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Governance & Resources Committee

Minutes of a Governance & Resources Committee meeting held at 6.00 pm on Thursday, 20th July, 2023 in the Council Chamber, Town Hall, Matlock, DE4 3NN.

PRESENT

Councillor Nick Wilton - In the Chair

Councillors: Geoff Bond, Neil Buttle, Steve Flitter, David Hughes, Stuart Lees, Lucy Peacock, Simon Ripton and Roger Shelley

Paul Wilson (Chief Executive), Tim Braund (Director of Regulatory Services), Karen Henriksen (Director of Resources), James McLaughlin (Director of Corporate and Customer Services (Monitoring Officer)), Ashley Watts (Director of Community and Environmental Services), Gavin Barker (Mazars LLP), Mike Galsworthy (Estates and Facilities Manager), Gemma Hadfield (Financial Services Manager), Vikki Hatfield (Neighbourhoods Manager), Jenny Williams (Head of the Internal Audit Consortium) and Tommy Shaw (Democratic Services Team Leader)

Note:

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APOLOGIES

Apologies for absence were received from Councillor(s): Tony Morley

66/23 - APPROVAL OF MINUTES OF PREVIOUS MEETING

It was moved by Councillor Stuart Lees, Seconded by Councillor Neil Buttle and

RESOLVED

That the minutes of the meeting of the Governance and Resources Committee held on 08 March 2023 be approved as a correct record.

Voting

07 For

00 Against

02 Abstention

The Chair declared the motion **CARRIED**.

67/23 - PUBLIC PARTICIPATION

Ms Tracey Wright (Local Resident) spoke on Item 7, Land Holdings Review Phase 6, specifically on Site 8 – Allotment site and adjoining land at Church Road, Darley Dale.

68/23 - INTERESTS

No interests were declared.

69/23 - QUESTIONS PURSUANT TO RULE OF PROCEDURE NUMBER 15

No questions were received.

70/23 - MATLOCK BATH ILLUMINATIONS - CAR PARK EVENT CHARGE

The Neighbourhoods Manager introduced a report which sought Member approval to introduce a car park event charge of £5.00 to operate 4pm – 10pm on the evenings when the Illuminations are on, in the following car parks:

- Matlock Bath Station
- Temple Walk
- Pavilion
- Artist Corner

This proposal was discussed with Members of the Car Park Review Working Group on 28 February 2023 and with new Members of the group on 28 June 2023. Members of the working group were happy for this recommendation to be made to the committee. It was considered that introducing the £5.00 car park tariff from 4pm - 10pm would help to stagger the arrival of traffic prior to the opening of illumination events.

It was moved by Councillor Steve Flitter, seconded by Councillor Stuart Lees and

RESOLVED (unanimously)

1. That a £5.00 car park event charge to operate 4.00pm – 10.00pm on Saturdays and Sundays be approved for introduction in the car parks specified in the report for the duration of the Illuminations each year.
2. That the Off-Street Parking Order be amended to reflect the new charge for those car parks affected.
3. That authority be delegated to the Director of Resources to make the necessary virement of funds generated from the increase in car parking income generated from the Car Park Event charge during the Matlock Bath Illuminations for the provision of toilets at Artists Corner Car Park in Matlock Bath until the end of October 2023.

The Chair declared the motion **CARRIED**.

71/23 - LAND HOLDINGS REVIEW PHASE 6

The Estates and Facilities Manager introduced a report which detailed the sixth phase of an ongoing review of the Council's land and property assets in accordance with the Asset Management Plan (AMP). This phase of the Land Holdings Review covered eight sites across the District.

The report explained the intentions of the AMP 2019-2023 to set out the Council's strategic approach to the management of its land and property and to provide a framework within which property asset decisions could be made in support of the Council's corporate aims and objectives. The AMP recommended that any unused or surplus buildings and land be reviewed to establish whether they should be sold or whether they could contribute to the Council's key objectives of economic development and affordable housing or whether they could form part of a Community Asset Transfer.

The details of, and recommendations for, the eight sites were included within the report and appendix 1. Within the recommendations, multiple options were presented for several of the sites. Each of the sites were voted on individually, the decisions are outlined below.

