



Member Induction – The Fundamentals





Today's Agenda

- **Welcome and Context to Derbyshire Dales**
- **Roles and Responsibilities**
- **How the Council Works**
- **LUNCH – 12:30pm until 1.30pm**
- **Tour of the Building**
- **Mock Council Meeting**
- **CLOSE**

Member Induction – The Fundamentals



Derbyshire Dales - Context

- Formed in 1974 following Local Government Re-organisation – originally West Derbyshire District Council and became Derbyshire Dales on 1 January 1987
- The district was a merger of Ashbourne, Bakewell, Matlock and Wirksworth urban districts along with Ashbourne Rural District and Bakewell Rural District.
- A lower tier local authority delivering key universal services, with Derbyshire County Council delivering other local authority services in the district



Derbyshire Dales – Our Place

- The district covers an area of 800 sq.km, covering a third of the land area of Derbyshire.
- Approximately half of the district falls within the Peak District National Park.
- Population of circa. 71,500 with around 80% of the population living in rural villages
- Derbyshire Dales has the smallest number of households of all Derbyshire districts (30,744)



Derbyshire Dales – Our Population

- In terms of population density, the district is the joint least densely populated local authority area across the East Midlands
- The district has an above average proportion of elderly people and below average proportion of younger people than Derbyshire and England
- In the period 2011 – 2021, the average (median) age of the Derbyshire Dales increased by four years, from 47 to 51 years of age. This is the second-highest average age in the East Midlands
- The Derbyshire Dales population is growing very little. Between 2011 and 2021 the population increased by just 0.6%, from around 71,100 in 2011 to around 71,500 in 2021.
- The population increased by a much smaller percentage than the overall population of the East Midlands (7.7%), and by a smaller percentage than the overall population of England (up 6.6% since the 2011 Census).

Derbyshire Dales – Economy and Housing

- The economy is characterised by a high proportion of micro-businesses (less than 10 employees) and self-employment is above the regional average
- Unemployment is low in the Derbyshire Dales. However pay and wages in the Derbyshire Dales are amongst the lowest in the East Midlands.
- Average (mean) pay in the Derbyshire Dales for all employee jobs in 2022 was £501 per week. The average for Derbyshire was £529 and the average for the East Midlands was £557.
- Affordability of housing is a major issue for our residents.
- The lower quartile house price to earnings ratio in Derbyshire Dales District is currently 11.5:1 compared to a regional ratio of 8:1.
- Affordability in Derbyshire Dales based on household disposable incomes is 9:1, compared to a regional ratio of 6.9:1.
- The cost of renting an average 2 bed property per week in Derbyshire Dales District is £172.
- Low pay in the Dales impacts housing affordability.



The Council - Organisational Structure

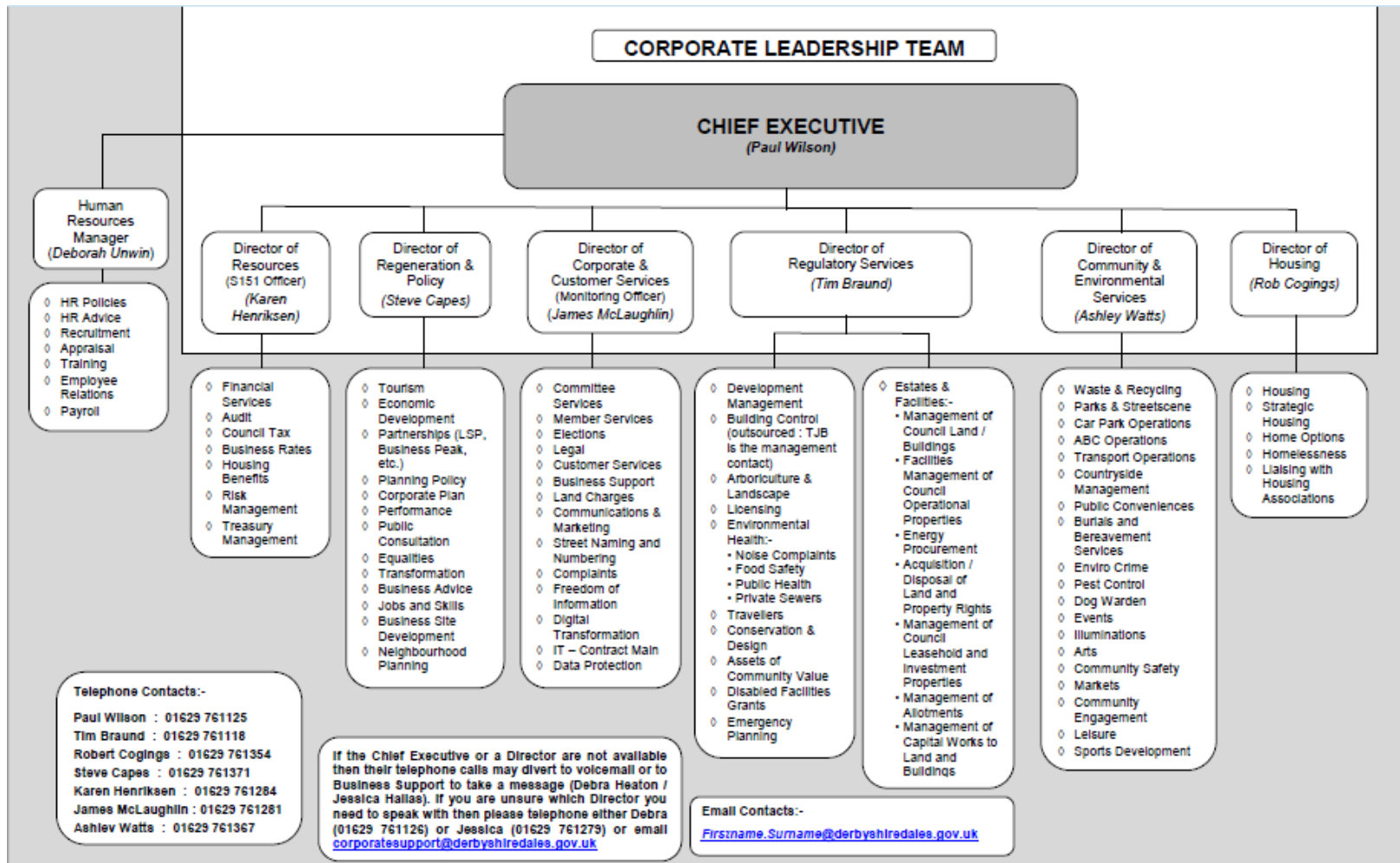
The day-to-day management of the Council and its services is overseen by the Corporate Leadership Team and led by the Chief Executive, who is the Head of Paid Service and has overall responsibility for implementing the Council's policies.

