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08 January 2020

To: All Councillors

As a Member of the **Council**, please treat this as your summons to attend a meeting on **Thursday, 16 January 2020 at 6.00pm in the Council Chamber, Town Hall, Matlock DE4 3NN.**

Yours sincerely

A handwritten signature in black ink, appearing to be 'Sandra Lamb', written over a light blue horizontal line.

Sandra Lamb
Head of Corporate Services

AGENDA

1. APOLOGIES

Please advise the Committee Team on 01629 761133 or e-mail: committee@derbyshiredales.gov.uk of any apologies for absence.

2. PUBLIC PARTICIPATION

To enable members of the public to ask questions, express views or present petitions, **IF NOTICE HAS BEEN GIVEN**, (by telephone, in writing or by electronic mail) **BY NO LATER THAN 12 NOON OF THE DAY PRECEDING THE MEETING.**

3. APPROVAL OF THE MINUTES OF PREVIOUS MEETINGS

21 November 2019 and Special Council 18 December 2019.

4. INTERESTS

Members are required to declare the existence and nature of any interests they may have in subsequent agenda items in accordance with the District Council's Code of Conduct. Those interests are matters that relate to money or that which can be valued in money, affecting the Member her/his partner, extended family and close friends. Interests that become apparent at a later stage in the proceedings may be declared at that time.

5. LEADER'S ANNOUNCEMENTS

Announcements of the Leader of the Council.

6. CHAIRMAN'S ANNOUNCEMENTS

Announcements of the Chairman of the District of Derbyshire Dales.

7. MAIDEN SPEECHES

To receive the Maiden Speech of newly elected Members:

Councillors David Hughes, Clare Gamble and Alasdair Sutton.

8. COMMITTEES

To receive the non-exempt minutes of the Committees shown below:

Committee	Date
Non Exempt Minutes to be Received	
Council	21 November 2019
Special Council	18 December 2019
Ernest Bailey Charity Committee	28 November 2019
Commercial Board	28 November 2019
Planning Committee	03 December 2019

9. QUESTIONS (RULE OF PROCEDURE 15)

Questions, if any, from Members who have given notice.

10. PROPOSAL OF A NOTICE OF MOTION (RULE OF PROCEDURE 16)

MOTION A

The Council will debate the following Motion, submitted by Councillor Matthew Buckler, in accordance with Rule of Procedure 16.

That this Council

Motion: Making space for nature across the Derbyshire Dales this Council resolves to:

- (1) Note that enhancing the local environment, including biodiversity, is part of the corporate plan priority of making Derbyshire Dales being 'a great place to live, work and visit'.*
- (2) take up local opportunities to prevent the loss of, and where possible, enhance biodiversity by:*
 - (a) developing an Action Plan for Nature to include:*
 - (i) an overview of the biodiversity measures planned and taken across different teams within the Council,*
 - (ii) a mapped Nature Recovery Network for the whole of the District, showing opportunities for biodiversity enhancement as well as existing biodiversity and Green infrastructure;*
 - (iii) developing a District Nature recovery partnership across the whole district, to include appropriate bodies (e.g. PDNPA, Natural England, Forestry Commission, NGOs, Town and Parish councils, private landowners etc), and will support others with their initiatives to improve biodiversity;*

- (b) *Clarifying the local policy to require that every new development achieves a biodiversity net gain, in advance of the mandatory net gain proposed in the forthcoming Environment Act;*
 - (c) *Conducting biodiversity audits in our local parks and open spaces and setting measurable targets and standards for biodiversity increases;*
 - (d) *Identifying suitable verges for establishing wildflower rich habit;*
 - (e) *Prioritising biodiversity targets in the Green infrastructure strategy;*
 - (f) *Exploring opportunities to encourage the growth of wildflowers on brownfield sites which are waiting to be developed in line with existing evidence that brownfield sites can make an important contribution to biodiversity enhancement.*
- (3) *We recognise the value of interaction with the natural world for our residents and :*
- (a) *will support and encourage community led initiatives which support the activities above, such as development of community orchards, flowering meadows for pollinating insects and new native woodlands, and*
 - (b) *will use opportunities within council publications to encourage the public to take biodiversity measures in their own homes, for example, in gardens, on roofs, balconies and window sills.*

MOTION B

The Council will debate the following Motion, submitted by Councillor Peter O'Brien, in accordance with Rule of Procedure 16.

That this Council

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"

The Council therefore resolves to

1. trial the use of non glyphosate methods of weed control from now until 31 October 2020

2. 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

i) the trial with use of non glyphosate methods of weed control proving satisfactory to the Community and Environment Committee

ii) the financial implications, if any, of the change in policy being acceptable to the Community and Environment Committee, following the trial outlined above

The Council further resolves to request 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.

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11. CLIMATE CHANGE WORKING GROUP – YEAR 1 ACTION PLAN	06 – 32
To consider a report on the work undertaken by the Derbyshire Dales Members' Climate Change Working Group, seeking approval for the Year 1 Action Plan as detailed in Appendix 1.	
12. LOCAL COUNCIL TAX SUPPORT FOR 2020/21	33 – 37
To consider changes to, and the adoption of, the Local Council Tax Reduction Scheme for the financial year 2020/21.	
13. LOCAL OFFER FOR CHILDREN IN CARE AND CARE LEAVERS	38 – 44
To consider approval for the District Council, in its role a relevant partner, to support Derbyshire County Council in its role as corporate parent to publish and deliver a countrywide, district and borough Local Offer for Childrens' Care and Care Leavers.	
14. TREASURY MID-YEAR REPORT FOR 2019/20	45 – 52
To consider approval of the Treasury Management Mid-Year Report for 2019/20.	
15. REGULATION OF INVESTIGATORY POWERS ACT 2000	53 – 66
To receive an update, following the inspection by the Investigatory Powers Commissioner's Office on the Council's policies and procedures relating to the use of the Regulation of Investigatory Powers Act 2000 ("RIPA"), and to approve the updated policy on the Regulation of Investigatory Powers.	
16. REVIEW OF THE DISTRICT COUNCIL'S CODE OF CONDUCT FOR ELECTED MEEMBERS	67 – 77
To consider approval of the revised Councillors' Code of Conduct.	
17. RESILIENCE, RESOURCES, PRIORITIES	78 – 88
To consider approval of the proposals and changes to the District Council's organisational structure, as set out in Section 3 of the report, being included in the draft budget for 2020/21 and the updated Medium Term Financial Plan;	
18. NEW VISION FOR DERBYSHIRE - NON STRUCTURAL REFORM	89 - 92
To note an update on the work taking place with all Derbyshire councils on non-structural reform and the progress in developing a new vision for Derbyshire. Also to consider approval for delegated authority 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.	

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| 19. REVIEW OF SEATS | 93 – 95 |
| To consider approval of a review of the allocation of seats to political groups, requiring the Liberal Democrat Group to cede one seat to the Green/Independent Group. | |
| 20. CHANGES TO CONSTITUTION | 96 – 99 |
| To consider a report on various recommendations for change to the Councils Constitution to deal with substitute arrangements, frequency of meetings and rules of procedure relating to the duration of meetings. Any changes agreed will be presented for approval at a future meeting of Council. | |
| 21. DRAFT – PROGRAMME OF MEETINGS 2020-2021 | 100 |
| To consider approval of a draft programme of meetings for the Civic Year 2020 to 2021. | |
| 22. REFERRED ITEM: 177/19 – POLICING AND CRIME ACT 2009 (SECTION 27) LICENSING OF SEX ENTERTAINMENT VENUES | 101 - 102 |
| To consider a recommendation from the Licensing & Appeals Committee for adoption of the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, in respect of control of the number and location of sex establishments. | |
| 23. SEALING OF DOCUMENTS | |
| To authorise that the Common Seal of the Council be affixed to those documents, if any, required completing transactions undertaken by Committees or by way of delegated authority to others, since the last meeting of the Council. | |

NOTE

For further information about this Agenda or on “Public Participation” call 01629 761133 or e-mail: committee@derbyshiredales.gov.uk

COUNCIL
16 January 2020

Report of the Head of Regulatory Services

CLIMATE CHANGE WORKING GROUP – YEAR 1 ACTION PLAN

PURPOSE OF THE REPORT

To inform the Council of 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.

RECOMMENDATION

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

WARDS AFFECTED

All

STRATEGIC LINK

Addressing the issue of climate change links with all three of the District Council's aims to be clean, safe and thriving.

BACKGROUND

At its full Council meeting on 30 May 2019 Derbyshire Dales District Council resolved to declare a climate emergency, to make Derbyshire Dales District Council carbon neutral by 2030, to call upon the UK Government to provide the powers and resources to make the 2030 target possible, to work with partners across the county and region to deliver this new goal through all relevant strategies, and to report back to Council within six months with the actions the Council will take to address this emergency.

On 26 September 2019 Council received a report setting out a 'road map', 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 has concentrated on setting out those action that support the 4 priorities identified in the road map, which they believe can be delivered, or initiated by 31 March 2020.

1 REPORT

1.1 Since the Council meeting in September the Members' Working Group has been considering which actions they believe they Council can take by the end of the 2019/20 year that would support the four priority areas identified in the road map. These priorities are:

- Transport;
- Estates;
- Planning Policy;

- Housing Policy.

In broad terms these areas of priority can be considered as examining the carbon footprint of the District Council as an organisation and looking at how 2 of the Council's policy areas can produce a positive impact in the wider district.

- 1.2 The actions which have been put forward by the Group are set out in Appendix 1 to this report and can be seen to support the priority areas, although it is worth noting that the heading 'Estates' is now termed 'Council Owned Buildings'. As suggested in paragraph 1.1 above, the first two sets of actions are broadly inward looking, whilst the latter two look outside the organisation's operations to a large degree, into its wider sphere of influence.
- 1.3 It is recognised that the actions are limited at this stage, but they are intended to set a baseline in terms of the Council's carbon footprint and to commence work on both Planning and Housing guidance.
- 1.4 Outside of the structure of the Climate Change Working Group, the Council is also engaged with Derbyshire County Council and the other Derbyshire district and borough councils, through an officer level group. As part of this work it is proposed that the Derbyshire Environment and Climate Change Framework that was originally developed by Derbyshire County Council will be rolled out across all the authorities, with a view to directing how all public authorities will engage with the wider community in relation to climate change issues. A copy of the Framework document is attached as Appendix 2 to this report.
- 1.5 One key area of work being considered by the countywide officer group is how this issue should be resourced. It is recognised that currently most of the Derbyshire authorities do not have dedicated officer resource to progress this important work. The issue of climate change is one that has been recognised through the countywide work on non-structural reform, as one that would be ideal to share resources and it is hoped that a model approach can be developed by the Group. The next meeting of the Group is on 14 January 2020, so it should be possible for a verbal update on this work to be reported at the Council meeting. If it is not possible to identify a collaborative model of working in this way then it will become necessary for Derbyshire Dales District Council to consider how it will resource this workstream in the future.

2 RISK ASSESSMENT

2.1 Legal

At this stage the work of the Climate Change Working Group has not committed the District Council to any legal risks.

2.2 Financial

The financial implications of any commitment to further work in respect of climate change have not yet been evaluated. If any of the items in the Climate Change Action Plan exceed current budgetary provision, a report will be presented to the appropriate policy committee with a request for Council to approve the additional revenue budget; financial risks will be assessed at that time.

Should a request be received before this meeting for a contribution towards resourcing the countywide officer group, an amount could be included in the revenue spending proposals to be considered by Council on 5 March.

3 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

4 CONTACT INFORMATION

Tim Braund, Head of Regulatory Services,
Tel: 01629 761118,
Email: tim.braund@derbyshiredales.gov.uk

5 ATTACHMENTS

Appendix 1: Year 1 Climate Change Action Plan
Appendix 2: Derbyshire Environment and Climate Change Framework

CLIMATE CHANGE ACTION PLAN

Council Owned Buildings

- Establish the Council's building based carbon footprint by 31 March 2020
- Establish whether the Council purchases renewably sourced energy by 31 March 2020
- If the Council does not purchase renewable energy, establish the additional cost that would be incurred by purchasing renewable energy by 31 March 2020
- Produce a list of energy sources per council owned building to assist with prioritising future actions by 31 March 2020

Transport

- Establish the Council's transport based carbon footprint by 31 March 2020, taking into account the Council's fleet vehicles, officer mileage and Member mileage
- Make available the Council's vehicle replacement programme in order to identify the potential for alternative fuels by 31 March 2020
- Trial the use of video conferencing by the Climate Change Working Group by March 2020

Planning Guidance

- Work with the Council's Place Hub to develop a Supplementary Planning Document to set out the Council's expectations for new development to ensure that it responds proactively to the Climate Change Emergency through appropriate mitigation and adaptation actions
- Ensure that the next review of the Local Plan adequately responds to the Climate Change Emergency

Housing Guidance

- Work with the Council's Head of Housing to produce clear guidance to the developers of social housing schemes on the expectations of the Council in relation to the Climate Change Emergency, with clear reference to the Code for Sustainable Homes or a suitable future standard
- Lobby national Government for sufficient resources to be made available to effectively address the retrofitting of existing houses with significant energy efficiency and alternative fuel measures, such as air and ground source heating systems

Resources

- Identify the level of resourcing needed to progress the work identified by this and future climate change action plans and make a case for those resources as necessary

Derbyshire Environment and Climate Change Framework

October 2019

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1 Foreword

To be developed

2 Climate Change

The Intergovernmental Panel on Climate Change (IPCC) Special Report 'Global Warming of 1.5°C' (2018) is clear on the causes and the effects of climate change on the world. The report states that the primary driver of long term global warming is carbon dioxide (CO₂) emissions and that global temperatures relate to increased cumulative CO₂ emissions from human activity, primarily from energy use. This will result in significant loss of ecosystems and biodiversity along with increased impacts on human health and the economy. The world is already around 1°C warmer than preindustrial times and is currently on track to reach between 3- 4°C global temperature increase by 2100 if no action is taken.

Action on climate change can deliver many local benefits, including lower energy bills, economic regeneration and the creation of local jobs, reductions in fuel poverty and improved air quality. The co-benefits of action on climate change are widely recognised and have been summarised below.

<p style="text-align: center;">Health and wellbeing</p> <p>Health and wellbeing are improved as a result of improved air quality through reduced use of combustion engine vehicles, increased activity from people walking or cycling more, as well as through reduced fuel poverty from more energy efficient homes.</p>	<p style="text-align: center;">Economy</p> <p>Investing in initiatives to reduce carbon emissions can create a wealth of economic opportunities and jobs in the low carbon economy.</p>
<p style="text-align: center;">Equity and social cohesion</p> <p>Action on climate change can improve equity and social cohesion through focusing on the most vulnerable in society, such as action to alleviate fuel poverty.</p>	<p style="text-align: center;">Community resilience</p> <p>Action to reduce carbon emissions can also increase the resilience of cities and their communities to future changes in energy prices and energy systems, as well as potentially increasing resilience of communities and infrastructure to the impacts of climate change.</p>

Summarised from Ashden 'Climate Action Co-Benefits Toolkit'.

3 Carbon budgets and trajectories

The United Nations Framework Convention on Climate Change (UNFCCC) Paris Agreement (2015), to which the UK is a signatory, aims to:

“strengthen the global response to the threat of climate change by keeping a global temperature rise this century well below 2°C above pre-industrial levels and to pursue efforts to limit the temperature increase even further to 1.5°C.”

The Paris Agreement commits the global community to take action to tackle climate change. Global temperature is directly linked to the amount of CO₂ in the atmosphere. As CO₂ levels rise, so do global average temperatures. It will be possible to limit global warming by limiting the total quantity of CO₂ released to the earth’s atmosphere. In order to limit global warming to 2°C it has been calculated the world can only emit a certain quantity of CO₂ to the atmosphere. This is the global carbon budget which is then divided amongst individual countries according to the Paris Agreement.

The UK will deliver on the Paris Agreement by vigorously achieving its carbon budget and pursuing a target to reduce greenhouse gas emissions to ‘net-zero’ by 2050, ending the UK’s contribution to global warming within 31 years. This was enshrined in law in June 2019 through amendments to the 2050 greenhouse gas emissions reduction target in the Climate Change Act 2008 from at least 80% to at least 100%, otherwise known as ‘net zero’.

3.1 Derbyshire’s carbon budgets and trajectories

The UK carbon budget is further apportioned to local authority areas, although the budgets are not solely the local authority’s responsibility. The recommended budgets reflect the actual emissions from industry and commerce, transport and domestic sectors with a suggested periodic reduction. Each local authority area is allocated a carbon budget based on ‘grandfathering’. A grandfathering approach allocates carbon budgets based on recent emissions data (from 2011-2016). Budgets reflect a local area’s particular profile and are consistent with each area’s ability to make a fair contribution to the Paris Agreement. For instance High Peak area has high industrial emissions and consequently its allocated carbon budget is higher than other district and borough areas to reflect this. The carbon budget for each local authority area is then divided further into carbon budgets for five-year periods in-line with the UK carbon budget periods. This allocation produces a carbon emissions pathway or trajectory for each area for the period 2018-2100.

The recommended carbon budget for Derbyshire is set out below. The county has a maximum cumulative carbon budget of 51.2 million tonnes of CO₂ for the period 2018-2100. Budgets periods are aligned with the budget periods in the Climate Change Act. It is worth noting that the first carbon budget (2018-22) is already 18 months into commencement and 38.1 million tonnes of CO₂ is the budget now remaining until 2100.

3.2 Periodic carbon budgets for 2018-2100

The suggested periodic carbon budgets for 2018-2100 are given below. The rapid decarbonisation shown gives an indication of the scale of the task ahead for everyone in Derbyshire. Individuals, communities, industry, transport and public sector organisations must all play their part.

