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## **GOVERNANCE AND RESOURCES COMMITTEE**

**Minutes of a Meeting held on Thursday 5 November 2015 in the Council Chamber, Town Hall, Matlock at 6.00 pm.**

### **PRESENT**

Councillor Jacquie Stevens - In the Chair

Councillors Deborah Botham, Albert Catt, Phil Chell, Tom Donnelly, Steve Flitter, Chris Furness, Alyson Hill, Neil Horton, Angus Jenkins, Garry Purdy, Irene Ratcliffe, Lewis Rose, OBE, Mark Salt and Colin Swindell.

Sandra Lamb (Head of Corporate Services), Tim Braund (Head of Regulatory Services), Karen Henriksen (Head of Resources), Mike Galsworthy (Estates and Facilities Manager) and Jackie Cullen (Committee Assistant).

John Cornett, KPMG (External Auditor)

### **APOLOGIES**

Apologies for absence were received from Councillors Tony Millward, BEM, Jean Monks and John Tibenham. Councillor Tom Donnelly attended as Substitute Member.

### **VARIATION OF ORDER**

The Chairman agreed to amend the order to enable Item 8 – Tansley Community Hall – to be heard after Item 5 to accommodate the two members of public who were speaking on this item.

### **201/15 – MINUTES**

It was moved by Councillor Jacquie Stevens, seconded by Councillor Colin Swindell and

**RESOLVED** That the minutes of the Governance and Resources meeting held on 17 September 2015 be approved as a correct record.  
(unanimously)

The Minutes were signed by the Chairman.

### **202/15 – PUBLIC PARTICIPATION**

In accordance with the procedure for public participation, Mr Joe Woods, Chair of Tansley Community Hall Management Committee, spoke in support of Tansley Community Hall

Business Plan, and provided a brief history of Tansley Community Hall since its establishment in 1887. Mrs Vicki Raynes, Tansley Parish Council, spoke regarding Tansley Community Hall Business Plan.

### **203/15 - ANNUAL AUDIT LETTER 2014/15 – DERBYSHIRE DALES DISTRICT COUNCIL**

The Chairman welcomed John Cornett, District Auditor for KPMG.

The District Auditor presented the Annual Audit Letter which summarised the key findings from the 2014/15 external audit of the District Council, all of which had been previously reported, and which represented the conclusion of the audit.

It was moved by Councillor Albert Catt, seconded by Councillor Chris Furness and

**RESOLVED** That the Annual Audit Letter 2014/15 be noted.  
(unanimously)

### **204/15 – TANSLEY COMMUNITY HALL**

The Committee considered a request from Tansley Community Hall Management Committee for Tansley Community Centre to be transferred freehold to Tansley Parish Council to enable its continued use as a community facility.

A brief history of ownership was set out in the report. At present, the District Council owned the Community Hall and had leased the building to various organisations to enable Community activity in the area since at least 1975.

On 21 May 2015 the Parish Council notified the legal team that the Parish Council had been working with Rural Action Derbyshire and the Community Hall Management committee to develop a Business Plan to retain the Community Hall as a community asset and to request transfer of the freehold to Tansley Parish Council to enable its continued use as a community facility to be managed by Tansley Community Hall Management Committee. Their business plan was provided, which indicated how they proposed to operate the facility to the benefit of the community; this was attached as Appendix 1 to the report, and had included a request for the roof survey to be undertaken. This had since been done, and the Hall was considered to be in fair condition.

It was proposed that the Community Hall at Church Street, Tansley as shown on the plan at Appendix 2 to the report, be transferred freehold to Tansley Parish Council subject to the payment of a consideration of £1 if demanded with each party being responsible for its own legal costs. The hall would be transferred in its existing condition.

The proposed terms for the transfer of Tansley Community Hall to Tansley Parish Council constituted an undervalue transaction as permitted under the General Disposal Consent 2003, as outlined in the report.

