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Wednesday, 17 May 2023

To All Councillors:

As a Member of the **Council**, please treat this as your summons to attend a meeting on **Thursday, 25 May 2023 at 6.00 pm** in the **Council Chamber, Town Hall, Matlock, DE4 3NN**

Yours sincerely,

James McLaughlin
Director of Corporate and Customer Services

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AGENDA

1. ELECTION OF CHAIRMAN FOR THE YEAR 2023/2024

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

2. APPOINTMENT OF VICE-CHAIRMAN FOR THE YEAR 2023/2024

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

3. ELECTION OF CIVIC CHAIRMAN 2023/24

- 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.

4. APPOINTMENT OF THE DEPUTY CIVIC CHAIRMAN 2023/2024

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

5. ELECTION OF LEADER AND DEPUTY LEADER - 2023-24 MUNICIPAL YEAR (Pages 5 - 8)

To elect a Leader and Deputy Leader of the Council for the 2023/24 municipal year.

6. LEADERS' ANNOUNCEMENTS

Announcements of the Leader of the Council.

7. APOLOGIES FOR ABSENCE

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

8. APPROVAL OF MINUTES OF PREVIOUS MEETING (Pages 9 - 20)

To receive and approve the minutes of the previous meeting of the Council held on 16 March 2023 as a true and correct record of the proceedings.

9. 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 the time.

10. MUNICIPAL ELECTION RESULTS - REPORT OF THE RETURNING OFFICER (Pages 21 - 28)

11. MEMBERSHIP OF POLITICAL GROUPS, POLITICAL BALANCE AND ENTITLEMENT TO SEATS ON COMMITTEES (Pages 29 - 36)

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 2023/24 municipal year.

12. SCHEDULE OF NOMINATIONS TO COMMITTEES

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

13. APPOINTMENT OF CHAIRS AND VICE CHAIRS

To appoint a Chair and Vice-Chair to Committees.

14. APPOINTMENT TO OUTSIDE BODIES FOR THE 2023/24 MUNICIPAL YEAR (Pages 37 - 44)

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

15. PUBLIC PARTICIPATION

To enable members of the public to ask questions, express views or present petitions, **IF NOTICE HAS BEEN GIVEN**, (by telephone, in writing or by email) **BY NO LATER THAN 12 NOON OF THE WORKING DAY PRECEDING THE MEETING**. As per Procedural Rule 14.4 at any one meeting no person may submit more than 3 questions and no more than 1 such question may be asked on behalf of one organisation.

NOTE

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Agenda Item 5

**OPEN REPORT
ANNUAL COUNCIL**

Annual Council – 25 May 2023

ELECTION OF LEADER OF THE COUNCIL AND DEPUTY LEADER OF THE COUNCIL FOR THE 2023/24 MUNICIPAL YEAR

Report of Director of Corporate & Customer Services and Monitoring Officer

Report Author and Contact Details

James McLaughlin, Director of Corporate & Customer Services
01629 761281 or james.mclaughlin@derbyshiredales.gov.uk

Wards Affected

District Wide

Report Summary

The purpose of this report is to consider the election of the Leader of the Council and Deputy Leader of the Council for the 2023/24 municipal year.

Recommendations

1. That a Member be elected Leader of the Council for the 2023/24 municipal year.
2. That a Member(s) be elected Deputy Leader(s) of the Council for the 2023/24 municipal year.

List of Appendices

None

Background Papers

Council Procedure Rule 3.4 – Part 4 of the Constitution

Consideration of report by Council or other committee

No

Council Approval Required

Yes or No

Exempt from Press or Public

Yes or No

Election of Leader of the Council and Deputy Leader of the Council for the 2023/24 Municipal Year

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 2022, the Council authorised the Monitoring Officer to insert a provision in the Council Procedure Rules (Part 4 of the Constitution) for the election of the Leader and Deputy Leader of the Council.
- 1.3 The Council Procedure Rules now state:

At the Annual Meeting, the Chairman will ask for nominations to the position of Leader of the Council for the ensuing municipal year. Once proposed and seconded, the Chairman will call for votes on the nominees.

If two or more people are nominated and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person. The same process will be followed for election of a Deputy Leader of the Council.

At the conclusion of this process, the Leader of the Council will address the Annual Meeting.

2. Key Issues

- 2.1 Following the municipal elections, the political groups of the Council have appointed the following Leaders and Deputy Leaders:

Political Group Name	Number of Members	Group Leader	Group Deputy Leader
Conservatives	11	Councillor Susan Hobson	Councillor Stuart Lees
Green Party	4	Councillor Neil Buttle	Councillor Laura Mellstrom
Labour and Councillor O'Brien	6	Councillor Peter Slack	Councillor Dawn Greatorex
Liberal Democrats	12	Councillor Steve Flitter	Councillor Peter Dobbs

- 2.2 No political group commands an overall majority of seats on the Council. As such, there is no default recommendation for the election to the roles of Leader and Deputy Leader.

3. Options Considered and Recommended Proposal

- 3.1 The Chairman of the Council will invite nominations from political groups for a councillor to be elected as Leader of the Council for the 2023/24 municipal

year. The nominations must be proposed and seconded before any vote may take place.

- 3.2 In the event that there is more than one nomination for the position, the Chairman will call votes for and against, as well as abstentions, in respect of each councillor nominated. If more than two councillors are nominated, in each round of voting, the councillor with the lowest number of votes will be eliminated until a candidate secures a majority of votes from those councillors present. The same process will be followed for the election to the role of Deputy Leader of the Council.

- 3.3 Following the election of the Leader of the Council, the Chairman will invite the newly elected Leader to address the Council meeting.

4. Consultation

- 4.1 There has been no consultation in the preparation of this report as it is submitted to support a procedure of the Council to elect the Leader and Deputy Leader of the Council.

5. Timetable for Implementation

- 5.1 The Leader of the Council and Deputy Leader of the Council will take office immediately upon their election at the Annual Council meeting.

6. Policy Implications

- 6.1 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.

7. Financial and Resource Implications

- 7.1 The Members' Allowances Scheme makes provision for the payment of Special Responsibility Allowances to the Leader and Deputy Leader. The approved budget for Special Responsibility Allowances for 2023/24 is £54,631, which reflects a new Scheme of Members' Allowances that was approved by Council in January 2023. This budget includes provision for the payment of Special Responsibility Allowances of £13,390 for the Leader and £6,026 for the Deputy Leader. As there is budgetary provision for these allowances, it is considered that the financial risk associated with these proposals is low.

8. Legal Advice and Implications

- 8.1 There are no legal implications associated with this report beyond the provisions of the Constitution which are detailed elsewhere. The law requires that the Council make arrangements for the election to such positions but places no further rules or restrictions how these offices are to be filled.

9. Equalities Implications

- 9.1 There are no equalities implications associated with this report.

10. Climate Change Implications

10.1 There are no climate change implications associated with this report.

11. Risk Management

11.1 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.

Report Authorisation

Approvals obtained from:-

	Named Officer	Date
Chief Executive	Paul Wilson	17/05/2023
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	15/05/2023
Monitoring Officer (or Legal Services Manager)	James McLaughlin	17/05/2023



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Council

Minutes of a Council meeting held at 6.00 pm on Thursday, 16th March, 2023 in the Council Chamber, Town Hall, Matlock, DE4 3NN.