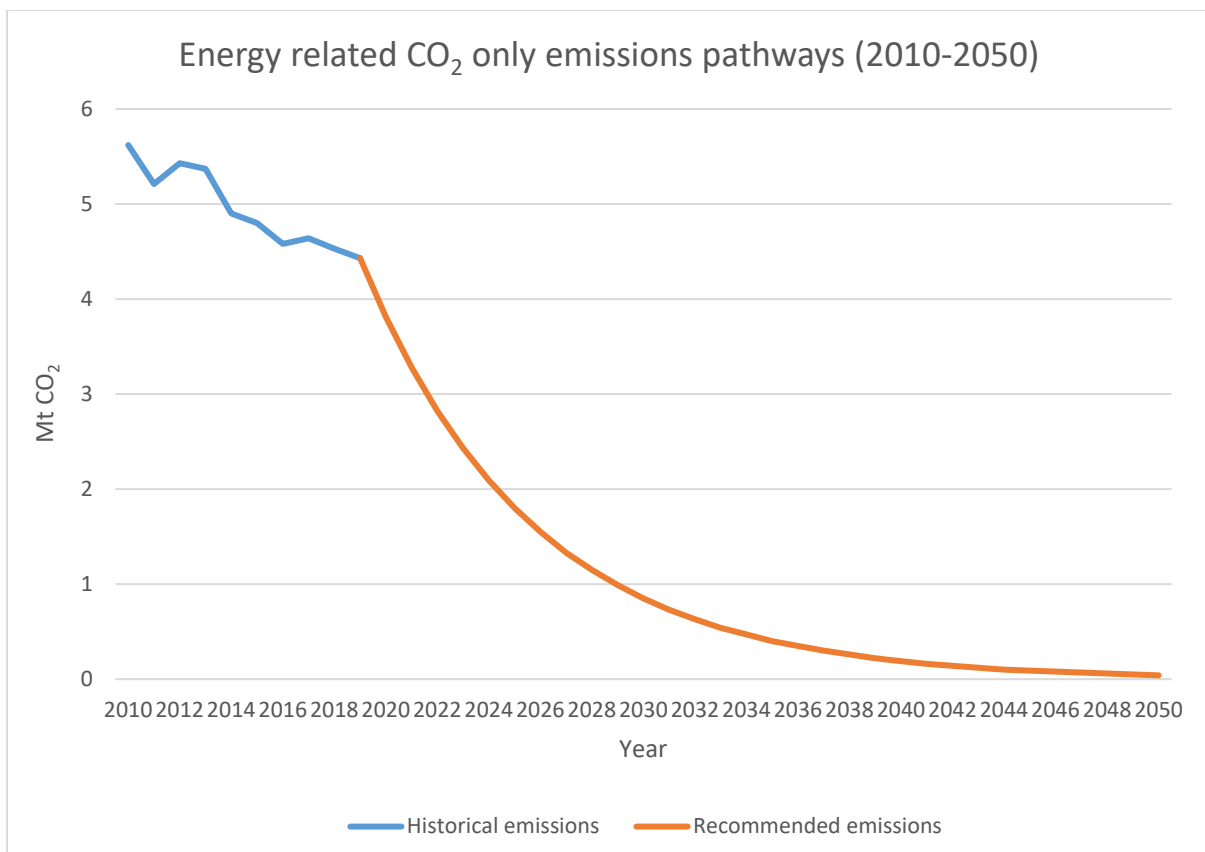
Local authority area	Energy only recommended carbon budget (million tonnes CO ₂)							Total 2018-2100
	2018-2022	2023-2027	2028-2032	2033-2037	2038-2042	2043-2047	2048-2100	
Amber Valley	2.8	1.4	0.7	0.3	0.2	0.1	0.1	5.5
Bolsover	4.2	1.9	0.8	0.4	0.2	0.1	0.1	7.5
Chesterfield	1.9	1.0	0.5	0.2	0.1	0.1	0.1	3.8
Derbyshire Dales	2.4	1.2	0.6	0.3	0.1	0.1	0.1	4.7
Erewash	2.3	1.1	0.6	0.3	0.1	0.1	0.1	4.5
High Peak	8.4	3.7	1.6	0.7	0.3	0.1	0.1	14.8
North East Derbyshire	2.2	1.1	0.6	0.3	0.1	0.1	0.1	4.4
South Derbyshire	3.0	1.5	0.7	0.3	0.1	0.1	0.1	5.7
Derbyshire (total)	27.3	12.9	5.9	2.7	1.2	0.6	0.5	51.2

3.3 Pathway projection for the county of Derbyshire

The carbon budgets for Derbyshire show that an immediate and rapid programme of decarbonisation is needed if the county is to make its fair contribution to delivering the Paris Agreement’s commitment to staying ‘well below 2°C and pursuing 1.5°C’ global temperature rise.

In 2016/17 6.77 million tonnes of CO₂ were emitted. Without action to reduce these levels of emission, the county would emit its entire carbon budget within 6 years from 2020. The level of decarbonisation is illustrated on the graph below.

Year	Reduction in Annual Emissions
2020	20.5%
2025	63.6%
2030	83.4%
2035	92.4%
2040	96.5%
2045	98.4%
2050	99.3%



4 Response of local authorities in Derbyshire

Reducing greenhouse gas emissions is clearly everyone's responsibility and, whilst local authorities have no statutory responsibility for reducing emissions in line with the Climate Change Act, they do need to produce plans that influence emissions (e.g. transport, local plans, housing, minerals plans, procurement). They are therefore uniquely positioned to take a leading role in tackling climate change.

The Committee on Climate Change, in its report 'Net Zero – The UK's contribution to stopping global warming', recognised the role of local authorities in tackling climate change:

“Cities and local authorities are well placed to understand the needs and opportunities in their local area, although there are questions over whether they have sufficient resources to contribute strongly to reducing emissions. They have important roles on transport planning, including providing high-quality infrastructure for walking and cycling, provision of charging infrastructure for electric vehicles, and ensuring that new housing developments are designed for access to public transport. They can improve health outcomes for people who live and work in the area by implementing clean-air zones that discourage use of polluting vehicles and other technologies.”

In addition to their regulatory and strategic functions, councils across Derbyshire recognise the role they play as community leaders, major employers, large-scale procurers and, for the districts and boroughs, their influence on social housing.

In recognition of these roles and the need to work to carbon budgets which cover county, borough and district areas, the following local authorities have pledged to work together to tackle climate change and provide leadership across Derbyshire:

- Amber Valley Borough Council
- Bolsover District Council
- Chesterfield Borough Council
- Derbyshire Dales District Council
- Erewash Borough Council
- High Peak Borough Council
- North East Derbyshire District Council
- South Derbyshire District Council
- Derbyshire County Council

The Peak District National Park Authority and Derby City Council are key partners. The National Park sits within six different counties which makes it difficult to calculate its carbon budget. However, managing emissions from agriculture, transport and quarrying clearly are a key part of the work in Derbyshire. Derby City Council is a unitary authority with its own allocated carbon budget. Opportunities for joint working will be sought to create a co-ordinated and effective approach between all local authorities.

5 The Derbyshire Environment and Climate Change Framework

Councils across Derbyshire have been working closely together to develop this Framework. The Environment and Climate Change Framework seeks to reduce greenhouse gas emissions to levels which are consistent with the allocated carbon budgets for Derbyshire and to reduce carbon emissions to net zero by 2050.

The Framework contains carbon budgets and suggested trajectories, outlining an approach to tackle climate change and improve the environment, which can be adopted by all partners across the county. A summary of the Framework and its outline structure is set out in section 5.1.

The Framework will allow relevant strategies and action plans to be adaptive over time and respond to research findings, technological developments and cultural and economic changes as they occur.

The Framework does not encompass actions to adapt to a changing climate which will be addressed in a separate document.

5.1 Environment and Climate Change Framework

<i>Overarching Framework</i>	Environment and Climate Change Framework						
<i>Programme</i>	Environment and Climate Change Programme (based on carbon budgets and trajectories)						
<i>Theme</i>	↑ Energy ↓	↑ Travel ↓	↑ Resources ↓	↑ Air Quality ↓	↑ Economy ↓	↑ Natural environment ↓	↑ Partnership working ↓
<i>Relevant policies, strategies & plans</i>	Energy Strategy (draft)	LEVI Strategy (2019-2029) (draft) Local Transport Plan 3 (2011-2026)	Derbyshire's Waste Strategy (Dealing with Derbyshire's Waste 2013-2026) (approved)	Health and Well-being Board Air Quality Strategy (2020-2030) (draft)	Good Growth Strategy (2020-2030) (draft)	Natural Capital Strategy (2020-2030) (proposed)	District & borough area-wide policies and plans e.g. Local Plans, supplementary planning guidance
<i>Key delivery partners</i>	Local authorities, residents, VCS, businesses, Distribution Network Operators, Midlands Energy Hub	Local authorities, Go Ultra Low Nottingham, businesses, VCS, hospitals, residents	Local authorities, residents, businesses	Derbyshire Health and Well-being board, local authorities, businesses, residents	Local authorities, businesses, D2EE, Local Economic Partnership (D2N2), VCS, Midlands Energy Hub	Local authorities, Trent Valley Landscape Partnership, Peak District National Park, Local Nature Partnerships, VCS	Local Authorities, social housing providers, residents, businesses, VCS

*Other
relevant
plans /
policies*

Derbyshire Cycle Plan
Derbyshire Infrastructure Plan
Local Planning Authority planning policies
National Park Management Plan
Lowland Derbyshire Biodiversity Action Plan
Local Flood Risk Management Strategy
D2N2 Energy Strategy
D2N2 Local Industrial Strategy (in development)
Derbyshire Climate Change Risk Assessment and Adaptation Framework (planned 2020- onwards)

6 Key strategies

The Framework sets out the key strategies which partners will develop and implement to achieve collective ambitions. Together these strategies will tackle climate change and contribute to an overall reduction in greenhouse gas emissions across Derbyshire as a whole. In addition, individual strategies will set out localised action at borough and district level. The co-ordinated strategies have areas of mutual interest and are often inter-linked.

6.1 County-wide strategies

Seven county-wide strategies contribute to the Environment and Climate Change Framework:

<p>Derbyshire Energy Strategy (2020-2030)</p>	<p>The proposed Energy Strategy sets out a framework to ensure a common understanding of the challenges and opportunities arising from changes in the energy sector. The Strategy enables co-ordinated effort in delivery of responses to these changes across the county with a suggested ambition to use 100% clean energy for power, heat and transport, supporting strong and resilient communities.</p> <p>Key achievements to date:</p> <ul style="list-style-type: none"> • Reduced emissions from streetlighting by 63% between 2009-10 and 2018-19 • Invested over £60 million since 2012 in direct and indirect energy saving measures such as external wall insulation, installation of new heating systems improved roof insulation, new windows and doors and new roofs by Chesterfield Borough Council's Housing Service. Further expenditure of £1.88m is planned in 2019/20 on direct energy saving measures.
<p>Low Emission Vehicle Infrastructure Strategy (2019-2029)</p>	<p>The Low Emission Vehicle Infrastructure Strategy for Derbyshire demonstrates a local commitment to promote the uptake and deployment of low emission vehicles, including electric, hydrogen and e-bikes. The expectation is that most low emission vehicle users will choose to charge at home but the development of a public charging network will provide the confidence for residents, businesses, public transport operators, community groups, tourists and leisure industries to use low emission vehicles in Derbyshire. The Strategy and accompanying Action Plan sets out how, locally, the need for a network which represents good value for money, responds</p>

	<p>to changing demands and embraces new technologies will be met.</p> <p>Key achievements to date:</p> <ul style="list-style-type: none"> • Plans to install 39 fast and 11 rapid electric vehicle (EV) chargepoints in public areas across the county in 2020 approved • Installed five dual EV chargepoints at county council premises with plans to introduce electric vehicles and electric bikes to the Council fleet.
<p>Derbyshire Local Transport Plan (2011-2026)</p>	<p>The vision of the Derbyshire Local Transport Plan is to achieve a transport system that is both fair and efficient, promotes healthier lifestyles, safer communities, safeguards and enhances the natural environment and provides better access to jobs and services. The five transport goals are:</p> <ul style="list-style-type: none"> • Supporting a resilient local economy • Tackling climate change • Contributing to better safety, security and health • Promoting equality of opportunity • Improving quality of life and promoting a healthy natural environment. <p>Key achievements to date:</p> <ul style="list-style-type: none"> • Developed the Key Cycle Network across Derbyshire • Worked with schools to increase sustainable travel through the Modeshift Stars programme • Developed the innovative Buxton Town Travel Plan • Explored mobility options and maximised walking and cycling for work in the East Midlands Manufacturing Zone • Improved walking and cycling access to the rail station through Ilkeston Gateway • Increased the reuse and recycling of road planings in road maintenance • Managed gullies and drains through an intelligence-led approach.
<p>Dealing with Derbyshire's Waste (2013-2026)</p>	<p>Derbyshire and Derby City's revised Joint Municipal Waste Management Strategy, 'Dealing with Derbyshire's Waste' sets out a vision and framework to help manage waste sustainably for the communities of Derbyshire and Derby City up to 2026. The Strategy includes priorities for action over the next five years and provides a framework for how the 10 councils will work to:</p>

	<ul style="list-style-type: none"> • Reduce the amount of waste produced • Reuse, recycle and compost as much material as possible • Find the most sustainable solutions to deal with any waste produced. <p>Key achievements to date:</p> <ul style="list-style-type: none"> • Achieved a recycling rate of 60.3% in 2017-18 in the Derbyshire Dales – one of the highest recycling rates in the country • Increased recycling rates across the county over the last twenty years from below 10% to more than 48% • Encouraged schools to become Eco Schools by providing teacher training, classroom support and interactive theatre productions.
<p>Health and Well-being Board Air Quality Strategy (2020-2030)</p>	<p>The partners of the Health and Wellbeing Board are producing an Air Quality Strategy for Derbyshire and Derby City to reduce the health impact of air quality for the people of Derbyshire. The cumulative effect of a range of interventions has the greatest potential to reduce local air pollution and improve population health. The Strategy will address three key priorities to seek to reduce the sources of pollution, prioritising those which offer additional health benefits, alongside intervention which mitigate the impacts in health. These three priorities are: facilitate travel behaviour change; reduce sources of air pollution and mitigate against the health impacts of air pollution</p> <p>Key achievements to date:</p> <ul style="list-style-type: none"> • Developed a supplementary planning guidance document in conjunction with East Midlands Air Quality Network to provide developers and planners with guidance on how to improve air quality through good design practice • Developed a combined Derbyshire County and Derby City annual status report, mapping air quality trends • Developed an air quality map for the county • Raised awareness of air quality as part of Clean Air Day.
<p>Good Growth Strategy (2020-2030)</p>	<p>The Good Growth Strategy will provide a framework to examine how economic growth, protection of the natural environment, continued reduction in carbon emissions and generation of renewable energy are delivered in Derbyshire. The Strategy is closely aligned to the D2N2 Local Industrial</p>

	<p>Strategy and the UK's Industrial Strategy. Increasing productivity, creating good jobs and boosting earning power as well as helping protect the climate and environment upon which we and future generations depend are key themes.</p> <p>Key achievements to date:</p> <ul style="list-style-type: none"> • Carried out free energy surveys and given grants and advice to improve energy efficiency and reduce emissions for businesses in Derbyshire and Derby through the award-winning D2 Energy Efficiency (D2EE) project • Shared best practice, developed by the County Council, on coalfield remediation and renovation with counterparts in China in order to reduce the impact of climate change.
<p>Natural Capital Strategy (2020-2030)</p>	<p>Natural Capital has been defined by the UK's Natural Capital Committee as: "the elements of the natural environment which provide valuable goods and services to people such as clean air, clean water, food and recreation".</p> <p>Natural Capital refers to elements such as woodlands, grasslands, minerals, soils and watercourses. Certain types of Natural Capital can be finite, such as minerals, others can be replenished and enhanced.</p> <p>Well managed Natural Capital, enhanced in the correct locations, will assist in making the county more resilient to flooding; ensure there is depth in the type and number of insects to pollinate our crops and contribute to clean watercourses that support biodiversity: among a wide range of other benefits. Access to the natural environment provides health and wellbeing benefits helping Derbyshire's workforce to be productive and healthy and reduce burden on Health Service resources.</p> <p>The Strategy will set out plans to ensure Derbyshire's Natural Capital assets remain in good order to positively impact on Derbyshire's economy and the lives of its residents. The Strategy will examine the type of ecosystem services, such as carbon capture and storage, that are required, alongside the Natural Capital elements that are appropriate to Derbyshire's diverse, yet distinct, landscape character types. This will help reinforce the county's attractive natural environment.</p> <p>The Strategy will also be influenced by national and regional targets for Natural Capital, such as the Forestry</p>

	<p>Commission’s desire to see a tree coverage of the UK to increase from 13% to 17%.</p> <p>Key achievements to date:</p> <ul style="list-style-type: none"> • Protected the uplands of Derbyshire and surrounding counties with many benefits including acting as a carbon store through The Moors for The Future Partnership • Planted nearly 9 million trees in the National Forest • Produced a baseline assessment of the natural capital of the area covered by the Lowland Derbyshire and Nottinghamshire Local Nature Partnership
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6.2 District and borough-wide strategies

The eight borough and district councils collaborating on this Framework will each have their own relevant policies, strategies and plans.

The key document for each area will be the Local Plan. Local Plans are plans for the future development of the local area drawn up by the local planning authorities in consultation with the community. They set out a framework for the future development of an area on a 15-year horizon including how the planning system will support the transition to a low carbon future and take a proactive approach to the mitigation of, and adaptation to, climate change.

6.3 Internal emissions policies

Local authorities have direct control over emissions from their internal operations and are also working to reduce these. Links to relevant webpages and documentation are set out in the table below.

Derbyshire County Council	Corporate Environment Policy Derbyshire County Council Carbon Reduction Strategy
Amber Valley Borough Council	Amber Valley Borough Council have passed a Council motion relating to climate change, information found here
Bolsover District Council	Carbon Reduction Plan (2019-2030)
Chesterfield Borough Council	Environmental policies
Derbyshire Dales District Council	Climate Change
Erewash Borough Council	Erewash Borough Council have passed a Council motion relating to climate change, information found here
High Peak Borough Council	Environmental studies
North East Derbyshire District Council	Reduce, Reuse, Recycle, Rethink: Climate Change Action Plan (2019-2030)
South Derbyshire District Council	SDDC Corporate Plan (due November 2019) SDDC Action Plan for Nature (due 2020)

7 Non-carbon greenhouse gas emissions

Many different gases contribute to global warming. Greenhouse gases covered by the UNFCCC's Kyoto Protocol are carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulphur hexafluoride. CO₂ is the most abundant of the greenhouse gases.

The carbon budgets described in Section 3 cover CO₂ and do not include other greenhouse gases. However, in order to limit global warming to a maximum of 2°C, action also needs to be taken to reduce emissions of the other gases, notably methane and nitrous oxide. Key sources of methane in the UK are agriculture, landfill waste, natural gas leakage and coal mining. Key sources of nitrous oxide in the UK are agricultural soils, fuel combustion (particularly transport) and nitric acid production.

Given the rural nature of much of Derbyshire, reducing the generation of greenhouse gases from agriculture is essential if targets are to be met.

Strategies and associated action plans identified in the Framework will set out how commitments to reduce emissions of non-CO₂ greenhouse gases will be met, although these will not be quantified until such times as robust data is available.

8 Carbon Offsetting

Carbon sequestration reduces atmospheric levels of CO₂ by capturing the gas and storing it so helping to limit climate change. Carbon dioxide can either be captured where it is created (e.g. power plants or industrial processes) and then stored, for instance, underground, or can be removed from the atmosphere using natural processes. Avoiding CO₂ emissions in the first place is clearly more preferable. However, recognising that some emissions are hard to avoid, carbon sequestration is an alternative option that should be considered and planned.