It was moved by Councillor Steve Flitter, seconded by Councillor Deborah Botham and

**RESOLVED** 1. That the terms outlined in paragraph 3 of the report for  
(unanimously) transferring the freehold of the Tansley Community Hall  
as shown on the plan at Appendix 2 to the report to  
Tansley Parish Council be approved.

2. That it is noted that the disposal in 1 above constitutes an undervalue transaction permitted under the General Disposal Consent 2003.

## **205/15 – CODE OF CORPORATE GOVERNANCE**

Councillor Lewis Rose, OBE, arrived at 6.32pm during discussion of this item.

The Committee considered a report that required it to review the Local Code of Corporate Governance in accordance with relevant guidance and to approve an updated Confidential Reporting Policy or Whistleblowing Policy

The original Code of Corporate Governance (the Code), adopted in 2003 and updated in 2007 and 2010, was based on guidance issued jointly by the Society of Local Authority Chief Executives (SOLACE) and the Chartered Institute of Public Finance and Accountancy (CIPFA). The Committee last revised the Code in 2014. The Code was reproduced at Appendix 1 to the report.

The six core principles that underpinned the governance guidance for all bodies were listed in the report, together with an outline of the Confidential Reporting Policy, often called the Whistleblowing Policy. The revised Policy and Summary were attached as an appendix to the report.

In 2013, the Corporate Committee revised the Planning Code of Good Practice and one of the initiatives adopted and yet to be reported was an Annual Review of decision making. It was accepted at the time that the Annual Review should be undertaken by the Corporate Committee; however since that decision was taken the Council had amended its decision making structure, revised its scheme of planning delegation, and established a single Planning Committee for a trial 12 month period. The Annual Review report would be a useful source of information in determining the success of those revised arrangements. A revised reporting mechanism was therefore recommended, with the report going directly to Council.

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

### **RESOLVED**

1. That the revised Code of Corporate Governance is approved.
2. That the updated Confidential Whistleblowing Policy is approved and that the summary version is promoted on the District Council's intranet (SIDD) and web site.
3. That a report setting out a review of planning decisions be presented to the next practicable meeting of the Council and thereafter on an annual basis.

### **Voting:**

<b>For</b>	14
<b>Against</b>	0
<b>Abstentions</b>	1

## **206/15 – ASSETS OF COMMUNITY VALUE**

The Committee considered a report that outlined proposed revisions to the District Council's policy and procedures for dealing with Community Rights to Bid and List of Assets of Community Value.

The Localism Act gave the local community the right to apply to the Council for a building or area of land to be designated as an Asset of Community Value (ACV), the criteria for which were listed in the report, together with the effect on parties involved of a successful application, and the specified timescale.

Procedures in respect of appeal by an owner of the Asset were set out in the report, as well as steps for claiming compensation and/or reasonable legal expenses.

A higher proportion of applications to list ACVs than originally envisaged was progressing to the review stage, and Counsel's opinion was sought on the robustness of the District Council's procedures. Concerns arising from that advice had been incorporated into the new policy, and summarised in the report. The recommended policy was attached at Appendix 1 to the report.

It was moved by Councillor Chris Furness, seconded by Councillor Garry Purdy and

## **RESOLVED**

(unanimously)

1. That the revised policy on Assets of Community Value be approved for adoption and publication with immediate effect.
2. That the Head of Regulatory Services be granted delegated authority to consider and determine all nominations for inclusion on the list of Assets of Community Value and initial applications for compensation.
3. That the Head of Community Development be delegated authority to make decisions set out above in the event of the Head of Regulatory Services having a conflict of interest.
4. That the Head of Corporate Services be delegated authority to determine requests to review the listing of a Community Asset and compensation decisions.
5. That the Corporate Director be delegated authority set out in 4 above in the event of the Head of Corporate Services having a conflict of interest.

## **207/15 – COUNCILLOR TRAINING AND DEVELOPMENT PLAN**

The Committee considered a report that evaluated the induction and supporting training for Members, provided since the election in 2015, and recommended a way forward in terms of identifying a draft programme for Members in 2015/16.