It was moved by Councillor Steve Flitter, seconded by Councillor Geoff Bond and

RESOLVED (unanimously)

That only the part of Site No. 8 (Allotments and adjoining land at Church Road, Darley Dale) currently occupied by Darley Dale Town Council be transferred as a Community Asset Transfer to Darley Dale Town Council as per the November 2022 resolution.

The Chair declared the motion **CARRIED**.

It was moved by Councillor Geoff Bond, seconded by Councillor David Hughes and

RESOLVED (unanimously)

That site No. 1, Station House, Matlock, be declared as surplus to requirements and that the Estates and Facilities Manager be delegated to negotiate and agree a leasehold disposal of the property on suitable market terms (including, if appropriate, a payment towards the Council's reasonable legal and surveyors' costs) for a residential related use with Peak Rail PLC.

The Chair declared the motion **CARRIED**.

It was moved by Councillor Steve Flitter, seconded by Councillor Geoff Bond and

RESOLVED (unanimously)

That site No. 2, Down Station Building, Darley Dale, be declared as surplus to requirement and that the Estates and Facilities Manager be delegated to negotiate and agree a leasehold disposal of the property on suitable market terms (including, if appropriate, a payment towards the Council's reasonable legal and surveyors' costs) with Peak Rail PLC for an appropriate use in connection with the railway.

The Chair declared the motion **CARRIED**.

It was moved by Councillor David Hughes, seconded by Councillor Neil Buttle and

RESOLVED (unanimously)

That the decision on the disposal of Site No. 3, Land between 44 and 48 High St at Bonsall, be deferred for 6 months in order to further explore options for the use of the site for the building of affordable or social housing and should that use not prove possible after the 6 month deferral, that the site be declared as surplus to requirements and offered for freehold sale by public auction as one lot with a reserve to be set by the Estate & Facilities Manager in consultation with the auctioneer depending on interest generated with a buyer's premium to apply to cover the Council's costs.

The Chair declared the motion **CARRIED**.

It was moved by Councillor Steve Flitter, seconded by Councillor Neil Buttle and

RESOLVED (unanimously)

That the decision on the disposal of Site No. 4, Land between 13 and 15 Peats Close at Kirk Ireton, be deferred for 6 months in order to further explore options for the use of the site for the building of affordable or social housing and should that use not prove possible after the 6 month deferral, that the site be declared as surplus to requirements and offered for freehold sale by public auction as one lot with a reserve to be set by the Estate & Facilities Manager in consultation with the auctioneer depending on interest generated with a buyer's premium to apply to cover the Council's costs.

The Chair declared the motion **CARRIED**.

It was moved by Councillor Geoff Bond, seconded by Councillor Roger Shelley and

RESOLVED (unanimously)

That site No. 5, Land at Fishpond Meadows, Ashbourne be transferred to Ashbourne Town Council on the terms outlined in Appendix 1 of the report as a Community Asset Transfer by way of long lease.

The Chair declared the motion **CARRIED**.

It was moved by Councillor Geoff Bond, seconded by Councillor David Hughes and

RESOLVED (unanimously)

That site no 6, part of land off Clifton Road, Ashbourne be transferred to the NHS on the terms outlined in Appendix 1 of the report by way of long lease.

The Chair declared the motion **CARRIED**.

It was moved by Councillor David Hughes, seconded by Councillor Simon Ripton and

RESOLVED (unanimously)

1. That in respect of Site no. 7, Monsal Head Car Park, a new 10-year lease be taken from Little Longstone Parish Meeting by the District on the terms outlined in Appendix 1 of the report.
2. That it is noted that the disposal of site nos. 5,6 and 8. above (either by lease or freehold title transfer) comprise undervalue transactions permitted under the General Disposal Consent 2003.
3. That the responsibility for legal and surveyors' costs in respect of all the transactions above, as detailed in Appendix. 1 of the report, is noted.

The Chair declared the motion **CARRIED**.

72/23 - INTERNAL AUDIT ANNUAL REPORT 2022/23

The Head of the Internal Audit Consortium presented a report which summarised the internal audit work undertaken during 2022/23 from which the opinion on governance, risk and internal control is derived. Only 3 audits had been completed in 2022/23, due to the resignation of both the Senior Auditor and the Auditor. The Head of the Internal Audit Consortium explained that this meant that there was insufficient evidence on which to base an opinion on the overall adequacy and effectiveness of the Council's framework of governance, risk management and control arrangements. The report also drew attention to any issues that needed to be considered for inclusion in the Annual Governance Statement; the lack of an audit opinion due to there being no audit staff for most of 2022/23 was identified as such an issue. The Head of the Internal Audit Consortium informed the Committee that a Senior Auditor had been in post since May 2023 and an Auditor was due to start in late July.

