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19 May 2021

To: All Councillors:

As a Member of the Council, please treat this as your summons to attend the **Annual Meeting** of the Council on **Thursday 27th May 2021** at **6.00pm** at Wirksworth Leisure Centre, Hannage Way, Water Lane, Wirksworth DE4 4JG

This meeting will be recorded and published for viewing after the conclusion of proceedings on the District Council’s website at 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. APOLOGIES

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

2. ELECTION OF CHAIRMAN FOR THE YEAR 2021/2022

To propose that a Member of the Council be elected Chairman.

3. APPOINTMENT OF VICE CHAIRMAN FOR THE YEAR 2021/2022

To propose that a Member of the Council be appointed Vice-Chairman.

4. ELECTION OF THE CIVIC CHAIRMAN 2021/2022

a. To propose that a Member of the Council be appointed to the position of Civic Chairman, with seconding and supporting speeches.

b. Speech in reply by the newly appointed Civic Chairman.

c. The Civic Chairman will propose a vote of thanks to the retiring Civic Chairman.

5. APPOINTMENT OF THE DEPUTY CIVIC CHAIRMAN 2021/2022

To propose that a Member of the Council be appointed Deputy Civic Chairman, with seconding and supporting speeches.

6. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

To receive and approve the minutes of the previous meeting of the Council held on 22 April 2021 as a true and correct record of the proceedings.

7. 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.

Page Nos.

8. REPORT OF THE RETURNING OFFICER – RESULTS OF THE MASSON AND WIRKSWORTH BY-ELECTIONS

04 - 05

To receive the results of the by-elections for the Masson and Wirksworth Wards held on 6 May 2021.

9. ELECTION OF LEADER AND DEPUTY LEADER OF THE COUNCIL FOR THE 2021/22 MUNICIPAL YEAR

06 - 07

To elect a Leader and Deputy Leader of the Council for the 2021/22 municipal year.

10. MEMBERSHIP OF POLITICAL GROUPS, POLITICAL BALANCE AND ENTITLEMENT TO SEATS ON COMMITTEES

08 - 12

To consider the membership of political groups on the Council, the overall political balance of the Council and the entitlement of political groups to seats on committees for the 2021/22 municipal year.

11. APPOINTMENT OF MEMBERS TO COMMITTEES

To appoint Members to serve on committees in accordance with each political group's entitlement to seats.

To follow: Schedule of Nominations to Committees

12. APPOINTMENT OF CHAIRMEN AND VICE CHAIRMEN

13 - 14

To appoint Chairmen and Vice Chairmen to Committees.

13. APPOINTMENTS TO OUTSIDE BODIES **15 - 17**

To review the Council's affiliations with outside bodies and consider nominations to act as the Council's Representatives.

To follow: Appendix 1

14. CALENDAR OF MEETINGS FOR COUNCIL AND COMMITTEES FOR THE 2021/22 MUNICIPAL YEAR **18 - 20**

To approve the calendar of meetings of Council and its committees in the 2021/22 municipal year.

15 UPDATE TO THE CONSTITUTION **21 - 23**

To consider minor amendments to the Constitution

16. SEALING OF DOCUMENTS

To authorise that the Common Seal of the Council be affixed to those documents, if any, required completing transactions undertaken by Committees or by way of delegated authority to others, since the last meeting of the Council.

NOTE

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

Council
27 May 2021

Report of the Chief Executive

REPORT OF THE RETURNING OFFICER – RESULTS OF THE MASSON AND WIRKSWORTH BY-ELECTIONS

PURPOSE OF REPORT

To report on the results of the by-elections to the District Council for the Masson and Wirksworth wards held on 6 May 2021

RECOMMENDATION

That the results of the by-elections to the District Council for the Masson and Wirksworth Wards held on 6 May 2021 be noted.

WARDS AFFECTED

Masson and Wirksworth

STRATEGIC LINK

Not applicable to this report

1 BACKGROUND

- 1.1 Two by-elections were held on 6 May 2021 to fill vacant seats on the District Council for the Masson and Wirksworth wards. These vacancies had arisen following the death of Councillor Joyce Pawley, who had represented Masson ward, and the resignation of Councillor Elisa McDonagh, who had represented Wirksworth ward.

