the policy to reflect any change in legislation or case law or to promote efficient administration of the licensing function without consultation if appropriate

When put to the meeting it was RESOLVED accordingly.

**17/17**      **PARLIAMENTARY BOUNDARY REVIEW**  
(Agenda item 10)

It was moved by Councillor Thrane and seconded by Councillor Ashton:

That the Council notes the Boundary Commission for England's publication of initial proposals for the new parliamentary constituency boundaries in England and the associated consultation exercise in relation to the Parliamentary Boundary Review 2018 and resolves not to respond to the consultation at this stage.

When put to the meeting it was RESOLVED accordingly

The meeting concluded at 7.49 p.m.

**MAYOR**

## HIGH PEAK BOROUGH COUNCIL

Report to Council

15 December 2016

<b>TITLE:</b>	<b>Recommendation from the Audit &amp; Regulatory Committee – 29 September 2016</b>
<b>CONTACT OFFICER:</b>	<b>Mark Trillo, Executive Director (People) &amp; Monitoring Officer</b>
<b>WARDS INVOLVED:</b>	<b>As detailed in the attached report</b>

To approve the following recommendation of the Audit and Regulatory Committee:

**1. Councillor Pritchard to move the following recommendations:**

**a) APPOINTMENT OF MAYOR 2017/18**

**RECOMMENDED:**

That Council confirm that the Labour Group be invited to make a nomination for the appointment of Mayor of the Borough and Chairman of the Council for the municipal year 2017/18.

**Mark Trillo**  
**Executive Director (People) and Monitoring Officer**



## HIGH PEAK BOROUGH COUNCIL

### Report to Audit & Regulatory Committee

29<sup>th</sup> September 2016

<b>TITLE:</b>	<b>Appointment of Mayor 2017/18</b>
<b>EXECUTIVE COUNCILLOR:</b>	<b>Councillor Ashton, Leader of the Council</b>
<b>CONTACT OFFICER:</b>	<b>Linden Vernon, Senior Officer (Governance and Member Support)</b>
<b>WARDS INVOLVED:</b>	<b>Non-Specific</b>

### Appendices Attached - None

1. **Reason for the Report:**

1.1 To consider the selection of the Mayor for the municipal year 2017/18.

2. **Recommendation**

2.1 That at its meeting on 15th December 2016 Council confirm that the Labour Group be invited to make a nomination for the appointment of Mayor of the Borough and Chairman of the Council for the municipal year 2017/18.

3. **Executive Summary**

3.1 The Mayor is selected according to a points system as referred to in Article 5 of the Constitution. The points system has been in place since 1980.

3.2 The basic principle is the political group with most points at 1 October each year, has the opportunity to nominate the Mayor for the next municipal year.

3.3 The system started with the actual number of members in each political group. Since 1980, annual adjustments have been made according to changes in each group's strength.

3.4 Whenever a group nominate a Mayor, ten points are deducted from their

points total and this shows up the following October.

#### 4. Options and Analysis

4.1 The points allocated to the political groups have been adjusted following the elections held in May this year.

4.2 The points system for the selection of the Mayor currently stands as follows:

Group	Points as at 1.10.15	Mayor for 2016/17	Points as at 1.10.16
Conservative	12 -10 + 23 = 25	X	25 -10 = 15
Labour	7 + 17 = 24		24
Liberal Democrat & Independent Alliance	8 + 3 = 11		11

4.3 In respect of the Deputy Mayor, the points system does not apply.

4.4 Some years, the Deputy Mayor has been chosen with a view to progressing to Mayor the following year, but this is not always the case.

#### 5. Implications

##### 5.1 Community Safety - (Crime and Disorder Act 1998)

None

##### 5.2 Workforce

None

##### 5.3 Equality and Diversity/Equality Impact Assessment

This report has been prepared in accordance with the Council's Diversity and Equality Policies.

##### 5.4 Financial Considerations

There is budget provision in 2016/17 for an allowance of £6,680 for the Mayor and £1,270 for the Deputy Mayor.

##### 5.5 Legal

None other than those referred to in the report.