- Circa 185 FTE employees (216 individual employees) across 6 Departments and c27 teams.
- Staff are based at the Town Hall, Agricultural Business Centre and Northwood Depot.
- The delivery of services consists of a mix of contracted out, partnership, shared service and direct delivery.

The Council – Key Service Delivery Partners

- Revenues and Benefits – shared service arrangement with Chesterfield Borough Council
- Audit - shared management arrangement with Chesterfield Borough Council
- IT – shared service arrangement with shared service arrangement with North East Derbyshire and Bolsover
- Leisure Services – contracted out partnership with Freedom Leisure (2018 for 10 years)
- Waste and Recycling – contracted out partnership with SERCO (2020 for 8 years)
- Emergency Planning – partnership with Derbyshire County Council

Corporate Leadership Team



Corporate Leadership Team

The Corporate Leadership Team meet weekly to:

- develop policy in accordance with the District Council's aims and priorities
- manage finance, governance, service performance and corporate risks
- ensure legal compliance and value for money



Organisational Challenges

- We are a very small organisation in comparison to our neighbouring councils.
- We have extremely lean delivery teams which have a significant number of single posts with limited capacity and resilience.
- 'Teams' may comprise only 2 people
- Strategic capacity is limited – a clear focus on priorities is essential.
- Organisational resources are finite.
- Constant need to review priorities, resources and timescales.
- Managing expectations (Members and the public)

Summary of Existing Commitments

- Options review for the delivery of Waste and Recycling Services.
- Waste collection round optimisation
- £15 million Levelling Up Fund programme for Ashbourne Town Centre
- Public Sector Decarbonisation Programme for the Council estate
- Options appraisal for potential Solar Farm
- UK shared Prosperity Fund
- Council Housing programme
- Affordable Housing programme
- Homes for Ukraine programme
- Capital Programme implementation
- Car Parking review
- Biodiversity new burdens
- Clean and Green service review
- Local Plan review
- Savings and income generation planning
- Developing balanced Medium Term Financial plan
- Service redesign
- Digital transformation migration of service to web based options

Corporate Plan

The Corporate Plan sets the headline priorities for the Council and is the core document that underpins the Council's overall vision.

The current Corporate Plan is framed around the following themes:

People – providing you with a high quality customer experience

Place – keeping the Derbyshire Dales clean, green and safe

Prosperity – supporting better homes and jobs for you

- Corporate Plan is to be reviewed 2023
- Active programme of engagement with the public and Members

Underpinning the Corporate Plan themes is the cross-cutting value of '**One Team, One Council, One Purpose**'.

'ONE Team, ONE Council, ONE Purpose'

The concept is based upon everybody working together, collectively, to deliver the best possible services we can to our customers in an environment where every single individual in the organisation has a clear awareness of the importance of their role in delivering sustained success across the organisation.

- **ONE TEAM:** working together across artificial departmental boundaries with mutual support and co-operation;
- **ONE COUNCIL:** where we take collective responsibility for our actions and are not afraid to acknowledge our mistakes and learn from them;
- **ONE PURPOSE:** to deliver the best quality services we can where the customer is at the heart of everything we do.

Collaborative Working

- Active collaboration across Derbyshire Districts / Boroughs
- Derbyshire Chief Executives incl. Police, Fire, Health and University
- Project specific collaboration at officer level e.g. Climate Change, Waste, Environmental Health, HR, Finance
- Partnership working at Member level on outside bodies



East Midlands Combined County Authority

The shared vision of Derbyshire County Council, Nottinghamshire County Council, Derby City Council and Nottingham City Council is for the people who live and work in our area to be better connected, more competitive, and more prosperous.

- Summer 2022 – upper tier authority initiated discussions with Government
- Deal formally announced on 30 August 2022 subject to formal ratification, public consultation, upper tier council agreement and parliamentary approval
- Public Consultation undertaken January 2023
- Mayoral elections expected in May 2024 – shadow arrangements in the preceding period
- First Mayoral Combined County Authority across a two-tier geography



East Midlands Combined County Authority

Devolution would create a new combined county authority for our area covering Derbyshire, Derby, Nottinghamshire, and Nottingham.

Derbyshire County Council, Nottinghamshire County Council, Derby City Council and Nottingham City Council would all be involved. The four councils would continue to exist individually. They would also work together on a formal and legal basis through the new combined county authority to improve the region for residents, communities, businesses, and other organisations.

Priority focus:

1. Homes - to create affordable, good quality housing options and to retrofit existing homes to be more environmentally sustainable.
2. Skills - to ensure our citizens have the opportunity to develop key skills and access opportunities to work well and build fulfilling careers.
3. Transport - to develop our collective infrastructure and create the best possible public transport system for our citizens.
4. Net Zero - to lead the way in moving from fossil to fusion and play our part in achieving our national ambition to achieve net zero by 2050

East Midlands Combined County Authority

The Devolution Deal comprises:

- An **East Midlands Investment Fund** which will include **£38 million** capital and revenue funding each year over a 30-year period
- Devolved Capital Funding of **£16.8 million** in 2024/5 to support the building of new homes
- Capacity Funding in 2023/4 and **£1 million** in 2024/5 to support the - **£500,000** EMCCA in its early stages
- Capacity funding of **£450,000** to support the pipeline of housing sites
- Further capital to support the delivery of shorter-term housing (**£9 million**) and net zero priorities (**£9 million**)
- Capacity funding of **£500,000** to support the preparation of the Local Transport Plan

