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COUNCIL

Minutes of a Council Meeting held on Thursday 6 April 2017 in the Council Chamber, Town Hall, Matlock at 6.00 pm.

PRESENT Councillor Richard FitzHerbert - In the Chair

Councillors Jason Atkin, Deborah Botham, Susan Bull, Martin Burfoot, Sue Burfoot, Albert Catt, David Chapman, Tom Donnelly, Ann Elliott, Graham Elliott, Steve Flitter, Helen Froggatt, Chris Furness, Alyson Hill, Susan Hobson, Neil Horton, Vicky Massey Bloodworth, Tony Millward BEM, Jean Monks, Tony Morley, Joyce Pawley, Garry Purdy, Irene Ratcliffe, Mike Ratcliffe, Lewis Rose OBE, Mark Salt, Andrew Shirley, Peter Slack, Jacquie Stevens, Colin Swindell, John Tibenham, Philippa Tilbrook and Joanne Wild.

Dorcas Bunton (Chief Executive), Paul Wilson (Corporate Director), Sandra Lamb (Head of Corporate Services), Ashley Watts (Head of Community Development), Giles Dann (Policy and Performance Officer) and Jackie Cullen (Committee Assistant).

Philip Woodward – Chairman, IRP

APOLOGIES

Apologies for absence were received from Councillors Angus Jenkins and Andrew Statham.

The Chairman advised those present that the meeting was being recorded live on YouTube.

Councillor Ann Elliott arrived at 6.03pm and Councillor Phillipa Tilbrook arrived at 6.06pm during the presentation.

PRESENTATION

Kerry Bailey and Robert Rowan, Digital Derbyshire Engagement Officers, gave a presentation on the roll-out of fibre broadband in the Derbyshire Dales, outlining the three phases involved and their timescales. Members were advised that all updated information would be available on the website: www.digitalderbyshire.org.uk.

461/16 – MINUTES

It was moved by Councillor Richard FitzHerbert, seconded by Councillor Andrew Shirley and

RESOLVED That the Minutes of the meeting of the Derbyshire Dales District
(unanimously) Council held on 2 March 2017 be approved as a correct record.

The minutes were signed by the Chairman.

462/16 - LEADER'S ANNOUNCEMENTS

Councillor Lewis Rose advised Members that he and Councillor Catt would maintain their current positions in the Council for the coming year. Councillor Rose also drew Members' attention to his correspondence with the Chairman of Natwest (cc Patrick McLoughlin) relating to local bank closures.

463/16 – CHAIRMAN'S ANNOUNCEMENTS

A list of engagements carried out between Thursday 2 March 2017 and Wednesday 5 April 2017 was distributed at the meeting. The Chairman wished to thank his colleagues for their support during the year, and the Officers and Chauffeurs for their services. Councillor Donnelly wished the incoming chair a successful year.

464/16 – COMMITTEES

It was moved by Councillor Richard FitzHerbert, seconded by Councillor Garry Purdy and

RESOLVED That the non-exempt minutes of the Committees listed in the Minute
(unanimously) Book for the period 2 March 2017 to 23 March 2017 be received.

465/16 – INDEPENDENT REMUNERATION PANEL: REPORT AND RECOMMENDATIONS ON THE REVIEW OF THE ROLE OF MEMBER REPRESENTATIVE

Council considered a report that set out the recommendations of the Independent Remuneration Panel (IRP) on the allowance paid to the role of Member Representative.

After the Local Government Elections in 2015 the District Council revised its Governance and Constitutional structure and appointed Members to the IRP to comprehensively review both Basic and Special Members' Allowances.

The IRP report was attached as Appendix 1 to the report, and concluded that an allowance equivalent to that paid to the Vice Chair of the Licensing and Appeals Committee should be paid as a Special Responsibility Allowance (SRA) to Member Representatives, as the role was similar in scope and relationship to that of a Vice Chairman of a committee. It was noted that the allowance would be backdated to 1 June 2016 and was currently valued at £643. A copy of the current Scheme of Allowances was attached as Appendix 2 to the report.

