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## **CORPORATE COMMITTEE**

**Minutes of a Meeting held on Thursday 18 September 2014 in the Council Chamber, County Hall, Matlock at 6.00pm**

### **PRESENT**

Councillor Albert Catt - In the Chair

Councillors Steve Bull, Bob Cartwright, Ann Elliott, David Fearn, David Frederickson, Mike Longden, Jean Monks, Garry Purdy, Irene Ratcliffe, Geoff Stevens MBE, Jacquie Stevens, Judith Twigg, Jo Wild.

Dorcas Bunton (Chief Executive), Sandra Lamb (Head of Corporate Services), Paul Wilson (Corporate Director), Steve Capes (Head of Regeneration and Policy), Karen Henriksen (Accountancy and Exchequer Manager), Jenny Williams (Auditor) and Jackie Cullen (Committee Assistant).

Sue Sunderland and Lee Towers, External Auditors from KPMG.

Councillor Tom Donnelly attended as Ward Member

7 members of the public and 1 member of the press

### **APOLOGIES**

Apologies for absence were received from Councillors Richard FitzHerbert, Lewis Rose OBE and Barrie Tipping. Councillors Ann Elliott and Jo Wild attended as Substitute Members.

### **PUBLIC PARTICIPATION**

In accordance with the procedure for Public Participation, the following representations were made:

#### Item 7 – Public Inquiry – Land at Old Derby Road, Ashbourne.

Mr Jeffrey Phillips, on behalf of the Ashbourne Neighbourhood Plan Steering Group, presented a statement against the recommendation.

Mr Darren Archer, Ashbourne Town Council, presented a statement against the recommendation.

Councillor Tom Donnelly, as Ward Member, made a statement against the recommendation, and read out an email he had received from Councillor Tony Millward against the recommendation.

### **115/14 – MINUTES**

It was moved by Councillor Albert Catt, seconded by Councillor Jacque Stevens and

**RESOLVED** That the minutes of the meeting of the Corporate Committee held on  
(unanimously) 26 June 2014 be approved as a correct record.

The Minutes were signed by the Chairman.

### **116/14 – ANNUAL GOVERNANCE REPORT 2014/15**

The External Auditor presented the 'Report to those charged with Governance (ISA 260)' 2013/14 and advised that she was intending to give an unqualified opinion once approval of the accounts had been given.

A table summarising the headline messages was given on page 8 of the report, and one recommendation raised was set out in Appendix 1 to the report, concerning related party transactions.

It was moved by Councillor Judith Twigg, seconded by Councillor Geoff Stevens, MBE, and

**RESOLVED** 1. That the report be noted.  
(unanimously) 2. That the induction programme for the new Council include guidance on related party transactions and the need for compliance.

### **117/14 – COMMUNITY GOVERNANCE REVIEW – HATHERSAGE AND OUTSEATS**

The Committee considered a report that fed back on a public consultation exercise on a draft proposal agreed at the June meeting, to dissolve the current parishes of Hathersage and Outseats; to create one new parish council called Hathersage, and to set the electoral arrangements to elect 14 members to the new parish council.

The draft recommendation had been put to the electorate of Hathersage and Outseats parishes, together with other interested parties including the County Council, the Peak District National Park Authority and local businesses. A plan showing the proposed boundary of the new parish of Hathersage was attached at Appendix 1 to the report.

Representations received during the consultation process, the majority of which were in support of the proposal, were summarised in Appendix 2 to the report.

If the Committee decided to proceed with a final recommendation, further steps would need to be taken to inform interested parties of the final recommendation and to allow a period within which copies of the proposals may be inspected. A list of recipients of The ultimate Order, containing the final recommendations, was set out in the report.

The effective date of the Order would be 1<sup>st</sup> April 2015 date to enable deposit copies and to coincide with the new financial year, and the election date would be 7<sup>th</sup> May 2015.

It was moved by Councillor Jean Monks, seconded by Councillor Mike Longden and

**RESOLVED** That in the interests of more effective and convenient local  
(unanimously) governance, the Council publishes final recommendations as required by the Local Government Public Involvement in Health Act 2007 to secure:

1. the dissolution of the current parishes of Hathersage and Outseats
2. the creation of a new parish of Hathersage comprising the area set out in Appendix 1
3. electoral arrangements to provide for 14 members of the new Hathersage Parish Council

### **118/14 – PUBLIC INQUIRY – LAND AT OLD DERBY ROAD, ASHBOURNE**

The Committee considered a report that informed Members of the outcome of the Derbyshire Dales Local Plan Examination in Public and advised that in light of a significant change in circumstances, it was no longer sustainable for the District Council to seek to defend its original decision to refuse planning permission for residential development at Old Derby Road, Ashbourne. The report advised of an alternative approach to the resolution of the matter which would involve the District Council agreeing not to contest the appeal.

