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COUNCIL

Minutes of a Council Meeting held on Thursday 16 January 2020 in the Council Chamber, Town Hall, Matlock at 6.00 pm.

PRESENT

Councillor Richard FitzHerbert - In the Chair

Councillors Jacqueline Allison, Jason Atkin, Richard Bright, Matthew Buckler, Sue Bull, Martin Burfoot, Sue Burfoot, Neil Buttle, David Chapman, Paul Cruise, Tom Donnelly, Steve Flitter, Helen Froggatt, Chris Furness, Clare Gamble, Alyson Hill, Susan Hobson, David Hughes, Stuart Lees, Elisa McDonagh, Tony Morley, Michele Morley, Peter O'Brien, Joyce Pawley, Garry Purdy, Mike Ratcliffe, Claire Raw, Mark Salt, Andrew Shirley, Peter Slack, Andrew Statham, Alasdair Sutton, Steve Wain and Mark Wakeman.

Paul Wilson (Chief Executive), Sandra Lamb (Head of Corporate Services), Lee Gardener (Legal Services Manager), Tim Braund (Head of Regulatory Services), Karen Henriksen (Head of Resources), Ashley Watts (Head of Community & Environmental Services), Steve Capes (Head of Regeneration and Policy), Rob Cogings (Head of Housing), Jim Fearn (Communications and Marketing Manager) and Jackie Cullen (Committee Assistant).

2 members of the public.

The meeting was recorded and broadcast live on YouTube.

The Chairman advised that Agenda Items 9(A) – Proposal of a Notice of Motion (Rule of Procedure 16) and 19 – Review of Seats had been withdrawn.

APOLOGIES

Apologies for absence were received from Councillors Robert Archer, Graham Elliott, Lewis Rose OBE and Colin Swindell.

263/19 – PUBLIC PARTICIPATION

Councillor Claire Raw arrived at 6.04pm during this item.

In accordance with the procedure for public participation, Mr Frederick Burgess (local resident) commented on the Planning Committee's resolution on 14 January 2020 (Minute No. 226/19 - APPLICATION NO. 19/01188/REM – APPROVAL OF RESERVED MATTERS FOR THE ERECTION OF 57 NO. DWELLING HOUSES (OUTLINE PLANNING PERMISSION 15/00814/OUT) AT LAND ADJACENT TO BAKEWELL ROAD, MATLOCK) that authority be delegated to the Development Control Manager to grant approval of reserved matters (subject to the requirements set out in the Resolution and the Conditions set out in the report) in view of the recent flooding of the site.

264/19 – MINUTES

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

RESOLVED That the Minutes of the meeting of the Derbyshire Dales District Council held on 21 November 2019 and the Special Council Meeting held on 18 December 2019 be approved as correct records.
(unanimously)

The minutes were signed by the Chairman.

265/19 – INTERESTS

Councillor Peter O'Brien declared a non-pecuniary interest in Agenda Item 12 – Local Council Tax Support for 2020/21 as a member of his extended family had previously benefitted from the Hardship Fund.

The Head of Corporate Services declared a personal interest in Agenda Item 17 – Resilience, Resources, Priorities, but confirmed that she had not participated in writing the report.

266/19 - LEADER'S ANNOUNCEMENTS

Councillor Elisa McDonagh arrived at 6.09pm and Councillor Andrew Statham at 6.10pm during this item.

The Leader of the Council advised Members that on 6th January he had met with other Derbyshire Leaders at Derbyshire County Hall to address a number of issues, in particular the floods in Derbyshire Dales in November 2019. Phase 1 of the strategy to address the devastation caused by the flooding was agreed: (1) to identify the cost to Local Authorities of the floods; to which end Derbyshire County Council had estimated a figure in the region of £20m; and (2) to write a joint Derbyshire Leaders' letter to the appropriate Minister in Government to highlight the need for flood alleviation measures in the Derwent catchment area. The Leader advised that Mike Asquith had this in hand.

The next step was to meet with Sarah Dines, the new MP, in respect of the flood and other Derbyshire Dales issues, scheduled for the end of the month.

The Leader advised that he and the Chief Executive had attended non-structural reform workshops along with Derbyshire Leaders and Chief Executives, including Derby City. The workshops were run by Price Waterhouse Cooper, which featured in a later Agenda item. At a D2N2 sub-committee meeting on 10th January 2020, it was unanimously decided to move to Phase 2 of non-structural reform and the associated costs, as outlined in the report. Derby City gave their support in principle, but wished to defer a final decision pending further work.

The question was raised as to what would happen should Derby City pull out, to which Cllr Lewis replied “We will find the monies for Derby City”. It was therefore hoped and trusted that all Councils would give their backing and support to this venture.

