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4 May 2020

To: All Councillors

As a Member of the **Council**, please treat this as your summons to attend an extraordinary virtual meeting on **Tuesday, 12 May at 6.00pm** via the Zoom application. (Joining details will be provided separately).

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

Public Participation, as provided for in the Constitution, is suspended temporarily and is replaced with an alternative mechanism for the public to bring matters to the Council's attention.

Members of the public will be able to comment on any agenda item or matters in the wider public interest and will be invited to submit their questions or comments in writing, before 12 noon on the working day prior to the meeting by:

Email: committee@derbyshiredales.gov.uk

Post: Democratic Services, Derbyshire Dales District Council, Town Hall, Matlock DE4 3NN

The Committee Team will assist any member of the public without access to electronic means by capturing their concerns over the telephone.

Phone: 01629 761300 (working days only 9am – 5pm)

Any such correspondence will be read out at the meeting.

The public will not be admitted to the meeting through virtual means. All meeting proceedings open to the public will be streamed live on our YouTube channel when all non -exempt items are being considered. Recordings of the meeting will also be available after the event on the District Council's website.

3. 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.

4. LEADERS' ANNOUNCEMENTS

Announcements of the Leader of the Council

5. QUESTIONS (RULE OF PROCEDURE 15)

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

6. REMOTE MEETINGS PROTOCOL AND PROCEDURE RULES

3 - 7

To consider the establishment of Remote Meeting Procedure Rules for virtual meetings of The Council, its Committees and Sub-Committees

7. BUSINESS CONTINUITY DURING PEACETIME EMERGENCY

8 - 33

To report back on urgent decisions taken during the current emergency situation, and to consider the establishment of an Emergency Committee to ensure transparent decision making in the short terms, whilst the nation is in lock down and social distancing is of paramount importance.

8. AMENDMENTS TO RULES OF PROCEDURE – SUBSTITUTES AND DURATION OF MEETINGS

34 - 36

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

9. 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 761300 or e-mail: committee@derbyshiredales.gov.uk

COUNCIL
12 MAY 2020

Report of the Director of Corporate Services

REMOTE MEETINGS PROTOCOL AND PROCEDURE RULES

PURPOSE OF REPORT

To establish meeting procedure rules for virtual meetings of the Council, its Committees and Sub-Committees

RECOMMENDATION

1. That the Remote Meetings Procedure Rules as attached are adopted with immediate effect.
2. That the Director of Corporate Services is delegated authority to make minor modifications to the Procedural Rules in line with the Regulations, with any significant changes being referred to Council if required, to reflect best practice and experience.

WARDS AFFECTED

Not applicable

1. INTRODUCTION

- 1.1 Legislation has recently been passed as the means and guidance for the conduct of remote meetings of the Council and its various Committees and Sub-Committees. The Protocol and Procedure Rules should be read in conjunction with the Rules of Procedure contained within the Constitution and apply notwithstanding any other legislation or current or pre-existing rules of the Council governing meetings. The Regulations remain valid until 7 May 2021. This means that wherever there is a conflict, the Remote Meetings Procedure Rules take precedence in relation to any remote meetings.
- 1.2 The effect of the Regulations on the District Council's Constitution is to insert what are, in effect, mandatory standing orders to enable meetings to be held remotely, either wholly or partially.
- 1.3 The Regulations maintain the ability of the public and press to attend virtual meetings and hear and preferably see proceedings in action. The notification periods for publication of agenda and reports remains as is, with all papers now being deposited on the District council's website as opposed to the need to attend in person to inspect.

2. REMOTE MEETINGS PROTOCOL AND PROCEDURE RULES

- 2.1 Attached at Appendix 1 is a draft Protocol and Procedure Rules for adoption by the District Council to apply to all meetings of the Council, its Committees and Sub-Committees.

- 2.3 Procedure Rule 18.4 is not prescribed by the new Regulations, but is considered prudent in order to help limit the timing of meetings and make them more focussed on the matter in hand. It is not considered that a shortening of the time limit for speeches will impede a Councillor in making her/his point, or in making a reasonable decision.
- 2.4 It is likely that as time goes by, and the currently lock down is relaxed, the procedure rules may need to be modified to reflect experience and best practice. It is recommended that this be done by delegated authority to the Director of Corporate Services, where such modifications are minor and in accordance with the Regulations. All major refinements will be presented to the Council for approval.

3. RISK ASSESSMENT

3.1 Legal

The Procedure Rules are based on the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No. 392. The legal risk is therefore low.

Use of Zoom as a means of convening and recording meetings has been risk assessed in terms of GDPR and privacy issues generally. The risk on that from this is also assessed as low. Zoom will continue as the medium for public meetings given its functionality until such time as the District Council can move to a common platform.

3.2 Financial

There are no financial risks arising from this report.

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

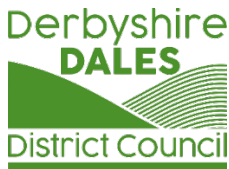
Sandra Lamb, Director of Corporate Services. Tel. 01629 761282 or email Sandra.lamb@derbyshiredales.gov.uk

6. BACKGROUND PAPERS

None

7. APPENDICES

Appendix 1 – Remote Meetings Protocol and Procedure Rules



PROTOCOL AND PROCEDURE FOR MEETINGS CONDUCTED REMOTELY

Invitation and Agenda

Councillors will be invited to attend remote meetings by an email containing a link to enable them to join the meeting. 'Comfort breaks' will be scheduled for long meetings.