Membership and Functions of EMCCA

The CCA will have up to 17 Members in total, comprising:

- The directly elected Mayor
- 8 Constituent Members (Members appointed by the Constituent Councils, with each Constituent Council appointing 2 Members)
- 4 Non-Constituent Members nominated by the District and Borough Councils within the Area
- Up to 4 further Non-Constituent or Associate Members (CCA to determine)

The **Mayor** will have a number of specified functions including:

- Power to designate a Mayoral Development Area
- Housing and land acquisition powers
- Power to set a precept on Council Tax to fund Mayoral functions
- Power to charge a business rate supplement
- Power to draw up a local transport plan and strategies, and bus franchising

The **EMCCA** will be given powers in relation to:

- Economic development and regeneration
- Adult education and skills functions
- Transport functions including to set up and co-ordinate a Key Route Network
- Housing supply, regeneration and place-making functions relating to CPO's, housing land, land acquisition and disposal and development.
- Power to borrow up to an agreed cap for non- transport functions

No local authority functions are being removed from any council in the area

Questions



Roles and Responsibilities



Role of a District Councillor



“As a councillor you will have many different roles to balance. As the local elected representative you will engage with residents and groups on a wide range of different issues and take on an important community leadership role.

At the council you will contribute to the development of policies and strategies, including budget setting, and you may be involved in scrutinising council decisions or taking decisions on planning or licensing applications.”

Local Government Association

You're elected, what do you do now?

The Local Leadership Framework recently published the LGA has identified the following roles that you may perform or undertake as a locally elected representative:

- **steward of place** – working across the local area in partnership with others
- **advocate** – acting to represent the interests of all citizens
- **buffer** – seeking to mitigate the impact of austerity on citizens
- **sense maker** – translating a shift in the role of public services and the relationship between institutions and citizen
- **catalyst** – enabling citizens to do things for themselves, having new conversations about what is now possible
- **entrepreneur** – working with citizens and partners to encourage local vitality and identify creative new solutions
- **orchestrator** – helping broker relationships, work with partners and develop new connections.



A Derbyshire Dales District Councillor ...

We have a number of returning councillors in the room, you tell us what it means to be a district councillor in the Derbyshire Dales



Formal Roles and Offices of the Council

The law or the Council's constitution provides for some Members to undertake specific roles, such as:

- Leader of the Council
- Deputy Leader of the Council
- Chairman of the Council
- Civic Chair of the District
- Committee Chairs and Vice-Chairs

Leader of the Council

- be the political (rather than ceremonial) leader of the Council, for the benefit of all the District's communities - its citizens, taxpayers, businesses, public bodies and other public authorities;
- lead and work with the Council, particularly the Chairs of its Committees and Sub Committees, in the development of the Council's vision for the future, policy framework, budgets and strategies;
- lead and work with the Council, particularly the Chairs of its Committees and Sub Committees, in overseeing service delivery and the implementation of policies approved by the Council
- represent and pursue the interests of the Council in the community and at national and regional levels;
- fulfil the role of Leader at full Council meetings and carry out as necessary the other functions that require political leadership on behalf of the Council;
- lead in providing policy direction and guidance to the Chief Executive and Corporate Leadership Team;
- meet regularly to progress the Council's objectives with Committee Chairs, the Chief Executive and CLT, leaders of other political groups, partner organisations, stakeholders, community representatives, government representatives, the local MP

Chairman of the Council

The Chairman of the Council is elected by the Council annually and the Constitution designates the following responsibilities:

- To uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary;
- To preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community;
- meeting as a forum for the debate of matters of concern to the local community and the place at which Members, who do not sit on Policy Committees or hold Committee Chairs are able to hold the Members of the Policy Committees and Committee Chairmen to account;
- To promote public involvement in the Council's activities;
- To be the conscience of the Council.

The law describes this office as 'Chairman of the Council' (s3 of the Local Government Act 1972)



Civic Chair of the District

- The Civic Chair of the District is a ceremonial post held by a councillor and is elected annually.
- First Citizen of the Derbyshire Dales and has the civic responsibility representing and promoting the district
- The role entails promoting events and causes by attendance at a variety of engagements throughout the civic year that raise the profile of the Derbyshire Dales and its people, both in the district and beyond.

The Constitution specifically provides for the Civic Chair of the District to act:

- As a symbol of the authority - to be the Council's ambassador and to represent the Council at civic functions within the County boundaries.
- As a symbol of open society – to promote inclusiveness and equality.
- As an expression of social cohesion – to act as a link between the Council and the various community bodies and organisations.



