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## **COUNCIL**

**Minutes of a Virtual Council Meeting held at 6.00 pm on Tuesday 12 May 2020**

**Under Regulations made under the Coronavirus Act 2020, the meeting was held virtually. Members of the public were able to view the virtual meeting via the District Council's website at [www.derbyshiredales.gov.uk](http://www.derbyshiredales.gov.uk) or via our YouTube channel.**

### **PRESENT**

Councillor Richard FitzHerbert - In the Chair

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

Paul Wilson (Chief Executive), Sandra Lamb (Head of Corporate Services), 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).

The meeting was recorded and broadcast live on YouTube.

### **APOLOGIES**

Apologies for absence were received from Councillors Alyson Hill and Mark Wakeman.

### **351/19 – PUBLIC PARTICIPATION**

In line with the Council's temporary suspension of direct public participation the following question was submitted in writing by Paul Siddall, Clifton Parish Councillor and was read out at the virtual meeting:

"Clifton Parish Council is still dealing with queries from concerned parishioners regarding potential change of use of the Coalyard on Watery Lane, Clifton to a Gypsy/Traveller Site. Can the Council confirm that the Council or agents acting on behalf of the council are not contacting and have not contacted the owner of the Coalyard regarding such a change of use so that we can reassure the tax paying parishioners of Clifton, please?"

### **Councillor Garry Purdy, Leader of the Council**

The Council has carefully considered its position in relation to the ongoing need to deliver a permanent Traveller site in line with the Local Plan. In response to a number of Freedom of Information requests, the Council has declined to provide information on specific sites on the grounds that to do so would be likely to prejudice the effective conduct of public affairs. The same reasoning applies to this question and therefore the Council can neither confirm nor deny whether it is in discussions regarding any specific site. When any solid proposals are available these will be brought before Committee and the development of any site will be subject to planning permission, with the opportunity for full public engagement at that time.

### **352/19 – LEADER'S ANNOUNCEMENTS**

Councillor Garry Purdy, Leader of the Council, thanked staff for their continued commitment in these unprecedented times which had not only changed lives throughout the world, but threatened the heart of the economy. This Council's ongoing concerns were for the safety of the residents, visitors and businesses throughout the Derbyshire Dales and as part of the Local Resilience Forum was looking closely at a measured response to the government's latest advice on how to deliver an economic recovery plan whilst keeping everyone safe.

Cllr Purdy advised that the Head of Resources and her team, in conjunction with Avarto, had recently been listed as the No. 1 local authority in the UK in respect of assisting the most businesses with the Government relief scheme.

Cllr Purdy acknowledged the debt of gratitude owed to all those on the front line and especially the NHS, and asked Members to join with him in a moment's silence to reflect on all those who had been affected by the loss of lives due to Covid-19.

### **353/19 – REMOTE MEETING PROTOCOL AND PROCEDURE RULES**

The Council considered a report on establishing meeting procedure rules for virtual meetings of the Council, its Committees and Sub-Committees

Legislation had recently been passed as the means and guidance for the conduct of remote meetings of the Council and its various Committees and Sub-Committees, as set out in the report. The Council's remote meetings protocol and procedure rules were attached in draft at Appendix 1 to the report.

It was likely that in time, were the current lockdown to be relaxed, the procedure rules may need to be modified to reflect experience and best practice. It was recommended that this be done by delegated authority to the Director of Corporate Services where such modifications were minor and in accordance with the Regulations; and all major refinements would be presented to the Council for approval.

It was moved by Councillor Susan Hobson, seconded by Councillor Chris Furness and

- RESOLVED** (unanimously) 1. That the Remote Meetings Procedure Rules as attached as Appendix 1 to the report are adopted with immediate effect.

2. That the Director of Corporate Services is delegated authority to make minor modifications to the Procedural Rules in line with the Regulations, with any significant changes being referred to Council if required, to reflect best practice and experience.

### **354/19 – BUSINESS CONTINUITY DURING PEACETIME EMERGENCY**

The Council considered a report on urgent decisions taken during the current emergency situation and on the establishment of an Emergency Committee to ensure transparent decision making in the short term, whilst the nation was in lockdown and social distancing was of paramount importance.

Delegation arrangements were approved by the Council at its extraordinary meeting on 19 March 2020 to enable urgent decision making by Officers on important matters. As the nation faced a further period of lockdown and the need for social distancing continued, consideration had been given as to the appropriateness of continuing with officer delegation with limited consultation requirements. The need for continued transparency and democratically elected member involvement in urgent decisions in an effective and pragmatic manner was addressed in the report and included a proposal to create an Emergency Committee to be called upon when required, as set out in the report. The suggested terms of reference for the committee were set out in Appendix 2 to the report. Full and balanced reports would continue to be prepared by Officers and decision making would be open to public scrutiny.

The rules on admission of the press and public required that there be the customary notice period where practicable and all open business would be streamed live onto the Council's public YouTube Channel.

With regard to the Planning Committee, the current delegation arrangements were recommended to continue for a further period whilst the lockdown arrangements were in place. It was recommended that Public Participation in respect of planning meetings in its current form be suspended and replaced with information provided in advance rather than delivered in person (virtual or otherwise).

The Chief Executive outlined the record of 12 decisions (attached as Appendix 1 to the report) already taken and the reasons therefor, as well as forthcoming decisions that would be required.

