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Governance & Resources

Minutes of a Governance & Resources meeting held at 6.00 pm on Thursday, 14th July, 2022 in the Council Chamber, Town Hall, Matlock, DE4 3NN.

PRESENT Councillor Tom Donnelly - In the Chair

Councillors: Sue Bull, Alyson Hill, Stuart Lees, Dermot Murphy, Garry Purdy, Alasdair Sutton, Robert Archer, Paul Cruise, Steve Flitter, Neil Buttle and Claire Raw

Present as Substitute(s) Councillors: Jason Atkin and Mark Wakeman

Paul Wilson (Chief Executive), James McLaughlin (Director of Corporate and Customer Services (Monitoring Officer)), Karen Henriksen (Director of Resources), Tim Braund (Director of Regulatory Services), Jenny Williams (Head of the Internal Audit Consortium), Vikki Hatfield (Neighbourhoods Manager), Tommy Shaw (Democratic Services Team Leader), Lucy Harrison (Democratic Services Assistant), John Pressley (Audit Manager, Mazars) and James Sutton (Audit Assistant Manager, Mazars)

Note:

"Opinions expressed or statements made by individual persons during the public participation part of a Council or committee meeting are not the opinions or statements of Derbyshire Dales District Council. These comments are made by individuals who have exercised the provisions of the Council's Constitution to address a specific meeting. The Council therefore accepts no liability for any defamatory remarks that are made during a meeting that are replicated on this document."

APOLOGIES

Apologies for absence were received from Councillor(s): David Chapman, Helen Froggatt, Susan Hobson, Mike Ratcliffe and Colin Swindell

59/22 - APPROVAL OF MINUTES OF PREVIOUS MEETING

It was moved by Councillor Jason Atkin, Seconded by Councillor David Hughes and

RESOLVED (Unanimously)

That the minutes of the meeting of the Governance and Resources Committee held on 17 March 2022 be approved as a correct record.

The Chairman declared the motion **CARRIED**.

60/22 - PUBLIC PARTICIPATION

Item 5 – Starkholmes Allotments

In accordance with the procedure for public participation, Ms Barbara Marriott, Ms Mary Derrick and Councillor David Hughes spoke regarding the compulsory purchase of Starkholmes Allotments. Ms Sharon Shirley presented a short video which supported the compulsory purchase of Starkholmes Allotments.

Councillor Claire Raw entered the meeting at 6:08PM.

61/22 - INTERESTS

Item 5 – Starkholmes Allotments

Councillor Mark Wakeman declared a personal interest in Item 5 due to having a business relationship with the owner of the allotment land. Councillors Paul Cruise and Steve Flitter also declared personal interests in Item 5 due to both being Members of Matlock Town Council.

62/22 - STARKHOLMES ALLOTMENTS

Councillor Mark Wakeman left the meeting at 6:18pm due to having previously declared a personal interest in this Item.

The Director of Regulatory Services introduced a report which updated the Committee on the work that had been undertaken in relation to Starkholmes Allotments, following the request from Starkholmes Allotment Association to proceed with compulsory purchase action. The report explained the roles and responsibilities of the District Council and of Matlock Town Council and set out the ways in which those two organisations had worked together on this issue. A number of recommendations were also made in relation to land adjacent to the Allotment site, which had been proposed to be transferred to Matlock Town Council, but which had been paused following consideration at an earlier meeting of this Committee.

Councillor Garry Purdy moved the Officer recommendations with an amendment to recommendation 3 to read as below:

3. That Council be requested to approve a supplementary revenue budget of £15,000 in 2022/23 for the costs associated with defending that Asset of Community Value decision, to be financed from the General Reserve. Should any additional funds be required above the proposed £15,000, this would return to Members for approval.

