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GOVERNANCE AND RESOURCES COMMITTEE

Minutes of a Meeting held on Thursday 12 March 2020 in the Council Chamber, Town Hall, Matlock at 6.00pm

PRESENT

Councillor Sue Bull - In the Chair

Councillors Neil Buttle, Paul Cruise, Tom Donnelly, Steve Flitter, Alyson Hill, Susan Hobson, David Hughes, Michele Morley, Garry Purdy, Mike Ratcliffe, Mark Salt, Colin Swindell and Mark Wakeman.

Paul Wilson (Chief Executive), Sandra Lamb (Head of Corporate Services), Karen Henriksen (Head of Resources), Jenny Williams (Internal Audit Consortium Manager), Mike Hase (Planning Policy Manager) and Jackie Cullen (Committee Assistant).

Mr John Presley - Mazars LLP

2 members of the public.

APOLOGIES

Apologies for absence were received from Councillors Jacqueline Allison, David Chapman, Claire Raw and Peter Slack. Councillor Neil Buttle attended as Substitute Member.

334/19 – MINUTES

It was moved by Councillor Tom Donnelly, seconded by Councillor Garry Purdy and

RESOLVED That the minutes of the meeting of the Governance and Finance Committee held on 9 January 2020 be approved as a correct record.
(unanimously)

The Minutes were signed by the Chairman.

335/19 – PUBLIC PARTICIPATION

In accordance with the procedure for public participation, Mr Jonathan Jenkin (Planning Agent) commented on Agenda Item 6 – Brailsford Allotments.

Councillor Mark Wakeman arrived at 6.05pm and Councillor Mark Salt at 6.07pm prior to the following item.

336/19 – BRAILSFORD ALLOTMENTS

The Committee considered a request from Brailsford Allotment Holders' Association for the District Council to consider the compulsory purchase of the land on which the allotments were currently sited, in order to ensure the long term retention of this land as allotments.

The history of Brailsford allotments was set out in the report. The Allotment Association had submitted nine letters from people resident within the district, asking the District Council to consider the compulsory purchase of the land. As such, and in line with Section 23 of the Small Holdings and Allotments Act 1908, the District Council must consider the request, as set out in the report. Having taken into account the factors listed in the report, Officers were of the view that whilst the request made by the Allotment Association must be considered, there were not sufficient grounds for the District Council to take compulsory purchase action in respect of the current site of Brailsford Allotments.

It was moved by Councillor Garry Purdy, seconded by Councillor Mike Ratcliffe and

RESOLVED That the request from Brailsford Allotment Holders' Association to
(unanimously) compulsorily purchase the current site of Brailsford allotments be declined.

337/19 – INTERNAL AUDIT OPERATIONAL PLAN 2020/21

The Committee was asked to agree the Internal Audit Operational Plan for 2020/21 which outlined the assignments and estimated resources needed during the year.

A note explaining the role, purpose and some of the terminology used in the internal audit plan was attached at Appendix 1 to the report. An annual report summarising the outcome of the 2019/20 internal audit plan would be presented to this Committee after the year-end.

A summary of the internal audit plan for 2020/21 was tabled in paragraph 2.1 of the report with the detailed plan shown in Appendix 1 to the report, along with the actual and indicative audit coverage 2018/19–2022/23. A copy of the audit plan was provided to the Council's External Auditor to assist in co-ordination of work programmes.

A copy of the five year audit plan covering the period 2018/19 – 2022/23 was attached for information as Appendix 2 to the report, including two new audits: Climate Change and Ethics. The plans for 2021/2023 were indicative only and could well change in order to meet the priorities of the Council.

It was moved by Councillor Steve Flitter, seconded by Councillor David Hughes and

RESOLVED That the internal audit plan for 2020/21 be agreed.
(unanimously)

338/19 – REVISED COMPLAINTS PROCEDURE

The Committee was asked to consider the revision of the District Council's Complaints Procedures to improve reporting and reduce response times.

The revised complaints procedure was attached at Appendix 1 to the report, which had been formulated by an internal working group and refined by the District Council's Senior Management Team.

The main principles of the revised procedure, together with a summary of the proposed on-line procedure, were set out in the report. It was acknowledged that some matters, which by their very nature were exceptions to the process, would automatically be routed to the Service Director at second stage and be classified as formal complaints. These exceptions were listed in the report.

It was moved by Councillor Steve Flitter, seconded by Councillor Paul Cruise and

RESOLVED That the revised Complaints Procedure is approved for re-launch on
(unanimously) 1 April 2020.

339/19 – ARREARS FOR WRITE OFF

The Committee considered a report on debtor write-offs authorised by the Head of Resources under delegated authority and sought approval for the write-off of individual debts exceeding £1,500 in accordance with the Council's Financial Regulations.

The Head of Resources advised Members of an error in the Recommendation on page 24 of the report: the total should read £128,529.96 to match the figure in Table 1 of the report.

The debts detailed in this report had been pursued through all appropriate methods of recovery open to the Council, as set out in the report. It should be noted that any debt would be reinstated where further information subsequently came to light that allowed further recovery action to be pursued.

CIPFA recommended that it was good practice to identify debts that were unlikely to be paid and to account for them in the accounts as soon as possible.

The amounts recommended for write-off were detailed in Appendix 1 to the report and were summarised in the main report.

It was moved by Councillor Mike Ratcliffe seconded by Councillor Garry Purdy and

RESOLVED That the individual amounts exceeding £1,500 listed in Appendix 1 to
(unanimously) the report totalling £128,529.96 be written off.