Carbon capture and storage methods currently available and suitable for Derbyshire include:

- Tree planting, as trees store carbon in their trunks as they grow
- Restoration of peat moorlands, as carbon is stored in the mosses which form peat
- Changes in agricultural practices to lock carbon into the soil and vegetation
- Greenwalls (suitable for urban areas), as they store carbon as the plants grow

Biological measures for carbon sequestration, notably tree-planting, will be identified within the Natural Capital Strategy to help compensate for non-CO₂ emissions and any remaining CO₂ emissions.

Large scale chemical and physical processes for capture and storage of carbon are relatively new technologies which may become viable options for Derbyshire in the future. Developments will be monitored and incorporated into relevant strategies as required.

9 Modelling carbon budgets and developing strategies

On-going work will link the carbon budgets to individual strategies in the Framework. Modelling of carbon emissions and carbon capture and storage over time will be undertaken in order to understand potential pathways to meet carbon budget commitments. This modelling will enable emissions from potential initiatives across all strategies in the Framework to be calculated, ensuring the carbon budget for each period is not exceeded.

Undertaking modelling in this way will initiate the development of action plans for each of the strategies set out in the Framework.

10 Delivery of the Framework

10.1 Partners

Action to reduce greenhouse gas emissions can only be achieved through co-ordinated and concerted effort from everyone – residents, voluntary organisations, businesses, public organisations and transport and agriculture sectors. Everyone needs to take action and every action, no matter how small or large, is important.

It is therefore, essential that understanding and consensus are gained to ensure effective planning, co-ordination and implementation of the work moving forwards.

10.2 Communication and engagement

An on-going process of community engagement will be developed. Conversations within the boroughs and districts and across the county are needed to ensure that all communities, be they commerce, industry, agricultural, village, town or educational, are engaged with the process. This needs to be a two-way process to ensure:

- A mutual understanding of climate change and how it affects Derbyshire and elsewhere
- A shared knowledge of what could be done in Derbyshire to tackle climate change and the barriers faced
- The opportunity, to shape strategies and priorities, is available to everyone

- Agreement on the role individuals, communities and organisations have in tackling climate change
- Appropriate support is in place to enable work to be undertaken across the county to tackle climate change

Considerable work is already being undertaken through a range of channels as set out below:

Channel	Description
'Everybody's Talking about Climate Change' web-site	A web-site funded by the Local Authority Energy Partnership where residents and community groups can find out more about climate change action in Nottinghamshire and Derbyshire (Click on the link here)
Community Climate Action Network	A monthly newsletter funded by the Local Authority Energy Partnership
Carbon Literacy and Carbon Pathways training	Full and half-day training provided through the Local Authority Energy Partnership
Social media campaigns	A campaign run by Derbyshire County Council: #fightingclimatechange and #gogreenDerbyshire
Eco-schools programme	An education programme for schools provided by Derbyshire County Council which provides access to learning about sustainable living (click here)
Liaison with a range of climate change interest groups	Informal talks and discussions between local authorities and climate change interest groups

Further cross-county and local engagement will take place to enable the two-way process of communication and action, outlined above, to take place. This will demonstrate how local action is linked to delivery of the key strategies.

10.3 Climate Summit

A Climate Summit, led by Derbyshire County Council, will take place in March 2020. The Summit will seek to engage a wide range of partners and will present further actions which will be taken forward under the Environment and Climate Change Framework. The Summit will be a vehicle to launch the new Energy Strategy and will demonstrate how de-carbonising and decentralising energy can provide benefits to Derbyshire's residents, businesses, public organisations and visitors.

10.4 Governance arrangements

The Framework will be co-ordinated and monitored by the Derbyshire Environment and Climate Change Officer Working Group, which is comprised of officers from the county, district and borough councils in Derbyshire.

Oversight of the Framework is being provided by Derbyshire Chief Executives' Group and, moving forward, formal governance arrangements will be developed to ensure overall accountability and strategic direction.

10.5 Monitoring of the Framework

Action Plans to support each Strategy will be produced and these will set out clear targets for reducing carbon emissions. Where appropriate, identified projects will be subject to relevant feasibility studies and business cases.

Overall delivery of the Framework will be monitored and reported on a regular basis. This will ensure that progress is being made, plans are on track to deliver the overall county carbon budget and any necessary early interventions to address under performance are made. Technological developments are occurring all the time with more expected, particularly in the field of carbon sequestration and energy storage. Strategies will need to be adaptive, regularly reviewed and updated as technological, economic and cultural developments occur.

11 Further information

For further information about the Environment and Climate Change Framework, please contact

Policy and Research
Derbyshire County Council
County Hall
Matlock
Derbyshire DE4 3AG

Email: policy@derbyshire.gov.uk

Telephone: **Call Derbyshire 01629 533190**

Appendix C

Linking the Manifesto Pledges to the Environment and Climate Change Framework

	Corporate Environment Strategy	Derbyshire Energy Strategy	LEVI Strategy	Dealing with Derbyshire's Waste 2013-	H&WBB Air Quality Strategy (2020-	Clean Growth Strategy	Natural Capital Strategy	Other
Climate and Carbon Reduction Manifesto Pledge								
Reduce greenhouse gas emissions from the Council's buildings and operations by 55% by 2022 compared to 2010	✓		✓		✓			
Work with borough and district councils, utilities and property developers to champion eco-homes fit for the future and to help communities and businesses become less dependent on energy		✓			✓	✓	✓	
Work with Derbyshire businesses and local government partners in China, Japan, India and other countries to reduce carbon emissions in business and tourism activities			✓			✓	✓	
Support renewable energy generation, both large scale and microgeneration, on the Council's land and buildings and in our communities working alongside partners such as D2N2 and the Midlands Energy Hub	✓	✓				✓		
Promote energy efficiency, including reducing energy use in older buildings and through the use of smart technology		✓				✓		
Support low carbon businesses to establish and flourish in Derbyshire, creating new jobs across the county		✓				✓		
Foster green energy entrepreneurs to develop renewable or zero carbon energy production		✓				✓		
Attract companies into Derbyshire who will carry out research and development and upskill the workforce in partnership with universities and training providers						✓		
Use the Council's buying power to support businesses and schools to become more sustainable	✓				✓	✓		

Support and promote the development of low carbon travel and low emission vehicles, introduce electric vehicles into the Council fleet and explore opportunities for low carbon fuels for HGVs	✓		✓		✓	✓		
Develop through our close partnerships with district and borough councils solutions that minimise waste, particularly food waste and single-use plastics, and increase recycling				✓				
Ensure we buy and use goods which are more sustainable and can be reused or recycled and wherever possible waste products are used to benefit the local economy				✓				
Call on the UK Government to ensure the level of investment and national planning regulations support the Council's ambitions to reduce greenhouse gas emissions in Derbyshire			✓		✓	✓		✓
Produce further targets and objectives for carbon reduction, within six months, after considering latest recommendations made to the UK Government								✓

COUNCIL

16 January 2020

Report of the Head of Resources

LOCAL COUNCIL TAX SUPPORT FOR 2020/21

PURPOSE OF THE REPORT

This report provides information relating to proposed changes to, and seeks approval to adopt, the Local Council Tax Reduction Scheme for the financial year 2020/21.

RECOMMENDATIONS

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.

WARDS AFFECTED

All Wards.

STRATEGIC LINK

The adoption of a local Council Tax Reduction Scheme is a statutory requirement and there is no link to the Council's priorities.

1 BACKGROUND

- 1.1 The government abolished Council Tax Benefit from April 2013 and replaced it with Local Council Tax Reduction Schemes, to be determined by each Council.
- 1.2 The scheme approved and adopted for 2013/14 (and retained for all subsequent years) was based on the government's default scheme as set down in The Council Tax Reduction Schemes (Default Scheme) (England) Regulations 2012 (S.I. 2012 No 2886, as amended) which replicated the provisions for Council Tax Benefit but subject to the following amendments:
 - (a) The amount of any reduction for working age claimants is reduced by 8.5%.
 - (b) The period for extended payments is increased from four to eight weeks to assist claimants who move back into work.

(c)The full amount of income from war widow pensions etc. is disregarded in the calculation of income (instead of standard £10 disregard).

(d)Provision is made for additional awards in cases of hardship up to a total maximum amount of £18,000.

- 1.3 It should be noted that the local scheme originally adopted from 1st April 2013 and retained for subsequent years, continues to be well received and unlike similar schemes elsewhere has neither been subject to Judicial Review or criticism from the Valuation Tribunal Service (who hear appeals on council tax support calculations). It should also be noted that the Council has not been required to attend a VOA Appeal Tribunal to defend decision making on individual claims under the terms of its scheme. This has not been the case for some neighbouring councils.
- 1.4 The Council has previously consulted widely on this scheme that protected working age claimants from significant reductions with the remaining savings achieved from other changes to Council Tax discounts on empty properties and second homes.

2 REPORT

- 2.1 The local Council Tax Reduction Scheme must be reviewed annually and any changes made approved no later than 31st January in the financial year preceding that for which the changes are to have effect. **No significant technical changes are proposed to the scheme to be adopted for 2020/21 and so no new consultation with the public or with precepting authorities has been necessary.** The Benefits Manager is required to monitor expenditure in-year and is satisfied that based on projected caseload and relevant changes occurring that the costs of the 2019/20 scheme falls within budget.
- 2.2 A regular in-year review continues monitoring the impact of Full Service Universal Credit on local resident's entitlements and their ability to budget for the payment of council tax. These findings will inform our decisions on changes to our future year's scheme.
- 2.3 The government makes annual changes to the prescribed elements of the scheme for pensioners (in The Council Tax Reduction Schemes (Prescribed Requirements) (Amendment) (England) Regulations) by uprating the allowances, premiums and non-dependent deductions used in the calculation of a reduction. These regulations are usually issued in December. At the time of writing this report, the updated regulations have not yet been received. No significant changes are expected. It is intended that the changes set out in the regulations will be incorporated into the Council's scheme for 2020/21. If there are significant changes in the regulations, a verbal update will be given at the Council meeting.
- 2.4 Any changes to the allowances, premiums and non-dependant deductions for working age claimants remain at the discretion of the local authority and these are updated every year in advance of next year's scheme by reference to an annual uprating circular issued by the Department for Work & Pensions for housing benefit purposes.
- 2.5 The amounts in that circular are replicated in the 'Prescribed Requirements' regulations for pensioners. The circular also contains the working age upratings to be used for housing benefit calculations.
- 2.6 As part of the Government's ongoing Welfare Reform, some technical changes to the national Housing Benefit Scheme have occurred over successive years. These have

included the removal of the family premium from 1st May 2016 for new claims and families; some specific changes to temporary absence rules and changes to limit dependents allowances to two children from April 2017 are all relevant in this respect.

- 2.7 The decision has previously been made not to mirror these changes within the Local Council Tax Reduction Scheme for working age households during 2020/21 as the impacts concerned have been minimal during successive years but could lead to individual families being impacted on disproportionately. The overall impact of this decision on the cost to the Council's scheme is minimal, but will again be reviewed in planning subsequent years' schemes.
- 2.8 It is 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) and the DWP Uprating Circular). **No other changes to the local scheme for 2020/21 are proposed.** These documents are usually issued by central government in December. At the time of writing this report, the updated documents have not yet been received. No significant changes are expected; amounts are usually only adjusted for inflation. It is intended that the changes set out in the documents will be incorporated into the Council's scheme for 2020/21. If there are significant changes in the documents, a verbal update will be given at the Council meeting.
- 2.9 Alongside the 'main' Local Council Tax Support Scheme, the Council also gives Discretionary Council Tax Assistance, intended to help those low income households with council tax to pay after a main CTS reduction, extra help in budgeting to pay that balance. It is also used to pay the 8.5% liability for working age claimants who have other debts. Referrals are taken from Citizens Advice Bureau locally.
- 2.10 Prior to 2018/19, elected members had set this Discretionary fund at £15,000 per annum. This budget was increased to £16,000 during 2018/19 and £17,000 for 2019/20 to reflect the increased demand from local residents. While the Council does not have limitless financial resources, it is considered that a modest increase in this budget would assist some households considerably. It is proposed that the budget amount for hardship applications should be increased to £18,000 for 2020/21. The increase compared to 2019/20, is proposed because of the likely acceleration of Universal Credit Full Service Roll out under 'managed migration arrangements'. Reassurance is given to elected members that the additional funds will be spent appropriately to support the most vulnerable households.
- 2.11 Two sets of regulations are prepared; one relating to that scheme for pensioner claimants (formerly the prescribed regulations) with a separate set existing for working age customers. Due to their combined size (in excess of 100 pages), the complete proposed local Council Tax Reduction Scheme for 2020/21 is intended as a background paper to this report and will be available to Members on request. The final adopted scheme for 2020/21 will be published in full on the Council's website by 31st March 2020.
- 2.12 It should also be noted that Derbyshire District Citizens Advice Bureau continues to give positive feedback to the Council's Benefit Manager for its fairness of treatment of low-income households under the provisions of the Local Scheme and this is the case compared to similar schemes within the east midlands area.

3 RISK ASSESSMENT

3.1 Legal

The adoption of the Council Tax Reduction Scheme accords with the statutory provisions. The legal risk in that regard is low.

All decisions taken by the Council, all services provided or enabled by the Council and all personnel functions of the Council are required to take account of the Equality Duty. Failure to comply with the Equality Duty would render the Council open to legal challenge. As there are no significant changes to the scheme proposed for 2020/21, a full consultation exercise was not deemed necessary.

3.2 Financial

Expenditure on CTS has increased during the current and preceding year, reflecting the fact that local families are financially worse off as a result of welfare reform decisions taken by DWP to freeze incomes and allowances (including those for the disabled and carers). Increases in the charge levied on low income households has resulted from increases prompted by the local precept authorities. Simply put, expenditure on CTS will increase as the overall council tax charge increases.

The roll out of Universal Credit, under 'Full Service' commencing in 2018, has meant that 'working age' claimants locally are worse off comparatively and remain reliant on the local scheme to help with their budgeting.

These changes have an impact on collection rates and the council tax base. Should there be future significant increases in claims for LCTS, over and above that already reflected in the council tax base, the financial risk may increase. To reassure all, the cost of the scheme is routinely monitored by the Council's Benefits Manager to identify potential budgetary risks. No significant changes are proposed for the 2020/21 scheme; however were risks likely to occur in future years, changes could be expected. Any significant changes to LCTS for future years would require external consultation in order to meet Government guidelines for implementation of such changes.

As explained above the welfare reforms have an impact on the level of CTS awarded, and so do other factors outside the Council's control, such as the economic situation. While careful monitoring does take place, it is impossible to mitigate fully against the risk of increased claims. The financial risk is therefore assessed as "high".

4 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

5 CONTACT INFORMATION

Karen Henriksen, Head of Resources

Tel. 01629 761284; Email karen.henriksen@derbyshiredales.gov.uk

Paul Radcliffe, Benefits Manager

Tel. 01629 761271; Email paul.radcliffe@derbyshiredales.gov.uk

6 BACKGROUND INFORMATION

None.

7 ATTACHMENTS

None.

COUNCIL
16 January 2020

Report of the Head of Regulatory Services

LOCAL OFFER FOR CHILDREN IN CARE AND CARE LEAVERS

PURPOSE OF REPORT

To seek approval for the District Council, acting in its role as a relevant partner, to support Derbyshire County Council in its role as a corporate parent, to publish and deliver a countywide district and borough Local Offer for Children in Care and Care Leavers.

RECOMMENDATION

1. That Council endorses the corporate parenting principles enshrined in the Children and Social Work Act 2017;
2. That Council approves the district offers around Wellness and Participation, Employment, Education and Training, and Accommodation set out in the report;
3. That Council notes its previous decision in relation to council tax exemptions for care leavers.

WARDS AFFECTED

All

STRATEGIC LINK

Supporting Care Leavers should ultimately assist with the Council's priority to build a thriving District.

1 SUMMARY

- 1.1 This report sets out the ways in which Derbyshire Dales District Council can support people leaving the care system. The recommendations within the report have been developed through collaborative working with Derbyshire County Council and all the Derbyshire district and borough councils, and represents a countywide offer to care leavers.

2 REPORT

- 2.1 The role that councils play in 'looking after' children is one of the most important things that they do. Local authorities have a unique responsibility to the children they look after and to their care leavers. In this context local authorities are often referred to as being the 'corporate parent' of these children and young people.

Corporate Parenting

- 2.2 A strong ethos of corporate parenting recognises that looked-after children have the same needs – to be loved, cared for and to feel safe – as other children. It will also recognise that there are unique challenges that looked-after children and care leavers face. For example, 60% of children become looked-after due to abuse or neglect. Looked-after children also have poorer educational and health outcomes than their peers, on average according to the Department of Education. The care system is not just about keeping children safe, but should also promote recovery, resilience and well-being.
- 2.3 The Children and Social Work Act 2017 is intended to improve support for looked-after children and care leavers. Section 1 of the Act sets out 7 principles of corporate parenting which local authorities must have regard to in designing and delivering services. It builds on and refines earlier legislation set out in the Children Act 1989 and the Children Act 2004. The 7 principles are:
- To act in the best interests, and promote the physical and mental health and well-being of those children and young people;
 - To encourage those children and young people to express their views, wishes and feelings;
 - To take into account the views, wishes and feelings of those children and young people;
 - To help those children and young people gain access to, and make the best use of, services provided by the local authority and its relevant partners;
 - To promote high aspirations, and seek to secure the best outcomes, for those children and young people;
 - For those children and young people to be safe, and for stability in their home lives, relationships and education or work;
 - To prepare those children and young people for adulthood and independent living.
- 2.4 Section 2 of the Children and Social Work Act 2017 required local authorities to publish information about the services they offer to care leavers, which may assist them in preparing for adulthood and independent living. It includes health and well-being, education and training, employment, accommodation, and participation in society.
- 2.5 In Derbyshire the statutory corporate parenting responsibility rests with Derbyshire County Council. Derbyshire Dales District Council is not a local authority as defined in section 105 of the Children Act 2004 and as such section 1 of the 2017 Act does not apply to us. However, the District Council does have a duty to co-operate under section 10 of the Children Act 2004 as a 'relevant partner'.
- 2.6 Derbyshire County Council has asked for the co-operation of all district and borough councils within the county, in developing and helping to deliver a countywide Local Offer for Children in Care and Care Leaver.
- 2.7 Whilst the District Council does not have a statutory responsibility for corporate parenting it is expected to adopt and embed the 7 corporate parenting principles in designing and delivering its own services. District Council housing, leisure and recreation, and local taxation services were specifically identified as functions where consideration of corporate parenting principles should generally apply.

Context – Care Leavers

2.8 The table below shows the current know numbers of care leavers across Derbyshire.

District	18 years old	19 years old	20 years old	21 years old	Total
Amber Valley	8	11	12		31
Bolsover	3	3	5		11
Chesterfield	20	9	14		43
Derbyshire Dales	3	2	1		6
Erewash	8	16	12	1	37
High Peak	9	6	10		25
North East Derbyshire	9	5	3	1	18
South Derbyshire	5	7	6		18
Total	65	59	63	2	189

2.9 At age 21 care leavers now have the right to access additional support services from the County Council, but unfortunately accurate figures are not available. It is likely that the number of care leavers aged 18 to 25 in Derbyshire Dales will be in the region of 12. The number of children in care is rising, so it is likely that the number of care leavers will also increase over time.