PRESENT Councillor Sue Bull - In the Chair

Councillors: Andrew Shirley, Jacqueline Allison, Matt Buckler, Martin Burfoot, Sue Burfoot, Neil Buttle, David Chapman, Tom Donnelly, Graham Elliott, Richard FitzHerbert, Steve Flitter, Chris Furness, Clare Gamble, Dawn Greatorex, Alyson Hill, Susan Hobson, David Hughes, Stuart Lees, Tony Morley, Peter O'Brien, Mike Ratcliffe, Peter Slack, Colin Swindell, Steve Wain and Mark Wakeman

Paul Wilson (Chief Executive), Tim Braund (Director of Regulatory Services), Steve Capes (Director of Regeneration & Policy), James McLaughlin (Director of Corporate and Customer Services (Monitoring Officer)), Ashley Watts (Director of Community and Environmental Services), Kerry France (Legal Services Manager), Samantha Grisman (Clean & Green Manager), Dave Turvey (Events Manager) and Tommy Shaw (Democratic Services Team Leader)

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): Robert Archer, Jason Atkin, Richard Bright, Paul Cruise, Helen Froggatt, Michele Morley, Dermot Murphy, Janet Rose, Mark Salt, Andrew Statham and Alasdair Sutton.

336/22 - PUBLIC PARTICIPATION

STATEMENT and QUESTION from Mr Peter Rastall, Derbyshire Dales Resident

"I am disappointed to hear that two years after agreeing to stop using glyphosate, the council are proposing to reintroduce its use. Why on earth would this be the case, when the World Health Organisation says it is very likely to be highly carcinogenic, and linked to lymphoma?"

As I'm sure you well know, the simplest way to reduce risk and protect both your workers and public is to simply not use this. Surely an alternative (which presumably has been in use for two years now) is the better option?"

RESPONSE:

We appreciate the concerns around the use of glyphosate and we are trying to balance this against this other factor such as, complaints and service requests received and the resources available to provide hand removal. Therefore, we are proposing to reintroduce its use in a significantly reduced and limited manner. The use will solely be considered for closed churchyards and access roads to cemeteries and leisure centres. All other areas will continue to be managed with a weed ripper and hand weeding. This was decided in 2020 following a review of possible alternatives.

Please note the point in the report that we will continue to work towards finding a suitable replacement for glyphosate.

STATEMENT and QUESTION from Ms Hillary Hart, Derbyshire Dales Resident

"The scientific proof of the damage that Glyphosate does to biodiversity, the environment and its contribution to global warming is irrefutable. Would the Council please explain to me and the voting electorate what possible justification there is for reintroducing its further use in the Derbyshire Dales?"

RESPONSE:

We appreciate the concerns around the use of glyphosate and we are trying to balance this against this other factor such as, complaints and service requests received and the resources available to provide hand removal. Therefore, we are proposing to reintroduce its use in a significantly reduced and limited manner. The use will solely be considered for closed churchyards and access roads to cemeteries and leisure centres. All other areas will continue to be managed with a weed ripper and hand weeding. This was decided in 2020 following a review of possible alternatives.

Please note the point in the report that we will continue to work towards finding a suitable replacement for glyphosate.

STATEMENT and QUESTION from Mr Bill Sellicks, Cressbrook Local Resident

"My wife and I never expected to be second home owners. My dockworker father-in-law received compensation for a life-changing industrial accident in 1977, which he used to buy a modest property in Hitchin, Hertfordshire. He died before he could enjoy it. After my mother-in-law died, the sale of that house provided the deposit to buy our one-bedroom flat in Cressbrook Mill in 2006. We were only just able to afford it with a mortgage for 50% of the cost. The flat was never intended as an investment – apart from ourselves, we offer it free of charge to family and friends, occupying the flat for well-over the 70 days stipulated in the legislation. It is not rented-out as a holiday property. We love walking in the area, contribute

to the local economy, employ local tradespeople and get involved in local campaigns and organisations. We pay our Council tax in full. We are not, in the words of Michael Gove, ‘... people in privileged positions (who) abuse the system by unfairly claiming tax relief and leaving local people counting the cost.’¹

According to DDDC’s Local Plan², settlements like Cressbrook are classed as rural areas, ranked below the 5th tier in the development hierarchy. They are ‘... those villages ... where nearly all services and facilities must be accessed in higher order settlements (and) are, for the purposes of this plan, considered as ‘countryside’. In these locations, development will be strictly limited to that which has an essential need to be located in the countryside.’ The only facility Cressbrook has is a community-run pub. Most residents need a reliable car to access shops, schools, doctors’ surgeries and employment opportunities. The Local Plan rules out most development in places like Cressbrook because it is unsustainable. If owners such as ourselves were to sell, how would a small flat in what is mainly a holiday complex suddenly become sustainable for a local person?

The most recent DDDC Housing Needs Surveys³ that we can find for Tideswell, Litton and Bakewell all identify a need for 2 and 3 bedroomed houses and some 2 bedroom bungalows for affordable rent. Only in Bakewell is there a need for ‘some flats for younger single people’. Whilst some of the larger 3 bedroom flats at Cressbrook Mill are permanently occupied, nobody lives permanently in The Bobbin Mill where our flat is situated. There is a significant service charge to cover the managing agent, grounds and common area maintenance and a continuing programme of repairs to the buildings (one is over 200 years old). We have, at times, had to carry shopping and even furniture up the stairs when the lift has been out of commission. The flat has little storage space. Heating is by electric storage heaters, which are not economical under current circumstances. There is no mobile signal. It is classed as band C for council tax purposes. Total costs, excluding utilities and mortgage for 2022 were £3360. Even if owners such as ourselves were to sell, in what sense would our flat be ‘affordable’ or practical for young people in Bakewell? How could it be made to work?

From the survey, it is clear that doubling council tax for owners such as ourselves is locally popular. We do not blame residents for that, but a few of the responses worryingly border on the vindictive, with one urging tripling or even quadrupling the tax. Such responses suggest that second home owners are being stereotyped as wealthy, privileged and unprincipled; easy targets in hard times. A vote in support of the measure will satisfy the electorate in the short term. Nevertheless, we hope that Councillors will look beyond that, and consider exactly how to achieve their aim of providing affordable accommodation in a way that is fair, effective and does not have unintended consequences. One such consequence could be that unsuitable accommodation such as ours is released onto the market for no useful purpose. We find it difficult to see what the outcome would be – would places like Cressbrook Mill be blighted – we have no idea. The Report of the Director of Resources and Director of Housing implies that a discount could be considered in certain circumstances, but does not suggest that such a discount might be available to those whose properties are unsuitable. We suggest that be considered to avoid such an undesirable outcome.

1. Press release; ‘Gove closes tax loophole on second homes’

<https://www.gov.uk/government/news/gove-closes-tax-loophole-on-second-homes>

2. Derbyshire Dales District Council Local Plan

<https://www.derbyshiredales.gov.uk/planning/planning-policy-and-local-plan/local-plan/local-plan-information-and-adoption>

3. Derbyshire Dales Housing needs surveys

<https://www.derbyshiredales.gov.uk/housing/housing-strategy-and-enabling/development-in-the-peak-park/housing-needs-surveys>

RESPONSE:

Thank you for your feedback which will be taken into account as part of the overall evaluation of the consultation responses received where exemptions to this will reviewed, subject to Member approval being received this evening. A further report is planned to be submitted to Council in the summer.