2 REPORT

- 2.1 The results of the by-election for the Masson ward are set out below:

Candidate	Party	Votes
MURPHY Dermot Joseph	The Conservative Party Candidate	447 (ELECTED)
STANLEY Mark Paul	Green Party	192
WHITEHEAD Nicholas Anthony	Labour Party	444
		Turnout: 45.8%

2.2 The results of the by-election for the Wirksworth ward are set out below:

Candidate	Party	Votes
GRATTON Gladwyn Hedley Kilkenny	The Conservative Party Candidate	741
GREATOREX Dawn	Labour Party	1,109 (ELECTED)
ROWLATT Richard John	Green Party	373
		Turnout: 46.9%

3 RISK ASSESSMENT

3.1 There are no risks associated with this report, which is for information.

4 CONTACT INFORMATION

Paul Wilson - Chief Executive and Returning Officer
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5 BACKGROUND PAPERS

None

Council
27 May 2021

Report of the Director of Corporate and Customer Services

ELECTION OF LEADER AND DEPUTY LEADER OF THE COUNCIL FOR THE 2021/22 MUNICIPAL YEAR

PURPOSE OF REPORT

The purpose of this report is to consider the election of the Leader and Deputy Leader of the Council for the 2021/22 municipal year.

RECOMMENDATIONS

1. That a Member of the largest political group be elected Leader of the Council for the 2021/22 municipal year.
2. That a Member of the largest political group be elected Deputy Leader of the Council for the 2021/22 municipal year.

WARDS AFFECTED

District-wide

STRATEGIC LINK

The political leadership of the Council is a critical part of the authority's good governance, which enables the delivery of the Corporate Plan and our strategic priorities.

1 BACKGROUND

- 1.1 The Council has historically appointed a Leader and Deputy Leader of the Council by the convention that the posts would be filled by the Leader and Deputy Leader of the largest political group on the Council.
- 1.2 In November 2020, the Council voted to confirm Councillor Garry Purdy as Leader of the Council and Councillor Susan Hobson as Deputy Leader of the Council for the remainder of the 2020/21 municipal year.

2 REPORT

- 2.1 Whilst the Constitution is presently silent on the method by which the Leader and Deputy Leader of the Council are elected, the common practice across local authorities in England is for that appointment to be made at the Annual Meeting of the Council, other than in authorities which operate Leader and Cabinet model executive arrangements, where a Leader is appointed to serve a four year term.

- 2.2 This report proposes that the Council, at its annual meeting, elects a Leader and Deputy Leader for the 2021/22 municipal year. In doing so, it is recommended that both offices are filled by members of the largest political group on the Council.
- 2.3 Upon election by the Council, the Leader and Deputy Leader will receive Special Responsibility Allowances in accordance with the provisions of the Members' Allowances Scheme.
- 2.4 At its meeting on 22 April 2021, the Council agreed to establish a Constitution Working Group to work with the Monitoring Officer to bring forward proposals to strengthen the governance arrangements of the authority. Amongst the areas requiring work is the introduction of provisions for the election of the Leader and Deputy Leader of the Council.

3 RISK ASSESSMENT

3.1 Legal

There are no legal implications associated with this paper beyond what has been set out in the main body of the report above.

3.2 Financial

The Member Allowances Scheme makes provision for the payment Special Responsibility Allowances to the Leader and Deputy Leader. The agreed budget for 2021/22 contained provision for the payment of these allowances. Therefore it is considered that the financial risk associated with these proposals is low.

3.3 Corporate Risk

Failure to appoint a Leader and Deputy Leader would remove the interface between the political leadership of the Council and its officers. This may impact on the good governance of the Council and could be considered to weaken the ability of the authority 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 and it is considered there are no direct impacts on any of these areas.

5 CONTACT INFORMATION

James McLaughlin - Director of Corporate and Customer Services
Tel: 01629 761281 or Email: james.mclaughlin@derbyshiredales.gov.uk

6 BACKGROUND PAPERS

- 6.1 Report to Council (26 November 2020) – Political Balance, Political Groups and Entitlement to Seats on Committees
- 6.2 Minutes of Council meeting held on 26 November 2020 – Minute 172/20 (Political Balance, Political Groups and Entitlement to Seats on Committees)

Council
27 May 2021

Report of the Director of Corporate and Customer Services

MEMBERSHIP OF POLITICAL GROUPS, POLITICAL BALANCE AND ENTITLEMENT TO SEATS ON COMMITTEES

PURPOSE OF REPORT

To report on the updated membership of political groups on the Council, the change to the political balance of the authority following the by-elections held on 6 May 2021 and the revised entitlement of political groups to seats on committees for the 2021/22 municipal year.

