



This information is available free of charge in electronic, audio, Braille and large print versions on request.

For assistance in understanding or reading this document or specific information about these Minutes please call Democratic Services on 01629 761133 or e-mail committee@derbyshiredales.gov.uk

GOVERNANCE AND RESOURCES COMMITTEE

Minutes of a meeting of the Governance and Resources Committee held on Thursday 30 September 2021 in the Council Chamber, Town Hall, Matlock at 6.00 pm.

PRESENT

Councillor Tom Donnelly - In the Chair

Councillors Jacqueline Allison, Robert Archer, Sue Bull, David Chapman, Paul Cruise, Helen Froggatt, Dawn Greatorex, Alyson Hill, Susan Hobson, David Hughes, Stuart Lees, Dermot Murphy, Garry Purdy, Mike Ratcliffe, Claire Raw and Alasdair Sutton

Tim Braund (Director of Regulatory Services), Steve Capes (Director of Regeneration and Policy), Karen Henriksen (Director of Resources), Paul Frith (Financial Services Manager), Mike Galsworthy (Estates and Facilities Manager), Jenny Williams (Internal Audit Consortium Manager), Elizabeth Wilson (Corporate Policy Officer), Jason Spencer (Electoral and Democratic Services Manager), Tommy Shaw (Business Support Assistant).

APOLOGIES

Apologies for absence were received from Councillors, Steve Flitter (substitute David Hughes) and Michele Morley (substitute Stuart Lees).

126/21 – MINUTES

It was moved by Councillor David Chapman, Seconded by Councillor Mike Ratcliffe and

RESOLVED That the minutes of the meeting of the Governance and Resources Committee held on 1 July 2021 be approved as a correct record.
(Unanimously)

127/21 – PUBLIC PARTICIPATION

In accordance with the procedure for public participation Ms Mary Derrick and Ms Sharon Shirley both Local Residents spoke on Item 13 on Starkholmes Allotments speaking in support of a proposal to approve a compulsory purchase order.

Councillor Robert Archer arrived at 6.05pm during this item.

128/21 – INTERESTS

Councillors Sue Bull and Stuart Lees declared disclosable pecuniary interests in item 11 Pavement Licenses – Setting of fees as they both held pavement licenses issued by the Council.

Councillors Paul Cruise and David Hughes declared personal interests in item 12 Asset management plan and Item 13 Starkholmes Allotments as they were both members of Matlock Town Council.

129/21 – STATEMENT OF ACCOUNTS – 2020/21 PROGRESS REPORT

The Committee received a report providing an update on the progress of the audit of the Statement of Accounts for 2020/21.

In introducing the report the Financial Services Manager highlighted the content of a letter from the Council’s external Auditor, Mazars, circulated before the meeting. The letter set out reasons behind a delay in issuing the Auditors Annual Report for the 2020/21 financial year. It was noted that they expected to publish the Annual report no later than 31 December 2021.

It was confirmed that details of the delay would be published on the Council’s website. The Committee thanked the Financial Services Team for their work on preparing the 2020/21 accounts during a challenging year.

It was moved by Councillor Susan Hobson, seconded by Councillor Sue Bull and

RESOLVED That the current position regarding the statement of accounts for
(unanimously) 2020/21 be noted.

The Chairman declared the motion CARRIED.

130/21 – REVIEW OF INTERNAL AUDIT CHARTER

The Committee received a report setting out the results of a review of the Internal Audit Charter. The Public Sector Internal Audit Standards (PSIAS) required the Head of Internal Audit to periodically review the Internal Audit Charter and present it to the relevant Committee for approval. It was noted that there were no significant changes from the last approved charter. However, in accordance with best practice, references to “internal control” or the “control environment”: had been replaced with “risk management, governance and internal control processes”.

It was moved by Councillor Mike Ratcliffe, seconded by Councillor David Hughes and

RESOLVED
(unanimously)

1. That the outcome of the review of the Internal Audit Charter be noted.
2. That the Internal Audit Charter be agreed.
3. That the Internal Audit Charter be reviewed again in a year’s time or sooner in the event of any significant changes being made to the Public Sector Internal Audit Standards.

