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14 April 2021

To: All Councillors

As a Member of the **Council**, please treat this as your summons to attend a **virtual meeting on Thursday, 22 April 2021 at 6.00pm** via the Zoom application. (Joining details will be provided separately).

**Under Regulations made under the Coronavirus Act 2020, the meeting will be held virtually. As a member of the public you can view the virtual meeting via the District Council's website at [www.derbyshiredales.gov.uk](http://www.derbyshiredales.gov.uk) or via our YouTube channel.**

Yours sincerely

A handwritten signature in blue ink, appearing to read 'James McLaughlin'.

James McLaughlin  
Director of Corporate and Customer Services

## **AGENDA**

### **1. HIS LATE ROYAL HIGHNESS, THE DUKE OF EDINBURGH**

To remember in silence and pay tribute to His late Royal Highness, the Prince Philip, Duke of Edinburgh.

### **2. APOLOGIES**

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

### **3. PUBLIC PARTICIPATION**

As the Council cannot hold meetings at the Town Hall, Public Participation can only take place using the Zoom application or by written representations. Members of the public are able to comment or ask questions on the items listed in the agenda and must give notice before 12 noon on the day preceding the meeting by:

**Web-form:** [Make your submission here](#)

**Email:** [committee@derbyshiredales.gov.uk](mailto: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 761133 (working days only 9am – 5pm)

Written representations, received by the deadline will be read out at the meeting, verbal contributors will be given instructions on how to join the meeting after giving notice.

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.

#### **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. APPROVAL OF THE MINUTES OF PREVIOUS MEETING**

18 March 2021

#### **6. LEADERS' ANNOUNCEMENTS**

Announcements of the Leader of the Council:

#### **7. CHAIRMAN'S ANNOUNCEMENTS**

Announcements of the Civic Chairman.

#### **8. COMMITTEES**

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

| <b>Committee</b>                                    | <b>Date</b>   |
|---|---------------|
| <b>Non Exempt Minutes to be Received</b>            |               |
| Council   | 18 March 2021 |
| Governance & Resources Committee                    | 11 March 2021 |
| Community & Environment Committee – Special Meeting | 25 March 2021 |
| Community & Environment Committee                   | 07 April 2021 |

#### **Minute Book TO FOLLOW**

#### **9. QUESTIONS (RULE OF PROCEDURE 15)**

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

- |            |  |                |
|------------|--|----------------|
| <b>10.</b> | <b>DERBYSHIRE DALES ECONOMIC RECOVERY PLAN –<br/>LEVELLING UP FUND, COMMUNITY RENEWAL FUND, WELCOME<br/>BACK FUND</b>  | <b>4 - 15</b>  |
|            | In the context of the approved Economic Recovery Plan for the Derbyshire Dales, to receive a report to consider the timing and potential content of a bid to the Government’s Levelling Up Fund. To consider the Community Renewal Fund and the Welcome Back Fund, also recently introduced by the Government. To update Members on key Economic Recovery Projects. To update Members on the ongoing mobilisation of Council staff in paying out COVID-19 business support and recovery grants..                   |                |
| <b>11.</b> | <b>COVID-19 ORGANISATIONAL ROADMAP AND RECOVERY</b>  | <b>16 - 21</b> |
|            | To receive a report outlining the Government’s four-step roadmap out of Covid-19 lockdown and the District Council’s proposals for the resumption of post lockdown service delivery.   |                |
| <b>12.</b> | <b>REMOTE MEETINGS AND DECISION MAKING AFTER 7 MAY 2021</b>  | <b>22 - 27</b> |
|            | To receive a report advising the regulations permitting remote meetings of the Council and its committees cease to be effective from 7 May 2021, provide an update in respect of action seeking a declaratory judgement to give local authorities the freedom to hold virtual or hybrid remote meetings in future and to make arrangements for the continuation of decision making after 7 May 2021 until such a time as it is safe for meetings of the Council and its committees to resume in Matlock Town Hall. |                |
| <b>13.</b> | <b>ESTABLISHMENT OF CONSTITUTION WORKING GROUP</b>   | <b>28 - 30</b> |
|            | To receive a report recommending the establishment of a Constitution Working Group to assist with a wide-ranging review of the Constitution and to define the purpose and remit of the Group   |                |
| <b>14.</b> | <b>SEALING OF DOCUMENTS</b>  |                |
|            | 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](mailto:committee@derbyshiredales.gov.uk)

COUNCIL  
22 APRIL 2021

Report of the Director of Regeneration and Policy

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## **DERBYSHIRE DALES ECONOMIC RECOVERY PLAN – LEVELLING UP FUND, COMMUNITY RENEWAL FUND, WELCOME BACK FUND**

### **PURPOSE OF REPORT**

In the context of the approved Economic Recovery Plan for the Derbyshire Dales, to consider the timing and potential content of a bid to the Government's *Levelling Up Fund*. To consider the *UK Community Renewal Fund* and the *Welcome Back Fund*, also recently introduced by the Government. To update Members on key Economic Recovery Projects. To update Members on the ongoing mobilisation of Council staff in paying out COVID-19 business support and recovery grants.

### **RECOMMENDATION**

1. The Government's *Levelling Up Fund*, *Community Renewal Fund*, and *Welcome Back Fund* are noted; including the Derbyshire Dales' "Priority 1" status for Levelling Up and Community Renewal
2. Approval is given to prepare a District Council bid to Round 2 of the *Levelling Up Fund* for a coherent, strategic package of capital schemes to regenerate Derbyshire Dales market towns
3. It be noted that to prepare Green Book compliant business cases for the *Levelling Up Fund*, work must be undertaken to develop bid-ready schemes with officer time, technical consultancy and other costs expended 'at risk'
4. If timely capacity funding is not provided by the Government, the Council shall meet the costs referred to in Recommendation 3 from the General Reserve
5. The District Council shall explore opportunities with partners to put forward rurally-distinctive measures to the *UK Community Renewal Fund 2021/22* including potentially:
  - A new 'LEADER' scheme (locally-determined small business grants, based on the existing Local Action Group)
  - Regenerating Matlock's former market hall / bus station site
  - DE-Carbonise grants for businesses in the Derbyshire Dales seeking to reduce their carbon emissions
  - Digital advice and grant support for smaller businesses
  - Town centre Retail Advisor specialist support
6. The District Council shall explore opportunities with partners to effectively and efficiently spend *Welcome Back* funding, including where practicable support for the visitor economy
7. The ongoing payment of COVID-19 business support grants and recovery grants is noted
8. Progress with Ashbourne Business Park, the Bakewell Road regeneration scheme (Matlock), and other elements of the Economic Recovery Plan is noted

## UPDATING REPORT

To note, meetings with partner organisations are continuing after agenda publication. An updating report may therefore be published prior to the meeting.

## WARDS AFFECTED

All

## STRATEGIC LINK

'Prosperity' is highlighted in the Corporate Plan 2020-24 as a District Council priority due to low local wages and high local house prices. With regard to the recommendations in this report, the District Council specifically aims to: *Support businesses to encourage productivity, growth, and higher wage jobs in rural and urban locations*; and to *Promote investment to stimulate the economy of our market towns*.