It was also noted that Council had previously agreed that an annual report on the various hubs would be presented to all Members in order to keep them apprised of the Member

Representatives' efforts and outcomes – these reports were being prepared for the 29 June meeting of the Council.

It was moved by Councillor Lewis Rose OBE, seconded by Councillor Albert Catt and

RESOLVED

1. That the IRP recommendation on the role of Member Representatives be accepted and a Special Responsibility Allowance for the role of Member Representative be paid at the same rate as that paid to the Vice Chairman of the Licensing and Appeals Committee, backdated to 1 June 2016.
2. That the Council keeps the effectiveness of the role of Member Representative under review as part of its annual consideration of Governance and Constitutional matters.

Voting:

For	30
Against	2
Abstentions	2

466/16 – APPOINTMENT OF INDEPENDENT PERSON

Council considered a report that recommended the interim and permanent recruitment of a reserve Independent Person to support the Monitoring Officer in the assessment and handling of complaints about elected members' behaviour.

Section 28(7) of the Localism Act 2011 required the District Council to appoint one or more Independent Persons to assist the Authority in promoting and maintaining high standards of conduct, as set out in the report. The full role profile was attached as Appendix 1 to the report. Members were advised at the meeting that 3 applications had been received, and that interviews would be held in due course.

Currently, an Independent Person had been engaged, on loan from Derbyshire County Council, in consultation with the Chairman of the Council; the appointment of that person was now recommended for confirmation for a period not exceeding 6 months; and recruitment for a permanent position would now commence.

It was noted that the permanent Independent Person's terms of office was nearing its end and it was recommended that this be extended until the new Council in May 2019.

It was moved by Councillor Lewis Rose OBE, seconded by Councillor Albert Catt and

RESOLVED
(unanimously)

1. That Mr L Newby's temporary appointment as an Independent Person to support an ongoing investigation is approved for a period not exceeding 6 months.
2. That the Chairman of the Governance and Resources Committee is nominated to assist in the recruitment of potential candidates for the role of permanent reserve Independent Person in order to

make a recommendation to Council prior to appointment.

3. That the term of office of Keith Jackson-Horner as the current Independent Person be extended until the Annual Meeting in May 2019.

467/16 – CODE OF CONDUCT FOR ELECTED MEMBERS

Council considered a report that sought approval of a revised Code of Conduct for elected members, which included a provision to require attendance at mandatory training.

At its meeting on 19 January 2017, the Governance and Resources Committee considered a report of the Member Development Working Group, which provided an update on attendance at mandatory training, and agreed with the Working Group's premise that the requirement to undertake mandatory training was a risk mitigation measure and aimed to demonstrate good governance and professionalism in key areas. The Committee also agreed that the requirement to undertake mandatory training should be included in the Code of Conduct for elected Members. Current mandatory training for Members was set out in the report, and a copy of the recommended Code with suitable amendment was attached as Appendix 1 to the report. Failure to undertake mandatory training may be viewed as a breach of the Code of Conduct.

A similar revision to the Employee Code of Conduct had recently been made to include the requirement to undertake mandatory training.

Councillor Alyson Hill, the Member Representative for Member Development, commented as follows:

"I support the recommendation to revise the Code of Conduct. Mandatory training is so important for us as Councillors to do our job well, and also for the public to have confidence in the decisions we make."

It was moved by Councillor Mike Ratcliffe, seconded by Councillor Alyson Hill and

RESOLVED That the revised Code is adopted as the Code of Conduct for all
(unanimously) elected Members of Derbyshire Dales District Council.