However, to respond to the other specific question raised, the Council is not looking for all second homes to be brought back into “affordable” use, as most will be well out of reach of many looking to get on the housing ladder. If second homes become a first home then there is an increase in the number of homes for those who live and work in the district. If there is a re-sale to someone who takes a property as a holiday let then the intention behind this report is that it will bring in the additional tax to be used as set out in the report.

337/22 - INTERESTS

Councillor Matt Buckler declared a pecuniary interest in Item 12 – Public Sector Biodiversity Duty.

338/22 - CHAIRMAN'S ANNOUNCEMENTS

Councillor Graham Elliott, Civic Chairman, made the following statement:

“On Wednesday 22nd Feb. I was invited to introduce the turner up on the second day of the Royal Ashbourne Shrovetide football match.

The turner up was a well-known Ashbourne man, Mr Mick Mee. Jen accompanied me and following a three course lunch at the leisure centre enjoyed by about 600 guests, we moved on to the Shawcroft Car Park to start the event. The turnout was estimated at well over 4000.

My thanks go to the Shrovetide committee members and in particular Councillor Sue Bull, her daughter Stacey and Councillor Stuart Lees who made sure we were where we were supposed to be at all times.”

339/22 - COMMITTEES

It was moved by Councillor Andrew Shirley, Seconded by Councillor David Chapman and

RESOLVED

That the non-exempt minutes of the Committees listed in the Minute Book for the period 12th December 2022 to 16th February 2023 be received.

Voting

24 For

00 Against

01 Abstention

The Chairman declared the motion **CARRIED**.

340/22 - QUESTIONS (RULE OF PROCEDURE 15)

Question from Councillor Peter O'Brien to Councillor Susan Hobson, Deputy Leader of the Council:

"Residents of the Derbyshire Dales have voted decisively by 51% to 38% against the proposal for an Elected Mayor (and Combined Authority) for Nottinghamshire and Derbyshire. In the light of this, do you agree that this Council should urgently reconsider its unconditional support for this additional layer of bureaucracy as part of the so-called "devolution deal"?"

Councillor Susan Hobson provided the following response:

Thanks for your question, Councillor O'Brien. You will recall from previous reports here and in briefings provided that the governance arrangements for the proposed Mayoral Combined County Authority are prescribed by central government. Consultation on the governance arrangements does not constitute a referendum, but I am sure that the Constituent Authorities will have due regard to the consultation outcomes. As far as this Council is concerned, we hope to benefit from the economic dividends promised through devolution and that promise is something that I am sure that all Members in this Chamber will want to be realised.

Questions from Councillor Clare Gamble to Councillor Susan Hobson, Deputy Leader of the Council:

"Q1. Cllr. Garry Purdy has reportedly resigned from the Conservative Party and the Conservative Group rather than face an internal investigation into his conduct over the agreement he and the Chief Executive, Paul Wilson, made with the Heights of Abraham. There can now be little doubt that Cllr. Purdy has accepted that his conduct has fallen below that expected of an elected representative and that he misled the council in answering my questions on 26th January 2023. The Chief Executive, Paul Wilson, made the same written guarantee to Heights of Abraham, which appears to have been subsequently denied by the council in press releases. In your opinion, does the Chief Executive, Paul Wilson, have any responsibility for the agreement signed with Heights of Abraham, and does he have any responsibility to ensure any press releases on the subject are both accurate and truthful?"

Councillor Susan Hobson provided the following response:

Thanks for your question, Councillor Gamble. To be absolutely clear, no agreement exists between this Council and the Heights of Abraham. The correspondence you refer to confirms the decision taken in October 2022 by officers on the recommendation of the Gypsy and Traveller Site Provision Working Group to designate land at Matlock Bath Station Yard Car Park as a temporary tolerated site for a specific homeless Traveller family. A decision that this Council confirmed by way of resolution on the 24th of November. The Chief Executive has acted entirely within the remit of the Head of Paid Service and enjoys not only my full confidence, but that of all other political group leaders on this Council, as confirmed in a public statement issued yesterday.

"Q2. As the new leader of the council, in the local press, you have publicly welcomed a "robust and thorough investigation", by the Conservative Party, into Cllr. Purdy's role in the agreement made with Heights of Abraham, to move a homeless family off a council car park

so the Heights of Abraham could use it for coach parking. Will you, as Leader of the Council, now commit to an investigation of the council's role in this sorry affair, with a remit to investigate and identify who in the council knew about the written guarantees being made to Heights of Abraham, who determined the date of 31.01.23, why in emails to the Chairman and political leaders to obtain approval for the urgent decision, was this date credited to the working group, when they had determined 28.02.23 as the end date, who asked for the guarantees to be sent and to whom, who wrote and signed off on press releases sent out by the council, and what steps were taken to ensure they were both accurate and truthful?"

Councillor Susan Hobson provided the following response:

Thanks for your question, Councillor Gamble. You will have seen the joint statement of the political group leaders of the Council who have reviewed correspondence in relation to this matter and publicly reiterated their confidence in and support for the Chief Executive. All correspondence in relation to this matter will be published on the Council's website tomorrow for anyone to review, along with links to the already published decisions, reports and minutes. As Members we should promote openness and transparency and all political group leaders were unified in calling for the publication of these documents. The ultimate exercise in accountability will take place on 4 May with voters choosing their new district council representatives and they will be able to do so in possession of all factual information.

"Q3. The previous leader of the council, Cllr. Purdy, sought to cover up emails sent by himself and Paul Wilson, playing with semantics to try and claim that an agreement is not an agreement. The Heights of Abraham were so reassured by what was written to them they had the "confidence" to instigate a marketing campaign. Clearly an agreement was made. Cllr. Purdy as well as attempting a cover up, has tried to damage a young journalist's career in his response to the article breaking news of the agreement. He has threatened me personally with legal action when I attempted to ask him questions. This is no one-off occasion of such behaviour by Cllr. Purdy. Over 4 years Cllr. Purdy has, both in council meetings and in the press, made insulting/slandorous comments about fellow councillors, made remarks, which I found offensively racist, called travellers a "species". He has never appeared to understand that in his role of leader he represented the whole of the council, not just the Conservative Party. How do you intend to deal with this toxic legacy, and specifically, how are you going to deal with the fact that the Heights of Abraham will regard this authority as having breached the agreement made to ensure the travellers vacate the car park by 31.01.23. A deadline that has already passed?"

Councillor Susan Hobson provided the following response:

Thanks for your question, Councillor Gamble. As Deputy Leader of the Council I believe that Derbyshire Dales District Council should operate with integrity in an open and transparent way, and welcome the scrutiny of other Members and members of the public. I would like to commit to working with my fellow Group Leaders in a consensual way to ensure that any Council business is transacted fairly and openly up until the election of the new Council in May 2023. With regard to the location of the specific Traveller family, a report from the Gypsy and Traveller Site Provision Working Group will be considered by the Community and Environment Committee next week. This report is submitted to provide a position statement at the end of this term of the Council and demonstrates this authority's ongoing commitment to transparency and openness. As ever, it will be a matter for this full Council to determine what future steps are taken.

341/22 - SECOND HOMES COUNCIL TAX PREMIUM

18:40 – Councillor David Hughes entered the meeting during discussion of this Item.

The Chief Executive introduced a report which sought Member approval to adopt a 100% premium for council tax relating to 2nd homes with effect from 1st April 2024.

