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Governance & Resources Committee

Minutes of a Governance & Resources Committee meeting held at 6.00 pm on Thursday, 2nd November, 2023 in the Council Chamber, Town Hall, Matlock, DE4 3NN.

PRESENT

Councillor Nick Wilton - In the Chair

Councillors: Neil Buttle, Stuart Lees, Lucy Peacock, Simon Ripton, Roger Shelley and Marilyn Franks

Kerry France (Legal Services Manager), Mike Galsworthy (Estates and Facilities Manager), Karen Henriksen (Director of Resources), Jenny Williams (Head of the Internal Audit Consortium), Lucy Harrison (Democratic Services Assistant), Tommy Shaw (Democratic Services Team Leader) and Paul Wilson (Chief Executive)

Note:

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APOLOGIES

Apologies for absence were received from Councillor(s): Geoff Bond, Steve Flitter and David Hughes

191/23 - APPROVAL OF MINUTES OF PREVIOUS MEETING

It was moved by Councillor Stuart Lees, Seconded by Councillor Lucy Peacock and

RESOLVED

That the minutes of the meeting of the Governance and Resources Committee held on 14 September 2023 be approved as a correct record.

Voting

06 For

00 Against

01 Abstention

The Chair declared the motion **CARRIED**.

192/23 - PUBLIC PARTICIPATION

There was no public participation.

193/23 - INTERESTS

Item 10 Asset Management Plan – Land Holdings Review Phase 7

Councillor Stuart Lees declared a non-pecuniary interest in Item 10 due to being a Trustee of the Ashbourne Royal Football Committee.

194/23 - QUESTIONS PURSUANT TO RULE OF PROCEDURE NUMBER 15

No questions were received.

195/23 - ASSET MANAGEMENT PLAN - LAND HOLDINGS REVIEW PHASE 7

6:02pm – Councillor Stuart Lees left the room for the consideration of this item due to declaring an interest.

The Estates and Facilities Manager introduced a report representing the seventh phase of an ongoing review of the Council's land and property assets in accordance with the Asset Management Plan. This phase of the Land Holdings review covered two sites in the District, one for acquisition for operational requirements and one for which expressions of interest had been received for enhancing a facility.

Site 1 was required as an extension to Bakewell Cemetery and site 2 would bring an underused area of land back into community use. Following consideration of planning, legal and estate management factors, together with operational requirements, recommendations were made regarding whether the sites should be acquired, retained, allocated for a particular use or sold and the terms which would apply.

The results of the review and the recommendations for the two sites were summarised in Appendix 1 together with plans of each site. Each of the sites were voted on individually, the decisions are outlined below.

It was moved by Councillor Neil Buttle, Seconded by Councillor Simon Ripton and

RESOLVED (unanimously)

1. That, in respect of Site 1, Land south of Bakewell Cemetery, the Estates and Facilities Manager be delegated to agree terms for the acquisition of the required land and access rights as outlined in Appendix 1 of this report, subject to planning consent and subject to further approval by this Committee.

2. That a request be made to Council (for the update due in February 2024) to include an amount of £125,000 in the Capital Programme for 2024/25 and £75,000 in 2025/26 in respect of Site 1 to cover the land purchase costs and enabling infrastructure works to form a cemetery extension.

The Chair declared the motion **CARRIED**.

It was moved by Councillor Neil Buttle, Seconded by Councillor Simon Ripton and

RESOLVED (unanimously)

3. That in respect of Site 2, Fishponds at Fishpond Meadows, Ashbourne, the Estates and Facilities Manager be delegated to proceed with a leasehold disposal of the site as outlined in Appendix 1 of this report, subject to appropriate Public Open Space consultation.
4. That it be noted that the disposal in three above comprises an undervalue transaction as permitted under the General Disposal Consent 2003.

The Chair declared the motion **CARRIED**.

196/23 - ANTI-FRAUD BRIBERY AND CORRUPTION STRATEGY (INCLUDING ANTI-MONEY LAUNDERING POLICY)

The Director of Resources introduced a report which sought Member approval for the Council's updated Anti-Fraud, Bribery and Corruption Strategy (including Anti-Money Laundering Policy) which was attached as Appendix A to the report.

The Council last reviewed its Anti-Fraud and Corruption Strategy and Anti-Money Laundering Policy in 2018. Members were informed that in line with good practice for all public bodies, the Council should have in place an up-to-date Anti-Fraud, Bribery and Corruption Strategy. The formal commitment to this strategy would serve to restate the Council's zero tolerance of fraud and all forms of malpractice. The refresh of the strategy would provide an opportunity to promote the key message to both Members and Employees.

The strategy had been reviewed and updated to reflect developing good practice. It was noted that there had been no regulatory or legislative changes since the last review. The changes made aimed to provide further clarity to Officers and Members as to the requirements of the strategy and guidance as to what may indicate potential money laundering activities.

It was moved by Councillor Simon Ripton, Seconded by Councillor Marilyn Franks and

RESOLVED (unanimously)

That the updated Anti-Fraud, Bribery and Corruption Strategy (including Anti - Money Laundering Policy), which was attached as Appendix A to the report, is approved.

The Chair declared the motion **CARRIED**.

