



## MINUTES OF AN ORDINARY MEETING OF THE COUNCIL

**Meeting:** Thursday, 30 November 2017 at 7.15 pm in The Arts Centre, Pavilion Gardens, Buxton

**Present:** Councillor M Stone (Chairman)

Councillors T Ashton, R Atkins, A Barrow, G Claff, J Douglas, P Easter, S Flower, A Fox, D Greenhalgh, L Grooby, J Haken, P Hardy, S Helliwell, C Howe, I Huddleston, P Jenner, C Johnson, E Kelly, T Kemp, D Kerr, D Lomax, N Longos, J McCabe, A McKeown, R McKeown, G Oakley, J Perkins, J Pritchard, R Quinn, E Siddall, K Sizeland, F Sloman, E Thrane, J Todd, J Walton, G Wharmby, J Wharmby and S Young

Apologies for absence were received from Councillors C Boynton, L Dowson and J Kappes

**18/17 TO RECEIVE DISCLOSURES OF INTEREST ON ANY MATTER BEFORE THE COUNCIL**  
(Agenda Item 2)

Councillor Julie McCabe declared an other interest (Item 9 Notice of Motion - Intermediate Care Consultation) - Council's representative to Tameside & Glossop Integrated Care NHS Foundation Trust.

**18/18 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING**  
(Agenda Item 3)

It was moved by Councillor Ashton and seconded by Councillor Kemp that the minutes of the meeting held on 14 September 2017 be approved as a correct record.

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

**18/19 MAYOR'S ANNOUNCEMENTS**  
(Agenda Item 4)

The Mayor welcomed Councillor Peter Roberts (recently elected to the Council's Limestone Peak Ward) and John Morris (Mayor's Chauffeur) to the meeting and thanked councillors for contributing to a collection in lieu of sending Christmas cards.

**18/20 QUESTIONS OF WHICH NOTICE HAS BEEN GIVEN**  
(Agenda Item 5)

Ms M Hall submitted the following question to the Leader of the Council and the Executive Councillor for Finance and Operational Services:

To Councillor Thrane

“In your letter of 14 November 2017 to BCA you state that the licence held by Serpentine Community Farm for use of land within Serpentine Walks is an informal arrangement. The licence is on HPBC stationery and is signed by the responsible Officer of the BC.

a) Would you please explain why you claim this is an informal agreement?

b) Can you comment on the potential reputational damage of casting doubts on the legitimacy of a document issued by the HPBC?”

To Councillor Ashton

“SCF is considering making an application for registration as an Asset of Community Value. We note that the most recent application for registration (The Mason’s Arms in New Mills) was assessed by a Council Officer who presented a report for consideration by the Executive Team in the Part 1 section of their regular meeting agenda.

How does the ET address issues of potential conflict of interest in considering an application for registration as an ACV where the property in question is owned by the Council?”

### **Response from Councillor Thrane**

“My letter of 14 November 2017 to the Chair of Buxton Civic Association is set out below:

*Dear Dr Monaghan,*

*Thank you for your letter of 31 October 2017, setting out the views of the Buxton Civic Association in relation to the Serpentine Community Farm.*

*The Serpentine Community Farm occupies its current location in the Serpentine at a peppercorn rent under a license agreed informally by the previous Council administration. The terms of the license allow the Council to give the Farm 14 days’ notice to leave. These arrangements were confirmed informally in July 2015.*

*The Council faces significant financial challenges from both revenue and capital perspectives – in particular in relation to the inheritance of listed and historical buildings in Buxton and High Peak it has a statutory responsibility to maintain. Significant works are currently being undertaken in Buxton at the Pavilion Gardens, the Opera House and the Crescent. Works are also needed to Municipal Buildings, the Town Hall and Victoria Hall in Glossop.*

*The Council can therefore leave no stone unturned that may help to manage these financial challenges, including the sale of Council assets. As a result, the Council anticipates applying for planning permission on the Farm site in the future. The application will be considered in the normal way.*

*In considering bringing forward an application the Council wants to be as open and fair as possible to the Farm, give reasonable notice of our intentions and support it to find an alternative location for its good work.*

*Thank you for writing to me.*

*Yours sincerely,*

*Emily*

*Emily Thrane*

*High Peak Borough Councillor – Temple Ward.*

The term ‘informally’ indicates that the arrangements for the license were not considered by councillors as part of the Council’s normal collective or individual executive procedures. The letter confirms the legitimacy of the license.”