The agenda will be published on the Council web site and on the Member's Portal.

Public Participation

Public Participation as provided for in the Constitution is suspended temporarily and is replaced with an alternative mechanism for the public to bring matters to the Council's attention.

Members of the public will be able to comment on any agenda item or matters in the wider public interest and will be invited to submit their questions or comments in writing, by 12 noon on the working day prior to the meeting by:

Email: committee@derbyshiredales.gov.uk

Post: Democratic Services, Derbyshire Dales District Council, Town Hall, Matlock DE4 3NN

The Committee Team will assist any member of the public without access to electronic means by capturing their concerns over the telephone.

Phone: 01629 761300 (working days only 9am – 5pm)

Any such correspondence will be read out at the meeting.

The public will not be admitted to the meeting through virtual means. All meeting proceedings open to the public will be streamed live on our YouTube channel when all non - exempt items are being considered. Recordings of the meeting will also be available after the event on the District Council's website.

The public will be re-admitted to the Council Chamber only when it is safe to do so to observe proceedings.

Pre-Meeting Councillors' Questions on Agenda Items

Councillors' questions on agenda items should be submitted in advance of the meeting to the report author in the usual way (by phone or email) and will be answered, where practicable, in advance of the meeting.

Questions on Notice (Rule of Procedure 15) should be submitted in the usual way.

Conduct of the Meeting

Councillors are requested to **join** the meeting no sooner than 30 minutes and no later than 15 minutes before the advertised start time to enable any connectivity issues to be addressed. Councillors must enter the meeting room with their name presented in the agreed format so that identity can be verified.

Councillors who may need to enter the meeting late are encouraged to email in advance to committee@derbyshiredales.gov.uk

Normal **quorum** requirements apply – to be considered ‘present’ Councillors must be able to hear and (ideally) see all other participants.

In the event of any apparent failure of the video, telephone or conferencing connection, the Chair will immediately determine if the meeting is still quorate.

- If it is, then the business of the meeting will continue; or
- If there is no quorum, then the meeting shall adjourn for a period specified by the Chair, expected to be no more than ten to fifteen minutes, to allow the connection to be re-established.

Should any aspect of an individual’s remote participation fail, the Chair may call a short adjournment of up to five minutes or so to determine whether the connection can quickly be re-established, either by video technology or telephone in the alternative. If the connection is not restored within that time, the meeting should continue to deal with the business whilst this happens, providing the meeting remains quorate and the public are able to hear.

In the event of a connection failure, the remote Councillor(s) will be deemed to have left the meeting at the point of failure and if the connection cannot be re-established to those Councillors(s) before the end of the meeting, then the presumption will be that the meeting should continue to deal with the item(s).

If the connection is successfully re-established, then the remote Councillor(s) will be deemed to have returned at the point of re-establishment.

The **Chairman** will be in control of the meeting and will seek clarification from all Councillors that they are able to hear and see proceedings. The Chairman will then announce the formal start of the meeting and that recording of proceedings will commence.

Councillors wishing to **speak** are asked to use the ‘hand up’ feature on Zoom, or use the chat feature. The ‘Chat’ will be limited to allow conversations between participants in the first instance and may need to be reviewed based on experience.

The Chair will invite speakers in the usual way.

The mover of a proposition will be allowed 3 minutes to speak, with all other speakers limited to 2 minutes. All other rules of procedure governing debate will remain as set out in the Constitution.

Councillors must remain in the ‘meeting room’ and hear all contributions in order to **vote** on an item.

Voting will be by roll call, with Members asked to state ‘for’, ‘against’ or abstain. The Clerk will announce the **result** of the vote.

The votes of individual Councillors will only be recorded in the minutes if two Councillors request a **recorded vote** prior to voting.

Councillors must declare whether they have a pecuniary **interest** in an item in the usual way. The meeting organiser will place you back in the waiting room until you are able to return.

All other Rules of Debate as set out in the Council's Constitution stand un-amended.

Meeting Participants - Things to bear in mind

Try to sit somewhere with a neutral background and avoid having the light behind you if possible.

Please mute microphone upon entry to the meeting room and only un-mute when invited to do so by the Chairman or when rising on a valid point of order.

Please ensure that confidential items are not accidentally filmed.

You may wish to use earphones to minimise any disruption to others within your virtual meeting place, and ensure that no one else is within earshot if the meeting considers any exempt items.

Please be patient and only speak when invited to do so by the Chair.

Exclusion of Public and Press

There may be times when meetings of the Council are not open to the public. In those limited number of occasions, the meeting organiser will ensure that there are no members of the public in remote attendance or remotely accessing the meeting are able to hear or see the proceedings once the exclusion has been agreed by the meeting.

Each Councillor in remote attendance must ensure and verbally declare that there are no other persons present who are not entitled to be (either hearing or seeing) consideration of such items, and/or recording the proceedings.

V4 4 May 2020

NOT CONFIDENTIAL – For public release.

Item No. 4

COUNCIL
12 MAY 2020

Report of the Director of Corporate Services

BUSINESS CONTINUITY DURING PEACETIME EMERGENCY

PURPOSE OF REPORT

To report back on urgent decisions taken during the current emergency situation, and to consider the establishment of an Emergency Committee to ensure transparent decision making in the short terms, whilst the nation is in lock down and social distancing is of paramount importance.