The report detailed how the Levelling Up and Regeneration Bill would be expected to receive Royal Assent in 2023 and this Bill would provide powers councils to double the Council Tax payable on 2nd homes. Nationally, rural councils had been campaigning for this power for many years, reflecting the impact of 2nd homes in national parks, other rural areas and coastal authorities. The report also informed Members of the work being done by the Welsh devolved government to implement a higher premium of up to 300%.

The report detailed the progress of the ongoing consultation process and the results of the consultation up to the date of the publication of the report. The report also sought Member approval to undertake work to amend the policy concerning long term empty homes to reflect a handful of cases causing difficulty to owners of empty homes currently improving their property.

The recommendations as set out in the report were moved by Councillor Susan Hobson and seconded by Councillor Steve Flitter.

During debate, an amendment to include the following additional recommendation was moved by Councillor Peter O'Brien and seconded by Councillor Sue Burfoot:

"That in principle, the income generated through the council tax premium be ring fenced for the provision and development of affordable housing and that further consideration is given, by this Council, as to how and where it is utilised."

The amendment was then put to the vote as follows:

11 For

12 Against

02 Abstention

The Chairman declared the amendment **LOST**.

The substantive motion was then put to the vote and it was

RESOLVED

1. That, subject to the Levelling Up and Regeneration Bill becoming an Act of Parliament and the consideration of any additional representations received up to the close of consultation on 22nd March at a future Council meeting, the adoption of a 100% premium for Council Tax relating to second homes with effect from 1st April 2024, be approved.
2. That, subject to the adoption of the policy position in recommendation 1 above, authority be delegated to the Director of Housing and the Director of Resources to implement the adoption of a 100% premium for Council Tax relating to second homes with effect from 1st April 2024.

3. That further work takes place to consider the introduction of discretionary discounts to the 100% second homes premium, with a report to follow in July 2023.
4. That, subject to the adoption of the second homes premium policy position, negotiations take place with Derbyshire County Council concerning the use of the additional income generated.
5. That further work continues to develop discretionary discounts concerning empty homes where owners are undertaking works to bring properties back in to use.

Voting:

22 For
01 Against
02 Abstained

The Chairman declared the motion **CARRIED**.

342/22 - CLEAN AND GREEN REVIEW

The Director of Community and Environmental Services introduced a report outlining the work to date on the review of the Council's Clean and Green service. This included the review of the service by the Association of Public Service Excellence (APSE) and the involvement of staff, management and unions in that review.

It was noted in the introduction of the report that there had been several requests to defer consideration to the July meeting, for the new Council to consider. However, with approval of the Political Group Leaders, it had been agreed that the time sensitive recommendations should be put forward to this meeting, these were recommendations 1, 3 and 6 as set out in the report. It was proposed that all other recommendations be deferred to the next meeting of Council in July.

It was noted that on 26th November 2020 the Council approved a review of the Clean and Green service, including the outlined scope and formation of Project Team and an Elected Member Sub-Group. In addition to this, the Council approved the use of external consultants to bring wider industry knowledge to the review and help with benchmarking the performance of the service.

It was moved by Councillor Chris Furness, Seconded by Councillor Stuart Lees and

RESOLVED (Unanimously)

1. That a supplementary revenue budget of £15,053 be approved for 2023/24, financed from the general reserve, and that the Medium Term Financial Plan be updated to reflect the subsequent ongoing costs to increase the staff revenue budget in respect of the proposed change in the management structure, allowing for the creation of an Operations Manager role and increasing the number of Team Leaders from two to four.
3. That the new structure of the service, as set out in Appendix A and initiation of formal discussions with staff be approved, in line with the Council's Change Management Policy.

6. That it be agreed to increase the level of biodiversity across the district by signing up to Derbyshire County Council's '*Pathfinders*' pilot scheme.

The Chairman declared the motion **CARRIED**.

343/22 - CALENDAR OF MEETINGS FOR COUNCIL AND COMMITTEE MEETINGS IN THE 2023/24 MUNICIPAL YEAR

The Director of Corporate and Customer Services introduced a report submitting the proposed Calendar of Meetings for Council and Committee Meetings in the 2023/24 municipal year.

Members were informed that the procedure rules within the Council's constitution required that the calendar of meetings be approved annually by the Council. It was noted that it was good practice to set meeting dates in advance for the forthcoming year. This approach would enable the Council to have robust governance arrangements in place to facilitate informed decision-making.

It was moved by Councillor Susan Hobson, seconded by Councillor Colin Swindell and

RESOLVED (unanimously)

That the Calendar of Meetings for the 2023/24 municipal year be approved.

The Chairman declared the motion **CARRIED**.

344/22 - DECARBONISATION OF THE ARC LEISURE CENTRE (MATLOCK) AND WIRKSWORTH LEISURE CENTRE

The Director of Corporate and Customer Services introduced a report which sought to gain agreement for the acceptance of a grant offer from the Public Sector Decarbonisation Scheme (PSDS) phase 3b of £1.9m in order to decarbonise the Arc Matlock and Wirksworth Leisure Centre.

Members were informed that the PSDS provided grants for public sector bodies to fund heat decarbonisation and energy efficiency measures, putting the public sector at the forefront of decarbonising buildings in the UK and in a leadership role to create exemplar projects in their communities that pave the way to help the UK meet its Carbon Budgets and Net Zero commitments. Most of the buildings in the public sector still rely on fossil fuel-based heating and, as these heating system approach the end of their working lives, it was an ideal opportunity to transition those systems to low carbon heating.

It was moved by Councillor Tom Donnelly, seconded by Councillor Mark Wakeman and

RESOLVED (Unanimously)

1. That the recommendation of the Governance and Resources Committee of 8th March 2023 to accept the grant offer, as set out in this report, be approved.
2. That the recommendation of the Governance and Resources Committee of 8th March 2023 be approved for the addition of £2,189,500 to the Capital Programme for 2024/25

for 'PSDS3b Decarbonisation at Arc Leisure Centre Matlock and Wirksworth Leisure Centre', to be financed by a grant of £1,925,000 and a 'like for like' contribution of £264,000, the latter being financed from the capital receipts reserve.

3. That authority be delegated to the Director of Community and Environmental Services, the Director of Resources and the Chief Executive to utilise Leisure Centre support funding, should it become available.

The Chairman declared the motion **CARRIED**.

345/22 - DURATION OF MEETING (MOTION TO CONTINUE)

At **20:27**, it was moved by Councillor Peter Slack, seconded by Councillor Colin Swindell and

RESOLVED (Unanimously)

That in accordance with Rule of Procedure 13, the meeting continue to enable the business on the agenda to be concluded.

The Chairman declared the motion **CARRIED**.

346/22 - PUBLIC SECTOR BIODIVERSITY DUTY

20:15 - Councillor Matt Buckler left the meeting due to previously declaring an interest in this Item.

The Director of Regeneration and Policy introduced a report advising Members about the Public Sector Biodiversity Duty, and setting out activities which the District Council has, and was currently undertaking that contributed to meeting the new requirement. It was recommended that a plan be prepared which set out further actions the Council should undertake to meet the requirements of the newly enhanced biodiversity duty, and in particular those relating to Biodiversity Net Gain.

It was noted that the Natural Environment and Rural Communities Act 2006, (NERC Act 2006) which came into force on 30th March 2006 introduced in Section 40 a duty on public authorities to conserve biodiversity defined as in relation to a living organism or type of habitat, restoring or enhancing a population or habitat.