A copy of late representation from Ashbourne Town Council was circulated at the meeting.

On 26<sup>TH</sup> March 2014, outline planning permission was refused for residential development of up to 200 dwellings, highway improvements and landscaping on land off Old Derby Road, Ashbourne (Application 13/00911/OUT). The reason for refusal was as follows:-

*'The proposal entails the development of a greenfield site for housing located outside of the Settlement Framework boundary of Ashbourne as defined in the Adopted Derbyshire Dales Local Plan (2005). The development of these greenfields which will be inherently encroaching and harmful to landscape character and appearance is considered unwarranted and unsustainable in the context of the Council being able to demonstrate a housing land supply comfortably in excess of the requirements of the National Planning Policy Framework. The development as such is considered contrary to Policies NBE8 and SF4 of the Local Plan, Development Management Policies 2 and 6 of the Pre Submission Draft Derbyshire Dales Local Plan and guidance in the National Planning Policy Framework taken as a whole.'*

An appeal had been lodged against the Council's refusal of planning permission and the matter was to be determined by means of a Public Inquiry which was due to commence on 7<sup>th</sup> November 2014 for 3 days.

At the meeting of Council on 8<sup>th</sup> May 2014, Members approved expenditure in the order of £32,000 for the appointment of Counsel and an expert landscape witness in order to defend the Council's decision. Professional planning evidence would be given by the Council's Corporate Director.

The National Planning Policy Framework (NPPF) outlines the policy position of Central Government which is to '*...boost significantly the supply of housing*'. The Chief Secretary to the Treasury had recently stated that a 'radical building policy was necessary over the longer term' and that as a nation we needed to be providing 250,000 to 300,000 homes per annum. It was felt that the NPPF was increasingly being seen as the policy mechanism to achieve this.

The circumstances of the Appeal in relation to the NPPF were set out in the report, and the key issues arising in the context of this appeal were:

- a) The extent to which the Council could demonstrate a 5 year supply of deliverable housing land against full OAN, as required by paragraph 47 of the Framework;
- b) Whether existing Development Plan policies cited in the reason for refusal were up to date.

The Local Planning Authority's stance regarding the emerging Derbyshire Dales Local Plan as against the Inspector's findings was set out in the report, together with the direct implications for the determination of this appeal. As such, the premise upon which the original planning application was refused had subsequently been rejected by the Inspector; the decision could no longer be reasonably defended.

An alternative approach to the resolution of this matter was therefore required. In order to resolve this matter without the Council and the appellants incurring further substantial costs, it was necessary for the Council to make a formal determination that in light of changed circumstances, it would no longer seek to defend the original decision. This could be achieved by the submission of a Statement of Common Ground to the Planning Inspectorate with a request that the appeal be downgraded to an appeal hearing (which would not require legal Counsel).

A Statement of Common Ground was attached at Appendix 1 to the report, which in summary stated that:

1. The Council would not seek to defend the original reason for refusal due to the change in circumstances.
2. In the absence of a 5 year supply, there were no other sustainable planning objections to the development.
3. The appellants would not submit an application for costs against the Council.

Subject to the agreement of the Planning Inspectorate, the appeal would continue to be determined by means of an informal hearing (1 day only). This would afford third party interests, including Ward Members and the Town Council, the opportunity to continue to outline their objections to the proposal to the Inspector, thereby affording the opportunity for the public to have their say. However, the District Council would not seek to actively participate in such proceedings.

It was acknowledged that this was an extremely difficult and contentious course of action to take. However, the District Council had a duty to act responsibly with public resources and it would be inappropriate for the Council to ignore the significant change in circumstances that had occurred.

It was moved by Councillor David Frederickson, seconded by Councillor David Fearn and

- RESOLVED**
1. That the Committee endorse the approach outlined in Section 4 of the report.
  2. That the Statement of Common Ground attached at Appendix 1 be endorsed for submission to the Planning Inspectorate.