RECOMMENDATION

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

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

4. That meetings of the two Policy Committee continue to be temporarily suspended, and that all urgent decision making within the remit of the policy committees is discharged to the Emergency Committee as provided for above.
5. That the terms of reference for the Emergency Committee be approved as set out in Appendix 2.
6. That meetings of the Planning Committee continue to be temporarily suspended and that the Principal Planning Officer, Development Manager and Head of Regulatory Services be delegated authority in consultation with the Chairman of the Planning Committee and relevant Ward Members to determine planning applications that would otherwise fall for determination.

7. That meetings of the Planning Committee are convened to deal with exceptional business where there are significant planning applications which attract significant public opposition, and where public participation is desirable.
8. That the Licensing Committee meets as and when required to deal with matters not subject to delegation to Officers.

WARDS AFFECTED

All

STRATEGIC LINK

This report recommends steps which will enable the Council to continue to delivery key public services. It therefore relates to all Corporate Aims and Objectives and could be used in furtherance of any of them, according to the circumstances.

1 REPORT

- 1.1 Delegation arrangements were approved by the Council at its extraordinary meeting on 19 March 2020, to enable urgent decision making by Officers on important matters. As the nation faces a further period of 'lockdown' and the need for social distancing continues, consideration has been given as to the appropriateness of continuing with officer delegation with limited consultation requirements.
- 1.2 Whilst the future remains uncertain, this report attempts to address the need for elected member involvement in urgent decision in an effective and pragmatic manner. The proposal is for a proportionate response, recognising that business is not back to 'normal' with many staff having been redirected to priority projects aimed at helping communities and businesses. Maintaining a full programme of meetings in these challenging times is not possible. However the need for transparency and for democratically elected members to resume their role as decision makers is vitally important.
- 1.3 The following paragraphs deal with each recommendation in turn.

2. COUNCIL FUNCTIONS

2.1 Reserved Powers

There are legal requirements which specify matters which only Council can discharge and where officer delegation is not permissible. The type of decisions required are cyclical and major by nature e.g. setting the Council Tax and budget. These types of decisions are time constrained and can be planned in the main. It is therefore recommended that Council meets as and when required to deal with these matters.

2.2 **Non –Reserved Powers**

There is a level of decision making currently dealt with by Council, which could be discharged elsewhere. These decisions focus on strategic decision making, policy development and use of strategic reserves. It is recommended that this level of decision should not be delegated to Officers but may be required to enable the District Council to respond in an emergency situation. The proposal here is to create an Emergency Committee which can be called upon when required when the situation dictates as described below.

3. **EMERGENCY COMMITTEE**

3.1 The concept of the Emergency Committee is to enable the return to democratic and transparent decision making on matters that require urgent attention. Based on the principles of the new Regulations, meetings of the Emergency Committee will become virtual meetings, which will see the return of public scrutiny and ensure greater transparency in decision making. It is further recommended that the Emergency Committee sits in the Constitution as a non-standing committee, but one which can be brought into use at any time in the advent of an emergency situation. For the most part the Committee will be dormant, but with provisions for the Chief Executive to resurrect the Committee by calling meetings when required. Membership of the Committee will be based on political proportionality and in the event of a change in political group strength, the membership will be amended accordingly.

3.2 The suggested terms of reference for the committee are set out in Appendix 2 which includes non-reserved powers of Council as described above, but also any matter that would ordinarily be dealt with by the two Policy Committees. Full and balanced reports will be prepared by Officers and decision making will be open to public scrutiny.

3.3 It is not intended to schedule meetings of the Emergency Committee, but to use it as a functional tool as and when required. The rules on admission of the press and public require that there be the customary notice period where practicable and all open business will be streamed live onto our public YouTube Channel.

4. **PLANNING COMMITTEE**

4.1 The current delegation arrangements are recommended to continue for a further period whilst the lockdown arrangements are in place. 44 applications have been received since enhanced delegation arrangements began and 100 applications have been determined, 2 of which were determined under the extended delegation arrangements. The number of new application received over this period is lower than in previous years, with the average number of applications received during the same period over the past 3 years being 94. A similar level of reduction has been seen in pre-application advice submissions. This is perhaps not surprising and officers will continue to monitor the situation. Development Management staff are continuing to work on existing and new applications, but have amended their working practices to maintain social distancing and avoid unnecessary travel.

4.2 A return to a state of normality with the Planning Committee is recommended to coincide with a relaxation in social distancing. As planning is the District Council's number 1 service in terms of public participation at meetings, consideration has to be given as to how to address this in terms of a multi-channel approach. Whilst technology is evolving and the District Council's experience of it is still very much in learning mode, it is recommended to continue with the risk based approach to calling meetings. The factors to be considered include the number of objections; scale of the planning application, and the likelihood of being able to embrace and acknowledge the strength of public feeling via Public Participation in a safe and managed way. It will be noted that Public Participation in its current form is recommended to be suspended and replaced with information provided in advance rather than delivered in person (virtual or otherwise).

2 RISK ASSESSMENT

6.1 Legal

The delegated authority provisions in this report are empowered by Section 101 of the Local Government Act 1972. The risk is therefore low and the actions taken by the Council are proportionate in order to ensure effective continuance of business and protect the health of employees, elected Members and the public alike.

6.2 Financial

There are no financial risks arising from this report.