Following the introduction of this duty the County Council's Biodiversity Officer undertook an audit of the District Council's services in relation to this duty, which was completed in December 2008. It was concluded that "Derbyshire Dales District Council takes biodiversity into consideration within the majority of its services". A copy of the audit was attached at Appendix 1 of the report.

It was noted that since then, the District Council had:

- Continued to operate its Ranger Service, whose function is to manage High Tor, Pic Tor and Lovers' Walk for the purpose of preserving and where appropriate enhancing these sites as designated LNR.
- Continued to operate an SLA with the Derbyshire Wildlife Trust which provides advice on planning applications and works with landowners of sites on the LWS register to

improve biodiversity. The Trust also reviews sites to determine the extent to which sites are appropriate for inclusion on the LWS Register. We are likely to enhance the SLA to cover additional Biodiversity Net Gain duties from this year (see below).

- Updated and adopted the Local Plan in 2017 with a suite of new policies including a set covering Biodiversity.
- Instigated the Biodiversity Verge project.
- Continued to have the Clean and Green Team manage District Council-owned sites on behalf of the District Council.

It was moved by Councillor Stuart Lees, seconded by Councillor Peter Slack and

RESOLVED (Unanimously)

1. That the additional requirements in relation to the new Biodiversity Duty, as set out in section 3 of the report, be noted.
2. That past and current activities in relation to biodiversity, as set out in sections 1 and 2 of the report, be noted.
3. That the initial assessment of biodiversity activity set out in the appendix be noted.
4. That a further update be presented to Members by no later than 30th November 2023 that sets out what further actions have been and will be implemented in respect of the Biodiversity Duty.

The Chairman declared the motion **CARRIED**.

Meeting Closed: 8.56 pm

Chairman

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Agenda Item 10

**OPEN REPORT
ANNUAL COUNCIL**

Annual Council – 25 May 2023

MUNICIPAL ELECTION RESULTS – REPORT OF THE RETURNING OFFICER

Report of the Chief Executive

Report Author and Contact Details

Paul Wilson, Chief Executive
01629 761126 or paul.wilson@derbyshiredales.gov.uk

Wards Affected

District Wide

Report Summary

To report on the results of the municipal elections to the District Council held on 4 May 2023.

Recommendations

1. That the results of the municipal elections to the District Council held on 4 May 2023 be noted.

List of Appendices

None

Background Papers

Published results of the Municipal Elections held on 4 May 2023

Consideration of report by Council or other committee

Not applicable

Council Approval Required

Yes

Exempt from Press or Public

No

Municipal Election Results – Report of the Returning Officer

1. Background

- 1.1 Municipal elections were held in the district of the Derbyshire Dales on 4 May 2023 to elect 34 councillors across 21 wards. This was the first whole Council election since the Local Government Boundary Commission for England reduced the number of councillors to be elected from 39 to 34 and the number of electoral wards in the district from 25 to 21.
- 1.2 This report of the Returning Officer confirms the results of those elections, which were declared on 5 May 2023.

2. Key Issues

- 2.1 The results of the municipal elections are set out below, with those elected shown in bold:

Ashbourne North

Candidate	Party	Votes
ASHLEY, Eileen	Labour	246
BULL, Sue	Conservatives	561
DOBBS, Peter David Lewis	Liberal Democrats	653
LEES, Stuart	Conservatives	575
STUART-MONTEITH, Monty	Liberal Democrats	528
		Turnout 41%

Ashbourne South

Candidate	Party	Votes
ARCHER, Rob	Liberal Democrats	1,101
BATES, Anthony Edwards	Conservatives	857
DONNELLY, Tom	Conservatives	820
GINNIS, Matt	Labour	453
TAYLOR, Matthew John Neville	Conservatives	697
SHIRTCLIFFE, Robin Michael	Liberal Democrats	794
WILTON, Nick	Liberal Democrats	884
		Turnout 39%

Bakewell

Candidate	Party	Votes
CARTER, Ben	Labour	526
COURT, Robert James	Liberal Democrats	178
ELNAUGH-LOVE, Rachel	Independent	175
GEE, Gareth Bryn	Conservatives	581
PELLELL, Nicola Teresa	The Green Party	307
WAKEMAN, Mark Anthony	Conservatives	1,011
WILDGOOSE, Patricia Ann	Liberal Democrats	166
		Turnout 47%

Bonsall and Winstler

Candidate	Party	Votes
BUCKLER, Matthew	The Green Party	578
STAIT, Chris	Conservatives	255
		Turnout 44%

Bradwell

Candidate	Party	Votes
NASH, Andy	Labour	506
SINKER, Chloe Ruth Sidonie	Conservatives	180
		Turnout 44%

Brailsford

Candidate	Party	Votes
BOND, Geoff	Conservatives	379
BRYAN, Morgan James	The Green Party	117
DOBBS, Midge	Liberal Democrats	66
McGUIRE, Fraser Robert John	Labour	100
		Turnout 39%

Calver and Longstone

Candidate	Party	Votes
BOOTHROYD, Kelda Rose	The Green Party	441
FROGGATT, Helen Margaret	Conservatives	367
		Turnout 45%

Chatsworth

Candidate	Party	Votes
CADOGAN, Clare Lorraine Faithorn	Liberal Democrats	170
HOBSON, Susan	Conservatives	458
WARD, John Gary	The Green Party	111
		Turnout 43%

Cromford and Matlock Bath

Candidate	Party	Votes
PEARCE, Joseph Martin	Conservatives	203
WHITEHEAD, Nick	Labour	448
		Turnout 39%

Darley Dale

Candidate	Party	Votes
BURTON, David Richard	Liberal Democrats	1,104
ELLIOTT, Ann	Conservatives	642
FRANKS, Marilyn Amy	Liberal Democrats	917
HALLIWELL, Sarah Jill	Labour	555
OAKLEY, Dave	Conservatives	609
SHELLEY, Roger	Liberal Democrats	761
STATHAM, Andrew Paul	Independent	291
WALSH, Richard Noel	Conservatives	461
		Turnout 42%

Dovedale, Parwich and Brassington

Candidate	Party	Votes
JEBB, Henry Walter Gladwin	Liberal Democrats	100
ROWLATT, Richard John	The Green Party	119
WALKER, Nigel Norman	Conservatives	464
WELSH, Kevin Mark	Labour	120
		Turnout 44%

Doveridge and Sudbury

Candidate	Party	Votes
ALLISON, Jacqueline Antoinette	Independent	331
BOINTON, John Michael	Conservatives	458
		Turnout 44%

Hartington and Taddington

Candidate	Party	Votes
CHAPMAN, David George	Conservatives	391
HANDY, Sheelagh Catherine	The Green Party	116
NANCOLAS, Eleanor Mary	Liberal Democrats	117
		Turnout 37%

Hathersage

Candidate	Party	Votes
ATKIN, Jason Matthew	Conservatives	420
BULL, Steve	Conservatives	335
O'BRIEN, Peter Desmond		1,387
RIPTON, Simon Douglas	Labour	1,092
		Turnout 53%

Hulland

Candidate	Party	Votes
BOWMAN, Barbara Jeanne	Liberal Democrats	80
BRIGHT, Richard	Social Democratic Party	145
FLETCHER, Diane	Labour	148
MURPHY, Dermot Joseph	Conservatives	395
		Turnout 44%