RECOMMENDATION

1. That the operation of four political groups on the Council and the detail of their designated Leaders be noted:
 - (a) Conservative Group – Councillor Garry Purdy
 - (b) Green and Independent Group – Councillor Neil Buttle
 - (c) Labour Group – Councillor Mike Ratcliffe
 - (d) Liberal Democrat Group – Councillor Steve Flitter

2. That, subject to the election of the Leader and Deputy Leader of the Council earlier on the agenda, the following special responsibility allowances be paid:
 - (a) Councillor Purdy - £12,024
 - (b) Councillor Flitter - £1,617
 - (c) Councillor Buttle - £1,115
 - (d) Councillor Hobson - £6,012

3. That the Council notes, and agrees, the entitlement of the membership of the political groups and that such entitlements have been reflected in the allocations to Committees.

WARDS AFFECTED

District-wide

STRATEGIC LINK

The strategic leadership provided by Councillors in discharging the functions of the Council through committees and other bodies is critical to the delivery of all priorities in the Corporate Plan.

1 BACKGROUND

- 1.1 The Proper Officer is required to notify the Council of any change in the political balance of the authority or the operation of new political groups under the Local Government (Committees and Political Groups) Regulations 1990. Since the last Council meeting, the two new councillors have been elected to serve on the District Council and have joined existing political groups.
- 1.2 On 6 May 2021, Councillor Murphy was elected to represent Masson Ward and Councillor Greatorex was elected to represent the Wirksworth Ward. The effect of these results means there are 22 Members in the Conservatives and Councillors Bright & Elliott Group and there are 4 Members in the Labour Group. Following the by-elections the Conservatives and Councillors Bright & Elliott Group continue to hold the majority of seats on the Council.
- 1.3 Section 15 of the Local Government and Housing Act 1989 places on local authorities the duty to allocate seats to political groups and sets out the principles to be followed when determining such allocation. The main principles, which must be satisfied sequentially, include
 - (a) That the number of seats on ordinary Committees/Bodies ... which are allocated to each political group bears the same proportion to the total of all the seats on the ordinary Committees of that Authority, as is borne by the Members of that group to the membership of the Authority (i.e. the allocation of the total number of seats available must mirror the political composition of the council).
 - (b) That the number of seats on the Body (Committee, etc.), which are allocated to each political group, bears the same proportion to the number of all the seats on that Body as is borne by the number of Members of that group to the membership of the Authority (i.e. the allocation of seats on individual committees must mirror the political composition of the council).
- 1.4 Local authorities are able to depart from the statutory provisions where there is unanimous agreement to do so.
- 1.5 Those members not in a political group are entitled to a due share of seats, although the Council will decide how to allocate seats to any non-aligned councillor

2 POLITICAL GROUPS

- 2.1 The Proper Officer has received formal notifications, under the provisions of the Local Government (Committees and Political Groups) Regulations 1990, of changes in the membership of the Council's political groups.
- 2.2 On 7 May 2021, Councillor Murphy became a member of the Conservatives and Councillors Bright & Elliott Group, which increased in size to 22 Members as a result. Similarly, Councillor Greatorex was elected on the same date and became a member of the Labour Group. The effect of this was to increase the membership of the Labour Group to 4 Members.
- 2.3 The Conservatives and Councillors Bright & Elliott Group holds the majority of seats on the Council and is in overall control of the authority. The political balance of the Council is now:

Name of Group	Designated Leader	Number of Members
Conservative and Councillors Bright & Elliott	Councillor Purdy	22
Green and Independent	Councillor Buttle	5
Labour	Councillor Ratcliffe	4
Liberal Democrat	Councillor Flitter	7

- 2.4 Councillor Swindell does not belong to a political group and for the purposes of this report is designated as a non-aligned Member.
- 2.5 Following the by-elections, the change in group memberships has an impact in respect of the Special Responsibility Allowances paid to the Leader and Deputy Leader of the Council. In the event of the Council electing Councillor Purdy and Councillor Hobson as Leader and Deputy Leader of the Council, the special responsibility allowances payable to Councillor Purdy will increase to £12,024, and consequently the allowance paid to Councillor Hobson would increase to £6,012, to reflect the increase in membership of the majority group.
- 2.6 The allowances paid to Councillor Flitter as leader of the first opposition group and Councillor Buttle as leader of the second opposition group will continue to be paid accordingly.