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### 1 APPROVED ECONOMIC RECOVERY PLAN

- 1.1 Council on 9 November 2020 approved an Economic Recovery Plan, updating the Economic Plan for post-lockdown revival. It notes that the Derbyshire Dales is better positioned to push for economic recovery than many other districts by building on our stronger sectors (higher-value manufacturing and engineering).
- 1.2 The Economic Recovery Plan aims to grow small manufacturing and green engineering firms to help lift employees into higher wage, higher skilled jobs. This requires the provision of suitable sites for businesses to expand, so site provision is the focus of the Recovery Plan. Town centre regeneration is also a focus, with the Bakewell Road site (Matlock) being this year's project. Other towns will follow in future years, as resources and capacity allow.
- 1.3 The priorities in the Economic Recovery Plan are:

#### **PRIORITIES**

- 1. Invest resources in regenerating housing and employment sites**
  - Ashbourne Business Park is the immediate priority
- 2. Re-invest in the Bakewell Road Matlock site**
- 3. Re-shape Regeneration Services to drive investment in brownfield and other key housing/employment sites**

Focus on three sectors:

- Manufacturing (esp. advanced activities and Food & Drink)
- Knowledge based/Creative and Digital Industries (CDI)
- Green and environmental engineering

1.4 Strategic growth sites and infrastructure are the top priority. The six sites for focus are:

- Ashbourne Airfield
- Middleton Road, Wirksworth
- Cawdor Quarry, Matlock
- Halldale Quarry, Matlock
- Riverside Business Park, Bakewell
- Bakewell Road, Matlock Town Centre

1.5 Other elements of the Economic Recovery Plan include 'place branding' and supporting local retailers in our market towns and villages. Members also approved a Rural Economy Position Statement, which sets out the Council's stance when engaging with other councils, the National Park Authority, Local Enterprise Partnership and Government.

## **2 COVID-19 LOCKDOWN**

2.1 National lockdown was re-imposed on 5 November in response to rapidly increasing COVID-19 cases. Including a slightly-eased period of Tier 3 restrictions from 2-30 December, lockdown has still not fully ended. Lockdown required most businesses to close, as a result of which business support grant payments were mandated to keep businesses afloat during this extended period when trade has been drastically curtailed.

2.2 For six months since early November, the resources of the economic development team, along with many other colleagues across the Council, have again been almost entirely devoted to COVID-19 business support grant payments. This continues today with the payment of Restart Grants.

2.3 Business support grants have required some 25 employees to be involved in designing, building, administering and managing systems to pay more than 15 different mandatory and discretionary grant schemes. This has required substantial cross-council mobilisation, involving the Transformation team, Economic Development, Finance, Internal Audit, BSU, Revenues, Sports Development, Planning and Housing. Members have recognised the impact this *One Team* effort has had upon performance of other council services, but it is also understood to be necessary that the Council has diverted staff onto business grants as part of the pandemic response.

### **3 PROGRESS SINCE NOVEMBER 2020**

- 3.1 It is obvious that with all available resources being put to paying business grants, the Economic Recovery Plan has not had the attention envisaged back in November. Nevertheless, significant progress has been achieved.

#### Business Grants

- 3.2 At the time of writing, the Council has paid out more than 8,400 business grants to a combined value of almost £24 million since November 2020. The cross-council team is paying grants quickly and efficiently. To encourage maximum take-up of grants, the team wrote to 1,000 businesses urging them to apply. In addition they telephoned 750 businesses. This has generated further applications and grant payments, which is a positive outcome. Most grant schemes closed for applications on 31 March.
- 3.3 Restart Grants, to assist business recovery, have been paid since 1 April. These are intended to be the final COVID-19 business grant payments for those approximately 1,700 businesses eligible. There are two types of Restart Grant for businesses on the rating list, with level of grant dependent on rateable value:
- Non-essential retail - £2,667; £4,000; or £6,000
  - Hospitality, accommodation, leisure, gyms, personal care - £8,000; £12,000; or £18,000.
- 3.4 Additional Restrictions Grant (ARG) is the discretionary business support fund. The majority has been spent on support grants for non-rated businesses, and the remainder is intended for Restart Grants for non-rated and other eligible businesses (the criteria are in development). Whilst the Government has announced provisional top-up allocations for ARG, it has not yet made clear on what basis these top-ups will be awarded to local authorities.

#### Ashbourne Business Park

- 3.5 Construction of the new A52 roundabout, which commenced on 26 October 2020, is progressing to schedule. The contractor to build the access road for the development site has now been appointed by Derbyshire County Council following conclusion of legal negotiations between the parties, and the contractor started on site on 12 April 2021. As part of the link road construction, the District Council will fund remedial works to its stretch of Blenheim Road (funded in the Capital Programme) to enable the remaining highway to be adopted. The link road works contract is for a period of 30 weeks.

#### Bakewell Road regeneration, Matlock Town Centre

- 3.6 An initial design has been prepared for the regeneration of the market hall and former bus station at Bakewell Road, Matlock. This has been shared with stakeholders including Ward Members and the Matlock Community Vision Steering Group (officers have kept both updated on the progress of the scheme) with useful feedback. Following feedback received, Lathams Architects have reviewed the current scheme design and, through a design review process, will prepare revised elevations and sketch designs for the building. A full planning

application is being prepared for submission, and will be supported by a Flood Risk Assessment prepared by external consultants.

- 3.7 With regard to the bus station area, Derbyshire County Council has confirmed that its Capital Programme does now include the proposed new bus stands and larger layby to the front of the building. Officers are currently working with County Council officers on finalising aspects of the design, and the programme for the scheme is currently being updated in consultation with the County Council and the cinema operator.
- 3.8 Following the decision of Governance and Resources Committee on 11 March, an agreement was signed by the sole market stallholder to vacate the premises on 4th May (the date was agreed in consultation with the stallholder). As part of the agreement the District Council will display a sign at the premises following vacation providing details of the stallholder’s new trading address and contact details for deliveries.

Reopening High Streets Safely Fund

- 3.9 Members will recall that the District Council was allocated up to £63,808 for temporary measures associated with reopening town centres (Emergency Committee 11 June 2020). This was to be spent, in accordance with the Government’s stringent rules, in Ashbourne, Bakewell, Hathersage, Matlock, Matlock Bath and Wirksworth. It was subject to consultation with Derbyshire County Council as local highway authority, and with those town and parish councils.
- 3.10 Spending to date is shown in the table below. The District Council is now reclaiming these sums from the Government from our Reopening High Streets Safely Fund (RHSSF) allocation. In summary, the County Council expenditure was on highways measures, and parish/town council expenditure was on social distancing signage.

| <b>LOCATION</b>      | <b>County Council</b> | <b>Parish/Town Council</b> |
|----------------------|-----------------------|----------------------------|
| Ashbourne            | £30,572               |                            |
| Bakewell             | £11,416               |                            |
| Hathersage           |                       | £251                       |
| Matlock              | £6,977                |                            |
| Matlock Bath         |                       | £6,088                     |
| Wirksworth           | £2,605                |                            |
| <b>TOTAL TO DATE</b> | <b>£51,570</b>        | <b>£6,339</b>              |

- 3.11 Further invoices from Matlock Bath Parish Council are awaited, and together with other potential invoices these take the projected total spend to between £60,000 and £62,000. Thanks go to both Matlock Bath and Hathersage Parish Councils for rising to the challenge of spending RHSSF funds, and in doing so achieving valuable interventions in their communities alongside the District Council and County Council. Their signs convey safety messages whilst being welcoming and meeting funding requirements:





### Other Economic Recovery Plan projects

- 3.12 - *Place Branding*: a high quality 'Invest in the Derbyshire Dales' video has been produced. This project was commissioned and managed by members of the Economic Development Team alongside COVID work.
- *Business advice*: the Derbyshire Dales Business Advice Service continues to be an important source of support for Dales businesses.
  - *Retail support for towns and villages*: the Shopappy scheme has been live in Dales / Derbyshire since before Christmas.