Councillor Irene Ratcliffe requested a recorded vote, seconded by Councillor Bob Cartwright.

**Voting:**

In favour	Councillors A Catt, A Elliott, D Fearn, D Frederickson, M Longden, J Monks, G Purdy, G Stevens MBE, J Stevens, J Wild (10)
Against	Councillors S Bull and I Ratcliffe (2)
Abstentions	Councillors B Cartwright and J Twigg (2)

The Chairman declared the motion carried.

**119/14 – DERBYSHIRE DALES ECONOMIC PLAN 2014-19**

The Committee considered a report that proposed an Economic Plan for the Derbyshire Dales to take forward Members' economic development priority.

Members had established economic development as one of only two improvement priorities for the District Council (Council, November 2013). At the Corporate Committee meeting on 20 March 2014, Members noted the economic circumstances of the district and resolved to produce a Derbyshire Dales Economic Plan.

A Members' Workshop on economic development was held on 5 June 2014, at which possible initiatives for inclusion in the Economic Plan were explored. Members wished these initiatives to be developed further, and as a result the draft Economic Plan attached to the report included five of the six initiatives.

The draft Plan was sent to partners for consultation on 21 August 2014, and comments received up to the date of publication of committee papers had been incorporated in the draft as attached to the report.

The six action areas proposed in the Economic Plan were

- Derbyshire Dales Business Advice
- Site promotion and development
- Business engagement
- Match funding
- Site development loans

- Ongoing activity

The issue of broadband speed was raised, with a query on the District Council's role in the County Council's roll-out of broadband. Members were advised that the County Council was working with BT and had achieved a figure of 95% coverage in Derbyshire. At this stage, the 5% 'gap' was not yet known, but this section would be addressed in due course. Furthermore, the County Council had advised that community broadband schemes should not be progressed at this stage, as it would result in BT taking these areas off the list for public broadband. It was suggested that when the gaps referred to above were known, this may then be a possibility.

It was moved by Councillor Judith Twigg, seconded by Councillor Geoff Stevens, MBE, and

- RESOLVED**  
(unanimously)
1. The Derbyshire Dales Economic Plan 2014-2019 is adopted
  2. Actions are brought back to Members for consideration as appropriate for implementing the Plan
  3. Council is recommended to make £100,000 available from the Economic Development Reserve to support priority projects from the 'Enterprise Peak District' plan
  4. The reallocation of officer resources is noted.

## **120/14 – LETTER OF REPRESENTATION**

Councillor Irene Ratcliffe left the meeting at 7.35pm prior to commencement of this item.

This report requested that Members consider the draft Letter of Representation as part of their responsibility for approving the financial statements.

The Head of Resources' letter of representation had been prepared in accordance with ISA 580 guidance, and was attached as Appendix 1 to the report. The letter contained one matter of concern (highlighted) regarding a restatement to the accounts, which was brought to the attention of Members.

In addition, ISA 580 required the external auditor to obtain evidence that those charged with governance acknowledged their collective responsibility for the preparation of, and had approved, the financial statements. Approval of the letter of representation by the Corporate Committee prior to receiving the external auditor's Annual Governance Report contributed to that evidence.

It was moved by Councillor Geoff Stevens, MBE, seconded by Councillor Steve Bull and

- RESOLVED**  
(unanimously)
- That the draft Letter of Representation be approved.

## **121/14 – STATEMENT OF ACCOUNTS 2013/14**

The Committee considered a report that provided interpretation of the Statement of Accounts for 2013/14 and highlighted the key issues. The Committee was requested to consider and approve the Statement of Accounts.

The Statement of Accounts 2013/14, distributed separately with this Agenda, had been audited by the Audit Commission.

The Council's accounts had been prepared to comply with proper practices, as defined by The Local Government Act 2003. Compliance could also be checked by reviewing the Statement of Accounts against the Audit Commission's Aide Memoire, which was attached as Appendix 1 to the report.

It was moved by Councillor Geoff Stevens, MBE, seconded by Councillor David Fearn and

**RESOLVED** That the Committee approves the Statement of Accounts for  
(unanimously) 2013/14.

## **122/14 – NEW EMPLOYMENT POLICY – LEARNING AND DEVELOPMENT**

The Committee considered a report proposing the adoption and implementation of a new employment policy on Learning and Development.