Derbyshire Local Authorities' Care Offer Working Group

2.10 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.

2.11 Officer working group meetings have been held to discuss proposals based on and building upon the district care leaver offer developed across Nottinghamshire and now adopted by all their district and borough councils. That offer and the on-going work in Derbyshire has been supported by a former care leaver and now campaigner for looked-after children and care leavers.

2.12 The offer has been developed around 3 themes:

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

2.13 The rest of this report sets out those elements of the Care Leaver Offer that are of relevance to district and borough councils. It is anticipated that further work will be undertaken to broaden and enrich the offer as the principles of corporate parenting are embedded across the organisations.

Wellness and Participation – Active Fostering Schemes

2.14 A countywide free access to leisure centres scheme for looked-after children, carers and their own children and care leavers has been operating since 2007.

2.15 The general view of this scheme is that it has been well received and well used by carers, but has had little real impact of looked-after children or care leavers.

- 2.16 Looked-after children and care leavers have disproportionate underlying health issues, are more likely to suffer social isolation and financial instability, often making accessing local services difficult. The benefits of physical activity in addressing some of these underlying physical and social issues is well documented. The free access scheme has been reviewed and rebranded as the Active Fostering Scheme and the range of activities offered has been widened to include free swimming lessons, considered to be a key life skill.
- 2.17 The scheme will be funded through Derbyshire County Council Public Health allocations to each district and local initiatives will be proactively encouraged utilising physical activity programmes to work with young people suffering from mental health, drug and alcohol dependence to help build social connectedness and self-esteem.
- 2.18 Greater emphasis will be placed on marketing and promoting the offer to care leavers. Leisure centre staff will receive awareness training regarding some of the issues that care leavers face as they transition from the care system to living independently.

Employment, Education and Training – Apprenticeships and Work Experience

- 2.19 Working is good for well-being. It contributes to happiness, helps build confidence and self-esteem, and allows supportive relationships and friendships with colleagues. Employment can improve health by increasing social capital, enhancing psychological well-being, providing income and reducing the negative health impacts of economic hardship.
- 2.20 Despite recent reforms to improve the educational attainment of children in care, it is still the case that only 14% of children in care achieved 5 good GCSEs, compared to 53% of non-looked after children (Department of Education 2015). Looked-after children are 5 times more likely to have a special educational need at age 11. This can limit the options open to care leavers when they leave school.
- 2.21 The wider Care Leaver Offer will need to think creatively about how to provide the opportunities for care leavers to catch up on education that they have missed out on, and how to develop the essential knowledge and skills that will enable them to progress.
- 2.22 Districts and boroughs have the facility to actively signpost care leavers to apprenticeships, work placements, work experience and mentoring opportunities within their own organisations and with their partners. Within the District Council it is recommended that any care leaver who meets the essential criteria and who applies for an apprenticeship, should be guaranteed an interview for that post.
- 2.23 Led by Active Derbyshire work is also progressing on bringing the Coach Core programme created by the Royal Foundation to Derbyshire. This programme aims to create inspirational sports coaches through a more exciting and community-based sports and activity coaching apprenticeship that develops the talents of young people and provides them with a range of vital skills for employment and life. Care leavers will be actively encouraged to sign up to this programme.

Accommodation and Housing – Prevention and Relief of Homelessness

- 2.24 The District Council has specific duties towards care leavers who are homeless or threatened with homelessness, as part of its statutory duties under the Homelessness

Reduction Act 2017 and as set out in detail in Chapter 22 of the Homelessness Code of Guidance (June 2018).

- 2.25 The Guidance sets out the corporate parenting duty placed on the District Council as a Housing Authority, to embrace and embed the 7 corporate parenting principles described in the Children and Social Work Act 2017, and to develop joint protocols and procedures with Children's Services authorities and other relevant departments to cover arrangements for achieving planned, supportive transitions to independent living, identifying homelessness risk early and acting to prevent that risk, and providing a quick, safe, joined-up response for care leavers who do become homeless.
- 2.26 Where care leavers over 18 are homeless they are given automatic priority need within the homelessness legislation until age 22, in recognition of their vulnerability. Care leavers above the age of 21 who are vulnerable as a result of being looked-after also have a priority need. Care leavers are also considered to be a priority group within the statutory guidance on allocation of social housing.
- 2.27 Following the request from Derbyshire County Council to develop a countywide district/borough care leaver offer, work has been undertaken to agree a housing based element to the offer. This has now been codified as follows:
- Housing Authorities will not make any decision regarding a care leaver being intentionally homeless without consulting their leaving care worker. In the event where a housing authority has found a care leaver to be intentionally homeless they will have a duty to secure accommodation which is available to the care leaver to provide a reasonable opportunity for them to find their own accommodation.
 - Derbyshire Care Leavers will be given a local connection to access housing in any district in Derbyshire irrespective of where they have been living.
 - Derbyshire Care Leavers exiting supported accommodation as a positive move on will be given priority for social housing in Derbyshire

Accommodation and Housing – Exemption from Council Tax

- 2.28 Managing budgets can be challenging for many people on low income, particularly so for vulnerable young people adjusting to living independently without the support of a family network. A 2015 report by The Children's Society 'The Wolf at the Door – How council tax debt is harming children', suggests that care leavers are a particularly vulnerable group to council tax debt.
- 2.29 Discussions have taken place at the Derbyshire Chief Executives' Group regarding a care leaver council tax exemption, applying across Derbyshire. Derbyshire Dales District Council has already 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 has been written into the Council's Policy for Council Tax Discretionary Reliefs and is now being applied. Therefore the District Council has already complied with this element of the Care Leavers' Offer.

Care Leaver Covenant

- 2.30 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 is a strategic pledge to introduce a Care Leaver Covenant.

- 2.31 The Covenant is a promise made by the private, public and voluntary sectors to provide support for care leavers aged 16-25, to help them to live independently.
- 2.32 The aim of the Care Leaver Covenant is to provide additional support for those leaving care, making available a different kind of support and expertise from that statutorily provided by local authorities.
- 2.33 Each organisation that commits to the Care Leaver Covenant will be able to offer a support package to care leavers that is tailored to its specific expertise. The organisation would underpin its commitment to the Covenant with a specific offer, setting out what it can provide
- 2.34 The Care Leaver Covenant outcomes will ensure that care leavers:
- Are better prepared and supported to live independently;
 - Have improved access to employment, education and training;
 - Experience stability in their lives and feel safe and secure;
 - Have improved access to health and emotional support;
 - Achieve financial stability.
- 2.35 All central government departments have signed the Care Leaver Covenant to demonstrate their commitment and have listed specific offers they will deliver. By supporting Derbyshire County Council in its corporate parenting role the District Council is effectively setting out its own offer to care leavers and as such is committing to the Covenant.

3 RISK ASSESSMENT

3.1 Legal

The report accords with the legal provisions outlined in the report. The legal risk is therefore low.

3.2 Financial

The district offers around Wellness and Participation, Employment, Education and Training, and Accommodation set out in the report are not expected to result in a significant increase in costs for the Council. The financial risk is therefore low.

4 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

5 CONTACT INFORMATION

Tim Braund, Head of Regulatory Services
Telephone: 01629 761118; Email: tim.braund@derbyshiredales.gov.uk

6 BACKGROUND PAPERS

None

7 ATTACHMENTS

None

COUNCIL

16 January 2020

Report of the Head of Resources

TREASURY MANAGEMENT MID-YEAR REPORT FOR 2019/20

PURPOSE OF REPORT

This report seeks approval for the Treasury Management Mid-Year Report for 2019/20.

RECOMMENDATION

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

WARDS AFFECTED

All

STRATEGIC LINK

The above recommendation contributes to all of the Council's Corporate Plan Priorities.

1. REPORT

1.1 TREASURY MANAGEMENT REPORT

This report fulfils the Authority's legal obligation to have regard to the CIPFA Code.

The Authority's treasury management strategy for 2019/20 was approved at a meeting of the Authority on 7th March 2019. The Authority has invested substantial sums of money and is therefore exposed to financial risks including the loss of invested funds and the revenue effect of changing interest rates. The successful identification, monitoring and control of risk are therefore central to the Authority's treasury management strategy.

The 2017 Prudential Code includes a new requirement for local authorities to provide a Capital Strategy, which is 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.

1.2 REPORTING REQUIREMENTS

The Council is required to receive and approve, as a minimum, three main reports each year, which incorporate a variety of policies, estimates and actuals.

The Treasury Strategy The first, and most important, report covers:

- The treasury management strategy (how the investments and borrowings are to be organised) including treasury indicators; and
- An investment strategy (the parameters on how investments are to be managed).

A mid-year treasury management report (this report) - This will update members with the progress of the capital position, amending prudential indicators as necessary, and whether any policies require revision.

An annual treasury report - This report provides details of a selection of actual prudential and treasury indicators and actual treasury operations compared to the estimates within the strategy.

Scrutiny

The above reports are adequately scrutinised by the Corporate Leadership Team before being recommended to the Council.

1.3 EXTERNAL CONTEXT

1.3.1. Economic background

The UK's progress negotiating its exit from the European Union, together with its future trading arrangements, will continue to be a major influence on the Authority's treasury management strategy for 2020/21. The General Election has removed some uncertainty within the market, however following the expected Withdrawal Bill, uncertainties around the future trading relationship with the EU remain.

GDP growth rose by 0.4% in the third quarter of 2019 from -0.2% in the previous three months with the annual rate falling further below its trend rate to 1.1% from 1.2%. Services, construction and production added positively to growth, by 0.5%, 1.2% and 0.1% respectively, while agriculture recorded a fall of 0.1%. Looking ahead, the Bank of England's Monetary Policy Report (formerly the Quarterly Inflation Report) forecasts economic growth to pick up during 2020 as Brexit-related uncertainties dissipate and provide a boost to business investment helping GDP reach 1.6% in Q4 2020, 1.8% in Q4 2021 and 2.1% in Q4 2022.

1.3.2 Financial markets:

Recent activity in the bond markets and PWLB interest rates highlight that weaker economic growth remains a global risk. The US yield curve remains inverted with 10-year Treasury yields lower than US 3-month bills. History has shown that a recession hasn't been far behind a yield curve inversion.

Looking forward, the potential for a "no-deal" Brexit and/or a global recession remain the major risks facing banks and building societies in 2020/21 and a cautious approach to bank deposits remains advisable.

1.4 LOCAL CONTEXT

On 31st March 2019, the Authority had net investments of £8m arising from its revenue and capital income and expenditure. The underlying need to borrow for capital purposes is measured by the Capital Financing Requirement (CFR), while usable reserves and working capital are the underlying resources available for investment. These factors and the year-on-year change are summarised in table 1 below.

Table 1: Balance Sheet Summary

	31.3.19 Actual £'000
General Fund CFR	5,898
Less: Other debt liabilities *	151
Total CFR	5,747
Actual borrowing	5,540
Under borrowing	297
Usable reserves	(19,311)
Less: Working capital	5,079
Net Investments	(13,935)

*Finance leases form part of the Authority's total debt

The Authority pursued its strategy of keeping borrowing below its underlying level, sometimes known as under borrowing or internal borrowing, in order to reduce risk and keep interest costs low.

The treasury management position at 30th September 2019 and the change during the period is shown in table 2 below

Table 2: Treasury Management Summary

	31.3.19 Balance £'000	Movement £'000	30.09.19 Balance £'000
Long-term borrowing	5,450		5,450
Short-term borrowing	151		151
Total borrowing	5,601		5,601
Long-term investments	931	-8	923
Short-term investments	1,999	11,001	13,000
Cash and cash equivalents	11,005	-4,468	6,537
Total investments	13,935	6,525	20,460
Net investments	8,334	6,525	14,859

Note: the figures in the table are from the balance sheet in the Authority's statement of accounts, but adjusted to exclude operational cash, accrued interest and other accounting adjustments.

1.5 BORROWING STRATEGY

At 30th September 2019, the Authority held £5.4m of loans from the Public Works Loan Board, the same as the previous year, as part of its strategy for funding previous years' capital programmes.

The Authority's chief objective when borrowing has been to strike an appropriately low risk balance between securing low interest costs and achieving cost certainty over the

period for which funds are required, with flexibility to renegotiate loans should the Authority's long-term plans change being a secondary objective.

In furtherance of these objectives, no new borrowing was undertaken.

With short-term interest rates remaining much lower than long-term rates, the Authority considered it to be more cost effective in the near term to use internal resources or borrowed rolling temporary / short-term loans instead.

Other Debt Activity

After £0.376m repayment of prior years' finance leases liabilities, total debt other than borrowing stood at £0.151m on 30th September 2019, taking total debt to £5.601m.

1.6 TREASURY INVESTMENT ACTIVITY

The Authority holds invested funds, representing income received in advance of expenditure plus balances and reserves held. During the six-month period, the authority's investment balance ranged between £10.6 and £21.7 million. The investment position is shown in table 3 below.

Table 3: Treasury Investment Position

Investment Held	31.03.19 Balance £'000	Net Movement	30.09.19 Balance £'000	30.09.19 Income Return %	Weighted Average Maturity days
Banks & Building Societies (Unsecured)	5,504	(2,267)	3,237		
Government (Including Local Authorities)	7,500	4,499	11,999		
Money Market Funds	0	4,300	4,300		
Total Internal Funds	13,004	6,532	19,536	0.90	66 days
Strategic Bond funds - CCLA Property Fund	931	(8)	923		
Total External Funds	931	(8)	923	3.97	N/A
Total	13,935	6,524	20,459	0.75	66 days

- For Internal investments, the value is the sum initially invested, for external funds, the value is the fund's bid price on the quarter end date multiplied by the number of units held.
- Returns quoted for the CCLA Property fund include initial losses on the purchase of the shares. On an income only basis the fund currently returns 3.97%. The value of the fund can fluctuate but has grown significantly over the previous 5 years.

Non-Treasury Investments

The definition of investments in CIPFA's revised Treasury Management Code now covers all the financial assets of the Authority as well as other non-financial assets which

the Authority holds primarily for financial return. This is replicated in MHCLG's Investment Guidance, in which the definition of investments is further broadened to also include all such assets held partially for financial return.

The Authority also holds £1.5m of such investments in directly owned commercial property that is leased out. These investments generated £0.097m of investment income for the Authority after taking account of direct costs, representing a rate of return of 6.39%. This is higher than the return earned on treasury investments but reflects the additional risks to the Authority of holding such investments.

Treasury Performance

The Authority measures the financial performance of its treasury management activities in terms of its impact on the revenue Budget. Investment income for the first half of the year is £68,706, compared to a budget of £52,500.

Both the CIPFA code and government guidance require the Authority to invest its funds prudently, and to have regard to the security and liquidity of its treasury investments before seeking the optimum return to the security and yield. The Authority's objective when investing money is to strike an appropriate balance between risk and return, minimising the risk of incurring losses from defaults and the risk of receiving unsuitably low investment income.

Given the increasing risk and low returns from short-term unsecured bank investments, the Authority has further diversified into more secure and high yielding asset classes as shown above. The progression of risk and return metrics are shown in the extracts from Arlingclose's quarterly investment benchmarking in the table below.

	Credit Score	Credit Rating	Bail-in Exposure	Weighted Average Maturity (days)	Rate of Return (Total Portfolio) %
31 st March 2019	3.97	AA-	82%	18	0.51
30 th September 2019	3.94	AA-	39%	66	0.55*
Similar LA's	4.26	AA-	61%	80	1.58
All LA's	4.28	AA-	62%	28	1.22

*Includes loss on the capital value of CCLA Fund of 3.76%

1.7 COMPLIANCE REPORT

The Head of Resources is pleased to report that all treasury management activities undertaken complied fully with the CIPFA Code of Practice and the Authority's approved Treasury Management Strategy.

Compliance with specific investment limits is demonstrated in table 4 below.

Table 4: Investment Limits

	30.09.19 Actual	2019/20 Limit	Complied
Banks – Council’s Own banker (Lloyds)	£1.2m	£6m	✓
Local Authorities per Authority	£3m per authority £11m Total 30/09	£3m	✓
Money Market Funds Total	£4.3m	£12m	✓
UK Government	£0.99m	Unlimited	✓
Certificates of Deposits	£2m	£3m	✓
Strategic Funds	£0.92m	£5m	✓

Compliance with the authorised limit and operational boundary for external debt is demonstrated in table 5 below.

Table 5: Debt Limits

	30.09.19 Actual	2019/20 Operational Boundary	2019/20 Authorised Limit	Complied
Borrowing	5,450	8,000	11,000	✓
PFI & finance leases	151	1,000	1,000	✓
Total debt	5,601	9,000	12,000	✓

Since the operational boundary is a management tool for in-year monitoring it is not significant if the operational boundary is breached on occasions due to variations in cash flow, and this is not counted as a compliance failure.

1.8 TREASURY MANAGEMENT INDICATORS

The Authority measures and manages its exposures to treasury management risks using the following indicators:

Security: The Authority has adopted a voluntary measure of its exposure to credit risk by monitoring the value-weighted average credit rating of its investment portfolio.

	30.09.19 Actual	2019/20 Target	Complied
Portfolio average credit rating/score	AA-	AA-	✓

Liquidity: The Authority has adopted a voluntary measure of its exposure to liquidity risk by monitoring the amount of cash available to meet unexpected payments within a rolling three month period, without additional borrowing.

	30.09.19 Actual	2019/20 Target	Complied
Total cash available within 3 months	6,537	6,000	✓
Total sum borrowed in past 3 months without prior notice	0	n/a	✓

Interest Rate Exposures: This indicator is set to control the Authority's exposure to interest rate risk. The upper limits on the one year revenue impact of a 1% rise or fall in interests was:

	2019/20 Limit
Upper limit on one-year revenue impact of a 1% rise in interest rates	154,500
Upper limit on one-year revenue impact of a 1% fall in interest rates	110,500

Fixed rate investments and borrowings are those where the rate of interest is fixed for at least 12 months, measured from the start of the financial year or the transaction date if later. All other instruments are classed as variable rate.

Maturity Structure of Borrowing: This indicator is set to control the Authority's exposure to refinancing risk. The upper and lower limits on the maturity structure of fixed rate borrowing were:

	30.09.19 Actual	Upper Limit	Complied
Under 12 months	0	50%	✓
12 months and within 24 months	0	50%	✓
24 months and within 5 years	0	50%	✓
5 years and within 10 years	0	75%	✓
10 years and above	100%	100%	✓

Time periods start on the first day of each financial year. The maturity date of borrowing is the earliest date on which the lender can demand repayment.