267/19 – CHAIRMAN’S ANNOUNCEMENTS

A list of engagements carried out by the Chairman of the District of Derbyshire Dales from Thursday 26 September 2019 to Wednesday 15 January 2020 had been distributed prior to the meeting. The Chairman of the District of Derbyshire Dales also reminded colleagues that the re-focused role of the Chair now included involvement with business start-ups and growing businesses within the Derbyshire Dales. He asked that if Members were aware of any such businesses in their wards they refer them to him.

268/19 – MAIDEN SPEECHES

Cllrs David Hughes, Clare Gamble and Alasdair Sutton presented their Maiden Speeches to the Council.

269/19 – COMMITTEES

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

RESOLVED That the non-exempt minutes of the Committees listed in the Minute
(unanimously) Book for the period 21 November 2019 to 03 December 2019 be received.

270/19 – QUESTIONS (RULE OF PROCEDURE 15)

Councillor Claire Raw left the meeting at 6.10pm during this item.

(A) Councillor Peter Slack asked the following question of Councillor Garry Purdy, Leader of the Council:

“Last summer at the DDDC workshop, I put forward that we the District Council contact DCC on the maintenance of the large grass verges that we the District Council mow for DCC. I proposed that we the District Council cut around the edges of the verges for road safety splays and the rest of the verges to become Eco Wildlife areas. This would save on grass cutting costs and discharge of carbon, but most important of all the creation of wildlife areas. In wildlife areas there are over 150 different species of flowers and grass that support insects from bees, beetles, grasshopper and butterflies which in turn support birds and small animals. Also it would be good to invite Derbyshire Wildlife Trust with their expertise in this area to have input in the creation of Eco Wildlife verges. So my Question is: have we the District Council contacted DCC over better ways to maintain the large verges and if so what is their response?”

Councillor Purdy provided the following response:

I can confirm that discussions between District Council and County Council officers have taken place regarding the mowing of verges and the possible creation of ‘wildlife corridors’. Over the coming months, our Community and Environmental Services team will

be reviewing which areas and methods are most appropriate, and included in this process will be discussions with the relevant Parish and Town Councils and elected members.

This work will, however, form part of the overall review of our Clean & Green service and its Core Standards, which is due to take place this year.

Cllr Slack thanked Cllr Purdy for his response.

(B) Councillor Elisa McDonagh asked the following question of Councillor Garry Purdy, Leader of the Council:

“The rollout of Universal Credit started in the Derbyshire Dales in September 2018. According to data from the House of Commons library it was estimated during August 2019 that 958 households in the Derbyshire Dales were in receipt of Universal Credit and 627 of these were on Universal Credit for Housing Support. The data also shows that of the 3,820 Derbyshire Dales households still claiming legacy benefits, 1,400 of these were receiving Housing Benefit. The DWP intend to commence managed migration to Universal Credit in November 2020. Freedom of Information requests made last year show households on Universal Credit are six times more likely to be in rent arrears than those in receipt of Housing Benefit. Meanwhile a series of cuts to Local Housing Allowance since 2011 which has then been frozen since 2016 has led to rates not keeping up with the cost of rent. Consequently only 15% of two-bedroom private rental properties are affordable for small families on housing benefit in the Derbyshire Dales. Can the leader tell me what impact these ideological Welfare Reforms have had in our district in terms of the number of people currently homeless (including those in temporary accommodation and those rough sleeping)?”

Councillor Purdy provided the following response:

The District Council established a Welfare Reform Action Group in 2016. Representatives from landlords, Citizens Advice Bureaux, Department for Work and Pensions, Housing Benefit and the Council’s Housing-Options team work together to:

- Monitor the impact of Welfare Reform
- Share experience
- Provide feedback to Department for Work and Pensions
- Disseminate information
- Help shape services

Through the Homelessness Prevention Grant the District Council funds two key services which help people maintain their tenancy. The services are:

- the Citizens Advice Bureau to provide debt and money advice and
- Adullam Housing Association who provide floating support to vulnerable households

Under the new Homelessness Reduction Act the District Council has a duty to work with those threatened with homelessness earlier and for longer.

The Council spends its full allocation of Discretionary Housing Payments, administered through the Housing Benefit service, the majority of which helps those who suffer a shortfall

between benefits and their rent. The Housing Team also top up the Discretionary Housing Payment fund in order to prevent homelessness.

There are often multiple reasons why a household may become homeless. Whilst it is difficult to say exactly how many people have become homeless as a result of Universal Credit, we do know that of the 461 tenancies on Universal Credit in housing owned by Platform, 361 are in rent arrears. Platform and other housing associations work with the Council to support people at risk of eviction through rent arrears. As a result, since the introduction of the Homelessness Reduction Act in March 2018, the District Council has had 665 homelessness approaches. Of these only 9 (1.3%) have been from housing association tenants where benefit entitlement has changed. This reflects the significant work undertaken by the District Council and our partners to prevent homelessness.