## **4 NEW POTENTIAL FUNDS ANNOUNCED**

- 4.1 In the Budget on 3 March 2021, the Chancellor announced two new regeneration funds: the *Levelling Up Fund* (capital infrastructure) and the *UK Community Renewal Fund* (revenue funding). On 20 March, the Secretary of State announced a *Welcome Back Fund* (small revenue fund). Over the weeks following those announcements, Government guidance relating to these three funds was published. Key points and conclusions are summarised below.

### **Levelling Up Fund 2021-2025 (large capital infrastructure bids)**

- 4.2 The Levelling Up Fund (LUF) is a capital fund for local infrastructure that has a visible impact. There are three infrastructure themes that will be considered:
- regeneration and town centres – including remediation/development of dilapidated sites; delivering quality commercial or residential space in key locations; delivering new public spaces
  - transport – including new/upgraded road, cycling, walking or bus infrastructure
  - culture – including new/upgraded cinemas, arts venues, sports facilities, prominent landmarks, historical buildings or parks; community hubs, spaces or assets, where this links to local inclusive growth.
- 4.3 Bids are typically up to £20 million, and the Derbyshire Dales gets one LUF bid only for the whole district. The lead authority for this area is Derbyshire Dales

District Council. The bid will need the support of the MP and County Council (especially with regard to highways elements) as well as other key stakeholders.

- 4.4 The Government has prioritised local areas for LUF. The Priority 1 areas within Derbyshire are the districts of Derbyshire Dales, High Peak, Chesterfield and Erewash. Priority 1 represents places with the highest levels of identified need. These bandings form one part of the Government's competitive criteria for assessing bids.
- 4.5 The deadline for Round 1 bid submission is Friday 18 June 2021. Round 1 bids should be 'shovel-ready', i.e. ready to start on site in 2021/22. In essence, only those bids that were already prepared prior to the announcement of LUF will have a chance of success in Round 1. To be 'shovel-ready', a bid will need 10% match funding secured, land available, contractors already procured, and all permissions in place (including planning and highways consents).
- 4.6 Bids must be based on full business cases that follow the HM Treasury 'Green Book' model. This requires technical support in formulating the five cases in the required format (strategic case, commercial case, economic case, financial case, management case). By way of example, the full business case for the £1m bid for Ashbourne Airfield was 70 pages supported by many hundreds of pages of appendices, and took officers and multiple consultants several years to prepare. It might be expected that the work required for a £50m LUF bid would be commensurably greater.
- 4.7 Whilst the District Council has no 'shovel ready' schemes fit for a meaningful Round 1 bid, the good news is that the Government has indicated that there will be future bidding rounds for the remaining years of the LUF programme: 2022/23, 2023/24, and 2024/25. The deadlines and priorities for future rounds are uncertain; however, the Government has stated it will publish FAQs in April, and further guidance later in the spring.
- 4.8 In order to help Priority 1 areas prepare bids for future LUF rounds, capacity funding of £125,000 will be provided to all Priority 1 local authorities. This revenue funding is expected to be used by bidders to assist them to build capacity. Further information on how and when this funding will be paid will be published in Government FAQs.
- 4.9 A final important consideration is that LUF bids can comprise either a single scheme or a package (which must fit together strategically, not a 'free for all'). Both individual and package bids can contain proposals within a single theme, or across multiple themes, as long as they form part of a coherent, consistent proposal. Package bids (those with two or three projects) must justify how the component elements are aligned with each other and represent a coherent set of interventions. If there are weaknesses in one of the projects, that will adversely impact on the bid overall.
- 4.10 Key learnings from the LUF criteria for Derbyshire Dales are:

- The Priority 1 status for the district – at long last the needs of a rural district with a low wage, low skill economy have been prioritised on a par with cities and larger towns. LUF is a bidding opportunity the District Council should respond to positively
- The Council gets one bid only. The three themes and range of issues and needs across the district direct us to consider a package bid, as opposed to a single project in one location – however the package must be coherent and strategic, not just a wish-list (weak elements that don't fit well will pull down the whole bid)
- The onerous requirements for bidding – the full business case necessitated will take time and money to prepare, and the district gets only one go – but capacity funding is to be provided by the Government to enable this for future bidding rounds
- A lack of large-scale shovel-ready schemes, together with the prospect of capacity funding to develop such schemes for future rounds, suggest that rather than rushing in a weak bid for Round 1, the District Council should take advantage of the promised capacity funding to develop a strong bid for Round 2

4.11 With these considerations in mind, it is proposed to develop a longlist of proposals to develop into deliverable schemes with a view to bidding in Round 2 of LUF for a coherent, strategic package of capital schemes to regenerate Derbyshire Dales market towns. Such a package might include (without prejudice) public realm improvements across our towns; later phases of Bakewell Road's regeneration in Matlock; land acquisition and remediation for commercial and residential development; and improvements that incorporate carbon reduction as part of a green recovery. Prioritisation and the overall bid approach will require further consideration by Members at a later date.

4.12 It must be noted that, in developing schemes to a Green Book compliant stage where they can form part of a meaningful coherent bid, considerable time and money will need to be spent. Officer time, technical consultancy and other costs will be expended 'at risk' – such costs may be abortive if schemes turn out not to be deliverable or if the LUF bid fails. Clearly the promised Government capacity fund is designed to support these costs, but Members should note that if capacity funding is not provided in a timely manner, the Council will need to meet some revenue costs from its own reserves. Limited existing internal capacity is also a key issue.

4.13 The need for 10% match funding must also be remembered. So, for instance, a £20m LUF bid would need to be matched with at least £2m local funding. Officers have asked the Government if this required local funding contribution could comprise the value of land and properties and in-kind contributions alongside capital funding; an answer is awaited.

4.14 Partner involvement in developing LUF bid will be crucial. As an example, Derbyshire County Council will be key to any scheme with highways or transport elements. Like the District Council, their resources are already stretched. The County Council are therefore seeking to understand LUF implications, and to contribute to the design and business case process. Any

implications for Highways and other infrastructure must be factored into the plans as they could have a significant impact on deliverability and the cost of the scheme, and the County Council will need to sign these off as part of the process. Finding resource to handle multiple bids, at the same time as support to all the other initiatives they are involved in, will not be straightforward.