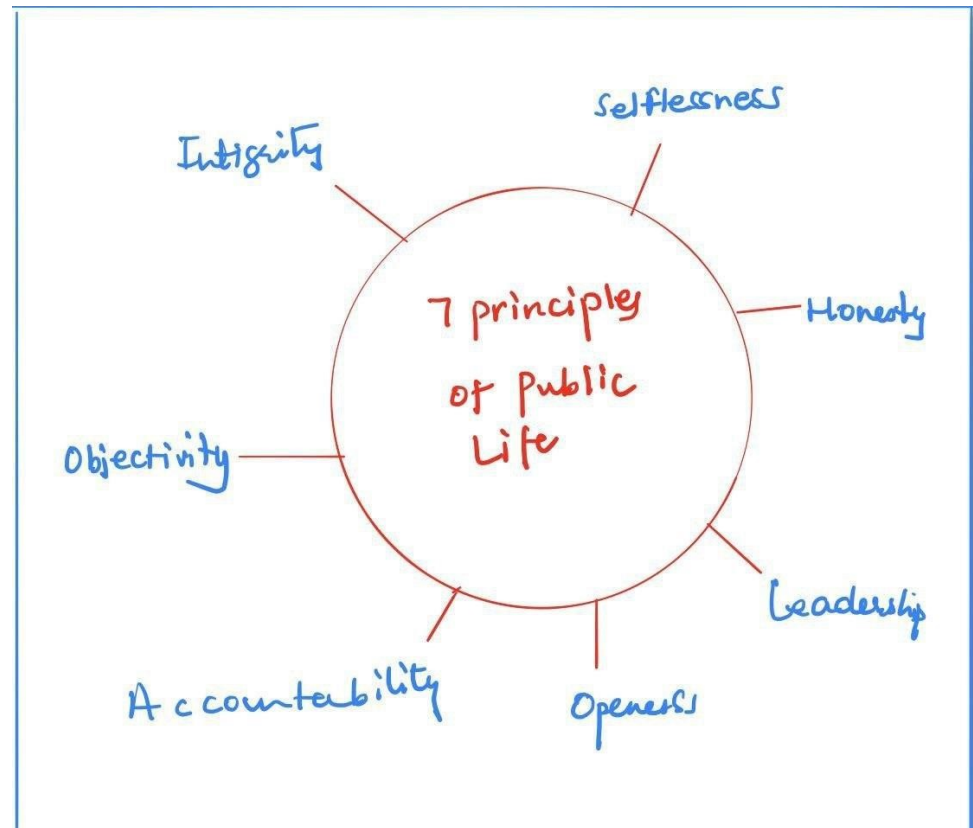
Committee Chairs

- have a working knowledge of the functions, policies, practices, procedures, services and budgets of the Committee which they chair;
- attend all mandatory training sessions as required;
- lead in the development of the work of the Committee which they chair. This should take into account the wider vision, such as corporate, cross-service and partnership issues;
- lead in service delivery and the implementation of policies approved by the Council
- be the spokesperson for the Committee in relation to external affairs and communications;
- progress the Committee's objectives with officers and Members, and as appropriate other people, groups and organisations;
- represent and pursue the interests of the Committee which they chair in the community and if appropriate at regional and wider levels;
- promote and uphold high standards of ethical conduct by Members and the Council's equalities policies;
- ensure that the meetings of the Committee which they chair are properly conducted
- support the performance of the Council's scrutiny function and participate in scrutiny reviews as appropriate;
- maintain professional working relationships and establish mutual respect with all members and officers.



The Ethical Framework

- Localism Act 2011 established current ethical framework
- Significant departure from previous regime
- Removed requirement for a local 'Standards Committee'
- Abolished 'Standards Board for England'
- Required local authorities to have their own Code of Conduct
- Introduced a new criminal offence of failing to disclose or register pecuniary interests



The Code of Conduct

- Applies when acting in the capacity of Member
- Principles:
 - Selflessness
 - Integrity
 - Objectivity
 - Accountability
 - Openness
 - Honesty
 - No conduct amounting to bullying or harassment
 - Leadership
- Code does not apply when acting in private capacity
- Remember - you are a representative of the Council and your actions / perceived actions impact on how the authority is viewed

The Code of Conduct

- Obligation to register disclosable pecuniary interests
- Obligation to declare disclosable pecuniary interests at meetings and to withdraw from participation
- Failure to comply with these obligations is a criminal offence – S.34 of the Localism Act 2011



Register Your
Interest

Disclosable Pecuniary Interests

- Any of the following interests of the Member, or interests of which the Member is aware of:
 - Member's spouse or civil partner
 - Person with whom the Member is living as husband and wife
 - Person with whom the Member is living as if they were civil partners
- Employment, office, trade, profession or vocation carried on for profit or gain
- Payment or provision of financial benefit in respect of expenses incurred by the Member in carrying out duties as a Member or towards election expenses of Member
- Contract between the Member or body in which the Member has a beneficial interest and the Council
- Land in the Council's area (including home if owned)
- Licence to occupy land in the Council's area
- Corporate tenancy where the Council is landlord
- A beneficial interest in the securities of a company

Other Interests

- Obligation to disclose interest in business at meetings where:
- the matter may be particularly regarded as affecting the well-being or financial standing of the Member, a friend or member of the Member's family
- the matter relates to or is likely to affect an interest which would be a disclosable pecuniary interest for the Member but is an interest of family or friends



Sensitive Interests and Dispensations

Sensitive Interests:

- Where disclosure could lead to being subject to violence or intimidation
- Member must ask Monitoring Officer to agree that their interest is “sensitive”
- If agreed, then the existence of an interest is declared, but the detail of the interest is not made public

Dispensations can be given where:

- A decision making body may be inquorate
- representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter
- the authority considers that the dispensation is in the interests of persons living in the authority’s area
- the authority considers that it is otherwise appropriate to grant a dispensation

Code of Conduct – Other Obligations

- Champion the needs of residents
- Deal with representations or enquiries from residents, members of communities and visitors fairly, appropriately and impartially
- Not allow other pressures to deter you from pursuing constituents' casework, the Council's interests and good governance
- Exercise independent judgement and do not compromise your position by placing yourself under obligations to outside individuals or organisations
- Listen to the interests of all parties, including relevant advice from statutory and other professional officers, considering all relevant information, remaining objective and making decisions on merit
- Be accountable for decisions
- Contribute to making Council's decision making processes as open and transparent as possible, but restrict access to information when the wider public interest or law requires

Code of Conduct – Other Obligations

- Respect confidentiality of information which you receive as a Member
- Behave in accordance with all legal obligations
- Have regard to principles of Council's policies, protocols and procedures
- Attend mandatory training
- Value colleagues and staff and engage with them in an appropriate manner
- Treat people with respect
- Provide leadership by behaving in accordance with the principles of the Code

Code of Conduct – Social Media

- Use common sense
- Be clear on what you will and won't comment on – and stick to it
- Allow disagreement
- Think before you publish
- Beware of irony
- Don't be creepy – wait to be followed, rather than follow
- Be respectful
- Be credible
- Be honest about who you are
- Be active and responsive
- Own up – social media is transparent
- Avoid arguments!