Cllr McDonagh thanked Cllr Purdy for his response and requested that a copy be circulated to Members. Cllr McDonagh then asked the following supplementary question:

Will the Leader commit to reviewing the homelessness statistics at 6-month intervals in order to identify any trends?

Cllr Purdy confirmed this would be done.

(C) Councillor Paul Cruise asked the following question of Councillor Garry Purdy, Leader of the Council:

“The Conservative 2019 manifesto has made a commitment to: “...prevent people from falling into homelessness, along with fully enforcing the Homelessness Reduction Act. We will also end the blight of rough sleeping by the end of the next Parliament by expanding successful pilots and programmes such as the Rough Sleeping Initiative and Housing First, and working to bring together local services to meet the health and housing needs of people sleeping on the streets.”

The Homelessness Reduction Act brought in new duties for local housing authorities like Derbyshire Dales who have to relieve homelessness for all eligible homeless applicants regardless of priority of need. It specifies that local housing authorities must provide more tailored support to rough sleepers. There are at least two cases of rough sleeping in Matlock and there is growing concern that more people will be at risk of homelessness and rough sleeping due to the impact of Universal Credit. Given the time of year and risk of low temperatures is the leader confident that enough resources and support are deployed for rough sleepers to ensure they are housed / given a roof over their head as quickly as possible?”

Councillor Purdy provided the following response:

The Council, under direction from the Ministry of Housing, Communities and Local Government now have a Homelessness and Rough Sleeper Strategy designed to alleviate Rough Sleeping.

Not everyone approaching the authority as homeless falls within a group the Council have to provide accommodation to, either on a temporary or permanent basis. Some will also choose living on the streets as a lifestyle choice. However during cold weather and extreme weather periods we are asked by the Government to provide Severe Weather Emergency Provision

to anyone who does not have access to accommodation. Here in the Dales that would be an offer of bed and breakfast over the severe weather period. During the period of wet weather in November the Council provided emergency accommodation for 2 weeks and assisted one person to access accommodation during this period.

DDDC have applied for additional grant funds from the government to be able to offer this provision during the winter months irrespective of the weather conditions.

The Housing Team does all it can to stop someone sleeping rough and works tirelessly to resolve some very complex and complicated situations.

As a further safety net, the District Council works in partnership with Derby City Mission for places at the Derby or Chesterfield night shelter, should someone be threatened with sleeping rough and no alternative can be secured that night.

Derbyshire District and Borough councils secured £250,000 to coordinate and provide a rough sleeper outreach service, the Derbyshire Outreach Team. This new service commenced on the 1st January 2020 and will operate until April 2021. Staff from this service visited areas known for rough sleeping in the Derbyshire Dales on Wednesday 15th January and engaged with one man in Matlock. Services and assistance in relation to health and housing were offered and the team spent some time trying to persuade him to access help which was declined. The service will make regular contact to keep offering support.

Following the introduction of the Homelessness Reduction Act in March 2018, the District Council have had 665 approaches of homelessness with 441 of those leading to a full homelessness application. When a government advisor visited in September 2019 he commented that the Council was achieving results in the top quartile in the country, with the majority of homeless households assisted at the prevention stage.

District and Borough Councils across Derbyshire have looked into the prospect of Housing First and will continue to explore funding opportunities to bring this forward on a scale that would be a viable and long term option.

The Government are committed to ending rough sleeping and homelessness and have committed an additional year of grant to that previously awarded. Derbyshire Dales received £90,285, the lowest allocation in Derbyshire.

Cllr Cruise requested that a copy of Cllr Purdy's response be circulated to Members, and asked the following supplementary question:

Could a report be circulated to Members regarding ways in which the Housing First strategy may be implemented?

Cllr Purdy confirmed this would be done.

271/19 – PROPOSAL OF A NOTICE OF MOTION (RULE OF PROCEDURE 16)

Councillor Claire Raw returned to the meeting at 7.01pm during discussion of this item.

The Council debated the following Motion, submitted by Councillor Peter O'Brien:

“This Council notes the growing evidence, including from the World Health Organisation, that glyphosate carries a higher health risk than previously assumed and that its effect has recently been upgraded by the WHO to ‘probably carcinogenic to humans’.