3 CONTACT DETAILS

Sandra Lamb, Director of Corporate Services, telephone: (01629) 761281
or email: sandra.lamb@derbyshiredales.gov.uk

9 BACKGROUND PAPERS

None

10 APPENDICES

Appendix 1 – Urgent decisions taken under delegated authority
Appendix 2 – Emergency Committee Terms of Reference

DELEGATED/URGENT DECISION RECORD

Name and Title of Officer: Tim Braund, Head of Regulatory Services		Service: Regulatory Services - Licensing	
Delegated Power Being Exercised: deviation from Taxi Licensing Policy			
Subject of Decision:	Taxi vehicles requiring a routine 6 month test	Ref.	LIC/2020/01
Decision Taken(specify precise details):	To exempt taxi vehicles from the requirement to have a 6 month test during the coronavirus pandemic. This exemption to last for up to 3 months but to be subject to regular review in line with the Government's review of the restrictions placed upon movement and meeting		
Consultation	Identify nature of any consultation undertaken or required as part of this decision and attach responses. Consultation with the Chair and Vice Chair of the Licensing and Appeals Committee, Cllr T Donnelly and Cllr A Statham – both agreed to proposal		
Budget implications. State value of decision and budget used. Decision to be taken without budgetary provision will need the consent of the Head of Service and Head of Resources	Value Refunds to be issued for missed tests at @£60 per test	Budget Head 363	
	Within budgetary provision? Yes/No	If no. Identify budget head 363	Approved by: (Initials.) TJB Head of Service Head of Resources
Reasons for the Decision (specify all reasons for taking the decision including where necessary reference to Council policy, Contract Standing Orders, Financial Regulations)	To prevent avoidable contact between service users (taxi drivers) and workshop staff, thereby protecting both groups from risk. To ensure that reduced resources at the depot are available for essential council maintenance work.		
Alternative Options Considered (if appropriate)	Use of alternative testing station – discounted as none approved and contact would still be risky.		
List all background/reports/information considered and attached (Legal, Personnel, Financial Implications etc)			

DELEGATED/URGENT DECISION RECORD

Name and Title of Officer: Tim Braund, Head of Regulatory Services		Service: Regulatory Services - Licensing	
Delegated Power Being Exercised: deviation from Taxi Licensing Policy			
Subject of Decision:	Taxi vehicles requiring replacement at 10 years old	Ref.	LIC/2020/02
Decision Taken(specify precise details):	To exempt taxi vehicles from the requirement to replace their vehicle once it passes 10 years old during the coronavirus pandemic. This exemption to last for up to 3 months but to be subject to regular review in line with the Government's review of the restrictions placed upon movement and meeting		
Consultation	Identify nature of any consultation undertaken or required as part of this decision and attach responses. Consultation with the Chair and Vice Chair of the Licensing and Appeals Committee, Cllr T Donnelly and Cllr A Statham – both agreed to proposal		
Budget implications. State value of decision and budget used. Decision to be taken without budgetary provision will need the consent of the Head of Service and Head of Resources	Value None	Budget Head 363	
	Within budgetary provision? Yes/No	If no. Identify budget head 363	Approved by: (Initials.) TJB Head of Service Head of Resources
Reasons for the Decision (specify all reasons for taking the decision including where necessary reference to Council policy, Contract Standing Orders, Financial Regulations)	To prevent avoidable contact between service users (taxi drivers) and car showroom, which are currently required to be closed, thereby protecting both groups from risk. To also avoid the need to test a new vehicle at the Council's depot.		
Alternative Options Considered (if appropriate)	N/A		
List all background/reports/information considered and attached (Legal, Personnel, Financial Implications etc)			

Decision:	Exemption from the requirement to replace a vehicle that passes 10 years old.
Signature and Date: Tim Braund 4 May 2020	

DELEGATED/URGENT DECISION RECORD

Name and Title of Officer: Sandra Lamb		Service: Returning Officer	
Postponement of Kirk Ireton Neighbourhood Plan Referendum.			
Subject of Decision:	Postponement of Kirk Ireton Neighbourhood Plan Referendum	Ref.	XXX
Decision Taken(specify precise details):	PCC elections for 7 May 2020 have been postponed by one year by the Government due to the Coronavirus outbreak. The Kirk Ireton Neighbourhood Plan Referendum was planned to be held at the same time. The referendum has been postponed pending ability to organise a vote that is safe for all participants		
Consultation	Identify nature of any consultation undertaken or required as part of this decision and attach responses. Kirk Ireton Parish Council (Nick Delves and Janice Jackson) informed by email 23/3/20.		
Budget implications. State value of decision and budget used. Decision to be taken without budgetary provision will need the consent of the Head of Service and Head of Resources	Value N/A		Budget Head
	Within budgetary provision? Yes	If no. Identify budget head	Approved by: (Initials.) Head of Service SL
Reasons for the Decision (specify all reasons for taking the decision including where necessary reference to Council policy, Contract Standing Orders, Financial Regulations)	See above		
Alternative Options Considered (if appropriate)	To go ahead with referendum in May 2020 would be contrary to current public health guidance		
List all background/reports/information considered and attached (Legal, Personnel, Financial Implications etc)			
Email from Esther Lindley to Kirk Ireton 23/3/20.			
Decision:	To postpone the Referendum on the Kirk Ireton Neighbourhood Plan		
Signature and Date: S Lamb 23.3.20			