Reminder – the role of Members

- Determine strategy and provide political leadership for the Derbyshire Dales
- Determine and support corporate priorities and objectives
- Community leader and advocate
- Promote and maintain high standards of conduct
- Follow the Code of Conduct, rules and procedures
- Maintain confidentiality

The role of Officers

- Advise on policy and strategy
- Manage and deliver services of the Council
- Provide professional, technical and administrative advice and support
- Implement decisions and exercise delegated authority to make decisions
- Serve the whole Council – impartial
- Promote and maintain high standards of conduct
- Follow the Council's rules and procedures

Statutory Officers

- **Head of Paid Service** (s.4 of the Local Government and Housing Act 1989)
Duty to report on number of staff and coordination of functions
- **Chief Financial Officer** (s.151 of the Local Government Act 1972)
Duty to ensure proper financial administration
- **Monitoring Officer** (s.5 of the Local Government and Housing Act 1989)
Duty to report on illegality

Member Officer Relations

- Protocol underpinned by the principles of the Members' Code of Conduct
- Advice to political groups
- Support services to Members and political groups
- Members' access to information and Council documents
- Chief Executive/ Political group relationship
- Chairman and Officer relationship
- Correspondence
- Involvement of ward councillors
- Media relations

Member Officer Relations

Members		Officers
<ul style="list-style-type: none">• Accountable to the electorate• Community leader• Political dimension• Set high level policy/strategy• Scrutinise and challenge• Involved in senior officer appointments	<p>The grey bit</p>	<ul style="list-style-type: none">• Accountable to the Authority• Serve the whole Authority• Politically impartial (and restricted at senior level)• Ensure operational delivery• Day to day staff management

Member Officer Relations

“Even though they speak the same words, politicians and professional staff often talk a different language because their perspectives are different”.

“Forging these relationships (*between members and officers*) requires far greater insight by the administrator into the world of the politician as he/she experiences it – as it makes sense to the politician”.

John Nalbandian -
Professor and Mayor



Member Officer Relations

Can often be much easier where:

- both parties discuss and agree the values and behaviours they expect from each other in a relationship of mutual trust
- Members identify their priorities, assisted by officers
- officers provide clear advice and offer alternative courses of action where they exist
- Members and officers communicate clearly and openly, avoiding ambiguity and the risk of misunderstanding
- everyone works in a spirit of partnership, to turn the council's core values and priorities into practical policies for implementation



Tips for effective working

Do be:	Don't be:
Impartial	Unhelpful
Professional	Jargonistic
Authoritative	Arrogant
Respectful	Deferential
Sensitive	Subservient
Positive	Imprudent
Communicative	Indiscriminate
Discreet	Evasive
Reliable	Reliant
Friendly	Friends

What Members can expect from officers



A commitment to the council as a whole, not to a political group



A working partnership



A timely response to enquiries and complaints



Professional, impartial advice



Integrity, support and appropriate confidentiality

What officers need from Members



Political leadership and direction



A working partnership



Compliance with ethical standards and probity



Non-involvement in day to day management



No special considerations



Any questions?

Strategic Planning and reporting

Steve Capes



Introducing...

1. Our Corporate Plan
2. Performance management and KPIs
3. The 'golden thread' of performance management
4. Other plans

Corporate Plan

- Your prime policy document
- Future vision for Derbyshire Dales
- Sets out Council priorities and targets
- The strategy from which the Council's Budget and Service Plans cascade
- Current District Council priorities
 - **High-quality customer experience**
 - **Keeping the Dales clean, green and safe**
 - **Supporting better homes and jobs**
- New Corporate Plan 2024-28
 - ✓ Start with Member aspirations
 - ✓ Consult residents, Members and staff
 - ✓ Constrained by evidence of need & budget
 - ✓ Aiming for adoption Council Nov 2023



Corporate Plan 2020-24 : Target Areas

Current Corporate Plan projects focus on –

- Website review
- Service transformation
- Clean & Green service review
- Net Zero, Climate Change and Biodiversity
- Recycling
- Green Flag parks
- Social housing development
- Regenerate brownfield sites
- Support for businesses and employment
- Revitalise market towns

Target areas 2024-28 : it will be your choice

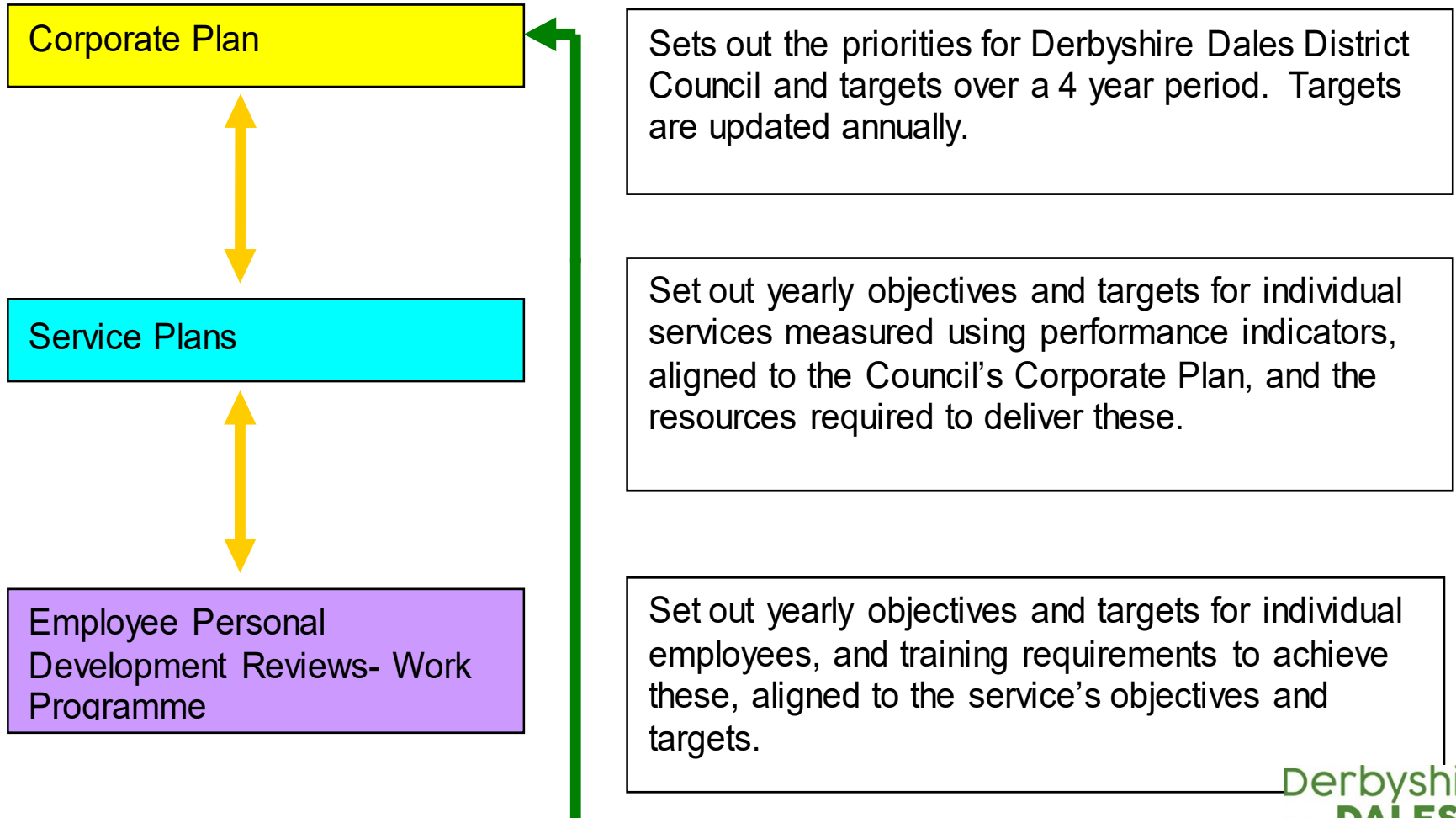
What is Performance Management?