3 ENTITLEMENT TO SEATS

- 3.1 The allocation process must be applied 'so far as is reasonably practicable' to achieve a balanced outcome. The allocation of seats to the four political groups and non-aligned is determined by the following formula:

$$\frac{\text{Number of Members in a political group}}{\text{Total Number of Members of the Council (39)}} \times \text{Number of Seats to be allocated}$$

- 3.2 In order to the allocate seats to Committees and achieve balance on individual committees, as well as overall, it has been necessary to change the size of committees as follows:

Governance and Resources	17 (was 16)
Community and Environment	17 (no change)
Planning	13 (no change)
Licensing and Appeals	13 (was 12)
Joint Consultative	6 (no change)
Joint ICT	3 (no change)
Constitution Working Group	7 (no change)
Local Plan Advisory Group	10 (no change)

3.3 For the 86 seats available in applying principle (a) in paragraph 1.3, this gives:

Political Group	Seat Entitlement
Conservatives and Councillors Bright & Elliott	49
Green and Independent	11
Labour	9
Liberal Democrats	15
Non-Aligned	2

3.4 Application of principle (b) in paragraph 2.1 of this report, relating to the number of seats on individual committees, gives the following:

	Membershi p	Conservativ e Group and Cllrs Bright & Elliott	Green and Independe nt Group	Labour Group	Liberal Democrat Group	Non- aligned Member
		22	5	4	7	1
Committees						
Governance and Resources	17	10	2	2	3	0
Community and Environment	17	10	2	2	3	0
Planning	13	7	2	1	2	1*
Licensing and Appeals	13	7	2	1	2	1*
Joint Consultative	6	3	1	1	1	0
Joint ICT	3	2	0	0	1	0
Constitution Working Group	7	4	1	1	1	0
Local Plan Advisory Group	10	6	1	1	2	0
TOTALS	86	49	11	9	15	2

*One seat is allocated to the non-aligned Member to ensure that balance is achieved overall and on the Planning and Licensing & Appeals Committee

3.5 This calculation enables all of the political groups to take up a proportion of the seats on committees that matches their overall entitlement. The calculation leaves two vacant seats, one each on the Planning Committee and the Licensing and Appeals Committee. Whilst Councillor Swindell, as a non-aligned Member, is not part of a political group, the allocation of these seats to him would enable the overall balance of the Council to be reflected in the allocation of seats.

4 ASSESSMENT

4.1 Legal

The legislative requirements in respect of political balance and entitlement to seats are set out earlier in this report. The recommended approach will reduce the legal risk to the authority and on this basis, the legal risks associated with this report are considered to be low.

4.2 Financial

The proposed allowances can be contained within the existing revenue budget. The financial risk is therefore assessed as low.

5 OTHER CONSIDERATIONS

5.1 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.

6 CONTACT INFORMATION

James McLaughlin - Director of Corporate and Customer Services
Tel: 01629 761281 or Email: james.mclaughlin@derbyshiredales.gov.uk

7 BACKGROUND PAPERS

None

8 ATTACHMENTS

None

Council
27 May 2021

Report of the Director of Corporate and Customer Services

APPOINTMENT OF CHAIRMEN AND VICE-CHAIRMEN

PURPOSE OF REPORT

This report sets out the appointments to the positions of Chairman and Vice-Chairman to the various decision making bodies for the 2021-22 municipal year.

RECOMMENDATION

That the appointments of Committee Chairman and Vice-Chairman are approved to hold office until the next Annual Meeting of the Council.

WARDS AFFECTED

District-wide

STRATEGIC LINK

Not applicable.

1. REPORT

- 1.1 Appendix 1 sets out the appointments to the position of Chairman and Vice-Chairman to the various Committee and decision making bodies of the Council.
- 1.2 All positions are to hold office until the next Annual Meeting of the Council.

2 RISK ASSESSMENT

2.1 Legal

There are no legal issues arising from the report.