It was also proposed that an additional fifth recommendation be included as set out below:

5. That an additional sum of £5,000 be gifted to the Allotment Society to support their fundraising efforts.

The proposed motion was seconded by Councillor Jason Atkin and

RESOLVED

1. That the work undertaken to support Matlock Town Council in relation to *compulsory hire of the allotment site be noted.*
2. That the work undertaken to defend the appeal against the Asset of Community Value listing be noted.
3. That Council be requested to approve a supplementary revenue budget of £15,000 in 2022/23 for the costs associated with defending that Asset of Community Value decision, to be financed from the General Reserve. Should any additional funds be required above the proposed £15,000, this would return to Members for approval.
4. That work to undertake a community asset transfer of the site adjacent to the Starkholmes Allotments be recommenced.
5. That an additional sum of £5,000 be gifted to the Allotment Society to support their fundraising efforts.

Voting

12 For
0 Against
1 Abstentions

The Chairman declared the motion **CARRIED**.

Councillor Mark Wakeman re-entered the meeting at 6:43pm.

63/22 - REVIEW OF CAR PARKING POLICY

The Neighbourhoods Manager introduced a report which proposed a review of the Council's current car parking policy and sought Member agreement for the scope and timescale for a review to be undertaken. The report also proposed the establishment of a sub-group of Elected Members to monitor progress within established terms of reference.

The Council's current Car Parking Policy was last fundamentally reviewed in 2012/13 with changes introduced in January 2014. At the request of the Leader of the Council, a review of the current car parking policy was proposed to be undertaken in response to public concerns about specific aspects of the current policy.

The report informed Members of the significant revenue funding gathered via the Council's car parking service and therefore its critical importance to the Council's revenue budget and the delivery of high quality services to the residents, businesses and visitors of the Derbyshire Dales. The report also details the car parking revenue during 2021/22, which amounted to just under £2.5 million and represented almost 42% of the Council's total revenue income from fees and charges. By way of comparison, if the Council did not secure this level of income from car parking charges in 2022/23, the District Council's share of the Council Tax across the District would have to rise by over 36% to replace lost income. The report informed the Committee that this would not be possible as the level of council tax

increase is subject to the government's capping limits. It was therefore noted that maintaining the recent level of car parking revenue would be critical to the sustainability of the Council's future financial position and that any recommendations arising from the review must not undermine this critical income source unless compensatory savings/income streams could be identified.

It was moved by Councillor Garry Purdy, seconded by Councillor Sue Bull and

RESOLVED (Unanimously)

1. That a review of the Council's Car Parking Policy be undertaken in accordance with the terms of reference outlined at Section 2 of the report.
2. That a Member Working Group comprising of up to five Members representing each political group is formulated to monitor progress and to work with officers on options for consideration of the relevant decision making body.
3. That once completed, the review of the Car Parking Policy be reported to a future meeting of this Committee for target implementation by Autumn 2023.

The Chairman declared the motion **CARRIED**.

64/22 - EXTERNAL AUDIT STRATEGY MEMORANDUM FOR THE FINANCIAL YEAR ENDING 31 MARCH 2022

The Director of Resources introduced a report which provided information about the external audit plan for the 2021/22 accounts. The Council's external auditor, Mazars LLP, provided an Audit Strategy Memorandum for the financial accounts for the year ending 31 March 2022. The purpose of this document was to summarise the audit approach, highlight significant audit risks and areas of key judgements and provide the committee with the details of the audit team. The external auditor requested that the Memorandum be brought to Members' attention.

The audit scope, approach and timeline was set out at Appendix 1 of the report. It could be seen from this that the intention was for the audit to be completed in time for a report on the outcome to be presented to the November meeting of this Committee

It was moved by Councillor Garry Purdy, seconded by Councillor Steve Flitter and

RESOLVED (Unanimously)

1. That the External Audit Strategy Memorandum for the year ending 31 March 2022 be noted.
2. That Council be requested to approve a supplementary revenue estimate of £6,002 for 2022/23 in respect of the additional audit fee for work on the 2021/22 financial statements, to be financed from the General Reserve.

The Chairman declared the motion **CARRIED**.