The Corporate Committee approved the Induction Programme for the new Council at its meeting prior to the elections in March 2015; each session was evaluated by those in attendance and the results were summarised in Appendix 1 to the report.

Appendix 1 also reported on the level of attendance at each session and the degree by which the mandatory training requirements aimed at mitigating risk had been met, together with attendees' feedback on a bespoke training session provided by East Midlands Councils on Chairing and Facilitating Meetings.

In determining the future training needs of the Council, secondary priorities were identified by

the previous Council and were listed in the report.

A draft programme to incorporate the residual mandatory training sessions and incorporate the request for Treasury Management training, which the revised CiPFA Code of Practice stressed should be an on-going process, was attached at Appendix 2 to the report.

It was further suggested that a Member Development Working Group be formed to comprise newly elected members, to undertake work on a new Training and Development Plan under the leadership of the Corporate Services Member Champion. The suggested terms of reference of that group were listed in the report.

It was moved by Councillor Alyson Hill, seconded by Councillor Angus Jenkins and

**RESOLVED**  
(unanimously)

1. That the evaluation of the Member Training and Development plan for the first 6 months following the elections in May 2015 be noted.
2. That the draft training plan to ensure a 100% attendance at mandatory training be approved to be completed by 31 December 2015
3. That additional training in Treasury Management be approved in the sum of £1500
4. That a Member Development Working Group be established comprising 6 members to reflect political proportionality and to the terms of reference outlined in the report.

## **208/15 – LAND HOLDINGS REVIEW**

The Committee considered a report regarding Phase 1 of the Land Holdings Review, which covered 10 sites across the District in which expressions of interest had been received. Following detailed consideration of planning, legal and estate management factors, recommendations were made regarding whether the sites should be retained or sold, as set out in section 1.3 of the report, and the terms which would apply.

The Estates and Facilities Manager advised Members that one of the Wards affected, as listed in the report, should read 'Northwood and Tinkersley', and not 'Darley Dale'. It was further noted that Matlock St Giles should be deleted from the list, as the relevant site related to Morledge, which was in Darley Dale.

An appraisal of each site had taken place, and the results and recommendations were summarised in Appendix 1 to the report, together with plans of each site. Where it was recommended that a site be sold, the relevant Local Council and Ward Members had been consulted and the responses received were summarised as follows:

- Site 1 – Land at Main Street, Chelmorton - the Parish Council support the sale
- Site 2 – Land adjacent to Bakewell Recreation Ground - mixed reaction
- Site 4 – Land adjacent to 6 The Avenue, Darley Dale - dependent on the existing Restrictive Covenant as set out in the Appendix to the report
- Site 9 – Land on north side of Scarthin, Cromford – Ward Member approval, subject to comments of the Parish Council regarding the footpath

It was noted that in each case of disposal the purchaser would be responsible for making any

necessary planning application at their cost to enable their desired use of the site. The decision at this meeting was entirely without prejudice to any future decisions on such applications by this Council as Planning Authority.

It was moved by Councillor Chris Furness, seconded by Councillor Tom Donnelly and

**RESOLVED**  
(unanimously)

- 1 That the Committee notes the actions taken in informing the interested parties in respect of sites 3 and 8 that the sites are not in the District Council's ownership.
- 2 That the Committee notes the actions taken in informing the interested parties in respect of sites 6, 7 and 10 that the sites are to be retained as indicated in Appendix 1 to the report, taking account of section 1.5 in the report.
- 3 That sites 1 (Land at Main Street, Chelmorton), 2 (Land adjacent to Bakewell Recreation Ground), 4 (Land adjacent to 6 The Avenue, Darley Dale) and 9 (land on north side of Scarthin, Cromford) be disposed of as indicated in Appendix 1 to the report.
- 4 That further consultation with neighbouring landowners takes place in respect of site 5 (land adjacent to 41 Painters Way, Darley Dale), with further recommendations being reported as part of the next phase of the Land Holdings Review.

**MEETING CLOSED 7.20PM**

**CHAIRMAN**