A Corporate Training Needs Analysis led to approval in March of a corporate Learning and Development Plan for 2014/5 within a 3 year strategic planning horizon. Also in March, Corporate Management Team also approved the draft of a Learning and Development Policy to go out to staff consultation.

The Employee Group was consulted on the draft Learning and Development Policy in April, and in July the Joint Consultative Group considered the proposed new policy and recommended that Corporate Committee approve it. Details of the Policy were set out in the report.

It was stressed that Recommendation no. 3 should be closely monitored as there was potential for this to act as a disincentive to some employees.

It was moved by Councillor Judith Twigg, seconded by Councillor Jean Monks and

**RESOLVED** 1. That the Corporate Committee approve the Learning and  
(unanimously) Development Policy.

2. That any future updates to the policy statement are approved at committee, but changes to the guidance notes can be approved by Corporate Management Team.

3. That support for staff undertaking vocational learning and development over £300 is supported at 50% of course fees and books and excluding any travel and subsistence and that Human Resources monitor the change to 50% to determine that it is not a disincentive to staff.

4. The sliding scale for repayment of course fees is set at 100% if leaving within a year of qualification and then 50% if leaving at between 12 – 18 months of qualification and 25% if leaving between 18 – 24 months of qualification.

#### **123/14 – EMPLOYEE SURVEY/INVESTORS IN PEOPLE ACTION PLAN 2014**

The Committee considered a report detailing an Employee Survey/Investors in People Action Plan resulting from employee feedback from the employee survey focus groups in November and December 2013 and through the Investors in People assessment in January and April 2014.

The proposed action plan had been developed with the Employee Group and was supported by Corporate Management Team. It had also been considered at Joint Consultative Group (JCG) on 17 July and JCG resolved to recommend to Corporate Committee that the action plan be approved.

The results of the Employee Survey were detailed in the report, together with the proposed action plan, of which 16 of the 24 points were progressing well.

It was moved by Councillor Geoff Stevens, MBE, seconded by Councillor Jean Monks and

**RESOLVED**  
(unanimously)

1. That the Employee Survey/Investors in People Action Plan is approved and that progress is monitored and reviewed by the Employee Group.
2. That the delivery of the action plan is measured by the employee survey in 2015.
3. That future full employee surveys are done every 2 years, with short topic based 'mini surveys' in between.

#### **124/14 – EMPLOYER PENSION DISCRETIONS IN THE LOCAL GOVERNMENT PENSION SCHEME**

The Committee were advised that Derbyshire County Council, as the District Council's administrator of the local government pension scheme, had requested that the District Council determine a number of discretionary policies allowed in the scheme.

A report was presented that proposed that the District Council adopted the same discretions that Derbyshire County Council had adopted as an employer. There were no foreseen reasons to vary from the lead given by the County Council. Council had been advised that to vary from their lead would make administration of the scheme more complex and costly.

Once the discretions in appendix 1 to the report were agreed, it was proposed that the District Council retained delegation to the Corporate Committee to determine pension matters and any cases arising. This retained the previous position.

It was moved by Councillor Geoff Stevens, MBE, seconded by Councillor Jo Wild and

- RESOLVED** (unanimously)
1. That the District Council adopts the pension discretion policies in appendix 1.
  2. That these discretions are confirmed to Derbyshire County Council as our Local Government Pension Scheme Administrator.

### **125/14 – INTERNAL AUDIT REPORTS CONCLUDED TO DATE UNDER THE 2014/15 OPERATIONAL AUDIT PLAN**

The Committee were asked to consider the internal audit reports produced to date in accordance with the internal audit reviews undertaken in compliance with the 2014/2015 Operational Audit Plan.

A summary of reports issued covering the period 1st April 2014 – 13th August 2014, for audits included in the 2014/15 Internal Audit Plan, was attached as Appendix 1 to the report. Appendix 1 also showed the number of recommendations analysed between High, Medium and Low priority.

The overall opinion column of Appendix 1 gave an assessment of the reliability of the internal controls examined in accordance with the classifications shown in the report under para 2.4.

Six reports had been issued to date for the current financial year. Three reports were issued with a good conclusion and three with a satisfactory conclusion. Eight recommendations had been made, all of which had been accepted.

In respect of the audits being reported, it was confirmed that there were no issues arising relating to fraud that needed to be brought to the Committee's attention.