It was moved by Councillor Peter O’Brien, seconded by Councillor Steve Wain and

RESOLVED

1. That this Council notes the growing evidence, including from the World Health Organisation, that glyphosate carries a higher health risk than previously assumed; and that its effect has recently been upgraded by the WHO to “probably carcinogenic to humans”;
2. That the Council therefore resolves to:
 - (i) trial the use of non-glyphosate methods of weed control from now until 31 October 2020
 - (ii) cease the use of glyphosate in its weed-killing and weed control operations (except for the stem-injection of Japanese Knotweed, Giant Hogweed or other invasive species), including those of its contractors or other third parties working on behalf of the Council, with effect from 1 April 2021, subject to
 - (a) the trial with use of non-glyphosate methods of weed control proving satisfactory to the Community and Environment Committee
 - (b) the financial implications, if any, of the change in policy being acceptable to the Community and Environment Committee, following the trial outlined above;
3. The Council requests Derbyshire County Council and the Council’s Registered Social Landlord partners, to take appropriate reciprocal action to eliminate or minimise the use of glyphosate in their weed-killing and weed control activities within the Derbyshire Dales District.

An amendment was moved by Councillor Susan Hobson, seconded by Councillor Jason Atkin, as follows:

That the matter (the use of glyphosate) be referred to the Community & Environment Committee for a detailed report on product data and detail and service implications to enable a reasoned decision to be taken.

Voting:

For	17
Against	16
Abstentions	2

This then became the substantive motion and displaced the motion on the table, and it was

RESOLVED That the matter (the use of glyphosate) be referred to the Community & Environment Committee for a detailed report on product data and detail and service implications to enable a reasoned decision to be taken.

Voting:

For	17
Against	16
Abstentions	2

The Chairman declared the motion CARRIED.

272/19 – CLIMATE CHANGE WORKING GROUP – YEAR 1 ACTION PLAN

The Council considered a report on the work undertaken by the Derbyshire Dales Members' Climate Change Working Group in developing a Year 1 Action Plan, following the production of the road map in September 2019 which identified those areas of Council work and influence that the Climate Change Working Group believed were most relevant to this subject. Since that time the Group had concentrated on setting out those actions that supported the 4 priorities identified in the road map, which they believed could be delivered, or initiated by 31 March 2020, which were:

- Transport;
- Estates;
- Planning Policy;
- Housing Policy.

The actions put forward by the Group were set out in Appendix 1 to the report and could be seen to support the priority areas, although the heading 'Estates' was now termed 'Council Owned Buildings'. It was acknowledged that although the actions were limited at this stage, they were intended to set a baseline in terms of the Council's carbon footprint and to commence work on both Planning and Housing guidance.

Outside of the structure of the Climate Change Working Group, the Council was also engaged with Derbyshire County Council and the other Derbyshire district and borough councils, through an officer level group, as set out in the report. A copy of the Derbyshire Environment and Climate Change Framework document was attached as Appendix 2 to the report.

One key area of work being considered by the countywide officer group was how this issue should be resourced, as currently most of the Derbyshire authorities did not have dedicated officer resource to progress this important work. It was acknowledged the issue of climate change would be best dealt with by sharing resources and it was hoped that a model approach could be developed by the Group. The county-wide Climate Change Action Officer Group last met on 14 January 2020, when it was agreed that a report would be presented at the next Derbyshire Chief Executives' Group due to meet on Friday 24th January to discuss the recommendations in respect of resources to be allocated across the county. If it were not possible to identify a collaborative model of working in this way then it would become necessary for Derbyshire Dales District Council to consider how it would resource this work stream in the future.

It was moved by Councillor David Chapman, seconded by Councillor Chris Furness, and

RESOLVED That the Year 1 Action Plan produced by the Climate Change Working Group is approved.

Voting:

For	34
Against	0
Abstentions	1

The Chairman declared the motion CARRIED.

273/19 – LOCAL COUNCIL TAX SUPPORT FOR 2020/21

The Council considered an updated report that provided information relating to proposed changes to, and sought approval to adopt, the Local Council Tax Reduction Scheme for the financial year 2020/21.

It was reported that no significant technical changes were proposed to the scheme to be adopted for 2020/21 and so no new consultation with the public or with precepting authorities had been necessary. The Benefits Manager was satisfied that based on projected caseload and relevant changes occurring, the costs of the 2019/20 scheme fell within budget.

A regular in-year review continued to monitor the impact of Full Service Universal Credit on local residents' entitlements and their ability to budget for the payment of council tax. These findings would inform the Council's decisions on changes to its future year's scheme.

The government's approach to the scheme in respect of pensioners and the working age sector was set out in the report, together with an explanation of technical changes to the national Housing Benefit Scheme.

However, the decision had previously been made not to mirror these changes within the Local Council Tax Reduction Scheme for working age households during 2020/21 for reasons set out in the report. It was therefore proposed, in the interests of clarity and equity, that all allowances, premiums and non-dependant deductions and any other associated amounts in the scheme be uprated for both pensioner and working age claimants in line with the 'Prescribed Requirements' regulations (The Council Tax Reduction Schemes (Amendment) (England) Regulations 2020 (S.I. 2020 No 23)) and the DWP Uprating Circular HB A1 2020 (Revised)), as set out in the report. No other changes to the local scheme for 2020/21 were proposed.