4.15 Discussions with partners are ongoing, and will be updated for the meeting.

### **UK Community Renewal Fund 2021/22 (revenue bids)**

4.16 The UK Community Renewal Fund (UKCRF) is for 2021/22 only. It is predominantly revenue funding (only up to 10% capital is permitted). UKCRF is as a pilot for a future UK Shared Prosperity Fund – the keenly-awaited replacement to EU regional development funding, from which the Derbyshire Dales previously benefited and which the Government hopes to launch in 2022.

4.17 UKCRF has the following funding themes:

- local business – including job creation; decarbonisation; and innovation
- community and place – including promoting rural connectivity; feasibility studies for net-zero and local energy projects; feasibility studies for culture-led regeneration; and improving green spaces
- employment – including multiagency teams; access to work; basic skills etc.
- skills – including work-based training, re-training, and digital skills

4.18 Bids will typically be up to £3 million per place (in this context 'place' is defined as a local authority district).

4.19 The Government has prioritised local places for UKCRF, and the Priority 1 places within Derbyshire are the districts of Derbyshire Dales and High Peak. Priority 1 represents places with the highest levels of identified need. Prioritisations form one part of the competitive criteria for assessing bids, and all places are eligible to bid.

4.20 Despite places being defined as districts, the Government has made County Councils the lead authority for UKCRF. Derbyshire County Council is therefore required to submit bids for all districts in Derbyshire by 18 June 2021. In order to give themselves time to appraise potential bids, Derbyshire County Council opened applications to itself for UKCRF on 1 April and will close applications on 10 May. The County Council has been awarded funding to help it invite and appraise bids.

4.21 Bids to the County Council are permitted from local authorities as well as other organisations including universities, the Chamber of Commerce, tourist board and voluntary sector. This means that there is a two stage bidding process – if the District Council wishes to bid into UKCRF, it has to first bid to the County Council by 10 May. Then, if the County Council chooses to put the District Council's bid(s) forward to the Government, this will then be scored before any funding decision is announced by the Government in summer 2021.

- 4.22 UKCRF awards will be announced in July 2021 at the earliest, and must be spent by March 2022. So whilst it is desirable to have a coherent package of initiatives for a place, the reality may be that UKCRF is dominated by existing projects that can be extended.
- 4.23 Key learnings for the Derbyshire Dales from the UKCRF criteria include:
- The Priority 1 status for the district – however it is vital the needs of this rural district are not lost within a process governed by a County Council with multiple priorities. Rural needs must drive Derbyshire Dales UKCRF bids; spin off benefits from urban-predicated schemes will not be acceptable.
  - The very short timescale for bids (10 May being the deadline set by the County Council) – together with the restrictive delivery period of August 2021 to March 2022 – suggests that existing projects rather than entirely new initiatives are most likely to be funded. For the District Council, the Economic Development team is already committed to COVID-19 grants, recovery and existing infrastructure projects (Ashbourne Airfield and Bakewell Road) in this period.
- 4.24 Members will recall on 9 November 2020 approving their Rural Economy Position Statement, which sets out the Council’s five policy ‘asks’ for funding schemes, i.e.
1. Adjust funding criteria to focus on smaller-scale activity
  2. Set aside a fund for rural economic growth that is determined by, and managed in, rural areas (akin to LEADER)
  3. When assessing grant funding for rural land/property developments, give more account to local strategic importance and take less account of value-for-money
  4. Ultrafast broadband installation in the most isolated rural areas to be prioritised
  5. Any investment in rural tourism should seek to raise the quality of the offer (hence its value): the need is for better quality hotels and better quality visitor attractions.
- 4.25 In this regard, a LEADER-type locally-determined small business grant scheme, based on the existing Local Action Group, should be the top priority for the Derbyshire Dales. It would re-start a previous scheme, utilise existing local governance, and focus on growing small and micro enterprises in rural areas. It is a prime pilot for a future UK Shared Prosperity Fund, so fits the purpose of UKCRF. Initial discussions have begun with partners involved in the previous programme, including the accountable body Derbyshire County Council, and are continuing.
- 4.26 It is therefore proposed that The District Council explores opportunities with partners to put forward rurally-distinctive measures to the UK Community Renewal Fund 2021/22 including potentially:-
- A new ‘LEADER’ scheme (locally-determined small business grants, based on the existing Local Action Group)
  - Regenerating Matlock’s former market hall / bus station site

- DE-Carbonise grants for businesses in the Derbyshire Dales seeking to reduce their carbon emissions (extending the existing scheme)
- Digital advice and if possible grant support for smaller businesses
- Town centre Retail Advisor specialist support

4.27 The aim would be to develop a package of support over the coming weeks which adds value to existing/recent schemes with a distinct focus on the Derbyshire Dales, i.e. rurally-based and smaller-scale. Discussions with partners are ongoing, and will be updated for the meeting. It should be noted that given timescales and internal resource limits, external partners will be crucial to delivering UKCRF.

### **Welcome Back Fund 2021/22 (small revenue allocation)**

4.28 The Welcome Back Fund (WBF) is a small revenue allocation to Derbyshire Dales District Council. The fund is for 2021/22 only, and totals £63,808. It does not need to be bid for – just claimed after spending has been incurred – but the spending criteria are restrictive and the claims bureaucracy is burdensome in proportion to the scale of the fund (it follows former EU funding rules).

4.29 WBF is a repeat of the Reopening High Streets Safely Fund, so would typically be used to fund welcome/safety signage and publicity campaigns. However there are two new themes for WBF, which extend its utility somewhat:

- promote safe public environment for the visitor economy
- develop plans for COVID recovery, including trialling new ideas particularly where these relate to the High Street

4.30 The main constraint of WBF is that it can fund temporary measures only – no permanent structures are permitted under WBF rules. A further feature is that individual procurements below £2,500 can be directly awarded without seeking quotations or tenders. Any allocation left from the Reopening High Streets Safely Fund is automatically available for WBF, so for the Derbyshire Dales our usable WBF allocation might be in the region of £65,000.

4.31 As with RHSSF, consultation with partners – including town and parish councils in areas of high footfall – is necessary. Given the visitor economy theme, consultation with Marketing Peak District and Derbyshire is also required. Both these are underway. To date, one town council has indicated it would not have any local requests to the WBF.

4.32 Suggestions to date from partners include local events, perhaps with Town Councils (an outdoor cinema in a park might be one such example); temporary outdoor seating for ‘cluster eating’; and a marketing campaign to extend the tourist season into the Autumn/Winter to help post-COVID recovery in the visitor economy. Support from the Institute of Place Management might be proposed for one or more town centres.

4.33 The Council’s Community Development Team have made helpful initial suggestions themselves, including outdoor cinema events, outdoor seating with

planters, 'fun runs' to promote family health and wellbeing, and an explorer app to entertain visitors of all ages.

- 4.34 It is proposed that District Council continues to explore opportunities with partners to effectively and efficiently spend *Welcome Back* funding, including where practicable support for the visitor economy.