5.6 Sustainability

None

5.7 Internal and External Consultation

None

5.8 Risk Assessment

None

**Mark Trillo**  
**Executive Director (People) & Monitoring Officer**

**Web Links and  
Background Papers**

N/A

**Location**

N/A

**Contact details**

Linden Vernon  
Senior Officer  
(Governance and Member  
Support)  
Tel: 01538 395613

This page is intentionally left blank

## HIGH PEAK BOROUGH COUNCIL

Report to Council

15 December 2016

<b>TITLE:</b>	<b>Recommendation from the Standards Committee – 17 November 2016</b>
<b>CONTACT OFFICER:</b>	<b>Mark Trillo, Executive Director (People) &amp; Monitoring Officer</b>
<b>WARDS INVOLVED:</b>	<b>As detailed in the attached report</b>

To approve the following recommendation of the Standards Committee:

1. **Councillor Johnson to move the following recommendation:**
  - a) **STANDARDS COMMITTEE - ANNUAL REPORT 2015/16**

**RECOMMENDED:**

That the report be noted.



## **HIGH PEAK BOROUGH COUNCIL**

### **Report to Standards Committee**

**17 November 2016**

<b>TITLE:</b>	<b>Standards Committee - Annual Report 2015/16</b>
<b>EXECUTIVE COUNCILLOR:</b>	<b>Councillor Emily Thrane – Executive Councillor for Finance &amp; Corporate Services</b>
<b>CONTACT OFFICER:</b>	<b>Linden Vernon – Senior Officer (Governance &amp; Member Support)</b>
<b>WARDS INVOLVED:</b>	<b>Non-Specific</b>

### **Appendix A – Role of the Committee**

#### **1. Reason for the Report**

1.1 To review the work of the Standards Committee during 2015/2016.

#### **2. Recommendation**

2.1 That the report be noted.

#### **3. Executive Summary**

3.1 This report provides an overview of the issues considered by the Standards Committee during 2015/16. These included the following matters:

- An introductory Bite-Size Briefing
- Monitoring complaints received regarding alleged breaches of the Code of Conduct
- The Annual Letter received from the Local Government Ombudsman
- An annual review of Councillor development
- A review of the Monitoring Officer Protocol

#### 4. Options and Analysis

4.1 There are no options to consider.

#### 5. Implications

5.1 Community Safety - (Crime and Disorder Act 1998)  
Not Applicable.

5.2 Workforce  
Not Applicable.

5.3 Equality and Diversity/Equality Impact Assessment  
This report has been prepared in accordance with the Council's Diversity and Equality Policies.

5.4 Financial Considerations  
An annual budget is available for Councillor Training and Development.

5.5 Legal  
The Localism Act 2011 introduced the current Standards framework.

5.6 Sustainability  
Not applicable.

5.7 Internal and External Consultation  
Not Applicable.

5.8 Risk Assessment  
Not Applicable.

Mark Trillo

**Executive Director (People) and Monitoring Officer**

#### **Web Links and Background Papers**

Reports to the  
Standards  
Committee

#### **Contact details**

Linden Vernon – Senior Officer  
(Governance & Member Support)  
Tel: 01538 395613  
Email: [linden.vernon@highpeak.gov.uk](mailto:linden.vernon@highpeak.gov.uk)

## 6. Background and Detail

- 6.1 A bite size briefing was presented by the Council's Monitoring Officer to the first meeting of the Committee following the local elections held in May 2015. This included an overview of the Council's decision making process, the Authority's ethical framework and the role of the Standards Committee.
- 6.2 Article 9 of the Council's Constitution defines the role of the Standards Committee and is shown in full in **Appendix A** to this report. In summary this includes:
- Promoting high standards of conduct amongst councillors and making sure they are properly trained
  - Granting dispensations to Borough councillors
  - Ensuring that appropriate arrangements are in place for dealing with allegations into breaches of the Code of Conduct
  - Hearing representations from councillors who may become disqualified for not attending meetings
  - Advising the Council on Members' allowances
- 6.3 The current membership of the committee is provided below. The Council's Independent Persons continue to be invited to attend and participate at Committee meetings. Following consultation with the Derbyshire Association of Local Councils (DALC) and Town and Parish Councils Councillor Tim Norton was appointed to the Committee in November 2015 as a Town/Parish representative to replace Councillor George Platts.