The Chairman declared the motion CARRIED.

131/21 – EXTERNAL REVIEW OF INTERNAL AUDIT

The Committee received a report setting out the results of the external review of internal audit that took place in May 2021.

The Public Sector Internal Audit Standards (PSIAS), introduced from the 1st April 2013, required that an external assessment of internal audit should be carried out at least once every 5 years by a qualified, independent assessor or team. The Council's previous external review took place in 2016.

The report concluded that Internal Audit were delivering services to a standard that generally conformed with the PSIAS and there were no areas where the service did not comply with the standards. This external assessment meant that Members could have confidence in the service provided by internal audit.

The report did make a number of recommendations aimed at highlighting where further development could be made to enhance the value of the service being provided. These mainly related to enhancing and developing the use of risk-based auditing and linking more to the council's own risk management definitions and appetite. The recommendations were graded red, amber and green to reflect their relative importance. There were no red recommendations.

The next step was to produce an action plan to address the recommendations arising with progress against the action plan which would be included as part of the internal audit 2021/22 annual report.

It was moved by Councillor Helen Froggatt, seconded by Councillor David Chapman and

- RESOLVED** (unanimously)
1. That the results of the external review of internal audit be noted.
 2. That an action plan to address the recommendations made be reported to a future meeting of this Committee

The Chairman declared the motion CARRIED.

132/21 – PROGRESS UPDATE ON THE 2021/2022 INTERNAL AUDIT PLAN

The Committee received a report providing information on progress made in respect of the 2021/22 Internal Audit Plan. The report included a summary of the two internal audit reports issued since the last meeting of the Committee. These were Sundry Debtors and Creditors both of which offered substantial assurances. The Sundry Debtors report had no recommendations and the Creditors report had two.

It was noted that a new auditor had been appointed and the Senior Auditor was now able to spend more time on Audits so a revised Audit Plan for the remainder of the year would be developed and brought to the November meeting of the Committee.

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

RESOLVED That the update report be noted.
(unanimously)

The Chairman declared the motion CARRIED.

133/21 – ARREARS FOR WRITE OFF

The Committee considered a report providing information on debtor write offs authorised by the Director of Resources under delegated authority in accordance with the Council's Financial Regulations and seeking approval for the write off of individual debts exceeding £10,000 in accordance with the Council's Financial Regulations.

The debts detailed in the report had been pursued through all appropriate methods of recovery open to the Council. It was noted that any debt would be reinstated where further information subsequently comes to light that allows further recovery action to be pursued.

Two amounts both relating to national non-domestic rates, were recommended for write-off and these were summarised in the appendix to the report.

It was noted that, due to the light touch approach taken to recovery as a result of the coronavirus pandemic, cases had only recently been referred to enforcement agents and final notices only been issued from September 2021. It was the view of the Director of Resources that the impact of the full resumption of debt recovery actions would be felt later in the financial year and would result in further requests for write off.

It was confirmed that later in the year there would be an update on hardship fund allocations and how they had been used.

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

RESOLVED That the write off of the individual amounts exceeding £10,000 as
(unanimously) listed in Appendix 1, which total £31,026.65 be approved.

The Chairman declared the motion CARRIED.

134/21 – PAVEMENT LICENCES – SETTING OF FEES

As they had declared a disclosable pecuniary interest, Councillors Sue Bull and Stuart Lees left the meeting during consideration of this item.

The Committee considered a recommendation from the meeting of the Licensing and Appeals Committee held on 30 June 2021, proposing that a fee of £80 be set for the administration of Pavement Licences, given that the regime had now been extended for a further 12 months, to 30 September 2022.

Following a discussion on the number of licenses issued and the likely income levels, a motion was moved by Councillor David Hughes, seconded by Councillor Paul Cruise proposing that the current arrangement of not charging a fee be continued.

The motion was put to the vote and carried.

RESOLVED That the Council continues to make no charge for the administration
of pavement licences.

Voting

For	13
Against	0
Abstentions	1

The Chairman declared the motion CARRIED.

Councillors Sue Bull and Stuart Lees returned to the meeting at 6.45pm following consideration of this item.