## **5 RISK ASSESSMENT**

### **5.1 Legal.**

This report does not specifically raise any legal issues, nevertheless compliance with the various deadlines noted within the report will need to be adhered to. Taking that into account however legal risk at this time is considered to be low

### **5.2 Financial.**

Financial implications have been included in the report, with particular risks being identified in paragraphs 4.12 and 4.13. Should it be necessary for the Council to meet revenue costs from its own reserves, the forecast balances are currently £738,000 for the General Reserve and £192,000 for the Economic Development Reserve. The financial risk is assessed as medium.

## **6 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.

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## **CONTACT INFORMATION**

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## **ATTACHMENTS**

None

COUNCIL  
22 APRIL 2021

Report of the Chief Executive

## **COVID-19 ORGANISATIONAL ROADMAP AND RECOVERY**

### **PURPOSE OF REPORT**

The report outlines the Government's four-step roadmap out of Covid-19 lockdown and discusses the District Council's proposals for the resumption of post lockdown service delivery.

### **RECOMMENDATION**

1. That the Council notes the Government's four step roadmap out of Covid-19 lockdown and endorses the District Council's proposed approach to the resumption of post-lockdown service delivery.

### **WARDS AFFECTED**

All Wards

### **STRATEGIC LINK**

Effective Risk Management provisions enable significant risks to be identified, controlled and monitored so contributing to the provision of all services and priorities.

## **1 BACKGROUND**

- 1.1 On 22<sup>nd</sup> February 2021, the Prime Minister announced the Government's four-step roadmap out of the Covid-19 lockdown, which is intended to offer a route back to a more normal way of life.
- 1.2 At each of the four steps, the intention is to lift restrictions across the whole of England at the same time. However, in order to avoid a surge in infections that would put unsustainable pressure on the NHS, all of the dates in the roadmap are indicative and subject to change.
- 1.3 There will be a minimum of five weeks between each step: four weeks for the scientific data to reflect the changes in restrictions and to be analysed; followed by one week's advance notice of the restrictions that will be eased. Only when the Government is sure



that it is safe to move from one step to the next will the final decision be made. The decision will be based on four tests:

- That the vaccine deployment programme continues successfully;
- That evidence shows vaccines are sufficiently effective in reducing hospitalisations and deaths in those vaccinated;
- That infection rates do not risk a surge in hospitalisations, which would put unsustainable pressure on the NHS;
- The assessment of the risks is not fundamentally changed by new 'Variants of Concern'.

1.4 The Government intends to continue to protect the public by ensuring local outbreaks are managed quickly and effectively and that we combat new dangerous variants, both within the UK and at the border.

## **2 Step 1: 8th and 29<sup>th</sup> March**

### **3 Changes made on 8th March**

3.1 In Step 1, all children and students returned to face-to-face education in schools and colleges. Childcare and children's supervised activities also resumed where necessary and twice-weekly rapid testing for secondary and college pupils was initiated, in addition to regular testing for all teachers - to reduce the chance of the virus spreading in schools.

3.2 People were allowed to leave home for recreation and exercise outdoors with their household or support bubble. Care home residents were also allowed one regular visitor.

### **4 Changes made on 29<sup>th</sup> March**

4.1 On 29<sup>th</sup> March, outdoor gatherings (including in private gardens) of either 6 people or 2 households were allowed to be undertaken, outdoor sports facilities such as tennis and basketball courts, and open-air swimming pools, were allowed to reopen, and people were able to take part in formally organised outdoor sports.

4.2 Whilst the official 'stay at home' rule ended on 29<sup>th</sup> March, many restrictions remained in place. People were advised to continue to work from home where they can and minimise the number of journeys they make where possible, avoiding travel at the busiest times and routes. Travel abroad continues to be prohibited, other than for a small number of permitted reasons, however holidays abroad are not allowed.

## **5 Step 2 - 12 April**

5.1 Step 2, saw the opening of non-essential retail; personal care premises such as hairdressers and nail salons; and public buildings, including libraries and community centres. Indoor leisure facilities such as gyms will also reopen (but only for use by people on their own or in household groups); as will most outdoor attractions and settings including outdoor hospitality venues. Self-contained accommodation such as

campsites and holiday lets, where indoor facilities are not shared with other households, can also reopen.

- 5.2 Hospitality venues are allowed to serve people outdoors and there will be no need for customers to order a substantial meal with alcoholic drinks and no curfew. Wider social contact rules will apply in all these settings to prevent indoor mixing between different households.
- 5.3 In terms of events, funerals can continue with up to 30 mourners, the number of people able to attend weddings, receptions and commemorative events such as wakes will rise to 15.

## **6 Step 3 – 17<sup>th</sup> May at the earliest**

- 6.1 As part of Step 3, no earlier than 17 May, the Government will look to continue easing limits on seeing friends and family wherever possible, allowing people to decide on the appropriate level of risk for their circumstances.
- 6.2 This means that most legal restrictions on meeting others outdoors will be lifted - although gatherings of over 30 people will remain illegal. Indoors, the Rule of 6 or 2 households will apply.
- 6.3 As soon as possible and by no later than Step 3, Government will also update the advice on social distancing between friends and family.
- 6.4 Most businesses in all but the highest risk sectors will be able to reopen. In all sectors, COVID-Secure guidance will remain in place and businesses may not cater for groups bigger than the legal limits. Indoor hospitality will reopen. Other indoor locations to open up in Step 3 include indoor entertainment venues such as cinemas and children's play areas; the rest of the accommodation sector, including hotels, hostels and B&Bs; and indoor adult group sports and exercise classes. The Government will also allow some larger performances and sporting events in indoor venues with a capacity of 1,000 people or half-full (whichever is a lower number), and in outdoor venues with a capacity of 4,000 people or half-full (whichever is a lower number). In the largest outdoor seated venues, where crowds can be spread out, up to 10,000 people will be able to attend (or a quarter-full, whichever is lower).
- 6.5 Up to 30 people will be able to attend weddings, receptions and wakes, as well as funerals. This limit will also apply to other types of significant life events.
- 6.6 Finally, before Step 4 begins, the Government will complete a review of social distancing and other long-term measures that have been put in place to cut transmission. This will inform decisions on the timing and circumstances under which the rules on 1 metre plus, the wearing of face coverings and other measures may be

lifted. This will also inform guidance on working from home – which should continue wherever possible until this review is complete.

## **7 Step 4 – 21<sup>st</sup> June at the earliest**

- 7.1 Step 4 which will take place no earlier than 21 June, the Government hopes to be in a position to remove all legal limits on social contact.
- 7.2 It is hoped to reopen remaining premises, including nightclubs, and ease the restrictions on large events and performances that apply in Step 3.

