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GOVERNANCE AND RESOURCES COMMITTEE

Minutes of a Meeting held on Thursday 17 January 2019 in the Council Chamber, Town Hall, Matlock at 6.00pm

PRESENT

Councillor Jacquie Stevens - In the Chair

Councillors Deborah Botham, Albert Catt, Tom Donnelly, Steve Flitter, Helen Froggatt, Chris Furness, Alyson Hill, Angus Jenkins, Jean Monks, Garry Purdy, Mike Ratcliffe and John Tibenham.

Paul Wilson (Chief Executive), Sandra Lamb (Head of Corporate Services), Katie Hamill (Solicitor), Tim Braund (Head of Regulatory Services), Karen Henriksen (Head of Resources), Ashley Watts (Head of Community & Environmental Services), Paul Radcliffe (Operational Benefits Manager) and Jackie Cullen (Committee Assistant).

Mr John Pressley, Mazars LLP.

3 members of the public.

APOLOGIES

Apologies for absence were received from Councillors Lewis Rose OBE, Colin Swindell and Joanne Wild. Councillor Helen Froggatt attended as Substitute Member.

295/18 – MINUTES

It was moved by Councillor Jacquie Stevens, seconded by Councillor Jean Monks and

RESOLVED
(unanimously)

That the minutes of the meeting of the Governance and Resources Committee held on 22 November 2018 be approved as a correct record.

The Minutes were signed by the Chairman.

296/18 – PUBLIC PARTICIPATION

In accordance with the procedure for public participation, Councillor Vicki Raynes, on behalf of Tansley Parish Council, commented on aspects related to the S106 debt of Barncroft Homes – ITEM 6 on the Agenda: SECTION 106 PLANNING OBLIGATION AGREEMENT

– LAND AT OLD COACH ROAD, TANSLEY. In particular she refuted the Council's recommendation to write off the s106 monies owed at this stage. Councillor Ian Strange, also on behalf of Tansley Parish Council, commented on the same item (ITEM 6 on the Agenda: SECTION 106 PLANNING OBLIGATION AGREEMENT – LAND AT OLD COACH ROAD, TANSLEY) with reference to the existence of a legal agreement held by the owners of the properties in light of the failure of the developer to secure the s106 contribution.

297/18 – INTERESTS

Councillor Steve Flitter declared a personal interest in Item 6 on the Agenda: SECTION 106 PLANNING OBLIGATION AGREEMENT – LAND AT OLD COACH ROAD, TANSLEY as he knew the owner of Barncroft Homes. Cllr Flitter left the meeting during discussion of and voting on this item to avoid the appearance of bias.

298/18 – SECTION 106 PLANNING OBLIGATION AGREEMENT – LAND AT OLD COACH ROAD, TANSLEY

The Committee considered a report that advised on legal proceedings initiated by the District Council to secure payment of an affordable housing contribution of £61,575 pursuant to an agreement under the provisions of section 106 of the Town and Country Planning Act 1990, as well as the District Council's involvement in a company liquidation process and an offer of payment received by the owner of Barncroft Homes. The matter had been deferred at the meeting of Committee on 22nd November 2018, in order that an updated report be presented to this meeting.

A summary of the situation was set out in the report, and an outstanding debt (including recovery costs incurred) remained, of £59,438.32.

In August 2018 the Company was placed in liquidation. This was yet to be concluded, however the District Council had been informed that there was no prospect of securing payment of the outstanding debt as part of the current proceedings. Furthermore, the properties in question had been purchased by individuals who were now the successors in title and it was therefore possible that the District Council could seek to recover the s.106 monies from those persons, as discussed at the November meeting. The offer from the owner of Barncroft Homes to assume personal responsibility for payment of the outstanding debt was based upon agreeing a payment schedule which related to the sale of properties on a development at Thatchers Croft, Tansley which was yet to be granted planning permission (18/00762/FUL and 16/001354/OUT). In considering this offer, Officers had sought legal advice and were advised against accepting a voluntary payment of the debt and would also not be able to seek payment in respect of the payment schedule for a separate development, for reasons set out in the report.

Despite pursuing all potential options to secure payment, in the circumstances it was not considered fair or reasonable to now seek to recover these monies from individual property owners for reasons set out in the report.

Officers therefore remained of the view that, reluctantly, it was not in the interests of the Council to seek to enter into any personal payment arrangements with the developer and that the s.106 debt owed should be written off.

It was moved by Councillor Mike Ratcliffe, seconded by Councillor Albert Catt and

RESOLVED

1. That the actions taken by the District Council in attempting to secure payment of the affordable housing contribution, and advice that no further action can be taken against Barncroft Homes Limited in light of the company liquidation process are noted.
2. That the outstanding s.106 debt owed to the District Council by Barncroft Homes Limited in the sum of £59,438.32 is written off and the decision not to pursue the respective property owners is endorsed.

Voting:

For	8
Against	4
Abstentions	0

Councillor Chris Furness requested that his vote against the Recommendation be recorded.

The Chairman declared the motion CARRIED.

299/18 – EXTERNAL AUDIT APPROACH FOR 2018/19 ACCOUNTS

The Committee was given a presentation by Mr John Pressley of Mazars LLP that provided an overview of the organisation and information about the incoming external auditor and the approach to the 2018/19 accounts.

A copy of the presentation was attached as Appendix 1 to the report for Members' attention and Mr Pressley attended the committee meeting to take Members' questions.