DELEGATED/URGENT RECORD

DECISION

Name and Title of Officer: Ashley Watts Head of Community & Environmental Services		Service: CES		
Delegated Power Being Exercised: Policy change				
Subject of Decision:	Local Projects Fund	Ref.		
Decision Taken(specify precise details):	To distribute the remaining LPF money (£2,994) to the two food banks in the district. Funds to be split 50/50.			
Consultation	Phone call with with Chair of C&E			
Budget implications. State value of decision and budget used.	Value £2,994	Budget Head Head of CES		
Decision to be taken without budgetary provision will need	Within budgetary provision?	If no. Identify budget head	Approved by: (Initials.)	

the consent of the Head of Service and Head of Resources	yes		Head of Service Head of Resources
Reasons for the Decision (specify all reasons for taking the decision including where necessary reference to Council policy, Contract Standing Orders, Financial Regulations)	To support two key food banks during Corona Virus crisis. Funds would not be carried over into other projects.		
Alternative Options Considered (if appropriate)	Funds to be reallocated to central budget.		
List all background/reports/information considered and attached (Legal, Personnel, Financial Implications etc)			
Decision:	To provide funding as noted above.		
Signature and Date: Ashley Watts – 30 March 2020			

DELEGATED/URGENT DECISION RECORD

Name and Title of Officer: Karen Henriksen, Head of Resources		Service: Resources – Council Tax	
Delegated Power Being Exercised: Amendment to Policy for Discretionary Council Tax Discounts Under s13A(1)(c) of the Local Government Finance Act 1992.			
Subject of Decision:	Those in receipt of council tax support	Ref.	RES/2020/01
Decision Taken(specify precise details):	<p>To amend the Council's policy to award discretionary council tax discounts to support economically vulnerable people and households in the local area during the financial year 2020-21.</p> <p>The Government has announced a £500m Hardship Fund and the Council will be receiving additional funding of £338,264 to further assist <u>those of working age who claim Council Tax Support</u> by reducing their council tax bills. While the grant equates to £216 per eligible household, the discount awarded will be £150 (or the balance of the bill, if lower) in the bills of those receiving LCTS, holding back the rest to fund new LCTS applicants.</p> <p>Working age recipients of LCTS won't need to make a separate claim for a reduction under this scheme. It will be awarded automatically to those council taxpayers that are eligible. Eligible households will receive a credit on their council tax account. This will be £150 or the amount outstanding on their account if lower.</p> <p>The Government has confirmed that it will fund billing authorities in full for the Discounts and the new burdens cost for delivering the support.</p>		
Consultation Identify nature of any consultation undertaken or required as part of this decision and attach responses.	Consultation with the Chair and Vice Chair of Governance & Resources Committee – Cllrs Bull and Chapman, who both approved the proposal (Cllr Chapman by email 27/03/20 and Cllr Bull by telephone 30/03/20).		
Budget implications. State value of decision and budget used. Decision to be taken without budgetary provision will need the consent of the Head of Service and Head of Resources	Value: £338,264 To be funded by S31 government grant	Budget Head: Council Tax	
	Within budgetary provision? Yes, when offset by grant	If no. Identify budget head Council Tax	Approved by: (Initials.) KH Head of Resources

Reasons for the Decision (specify all reasons for taking the decision including where necessary reference to Council policy, Contract Standing Orders, Financial Regulations)	To support economically vulnerable people and households in the local area during the financial year 2020-21
Alternative Options Considered (if appropriate)	Not to award the Discounts – this would not help residents that are most in need of the financial support at this time and would be contrary to government advice.
List all background/reports/information considered and attached (Legal, Personnel, Financial Implications etc)	
<p>The allocations and conditions for the Hardship Fund were published on 24 March 2020: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/874867/COVID-19_Council_Tax_Hardship_Fund_Guidance.pdf</p>	
Decision:	Amend the Council's policy for Discretionary Council Tax Discounts Under s13A(1)(c) of the Local Government Finance Act 1992 to award discretionary council tax discounts of £150 (or the balance of the council tax bill if lower) to eligible working age recipients of LCTS, as described above, for 2020/21.
Signature of Officer and Date:	9 April 2020

DELEGATED/URGENT DECISION RECORD

Name and Title of Officer: Karen Henriksen, Head of Resources		Service: Resources – Revenues (Debt Recovery)	
Delegated Power Being Exercised: Temporary amendments to Debt Recovery Policy during Covid-19 Pandemic			
Subject of Decision:	Those in receipt of council tax support	Ref.	RES/2020/02
Decision Taken(specify precise details):	<p>To amend the Council's policy to suspend recovery action during the Covid-19 pandemic initially to 30 June 2020.</p> <p>This will include allowing payees to amend their instalment plans to defer payments until later in the financial year.</p>		
Consultation Identify nature of any consultation undertaken or required as part of this decision and attach responses.	<p>Consultation with the Chair and Vice Chair of Governance & Resources Committee Consultation with the Chair and Vice Chair of Governance & Resources Committee – Cllrs Bull and Chapman, who both approved the proposal. (Cllr Chapman by email 27/03/20 and Cllr Bull by telephone 30/03/20).</p>		
Budget implications. State value of decision and budget used. Decision to be taken without budgetary provision will need the consent of the Head of Service and Head of Resources	Value: Not known at this time – impact will be on cash flow and possibly write offs due to delays in collecting income.		Budget Head: Council Tax
	Within budgetary provision? No	If no. Identify budget head Council Tax	Approved by: (Initials.) KH Head of Resources
Reasons for the Decision (specify all reasons for taking the decision including where necessary reference to Council policy, Contract Standing Orders, Financial Regulations)	To support economically vulnerable residents and businesses in the local area during the coronavirus pandemic.		