2.2 Financial

There are no financial risks arising from the report.

3 CONTACT INFORMATION

James McLaughlin - Director of Corporate and Customer Services
Tel: 01629 761281 or Email: james.mclaughlin@derbyshiredales.gov.uk

4 BACKGROUND PAPERS

None

5 ATTACHMENTS

Appendix 1 – Chairmen and Vice Chairmen 2021/2022

Appendix 1

APPOINTMENT OF CHAIRMEN AND VICE-CHAIRMEN 2021/2022

Committee/Decision Making Body	Chairman	Vice-Chairman
Community & Environment	Councillor Chris Furness	Councillor Helen Froggatt
Governance & Resources	Councillor Tom Donnelly	Councillor David Chapman
Planning	Councillor Jason Atkin	Councillor Richard Fitzherbert
Licensing & Appeals	Councillor Tony Morley	Councillor Andrew Statham
Joint Consultative Group	To be appointed at first meeting	To be appointed at first meeting
Ernest Bailey Charity	Councillor Jason Atkin	Councillor Andrew Statham
Constitution Working Group	To be appointed at first meeting	To be appointed at first meeting
Local Plan Working Group	To be appointed at first meeting	To be appointed at first meeting
Chief Officer Selection Panel	To be appointed at first meeting	To be appointed at first meeting

Council
27 May 2021

Report of the Director of Corporate and Customer Services

APPOINTMENTS TO OUTSIDE BODIES

PURPOSE OF REPORT

This report reviews the Council's affiliations with outside bodies and invites nominations to act as the Council's representatives.

RECOMMENDATION

1. That Council reviews the appointments to outside bodies identified in Appendix 1, and considers any changes it may wish to make to the current arrangements.
2. That the position of organisations where no indemnity insurance currently exists be noted accordingly.
3. That the Members identified in Appendix 1 be appointed to the relevant outside body to serve until the next Annual Meeting of the Council.
4. That the list of Conferences for 2021/22 be approved.
5. That authority is delegated to the Director of Corporate and Customer Services in consultation with the Chief Executive and Directors, where relevant, to determine requests for attendance at other conferences based on the relevance of the subject matter and to the availability of finance.

WARDS AFFECTED

District-wide

STRATEGIC LINK

Successful and meaningful relationships with external agencies underpin all of the Council's Corporate Aims and Priorities.

1 APPOINTMENT TO OUTSIDE BODIES

- 1.1 This is an annual review of the schedule of outside body appointments and the Council's affiliation with those outside bodies
- 1.2 The Schedule attached at Appendix 1, gives the full list of outside bodies that require the Council's consideration at this time. Council is required to consider its nominations and any changes it wishes to make to those currently in place.

- 1.3 Those bodies that do not afford their representatives the benefit of personal liability insurance have been highlighted in bold. The associated risk however is considered to be low.
- 1.4 At a previous meeting of Council it was agreed that Members report back annually on their involvement with an outside body. It is recommended that Members appointed to outside bodies are be reminded of this requirement and that updates be sent to all Members of the Council.

2 APPROVED CONFERENCES

- 2.1 The following table sets out the list of Approved Conferences and recommended representation. The purpose of the list is to confer approved duty status to cover Member attendance. Those highlighted in red are events that the Council has previously agreed that attendance will be based on the relevance of the agenda and availability of finance. Authority for approval is delegated to the Director of Corporate and Customer Services (as budget holder) based on the recommendation of the Member Development Working Group.

Title and Organising body	Representation	Substitute Representation
<i>(Annual)</i> Local Government Association (LGA) Conference	Leader and Deputy Leader plus Chief Executive	Deputy Group Leaders or a Committee Chair
<i>(Annual) Chartered Institute of Public Finance and Accountancy (CIPFA)</i>	<i>Chairman of the appropriate Committee and Service Director</i>	<i>Vice-Chairman of the appropriate Committee</i>
<i>(Annual) National Association of British Market Authorities (NABMA)</i>	<i>Chairman of the appropriate Committee and Service Director</i>	<i>Vice-Chairman of the appropriate Committee</i>
<i>Chartered Institute of Housing Conference (Inside Communications Limited)</i>	<i>Chairman of the appropriate Committee and one Officer from the appropriate Department</i>	<i>Vice-Chairman of the appropriate Committee</i>
<i>LGA Tourism Conference</i>	<i>Chairman or Vice-Chairman of the appropriate committee and one Officer</i>	<i>Vice-Chairman of the appropriate Committee</i>
District Council's Network Conference	Leader & Chief Executive	Deputy Leader
<i>Rural Services Network</i>	<i>Chairman of the appropriate Committee</i>	<i>Vice Chairman</i>

3 RISK ASSESSMENT

3.1 Legal

There are risks attached to representing the Council on outside bodies. Where these are not covered by insurance there is a risk of personal liability being incurred.