The Chairman thanked Mr Pressley on behalf of the Committee for his informative presentation.

It was moved by Councillor Jacquie Stevens, seconded by Councillor Albert Catt and

RESOLVED That the report and presentation be noted.
(unanimously)

300/18 – HOUSING BENEFITS OVERPAYMENTS RECOVERY

The Committee considered a report on progress of the enhanced housing benefit overpayments recovery service since it commenced in 2017 and that sought Members' approval for the continuation of funding for the service.

The funding that the Committee approved in 2017 enabled the creation of the Housing Benefit Recovery Assistant post within Arvato for a period of two years, the cost being recharged to the Council, for reasons set out in the report. A business plan had subsequently been produced that defined the aims of the service, as listed in the report.

Performance during Year 1 of the enhanced service (2017/18), including collection rates, arrears outstanding and subsidies applied, was set out in paragraph 1.5 of the report.

It was reported that the cost of the service for 2018/19 was £25,881 and that should Members agree to approve the extended funding, Arvato had agreed to hold the price at £25,881 per annum until the end of the contract.

It was moved by Councillor Albert Catt, seconded by Councillor Mike Ratcliffe and

RESOLVED That approval is given to continue to fund an enhanced Housing
(unanimously) Benefit Overpayment Recovery Service, as set out in the report, until
the end of the current revenues and benefits contract on 16 October
2020.

301/18 – EXTERNAL AUDIT GRANT ASSURANCE FOR 2017/18

The Committee considered a report on information regarding the outcome of the outgoing external auditor's certification work relating to grant claims for 2017/18. A copy of the letter from KPMG was attached as Appendix 1 to the report, for Members' attention, and the report showed that the work did not identify any issues or errors and the claim was certified by the external auditor without amendment.

The external auditor had not felt it necessary to make any recommendations to the Council to improve its claims completion process.

The Chairman agreed to send a letter of thanks to KPMG.

It was moved by Councillor Chris Furness, seconded by Councillor Steve Flitter and

RESOLVED That the report be noted.
(unanimously)

302/18 – FRAUD PROSECUTION POLICY FOR COUNCIL TAX SUPPORT

The Committee considered a request for approval of an updated policy that dealt with offences relating to fraud associated with Council Tax Support in light of the Department for Work and Pensions (DWP)'s indication on 1st April 2013 that they were no longer willing to take prosecutions for this matter, as outlined in the report.

The current Fraud Prosecution Policy for Council Tax Support, along with a scheme of delegation to officers to administer the policy, was approved in January 2018, and was now due for revision.

A draft revised Fraud Prosecution Policy for Council Tax Support was attached as Appendix 1 to the report, with changes to the policy shown in red text. The policy set out the approach that would be taken to each type of offence and the factors that would be taken into account. An equalities impact assessment had been included, and the implementation of the policy will be monitored annually.

No changes were proposed to the scheme of delegation approved in 2018, which was tabled in the report.

Although Derbyshire Dales District Council retained a commitment to considering future participation in a joint working initiative for the investigation and prosecution of Local Council Tax Support alongside similar social security offences, it was proposed that for the time being it suspended active involvement, but that where an offence was identified as likely to lead to a successful prosecution, and the possibility of recovery of costs was assessed as high, the Council would consider sourcing fraud investigating officers from other Councils.

It was moved by Councillor Mike Ratcliffe, seconded by Councillor Albert Catt and

- RESOLVED** (unanimously)
1. That the Draft Fraud Prosecution Policy for Council Tax Support as set out in Appendix 1 to the report is approved.
 2. That the “Question & Answers” relating to housing benefit and council tax support fraud cases, as set out in Appendix 2 to the report, are noted.

303/18 –FEES AND CHARGES FOR 2019/20

The Committee considered a report that detailed recommendations in respect of fees and charges in relation to Community and Environmental Services, Corporate Services and Regulatory Services.

It was proposed that the majority of fees and charges be increased with effect from 1st April 2019 by approximately 3%, with VAT applied, (current rate 20%) and rounded up or down as appropriate. Any proposals to freeze fees for 2019/20, or to increase them by significantly more than 3%, were explained in the report below or the relevant appendix.

Appendices 1 – 12 to the report contained schedules of the existing and recommended charges, as summarised in the report. An amendment was proposed to Appendix 12, which was an addition to the published scheme of fees and charges, whereby the proposed schedule of charges for the services provided by the Council’s Estates and Facilities Team be adopted with effect from 1st February 2019 to 31st March 2020, and not from 1st April 2019 as with the rest of the Appendices.

The Chairman agreed to vote on Appendix 7 separately.

It was moved by Councillor Albert Catt, seconded by Councillor Tom Donnelly and

- RESOLVED** That the fees and charges recommended in Appendices 1-6 and 8–11 of the report are approved and implemented with effect from 1 April 2019, and those recommended in Appendix 12 of the report are approved and implemented with effect from 1 February 2019.
- Voting:**

For	10
Against	0
Abstentions	3

The Chairman declared the motion CARRIED.

It was then moved by Councillor Albert Catt, seconded by Councillor Tom Donnelly and

RESOLVED That the fees and charges recommended in Appendix 7 of the report are approved and implemented with effect from 1 April 2019.

Voting:

For	9
Against	4
Abstentions	0

Councillor Mike Ratcliffe requested that his vote against the Recommendation in Appendix 7 of the report be recorded.

The Chairman declared the motion CARRIED.

MEETING CLOSED – 7.32PM

CHAIRMAN