Alongside the 'main' Local Council Tax Support Scheme the Council also gave Discretionary Council Tax Assistance, used to help low income households with council tax to pay after a main CTS reduction, as well as to pay the 8.5% liability for working age claimants who had other debts. Referrals were taken from Citizens Advice Bureaux locally.

Prior to 2018/19, elected members had set this Discretionary fund at £15,000 per annum, increasing to £16,000 during 2018/19 and £17,000 for 2019/20 to reflect the increased demand from local residents. It was proposed that the budget amount for hardship applications should be increased to £18,000 for 2020/21, primarily because of the likely acceleration of Universal Credit Full Service Roll out under 'managed migration arrangements'. Reassurance was given to elected members that the additional funds would be spent appropriately to support the most vulnerable households.

The two sets of regulations would be available to Members on request. The final adopted scheme for 2020/21 would be published in full on the Council's website by 31st March 2020.

It was moved by Councillor Sue Bull, seconded by Councillor Mike Ratcliffe and

RESOLVED
(unanimously)

1. That under section 13A (1)(a) of the Local Government Finance Act 1992, the Council approves and adopts the scheme detailed in this report as the local Council Tax Reduction Scheme for 2020/21.
2. That a maximum total amount of £18,000 be set provisionally for all hardship relief applications under Schedule 11 of the scheme for 2020/21 (to be reviewed by a further report to Council during the year if it appears that this amount may be insufficient).
3. That the maximum total amount for all hardship relief applications under Schedule 11 of the scheme for 2020/21 be increased to £18,000.

274/19 – LOCAL OFFER FOR CHILDREN IN CARE AND CARE LEAVERS

The Council considered a report that sought approval for the District Council, having a duty to co-operate under section 10 of the Children's Act 2004 as a 'relevant partner' to Derbyshire County Council in its role as a corporate parent, to support to publish and deliver a countywide district and borough Local Offer for Children in Care and Care Leavers.

The concept of corporate parenting under The Children and Social Work Act 2017 was explained in Section 2 of the report. Section 2 of this Act required local authorities to publish information about the services they offered to care leavers, which may assist them in preparing for adulthood and independent living, including health and well-being, education and training, employment, accommodation, and participation in society.

The current known numbers of care leavers across Derbyshire were tabled in paragraph 2.8 of the report. At age 21 care leavers now had the right to access additional support services from the County Council, but unfortunately accurate figures were not available. It was likely that the number of care leavers aged 18 to 25 in Derbyshire Dales would be in the region of 12.

Through the Derbyshire Chief Executives' Group and the newly formed Derbyshire Corporate Parenting Board, the County Council and the district/borough councils agreed to collaborate to create a single Local Children in Care and Care Leaver Offer for each of the district and borough councils to consider for adoption and publication, based around 3 themes, as listed below and detailed in the report:

- Wellness and participation;
- Employment, education and training;
- Accommodation and housing.

Derbyshire Dales District Council had taken the decision at its Council meeting on 24 January 2019 to apply a local council tax discount to all care leavers under the age of 25 from 1 April 2019 onwards. This principle had been written into the Council's Policy for Council Tax

Discretionary Reliefs and was now being applied; as such, the District Council had already complied with this element of the Care Leavers' Offer.

In July 2016 the Government published a major policy document 'Keep on caring' to support young people from care to independence. A key commitment in the paper was a strategic pledge to introduce a Care Leaver Covenant, as explained in the report. By supporting Derbyshire County Council in its corporate parenting role the District Council was effectively setting out its own offer to care leavers and as such was committing to the Covenant.

It was moved by Councillor Helen Froggatt, seconded by Councillor Mike Ratcliffe and

RESOLVED
(unanimously)

1. That the corporate parenting principles enshrined in the Children and Social Work Act 2017 are endorsed;
2. That the district offers around Wellness and Participation, Employment, Education and Training, and Accommodation are approved, as set out in the report;
3. That Council's previous decision in relation to council tax exemptions for care leavers is noted.

A 10-minute recess was taken at 8.05pm.

275/19 – TREASURY AND MID-YEAR REPORT FOR 2019/20

The Council was asked to approve the Treasury Management Mid-Year Report for 2019/20 in line with the Authority's legal obligation to have regard to the CIPFA Code.

The 2017 Prudential Code included a new requirement for local authorities to provide a Capital Strategy, which was to be a summary document approved by full Council covering capital expenditure and financing, treasury management and non-treasury investments. The Authority's Capital Strategy complying with CIPFA's requirement was approved by Council on 7th March 2019.