Principal Sums Invested for Periods Longer than 364 days: The purpose of this indicator is to control the Authority's exposure to the risk of incurring losses by seeking early repayment of its investments. The limits on the long-term principal sum invested to final maturities beyond the period end were:

	2019/20 £000	2020/21 £000	2021/22 £000
Actual principal invested beyond year end	1,000	0	0
Limit on principal invested beyond year end	3,000	3,000	3,000
Complied	✓	✓	✓

Outlook for the remainder of 2019/20

The global economy is entering a period of slower growth in response to political issues, primarily the trade policy stance of the US. The UK economy has displayed a marked slowdown in growth due to both Brexit uncertainty and the downturn in global activity. In response, global and UK interest rate expectations have eased dramatically.

Our treasury advisor Arlingclose expects Bank rate to remain at 0.75% for the foreseeable future but there remain substantial risks to this forecast, dependant on Brexit outcomes and evolution of the global economy. Arlingclose judges that the risks are significantly weighted to the downside.

Gilt yields have fallen to historic lows. The risks to economic growth from global political uncertainty appear to have crystallised, dampening rate expectations and dragging yields lower. Arlingclose expects yields to remain at low levels for the foreseeable future and see the risks as broadly balanced. Volatility will continue to offer longer-term borrowing opportunities.

2 RISK ASSESSMENT

2.1 Legal

The report complies with best practice and government guidance on the preparation of the treasury management strategy statement. The legal risk is therefore low.

2.2 Financial

Financial Information is contained within the report. The budget for investment income in the first half of year to 30th September is £52,500, Actual Investment income earned is £68,706. If actual levels of investments and actual rates differ from those forecast, performance against budget will be correspondingly different. The overall risk is assessed as low.

2.3 Corporate

This strategy sets in place a proposed structure and systems that place security of investments above yield. The risk is therefore assessed as low.

3 OTHER CONSIDERATIONS

In preparing this report the relevance of the following factors has also been considered prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

4 CONTACT INFORMATION

For further information contact:

Karen Henriksen 01629 761284 or

Email: karen.henriksen@derbyshiredales.gov.uk

5 BACKGROUND PAPERS

None

COUNCIL

16 January 2020

Report of the Head of Corporate Services

REGULATION OF INVESTIGATORY POWERS ACT 2000

PURPOSE OF THE REPORT

To provide an update following the inspection of the Investigatory Powers Commissioner's Office on the Council's policies and procedures relating to the use of the Regulation of Investigatory Powers Act 2000 ("RIPA") and to approve the updated policy on the Regulation of Investigatory Powers.

RECOMMENDATION

1. That the report from the Investigatory Powers Commissioner's Office attached at Appendix 1 is noted.
2. That the amended Regulation of Investigatory Powers Act 2000 policy attached at Appendix 2 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.

WARDS AFFECTED

All Wards

STRATEGIC LINK

The Regulation of Investigatory Powers Act 2000 ("RIPA") enables local authorities to carry out certain types of surveillance activity provided that specified procedures are followed. The information obtained as a result of surveillance operations can be relied upon in court proceedings and enables effective enforcement across the District. The recommendation to adopt the revised policy therefore contributes to the Council's Corporate Plan Priorities.

1. BACKGROUND

- 1.1 The Regulation of Investigatory Powers Act 2000 (RIPA) gave the Council significant powers in order to investigate serious matters and offences. It enables 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 is compatible with Article 8 of the European Convention on Human Rights (which governs an individual's right to respect for their private and family life). Before the Council may undertake covert surveillance, there are various criteria which must be met including approval of the application by a Magistrate.
- 1.2 The Council is periodically inspected by the Investigatory Powers Commissioner's Office and the last inspection was undertaken in July 2019. This Report is to inform

members of the outcome of the inspection and approve an amended RIPA policy to incorporate the observations made by the inspector.

- 1.3 The outcome of the report is primarily positive. There were no issues that raised major concerns for the inspector, however 2 recommendations and 4 observations were made.

2. OUTCOMES

Recommendations

- 2.1 From the inspection it was noted that some employees were using their personal profiles to access information on social media sites. The inspector commented that this put the employee at an undue risk. As a result the Council's Social Media Policy has been updated to inform employees not to continue with this practice and update the policy on use of social media for investigatory purposes. This policy is currently subject to consultation and will be brought to committee once completed.
- 2.2 Although not mentioned in the report it is considered advisable to introduce a policy on member's use of social media. It is intended to bring this policy in the same report as with the amended Social Media Policy.
- 2.3 The inspector recommended that elected Members should review the Council's use of the RIPA legislation on an annual basis. It is therefore proposed that the annual report from the Council's Monitoring Officer includes a report of the use of RIPA for the preceding year.

Observations

- 2.4 In 2018 the Home Office updated its guidance and Codes of Practices relating to RIPA. The Inspector observed that the Codes of Practices were not referred to in the document and the obtaining of oral authorisations was included when that option was no longer available. The Policy has therefore been updated to address this observation.
- 2.5 The Inspector noted that training had been given to staff and Councillors since the last inspection, but also noted that there are 14 newly elected members. The inspector therefore recommended that member training on RIPA be provided.
- 2.6 The Inspector commented that authorising officers were knowledgeable on when and how authorisations should be sought, but noted that the last training was in 2017. The inspector commented that a refresher training would be of benefit. Training would also cover the new policy on the use of social media, the potential benefit of obtaining Communications Data for investigations and the risk to the Council of inadvertently obtaining information from a CHIS.
- 2.7 The Legal Services Manager is currently reviewing the training arrangements for Officers and Members to target training at the appropriate level.
- 2.8 The Inspector noted that the relevant forms in the Policy have not been updated to the latest version. The Forms therefore have been revised in line with current guidance.

- 2.9 Lastly the Inspector advised on the potential risk that members of the public could fall into the category of a CHIS. If a member of the public provides the Council with information on a regular basis or we ask a member of the public to monitor something they may have complained about, there is potential for that person to be a CHIS.
- 2.10 The Inspector commended the introduction of the Customer Relationship Management System that will identify if a person is reporting to various departments and address any issues so that the person does not become a CHIS.
- 2.11 The RIPA policy has been amended to incorporate the relevant recommendations from the inspection and training will be rolled out to staff and members in the forthcoming months.
- 2.12 The Inspector also mentioned during the inspection that some RIPA requests require authorisation from a specific officer. These are known as Enhanced Authorising Officers and are defined as the Head of Paid Service or the person acting in that role in their absence. This was not mentioned in the report, but has been addressed in the revised policy.
- 2.13 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 seeks authority to draft a Member's 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.

3. RISK ASSESSMENT

3.1 Legal

This report ensures that the Council has oversight of the use of RIPA powers and ensure that policies remain fit for purpose. A failure to adopt the updated Policy which reflects government guidance and the recommendations of the IPCO inspector would increase the risk of a misuse of RIPA powers and intervention by the Investigatory Powers Commissioner.

Evidence obtained unlawfully in breach of the policy may result in a breach of the provisions of the Human Rights Act 1998 and also result in evidence being inadmissible in subsequent court proceedings.

The terms of the Policy have been reviewed in accordance with the legislation and therefore the legal risk is considered low.

3.2 Financial

Adoption of the updated policy will help to mitigate any financial risks which may arise should the Council fail to comply with legislation, government guidance and recommendations. The financial risk of this report is assessed as low.

4. OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, human rights, personnel and property.

5. CONTACT INFORMATION

Sandra Lamb, Head of Corporate Services
E-mail: sandra.lamb@derbyshiredales.gov.uk

Lee Gardner, Legal Services Manager
E-mail: Lee.Gardner@derbyshiredales.gov.uk

6. BACKGROUND INFORMATION

- Home Office Codes of Practice on Covert Surveillance and property interference
- Home Office Codes of Practice on Covert Human Intelligence Sources

7. ATTACHMENTS

Appendix 1 – IPCO Report dated 23rd July 2019

Appendix 2 – Draft amended RIPA 2019 policy



Inspection Report – Derbyshire Dales District Council

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1 Introduction

- 1.1 This inspection has been conducted to assess the level of compliance of this public authority with the Regulation of Investigatory Powers Act 2000 in respect of its use and management of covert surveillance, covert human intelligence sources and communications data. The most recent inspection of Derbyshire Dales District Council was undertaken by HH Brian Barker QC on 16 November 2015.
- 1.2 This inspection took place on 23 July 2019 and was conducted by Mrs Samantha Jones, Inspector.
- 1.3 This report is addressed to the Chief Executive, Paul Wilson, whose address for correspondence is Town Hall, Matlock, Derbyshire, DE4 3NN. His email address is paul.wilson@derbyshiredales.gov.uk
- 1.4 The Senior Responsible Officer and Monitoring Officer is Head of Corporate Services, Ms Sandra Lamb. Her email address is Sandra.lamb@derbyshiredales.gov.uk
- 1.5 Derbyshire Dales District Council Chief Executive is supported by six Departmental Heads covering Regulatory Services, Housing, Regeneration and Policy, Community and Environmental Services, Corporate Services, and Resourcing.
- 1.6 The Council has collaborated with other local authorities in the area (Chesterfield, North East Derbyshire and Bolsover, Amber Valley and Derby City) to form the Derbyshire Building Control Partnership to provide a unified single company to deliver building control services across the County. They have also collaborated to form 'The Derbyshire and Staffordshire Moorlands Home-Options Partnership' which is a partnership of councils and housing associations who work together to advertise available homes and offer advice to people looking for accommodation in the Amber Valley, Derbyshire Dales, Erewash, High Peak and Staffordshire Moorlands areas.

2 Inspection methodology

- 2.1 In the period since the last inspection, Derbyshire Dales District Council has not used the powers afforded to it under the legislation. In the previous inspection period, June 2012 to November 2015, only one authorisation for directed surveillance had been granted.
- 2.2 The persons interviewed during the course of the inspection are captured in Table 1 below.

Persons Interviewed
Paul Wilson – Chief Executive
Sandra Lamb – SRO and Monitoring Officer
Lee Gardner – Legal Services Manager and Deputy Monitoring Officer
Shaun Herritt – CCTV Manager
Forum of Authorising Officer(s) and Applicant(s)

Table 1. Persons interviewed

3 Key findings

3.1 Recommendations

3.1.1 The key recommendations arising from the inspection are listed in Table 2 below.

Number	Reference	In relation to	Recommendation	Recommendation type
R1	5.1.3 5.4.2	On-line activity	Desist in the use of personal profiles and ensure that any on-line activity is in accordance with the relevant Codes of Practice.	Core recommendation - improvements must be made
R2	5.1.6	Notification to Elected Members	Elected Members of a local authority should review the authority's use of the legislation and set policy at least once a year.	Core recommendation - improvements must be made

Table 2. Key recommendations resulting from inspection

3.2 Observations

3.2.1 The key observations arising from the inspection are listed in Table 3 below.

Number	Reference	In relation to	Recommendation	Observation type
O1	5.1.4	Policy	The policy to be further revised to include all references to the 2018 Codes of Practice, Home Office guidance and to remove reference to the obtaining of urgent oral authorisations.	Observation
O2	4.3 5.5.2 5.5.3	Training	That all relevant staff and the newly elected Councillors would benefit from updated RIPA training.	Observation
O3	5.1.5	RIPA Forms	To be amended to ensure that the referred to paragraphs of the Codes of Practice are reflective of the 2018 versions.	Observation

O4	5.3.2	Customer Relationship Management System	To be introduced within the current financial year.	Praise of good practice
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Table 3. Key observations resulting from inspection

4 Actions taken on previous inspection recommendations

4.1 **R1:** *Incorporate the 2014 Home Office Codes of Practice into available documentation.*

Discharged: This was addressed at the time of the last inspection and policy updated. It is noted that in relation to the current policy, whilst it is a comprehensive document, amendments need to be made to ensure the revised 2018 Codes are reflected within it. This is highlighted within observation O1.

4.2 **R2:** *Amend the RIPA Policy and Procedures document as appropriate.*

Discharged: See recommendation R1 above.

4.3 **R3:** *Increase the RIPA information flow to both Councillors and Authority Staff.*

Discharged: Training has been given to staff and Councillors since the last inspection. However, as Ms Lamb has highlighted during the Inspection process, there are fourteen new Councillors, resulting from the recent elections, all of whom require training on RIPA. This is reflected within O2.

4.4 **R4:** *Ensure sufficient focus on the potential pitfalls of any social media research in future training so as to ensure that any result is RIPA compliant and can survive criticism.*

Discharged: Training on the use of social media has been given and is now included within the policy document (part of Observation O1 is to also include paragraphs 3.10 -3.17 and 4.11 – 4.17 of the Surveillance and CHIS Codes of Practice respectively, within current policy).

5 Inspection findings

5.1 Policy and Procedures

5.1.1 In addition to the Chief Executive who is the authorising officer in respect of enhanced levels of authorisations, and the SRO who provides oversight, there are five authorising officers (Heads of Department). The majority of the staff undertaking the role of the applicant have been selected from the Regulatory Services Department.

5.1.2 The current policy document, which was updated and presented to the Elected Members on 15 March 2019, is published on the Council intranet and available to all staff. This is a comprehensive document and provides clear guidance covering the use of RIPA including explanations of relevant legislation and a useful appendix setting out a flow chart of circumstances where RIPA may need to be considered.

5.1.3 It could however benefit from amendment to the Social Networking and Internet Sites section to include, or by way of reference to, the relevant paragraphs in the revised Codes of Practice.

5.1.4 Other minor amendments needing to be included are: the procedures surrounding LPP; what is required to be included in the centrally retrievable records; and the deletion of any references to the obtaining of urgent verbal authorisation, which is no longer permissible. Due in part to the lack of authorisations being granted since before the Protection of Freedoms Act 2012 was introduced, there also appears to be no set procedure when seeking magistrates' approval. Inclusion of the relevant section, or by way of reference to the Home Office guidance to local authorities on the judicial approval process for RIPA, should suffice.

5.1.5 It was also highlighted that the current RIPA forms are ones that were issued by the Home Office in 2007, therefore all references to the Codes of Practice are outdated and should be reviewed and amended.

5.1.6 It has been noted that the Council has neglected to inform its Elected Members of the use of RIPA at least once a year in compliance with the Surveillance Code of Practice Paragraph 4.47. This is a requirement regardless of whether the powers have been utilised in the preceding period.

5.2 Surveillance

5.2.1 The Council has not made any use of directed surveillance but would not rule out the need to do so if circumstances dictate otherwise. It is in possession of cameras that could, if necessary, be used covertly. The staff are knowledgeable as to what would constitute surveillance and an example was given as to when it was considered recently in respect of fly tipping, but was ultimately resolved without the need for a camera to be deployed.

5.2.2 There have been no instances of unregulated surveillance occurring.

CCTV

- 5.2.3 The Council has direct control its own CCTV system, with the Derbyshire Constabulary having relinquished the running of it back to the Council in late 2017. Having spoken to the CCTV Manager, there have been no requests from the police to view any CCTV as part of a directed surveillance authorisation. Whilst the Manager is knowledgeable in this regard and would forward any request to the Legal Services department in the first instance, it is advisable to have a written protocol with a local Force if the CCTV system is to be used for directed surveillance. The protocol should include a requirement that the local authority should see the authorisation (redacted if necessary to prevent the disclosure of sensitive information) and only allow its equipment to be used in accordance with it (OSC (now IPCO) procedures and guidance 2016 note 272).
- 5.2.4 There is one body worn camera in existence, utilised by the anti-social behaviour officer. This is used in an overt manner with warnings given when recording takes place. Product is retained for 30 days prior to being destroyed. Any product that is retained for evidential purposes is kept in line with the obligations set out under CPIA.

5.3 Covert Human Intelligence Sources (CHIS)

- 5.3.1 As with surveillance, the Council has not made any use of CHIS. There are policies in place to liaise with Legal Services should circumstances lend themselves to a CHIS authorisation being considered. A discussion with the Chief Executive and the Legal Services Manager highlighted that it would be relatively easy for a department to identify if a member of the public was repeatedly providing information to the Council, but not if that reporting was spread across different departments.

5.3.2 The introduction of the new customer relationship management system, which logs all calls from the public across the spectrum, should address any possibility of status drift into CHIS territory.

- 5.3.3 Any test purchase operations undertaken by the Council are run in conjunction with the Derbyshire Constabulary and/or Trading Standards, acting under any authorisations obtained by them where appropriate.

5.4 Online Activity

- 5.4.1 With the ever-increasing use of the internet for investigative purposes, there is always the potential for investigators to conduct surveillance or low level undercover work. Although the Council is not ready to undertake such activity, there was a good understanding as to what activity would require a directed surveillance or CHIS authorisation.

5.4.2 Yet, the Council does not have a firewall that prevents access to social media sites such as Facebook, and no IT system in place to audit any open source research to provide the necessary reassurance that the Council is RIPA compliant. In fact, alarmingly, employees are not given access to create an overt Council profile, but instead are allowed to use their personal profiles to visit sites linked to Council investigations. This practice should be discontinued, and procedures adopted to ensure the welfare and safety of personnel at risk of such practice. Any future investigations conducted with the use of on-line activity should be completed in line with the requirements set out in paragraphs 4.11-4.17 and 3.10-3.17 of the CHIS and Surveillance Codes of Practice respectively.

5.5 Training

5.5.1 External RIPA training had been provided to the preceding Legal Services Manager every two years, the latest occurring in January 2019. PowerPoint presentation slides were then circulated to relevant personnel. The incumbent Legal Services Manager has also undertaken this training in January 2019 with their previous employer.

5.5.2 A number of authorising officers and applicants undertook external training back in 2017, but due to the changes in legislation since that time it would be fitting for further training to be considered.

5.5.3 A forum was held with the Chief Executive, together with four authorising officers and three applicants. All were knowledgeable on when and how authorisation should be sought and felt sufficiently confident to approach Legal Services prior to any being granted if they felt they were unsure. It was agreed that refresher training on a more regular basis would be of benefit.

5.5.4 A RIPA awareness training package is available to all staff on the Council intranet page which, whilst brief, covered the pertinent areas. Although it is not mandatory to complete, an audit by the IT department should allow for the identification of those who have not completed the package. It was pleasing to note that the SRO undertook a yearly audit of staff to ensure that training had been undertaken for their role as applicant and/or authorising officer and if not, were not allowed to undertake any such activity until refresher training had been undertaken.

5.6 Communications Data

5.6.1 Derbyshire Dales District Council is not currently registered with the National Anti-Fraud Network (NAFN) and therefore has not submitted any CD applications during the reporting period. (It is due to be re-registered in relation to a national licencing initiative.) However, the Legal Services Manager was not aware of the expansion of the Council's powers under the Investigatory Powers Act 2016 which includes 'events data' and relinquishes the necessity to obtain endorsement by a magistrate prior to acquiring CD. It has been recognised that this is a significant opportunity to conduct more effective investigations which should be further explored.