Members will have to decide whether they are prepared to accept this possible consequence when deciding to represent the Council. In most cases, the possible level of personal liability will be small.

3.2 Financial

The Council has a reserve of £25,000 to cover Member/Officer indemnity. The indemnity extends to co-opted members on the Council's Committees.

Members allowances for attendance at meetings of the affiliated Outside Bodies and Approved Conferences is provided for in the revenue budget for 2021/22. The financial risk is therefore low.

4 CONTACT INFORMATION

James McLaughlin - Director of Corporate and Customer Services
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5 BACKGROUND PAPERS

Annual review of outside bodies. Outside Body File held in Chief Executive's Department.

6 ATTACHMENTS

Appendix 1 – Schedule of Outside Bodies (**To follow**)

Council
27 May 2021

Report of the Director of Corporate and Customer Services

CALENDAR OF MEETINGS OF THE COUNCIL AND COMMITTEES FOR THE 2021/22 MUNICIPAL YEAR

PURPOSE OF REPORT

To approve the Calendar of Meetings for the 2021/22 municipal year.

RECOMMENDATION

That the Calendar of Meetings for the 2021/22 municipal year be approved.

WARDS AFFECTED

District-wide

STRATEGIC LINK

The approval of the Calendar of Meetings underpins the Council's governance arrangements and provides opportunities for public participation and engagement in the decision making process.

1 BACKGROUND

1.1 The calendar of Council and committee meetings for the 2021/22 municipal year is presented for adoption.

2 REPORT

2.1 The Council is required to annually adopt a calendar of meetings for the ensuing municipal year and this report is submitted to comply with that requirement.

2.2 Following the cessation of the regulations which permitted virtual meetings from April 2020 to May 2021, meetings will be held in accordance with public health advice and Covid safety risk assessments in respect of the Council Chamber at Matlock Town Hall or an appropriate alternative venue where required.

3 RISK ASSESSMENT

3.1 Legal

There are no direct legal implications associated with this report beyond those set out above. The legal risk is therefore assessed as low.

3.2 Financial

There are no direct financial or procurement implications associated with this report

3.3 Corporate Risk

There are no risks associated with this report.

4 OTHER CONSIDERATIONS

4.1 No other matters have been taken into account in the preparation of this report.

5 CONTACT INFORMATION

James McLaughlin - Director of Corporate and Customer Services


Tel: 01629 761281 or Email: james.mclaughlin@derbyshiredales.gov.uk

6 BACKGROUND PAPERS

None

7 ATTACHMENTS

7.1 Appendix 1 – Calendar of Meetings for the 2021/22 Municipal Year

		Notable dates in 2021/22 31 May 2021 30 August 2021 25 (27) December 2021 26 (28) December 2021 01 (03) January 2022 01 & 02 March 2022 15 April 2022 18 April 2022 02 May 2022		Spring Bank Holiday August Bank Holiday Christmas Day (Substitute Day) Boxing Day (Substitute Day) New Year's Day (Substitute Day) Shrovetide Good Friday Easter Monday May Day		PROGRAMME OF MEETINGS 2021/2022 1 = Budget Meeting 2 = Annual Meeting 3 = Annual Governance Statement 4 = Audited Statement of Accounts									
2021										2022					
MEETINGS All at 6.00pm (unless otherwise stated)	VENUE	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	
Council	M	27 ⁽²⁾		8			7	25		27		3 ⁽¹⁾ 24		5 26 ⁽²⁾	
Community & Environment	M		23			23		17		5	23		6		
Governance & Resources	M			1 ⁽³⁾		30 ⁽⁴⁾		18		20		17			
Planning	M		22	13	10	14	12	9	14	11	8	8	12	10	
Joint Consultative Group (2.30 pm)	M		9			15			22				13		
Ernest Bailey	M							11							
Licensing & Appeals	M			1			7			13			28		
Town & Parish Conference	M														
MANDATORY TRAINING:	M														

Council
27 May 2021

Report of the Director of Corporate and Customer Services & Monitoring Officer

UPDATE TO THE CONSTITUTION

PURPOSE OF REPORT

To recommend minor changes to the Constitution to update the document at the beginning of the new municipal year.