Matlock East and Tansley

Candidate	Party	Votes
BANWAIT, Suqie Kaela	Labour	477
FLITTER, Stephen	Liberal Democrats	1,215
HOPKINSON, Danny	Conservatives	476
HUGHES, David	Liberal Democrats	1,074
LINTHWAITE, Joanne	Liberal Democrats	1,083
		Turnout 39%

Matlock West

Candidate	Party	Votes
BURFOOT, Martin Stanway	Liberal Democrats	1,526
BURFOOT, Sue	Liberal Democrats	1,665
GRIFFIN, Harvey Dennis James	Conservatives	258
OAKLEY, Rosemary	Conservatives	323
PEARCE, Thomas Louis	Conservatives	263
WAIN, Steve	Liberal Democrats	1,471
WEIR, John Alexander	Labour	422
		Turnout 46%

Norbury

Candidate	Party	Votes
HILL, John James	The Green Party	116
MORLEY, Tony	Conservatives	492
WALKER, David John	Labour	123
		Turnout 40%

Tideswell

Candidate	Party	Votes
BUTTLE, Neil Anthony	The Green Party	514
SHIRT, Harry Ellis Walter	Conservatives	259
		Turnout 42%

Wirksworth

Candidate	Party	Votes
BRITNER, Tony	Conservatives	554
GREATOREX, Dawn	Labour	1,454
KENNEL, Stephen John	Conservatives	567
PEACOCK, Lucy Jane Elizabeth	Labour	1,375
SLACK, Peter	Labour	1,491
WILLIAMSON, Paul David	Conservatives	559
		Turnout 44%

Youlgrave

Candidate	Party	Votes
ELLIOTT, Graham	Independent	307
MELLSTROM, Laura Jane	The Green Party	390
PEARCE, John Martin	Conservatives	200
		Turnout 50%

3. Options Considered and Recommended Proposal

- 3.1 This report is submitted for information.

4. Consultation

- 4.1 This report is submitted for information and is not subject to consultation.

5. Timetable for Implementation

- 5.1 New councillors have taken office upon signing a Declaration of Acceptance of Office.

6. Policy Implications

- 6.1 There are no policy implications associated with this report.

7. Financial and Resource Implications

- 7.1 A new Scheme of Members' Allowances was approved by Council in January 2023. As a result, for the financial year 2023/24 there are approved budgets of £175,100 for the payment of Basic Members' Allowances and £54,631 for Special Responsibility Allowances. As there is already an approved scheme and budget, the financial risk is assessed as low.

8. Legal Advice and Implications

- 8.1 The submission of this ensures that the Returning Officer undertakes their statutory duty to report on the results of the municipal elections to the District Council.

9. Equalities Implications

9.1 There are no equalities implications associated with this report.

10. Climate Change Implications

10.1 There are no climate change implications associated with this report.

11. Risk Management

11.1 There are no risks associated with this report.

Report Authorisation

Approvals obtained from:-

	Named Officer	Date
Chief Executive	Paul Wilson	15/05/2023
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	15/05/2023
Monitoring Officer (or Legal Services Manager)	James McLaughlin	17/05/2023

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Agenda Item 11

**OPEN REPORT
ANNUAL COUNCIL**

Annual Council – 25 May 2023

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

Report of Director of Corporate and Customer Services & Monitoring Officer

Report Author and Contact Details

James McLaughlin, Director of Corporate and Customer Services
01629 761281 or james.mclaughlin@derbyshiredales.gov.uk

Wards Affected

District wide

Report Summary

To report on the updated membership of political groups on the Council, the change to the political balance of the authority following the municipal elections held on 4 May 2023 and the new entitlement of political groups to seats on committees for the 2023/24 municipal year.

Recommendations

1. That the operation of four political groups on the Council and the detail of their designated Leaders be noted:
 - (a) Conservative Group – Councillor Susan Hobson
 - (b) Green Party Group – Councillor Neil Buttle
 - (c) Labour and Councillor O'Brien Group – Councillor Peter Slack
 - (d) Liberal Democrat Group – Councillor Steve Flitter
2. That special responsibility allowances be paid in accordance with the Members Allowances Scheme at Part 6 of the Constitution.
3. That approval be given to the establishment of:
 - (a) Local Plan Sub-Committee of 10 Members under the auspices of the Community and Environment Committee
 - (b) Biodiversity Sub-Committee of 6 Members under the auspices of the Community and Environment Committee
4. 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.

5. That Council considers nominations and appoints Members to serve on the:
 - (a) Joint ICT Committee
 - (b) Vision Derbyshire Joint Committee
 - (c) D2 Joint Committee for Economic Prosperity
6. That Council appoints Members to serve on Working Groups for the following purposes:
 - (a) Constitution Working Group (6 Members)
 - (b) Climate Change Working Group (6 Members)
 - (c) Member Development Working Group (1 Member from each group)
 - (d) Traveller Site Working Group (1 Member from each group)
 - (e) Gender Balance Working Group (1 Member drawn from each political group).
7. That the Independent Remuneration Panel be invited to consider the impact of appointments made which are not consistent with the existing Members Allowances Scheme and make recommendations back to the Council.

List of Appendices

None

Background Papers

None

Consideration of report by Council or other committee

No

Council Approval Required

Yes

Exempt from Press or Public

No

Membership of Political Groups, Political Balance and Entitlement to Seats on Committees

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.
- 1.2 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).
- 1.3 Local authorities are able to depart from the statutory provisions where there is unanimous agreement to do so.

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 the composition of four political groups in operation on the Council. These are:

Name of Group	Designated Leader	Number of Members
Conservative	Councillor Hobson	11
Green Party	Councillor Buttle	4
Labour and Councillor O'Brien	Councillor Slack	7
Liberal Democrat	Councillor Flitter	12

- 2.2 Every Member of the 34 councillors elected on 4 May 2023 has become a member of a political group.

3. Entitlement to Seats

- 3.1 Following the Local Government Boundary Commission for England's review of the Derbyshire Dales the total number of councillors has reduced to 34 Members, which was effective from 4 May 2023. There is a recognition

from all political groups in operation that the size of committees will need to reduce from those that were in operation during the 2022-23 municipal year when the Council had 39 Members. It is therefore recommended that the following committee sizes be adopted for the 2023-24 municipal year, with the inclusion of new bodies for this new term of the Council:

Committees	Membership
Governance and Resources	10
Community and Environment	15
Planning	15
Scrutiny	10
Licensing and Appeals	15
Joint Consultative	6
Local Plan Sub-Committee	10
Biodiversity Sub-Committee	6
TOTALS	87

- 3.2 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 is determined by the following formula:

$$\frac{\text{Number of Members in a political group}}{\text{Total Number of Members of the Council (34)}} \times \text{Number of Seats to be allocated}$$

- 3.3 For the 87 seats available in applying principle (a) in paragraph 1.2, this gives:

Political Group	Seat Entitlement
Liberal Democrat	31
Conservative	28
Labour and Councillor O'Brien	18
Green Party	10

- 3.4 Application of principle (b) in paragraph 1.2 of this report, relating to the number of seats on individual committees, gives the following:

		Liberal Democrat Group (12)	Conservative Group (11)	Labour and Peter O'Brien Group (7)	Green Party Group (4)
	Membership				
Committees					
Governance and Resources	10	4	3	2	1
Community and Environment	15	5	5	3	2
Planning	15	5	5	3	2
Scrutiny	10	4	3	2	1
Licensing and Appeals	15	5	5	3	2
Joint Consultative	6	2	2	1	1
Local Plan Sub-Committee	10	4	3	2	1
Biodiversity Sub-Committee	6	2	2	1	1
TOTALS	87	31	28	17	10

- 3.5 With the exception of the Labour and Councillor O'Brien Group, this calculation enables every political groups to take up a proportion of the seats on committees that matches their overall entitlement. At the time of writing this report, the Labour and Councillor O'Brien Group have no objection to this seat entitlement being applied and recommended to the Council.
- 3.6 Should the Council agree to appoint Members to the Local Plan Sub-Committee and the Biodiversity Sub-Committee, the existing terms of reference for the previous working groups that undertook these functions will be updated to reflect these changes in the Constitution at the next meeting of the Council in July 2023.
- 3.7 The Ernest Bailey Charity Committee is comprised of Members representing the wards relevant to the charity and is not subject to the requirements of political balance.
- 3.8 The Council will be invited to elect Chairs and Vice-Chairs of committees at a later point on this agenda for the following:

Committee/ Decision Making Body	Chair	Vice-Chair
Community & Environment		
Governance & Resources		
Scrutiny		
Planning		
Licensing & Appeals		
Joint Consultative Group	To be appointed at first meeting	To be appointed at first meeting
Ernest Bailey Charity		
Local Plan Sub-Committee	To be appointed at first meeting	To be appointed at first meeting
Biodiversity Sub-Committee	To be appointed at first meeting	To be appointed at first meeting

4. Joint Committees

- 4.1 The District Council is a member of various Joint Committees in respect of matters or functions that affect the authority or the area of the Derbyshire Dales.
- 4.2 The Joint ICT Committee was established with representation from the three local authorities in the partnership for the delivery of ICT support services (Bolsover DC, North East Derbyshire DC and Derbyshire Dales DC). The Joint Committee exists for Members to provide oversight of the governance of the partnership arrangements and ensuring that a high standard of service delivery is matched with good value for money. The authority has three seats on this joint committee with the following seat entitlement:

Liberal Democrat	2 Members
Conservative	2 Members
Labour and Councillor O'Brien	1 Member

- 4.3 The District Council became a member of the Vision Derbyshire Joint Committee in 2021 where it has had one seat since that time. These seats are filled by the Leaders of other participating authorities and it is recommended that the District Council continues its previous practice of nominating the Leader of the Council as a member of the Joint Committee, with the role of substitute being filled by the Deputy Leader.
- 4.4 The D2 Joint Economic Prosperity Committee was established to bring together Derby City Council, Derbyshire County Council and all District and Borough Councils in Derbyshire into a robust, formally constituted arrangement to deliver regeneration and economic prosperity across the whole geographical county of Derbyshire. Since its establishment, the District Council has appointed the Leader of the Council to serve on this body. It is recommended that this practice is continued in the 2023/24 municipal year.

5. Working Groups

- 5.1 The Council has previously appointed Members to serve on a variety of working groups to support the Council's priority policy objectives or good governance. This practice has been successful previously and it is recommended that this continues in this new municipal year. Whilst the Local Plan Working Group and Biodiversity Working Group are proposed to become sub-committees of the Community and Environment Committee, it is recommended that the Council considers appointing to the Constitution Working Group on the basis of a membership of 6 councillors:

Liberal Democrat	2 Members
Conservative	2 Members
Labour and Councillor O'Brien	1 Member
Green Party	1 Member

This group will continue to work with the Monitoring Officer in refining the Constitution and ensuring the decision making processes remain relevant and appropriate to the needs of the Council and citizens.

- 5.2 The Council established a Climate Change Working Group during the previous term and it is recommended that this be continued again in 2023/24. There were previously 6 Members appointed to this working group and it is recommended that this approach be taken again as follows:

Liberal Democrat	2 Members
Conservative	2 Members
Labour and Councillor O'Brien	1 Member
Green Party	1 Member

- 5.3 In the previous municipal year, the Council appointed a fixed-term working group to identify and make recommendations on potential sites for use by Travellers with an accepted local connection to the district under housing

legislation. It is not recommended that this group be re-appointed in its previous guise, but that cross party working continue with the nomination of one Member from each political group to work with officers to identify potential permanent and temporary sites.

- 5.4 The Council has also operated a Member Development Working Group and it is recommended that Members are nominated to serve on this body again in the 2023/24 municipal year. It is recommended that cross party working continues with the nomination of one Member from each political group to work with Democratic Services to inform the Member Development Programme for the current year.

- 5.4 There has been a request from some of the political group leaders to establish a Gender Balance Working Group. Whilst terms of reference for this body have yet to be established, it is recommended that the Council appoint to this group on the basis of one Member from each political group. A further report to either Council or a policy committee will be submitted in due course for approval of terms of reference for this working group.

6. Consultation

- 6.1 Consultation has taken place with political group leaders in the preparation of this report.

7. Timetable for Implementation

- 7.1 The respective political groups have been advised of their seat entitlements on committees and sub-committees and have been requested to provide nominations to the Proper Officer in order to report proposed appointments for the available seats ahead of this meeting.

8. Policy Implications

- 8.1 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.

9. Financial and Resource Implications

- 9.1 There are no financial implications associated with this report as written and the financial risk would be considered as low.
- 9.2 Should the Council determine to vary its political structures that potentially impact on the overall cost of the Members Allowances Scheme, it is recommended that Members ask Independent Remuneration Panel to revisit the scheme and consider whether amendments should be recommended to the Council.

10. Legal Advice and Implications

- 10.1 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.

11. Equalities Implications

- 11.1 Whilst the Council should have regard to the Public Sector Equality Duty when discharging any of its functions, there are no direct equalities implications associated with this report.

12. Climate Change Implications

- 12.1 There are no climate change or biodiversity implications directly associated with this report.

11. Risk Management

- 11.1 By having regard to the detail of the report above in respect of meeting statutory requirements, any risk implications will have been mitigated. Therefore, there are no risks to be borne in mind in respect of the recommendations.

Report Authorisation

Approvals obtained from:-

	Named Officer	Date
Chief Executive	Paul Wilson	17/05/2023
Director of Resources/ S.151 Officer (or Financial Services Manager)		
Monitoring Officer (or Legal Services Manager)	James McLaughlin	17/05/2023

Agenda Item 14

**OPEN REPORT
ANNUAL COUNCIL**

Annual Council – 25 May 2023

APPOINTMENTS TO OUTSIDE BODIES FOR THE 2023/24 MUNICIPAL YEAR

Report of Director of Corporate & Customer Services and Monitoring Officer

Report Author and Contact Details

James McLaughlin, Director of Corporate & Customer Services
01629 761281 or james.mclaughlin@derbyshiredales.gov.uk

Wards Affected

District Wide

Report Summary

This report reviews the Council's affiliations with outside bodies and invites nominations to act as the Council's representatives for the 2023/24 municipal year.

Recommendations

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 the schedule to be tabled at the meeting be appointed to the relevant outside body to serve until the next Annual Meeting of the Council.
4. That the list of Conferences for 2023/24 be approved.
5. That authority be 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.