6 Conclusion

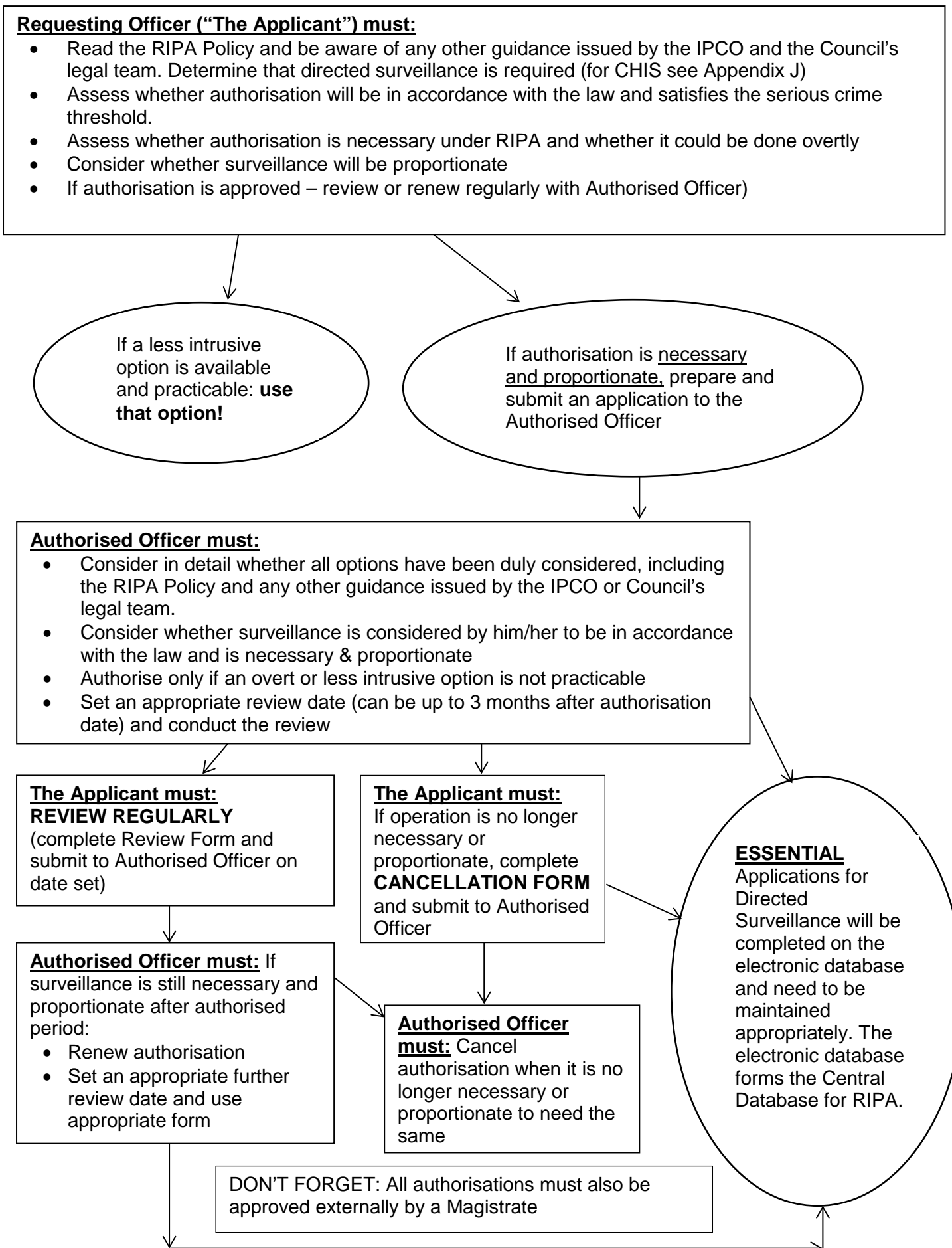
- 6.1 While the powers afforded to Derbyshire Dales District Council have not been used for many years, the potential benefits to an investigation, particularly in the digital age, has been highlighted. To ensure compliance, the Council must undertake a review of its social media policy and procedures as required by the first of two recommendations emanating from this inspection. The second recommendation is to highlight the lapse in informing the Elected Members in a timely manner of any activity undertaken, or not, as the case may be. A number of further observations have been made, each of which is easily remedied.
- 6.2 To be commended is the awaited introduction of the Customer Relationship Management system which, whilst not introduced for this purpose, will in fact guard against any potential status drift into the use of members of the public as Covert Human Intelligence Sources.
- 6.3 Particular thanks should be given to Lee Gardener, who made all the arrangements for the inspection and provided comprehensive reading material in advance.

Samantha Jones

IPCO Inspector

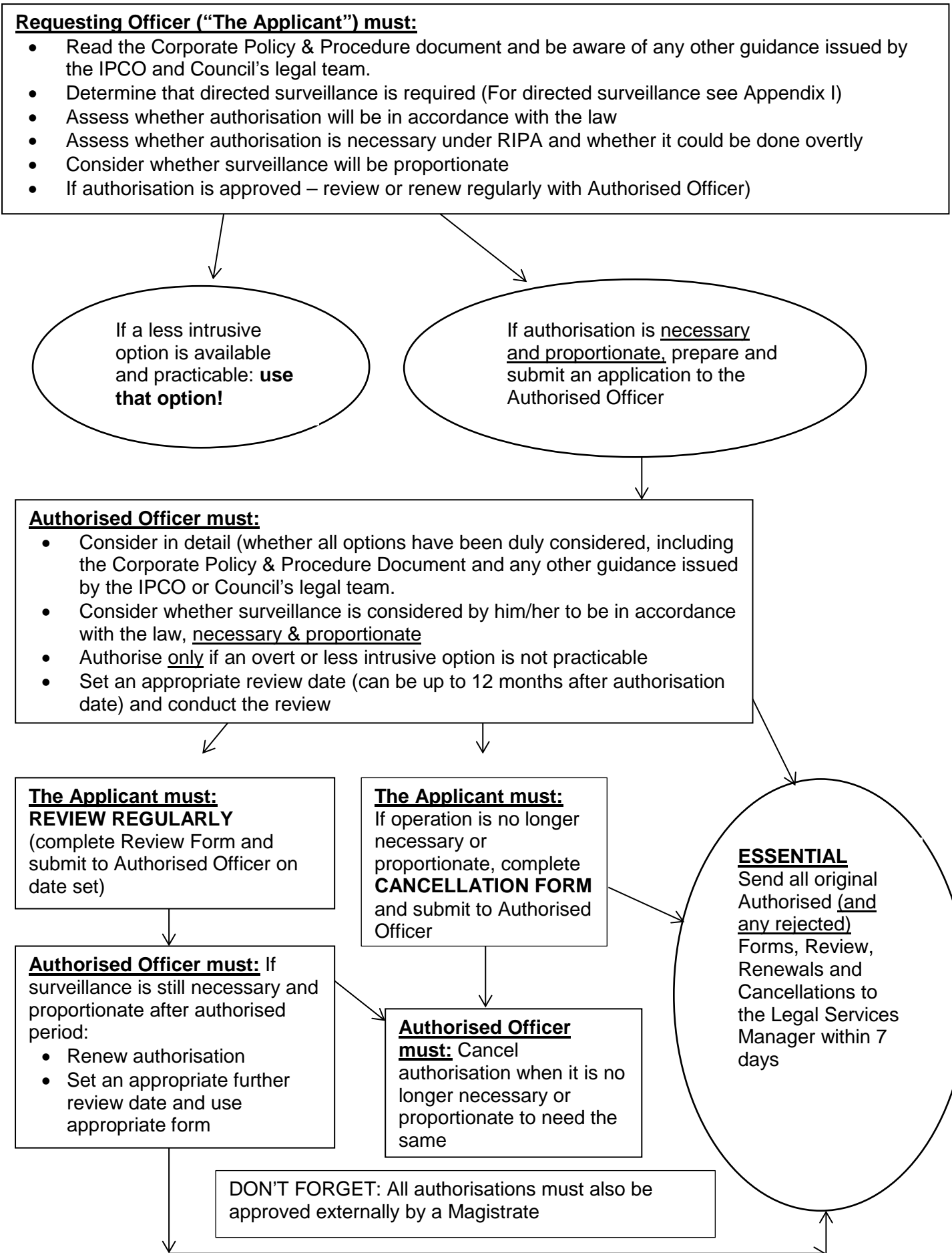
APPENDIX I

RIPA FLOW CHART 1: DIRECTED SURVEILLANCE



APPENDIX J

RIPA FLOW CHART 2: CHIS



COUNCIL

16 January 2020

Report of the Monitoring Officer

REVIEW OF THE DISTRICT COUNCIL'S CODE OF CONDUCT FOR ELECTED MEMBERS

PURPOSE OF REPORT

This report seeks Council's approval of revisions to the Code of Conduct for all Councillors, in light of a recent internal audit report and to reflect recent changes to legislation.

RECOMMENDATION

That the revised Code of Conduct is approved with immediate effect.

WARDS AFFECTED

None

STRATEGIC LINK

An effective Code of Conduct for elected Councillors aims to support a good governance framework which underpins all actions of the District Council corporate objectives. Compliance with the Code also mitigates risk to the Council.

1. BACKGROUND

- 1.1 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.
- 1.2 Prior to 2012 the national Code of Conduct required all Councillors to declare gifts and hospitality over £25. The Localism Act of 2011 removed the requirement for a national code and all local authorities have 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.
- 1.3 The Code of Conduct was last reviewed in 2017.
- 1.4 The Monitoring Officer has responsibility to make sure that the Code is regularly reviewed; is proportionate and is objective in terms of being able to assess and ultimately investigate complaints. In thinking through the Internal Audit recommendation all Councillors were consulted on ways in which to improve the Code

1.5 A copy of the proposed revision is attached with additions and improvements highlighted in red.

2. PROPOSED AMENDMENTS

2.1 The Code has been updated generally to make specific reference to significant local policy in support of the District Council's public sector equality duty and to link to other policy areas such as the adopted Planning Code of Good Practice. The additions aim to bolster areas where the Council would otherwise be at significant risk and aim to demonstrate to the public that our governance structure is strong.

2.2 On the issue of whether or not to introduce a register for gifts and hospitality, the Monitoring Officer's view is that the Councillor's Code should mirror that of our employees and where the public's confidence is considered to be most strongly supported by a Code which does not allow the acceptance of any gifts or hospitality, save for specified exceptions. The suggested amendment to the Code is therefore taken from the Employee Code of Conduct. In terms of being able to objectively assess a complaint, the Monitoring Officer considers that this amendment is much stronger and proportionate to the level of effort required in proving a complaint. The Internal Audit's specific recommendation is therefore not accepted as written, but the suggested amendment would provide a stronger and clearer framework for a Councillor to work with.

2.3 A common suggestion which has not been incorporated, relates to attendance at meetings, workshops and other events. Specific reference has not been made in the Code to require attendance save for member training as it is unenforceable by a local Code. Requiring attendance at meetings is no longer seen as the role of Councillor and is reflected in the power to create an allowance scheme where attendance is not a measure of effectiveness. Councillors are expected to be community leaders and the role is much better defined in the Role Profile which is now linked to the Code. A copy of the current role profile is attached for information. Common law also provides that a Councillor is automatically disqualified from holding office if they fail to attend a meeting within 6 months.

3 RISK ASSESSMENT

3.1 Legal

Elected Members are bound by the Code of Conduct upon taking office as set out in Localism Act 2011. In revising its Code of Conduct the District Council should ensure that the revised Code is publicised as required under s.28 (12) of the Act and that all Councillors are aware of the changes.

The proposed changes seek to improve the provisions in a proportionate manner. The legal risk is therefore low.

3.2 Financial

The financial risk arising from this report is low.

4 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

5 CONTACT INFORMATION

Sandra Lamb, Head of Corporate Services and Monitoring Officer
Telephone: 01629 761281;
Email: sandra.lamb@derbyshiredales.gov.uk

6 BACKGROUND PAPERS

Internal Audit Report – April 2019

7 ATTACHMENTS

Appendix 1 - Code of Conduct

Appendix 2 - Role Profile



Councillors' Code of Conduct

November 2019

(Last Amended April 2017)

As a member or co-opted member of Derbyshire Dales District Council, I have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

In accordance with the Localism Act provisions, when acting in this capacity i.e.

- At formal meetings of the Council, its Committees and Sub-Committees
- When acting as a representative of the authority
- In discharging functions as a Ward Member
- At briefing meetings with officers and at site visits
- When corresponding with the authority, other than in a private capacity

I am committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this authority.

SELFLESSNESS: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

BULLYING AND HARASSMENT: Holders of public office must treat others with dignity and respect and must not pursue a course of conduct which amounts to bullying or harassment of another.

LEADERSHIP: Holders of public office should promote and support these principles by leadership and example.

The Act provides for registration and disclosure of interests and in Derbyshire Dales District Council, this will be done as follows:

1. DISCLOSABLE PECUNIARY INTERESTS

I will -

- Comply with the statutory requirements to register, disclose and withdraw from participating in respect of any matter in which I have a Disclosable Pecuniary Interest as defined in Appendix A.
- Keep my register of interests up to date and notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of my interests.
- Make verbal declaration of the existence and nature of any Disclosable Pecuniary Interest at any meeting at which I am present at which an item of business which affects or relates to the subject matter of that interests is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent.

2. SENSITIVE INFORMATION

Where I consider that the information relating to any of my interests in 1 above is sensitive information, and the District Council's Monitoring Officer agrees, I need not include that information when registering that interest, or, as the case may be, a change to that interest under section In this Code "sensitive information" means information whose availability for inspection by the public creates or is likely to create, a serious risk that I or a person who lives with me may be subjected to violence or intimidation.

3. OTHER INTERESTS

In addition to the statutory requirements, I will make verbal declaration of the existence and nature of any other non-disclosable pecuniary interest or non-pecuniary interest at any meeting at which I am present at which an item of business is under consideration, at or before the consideration of the item, or as soon as the interest becomes apparent where –

- The matter may be particularly regarded as affecting the well-being or financial standing of me, a friend or a member of my family

- It relates to, or is likely to affect, any of the interests listed in Appendix A to this Code, but in respect of my family or friends.

4. CONFLICTS OF INTEREST

Where a disclosable interest or other interest exists, I will disclose the interest to any meeting of the authority at which I am present. Whenever there is a disclosable pecuniary interest or a pecuniary interest relating to my family or friends, I will withdraw from the meeting during its consideration.

Where I am aware or ought reasonable to be aware, that an action or decision by me would result in gain or financial or other material benefit for me, my family

5. GENERAL OBLIGATIONS

As a Member of Derbyshire Dales District Council, my conduct will in particular address the statutory principles of the Code of Conduct by:

- Championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me - and putting their interests first.
- Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
- Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the District Council or the good governance of the authority in a proper manner.
- Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member/co-opted member of this authority.
- Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.
- Contributing to making this authority's decision-making processes as open and transparent as possible to enable residents to understand the

reasoning behind those decisions and to be informed when holding me and other members to account but restricting access to information when the wider public interest or the law requires it.

- Respecting the confidentiality of information which I receive as a member in accordance with the District Council's Member/Employee Protocol.
- Behaving in accordance with all our legal obligations, and agreed policies and procedures contained in the Council's Constitution with particular regard to the:
 - Data Protection Act 2018
 - Regulations
 - Freedom of Information Act 2000
 - The Public Bodies Corrupt Practices Act 1889 and Prevention of Corruption Acts 1906 and 1916
 - Bribery Act 2010
 - Equality Act 2010
 - Planning Code of Good Practice
 - Protocol on Member/Officer Relations
 - Protocol on the use of the Authority's resources
 - Local Authority Code of Publicity made under the Local Government Act 1986
- Undertaking the duties assigned to my role with the District Council to the best of my ability, having regard to the agreed Role Profiles for elected Councillors.
- ~~Having regard to the principles of the authority's policies, protocols and procedures, including on the use of the Authority's resources.~~
- Attending mandatory training provided by the authority as appropriate to my role as Councillor.
- Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
- Always treating people with dignity and respect, including the organisations and public I engage with and those I work alongside.
- Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.

GIFTS AND HOSPITALITY

With the exception of token gifts* of very small value, I will not accept money or personal gifts at any time in my capacity as Councillor. Any such offers made will be politely declined stating that is against District Council policy.

(*Examples of Token gifts of very small value include pens marked with a company name, or calendars, may be seen as advertisement).

I will only accept offers of hospitality where there is a genuine need to impart information; to represent the Council, or attend an approved conference or seminar where the hospitality is corporate rather than personal.

Presented to Council 16 January 2020

APPENDIX A

DISCLOSABLE PECUNIARY INTERESTS

In accordance with Section 30(3) of the Act a pecuniary interest is a “disclosable pecuniary interest” in relation to a Member, if it is of a description specified below and either

- is an interest of the Member, or
- is an interest of the members spouse or civil partner, as in -
 - a person with whom the member is living as husband and wife, or
 - a person with whom the Member is living as if they were civil partners, and the Member is aware that the other person has the interest.

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the member in carrying out duties as a member, or towards the election expenses of the member. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(a).
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority – (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer
Corporate tenancies	Any tenancy where (to the Member’s knowledge) – (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest

Securities -	Any beneficial interest in securities of a body where: that body (to your knowledge) has a place of business or land in the area of the relevant authority; and either: the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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Role Profile

District Councillor

Role

1. To represent the Council and the interests and views of Ward residents
2. To participate in the efficient and effective running of the Council in the interests of all residents, businesses and visitors to the District

Duties and Responsibilities

1. To engage closely with his/her Ward in order to know and understand the interests and views of residents and represent them to the Council and to other relevant bodies.
2. To provide a voice and advice for local individuals and interest groups in their dealings with the Council and, where appropriate, to advise them on the pursuit of complaints.
3. To represent the Council within their Ward, promoting Council activity and advising on Council policy and actions.
4. To monitor the quality of Council service provision and the operation of Council policies within the Ward and to make representations and suggestions for their improvement to the appropriate Senior Member.
5. To attend meetings with residents and community groups within their Ward where required including Community Forum meetings.
6. To develop and maintain good working relationships with the local Town or Parish Council and with local County Councillors.
7. To serve, as appointed by the Council, on decision-making, advisory and regulatory bodies which form the Council's political management structure.
8. To be involved in policy formulation and review through the Council's Committee framework.
9. To attend and participate in meetings of full Council.
10. To serve as the Council's representative on outside bodies, where nominated by the Council.
11. To be familiar with the Council's budget, corporate vision objectives, values, priorities and plans.
12. To keep up to date with developments affecting the District and the Council.
13. To comply with the law relating to Councillors, the Council's standing orders, financial regulations and Codes of Conduct.
14. To undertake relevant and necessary training.

COUNCIL

16th JANUARY 2020

Report of the Chief Executive

RESILIENCE, RESOURCES, PRIORITIES

PURPOSE OF REPORT

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

RECOMMENDATION

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.

WARDS AFFECTED

All Wards

STRATEGIC LINK

The need for the Council to deliver and maintain a sustainable financial plan underpins the District Council's Corporate Plan. An effective organisational structure that is appropriately resourced and aligned to the delivery of the Council's priorities helps to deliver the Council's ambitions and plans for the District as a whole.