65/22 - INTERNAL AUDIT REPORT 2021/22

The Head of the Internal Audit Consortium introduced a report which presented a summary of the internal audit work undertaken during 2021/22 from which the opinion on governance, risk and internal control is derived. The report also provided an opinion on the overall adequacy and effectiveness of the Council's governance, risk and control arrangements including any qualifications to that opinion.

The 2021/22 Operational Audit Plan was originally approved by this Committee on the 11th March 2021. In November 2021 the Committee approved a revised plan with a reduced number of days. The number of audit days were reduced due to a failure to recruit a Senior Auditor and the continued redeployment of the current Senior Auditor to business grants work. Subsequently an Auditor was appointed. For operational reasons a few of the areas in the revised plan were supplemented by alternative areas.

Throughout 2021/22 the Senior Internal Audit continued to have a large involvement in Business Grants, this had a detrimental impact on the completion of the Operational Audit Plan. In order to be able to complete sufficient work to be able to provide an unlimited opinion, work on the 21/22 plan continued into June 2022. The Committee were informed that this was predicted to have a knock on effect on completion of the 2022/23 approved plan.

It was moved by Councillor Steve Flitter, seconded by Councillor Mark Wakeman and

RESOLVED (Unanimously)

That the Internal Audit Annual Report for 2021/22 be accepted.

The Chairman declared the motion **CARRIED**.

66/22 - PROGRESS UPDATE ON THE 2021/2022 INTERNAL AUDIT PLAN

The Head of the Internal Audit Consortium introduced a report which informed Members of a progress update in respect of the 2021/2022 Internal Audit Plan. The report included a summary of internal audit reports issued since the last meeting of this Committee.

As mentioned in the previous report, the 2021/22 Operational Audit Plan was originally approved by this Committee on the 11th March 2021. In November 2021 the Committee approved a revised plan with a reduced number of days. The plan provided a framework by which service functions would be reviewed to test and report on the adequacy and effectiveness of risk management systems and the internal control environment within the Council. The report detailed the results of the internal audit reviews undertaken since the last meeting. The internal audit annual report provided an update in terms of internal audit resource and progress on the revised plan.

It was moved by Councillor Mark Wakeman, seconded by Councillor Garry Purdy and

RESOLVED (Unanimously)

That the report be noted.

The Chairman declared the motion **CARRIED**.

67/22 - ANNUAL GOVERNANCE STATEMENT 2021/22

The Director of Resources introduced a report detailing the Annual Governance Statement, which provided Members with an overview of how the Council's governance arrangements operated.

Governance comprises the systems and processes, culture and values by which the Council is directed and controlled, and through which it is accountable to, engages with and leads the community. The report covered the annual review to ensure that governance arrangements remain effective. The report showed the extent to which the Council had complied with its own code of governance and described significant governance issues, alongside an explanation of what actions had been taken to bring about required improvements, and what work was still to be done. This provided transparency and gave assurance of the Council's commitment to continuously improve the way in which it functions.

It was moved by Councillor Jason Atkin, seconded by Councillor Sue Bull and

RESOLVED (Unanimously)

1. That the Annual Governance Statement for 2021/22 be approved.
2. That the significant governance issues, and the action plan to address them, be noted.

The Chairman declared the motion **CARRIED**.

68/22 - STATEMENT OF ACCOUNTS 2021/22 - APPROVAL OF ACCOUNTING POLICIES

Councillor Claire Raw left the meeting at 7:37pm.

The Director of Resources introduced a report which sought Member approval of the Accounting Policies used within Derbyshire Dales District Council's Statement of Accounts 2021/22 and highlighted any changes from last year. Members were informed that the Council must publish its draft Statement of Accounts 2021/22 by the 31st July 2022.

The report presented the accounting policies that the Council would apply in the preparation of the Statement of Accounts for 2021/22. Members were informed that Officers had assessed the accounting policies deemed necessary to explain clearly and underpin the accounting treatment of transactions within the Council's Statement of Accounts for 2021/22.