List of Appendices

Appendix 1 Schedule of Outside Bodies for 2023/24

Appendix 2 Nominations to serve on Outside Bodies (to be tabled)

Background Papers

None

Consideration of report by Council or other committee

No

Council Approval Required

Yes or No

Exempt from Press or Public

Yes

Appointments to Outside Bodies for the 2023/24 Municipal Year

1. Background

- 1.1 Outside bodies are external organisations which have requested that the Council appoints a representative to them. Outside bodies have separate governance structures to the Council. Appointments to outside bodies can be an important mechanism for community leadership, partnership and joint working and knowledge and information sharing
- 1.2 This report serves as the annual review of the schedule of outside body appointments and the Council's affiliation with those outside bodies

2. Key Issues

- 2.1 The Schedule attached at Appendix 1 details the full list of outside bodies that require the Council's consideration at this time. Council is required to consider nominations received from its political groups.
- 2.2 It is recommended that the Council does not appoint to the HS2 Chesterfield & Staveley Delivery Board. This has previously had representation from the Leader of the Council, but officers consider that representation is not necessary on this occasion. It is further recommended that the Council appoint a member to represent the Council on the Bus Service Improvement Plan Wider Stakeholder Group. This body has previously had officer involvement, but representations have been made by Members in respect of the value that they will be able to bring to this body on behalf of the District Council and it is now recommended that Members consider appointing a councillor representative.
- 2.3 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
(Annual) Local Government Association (LGA) Conference	Leader and Deputy Leader plus Chief Executive	Deputy Group Leaders or a Committee Chair
(Annual) Chartered Institute of Public Finance and Accountancy (CIPFA)	Chairman of the appropriate Committee and Service Director	Vice-Chairman of the appropriate Committee

Title and Organising body	Representation	Substitute Representation
(Annual) National Association of British Market Authorities (NABMA)	Chairman of the appropriate Committee and Service Director	Vice-Chairman of the appropriate Committee
Chartered Institute of Housing Conference (Inside Communications Limited)	Chairman of the appropriate Committee and one Officer from the appropriate Department	Vice-Chairman of the appropriate Committee
LGA Tourism Conference	Chairman or Vice-Chairman of the appropriate committee and one Officer	Vice-Chairman of the appropriate Committee
District Council's Network Conference	Leader & Chief Executive	Deputy Leader
Rural Services Network	Chairman of the appropriate Committee	Vice Chairman

2.4 The District Council remains a non-constituent member of the South Yorkshire Mayoral Combined Authority through statute. There is, therefore, an ongoing legal requirement to appoint a representative on behalf of the District Council, however there has been no requirement for that representative to attend any meeting of the SYMCA for a number of years. It is not expected that the Council's representative will be invited to this body during the forthcoming municipal year.

2.5 The District Council appoints to a number of Joint Committees, such as the Joint ICT Committee, Vision Derbyshire and the D2 Joint Committee for Economic. These appointments are covered in another report on this agenda as they are not outside bodies.

3. Options Considered and Recommended Proposal

3.1 The appointment of representatives to outside bodies is at the discretion of the Council. The nature and number of appointments to outside bodies will have an impact on already busy councillor workloads. Whilst retaining links with outside bodies is an important aspect of community leadership, it is also important that the activities of the Council and councillors are focused on priorities identified in the Corporate Plan.

4. Consultation

4.1 It is incumbent on the Council's political groups to nominate councillors to serve as representatives on outside bodies. There is no requirement for consultation beyond internal political group arrangements.

5. Timetable for Implementation

- 5.1 Appointments agreed at the Annual Meeting will have immediate effect. Following the meeting, Democratic Services will write to individual Members to confirm their appointments and provide contact details and available background information.

6. Policy Implications

- 6.1 The appointment of Councillors to serve on outside bodies (i.e. external organisations and partnership) is intended to be a mutually beneficial act for both the authority and the bodies listed. The policy implications associated with the proposed appointments are considered to be positive.

7. Financial and Resource Implications

- 7.1 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 2022/23. The financial risk is therefore assessed as low.

8. Legal Advice and Implications

- 8.1 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.
- 8.2 Councillors appointed to outside bodies will need to be clear as to whether their duty is to the Council or to the outside body and will need to identify any potential conflicts of interest. It is important that partners, as much as Councillors, understand the role that councillors undertake in serving on outside bodies. The role of the Councillor can be as a representative, trustee or director as the table below demonstrates:

Role	Brief Description
Representative	Represents the Council's interests and provide advice, guidance and contributes at meetings of the organisation
Trustee	To act in accordance with the trust deed and to protect the trust's assets. They must comply with the Trustee Act 2000.
Director	Has a duty of care towards the company, to act in the best interests of the company as a whole. Directors therefore have a "quasi-trustee" role taking proper care of the assets of the company

- 8.3 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.

9. Equalities Implications

- 9.1 There are no equalities implications associated with this report.

10. Climate Change Implications

10.1 There are no climate change implications associated with this report.

11. Risk Management

11.1 There are no risks associated with this report.

Report Authorisation

Approvals obtained from:-

	Named Officer	Date
Chief Executive	Paul Wilson	17/05/2023
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	15/05/2023
Monitoring Officer (or Legal Services Manager)	James McLaughlin	17/05/2023

APPOINTMENTS TO OUTSIDE BODIES 2023/2024

OUTSIDE BODY	Representative(s) 2023/2024	Substitute(s) 2023/2024
Revenues and Benefits Strategic Board		N/A
Derby and Derbyshire Strategic Leadership Forum	Leader of the Council	Deputy Leader
Derbyshire Economic Partnership	Leader of the Council	Deputy Leader
Derbyshire Dales Council for Voluntary Service		N/A
Derbyshire Police and Crime Panel		
Derwent Valley Community Rail Partnership		N/A
Derwent Valley Mills World Heritage Board		N/A
District Councils' Network	Leader of the Council	Deputy Leader
East Midlands Council	Leader of the Council	Deputy Leader
Visit Peak District and Derbyshire		N/A
Peak District Partnership	Leader of the Council	Deputy Leader
High Peak and Hope Valley Community Rail Partnership		N/A
HS2 Chesterfield & Staveley Delivery Board	Leader of the Council	Deputy Leader
LGA Cultural Champion		N/A
LGA General Assembly	Leader of the Council	Deputy Leader
Peak District National Park Authority	x2	N/A
Sheffield City Region	Leader of the Council	Deputy Leader
Ashbourne Community Transport		N/A
Bus Service Improvement Plan Wider Stakeholder Group		

OUTSIDE BODY	Indemnity Insurance 2023/2024	Expenses Paid
Revenues and Benefits Strategic Board		
Derby and Derbyshire Strategic Leadership Forum		
Derbyshire Economic Partnership	No	
Derbyshire Dales Council for Voluntary Service	Yes	
Derbyshire Police and Crime Panel	As last year	Yes
Derwent Valley Community Rail Partnership	Yes	No
Derwent Valley Mills World Heritage Board	No	No
District Councils' Network		
East Midlands Council	Yes	No
Visit Peak District and Derbyshire	Yes	
Peak District Partnership	No	
High Peak and Hope Valley Community Rail Partnership		
LGA Cultural Champion	No	Yes
LGA General Assembly	No	Yes
Peak District National Park Authority	Yes	Yes Travel & subsistence
Sheffield City Region	Yes	
Ashbourne Community Transport		
Bus Service Improvement Plan Wider Stakeholder Group	No	No