DELEGATED/URGENT DECISION RECORD

Name and Title of Officer: Tim Braund, Head of Regulatory Services		Service: Regulatory Services	
Delegated Power Being Exercised: authorisation of officers			
Subject of Decision:	Enforcement of business closure regulations in relation to coronavirus	Ref.	RS/2020/01
Decision Taken(specify precise details):	To authorise named officers to enforce the requirements of the Health Protection (Coronavirus Business Closure)(England) Regulations 2020, without presenting a report to the appropriate policy committee.		
Consultation	Identify nature of any consultation undertaken or required as part of this decision and attach responses. Consultation with the Chair and Vice Chair of the Community and Environment Committee, Cllr C Furness and Cllr H Froggatt – both agreed to proposal		
Budget implications. State value of decision and budget used. Decision to be taken without budgetary provision will need the consent of the Head of Service and Head of Resources	Value	Budget Head N/A	
	Staff costs		
	Within budgetary provision? Yes/No	If no. Identify budget head	Approved by: (Initials.) TJB Head of Service Head of Resources
Reasons for the Decision (specify all reasons for taking the decision including where necessary reference to Council policy, Contract Standing Orders, Financial Regulations)	To ensure that the council is able to take effective action to ensure that non-essential businesses remain closed during the coronavirus pandemic		
Alternative Options Considered (if appropriate)	N/A		
List all background/reports/information considered and attached (Legal, Personnel, Financial Implications etc)			
Decision:	Authorisations agreed		
Signature and Date: Tim Braund		26 March 2020	

DELEGATED/URGENT DECISION RECORD

Name and Title of Officer: Tim Braund, Head of Regulatory Services		Service: Regulatory Services	
Delegated Power Being Exercised: authorisation of officers			
Subject of Decision:	Enforcement of business closure regulations in relation to coronavirus	Ref.	RS/2020/01
Decision Taken(specify precise details):	To authorise named officers to enforce the requirements of the Health Protection (Coronavirus, Restrictions)(England) Regulations 2020, without presenting a report to the appropriate policy committee.		
Consultation	Identify nature of any consultation undertaken or required as part of this decision and attach responses. Consultation with the Chair and Vice Chair of the Community and Environment Committee, Cllr C Furness and Cllr H Froggatt – both agreed to proposal		
Budget implications. State value of decision and budget used. Decision to be taken without budgetary provision will need the consent of the Head of Service and Head of Resources	Value	Budget Head N/A	
	Staff costs		
	Within budgetary provision? Yes/No	If no. Identify budget head	Approved by: (Initials.) TJB Head of Service Head of Resources
Reasons for the Decision (specify all reasons for taking the decision including where necessary reference to Council policy, Contract Standing Orders, Financial Regulations)	To ensure that the council is able to take effective action to ensure that non-essential businesses remain closed during the coronavirus pandemic		
Alternative Options Considered (if appropriate)	N/A		
List all background/reports/information considered and attached (Legal, Personnel, Financial Implications etc)			
Decision:	Authorisations agreed		
Signature and Date: Tim Braund		27 March 2020	

DELEGATED/URGENT RECORD

DECISION

Name and Title of Officer: Ashley Watts Head of Community & Environmental Services		Service: CES	
Delegated Power Being Exercised: Policy change			
Subject of Decision:	Temporary closure of all public toilets, play areas and the introduction of restricted access to park and car parks	Ref.	
Decision Taken(specify precise details):	<ul style="list-style-type: none"> To close all public toilets To close al play areas (inc. skate parks and tennis courts) To display notices on all parks and car parks asking if visitors 'need to be there' and reminding visitors of social distancing requirements (amendment on 24 March) 		
Consultation	Phone call with Chair of C&E, Leader and Deputy Leader, followed by an email to members on at 19:03 on 23 March 2020 and *amended on 24 March, as noted above.		
Budget implications. State value of decision and budget used.	Impact on revenue from WCs	Budget Head Head of CES	
Decision to be taken without budgetary provision will need the consent of the Head of Service and Head of Resources	Within budgetary provision? yes	If no. Identify budget head	Approved by: (Initials.) Head of Service Head of Resources

<p>Reasons for the Decision (specify all reasons for taking the decision including where necessary reference to Council policy, Contract Standing Orders, Financial Regulations)</p>	<p>Due to concerns raised regarding the public ignoring Government guidance on social distancing, CLT today discussed what measures we can take to promote the need to adhere to it.</p> <p>As a result, we have suggested that parks which fall under the responsibility of the District Council should be treated as ‘closed’ from Tuesday, along with all skate parks and play areas. Although the Council cannot enforce this and we do not the resource to policing it, we will be placing signs on the entrance points with aim of discouraging people from entering. We will be locking or restricting access to play areas, tennis courts, skate parks, etc., where possible. We are aware that locally both Matlock Town Council and the County Council are taking similar measures.</p> <p>In addition, all of the District Council’s public toilets will closed. This measure is intended to discourage people from visiting our parks and local communities, therefore reducing the risk of infection of staff and residents. We appreciate this will not be a popular decision, but for those of you who have witnessed the number of visitors we experienced over the weekend, I hope you can understand why we are taking these steps to protect our communities.</p>
<p>Alternative Options Considered (if appropriate)</p>	<p>WCs to remain open with reduced schedule of cleaning, due to limited staffing capacity. Keep play areas and courts open and not deter visitors to the Dales.</p>
<p>List all background/reports/information considered and attached (Legal, Personnel, Financial Implications etc)</p>	
<p>Decision:</p>	<p>To temporarily close rural public toilets, as noted above</p>
<p>Signature and Date: Ashley Watts – 20 March 2020</p>	