With specific regard to the accounting policies proposed in respect of 2021/22, these were largely unchanged from previous years. However, it was proposed to amend the rolling revaluation programme for fixed assets from every 5 years, which is the minimum requirement, to every 3 years. It was expected that this amendment would improve the accuracy of the fixed asset valuations held within the Balance Sheet, whilst also reducing the impact of that the annual impairment review.

It was also noted that as the Statement of Accounts for 2021/22 is prepared, it may be necessary to amend a policy in order to adopt a more appropriate accounting policy. If this

were to occur, the change and the reason for the change would be reported back to this Committee at its next available meeting and / or would be highlighted within the report when the Statement of Accounts is presented to Members for approval.

It was moved by Councillor Garry Purdy, seconded by Councillor Jason Atkin and

RESOLVED (Unanimously)

That the 2021/22 Accounting Policies be approved for use within the Statement of Accounts.

The Chairman declared the motion **CARRIED**.

69/22 - DISTRICT COUNCIL'S ASSET LIST

The Director of Regulatory Services introduced a report which updated Members on the progress made in updating the District Council's official list of assets.

At its meeting on 14 December 2020, Council considered a report that provided information on the methodology and outcome of an independent review of assets. It had become clear during this review that the Council official asset list was not up-to-date. Council therefore resolved that the asset list should be reviewed annually and presented to this Committee for review.

In order to address this issue an officer working group was formed, with the purpose of updating this list. It became clear that there were in fact three separate lists of assets, these lists were maintained separately, for different purposes and appeared not to have been reconciled for some time. The group considered that the most appropriate way to begin to address these issues was to examine the assets held in specific geographical areas of the district, to check each record, complete any necessary legal paperwork and to then update the lists.

Because of the concerns that had previously been raised by Tansley Parish Council, it was agreed that asset records relating to Tansley would be examined first. Through working in this way, it was the aim of the group that the three separate asset lists could be rationalised into one central list, which would be held in the Uniform database and mapped on GIS. The report detailed the work completed regarding several identified sites in Tansley and the records of five public conveniences which required updating.

It was moved by Councillor Jason Atkin, seconded by Councillor Sue Bull and

RESOLVED (Unanimously)

That the report be noted.

The Chairman declared the motion **CARRIED**.

70/22 - ANNUAL REPORT ON THE REGULATION OF INVESTIGATORY POWERS ACT (RIPA)

The Director of Corporate and Customer Services introduced the annual report on the Council's use of RIPA and any related matters.

The Regulation of Investigatory Powers Act 2000 (RIPA) was put in place to ensure that the use of investigatory powers by certain organisations complies with the UK's obligations under the European Convention on Human Rights (ECHR) including Article 8 (the right to privacy). The proper authorisation of certain covert surveillance powers under RIPA ensures that the Council is acting in accordance with such human rights. The purpose of this annual report was to set out the level and nature of the Council's use of covert surveillance under RIPA.

The District Council's RIPA Policy was approved by Council in January 2020. It clearly explained the type of surveillance the Council could and could not undertake and also explained those limited circumstances where covert surveillance, requiring external authorization, may be appropriate. It was noted in the report that the policy ensured compliance with the regulatory framework for the use of covert investigatory techniques by officers, as set out in the Regulation of Investigatory Powers Act 2000 and RIPA (Directed Surveillance and Covert Human Intelligence Sources CHIS) Order 2010 (and as amended 2012).

The Committee were informed that the Council had not used its RIPA surveillance powers during the 2021/22 financial year and the Council's RIPA Authorising Officers had not approved the use of covert surveillance techniques in any cases. The last time such powers were used dates back to 2014.

It was moved by Councillor Sue Bull, seconded by Councillor Mark Wakeman and

RESOLVED (Unanimously)

1. That the report be noted.
2. That the procedure for the use of corporate social media accounts to access information be endorsed and included in the RIPA Policy.

The Chairman declared the motion **CARRIED**.

Meeting Closed: 7.46 pm

Chairman