On 31st March 2019, the Authority had net investments of £8m arising from its revenue and capital income and expenditure. A summary of the Balance Sheet was shown in Table 1, with the treasury management position at 30th September 2019 and the change during the period shown in Table 2.

The Council's borrowing strategy was set out in paragraph 1.5 of the report and treasury investment activity in paragraph 1.6 of the report.

The Head of Resources reported that all treasury management activities undertaken complied fully with the CIPFA Code of Practice and the Authority's approved Treasury Management Strategy, as illustrated in Tables 4 and 5, and the Council's treasury management risk indicators were outlined in paragraph 1.8 of the report.

The Head of Resources provided a summary in the report of the outlook for the remainder of 2019/20, with a viewpoint from the Council's treasury advisor, Arlingclose.

It was moved by Councillor Garry Purdy, seconded by Councillor Sue Bull and

RESOLVED
(unanimously)

That the Treasury Management Mid-Year Report for 2019/20 be approved.

276/19 – REGULATION OF INVESTIGATORY POWERS ACT 2000

This item had been deferred from the Council meeting on 21 November 2019.

Council considered an updating report following the inspection of the Investigatory Powers Commissioner's Office in July 2019 (copy of report attached as Appendix 1 to the report) on the Council's policies and procedures relating to the use of the Regulation of Investigatory Powers Act 2000 ("RIPA"). The report informed Members of the outcome of the inspection and sought approval for an amended RIPA policy, attached as Appendix 2 to the report, to incorporate the observations made by the inspector.

RIPA gave the Council significant powers to investigate serious matters and offences. It enabled the Council to use covert surveillance, covert human intelligence sources (CHIS) and the acquisition of service use or subscriber information in relation to communications data in a manner which was compatible with Article 8 of the European Convention on Human Rights (which governed an individual's right to respect for their private and family life). Before the Council may undertake covert surveillance, there were various criteria which must be met, including approval of the application by a Magistrate.

The outcome of the report was primarily positive. There were no issues that raised major concerns for the inspector; however 2 recommendations and 4 observations were made, as set out in Section 2 of the report. The recommendations made by the inspector highlighted the importance of providing advice to Councillors that would prevent them from potentially becoming a CHIS. The Head of Corporate Services therefore sought authority to draft a Members' Social Media Policy to assist members with advice relating to RIPA and CHIS, Codes of Conduct and advice Data Protections and keeping personal details safe.

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

RESOLVED
(unanimously)

1. That the report from the Investigatory Powers Commissioner's Office attached at Appendix 1 to the report is noted.
2. That the amended Regulation of Investigatory Powers Act 2000 policy attached at Appendix 2 to the report is approved.
3. That the Head of Corporate Services be instructed to draft a Member's Social Media Policy to be presented to Council for Approval.

277/19 – REVIEW OF THE DISTRICT COUNCIL'S CODE OF CONDUCT FOR ELECTED MEMBERS

This item had been deferred from the Council meeting on 21 November 2019.

The Council considered approval of revisions to the Code of Conduct, last reviewed in 2017, for all Councillors, in light of a recent internal audit report and to reflect recent changes to legislation.

In April 2019 an internal Audit report concluded a review of Gifts, Hospitality and Register of Interests with a rating of Substantial Assurance. One of the recommendations was to "consider reinstating the requirement for Members to declare gifts and hospitality accepted and rejected", as required within the national Code of Conduct prior to 2012, over £25 in value. The Localism Act of 2011 removed the requirement for a national code and all local

authorities had since been required to publish a Code based on the 7 principles of public life plus any other requirements considered necessary and proportionate. At that time the Register of Gifts and Hospitality contained minimal entries and the Council decided that it was not proportionate to require Councillors to declare receipt.

A copy of the proposed revision was attached as Appendix 1 to the report, with additions and improvements highlighted in red. The proposed amendments were set out in Section 2 of the report.

A common suggestion which had not been incorporated as it was unenforceable by a local Code, apart from Member training, related to attendance at meetings, workshops and other events. Councillors were expected to be community leaders and the role was much better defined in the Role Profile which was now linked to the Code. A copy of the current role profile was attached as Appendix 2, for information. Common law also provided that a Councillor would automatically be disqualified from holding office if they failed to attend a meeting within 6 months.

It was moved by Councillor Sue Bull, seconded by Councillor Mark Wakeman and

RESOLVED That the revised Code of Conduct is approved with immediate effect.
(unanimously)

278/19 – RESILIENCE, RESOURCES, PRIORITIES

Councillors Andrew Shirley and Michele Morley left the meeting at 8.45pm during discussion of this item.