DELEGATED/URGENT DECISION ECORD

Name and Title of Officer: Paul Wilson Chief Executive		Service: Community and Environmental Services	
Delegated Power Being Exercised: Amendment to management fee payable to Freedom Leisure for the provision of the Council's Leisure Centres delivered under contract.			
Subject of Decision:	Amendment to management fee payment arrangements to Freedom Leisure	Ref.	
Decision Taken(specify precise details):	To provide for 6 months advance payment of the monthly management fee and to adjust the fee payable to cover unmitigated costs of the leisure centre facilities during nationally enforced lockdown due to Coronavirus.		
Consultation	Cllr Mrs. Bull (Chair of Governance and Resources), Cllr. Fitzherbert (Chair of Council), Cllrs. Purdy, Flitter, Ratcliffe and Buttle (Political Group Leaders) All consultations via email 6 th April 2020. Responses received 6 th and 7 th April 2020.		
Budget implications. State value of decision and budget used. Decision to be taken without budgetary provision will need the consent of the Head of Service and Head of Resources	Value: £232,500 management fees (6 months advance payment) plus £40,686 per month for 3 months.		Budget Head Head of Community and Environmental Services
	Within budgetary provision?	If no. Identify budget head	Approved by: (Initials.)

	Management Fee of £232,500 within 2020/21 approved budget	Monthly fee of £40,686 financed via General Reserve	Chief Executive Head of Resources
Reasons for the Decision (specify all reasons for taking the decision including where necessary reference to Council policy, Contract Standing Orders, Financial Regulations)	In order to mitigate the risk upon the long-term viability of the leisure contact due to exceptional national circumstances.		
Alternative Options Considered (if appropriate)	The alternative option of the District Council assuming full responsibility and liability for the delivery of the leisure service contract has been considered but is not a financially viable and sustainable option.		
List all background/reports/information considered and attached (Legal, Personnel, Financial Implications etc)			
Decision:	To agree to the advance payment of 6 months management fee and an enhanced management fee payment of £40,686 per month for 3 months to cover unmitigated costs of maintaining the leisure centres.		
Signature and Date: Paul Wilson 7 th April 2020			

DELEGATED/URGENT RECORD

DECISION

Name and Title of Officer: Ashley Watts Head of Community & Environmental Services		Service: CES	
Delegated Power Being Exercised: Policy change			
Subject of Decision:	Temporary closure of (rural) public toilets	Ref.	
Decision Taken(specify precise details):	To temporarily close the following public toilets: <ul style="list-style-type: none"> Middleton Bakewell Recreation Ground Hartington Baslow Eyam 		
Consultation	Phone call with Chair of C&E, Leader and Deputy Leader, followed by an email to local ward members on at 11:49 on 20 March 2020.		
Budget implications. State value of decision and budget used.	Impact on revenue from WCs	Budget Head Head of CES	
Decision to be taken without budgetary provision will need the consent of the Head of Service and Head of Resources	Within budgetary provision? yes	If no. Identify budget head	Approved by: (Initials.) Head of Service Head of Resources

<p>Reasons for the Decision (specify all reasons for taking the decision including where necessary reference to Council policy, Contract Standing Orders, Financial Regulations)</p>	<p>Middleton and Bakewell Recreation Ground toilets are only open on a seasonal basis and were due to be reopened on 30 March. These will remain closed.</p> <p>With regards to Hartington, Baslow and Eyam, these toilets are not cleaned as frequently as the facilities in the main areas and we do not currently have enough staff in to increase the level of cleaning. They therefore present a greater risk of infection to staff and users. In addition, both Eyam and Baslow have suffered vandalism and theft of toilet rolls and soap.</p>
<p>Alternative Options Considered (if appropriate)</p>	<p>WCs to remain open, with reduced schedule of cleaning due to limited staffing capacity.</p>
<p>List all background/reports/information considered and attached (Legal, Personnel, Financial Implications etc)</p>	
<p>Decision:</p>	<p>To temporarily close rural public toilets, as noted above</p>
<p>Signature and Date: Ashley Watts – 20 March 2020</p>	

DELEGATED/URGENT DECISION RECORD

Name and Title of Officer: Karen Henriksen, Director of Resources		Service: Resources – Financial Services (Income Management)	
Delegated Power Being Exercised: Additional capital expenditure for urgent changes to income management system / payment portals.			
Subject of Decision:	Capital programme for 2020/21	Ref.	RES/2020/03
Decision Taken(specify precise details):	<p>The decision relates to approval to add £5225 to the capital programme to be spent on urgent changes to the income management system / payment portals.</p> <p>Capita has notified the Council that as a result of legislative change relating to increased security for online payments there is a requirement to upgrade our existing online payment portals, by September 2020, to 3DSv2 standard in order for payments to continue to be processed. To ensure that the work can be scheduled and completed in time, an urgent decision is required.</p> <p>There is no approved budget in the capital programme for 2020/21 for this project, which could be funded from the Customer Innovation Reserve. Financial regulations state:</p> <p>H2 Where expenditure is required or anticipated which has not been included in the Capital Programme, then a revision to the Capital Programme is required before that spending can proceed. Revisions to the Capital Programme must be approved firstly by the Corporate Leadership Team, then by Council.</p> <p>As no meetings of Committees or Council were due to take place due to the lockdown, and the matter needed to be progressed urgently, the matter was addressed under the procedure for urgent decisions, as the use of strategic reserves isn't currently delegated.</p>		
Consultation Identify nature of any consultation undertaken or required as part of this decision and attach responses.	<p>Consultation with the Chair of Governance & Resources Committee and the Chair of Council – Cllrs Bull and Fitzherbert, who both approved the proposal. (Cllr Fitzherbert by email 23/04/20 and Cllr Bull by email 2704/20).</p>		