## **8 DERBYSIRE DALES ORGANISATIONAL ROADMAP**

- 8.1 In response to the publication of the Government Roadmap, it is essential that the District Council has a clear plan for how the organisation itself will emerge out of 'lockdown', and gradually resume a more normal state of business operation.
- 8.2 Covid-19 guidance for the safe use of council buildings was published by Government on 25<sup>th</sup> March. The guidance sets out the principal considerations for the management and use of council buildings in accordance with applicable legislation, including health and safety legislation. The guidance emphasises that any opening plans must be consistent with core public health guidance, safe workplace guidelines and Covid-19 risk assessments.
- 8.3 Throughout the pandemic, Covid-19 risk assessments have been used to influence all key decisions taken by the Corporate Leadership Team (CLT) and this will continue to be the case. Maintaining a safe working environment for employees and members is of paramount importance. As Chief Executive, I have a legal responsibility to protect officers, elected members and others from risk to their health and safety, including from the risks of Covid-19 in the workplace.
- 8.4 Government guidance remains that office workers who can work from home should continue to do so. For the vast majority of Town Hall based employees, this continues to be the case. During the last 12 months, occupancy at the Town Hall has been subject to a self-imposed maximum of 50 people per day in accordance with our Covid-19 risk assessment, in order to maintain social distancing, reduce crowding and reduce face to face meetings. Maximum occupancy thresholds have also been defined for shared office accommodation and intensive cleaning regimes have been implemented. All of these measures continue to be deployed.
- 8.5 Despite the challenges, the District Council has maintained the effective delivery of all of its frontline customer services as well as responding to the additional demands of Covid-19. The capability and capacity of the organisation to work remotely has recently been further enhanced by the mobilisation of the Horizon 'cloud' telephony system. There is therefore, no over-riding reason for a large scale, imminent return to the Town Hall until such time that it is considered safe to do so and even then, there is a question as to whether a wholesale permanent return is necessary for all employees.
- 8.6 The Covid-19 experience has caused many businesses across the public and private sectors to reflect on how they operated prior to 23<sup>rd</sup> March 2020 and to consider whether they should return to their previous mode of operation and means of service delivery. Whilst there have been many disadvantages arising from the Covid-19 experience, some valuable lessons have also been learned. CLT are therefore in the process of engaging with employees in order to gain their views and reflections of the

last 12 months and to explore how we can maximise some of the opportunities that have arisen as a result of our collective Covid-19 experience. As a public service provider, our primary concern must always be to ensure that we are able to deliver the best quality of services possible to the residents and businesses that rely upon us.

- 8.7 Despite the tremendous progress made on the vaccination programme and the decreasing prevalence of positive Covid-19 cases in the community, there remains a possibility of a third wave of Covid-19 which we must continue to safeguard against. CLT therefore consider that any wholesale return of staff or members to the Town Hall prior to 21<sup>st</sup> June would be premature and would not be appropriate. As such, it is proposed that the Town Hall should remain closed until at least this date and services will continue to be delivered remotely, enabled by the very successful 'CRM' (Customer Relationship Management) system and the recent implementation of the internet enabled Horizon telephone system. The only exception to this will be Citizens Advice Bureau (CAB), who are accepting visitors by appointment only from 13<sup>th</sup> April (between 10.00am and 2.00pm), subject to their risk assessment, social distancing and wearing of face coverings. It is also proposed to continue with successful video conferencing for staff team meetings until 21<sup>st</sup> June. Proposals for formal Council decision making are considered elsewhere on this agenda.
- 8.8 A decision on the timing of the Town Hall re-opening and in person meetings must be based upon circumstances as they develop during the next 6-8 weeks, as informed by the Covid-19 risk assessments and Government guidance. This is a situation that will be kept under constant review. However, in the interests of public service delivery, it is considered desirable to re-open at the earliest date it is considered safe to do so.
- 8.9 Corporate Leadership Team will consider when staff should return to the Town Hall and increase the occupancy in a phased, measured and safe way through updated risk assessments. Applications for agile working can be considered in light of service need and the need of customers (external and internal), team working, collaboration and staff well-being. The date for applications is to be confirmed, but likely not before mid- June, to be effective from the summer.
- 8.10 At each stage of the national and organisational roadmaps, there are specific demands placed upon the organisation which creates extra work and service demands, notably within Regulatory Services (Environmental Health, Licensing, Estates and Facilities) and Economic Development (grant funding regimes). These additional service pressures need to be managed alongside regular service delivery.

## **9 RISK ASSESSMENT**

### **9.1 Legal**

This report is designed to outline the Government's four-step roadmap out of Covid-19 lockdown and discusses the District Council's proposals for the resumption of post lockdown service delivery.

Given that the recommendation is for the Council to note the Government's four step roadmap out of Covid-19 lockdown and to endorse the District Council's proposed approach to the resumption of post-lockdown service delivery, the Legal risk at this time has been assessed to be low.

## 9.2 Financial

This report seeks endorsement for the District Council's proposed approach to the resumption of post-lockdown service delivery. It is expected that any costs can be accommodated from within the existing revenue budget. The financial risk is therefore assessed as low.

## 10 OTHER CONSIDERATIONS

10.1 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.

## 11 CONTACT INFORMATION

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## 12 BACKGROUND PAPERS

12.1 Government Roadmap Out of Lockdown (February 2021)  
Covid-19 : Guidance for the Safe Use of Council Buildings

Council

22 April 2021

Report of Director of Corporate & Customer Services and Monitoring Officer

## **REMOTE MEETINGS AND DECISION MAKING AFTER 7 MAY 2021**

### **PURPOSE OF REPORT**

To advise that the regulations permitting remote meetings of the Council and its committees cease to be effective from 7 May 2021, provide an update in respect of action seeking a declaratory judgement to give local authorities the freedom to hold virtual or hybrid remote meetings in future and to make arrangements for the continuation of decision making after 7 May 2021 until such a time as it is safe for meetings of the Council and its committees to resume in Matlock Town Hall.

### **RECOMMENDATION**

1. That the cessation of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 on 7 May 2021 be noted.
2. That authority be delegated to the Director of Corporate and Customer Services, in consultation with the four political group leaders, to respond to the Government's consultation and call for evidence in respect of remote local authority meetings setting out the way in which virtual meetings have enabled the continuation of democratic governance at the Council since April 2020.
3. That the update in respect of the legal proceedings at the High Court brought by the Association of Democratic Services Officers, Lawyers in Local Government and Hertfordshire County Council seeking a declaratory judgement to confirm that local authorities may hold virtual or hybrid meetings after 7 May 2021 be noted.
4. That, subject to the outcome of the legal proceedings at the High Court not permitting virtual meetings, authority be delegated to the Chief Executive and Directors to take decisions reserved to the Council and committees, in consultation with Chairs and Vice-Chairs, Political Group leaders and (if appropriate) Ward Members, as set out in the schedule found at paragraph 2.6 of the report, until such a time as in person committee meetings can safely resume at Matlock Town Hall, which will be subject to the Government's roadmap out of lockdown.
5. That, subject to decision making authority being delegated to officers in the event that remote meetings cannot continue, the Monitoring Officer be authorised to amend Part 3 of the Constitution (Responsibility for Functions) to reflect the revised decision making arrangements at the Council.

6. That the membership of committees currently in operation remain as previously agreed on 22 July 2020 until such a time as the Council can meet to determine the new political balance and seat entitlement after the by-elections for Masson and Wirksworth wards on 6 May 2021.

## **WARDS AFFECTED**

District-wide

## **STRATEGIC LINK**

The good governance of the Council contributes to all of the authority's corporate priorities. This report sets out proposals to ensure that the Council can continue to make decisions in a lawful way until such a time as Council and committee meetings can safely resume with full democratic participation from councillors, as well as attendance by officers and the public.