197/23 - INTERNAL AUDIT PROGRESS UPDATE 2023/24

The Head of the Internal Audit Consortium introduced a report providing a progress update in respect of the 2023/2024 Internal Audit Plan. The report included a summary of internal audit reports issued since the last meeting of the Committee and updated Members on the implementation of internal audit recommendations.

Members were informed that recruitment difficulties meant that very little of the 2022/23 Internal Audit plan had been completed however, a Senior Auditor commenced at the end of May 2023 and an Auditor in July 2023. Progress against the 2023/24 plan and whether this was still achievable had been assessed. It was anticipated that most of the plan would be completed so the plan had not been revised at the time of publishing the report.

A summary of reports issued to date in respect of the 2023/24 financial year was included at Appendix 1. Appendix 2 provided a summary of the progress made on the 2023/24 internal audit plan overall and attached at Appendix 3 was a summary of made, implemented and overdue internal audit recommendations as at the end of September 2023.

It was moved by Councillor Neil Buttle, seconded by Councillor Roger Shelley and

RESOLVED (unanimously)

That the report be received and noted.

The Chair declared the motion **CARRIED**.

198/23 - ARREARS FOR WRITE OFF 2023/24

The Director of Resources introduced a report providing information about debtor write offs authorised by the Director of Resources under delegated authority in accordance with the Council's Financial Regulations and sought approval for the write off individual debts of £10,000 or more in accordance with the Council's Financial Regulations.

Under regulation 5.2.12 of the Council's Financial Regulations, authority was delegated to the Director of Resources to write-off individual debts up to £10,000. Under the scheme of delegation to officers the Director of Resources also had authority to write off any arrears that had been caused by an officer error. The report detailed those debts of £10,000 or more for which authorisation to write-off was required from the Committee under regulation 5.2.12 of the Financial Regulations.

This mid-year report for 2023/24 covered arrears relating to council tax, nondomestic rates, housing benefit overpayments and sundry debts. It was noted that any debt would be reinstated where further information subsequently came to light that allowed further recovery action to be pursued. Appendix 1 to the report detailed the schedule of proposed write offs.

It was moved by Councillor Simon Ripton, seconded by Councillor Stuart Lees and

RESOLVED (unanimously)

That the individual debts of £10,000 or more listed in Appendix 1 of the report totalling £80,136.38 be approved for write off.

The Chair declared the motion **CARRIED**.

199/23 - ANNUAL REPORT ON THE REGULATION OF INVESTIGATORY POWERS ACT (RIPA)

The Legal Services Manager introduced an annual report providing an update on the Council's use of RIPA and 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 complied with the UK's obligations under the European Convention on Human Rights (ECHR) including Article 8 (the right to privacy). The District Council's RIPA Policy was approved by Council in January 2020 and updated in July 2022 to include a procedure for the use of corporate social media accounts to access information.

Following the adoption of the updated policy in July 2022, the Council was subject to a desktop inspection by the Investigatory Powers Commissioner's Office (IPCO). The feedback from the IPCO was that the policy was well structured but required a further update in respect of:

- (a) Part two of the policy, which provides guidance regarding the acquisition of communications data, does not reflect the impact of Section 73 of the Act. The organisation is yet to form a collaboration with the National Anti-Fraud Network and the SRO should ensure that all are aware of the opportunities presented under Section 73 of the IPA going forward.
- (b) Deletion of references to the OSC Procedures and Guidance document which is now obsolete.

Whilst the authority had not carried out any activity under the Act for some time, the IPCO was pleased that a number of targeted training sessions were delivered in 2021 to those involved in the use, application, and authorisation of covert tactics.

It was moved by Councillor Roger Shelley, Seconded by Councillor Simon Ripton and

RESOLVED (unanimously)

1. That the Annual Report on the Council's use of the Regulation of Investigatory Powers Act be accepted and approved.
2. That the Regulation of Investigatory Powers Act (RIPA) Policy be amended as detailed within the report.

The Chair declared the motion **CARRIED**.

200/23 - SUCCESSION PLANNING

The Chief Executive introduced a report summarising the difficulties the Council was facing regarding recruitment in a competitive employment market and noted that there were several potential retirements in singleton post.

The report sought Member approval of a Succession Planning policy. A draft of the policy had been considered by the Corporate Leadership Team before going to consultation at the Employee Group and Joint Consultative Group.

Members were informed that since the pandemic there had been an increase in the turnover of staff and in addition, the Council had experienced proven difficulty to recruit in some key posts. Steps taken to date to try to resolve these problems were detailed in section 2.2 of the report.

The Council's annual equality report confirmed that there was an ageing workforce, with 34% of staff aged over 55, an age where they could consider flexible retirement. It was noted that even though the state retirement age had moved to 66+, the Council would face the retirement of long serving, skilled and knowledgeable colleagues when they chose to retire over the next decade. Members were informed that many of these colleagues were in 'singleton posts' and would give a significant loss of knowledge if they retired without a potential successor. In addition, it was noted that service delivery could be severely affected if the Council was unable to recruit to these posts at first attempt.

It was moved by Councillor Simon Ripton, seconded by Councillor Stuart Lees and

RESOLVED (unanimously)

That the proposed Succession Planning policy be adopted.

The Chair declared the motion **CARRIED**.

Meeting Closed: 6.48 pm

Chairman