achieving and demonstrating improvement

- We set targets for
 - **Corporate Plan projects** – showing progress towards Council goals (*21 targets currently*) ?too many?
 - **Key Performance indicators (KPIs)** – showing maintenance of overall organisational health (*12 targets*)
- We monitor how we perform against those targets
- We report to Members and to the public to:
 - ✓ Tell the achievement story
 - ✓ Ensure areas that need improvement can be tackled

Performance Management at Derbyshire Dales

The Golden Thread



Other Plans

In addition to the Corporate Plan and Budgets the Council has other plans and strategies, including

- Homelessness Strategy
- Economic Recovery Plan
- Equality, Consultation and Engagement Strategy
- Local Plan
- Asset Management Plan
- Business Continuity Plan
- Procurement Strategy
- Capital Strategy
- Risk Management Strategy
- Medium Term Financial Strategy

These are periodically reviewed by Members, updated and revised

Equality, Diversity & Inclusion

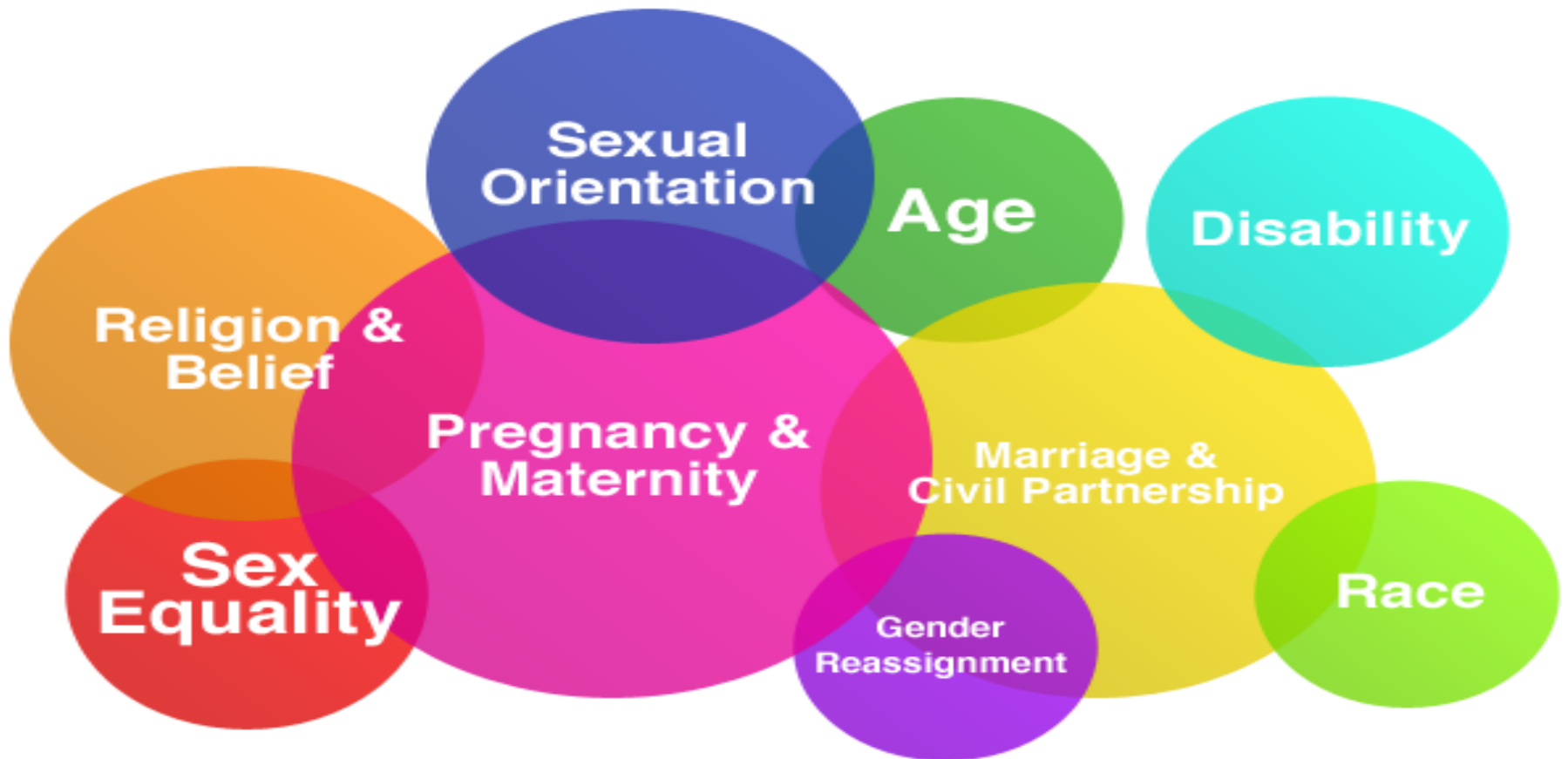
Steve Capes



Introducing...