RECOMMENDATION

1. That the provisions for the Emergency Committee set out in Part 3 – Responsibilities for Functions be deleted.
2. That the reference to the Local Plan Working Group as an advisory committee be deleted.
3. That the topics for review by the Constitution Working Group be noted.

WARDS AFFECTED

District-wide

STRATEGIC LINK

The effective operation of the Council's democratic processes underpins all the Council's aims and objectives. The Constitution is also an important tool in setting and monitoring the Council's governance framework.

1 BACKGROUND

- 1.1 The Constitution is the cornerstone of the Council which enables decision making and sets out responsibilities for the discharge of functions, as well as the rights of Members and the public in engaging with and participating in the governance of the authority.
- 1.2 Whilst a Constitution Working Group has been established to work with the Monitoring Officer to identify broader changes that are needed to improve the governance framework of the Council, there a number of updates required which are not considered necessary for review by that working group prior to seeking their adoption by the Council.
- 1.3 This report proposes a number of changes which principally cover matters set out in Part 3 of the Constitution – Responsibility for Functions, which relates to the discharge of functions by officers and committees.

2 REPORT

- 2.1 Part 3 of the Constitution, entitled Responsibilities for Functions, provides clarity in

respect of which functions may be discharged by the Council, a committee or officers. Such sections exist in all local authority constitutions regardless of the model of governance that is in operation at individual councils. The Council previously approved Part 3 of the Constitution at its Annual Meeting on 22 July 2020.

- 2.2 Members will recall that on 22 April 2021, the Council agreed to delegate decision making responsibilities to officers, subject to consultation with relevant Members, following 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. These provisions will remain in operation until 21 June 2021, when it is hoped that in person committee meetings can recommence at Matlock Town Hall, subject to Covid safety risk assessments and the thresholds on the Government's roadmap for recovery being met. This means that the provisions for decision making by Council and committees, other than the business to be discharged at this meeting, will be taken under the arrangements agreed by the Council on 22 April 2022.
- 2.3 With the return of decision making by the Council and the Policy Committees in the summer of 2020, there is no longer a requirement for the provisions of the Emergency Committee which was established to facilitate decision making at the beginning of the restrictions arising from the Covid-19 pandemic. It is therefore recommended that this provision be deleted.
- 2.4 The Council previously established a Local Plan Working Group to undertake work as instructed by the Council on policies and proposals as part of the Local Plan Review and to prepare options for Council to consider. The Constitution presently describes this working group as an Advisory Committee established under S102(4) of the Local Government Act 1972. It is recommended that the reference to the Working Group as an advisory committee be removed to put this body on the same footing as other working groups that have been established to enable Members to come together informally to consider and develop proposals for consideration by the Council or its policy committees.
- 2.5 Having agreed to the establishment of the Constitution Working Group, it is recommended that the Group be tasked with reviewing the following activities initially:
 - Introduction of general delegations to officers
 - Review of the petition scheme provisions
 - Establishment of a Scrutiny Committee
 - Establishment of a Standards and Ethics Committee
 - Review of Procedure Rules, specifically the application of the rules of debate
 - Review of the role of the Civic Chairman

3 RISK ASSESSMENT

3.1 Legal

The legislative foundation to enable or require amendments to the Constitution is set out clearly in Articles 12 and 13 of the Constitution. The proposals within this report are consistent with the provisions of those articles. The legal risk is therefore assessed as low.

3.2 Financial

There are no financial considerations arising from the 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. It is considered that there are no direct implications or considerations relating to the recommendations in this report.
- 4.2 There are no specific equalities implications arising from the recommendations in this report but the Constitution Working Group will be asked to consider the equalities impact of any matters that are subject to review.

5 CONTACT INFORMATION

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6 BACKGROUND PAPERS

- 6.1 Constitution of Derbyshire Dales District Council

7 ATTACHMENTS

None