### **Response from Councillor Ashton**

*“The Localism Act requires the Council to consider nominations of property to be listed as an Asset of Community Value irrespective of whether the property is owned by the Council. The Council officer making the assessment is independent of property matters and their recommendation that a property be listed or not listed, with the reasons for their recommendation, is stated in a public report prior to the decision being made. The decision itself is subject to the Council’s ‘call in’ procedure whereby elected members can ensure the appropriate Council Select Committee scrutinises the decision if they consider it appropriate to do so.”*

In response to a supplementary question Councillor Thrane explained that a decision regarding the nomination of a community asset would usually be made via the issue of an Individual Executive Decision. Should the decision be called in this would then be debated in a public meeting.

### **18/21 APPOINTMENT OF CHAIRMAN OF THE AUDIT AND REGULATORY COMMITTEE** (Agenda Item 6)

It was moved by Councillor Ashton and seconded by Councillor Kemp that Councillor Douglas be appointed Chair of Audit & Regulatory Committee. It was further proposed by Councillor Anthony McKeown and Councillor Greenhalgh that Councillor Sloman be appointed Chair of the Audit and Regulatory Committee.

When put to the meeting, it was RESOLVED that Councillor Douglas be appointed Chair of Audit & Regulatory Committee..

### **18/22 TO APPROVE THE RECOMMENDATIONS FROM THE AUDIT AND REGULATORY COMMITTEE - 27 SEPTEMBER 2017** (Agenda Item 7)

#### **a) Treasury Management Update – Mid-Year Report 2017/18**

It was moved by Councillor Sloman and seconded by Councillor Helliwell that the current treasury management position (as at 31st August 2017) be noted.

When put to the meeting it was RESOLVED accordingly.

**b) Appointment Of Mayor 2018/19**

It was moved by Councillor Ashton and seconded by Councillor Kemp that Council confirm that the Conservative Group be invited to make a nomination for the appointment of Mayor of the Borough and Chairman of the Council for the municipal year 2018/19. It was announced that the Conservative Group would propose Councillor Grooby as Mayor at the next Annual Council meeting.

When put to the meeting it was RESOLVED accordingly.

**18/23 TO APPROVE THE RECOMMENDATIONS FROM THE STANDARDS COMMITTEE - 16 NOVEMBER 2017**  
(Agenda Item 8)

**a) Standards Committee - Annual Report 2016/17**

It was moved by Councillor Johnson and seconded by Councillor Quinn that the report be noted.

When put to the meeting it was RESOLVED accordingly.

**18/24 NOTICE OF MOTION - INTERMEDIATE CARE CONSULTATION**  
(Agenda Item 9)

It was moved by Councillor A McKeown and seconded by Councillor Claff that in the event of Tameside and Glossop CCG making the decision to proceed with their preferred option (option 2 Transfer of all bed-based intermediate care to a single location in the Stamford Unit at Darnton House) in the intermediate care consultation and effectively close Shire Hill Hospital, that High Peak Borough Council would seek a judicial review on this highly flawed consultation process.

As an amendment it was proposed by Councillor McCabe and seconded by Councillor Haken that the Council notes that:

- the outcome of the CCG consultation and decisions about the future of intermediate care in Tameside and Glossop will not be made until December 2017
- on 14 September 2017, the full Council overwhelmingly agreed to endorse its current arrangements for responding to such consultations as appropriate, evidence-based, reasoned, comprehensive and robust
- on 12 October 2017, the Executive agreed that its support for the concerns and recommendations from the Community Select Committee and its support for Option 1 in the consultation be sent as the Council's response to the consultation at that stage
- a powerful and persuasive case for an 'Option 4' proposal and actions for specific intermediate care arrangements in Glossop has recently been put forward by former Glossop GP, Sir John Oldham, a copy of whose Glossop

Chronicle article of 9 November 2017 is attached as an annex to this amendment.

The Council resolves immediately to inform the CCG of its intentions:

- to engage constructively with them in relation to their proposals for Glossop residents after their December meeting, in particular
- to mandate Group Leaders to liaise and make every effort to establish a consensus to best represent our residents affected by the consultation including arranging any necessary meeting(s), whether these be with the public, CCG, Council or by request to Community Select.
- to give immediate and urgent consideration to and identify any necessary actions relating to the legal and practical issues arising from the decisions as they affect the intermediate care available to Glossop residents in future
- to involve relevant stakeholders, in particular Derbyshire County Council, so as to secure the best possible overall intermediate care outcomes for Glossop residents.

As a further amendment it was proposed by Councillor McCabe and seconded by Councillor Haken that, all options including judicial review will be considered by the Council, be added to the notice of motion.

When put to the meeting the notice of motion, as amended, was RESOLVED accordingly.

The meeting concluded at 7.53 pm

**MAYOR**