- Equality Legislation and Public Sector Equality Duty
- Showing Due Regard
- Equality, Diversity and Inclusion policy
- Equality Objectives and Plans
- Equality Impact Assessments

Equality Act 2010 Protected Characteristics



Equality Act 2010 Public Sector Duty Regulations [2011]

We have a duty to;

- (a) **Eliminate** discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010
- (b) **Advance** equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- (c) **Foster** good relations between persons who share a relevant protected characteristic and persons who do not share it

.....**AND TO**

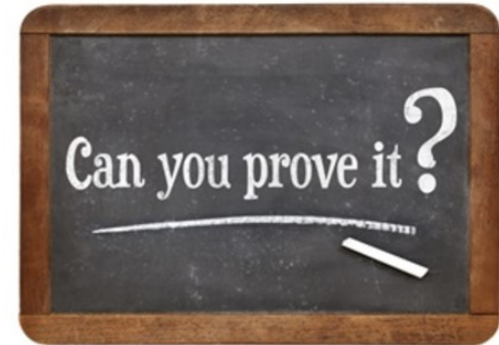
Equality Act 2010 Public Sector Duty Regulations [2011]

To **publish**:

- Equality objectives, at least every four years
- Information to demonstrate compliance with the public sector equality

How do we demonstrate due regard?

1. **Equality, Diversity and Inclusion Policy**
2. **Equality Objectives + Plan** – Sets out equality objectives and actions to achieve them
3. **Equality Impact Assessments** - Evidence based tool for systematically assessing a policy, procedure, service or function
4. **Publishing Equality Information** – Gender, pay, service users data
5. **Consultation with key stakeholders**
6. **Committee Reports** - EIAs are included in reports



Consultation and Engagement



Key Documents

- Consultation and Engagement Strategy



Consultation: Engaging with Stakeholders

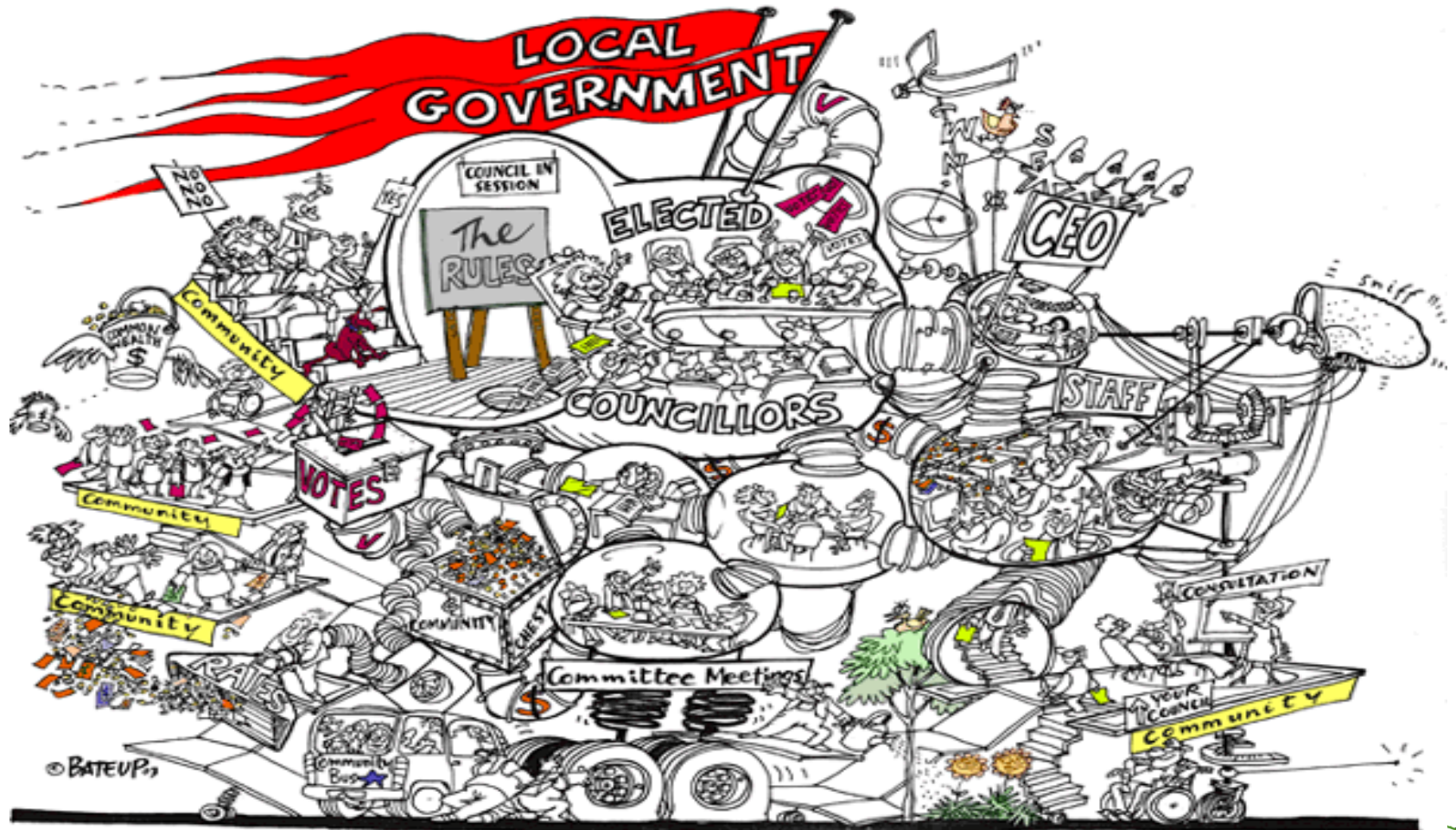
Methods

- Residents' Surveys
- Service based customer satisfaction measurement
- Online surveys
- Local interest groups
- Bespoke surveys
- Employee group and staff survey (internal)

People

- Bi-annual Residents Survey
- Online Panel
- ? Area Community Forums
- Parish/Town Councils
- Business CEO Forum
- Annual business survey

How the Council Works



What is good governance?