The Council considered the Chief Executive's proposals to realign organisational resources in response to a number of staffing changes in order to ensure that the Council was adequately resourced to deal with existing and future priorities and challenges.

In March 2019, Council approved the updated Medium Term Financial Plan and this continued to be developed alongside the current budget monitoring process. Due to the financial uncertainty that continued to exist beyond 2020/21, there was a need to proceed cautiously in regard to any new long term financial commitments, at least until the financial future of the Council became clearer. Beyond the 2020/21 financial settlement, there would, no doubt, be further pressures placed on Local Government and the Council would need to revise its projections once this future position became clearer. However, despite the continuing financial pressures, it was essential that the Council had sufficient resources, appropriately aligned, to deliver upon the Council's priorities. The report therefore set out the recommendations arising from the Corporate Peer Challenge; organisational structure and capacity and major projects and work programmes. Each of these was discussed in detail in the main body of the report, and summarised below.

The key recommendations outlined to the Council as part of the LGA Peer Challenge presentation were listed in the report, and a copy of the final report would be circulated to Members as soon as it was received. The Corporate Leadership Team (CLT) would also review the final recommendations and formulate an Action Plan to be presented to Members for consideration and approval.

The Corporate Peer Challenge identified that the District Council had good, dedicated staff, yet in regard to organisational capacity there were a number of areas that required immediate

attention, including Corporate Leadership Team, Corporate Services, Estates and Facilities, Environmental Health and Regeneration and Policy. Each of these areas was discussed in detail in Section 3 of the report.

In addition to the day to day delivery of services and progressing corporate priorities such as climate change, affordable housing and economic regeneration, there were a number of significant projects during the next 12-18 months all of which would consume time and resources, as identified in the report and summarised below:

Implementation of the Waste and Recycling Contract
Revenues and Benefits Contract
Review of Clean and Green Service Standards
Climate Change

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

RESOLVED

1. That the Council acknowledges the need to determine its future priorities through the formulation of the Corporate Plan and acknowledge the non-priorities in order to ensure that organisational resources can be effectively and efficiently aligned to maximise delivery.
2. That Council support the principle of appointment to the post of 'Corporate Director' and that it is included within the draft budget for 2020/21 and the updated Medium Term Financial Plan and that a further report be presented to Council on the precise details and proposed recruitment process for this position.
3. That Council note the retirement of the Head of Corporate Services with effect from 31st May 2020 and support the recruitment of a new 'Director of Corporate and Customer Services' utilising specialist recruitment consultants as outlined in the report.
4. That Council note the future retirement intentions of the Democratic Services and Electoral Services Manager and support the recruitment of a new Democratic Services and Electoral Services Manager to work alongside the existing post-holder for a period of up to 6 months and that the costs of this appointment be included within the draft budget for 2020/21 and the updated Medium Term Financial Plan
5. That Council support the proposals for the restructure of Environmental Health as outlined in the report and that the costs of the restructure be included within the draft budget for 2020/21 and the updated Medium Term Financial Plan.
6. That Council note the proposed restructure within Estates and Facilities team and the intention to review the structure within the Regeneration and Policy team in accordance with meeting Council priorities.

7. That Council note the major projects and work programme for the next 12-18 months and have due regard to this and the impact that this work will have on the availability of organisational resources.
8. That the Chief Executive undertake a review of existing roles and responsibilities within the Corporate Leadership Team in order to maximise strategic capacity to deliver on the Council's priorities.

Voting:

For	28
Against	2
Abstentions	3

The Chairman declared the motion CARRIED.

279/19 – MOTION TO CONTINUE

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

RESOLVED That in accordance with Rule of Procedure 13, the meeting continue
(unanimously) beyond 2½ hours to enable the business on the agenda to be concluded.

280/19 – NEW VISION FOR DERBYSHIRE – NON-STRUCTURAL REFORM

The Council considered an update on work taking place with all Derbyshire Councils on non-structural reform and the development of a new vision for Derbyshire, and was asked to agree proposals for taking forward the approach over the next six months.

In June 2019, Price Waterhouse Coopers (PWC) were commissioned by Derbyshire County Council to undertake a programme of work to explore the appetite for future collaborative working in Derbyshire. The study commenced in August 2019 through a series of semi-structured interviews with Leaders and Chief Executives, led by a team from PWC. Key interview topics for discussion, together with the outcome, were set out in the report.

All Derbyshire Councils agreed to participate in the study. Derbyshire Chief Executives, and a sub-group comprising a small number of Derbyshire Councils (including Derbyshire Dales), had led the work throughout this process to guide the work and future phases.

To focus attention over the next six months, PWC had made recommendations and also identified a number of next steps for Phase 2, to capitalise on potential benefits as follows, as show in the report.