It was moved by Councillor Jacquie Stevens, seconded by Councillor Judith Twigg and

- RESOLVED** (unanimously) That the Committee note the findings and conclusions of the internal audit reviews.

### **126/14 – RISK MANAGEMENT – CHIEF EXECUTIVE'S ANNUAL REPORT**

The Council's Risk Management Strategy required the Chief Executive to report to Members, by way of an annual report on the Council's Risk Management arrangements and how Key Strategic Risks were being managed. The Committee considered a report describing the processes and working practices, which had been significantly developed following an extensive review and refresh exercise of our current Risk Management provisions. This would ensure they continued to be effective, timely and fit for purpose, providing the Council with the correct levels of insight and support in relation to its risk exposure.

Details of the Council's risk management programme and objectives were set out in the report. Risks were regularly reported to the Risk Continuity Group, who in turn reported to

the Corporate Management Team, ensuing that risks, risk management etc. were challenged and reported effectively.

Those risks identified and reported to the Corporate Management Team in July 2014 were shown in Appendix 1 to the report. The chart showed current and target risks. There were no high risks at the present time. Additional mitigating actions to further manage the strategic risks and reduce the Council's risk profile were shown in the Strategic Risk Action Plan attached as Appendix 2 to the report.

It was moved by Councillor Steve Bull, seconded by Councillor David Frederickson, and

**RESOLVED** That the report be noted.  
(unanimously)

### **127/14 – COMMUNICATIONS AND MARKETING STRATEGY**

The Committee considered a report on The Communication and Marketing Strategy, which set out how residents, employees and service users were kept informed about what the District Council was doing, how it was spending public money, and the District Council services they could access.

The District Council last adopted a Communications Strategy in September 2011. Since then, technology had developed and the needs of both the public and the District Council had evolved.

The Strategy was attached as Appendix 1 to the report; and was based on a strategic framework with a more dynamic approach to actions which could be measured by way of an Annual Action Plan.

It was moved by Councillor Geoff Stevens, MBE, seconded by Councillor David Fearn, and

**RESOLVED** 1. That the Communications and Marketing Strategy is adopted.  
(unanimously) 2. That the action plan for 2014/2015 is approved.

### **128/14 – COMPLAINTS MONITORING**

The Committee considered a report that provided information on formal complaints made about the District Council's services and against individual elected member behaviour at town, parish and District Council level.

It was moved by Councillor Albert Catt, seconded by Councillor Jo Wild, and

**RESOLVED** That the report be noted.  
(unanimously)

### **129/14 – DISTRICT AND PARISH COUNCIL ELECTIONS 2015**

The Committee considered a report that outlined the key dates and arrangements for the District and Parish Council Elections on 7 May 2015.

Elections to the UK Parliament, the District Council and all 71 parish councils within the District would be held on 7 May 2015.

Key events were listed in the report, as shown below, and Members were advised that the date of the Notice of Election had been brought forward to 16 March, ahead of Parliamentary elections.

Agents meeting – run through timetable, key contacts	21 October 2014
Area Community Forums – recruitment and promotion 'Ever thought of becoming elected?'	February 2015
Preliminary staff appointments by	28 February 2015
Notice of Election – County, District and Parish – beginning of purdah	16 March 2015
Nominations – Southern area at Ashbourne Leisure Centre	26 March 2015
Nominations – Northern area at ABC Bakewell	27 March 2015
Nominations – open day Saturday at Town Hall, Matlock	28 March 2015
Nominations Close – all	9 April 2015
Last date to register to vote	20 April 2015
Last date for proxy	28 April 2015
Count Set up Arc Leisure from 4pm	7 May 2015
Verification of all votes cast from 10pm	7 May 2015
Parliamentary count to declaration of result	7 May 2015
District and County Council count from 1pm	8 May 2015
Parish Council Count, Town Hall, ABC and ALC from 10am	9 May 2015

It was moved by Councillor Albert Catt, seconded by Councillor Geoff Stevens, MBE, and

**RESOLVED** That the report be noted.  
(unanimously)

### **130/14 – JOINT CONSULTATIVE GROUP**

It was moved by Councillor Geoff Stevens, MBE, seconded by Councillor Judith Twigg, and

**RESOLVED** That the Minutes of the Joint Consultative Group meeting held on  
(unanimously) 17 July 2014 be received.

**MEETING CLOSED – 8.20PM**

**CHAIRMAN**