## **1 BACKGROUND**

- 1.1 In response to the Covid-19 pandemic, the Secretary of State made provision through *The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020* for remote attendance at, and remote access to, Council meetings. The regulations contained a sunset clause which ceases their effect from 7 May 2021.
- 1.2 Beyond making provision for remote meetings to take place using virtual meeting software, the regulations also suspended the requirement to hold an Annual Meeting of the Council which meant that committee and outside body appointments could continue beyond the end of the 2019/20 municipal year, public access and procedures were also able to be facilitated through virtual means in a move away from the paper based statutory requirements of the Local Government Act 1972 and subsequent legislation which had not taken account of widespread digital access since the turn of the century.
- 1.3 With these provisions ceasing to be effective from 7 May 2021, the Council now needs to consider what arrangements it should make to ensure that functions can continue to be discharged whilst the Government's restrictions remain in place which effectively prevent the Council and its committees meeting in person from 7 May until at least 21 June 2021.

## **2 REPORT**

- 2.1 Whilst the legal action above may have resolved the question of whether local authorities can meet remotely before 7 May 2021, this Council is not scheduled to meet again until after the sunset clause on the regulations. This report is therefore concerned with recommending arrangements for the continued discharge of functions reserved to the Council and its committees, whilst ensuring that democratic oversight of decision making is maintained and that the public are able to continue to make representations in respect of any decisions to be considered after 7 May until such a time as meetings can be held in Matlock Town Hall with the full membership of the Council and its committees.

- 2.2 The Minister of State for Local Government, Nick Hall MP, wrote to local authority leaders on 25 March 2021 to indicate that the Government did not intend to make legislative provision for the continuation of remote meetings. Whilst the letter did indicate that the Government had made a call for evidence in respect of the impact of remote meetings for local authorities, the accompanying guidance for local authorities on the approaches that could be followed to maintain decision making after 7 May 2021 did not offer any solutions that would be considered to be workable for authorities operating a committee system of governance, as suggested approaches referred to the use of single Member decision making which would be feasible for authorities operating executive arrangements.
- 2.3 In the same correspondence, the Minister announced a consultation call for evidence on the use of the current arrangements which have provided express provision for local authorities to hold meetings remotely or in a hybrid format during the coronavirus pandemic. The Government indicated that it would like to hear from interested parties about the pros and cons of making such arrangements permanent in England and the use of the arrangements to date. The deadline to respond with evidence is 17 June 2021. On this basis, it is recommended that authority is delegated to the Director of Corporate and Customer Services to respond to this call for evidence following consultation with the four political group leaders.
- 2.4 Whilst the Government has not sought to extend or place new regulations permitting the continuation of remote meetings, the Association of Democratic Services Officers (ADSO), Lawyers in Local Government (LLG) and Hertfordshire County Council have sought a declaratory judgement from the High Court to permit local authorities and parish councils to meet remotely or in hybrid arrangements beyond 7 May 2021. At the time of writing this report, the Secretary of State for Communities, Housing and Local Government has publicly stated that the Government is supportive of the case made by ADSO, LLG and Hertfordshire County Council. The case is due to heard by the Administrative Court at the High Court on 21 April 2021.
- 2.5 Having consulted with the four political group leaders, it is proposed that authority is delegated to the Chief Executive or relevant Director to discharge the functions of the Council and its committees until such a time as those bodies are able to meet either virtually, physically or under hybrid arrangements. Assuming that the Government's tests for the easing of Covid related restrictions are met, it is anticipated that meetings of the Council and its committees will be able to recommence at some point after Monday 21 June 2021, albeit subject to a Covid risk assessment being in place that accords with guidance on the safe use of buildings.
- 2.6 In delegating the discharge of functions reserved to Council and its committees to the Chief Executive, it is recommended that the following provisions apply:

| <b>Decision Making Body</b> | <b>Authority delegated to</b> | <b>In consultation with</b>  |
|-----------------------------|-------------------------------|--|
| Council                     | Chief Executive               | <ul style="list-style-type: none"> <li>• Chairman of the Council</li> <li>• Political Group Leaders</li> <li>• Ward Members (where ward specific)</li> </ul> |



| <b>Decision Making Body</b>  | <b>Authority delegated to</b>   | <b>In consultation with</b>  |
|--|---|--|
| Governance and Resources Committee   | Chief Executive<br>Director of Resources<br>Director of Corporate & Customer Services<br>Director of Regulatory Services                  | <ul style="list-style-type: none"> <li>• Chair and Vice-Chair of Governance and Resources Committee</li> <li>• Political Group Leaders</li> <li>• Ward Members (where ward specific)</li> </ul>  |
| Community and Environment Committee  | Chief Executive<br>Director of Community & Environmental Services<br>Director of Regeneration & Policy<br>Director of Regulatory Services | <ul style="list-style-type: none"> <li>• Chair and Vice-Chair of Community and Environment Committee</li> <li>• Political Group Leaders</li> <li>• Ward Members (where ward specific)</li> </ul> |
| Planning Committee   | Director of Regulatory Services   | <ul style="list-style-type: none"> <li>• Chair and Vice-Chair of Planning Committee</li> <li>• Ward Members</li> </ul>   |
| Licensing and Appeals Committee  | Director of Regulatory Services   | <ul style="list-style-type: none"> <li>• Chair and Vice-Chair of Licensing and Appeals Committee</li> <li>• Ward Members</li> </ul>  |
| <ul style="list-style-type: none"> <li>• Decisions in respect of functions under the Local Government (Miscellaneous Provisions) Act 1976, such as taxi licensing and other miscellaneous licensing functions</li> </ul> |   |  |

2.7 The hearings regime under the Licensing Act 2003 and the Gambling Act 2005 are not subject to the same restrictions as committees established under the Local Government Act 1972 and it is considered possible for these to continue to meet virtually.

- 2.8 In order to discharge decision making in a manner that follows the same procedures that apply in respect of Access to Information for Council or committee meetings, it is proposed that a weekly list for reports to be considered by officers will be published five clear days in advance of decisions being taken. This will be published on the Council's website in order for Members and the public to make representations in respect of the matters to be determined.
- 2.9 When officers exercise delegated authority, it is not done through a formal meeting but rather through the publication of a delegated decision notice. Where decisions are taken, such decision notices will be published on the Council's website within two working days of the decision being taken. Decision notices will also reflect the representations received from Members and the public and how these were taken into account before the decision was taken. Where a decision is urgent and cannot be delayed, the existing rules in respect of urgent decisions will be followed, which will also require the publication of a decision notice setting out the nature of the decision and the reason for urgency.
- 2.10 It is recognised that there will be occasions where officers consider that it would not appropriate to exercise delegated authority to determine matters which may have significant public interest or be considered to be politically contentious. Where an officer chooses not to exercise delegated authority to determine a report, consideration of the matter will be deferred until such a time as the Council and its committees can meet.
- 2.11 The Government's guidance did not address the issue of how Annual Meetings could be held, despite the Local Government Act 1972 explicitly requiring authorities to hold their annual meetings during March, April or May. As this authority has two contested by-elections on 6 May 2021, the Annual Meeting cannot be held before this date. In the event that the High Court makes a declaratory judgment that permits the continuation of remote meetings, then the Annual Council meeting will take place on 27 May 2021. However, as there is no guarantee that the Annual Meeting will be able to take place, it is recommended that the Council resolves to continue with the current committee memberships and joint committee and outside body appointments until such a time as the Council can meet in the new municipal year to determine the new seat entitlement which will need to be calculated following the by-elections on 6 May 2021. This is subject in all cases to the ability of a Member to resign his or her office at any time, as normal, and if that scenario arose the Council would have to agree a fresh appointment to fill the vacancy when it was able to meet.