Borough Councillors	Cllr Clive Johnson (Chair) Cllr Fiona Sloman (Vice-Chair) Cllr Caroline Howe Cllr John Kappes Cllr Graham Oakley Cllr Rachel Quinn
Co-opted Town/Parish representatives (non-voting)	Cllr Guy Martin Cllr Tim Norton
Independent Persons	Mr Peter Matthews Mr Philip Carnall(Substitute) Mr Peter Grant (Substitute) Mrs Cheryl Morgan (Substitute)

### Complaints Monitoring

- 6.4 The Committee continued to receive regular complaint monitoring reports regarding alleged breaches of the Code of Conduct. These reports updated members on the number and nature of complaints dealt with by the Monitoring Officer and explained:

- If these related to borough, town or parish councillors
- If any further action should be taken
- If further investigations were considered to be appropriate

6.5 This information is then used to identify trends and consider themes for which training seminars may be planned. The table below summarises the complaints received for the three previous years and compares these with the Authority's Strategic Alliance partner, Staffordshire Moorlands District Council.

Year	No. of Complaints			
	High Peak Parish Cllr	High Peak Borough Cllr	High Peak Total	Staffordshire Moorlands Total
2013/14	10	1	11	4
2014/15	2	1	3	6
2015/16	4	0	4	15

6.6 The Annual Letter of the Local Government Ombudsman was considered by the Committee at its meeting in November 2015. The table below provides a summary of the number of complaints dealt with by the Ombudsman set against the total number of complaints received by the Authority. For comparison purposes figures for previous years are also provided together with details for Staffordshire Moorlands District Council (SMDC).

Year	No. of Ombudsman Complaints			
	HPBC		SMDC	
	No. of Enquiries or Complaints	Total Number of Complaints	No. of Enquiries or Complaints	Total Number of Complaints
2012/13	10	404	14	439
2013/14	20*	372	12	280
2014/15	12	413	10	284

\* This includes one complaint from the Housing Ombudsman Service.

- 6.7 Local Government Ombudsman figures for 11 similar local authorities illustrated that the average for upheld complaints across those councils was 28%. High Peak Borough Council was below average at 13%.
- 6.8 The relatively small number of complaints that reach the Ombudsman compared to the total number of complaints received by the Authority illustrates the strength of the Council in ensuring complaints are dealt with promptly and appropriately.

## **Annual Review of Councillor Development**

- 6.9 A report was presented to the Committee in November 2015 which reviewed the remainder of the Development Programme for 2014/15 and the Councillor Induction Programme implemented following the local elections held in May 2015. The Councillor Support and Development Group shaped the design of the Induction Programme taking into account the priority areas for member development and feedback received following the programme held in 2011.
- 6.10 A total of 16 sessions were held as part of the induction process. These included welcome meetings, a priority setting workshop and seminars covering the Council's Local Plan, regulatory matters such as Development Control and Licensing, and the Authority's Code of Conduct (also attended by parish and town councillors).
- 6.11 Members are requested to complete evaluation forms after each session. Scores and comments are compiled and circulated to the course providers and are used to inform the structure and content of future courses.
- 6.12 The majority of sessions were organised internally and delivered by officers. This has been shown to be a very cost effective method and the feedback from councillors supports the use of in-house expertise.
- 6.13 In addition to the main councillor induction programme, an extensive programme of IT training was undertaken to support the roll-out of tablet computers for councillors. This included group training sessions, drop in sessions and 1:1s as required.

## **Review of the Monitoring Officer Protocol**

- 6.14 The terms of reference of the Standards Committee includes advising the Council on the revision of protocols. As the Authority's Monitoring Officer Protocol had not been reviewed for some time it was considered appropriate to review the document which is included in Part 5 of the Council's Constitution.
- 6.15 A number of alterations were approved by the Committee which mainly reflected consequential changes following the introduction of the Localism Act 2011 with regards to the revised standards framework.

**ARTICLE 9**

**THE STANDARDS COMMITTEE**

**9.1 Role**

- (a) The Council will establish a Standards Committee to carry out the functions set out more fully in Part 3 of the Constitution. These include, promoting high standards of conduct amongst councillors and making sure they are properly trained; granting dispensations; ensuring that appropriate arrangements are in place for dealing with allegations into breaches of the Code of Conduct; hearing representations from councillors who may become disqualified for not attending meetings; advising the Council on Members' allowances.

**9.2 Composition**

- (a) **Membership**

The Standards Committee will be composed of:

- six members of the Council appointed proportionally
- up to two Town or Parish Council members who may be co-opted on to the Committee as non-voting members

- (b) **Independent Person**

The Council's Independent Person (and their substitutes) will be invited to attend meetings of the Standards Committee and will be entitled an allowance and to the same subsistence and travelling allowances as elected members.