340/19 – KIRK IRETON NEIGHBOURHOOD PLAN 2020/21

The Committee considered the key recommendations of the Examiner's report into the Kirk Ireton Neighbourhood Plan. Subject to the recommended amendments the Kirk Ireton Neighbourhood Plan met the basic conditions and could proceed to Referendum pending approval at the meeting. The report was presented to this Committee rather than the Community and Environment Committee, with the agreement of the Chair, to ensure that Members could consider the report of the Independent Examiner and allow for the Referendum to be held on 7th May 2020 jointly with the election of the Police and Crime Commissioner.

The Parish of Kirk Ireton was designated as a Neighbourhood Area in accordance with Section 61G of the Town and Country Planning Act (as amended by the Localism Act 2011) on the 5th September 2014.

An independent Examiner, Mr Andrew Matheson MSc MPA DipTP MRTPI FCIH, was appointed by the District Council with the agreement of Kirk Ireton Parish Council and the Examination in Public was undertaken by written representation during November 2019 - February 2020. The Examiner's report was submitted to the District Council on 6th February 2020. The Independent Examiner's role was set out in the report, together with his comments and conclusion on the Neighbourhood Plan.

The Examiner's report recommended a series of modifications to the Policies, the supporting text and maps to effect corrections, ensure clarity and more importantly to ensure that the Basic Conditions were met, as required by Paragraph 8(1)(a) of Schedule 4B of the Town and Country Planning Act 1990. Subject to the recommended modifications the Examiner had concluded that the Kirk Ireton Neighbourhood Development Plan met all the necessary legal requirements and should proceed to Referendum. A copy of the Examiner's report was attached as Appendix 1 to the report.

Issues raised by the District Council, together with the Examiner's responses and recommendations were set out in Appendix 2 to the report; and the Examiner's full schedule of modifications and the District Council's response was set out within Appendix 3 to the report.

The District Council was responsible for making the necessary arrangements for the Referendum to be held, at which the following question defined in the Neighbourhood Planning (Referendums) Regulations 2012, Schedule 1 would be asked:

Do you want Derbyshire Dales District Council to use the Neighbourhood Plan for Kirk Ireton to help it decide planning applications in the Neighbourhood Area?

A simple majority of all votes cast would be sufficient for the Kirk Ireton Neighbourhood Plan to have a mandate to be taken forward into the Development Plan for Derbyshire Dales and a further report would be presented once the outcome of the Referendum was known.

It was moved by Councillor Susan Hobson, seconded by Councillor Tom Donnelly and

RESOLVED
(unanimously)

1. That the report of the Examiner appointed to undertake the Examination of the Kirk Ireton Neighbourhood Plan be noted;
2. That, subject to the recommended modifications set out in Appendix 3 to the report, the District Council be satisfied that the basic conditions as required by Paragraph 8(1)(a) of Schedule 4B of the Town and County Planning Act 1990 have been met;
3. That the Kirk Ireton Neighbourhood Plan as modified be submitted to a Referendum in the Parish of Kirk Ireton to be held on Thursday 7th May 2020;
4. That a further report be presented to Members following the holding of the Referendum.

341/19 – MEMBER DEVELOPMENT WORKING GROUP

The Committee considered a report on the establishment of the Member Development Working Group with revised terms of reference, to oversee the provision of training and development for all elected Councillors.

The Leaders Advisory Group (LAG) met on 11 February 2020 and agreed to re-purpose the Member Development Working Group with a membership of 8, based on the principles of political proportionality. Draft Terms of Reference for the Working Group were attached as Appendix 1 to the report for consideration by the Committee.

Political Group leaders were asked to nominate members to serve on the Group, who were willing to commit the time and energy to fulfilling the role.

It was moved by Councillor David Hughes, seconded by Councillor Alyson Hill and

- RESOLVED** (unanimously) 1. That the Member Development Working Group is re-established with a membership of 8 based on the principle of political proportionality as follows:

Group	Seats
Conservatives	4
Liberal Democrat	2
Labour	1
Green/Independent	1

2. That the draft terms of Reference are approved..
3. That the Member Development Working Group, once established, be tasked with preparing a work plan for 2020/21 for consideration at a future meeting of the Committee.

342/19 – JOINT CONSULTATIVE GROUP: MINUTES OF 29 JANUARY 2020

It was moved by Councillor Steve Flitter, seconded by Councillor Garry Purdy and

- RESOLVED** (unanimously) That the Minutes of the Joint Consultative Group held on 29 January 2020 be received.

343/19 – REFERRED ITEMS

The Committee was asked to consider two recommendations from the Joint Consultative Committee meeting held on 29 January 2020 for a revised Code of Conduct for all employees of the Council and an amendment to the local agreement, as a departure from the Local Government Terms and Conditions of Employment (the “Green Book”), with regard to remuneration for work during a formally declared Major Incident or Emergency situation.

The relevant minutes of the Joint Consultative Committee were reproduced in the report in full to assist Members’ understanding of the issues involved.

It was moved by Councillor Garry Purdy, seconded by Councillor Steve Flitter and

RESOLVED
(unanimously)

1. That the revised Employee Code of Conduct is adopted with immediate effect
2. That approval is given to adopt a local agreement as a departure from the Local Government Terms and Conditions of Employment (the “Green Book”) with regard to remuneration for work during a formally declared Major Incident or Emergency situation.

MEETING CLOSED – 7.12PM

CHAIRMAN