1. BACKGROUND

- 1.1 The Council's budget is significantly affected by the policies and decisions made by central government. The Government has previously announced its intention to undertake a Fair Funding Review and a review of the Retained Business Rates system during 2019, however neither of these reviews have yet concluded. However, both of these reviews have the potential to significantly affect the amount of funding available to the Council in future years which makes long term financial planning difficult.
- 1.2 During the last 12 years, year on year, the Council has had to deliver savings and efficiencies and fundamentally review its options for how it delivers its services whilst maintaining balanced budgets. This is against a backdrop of increasing demands for services both from residents and Members.
- 1.3 The Council has always prided itself on providing high quality, responsive services that contribute significantly to residents' well-being and quality of life. However, there is an increasing need to be clear on what the Council's priorities are and conversely, what the non-priorities are, in order to ensure the efficient and effective alignment of organisational resources. The formulation of a new Corporate Plan will be critical to this discussion.
- 1.4 In March 2019, Council approved the updated Medium Term Financial Plan and this continues to be developed alongside the current budget monitoring process. Due to the financial uncertainty that continues to exist beyond 2020/21, there is a need to proceed cautiously in regard to any new long term financial commitments, at least until the financial future of the Council becomes clearer. Beyond the 2020/21 financial settlement, there will, no doubt, be further pressures placed on Local Government and we will need to revise our projections once this future position becomes clearer.
- 1.5 Despite the continuing financial pressures, it is essential that the Council has sufficient resources, appropriately aligned to deliver upon the Council's priorities.
- 1.6 In response to the above, the remainder of this report looks at:-
 - The recommendations arising from the Corporate Peer Challenge;
 - Organisational structure and capacity;
 - Major projects and work programmes;

2 CORPORATE PEER CHALLENGE

- 2.1 The final feedback report following the Local Government Association (LGA) Corporate Peer Challenge undertaken 22nd – 24th October is still awaited. However, as part of their final presentation, the LGA team reported that the district council has a good understanding and appreciation of its local context and is focussing on continually improving local community relationships. The Council is also regarded as an effective leader of the district by partners who attest to the authority being a good partner to work with. Underpinning all of our activities is a consistent record of good financial management. The Council therefore has a very strong foundation despite the ongoing long term financial uncertainty that exists.
- 2.2 However, the key recommendations outlined to the Council as part of the LGA Peer Challenge presentation also offer a series of constructive challenges on the Council's need to:-
- Develop a strong narrative and vision for the area that is owned and understood by members, officers and key stakeholders;
 - Ensure the new Corporate Plan is forward looking and takes account of the potential for a fresh approach which is collectively owned and resourced;
 - Ensure that our commercialisation approach is sufficiently clear, ambitious and realistic;
 - Consider its own skills base and investment capability to promote jobs and business growth;
 - Engage with strategic and local organisations to build trust and community capacity to advocate for and deliver on important initiatives.
- 2.3 A copy of the final report will be circulated to Members as soon as it is received. The Corporate Leadership Team (CLT) will also review the final recommendations and formulate an Action Plan to be presented to Members for consideration and approval.

3 ORGANISATIONAL STRUCTURE AND CAPACITY

- 3.1 The Corporate Peer Challenge identified that the District Council has good, dedicated staff who are well thought of, enjoy working for the Council and are clearly dedicated and passionate about working for Derbyshire Dales. These views are also reflected in the 2019 staff survey with 80% of staff either fairly satisfied or very satisfied with the district council as an employer.
- 3.2 This is particularly encouraging in the context of the last 12 years or so, where the Council has been streamlining its service delivery and staff numbers have reduced significantly to ensure that frontline services are protected and the books are balanced. However as a consequence, the pressure on staff to do more for less, at all levels within the organisation continually grows. This is against a backdrop of salary and wage constraints that invariably do not keep pace with the cost of living and being in the part of the public sector family that attracts little public support, unlike the NHS or Police. Given this framework within which the staff and Members are working, it is ever more important to ensure that the organisation uses its capacity wisely and recognises that it cannot continue to increase the pressures on existing staff without something giving way. This means that both Members and the public need to be more aware of what this organisation can realistically and financially deliver, particularly in the discretionary service areas and, where statutory services are concerned, to consider whether there are better or different ways of delivering for the future. It also means that prioritisation

of what this Council does now and in the future is increasingly important and understood and respected by all.

- 3.3 In regard to organisational capacity, there are a number of areas that require immediate attention.

Corporate Leadership Team

- 3.4 The Corporate Leadership Team (CLT) currently comprises the Chief Executive and six heads of service (Resources, Regeneration and Policy, Corporate Services, Regulatory Services, Community and Environmental Services and Housing Services)
- 3.5 The role of the Corporate Leadership Team is to develop and implement the Council's approved policies commensurate with the achievement of the Council's overall aims, objectives and priorities. CLT also discuss key issues affecting the management of the organisation and consider other internal control issues including risk management, performance management, compliance, efficiency and value for money and financial management.
- 3.6 The internal appointment of a new Chief Executive in June 2018 created a vacancy in the form of a Corporate Director. The role of the Corporate Director was first established in 2013 in response to a LGA Peer Challenge which identified a lack of strategic capacity to support the delivery of the Council's priorities. At this time, two Corporate Director's posts were created with the intention of creating additional capacity at a strategic level, beyond Head of Service level. The role of the Corporate Director was to work with the Chief Executive in taking forward the transformation agenda and to deliver other strategic projects across the organisation.
- 3.7 The roles proved to be extremely beneficial and enabled the Council to deliver a number of key strategic projects in the period 2014 - 2018, none of which would otherwise have been delivered. In January 2015, one of the Corporate Director posts was deleted from the establishment following the retirement of the post-holder and the savings accrued have contributed towards the Council's corporate savings target. Following the Chief Executive's appointment, the remaining Corporate Director post remains vacant on the establishment, albeit not included within the current 2019/20 salaries budget. As such, this vacancy has also contributed towards the corporate savings target.
- 3.8 As was the case in 2013, the 2019 Corporate Peer Challenge has again recognised that there is a lack of strategic capacity within the organisation as members of CLT are frequently drawn into operational delivery. The peer review team noted a suggestion from members that it would be appropriate to reintroduce the Corporate Director role and the Corporate Leadership Team also support this view in order to provide additional strategic input and resilience. The role would also deputise for the Chief Executive as appropriate.
- 3.9 The rationale which led to the designation of these posts in 2013 is as relevant now as it was then and the inability to effectively lead and co-ordinate large scale strategic projects (such as the waste contract renewal, revenues and benefits contract renewal, the climate change agenda, commercialisation initiatives and the customer innovation project) without impacting other services – all of which also place additional burdens on the Chief Executive and the remaining Heads of Service (who also need to manage day to day service departments). As a consequence, the capacity of the organisation to embark upon or participate in, strategic projects (internally and externally) is currently

severely restricted and is hampering the ability of the Council to effectively deal with these significant issues.

- 3.10 Members are therefore asked to support the recommendation of the peer review team and to agree to the principle of this position being reintroduced on the current 'Corporate Director' Grade which gives a salary scale range of £78,225 - £83,013 (£100,461 - £106,683 including oncosts). If approved, the costs of this appointment would need to be included in the 2020/21 budget. The Chief Executive will then undertake a review of existing CLT roles and responsibilities and report back to a future meeting of Council on the details of any revised organisational structure, redistribution of roles and responsibilities and costs. If agreed, it is proposed that the appointment of a 'Corporate Director' would be made through a process of internal and external advertisement utilising recruitment consultants in order to consider a broad pool of candidates with a wide range of relevant experience. The precise details of the recruitment process would be the subject of a separate report to Council.
- 3.11 Notwithstanding the above, the existing heads of service as senior leaders within the organisation, are expected to not only lead their respective departments but to also act on behalf of the Chief Executive (as appropriate) and to represent the Council in a wide range of external stakeholder environments with the necessary authority to speak on behalf of the District Council. As such, their strategic role and influence both within and outside the council needs to be clearly recognised and understood. In comparison to organisational structures elsewhere, it is apparent that the Derbyshire Dales senior leadership post designations are no longer reflective of their strategic roles and responsibilities. In order to address this situation, it is proposed that the current head of service positions be re-designated 'Director of' with effect from 1st February 2020. There are no financial implications arising from this recommendation, however the re-designation of these senior posts may assist the Council in attracting and recruiting future prospective employees of the calibre required, such as the situation outlined below.

Corporate Services

- 3.12 The Council's Head of Corporate Services has informed the Chief Executive of her decision to retire from the Council with effect from 31st May 2020 and has kindly offered a period of extended notice in order to enable the Council to deal with this transition. This extended period of notice will enable a number of key projects to be progressed which the Head of Corporate Services is currently leading on, thereby enabling a smoother transition than would otherwise be possible.
- 3.13 The post of Head of Corporate Services is a key position within the District Council with responsibility for democratic services, business support, electoral services, land charges, communications and marketing and legal services. The post-holder is a critical advisor to members and external partners and also fulfils the roles and functions required in order to discharge responsibility under Section 5 of the Local Government and Housing Act 1989 with regards to the role of Monitoring Officer. The Head of Corporate Services is also the Council's appointed Returning Officer and Electoral Registrations Officer, however these are personal appointments which in accordance with a previous decision of Council (27th July 2017), will revert to the Chief Executive upon the post-holder leaving the employment of the Council.
- 3.14 As Head of Paid Service, the Chief Executive has a responsibility to put in place arrangements to ensure effective co-ordination of the authority's different functions

including the organisation of the authority's staff and to report these proposals to Members.

- 3.15 The existing post-holder has a wealth of experience obtained through a long and distinguished 41 year career with the District Council. In order to ensure that the Council is able to effectively discharge the responsibilities of this position, it is considered that there is a need to recruit to this position. However, in recognition of the future potential of this post to fundamentally review and redefine our relationship with our customers as part of the implementation of our Customer Relationship Management system (CRM) and wider corporate transformation agenda, it is proposed to re-designate the post to 'Director of Corporate and Customer Services'.
- 3.16 In light of the specialist nature of this position, it is considered necessary to appoint external recruitment consultants to assist in undertaking a national recruitment exercise in order to target and attract candidates of the calibre required. The appointed consultants would also assist in the shortlisting and technical interview process. In accordance with the Council's Financial Regulations, quotations have been invited from three specialist recruitment consultants and will be reported verbally to the meeting. As the costs of recruitment are one-off costs, these would normally be met from savings accrued across the organisation through delayed recruitment.
- 3.17 It is proposed that the terms of appointment would be based upon the existing terms and conditions and can be contained within the existing approved budgets. In accordance with Part 4(5) of the Council's Constitution (Officer Employment Procedure Rules), the new appointment will be made by the Head of Paid Service with appropriate external support, following a shortlisting selection and technical interview process.
- 3.18 The Head of Corporate Services has, for many years, played a significant role in the organisation and management of local and national elections, ably supported by a team of officers including the Council's Democratic Services and Electoral Services Manager.
- 3.19 The post-holder has also indicated to the Chief Executive that she intends to retire from the District Council by October 2020. This prospective retirement alongside the retirement of the Head of Corporate Services will mean that the Council's two most experienced elections staff will be leaving in quick succession which poses a significant risk to the Council. In order to mitigate this risk, it is considered that a recruitment exercise needs to be initiated immediately in order to recruit a new Democratic Services and Electoral Services Manager to work alongside the existing post-holder for a period of up to 6 months in order to ensure an effective transition period. The cost of this 6 month overlap is estimated at £21,365 including oncosts, which would need to be taken into consideration in the formulation of the Council's 2020/21 budget.

Estates and Facilities

- 3.20 The Council's Estates and Facilities Team currently comprises an Estates and Facilities Manager (Mike Galsworthy) and an Estates and Facilities Officer (Mark Wooller). The Council also employs external valuation and surveyor support through a consultancy arrangement.
- 3.21 Notwithstanding the outsourcing of the management of the Council's leisure centres, the increasing demands placed upon the Estates and Facilities team from Members, Town and Parish Council's and external partners involved in land transactions etc. significantly exceeds the resources we have available to be able to effectively deal with

the volume of work that exists. This has been a longstanding problem and is one which the Council must address both in the interests of the employees concerned but also in order to deliver the service that is expected. It is also an issue raised by the peer review team.

- 3.22 The Chief Executive and the Head of Regulatory Services, in consultation with the Corporate Leadership Team (CLT) has initiated a review of the Estates and Facilities Team in order to determine what future skills and resources are required to effectively deliver this service. Whilst this work is yet to be concluded, consideration will be given to increasing resources within this section. Where this can be achieved within the overall employee budget, delegated authority already exists for CLT to implement the necessary changes. Where this cannot be achieved, a report will be brought back to Members for consideration.

Environmental Health

- 3.23 The Environmental Health team provides a wide range of the District Council's key regulatory services. In broad terms these can be summarised as:

- Food safety
- Health and safety at work
- Infectious disease control
- Private sector housing enforcement – housing standards
- Disabled facilities grants
- Statutory nuisance – noise, smoke, odours, fumes, premises etc.
- Air quality
- Environmental permitting – air pollution control at certain key industries
- Contaminated land
- Home energy conservation
- Environmental crime – in partnership with other Council teams
- Anti-social behaviour – in partnership with other Council teams
- Private water supplies
- Unauthorised encampments – Travellers

- 3.24 In addition they provide an inspection service for a number of licensable activities (animal welfare, caravan sites etc), planning consultations, and deal with some more niche services such as assisted funerals, abandoned vehicles, vulnerable adults (VARM), private drainage, mineshaft capping, disused quarries, Sunday trading, event safety and food export certificates.

- 3.25 Over time the Environmental Health establishment, like many services has reduced significantly from a peak of 18.5 FTE (full-time equivalent) technical staff to the current 8.5 FTE with a degree of consultancy support. Whilst some circumstances have changed and the teams are less generic than they were, the key demands remain and some of the services are in fact much more demanding than they were historically. This is particularly the case with food enforcement, where central regulation by the Food Standards Agency means that the quality of inspection work and the required bureaucracy that follows it, takes considerably more time, knowledge and management to undertake and oversee than was previously the case.

- 3.26 The Environmental Health team is divided into two sub-teams, termed Commercial and Public Health. The Commercial Team deals with food safety, health and safety at work, infectious disease control and licensing inspections, and the Public Health Team deals with pollution control, private sector housing, private water supplies etc.
- 3.27 In terms of strategic/management capacity within the Team there has been a considerable decrease. Again at its peak the Environmental Health management team consisted of an Environmental Health Manager and three Principal Environmental Health Officers (Commercial, Private Sector Housing and Environmental Protection). The situation now is that management capacity is provided through one Principal Environmental Health Officer, who reports to the Head of Regulatory Services. All 11 technical staff (not all FTEs) report direct to the Principal Environmental Health Officer for line management purposes, although out of necessity the Head of Regulatory Services is also heavily involved in the operational running of many of the functions operated by the Team.
- 3.28 In reality, the Principal Environmental Health Officer runs the great majority of the functions of the Commercial Team and the Head of Regulatory Services is more involved in the operations of the Public Health Team, such as Disabled Facilities Grants (DFG's) and Travellers. This situation relies heavily on the technical Environmental Health skills and professional knowledge of the Head of Regulatory Services which is a situation that cannot be taken for granted and is not sustainable in the longer term, particularly in regard to succession planning and future service resilience.
- 3.29 The very flat structure means that almost all of the Principal Environmental Health Officer's time is taken up managing general operational matters, both important and trivial, with no time within the Service for strategic thought, policy development, staff development, transformation or general progress, resulting in the under-utilisation of the skills possessed by the post-holder and expected in the role. It places pressure on the Council's legal requirement to have an identified member of staff acting as the lead on food safety matters, on the ability to keep up-to-date with legislative changes and concentrates all the visible Environmental Health responsibilities into one job role. There is no real possibility of career progression within the Team and does not recognise the additional commitment shown by some team members that enables the service to continue to perform at the level that it does.
- 3.30 From the point of view of the Head of Service, it means that the Head of Regulatory Services directly manages the DFG budget, deals with FOI requests and is personally involved with every Traveller encampment that occurs, in addition to still being seen by many as the lead officer on large aspects of Environmental Health work. This is in addition to managing a number of other high profile, public facing services including Development Management and Licensing.
- 3.31 CLT has therefore considered a revised structure for Environmental Health which responds to the issues identified above and creates a new post of Environmental Health Manager and a Principal Environmental Health Officer. The additional annual cost of this revised structure is within the range £56,808 to £61,135 including oncosts.

Regeneration and Policy

- 3.32 Economic development has been a key priority for the Council for a number of years and is again emerging as a key priority as part of the new Corporate Plan (2019-2023). Following the adoption of our new Economic Plan, there is a need to invest in strategic

capacity to improve the use of housing and employment sites and drive negotiations with developers in order to achieve site delivery. The peer review team also recommended stepping up from enabling to delivery which will require a different skill set to that which currently exists.

- 3.33 In the coming months, the Head of Regeneration and Policy will be reviewing the resources available to the Council to deliver our regeneration, housing and economic development ambitions. A further report will be presented to Members in due course.

4. MAJOR PROJECTS AND WORK PROGRAMME

- 4.1 In addition to the day to day delivery of services and progressing corporate priorities such as climate change, affordable housing and economic regeneration, there are a number of significant projects during the next 12-18 months which Members need to be aware of, all of which will consume time and resources. These include:

Implementation of the Waste and Recycling Contract

- 4.2 The recent decision of Council to award the Waste and Recycling contract to SERCO in August 2020 has triggered a seven month mobilisation period which will involve devoting extensive resources to the development and promotion of the new chargeable garden waste service which is critical to the financial affordability of the new contract.

Revenues and Benefits Contract

- 4.3 The Revenues and Benefits service for Derbyshire Dales is currently provided by Arvato, who also provide the Chesterfield Borough Council (CBC) service. The majority of staff associated with the service are located in CBC offices. The current contract between Arvato and Derbyshire Dales expires on the 16th October 2020. CBC have signalled their intention not to renew their contract with Arvato and following a decision taken by the Governance and Resources Committee (11th July 2019), a new hybrid service delivery model is to be pursued in partnership with Chesterfield Borough Council. An exit plan is being prepared for the expiry of the contract with Arvato and an agreement with Chesterfield BC is being drafted.

Review of Clean and Green Service Standards

- 4.4 The Council has recently appointed a new Environmental Services Manager (Samantha Grisman), who will be joining us on the 20th January. This follows a decision by CLT to create more capacity in Environmental Services by separating the previously combined roles of Environmental Services Manager and Waste Manager. Sally Rose, who has been undertaking the joint role for the last 2 years, will now solely focus on the role of Waste Manager given her significant experience in that field which will be critical to the successful implementation and management of the new waste contract.
- 4.5 The Head of Community and Environmental Services has already committed to undertaking a review of service standards during the next 12 months that will take account of resources as well as member aspirations. This will be a very significant and challenging piece of work which will involve stakeholder and Member consultation and involvement. The scope and details of this review will be brought to a future meeting.