468/16 – APPOINTMENT TO AN OUTSIDE BODY: DERBYSHIRE POLICE AND CRIME PANEL

The Council considered a report that invited the Council to appoint a representative and substitute to serve on the Derbyshire Police and Crime Panel, following the resignation of Councillor Richard Bright. Under the terms of the statutory regulations the appointment must have regard to a number of provisions, as listed in the report.

It was noted that Council had agreed previously that Members report back annually on their involvement with an Outside Body. It was recommended that Members be reminded of this requirement upon appointment to the Derbyshire Police and Crime Panel and that update requests be sent to all relevant Members.

It was moved by Councillor Lewis Rose OBE, seconded by Councillor Albert Catt and

RESOLVED
(unanimously)

That Councillor Garry Purdy be appointed as representative to serve on the Derbyshire Police and Crime Panel until the next Annual Meeting of the Council.

469/16 – DERBYSHIRE DALES LOCAL PLAN EXAMINATION IN PUBLIC

Council considered a report that confirmed the timetable for the Derbyshire Dales Local Plan Examination in Public and noted the summary of likely matters and issues.

On 19th December 2016 the District Council submitted the Derbyshire Dales Pre Submission Draft Local Plan to the Secretary of State for Independent Examination, for which Mr. Mark Dakeyne BA (Hons) MRTPI had been appointed as the Inspector. His role was to determine whether the Plan was sound and complied with all legal requirements, the criteria for which were set out in the report. The Inspector would be assisted throughout by the Programme Officer Ms. Carmel Edwards, who would deal with all procedural, administrative and programming matters.

The Inspector would conduct a series of public hearings as part of the examination process; these would take place over a period of 8 days in the Committee Room and would open on Tuesday 9th May 2017. The District Council would be represented throughout the EIP by the Corporate Director.

It was noted that at this stage in the process the District Council had no power to unilaterally amend the Local Plan. In preparing for the EIP, the Inspector had undertaken an initial assessment of the soundness of the plan and had issued a series of initial questions to the Council, to which the Corporate Director had provided initial responses. Copies of these questions and initial responses were contained in the Examination Library and could be viewed at: <http://www.derbyshiredales.gov.uk/planning-a-building-control/local-plan-2015-16/local-plan-examination/examination-library>

The timetable for Stage 1 and Stage 2 sessions and their subject matter was set out in the report. A copy of the detailed programme and the Inspector's main issues and questions (Documents IN/11 and IN/12) could be viewed at: <http://www.derbyshiredales.gov.uk/planning-a-building-control/local-plan-2015-16/local-plan-examination/examination-library>

The Inspector had prepared a summary of the matters and issues which would be explored during the EIP and upon which the soundness of the plan depended, attached as Appendix 1 to the report.

It was noted that the Inspector had been provided with copies of all representations and he would take account of all written representations already submitted; as such it was not the purpose of the hearings for these to be repeated. Representations made in writing (or by e-mail) carried the same weight as those pursued by appearance at any of the hearing sessions.

Following the close of the hearings the Inspector would prepare a report to the Council with his conclusions. As part of this process, the Corporate Director had, on behalf of the Council, formally requested the Inspector to recommend any Main Modifications which were necessary to make the plan sound, if it were feasible that such modifications could make it sound. Any Main Modifications arising from this process were likely to be the subject of formal consultation.

It was moved by Councillor Lewis Rose OBE, seconded by Councillor Albert Catt and

RESOLVED
(unanimously)

1. That the timetable and the arrangements for conducting the Derbyshire Dales Local Plan Examination in Public be noted.
2. That the initial responses provided by the Corporate Director in response to the Inspector's initial assessment of soundness be noted.
3. That authority be delegated to the Corporate Director to respond on behalf of the Council to any further issues arising prior to and during the course of the Examination in Public in order to secure timely completion of the Examination in Public process.

470/16 – LOCAL PROJECTS FUND

Councillor Lewis Rose OBE left the meeting at 7.10pm prior to discussion of this item.