The findings from the study and proposals had been discussed and considered at both Derbyshire Chief Executives and the D2 Joint Committee for Economic Prosperity, which took place in November 2019. Derbyshire Chief Executives had been tasked with taking Phase 2 of the work forward with PWC and the Chief Executive would bring further details on this back to the Council in due course.

Identifying the key actions which the Council would need to undertake, and the resources and capacity required to participate fully in both the development and future implementation of proposals, would be vital over forthcoming weeks. It was therefore recommended that a further report on progress, outlining the potential implications for the Derbyshire Dales, be brought to a future meeting of Council.

It was moved by Councillor Garry Purdy, seconded by Councillor Susan Hobson and

RESOLVED
(unanimously)

1. That progress on the development of a new vision for Derbyshire and work to take forward non-structural reform is noted.
2. That the principles for collaboration, the areas of potential focus for future working and the next steps for taking work forward is noted.
3. That delegated authority is given to the Chief Executive to participate in further discussions and that a further report identifying the key actions, resources and capacity required to ensure the Council can participate fully in the development and future implementation of proposals be presented to a future meeting of Council.

281/19 – CHANGES TO CONSTITUTION

The Council considered a report that recommended various amendments to the Council's Constitution to deal with substitute arrangements, frequency of meetings and rules of procedure relating to the duration of meetings. The aim of the report was to reach a general consensus prior to formulating reports to bring effect to the changes. The current situation and the recommended changes were set out in the report. Any decision by the Council would form part of a work plan to bring about changes to the Constitution for approval at the Annual Meeting in May 2020 and be the subject of further reports if changes to the Rules of Procedure were required.

It was moved by Councillor Steve Flitter, seconded by Councillor Peter Slack and

RESOLVED
(unanimously)

That having regard to the recent consultation exercise and the views of the Leaders Advisory Group, changes are made in the Constitution to bring about:

- A maximum meeting duration of 3 hours to Council and its Committees. This would require a motion to continue at 2.5 hours and then for any outstanding business to conclude within a further 30 minute period. Any business not concluded would automatically stand adjourned until the next ordinary meeting of Council or relevant committee. The last item of business within the extension period will need to be concluded to avoid a suspension of business.
- A change in meeting frequency of Council meetings from 8 to 6 weeks
- A review of the Scheme of delegation from Council to Committees and officers ahead of the Annual Meeting in May

to relieve Council of any unnecessary routine business, and to allow it to focus on high level matters.

- A revision in the substitute scheme for all relevant meetings to:
 - Require advance notification of any substitution by 12 noon, 2 days prior to the meeting in question
 - Reduce the number of substitutions to 50% of the total number of seats allocated per Group

282/19 – DRAFT – PROGRAMME OF MEETINGS 2020/21

This item had been deferred at the Council meeting of 21 November 2019.

The Council considered the Draft Programme of Meetings 2020/21. The Head of Corporate Services suggested that the Council meeting schedule be ignored for the time being, as these would change to a 6-week timetable in lieu of the current 8-week one, in line with the Resolution at Minute No. 250/19 above.

It was moved by Councillor Richard Bright, seconded by Councillor Jason Atkin and

RESOLVED That the Draft Programme of Meetings 2020/21 is approved, pending
(unanimously) alteration of the Council Meetings to 6-week intervals.

283/19 – REFERRED ITEM: 177/19 – POLICING AND CRIME ACT 2009 (SECTION 27) LICENSING OF SEX ENTERTAINMENT VENUES

The Council considered a recommendation made by the Licensing & Appeals Committee on 17 October 2019.

The relevant minutes of the Licensing & Appeals Committee was reproduced in full in the report to assist Members' understanding of the issues involved, with the recommendations to be approved marked by an arrow (→).

177/19 - POLICING AND CRIME ACT 2009 (SECTION 27) LICENSING OF SEX ENTERTAINMENT VENUES

It was moved by Councillor Andrew Statham, seconded by Councillor Michele Morley and

RESOLVED 1) That the Draft Policy on the licensing of sex entertainment venues
(unanimously) published as part of the public consultation is approved.

→ 2) That the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, to enable control of the number and location of sex establishments, should be adopted by the full Council.

It was moved by Councillor Tom Donnelly, seconded by Councillor Andrew Statham and

RESOLVED That the provisions of Schedule 3 of the Local Government
(unanimously) (Miscellaneous Provisions) Act 1982, to enable control of the number

and location of sex establishments, should be adopted by the full Council.

284/19 – SEALING OF DOCUMENTS

It was moved by Councillor Jacqueline Allison, seconded by Councillor Stuart Lees and

RESOLVED
(unanimously)

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.

MEETING CLOSED 9.24PM

CHAIRMAN