### **3 RISK ASSESSMENT**

#### Legal

- 3.1 Despite the Government's guidance and position on the cessation of remote meetings from 7 May 2021, the proposals comply with the requirements of local government legislation such as the Local Government Act 1972 and the Local Government Act

2000. The legal implications of the recommendations are detailed in the main body of this report and the legal risk is considered to be low.

#### Financial

- 3.2 There are no financial implications associated with the recommendations and the financial risk is assessed as low.

#### Corporate Risk

- 3.3 The risk of not adopting these changes is that the Council would not be able to make effective and timely decisions, to protect the financial and legal position of the Council and to act in the best interests of residents and businesses in the district.

### **4 OTHER CONSIDERATIONS**

- 4.1 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.
- 4.2 The equalities implications of the proposals do not present any significant impacts in respect on any protected group. As with the introduction of remote meetings when restrictions began in March 2020, members of the public who do not have internet access will not be able to see or hear what has happened at a meeting. Social distancing measures restrict the ability to hold meetings that the public may attend in person and therefore no reasonable adjustment can be made. Reports and minutes of meetings will continue to be publicly available on the Council's website: again this will continue to be the case until public access to and attendance at buildings can be restored and people will then be able to view paper copies of documents if they wish.

### **5 CONTACT INFORMATION**

- 5.1 James McLaughlin, Director of Corporate & Customer Services and Monitoring Officer, 01629 761281 or james.mclaughlin@derbyshiredales.gov.uk

### **6 BACKGROUND PAPERS**

- 6.1 Letter from the Minister of State for Regional Growth and Local Government to Local Authority Leaders – Local Authority Meetings – 25 March 2021
- 6.2 Covid-19: Guidance for the safe use of council buildings – 25 March 2021

### **7 ATTACHMENTS**

- 7.1 None

Council

22 April 2021

Report of the Director of Corporate and Customer Services

## **Establishment of Constitution Working Group**

### **PURPOSE OF REPORT**

To recommend the establishment of a Constitution Working Group to assist with a wide-ranging review of the Constitution and to define the purpose and remit of the Group.

### **RECOMMENDATION**

1. That a Constitution Working Group be established with the terms of reference detailed in Appendix 1.

### **WARDS AFFECTED**

District-wide

### **STRATEGIC LINK**

The Constitution is the cornerstone of the Council's authority to discharge functions and sets out how it will make decisions in ways that are efficient, transparent and accountable to local people. In this sense, it transcends each of the Council's corporate priorities as it is the key enabler to meet the strategic priorities of the authority.

## **1 BACKGROUND**

- 1.1 The Constitution exists to help residents, businesses, partners, stakeholders, Members and Officers understand how the Council works. Derbyshire Dales District Council exercises all powers in accordance with the law and its own procedures. The Constitution contains details of how the Council works, how decisions are made and where to find information about the Authority.
- 1.2 Since taking up post, the Monitoring Officer has identified a number of areas that require review within the Constitution in order to reflect protocols and procedures that are in operation within the Council, which are not necessarily documented. Furthermore, there is a need to keep the Constitution regularly reviewed, as per the requirement of section 37 of the Local Government Act 2000.

## **2 REPORT**

- 2.1 The purpose of the working group will be to ensure that the Constitution is relevant, fit for purpose and enables the decision making processes of the Council to progress in

an expedient manner. The group will identify areas which may be ambiguous or inconsistent and will also react to changes in legislation, policy or accepted practice and make recommendations for alterations and improvements. Proposed terms of reference for the group are detailed at Appendix 1.

- 2.2 An informal working group is considered the best way to achieve collaborative working between the Monitoring Officer and Members in order to ensure different options can be explored.
- 2.3 Delegated authority for consequential amendments to the Constitution is currently in place for the Monitoring Officer under the Scheme of Delegation. Going forward, proposed amendments will be considered by the Constitution Working Group and reported to Council for approval.
- 2.4 As an alternative, the Council could continue to review and amend the Constitution on an ad-hoc basis. This is not recommended, as it could result in delay in updating the Constitution and failure to comply with legislative changes.

### **3 RISK ASSESSMENT**

Legal

- 3.1 There are no specific legal implications associated with this report. Adoption and modification of the Constitution is a function of Council. The working group will therefore report to Council on any proposed changes to the Constitution (apart from those changes that come within the delegation to the Monitoring Officer to make consequential amendments).

Financial

- 3.2 There are no specific financial implications associated with this report.

### **4 OTHER CONSIDERATIONS**

- 4.1 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**

- 5.1 James McLaughlin, Director of Corporate & Customer Services & Monitoring Officer  
01629 761281 or [james.mclaughlin@derbyshiredales.gov.uk](mailto:james.mclaughlin@derbyshiredales.gov.uk)

### **6 BACKGROUND PAPERS**

- 6.1 N/A

### **7 ATTACHMENTS**

- 7.1 Appendix 1 – Proposed Terms of Reference – Constitution Working Group

## **APPENDIX 1**

### **PROPOSED TERMS OF REFERENCE CONSTITUTION WORKING GROUP**

#### **1. Role and Function**

- 1.1 The Constitution Working Group provides a mechanism by which Council can carry out focused cross-party reviews of the Constitution, of both a general and specific nature to ensure the constitution remains fit for purpose. It will undertake this role by:
- a) Considering any constitutional or procedural matter concerning the Council;
  - b) Undertaking health checks of the Constitution to ensure that the detail of the text remains fit for purpose and put forward appropriate changes;
  - c) Reviewing areas in the Constitution to ensure that it is kept in line with current legislation, local decisions made by the Council and best practice;
  - d) Recommending any proposed changes to the Constitution arising from the above to Council for approval.
- 1.2 The following may request that the Constitution Working Group considers a particular item of work:
- a) Council
  - b) Governance and Resources Committee
  - c) Monitoring Officer
- 1.3 The Group will have no decision making powers other than in advising in relation to the Monitoring Officer's delegated powers in relation to minor or consequential amendments. The group will report to the Council for approval of changes to the Constitution.

#### **2. Composition and Membership**

- 2.1 The Constitution Working Group shall comprise of seven Members with cross party representation on a proportional basis.
- 2.2 Members will be appointed to the Constitution Review Working Group at the Annual Council Meeting.
- 2.3 The Chairman of the Constitution Working Group will be elected by the Members of the Group
- 2.4 Meetings will be supported by the Monitoring Officer, Democratic and Electoral Services Manager and any other officer as required.

## **BACK TO AGENDA**