Council considered a report that reviewed the operation of the Local Projects Fund; recommended improvements to the scheme, and reported on grants awarded during 2015/16 and 2016/17.

The Local Projects Fund was established by the Council on 24 September 2015 to enable local individuals, groups and organisations to apply for funding for both revenue (one-off) and minor capital projects, as set out in the report, and according to the criteria listed.

A schedule setting out the grants awarded by Councillors since the scheme began was attached as Appendix 1 to the report; correct at the time of the agenda publication. All awards of grant were subject to the District Council being recognised in any promotional material, and a snap shot of recent grants was attached as Appendix 2 to the report, with some photographs and feedback from the beneficiaries.

A further report on the Fund with an update on the success of the Fund in 2017 / 2018 and allocation of grants awarded would be presented in 12 months' time.

A review of the scheme was set out in the report, together with recommendations for improvements, and a revised application form was attached as Appendix 4 to the report. It was noted that whilst the Officer Recommendation sought to conclude the Scheme in 2019, this date coincided with the life of the current Council. The new Council of 2019 may wish to consider continuing the Scheme, or one like, it depending on its financial situation at that time.

It was moved by Councillor Albert Catt, seconded by Councillor Joanne Wild and

RESOLVED

1. That the report is noted.
2. That the Local Projects Fund for 2017/18 and 2018/19 is reduced by 10% giving an allowance for each Councillor of £900 per annum.
3. That carry forwards will not be allowed from 31st March 2018 and any amounts not spent will be released back to the revenue

- account at the year-end.
4. That the Local Projects Fund concludes in 2019.
 5. That improvements to the terms and conditions of the Scheme, as set out in paragraph 2 of the report, be approved for immediate implementation.

Voting:

For	21
Against	11
Abstentions	1

471/16 – DRAFT PROGRAMME OF MEETINGS 2017/18

Council were asked to consider the revised Draft Programme of Meetings for 2017/18, as distributed at the meeting, for approval at the Annual Council Meeting on 18 May 2017.

The mandatory training schedule was shown on the draft – this would be confirmed at the annual meeting. It was noted that the dates for the Ashbourne planning committee meetings were still pending and would be confirmed as soon as possible.

It was moved by Councillor Jacquie Stevens, seconded by Councillor Joanne Wild and

RESOLVED That the draft programme of meetings for 2017/18 be noted.
(unanimously)

472/16 – REVISED SCHEME OF DELEGATION TO OFFICERS

Council considered a report that sought a revision to the Scheme of Delegation to Officers, published in the Council's Constitution, following the recent resignation of the Head of Environmental Services.

The delegations currently delegated to the Head of Environmental Services were listed in Appendix 1 to the report; all of which were recommended to be transferred to the title of Head of Community Development.

It was moved by Councillor Albert Catt, seconded by Councillor Joanne Wild and

RESOLVED That the revised Scheme of Delegation set out in Appendix 1 to the report be amended by the substitution of the title 'Head of Community Development' to replace all occurrences of the title 'Head of Environmental Services'.
(unanimously)

473/16 – SEALING OF DOCUMENTS

It was moved by Councillor Jason Atkin, seconded by Councillor Tom Donnelly and

RESOLVED That the common seal of the Council be affixed to those documents, if any, required to complete transactions undertaken by Committees or by way of delegated authority to officers since the last meeting of the Council.
(unanimously)

474/16 – EXCLUSION OF PUBLIC AND PRESS

It was moved by Councillor Jason Atkin, seconded by Councillor Colin Swindell and

RESOLVED That members of the public be excluded from the meeting for the
(unanimously) remaining item of business to avoid disclosure of exempt information.

475/16 – COMMITTEES

It was moved by Councillor Jean Monks, seconded by Councillor Steve Flitter and

RESOLVED That the Minutes of the Licensing & Appeals Sub-Committee dated
(unanimously) 14 March 2017 be approved as a correct record.

MEETING CLOSED 7.55PM

CHAIRMAN