The Director of Corporate Services, in reflecting upon questions prior to the meeting, added a following recommendation to that published and agreed on the grounds of clarity to amend Recommendation 6 as follows:

6. That meetings of the Planning Committee continue to be temporarily suspended and that the Principal Planning Officer, Development Manager and Head of Regulatory Services be delegated authority after consultation with the Chairman of the Planning Committee and relevant Ward Members to determine planning applications that would otherwise fail for determination.

9. That the Council commits to convening a full Council meeting on 2<sup>nd</sup> July 2020 to formally review the decisions taken above.

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

**RESOLVED**

1. That decisions taken by Officers using enhanced delegation arrangements approved by the Council on 19 March 2020, and set out in Appendix 1 to the report, are noted.
2. That Council continues to exercise its reserved powers as set out in the Constitution by remote involvement of Councillors, and that formal meetings are called only when required.
3. That for matters currently defined in the Council’s Constitution to be dealt with by Council, which are not legally reserved to itself, those matters are discharged to an Emergency Committee comprising 8 members based on political proportionality:

No. on Committee	Conservative	Liberal Democrat	Labour	Green	Independent
8	4	1	1	1	1

4. That meetings of the two Policy Committees continue to be temporarily suspended, and that all urgent decision making within the remit of the policy committees is discharged to the Emergency Committee as provided for above.
5. That the terms of reference for the Emergency Committee be approved as set out in Appendix 2 to the report.
6. That meetings of the Planning Committee continue to be temporarily suspended and that the Principal Planning Officer, Development Manager and Head of Regulatory Services be delegated authority after consultation with the Chairman of the Planning Committee and relevant Ward Members to determine planning applications that would otherwise fall for determination.
7. That meetings of the Planning Committee are convened to deal with exceptional business where there are significant planning applications which attract significant public opposition, and where public participation is desirable.
8. That the Licensing Committee meets as and when required to deal with matters not subject to delegation to Officers.
9. That the Council commits to convening a full Council meeting on 2<sup>nd</sup> July 2020 to formally review decisions taken above

**Voting:**

**For** 29  
**Against** 4  
**Abstentions** 4

The Chairman declared the motion CARRIED.

**355/19 – AMENDMENTS TO RULES OF PROCEDURE – SUBSTITUTES AND DURATION OF MEETINGS**

Councillor David Chapman left the meeting at 8.00pm prior to discussion of this item.

Council considered incorporating new Rules of Procedure into the Constitution to reduce the number of substitutes on committees; extend deadlines for nomination of substitutes and limit the overall duration of meetings.

At its meeting on 16 January 2020, the amendments to the Rules of Procedure as set out in the report were moved and seconded. In accordance with the procedure for amending such Rules, the motion stood adjourned until the next meeting of the Council and was now tabled for debate.

To bring the changes into effect, the Constitution required that the amendments be moved and seconded without discussion and that debate takes place at the Annual Meeting. If approved at that time, the revised rules would take place with immediate effect at the Annual Meeting.

It was moved by Councillor Chris Furness, seconded by Councillor Susan Hobson and

**RESOLVED**  
(unanimously)

1. That Rule of Procedure 3.2 be amended to limit the number of substitutes appointed to Committees and Sub-Committees as follows:-

In addition to allocating seats on Committees and Sub-Committees according to political balance (in accordance with the Local Government and Housing Act 1989) the Council shall also allocate seats in the same manner for Substitute Councillors, where applicable.

For each Committee or Sub-Committee, the Council will appoint substitutes equal to 50% of the number of ordinary seats that group holds on Committee or Sub-Committee with a minimum of one Substitute per Group. Where this resulted in an odd number, this would always be rounded up.

2. That Rule of Procedure 3.3 (b) be amended to extend the time period for nomination of substitutes as follows:-
  - (b) After notifying the Head of Corporate Services by 12 Noon, two working days prior to the day of the meeting, of the name of the absent Councillor and the name of the intended Substitute Councillor.

3. That rule of Procedure 13 be amended to introduce an overall time limit for meetings of the Council, Committees and Sub-Committees excluding quasi-judicial hearings as follows:-

Unless the majority of Councillors present vote for the meeting to continue, any meeting that has lasted for 2½ hours will adjourn immediately. The meeting will continue for a further period 30 minutes, (and be extended at the Chairman's discretion) to enable business to conclude and avoid any suspension in debate

on a particular item. Any outstanding matters will be adjourned to a future meeting.

This provision does not extend to meetings of the Council when acting in a quasi-judicial capacity.

### **356/19 - APPOINTMENT OF MONITORING OFFICER**

The Council were asked to confirm the appointment of James McLaughlin as Monitoring Officer for the District Council.

Under Section 5 of the Local Government Housing Act 1989 the Council was required to designate one of its officers as the Monitoring Officer for the Council, whose functions were set out in the report.

The current Monitoring Officer for Derbyshire Dales District, Sandra Lamb, was due to commence flexible retirement on 1 June 2020, for a short period, to enable her successor to take up the position permanently.

Following interview for the position of Director of Corporate and Customer Services, which included the Monitoring Officer's responsibilities, James McLaughlin had been appointed as Ms Lamb's successor to take up the position on 10 August 2020.

It was moved by Councillor Jason Atkin, seconded by Councillor Steve Flitter and

**RESOLVED** That James McLaughlin is appointed the District Council's Monitoring  
(unanimously) Officer with effect from 10 August 2020.

### **357/19 – SEALING OF DOCUMENTS**

It was moved by Councillor Neil Buttle, seconded by Councillor Clare Gamble and

**RESOLVED** That the common seal of the Council be affixed to those documents,  
(unanimously) 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 8.06PM**

**CHAIRMAN**