Budget implications. State value of decision and budget used. Decision to be taken without budgetary provision will need the consent of the Service Director and the Director of Resources	Value: £5,225		Budget Head: Capital Programme 2020/21
	Within budgetary provision? No	If no. Identify budget head Capital Programme: AIM v13 upgrade Code C007 400 Project 608.	Approved by: (Initials.) KH Director of Resources
Reasons for the Decision (specify all reasons for taking the decision including where necessary reference to Council policy, Contract Standing Orders, Financial Regulations)	To ensure that the Council's payment portals comply with required security standards and are available to process customer payments.		
Alternative Options Considered (if appropriate)	Not to approve the expenditure. If the Council's payment portals are not updated to the new security standard by the September deadline, the Council will not be able to process customer payments by this payment method. This means that there is a risk of lost income and a further risk of reputational damage for the Council.		
List all background/reports/information considered and attached (Legal, Personnel, Financial Implications etc)			
Decision:	Approval given for additional expenditure of £5,225 to be included in the capital programme for 2020/21 for changes to the income management system, to be financed from the Customer Innovation Reserve.		
Signature of Officer and Date:		K Henriksen	27 April 2020

EMERGENCY COMMITTEE

TERMS OF REFERENCE

The Emergency Committee is not a Standing Committee but may be called upon by the Chief Executive to respond to peacetime emergency situations and to make democratically accountable decisions in the public interest.

The Committee takes its powers from Section 101 of the Local Government Act 1972 and shall be comprised of x members based on the principles of political proportionality.

The purpose of the Committee is to enable urgent decision making on matters not explicitly reserved to the Council so that the District Council may respond in an emergency situation:-

- To approve new or amended policy necessary to respond to the emergency situation
- To approve departure from existing policy and practice
- To approve the virement of approved budgets and authorise the treatment of reserves and balances
- To approve amendments to the Capital Programme
- To make any decision delegated to the two policy committees until such time as normal business is resumed
- To delegate decision making to officers on the Council's full range of responsibility when required

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COUNCIL

12 MAY 2020

Report of the Director of Corporate Services

AMENDMENTS TO RULES OF PROCEDURE – SUBSTITUTES AND DURATION OF MEETINGS

PURPOSE OF REPORT

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

RECOMMENDATION

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

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

For each Committee or Sub-Committee, the Council will appoint substitutes equal to 50% of the number of ordinary seats that group holds on Committee or Sub-Committee with a minimum of one Substitute per Group.

2. That Rule of Procedure 3.3 (b) be amended to extend the time period for nomination of substitutes as follows:-

(b) After notifying the Head of Corporate Services by 12 Noon, two working days prior to the day of the meeting, of the name of the absent Councillor and the name of the intended Substitute Councillor.

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

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

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

WARDS AFFECTED

None

STRATEGIC LINK

An effective decision making structure underpins all of the Council's objectives.

1 BACKGROUND

- 1.1 At its meeting on 16 January 2020, the following amendments to the Rules of Procedure were moved and seconded. In accordance with the procedure for amending such Rules, the motion stood adjourned until the next meeting of the Council.
- 1.2 The matters are therefore for consideration and debate and if approved, the new procedures will be incorporated into the Constitution with immediate effect.

2 RULE OF PROCEDURE

- 2.1 The following amendments are now for debate and final decision. Amendments are shown as annotated text.

3.2 Allocation of Seats on Committees

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

For each Committee or Sub-Committee, the Council will appoint ~~the same number of~~ substitutes **equal to 50% of the number of ordinary seats** ~~in respect of each political group as that group holds ordinary seats on Committee or Sub-Committee~~ **with a minimum of one Substitute per Group.**

3.3 Substitution

(b) After notifying the Head of Corporate Services by ~~4pm on the day of the meeting~~ **12 Noon, two working days prior to the day of the meeting**, of the name of the absent Councillor and the name of the intended Substitute Councillor.

13 Duration of Meetings

*Unless the majority of Councillors present vote for the meeting to continue, any meeting that has lasted for 2½ half will adjourn immediately. ~~Remaining business will be adjourned to a date to be fixed or to the next ordinary meeting of the Council or Committee.~~ **The meeting will continue for a further period 30 minutes, (and be extended at the Chairman's discretion) to enable business to be conclude and avoid any suspension in debate on a particular item. Any outstanding matters will be adjourned to a future meeting.***

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

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

3 RISK ASSESSMENT

3.1 Legal

The provisions to amend the Rules of Procedure in the Council's Constitution are set out in paragraph 25.2. The legal risk is therefore low.

3.2 Financial

There are no financial risks arising from this report.

4 CONTACT INFORMATION

Sandra Lamb, Director of Corporate Services, Telephone 01629 7618281 or email sandra.lamb@derbyshiredales.gov.uk

5 BACKGROUND PAPERS

None