- (c) **Parish/Town Councillors**

Where a complaint refers to a Parish/Town Councillor, hereafter known as a Parish Councillor, a non-voting Parish member of the Standards Committee may also attend any Hearing Panel and will be entitled to an allowance and the same subsistence and travelling allowances as elected members.

**9.3 Other functions**

- (a) The Hearings Panel (a Sub-Committee of the Council's Standards Committee) shall comprise a maximum of five councillors of the Council's Standards Committee, including not more than one member

of the authority's Executive. The appointed Hearings Panel shall nominate a Hearings Panel Chair. The Independent Person shall be invited to attend all meetings of the Hearings Panel. Where a complaint refers to a Parish Councillor, a non-voting Parish member of the Standards Committee may also attend any Hearing Panel.

- (b) The Committee will hear appeals from officers who do not wish to appear as witnesses before a select committee (see Protocol for Officers in Part 4 of the Constitution); monitor complaints received by the Ombudsman; monitor the member development programme and evaluate its effectiveness.

This page is intentionally left blank

## HIGH PEAK BOROUGH COUNCIL

### Council

15 December 2016

### Notice of Motion – Dying to Work Campaign

**Proposed by Councillor Siddall and seconded by Councillor Sloman**

This council notes the TUC Dying to Work Campaign which has raised the following concerns:

1. That the Equality Act provides protections against discriminatory treatment based on the concept of 'Protected Characteristics.'
2. Currently workers with a terminal illness are not classified as having a Protected Characteristic and therefore have very limited legal protection against employers dismissing them due to illness.
3. That employers are therefore free to dismiss terminally ill workers once they have made 'reasonable adjustments' to the employee's job to assist with the illness.
4. This council agrees that the last thing a terminally ill worker would need is the distress at the same time as facing up to a terminal illness is to have to fight for the right to continue working and not to face the indignity of being sacked.
5. In addition, this council notes that the loss of death in service benefits to terminally ill workers sacked before death is a further distress at a time when security for a family for the future should be protected.

This council resolves that in response to the TUC Dying to Work Campaign, this Council commits to signing up to the Dying to Work Voluntary Charter that sets out an agreed way in which their employees will be supported, protected and guided throughout their employment, following a terminal diagnosis.

The Charter states the following:

- We recognise that terminal illness requires support and understanding and not additional and avoidable stress and worry.
- Terminally ill workers will be secure in the knowledge that we will support them following their diagnosis and we recognise that, safe and reasonable work can help maintain dignity, offer a valuable distraction and can be therapeutic in itself.
- We will provide our employees with the security of work, peace of mind and the right to choose the best course of action for themselves and their families which helps them through this challenging period with dignity and without undue financial loss.
- We support the TUC's Dying to Work campaign so that all employees battling terminal illness have adequate employment protection and have their death in service benefits protected for the loved ones they leave behind.



## HIGH PEAK BOROUGH COUNCIL

### Council

15 December 2016

### Notice of Motion – Bus Services Bill

**Proposed by Councillor Stone and seconded by Councillor A. McKeown**

This council notes:

1. That the Bus Services Bill currently passing through Parliament includes Clause 21 that will effectively “prohibit a local authority from forming a company for the purposes of providing a local bus service”.
2. That the Localism Act (2011) provides general powers of competence to local authorities.
3. That municipal bus companies like Reading and Nottingham provide some of the best bus services in the country and have a successful track record of increasing bus passenger numbers and providing high quality bus services, with Nottingham winning this year’s UK bus awards for best operator.
4. That polling by We Own It found that a majority of the public (57%) oppose clause 21, whilst just 22% support it. The opposition to Clause 21 is consistent across voters from all political parties.

This council believes:

1. Clause 21 contradicts the general powers of competence and the spirit of the Localism Act 2011.
2. If there is a need and a demand from their public, then Councils should be able to provide their own bus services
3. Should they wish, Councils should be legally able to follow the model developed by Reading and Nottingham.
4. Consequently, Clause 21 should be omitted from the Bus Services Bill.

This council resolves:

1. To write to Lord Ahmad and to call on the Department for Transport to omit Clause 21 from the final legislation
2. To write to Andrew Bingham MP to ask them to oppose clause 21 when the Bus Services Bill reaches the House of Commons and ask them to write to Lord Ahmad and the Department of Transport to raise concerns about Clause 21.
3. To work with any organisations such as We Own It to publicise our opposition to clause 21 in local media.