Derbyshire Dales Local Plan Review

- 4.6. During 2020/21, work will commence on a review of the Local Plan. The existing Plan was adopted in December 2017, so the review is required to have concluded with a new Local Plan in place by December 2022. As well as requiring significant work by the planning policy team with support from specialist consultants, the review will entail extensive public and member engagement.

Climate Change

- 4.7 At its full Council meeting on 30th May 2019, the District Council resolved to declare a climate emergency, to make Derbyshire Dales District Council carbon neutral by 2030, to call upon the UK Government to provide the powers and resources to make the 2030 target possible, to work with partners across the county and region to deliver this new goal through all relevant strategies, and to report back to Council within six months with the actions the Council will take to address this emergency.
- 4.8 On 26th September 2019 Council received a report setting out a 'road map', 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 has concentrated on setting out those action that support the 4 priorities identified in the road map, which they believe can be delivered, or initiated by 31 March 2020, the details of which are covered elsewhere on this agenda.
- 4.9 However moving forward, in order to progress the work of the Climate Change Working Group and to realise the Council's carbon neutral ambitions, there will be a need to commit dedicated resources either in partnership with other Derbyshire authorities or within the Council itself. This is an area of work which is currently the focus of attention through Derbyshire Chief Executives Group and will be subject of a further report to Council once clear proposals for any joint working and sharing of resources emerges.

5. RISK ASSESSMENT

5.1 Legal

The Head of Paid Service is required by Section 4 of the Local Government and Housing Act 1989 to report to Council on proposals concerning the organisation of the Council's staff and appointment and proper management of the Council's staff. The legal risk is therefore assessed as low.

5.2 Financial

The annual additional costs (including oncosts) of the proposed changes to the structure are estimated as:

- £56,808 to £61,135 for Environmental Health
- £100,461 to £106,683 for the 'Corporate Director' post.

The one-off cost of the overlap for the Democratic Services and Electoral Services Manager is £21,365 including oncosts. The recruitment costs for the post of 'Director of Corporate and Customer Services' can be met from savings arising from vacant posts in 2019/20. Should members approve the changes to the organisation structure recommended in this report, the costs will be included in the draft budget for 2020/21

and an updated Medium Term Financial Plan. As the Council still has savings to achieve, the financial risk is assessed as high; this must be balanced against the financial risks of an insufficiently resourced organisation which would also be high.

6. OTHER CONSIDERATIONS

In preparing this report the relevant of the following factors has also been considered; prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

7. CONTACT INFORMATION

Paul Wilson - Chief Executive
Telephone: 01629 761126
Email: paul.wilson@derbyshiredales.gov.uk

8. BACKGROUND PAPERS

None

COUNCIL

16th January 2020

Report of the Chief Executive

NEW VISION FOR DERBYSHIRE – NON STRUCTURAL REFORM

PURPOSE OF REPORT

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

RECOMMENDATION

1. Note progress on the development of a new vision for Derbyshire and work to take forward non-structural reform.
2. Note the principles for collaboration, the areas of potential focus for future working and the next steps for taking work forward.
3. Delegate authority 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.

WARDS AFFECTED

All

STRATEGIC LINK

The current Corporate Plan (2015-2019) includes as a priority the need to continue to seek efficiencies and innovative working practices. The non-structural reform initiative will enable the Council to explore more collaborative forms of working across traditional boundaries in an effort to improve the outcomes for Derbyshire Dales residents and businesses.

1. BACKGROUND

- 1.1 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. It was agreed that the new approach should look beyond traditional partnerships, towards a new collective and ambitious vision and model of collaboration, integration and shared leadership focused on achieving the greatest public value for local people and communities
- 1.2 The key aims of the study were to:

- Identify and explore the existing level of ambition and appetite of stakeholders to progress non-structural reform in Derbyshire
 - Establish the purpose and potential value of progressing the approach in Derbyshire and the conditions which would need to be in place to support future collaboration
 - Identify and develop short, medium and long term options for collaboration
 - Scope and establish the parameters for Phase 2
- 1.3 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), has led the work throughout this process to guide the work and future phases.
- 1.4 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, included:
- Derby/Derbyshire as a place
 - Existing level of alignment, successes and challenges
 - Ambitions for future collaboration
 - Potential outcomes and themes for collaboration
 - Ways of working, culture and behaviours, enablers and barriers
- 1.5 Two exploratory workshops, held on 6th September 2019 and 4th October 2019, subsequently took place. The workshops started to explore the vision of place for Derbyshire with the first workshop exploring the “why” (why should councils work together). The second workshop focused on the “what” (what should councils work together on) with a small number of themes starting to emerge.
- 1.6 The third and final workshop took place on 25th October 2019 and sought to confirm priority themes and identify both barriers and enablers moving forward. The final workshop also explored how the Councils could collectively maintain the momentum, energy and enthusiasm for joint working that has been built through the process and next steps.
- 1.7 All workshops, and the process of developing proposals, have been well received and have provided a space for an honest conversation about the opportunities and challenges for future collaboration. PwC have now set out, for consideration by the councils, proposals for future action together with a draft timeline. Derbyshire Councils will be meeting to consider these proposals early in the New Year.
- 1.8 A number of principles for collaboration to guide future working have also been identified as follows:
- **Improve outcomes** – collaboration must enable us to improve outcomes for people and place
 - **Speak with one voice** – collaboration must support us to speak to our residents, business, regional and national stakeholders with one voice
 - **Better coordination** – collaboration must enable better coordination and use of resources, allowing us to make strategic choices according to the need of our place
 - **Provide a visible alternative to unitarisation** – collaboration needs to represent a viable alternative to local government unitarisation, with greater flexibility to deal with strategic challenges of the future whilst maintaining appropriate local control

- **Deliver to be sustainable** – collaboration should be delivered within the means, both resource and financial, of all councils, to be sustainable.
- 1.9 During workshop activities a number of areas for future collaboration have emerged. These, whilst not exclusive, provide a potential focus for future working and include:
- Climate change
 - Development of a strategic narrative
 - Tourism
 - Skills and employment
 - Thriving Communities/Social Mobility
 - Economic Prosperity
- 1.10 The ambition to work collectively together moving forward has revealed a number of success factors which Councils acknowledged were critical. These indicate a step change in approach and ways of working to drive a truly different model of local government in Derbyshire and include:
- Working at pace, building on the momentum achieved through the accelerated phase
 - Working as a collective in a different physical and mental space from business as usual
 - Continuing to strengthen and role model collaborative, collective leadership behaviours
- 1.11 The work undertaken as part of the study marks a statement to develop a fundamentally new way of working together to deliver differently for the people of Derbyshire. To focus attention over the next six months, PWC have made recommendations and also identified a number of next steps for Phase 2, to capitalise on potential benefits as follows:
- Developing a proposition to Government articulating Derbyshire’s vision and innovative approach
 - Developing a robust case for change that defines the opportunity, benefits and success measures
 - Mobilising a core team, dedicated governance and resource
 - Beginning to deliver enhanced collaboration within the new approach
 - Broader and continuous engagement with staff, local and regional stakeholders
- 1.12 The findings from the study and proposals have 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 have been tasked with taking Phase 2 of the work forward with PWC and reporting back on progress at the next meeting of the Joint Committee on 10th January 2020.
- 1.13 Wider engagement with Leadership Teams within participating Councils, both at an officer and Elected Member level, has emerged as a significant element of the proposals and a key action which will feature strongly in future delivery plans. It will be important to ensure that the Council is engaged in proposals as they emerge and develop over forthcoming months to maximise the benefits for local people and communities in the Derbyshire Dales.
- 1.14 Identifying the key actions which the Council will need to undertake, and the resources and capacity required to participate fully in both the development and future

implementation of proposals will be vital over forthcoming weeks. It is therefore recommended that a further report on progress, outlining the potential implications for the Derbyshire Dales, be brought to a future meeting of Council.

2. RISK ASSESSMENT

2.1 Legal

The report seeks authority to participate in discussion to investigate and develop proposals for collaborative working within the Derbyshire Area for the benefit of Residents. At present there are no firm proposals to review and assess legal risk. As this project is in a formative stage the legal risk is low.

2.2 Financial

This report is not seeking a financial contribution and ,therefore, there are no financial risks at this stage.

Should a financial contribution be sought in future, an updating report will be prepared for a future council meeting, when the financial risk of any contribution will be assessed.

3. OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

4. CONTACT INFORMATION

Paul Wilson - Chief Executive
Telephone: 01629 761125
Email: paul.wilson@derbyshiredales.gov.uk

5. BACKGROUND PAPERS

None

COUNCIL

16 January 2020

Report of the Head of Corporate Services

REVIEW OF SEATS

PURPOSE OF THE REPORT

This report requires a review of the allocation of seats to political groups.

RECOMMENDATION

That the Liberal Democrat Group cede one seat to the Green/Independent Group.

WARDS AFFECTED

Not applicable

STRATEGIC LINK

Not appropriate

1. BACKGROUND

1.1 The Local Government and Housing Act 1989 governs the appointment of Members to serve on Committees. The Act requires that where an authority's membership is divided into different political groups, appointments to fill seats on -

- ordinary committees or sub-committees of the authority;
- advisory committees; and
- outside bodies with at least three seats,

are allocated in the same proportion as that in which the Council as a whole is divided. Council determined the allocation of seats to political groups at its Annual Meeting in May 2019.

1.2 Since then, Councillor Claire Gamble has moved from the Liberal Democrat Group to become a member of the Green/Independent Group. That Group has requested a review of the allocation of seats.

1.3 The result of the review requires the Liberal Democrat Group to cede one seat to the Green/Independent Group. Councillor Gamble currently represents the Liberal Democrat Group on the Community and Environment Group. A pragmatic solution may be to allow her to continue her role on that Committee representing the

Green/Independent Group. Ultimately, it is for Council to give effect to the wishes of the Groups concerned.

1.4 The table attached shows the revised allocation of seats.

2 RISK ASSESSMENT

2.1 Legal

S115 of the Local Government and Housing Act 1989 provides for the review of seats based on political proportionality. The legal risk is therefore low.

2.2 Financial

There are no financial risks arising from this report.

3 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

4 CONTACT INFORMATION

Sandra Lamb, Head of Corporate Services,

Telephone: 01629 7618281 or

Email: sandra.lamb@derbyshiredales.gov.uk

5 BACKGROUND PAPERS

Emails confirming Councillor Gamble's membership of the Green/Independent Group

6 ATTACHMENTS

Appendix 1 – Revised allocation of Seats

Appendix 1

Committee/Outside Body	Allocation including independents	Conservative	Liberal	Labour	Green	Independent
			Allocation			
Governance and Resources	17	9	3	3	1	1
Community & Environment	17	9	3	3	1	1
Planning	13	7	3	2	1	1
Commercial Board	6	3	1	1	1	0
Licensing and Appeals	12	6	2	2	1	1
Joint Consultative Group	6	3	1	1	1	0
Joint ICT	3	2	1	0	0	0
Total Allocated	74	39	13	12	7	4

COUNCIL

16 January 2020

Report of the Head of Corporate Services

CHANGES TO CONSTITUTION

PURPOSE OF THE REPORT

This report recommends various recommendations to the Councils Constitution to deal with substitute arrangements, frequency of meetings and rules of procedure relating to the duration of meetings. The aim of the report is to reach a general consensus prior to formulating reports to bring effect to the changes.

RECOMMENDATION

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

WARDS AFFECTED

Not applicable

STRATEGIC LINK

Not appropriate

1. BACKGROUND

- 1.1 This report brings together a recommended solution to a number of factors discussed by both the Leaders Advisory Group and an open questionnaire regarding the organisation and conduct of meetings. The particular themes are summarised below.
- 1.2 Substitute Provision

The Leaders Advisory Group discussed concerns that the current Scheme allows for a late substitution of members to a Committee – up to 4pm on the day of the meeting. This could present high risk to the Council, particularly on planning matters where preparation and understanding of important key concepts is essential for sound decision making. Late substitution on the Planning Committee could also exclude the substitute from attending site visits.

The substitute scheme also allows for each Group to nominate substitutes to mirror the number of ordinary members. This number is considered to be too high in terms of keeping members up to date. A reduced number would aid effective member development.

1.3 Timing of meetings

Council currently meets on an eight weekly cycle. The meeting in November took some four hours with unfinished business being adjourned to a future meeting. This is unsustainable in terms of effective decision making. A simple questionnaire was therefore designed for completion by Councillors and senior managers that regularly attend Council meetings. The result of the questionnaire is listed as a background paper and is available for Councillors on the Members Portal.

1.4 Time limit

The current Rules of Procedure provide for there to be a positive motion to continue beyond 2.5 hours. The Rule applies to Council, Committees and Sub-Committees. The questionnaire asked for views on how long beyond that period, a meeting should last.

1.5 Associated Matters

The questionnaire also asked participants for their views on the timing of meetings and any other initiatives worthy of exploration with the aim of enabling meetings to be more effective.

2. RECOMMENDATIONS

2.1 The main purpose of this report is to get a consensus on elements Council would be willing to support in terms of changes to the Constitution. 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 are required.

2.2 In response to feedback from Members of the Leaders Advisory Group and by participants to the survey, the following recommendations are outlined for debate and can be amended by Council as it thinks appropriate.

2.3 Substitute Provisions

In acknowledging the potential risk to the Council in the late substitution of members to serve on a Committee, the following recommendations are made:

- 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 with a minimum of 1.

2.4 Frequency of Meetings

A 6 weekly cycle of meetings for Council is recommended. This is supported by the majority (76.5%) of respondents to the survey. In order to meet statutory obligations, it may be that a meeting of Council is required in August which has to date been an unofficial recess. Once a decision on the frequency of meetings is determined, a full calendar of meetings can be prepared for approval by the Annual Meeting. Committees would continue their 8 weekly cycle for Policy and 4 weekly for the Planning Committee.

The 6 weekly cycle for meetings of Council would effectively spread business throughout the year. The initiative would be supported by a review of business delegated by Council to ensure that meetings of Council focus on high level and strategic matters, in an environment where all Members feel that they have an opportunity to debate and influence matters within a reasonable time period.

2.5 Start time of meetings

Results of the questionnaire showed a marginal preference for a 6pm start, with other contributions pointing to 5pm or earlier start time for meetings. On balance the 6pm start time is considered to offer a more convenient solution to the current Councillor makeup. No change is therefore proposed.

2.6 Meeting duration

The questionnaire asked for comments on whether we should introduce a maximum period beyond the current 2.5 hours for business to conclude. 60% of respondents voted for a maximum period to be introduced with varying opinions on the extent of the maximum duration. Eight out of the 15 respondents chose a 3 hour maximum.

Currently the Constitution requires there to be a positive motion to continue beyond 2.5 hours with no maximum beyond that time.

Based on a reasonable time period, an amendment to the Rules of Procedure is proposed to limit the time period to a further half an hour, bringing the total duration of a meeting to 3 hours. If the motion to continue fails, all unfinished business would automatically adjourn.

If the motion to continue is passed by a simple majority, the meeting will continue for a further 30 minutes during which time, the Chairman will ensure that all reasonable business is concluded. The Chairman will also have discretion to further extend the duration of the meeting to ensure that the item of business on the table at the point of the time extension is dispensed with.

2.7 Other Considerations

Feedback from the questionnaire also raised a number of suggestions to help focus meetings of the Council within an acceptable timeframe.

The majority of comments related to matters already within the Constitution, for example time limiting contributions, powers of the Chairman to rule repetition out of order, asking questions of officers outside the meeting. No specific recommendations are made at this point.

3. RISK ASSESSMENT

3.1 Legal

The regulatory framework governing committee places is documented in the main body of the report, which represents minimal risk to the Council.

3.2 Financial


There are no financial risks arising from this report.

4. CONTACT INFORMATION

Sandra Lamb, Head of Corporate Services,
Tel: 01629 7618281 or
Email: sandra.lamb@derbyshiredales.gov.uk

5. BACKGROUND PAPERS

None

	Notable dates in 2020/21 25 May 2020 31 August 2020 25 December 2020 26 December 2020 01 January 2021 16 & 17 February 2021 02 April 2021 05 April 2021 03 May 2021		Spring Bank Holiday August Bank Holiday Christmas Day Boxing Day New Year's Day Shrovetide Good Friday Easter Monday May Day		PROGRAMME OF MEETINGS 2020/2021 1 = Budget Meeting 2 = Annual Meeting 3 = Annual Governance Statement 4 = Audited Statement of Accounts 07/05/20 = Police & Crime Commissioner Election									
	2020										2021			
MEETINGS All at 6.00pm (unless otherwise stated)	VENUE	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY
Council	M	21(2)	04	30(4)		24		05		07		04 (1)		27(2)
Community & Environment	M		24		19		21		02		03		07	
Governance & Resources	M	14 28(3)		09		10		26		28		11		06
Planning	M	05	02	21	18	15	27	24	22	19	09	16	13	11
Joint Consultative Group 2.30 pm	M		18				15				11			08
Central Forum None Scheduled														
Southern Forum None Scheduled														
Northern Forum None Scheduled														
Ernest Bailey	M							19						
Licensing/Appeals	M			23			08			14			22	
Commercial Board	M		17			16			09			17		
Town & Parish Conference	M													
MANDATORY TRAINING: Planning & Ethics A = The Venue, Ashbourne 4.00pm M = Town Hall, Matlock 4.00pm	M													

COUNCIL

16 January 2020

Report of the Head of Corporate Services

REFERRED ITEM

SUMMARY

To consider a recommendation made by the Licensing & Appeals Committee on 17 October 2019.

RECOMMENDATION

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.

WARDS AFFECTED

All

STRATEGIC LINK

An effective licensing regime contributes towards the District Council's priority of a thriving district, particularly in relation to business growth and job creation. Effective enforcement of this regime contributes to our vision of a distinctive rural environment with towns and villages that offer a high quality of life.

1 REPORT

The relevant minute of the Licensing & Appeals Committee is reproduced in full, below, 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

The Committee considered a report on the response to the public consultation on adopting the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 ("the 1982 Act") as amended by section 27 of the Policing and Crime Act 2009 to enable control of the number and location of sex establishments within the district. The report recommended referral to full Council for adoption of the provisions of the legislation.

The Committee had approved a Draft Policy document to help consultees understand the purpose of adopting these provisions, and the consultation was advertised on the Council's website. During the 12-week consultation period no comments or objections were received and it was therefore proposed that the final draft Policy be approved, and that the adoption of the provisions of Schedule 3 of the Local Government (Miscellaneous Provisions) Act

1982, be considered at the November 2019 meeting of the full Council. If the Council made a resolution to adopt the provisions this could be advertised in December, with a view to implementation from January 2020.

The Final Draft of the Sex Entertainment Licensing Policy was attached as an Appendix to the report. It was reported that the final policy document would include the date on which the policy was adopted.

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

RESOLVED
(unanimously)

- 1) That the Draft Policy on the licensing of sex entertainment venues 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.

BACK TO AGENDA