Comparisons were provided between the work undertaken and that which had been planned, along with summaries of performance.

The report also provided comments on compliance with the Public Sector Internal Audit Standards (PSIAS) and Code of Ethics, and comments on the results of the internal quality assurance programme.

It was moved by Councillor David Hughes, seconded by Steve Flitter and

RESOLVED (unanimously)

That the Internal Audit Annual Report for 2022/23 be accepted

The Chair declared the motion **CARRIED**.

73/23 - EXTERNAL AUDIT COMPLETION REPORT AND ANNUAL REPORT FOR THE FINANCIAL YEAR ENDED 31 MARCH 2022

The Director of Resources introduced a report which included the external audit completion report from Mazars LLP for the year ending 31 March 2022 which summarised the work undertaken and the key findings arising from the external auditor's work in relation to the Authority's statements for 2021/22. Members were asked to note the reports from the external auditor prior to approving the Council's Statement of Accounts. The external

auditor, Gavin Barker from Mazars LLP, attended the meeting and addressed Members' questions on the reports.

It was noted within the report that due to resource constraints on both sides, there had been a delay in the completion of the external audit of the Statement of Accounts by Mazars LLP, meaning that the deadline of 30 November 2022 was missed. Members were also informed that this was not unusual when compared to other authorities for this financial year as many other authorities had been unable to meet the publishing deadline.

It was moved by Councillor Steve Flitter, seconded by Roger Shelley and

RESOLVED (unanimously)

1. That the External Auditor's "Audit Completion Report for the year ended 31 March 2022" be received.
2. That the "Auditor's Annual Report for the year ended 31 March 2022" be received.
3. That the appointment of **Mazars LLP** as the Authority's external auditor for a period that covers the audits of the statutory accounts for the five consecutive financial years commencing 1 April 2023 be noted.

The Chair declared the motion **CARRIED**.

74/23 - LETTER OF REPRESENTATION 2021/22

The Director of Resources introduced a report requesting Members to consider and endorse the draft Letter of Representation as part of their responsibility for approving the financial statements for 2021/22.

The report informed Members of the requirement within the International Standard on Auditing (U.K. & Ireland) 580 (ISA 580), for the external auditor to obtain evidence that the Council's management acknowledges its responsibility for the fair presentation of the financial statements in accordance with the applicable financial reporting framework and has approved the financial statements. The auditor can obtain evidence of management's acknowledgement of such responsibility by obtaining a written representation from management and a signed copy of the financial statements.

The Letter of Representation had been prepared in accordance with the guidance as given in Appendix 1 to the report. The letter contained no matters of concern which needed to be brought to the attention of Members.

It was noted within the report that there were three uncorrected misstatements that had been identified by the external auditor; these were set out in Appendix A to the letter, with an explanation of why they were not corrected.

RESOLVED (unanimously)

That the Letter of Representation be endorsed for signature.

The Chair declared the motion **CARRIED**.

75/23 - STATEMENT OF ACCOUNTS FOR 2021/22

The Financial Services Manager introduced a report which provided interpretation of the Statement of Accounts for 2021/22 and highlighted the key issues. The report also sought Members' approval of the Statement of Accounts for 2021/22.

The Statement of Accounts 2021/22 had been audited by the Council's External Auditors, Mazars LLP. The significant findings of the audit were set out in the report. The external auditor identified 6 misstatements that were accepted by management and subsequently corrected in the financial statements, and three unadjusted material misstatements, which were explained in the report. The overall financial position as at the 31 March 2022 remains the same as that included within the Draft Statement of Accounts and reported to Council in November 2022.

It was moved by Councillor Simon Ripton, seconded by Councillor Steve Flitter and

RESOLVED (unanimously)

That the Statement of Accounts for 2021/22 be approved.

The Chair declared the motion **CARRIED**.

Meeting Closed: 7.46 pm

Chairman