135/21 – ASSET MANAGEMENT PLAN – LAND HOLDINGS REVIEW PHASE 2

The Committee considered a report on the second phase of an ongoing review of the Council’s land and property assets in accordance with the Asset Management Plan. The report included expressions of interests received for 2 sites in Matlock.

Site 1 was a Community Asset Transfer (CAT) by way of a lease renewal to Starkholmes Village Hall Trustees with the new terms reflecting an extended term and accurately recording the land occupied.

Site 2 was a Community Asset Transfer (CAT) of the freehold of the Starkholmes Recreation Ground to Matlock Town Council. This transfer would be subject to existing agreements.

It was moved by Councillor Garry Purdy, seconded by Councillor David Chapman and

RESOLVED
(unanimously)

1. That a Community Asset Transfer by a lease of Site 1 to the Starkholmes Village Hall Trustees be approved on the terms outlined in Appendix 1 of the report.
2. That a Community Asset Transfer of the freehold of Site 2 to Matlock Town Council be approved on the terms outlined in Appendix 1 of the report.
3. That, in order for the lease and the transfer to progress, delegated authority be granted to the Estates and Facilities Manager to negotiate and agree varied terms should the terms of the lease of Site 1 to the Starkholmes Village Hall Trustees or the terms of the transfer of Site 2 to Matlock Town Council both detailed in Appendix 1, require variation.
4. That it be noted that the disposals in 1 and 2 above comprised undervalue transactions permitted under the General Disposal Consent 2003.
5. That each party will bear their own legal costs.

The Chairman declared the motion CARRIED.

136/21 - STARKHOLMES ALLOTMENTS

The Committee considered a request from Starkholmes Allotment Association for the Council to compulsorily purchase the land on which the allotments were currently sited to

ensure the long term retention of this land as allotments.

The allotments were located on a 0.8 hectare parcel of land to the east of Starkholmes Road, neighbouring the village hall. While, according to the Allotment Association, the land has been used as allotments for more than 100 years it remained in private ownership the land owner had indicated that they wished to reclaim the land and therefore served notice to quit on the Association. The notice period was due to end on 30 September 2022.

To protect its long-term future as allotments the Allotment Association had made contact with the District Council and Matlock Town Council requesting that consideration be given to the compulsory purchase of this land.

It was noted that the Allotment Association had submitted a nomination to list the land as an Asset of Community Value (ACV) and as there was clearly a future use that furthered the social wellbeing or social interests of the local community until at least 30 September 2022 it had been listed. It was confirmed that the owner had the right to request an internal review of that decision and may appeal to the First-tier Tribunal if they disagreed with the findings of that review.

The report set out the Council's duties under Section 23 of the Small Holdings and Allotments Act 1908 and confirmed that, as more than six residents within the District had made representations, the Council must consider the request. The report concluded that there were not sufficient grounds for the District Council to take compulsory purchase action in respect of the current site of Starkholmes Allotments for the following reasons:

- The Asset Management Plan made no reference to the acquisition of land for allotments;
- There was no provision within the Capital Programme for such an acquisition;
- The potential cost of acquisition was not known;
- Officers did not believe that there was a shortage of allotments across the District as a whole and as such this request would be more suited to the Town Council.

During the discussion it was confirmed that the Planning Policy Team had included land for leisure use within the 'call for sites' as part of the review of the Local Plan, but that a more specific request for allotment sites could also be communicated. The Committee noted that the Allotment Association had indicated that they were willing to pay back the acquisition costs if the purchase price was based on its current use as agricultural land. It was acknowledged that the Council would find it difficult to complete a purchase if the land value was based on an alternative use such as housing.

The Legal Services Manager advised the Committee on the practicalities of making a compulsory purchase order, highlighting that a contested order could take 2 years to complete.

A motion to decline the request from Starkholmes Allotment Association was moved by Councillor Garry Purdy and seconded by Councillor Susan Hobson. In moving the motion Councillor Purdy made a commitment to brokering a meeting with the landowner, the allotment association and ward councillors to find a solution.

During the debate on the motion members of the Committee suggested that more

information was needed before making a final decision. As a consequence at the request of the mover and seconder the motion was withdrawn and replaced with a motion to defer consideration of the request until the next meeting of the Committee to be held on 18 November 2021

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

RESOLVED To defer consideration of this matter until the meeting of the
(unanimously) Governance and Resources Committee to be held on 18 November 2021 to enable further discussions with the landowner and get further information on the value of the land and the compulsory purchase process.

The Chairman declared the motion CARRIED.

137/21 – REVISED EQUALITY, DIVERSITY AND INCLUSION POLICY

The Committee received a report seeking approval for a revised Equality, Diversity and Inclusion Policy. The policy had been amended to reflect all relevant changes to legislation and definitions introduced since 2016, when it was last reviewed. Examples included changes to Section 78: including compulsory reporting on the gender pay gap for organisations employing 250 or more employees, changes to age exceptions for occupational pension schemes, a requirement for licensed taxi drivers to provide services to wheelchair users unless they could prove a need for a medical exemption.

The report provided details of consultation on the draft policy with employees, Councillors and other stakeholders including Derbyshire Dales Council for Voluntary Services [CVS], the African and Caribbean Community Association [ACCA], Derbyshire Dales Youth Forum, and Derby and Derbyshire Age UK.

It was noted that the way in which the information was presented had been reorganised and included a brief introduction and a more detailed description of how the Council met equality standards and actions taken to meet the requirements of the Equality Act.2010. It included references to the Council's priority areas and described how the Council would strive to demonstrate the principles of diversity and inclusion in its everyday activities, roles, policies and functions. It also showed how employees, Members and Managers all had a right not to be discriminated against, and that overall responsibility for the policy rested with Elected Members and the Chief Executive.

The Policy was accompanied by two appendices one providing demographic information on Derbyshire Dales' residents in terms of gender, age, disability, pregnancy, wages, debt, and so on, and the other consisting of a number of examples to illustrate some of the ways the Council had applied the policy in its work.

In introducing the report the Corporate Policy Officer suggested an amendment to paragraph 4.8 of the Policy Statement to remove the words "and assigned at birth" from the definition of sex.

It was moved by Councillor David Hughes, seconded by Councillor Susan Hobson and

RESOLVED That the revised Equality, Diversity and Inclusion Policy as set out in
(Unanimously) Appendix 1 be adopted, subject to the minor amendment to paragraph 4.8 of the Policy Statement.

The Chairman declared the motion CARRIED.

138/21 – DIGITAL TRANSFORMATION - PHASE 2 PRIORITIES AND ONGOING APPROACH TO CHANGE AND INNOVATION

The Committee considered a report setting out the planned objectives for the next 12 months of the Digital Transformation project and seeking the committee's endorsement of the identified transformational priorities for the next 12 months.

Members welcomed the proposals and the progress made so far and suggested that it would be useful for all Councillors to be briefed on the digital transformation project.

It was moved by Councillor Garry Purdy, seconded by Councillor Paul Cruise and

RESOLVED 1. That the report be noted.
(unanimously) 2. That the priorities for Phase 2 of the Digital Transformation Programme be endorsed and approved in principle.
3. That a further report be submitted setting out plans for the ongoing delivery of Transformation priorities for the 2022/23 financial year and beyond.

The Chairman declared the motion CARRIED.

139/21 – MEMBER LEARNING AND DEVELOPMENT

The Committee consider an update on the delivery of the 2020/21 Member Training & Development Plan, providing details of the proposed work plan for the Member Development Working Group and setting out the Member's Training & Development Plan for the 2021/22 Civic Year.

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

RESOLVED 1. To approve the plan for work to be undertaken by the Member
(unanimously) Development Working Group during 2021/22 as set out in Appendix 1 of the report.
2. To approve the Members' Training and Development Plan for 2021/22 as set out in Appendix 2 of the report.

The Chairman declared the motion CARRIED.

140/21 – JOINT CONSULATATIVE GROUP MINUTES

It was moved by Councillor Susan Hobson, seconded by Councillor Helen Froggatt and

RESOLVED That the Minutes of the Joint Consultative Group meeting held on 15th
(unanimously) September 2021 be received.

The Chairman declared the motion CARRIED.

MEETING CLOSED – 8.00 PM

CHAIRMAN