Corporate Governance Inspection
of Doncaster MBC in 2010:

“Good governance is about running things properly. It is the means by which a public authority shows it is taking decisions for the good of the people of the area in a fair, equitable and open way..... It is fundamental to showing public money is well spent. Without good governance councils will struggle to improve services when they perform poorly”.



By “governance” we mean the systems and relationships which exist to support a council to be effective, well run and accountable. Good governance exists to ensure that councils achieve their intended sustainable economic, societal and environmental outcomes while acting in the public interest at all times.

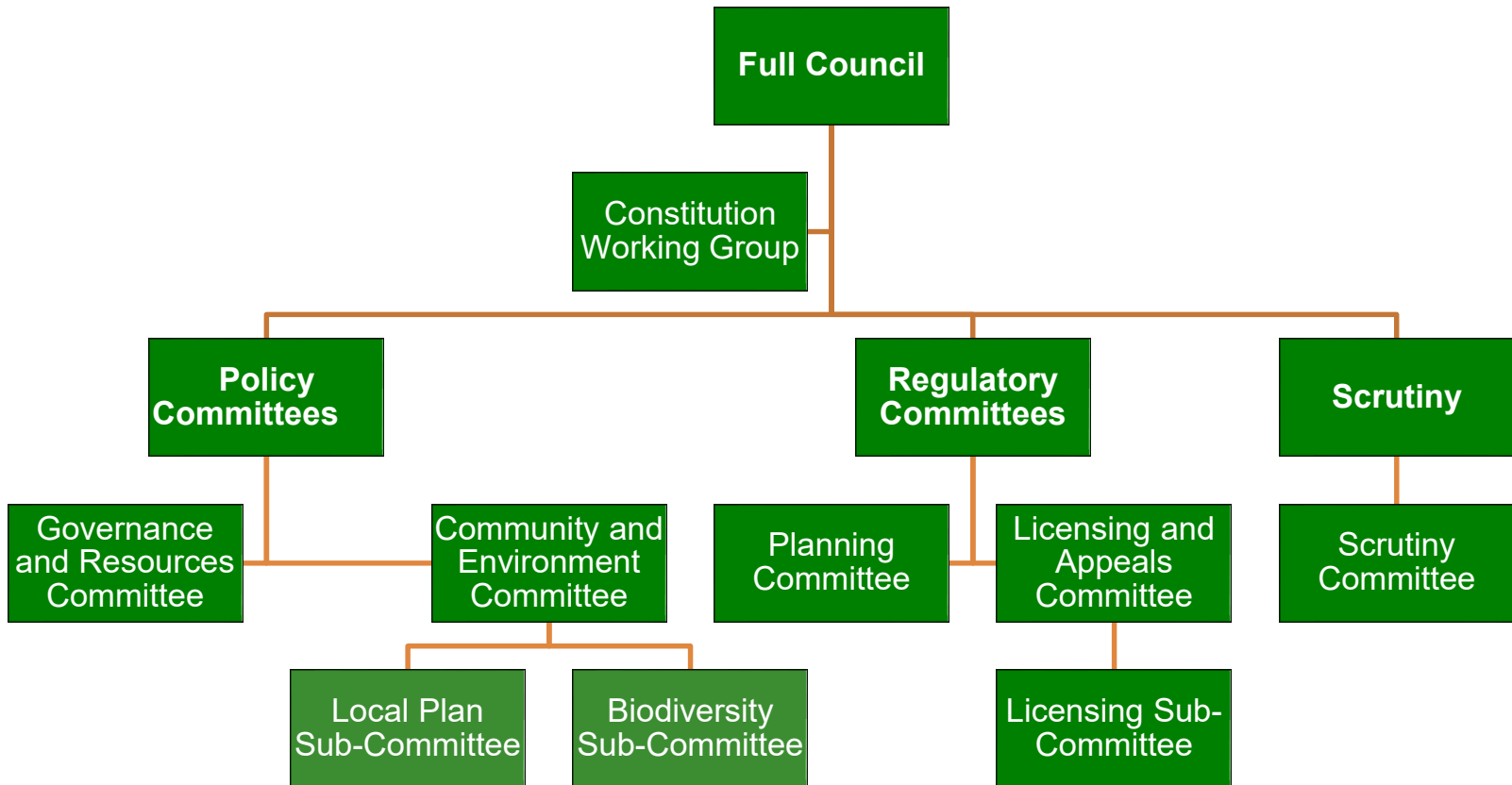
What is good governance?

1. Extent of recognition of individual and collective responsibility for good governance
2. Awareness of political dynamics
3. How the council looks to the future to set decision-making priorities
4. Officer and councillor roles
5. How the council's real situation compares to its sense of itself
6. Quality of local (external) relationships
7. The state of member oversight through scrutiny and audit

The Constitution

- Sets out how the Council works
- Committee Structure
- Discharge of Functions
- Procedures, Codes and Protocols
- Members Allowances Scheme
- Financial and Procurement Rules
- Management Structure of the Council

Decision Making Structure



Discharge of Functions

- Part 3 of Constitution ‘Responsibility for Functions’
- Council responsible for discharge of functions – specifically adoption of strategies
- Some functions delegated to committees:
 - Governance & Resources Committee
 - Community & Environment Committee
 - Planning Committee
 - Licensing and Appeals Committee
- Some functions delegated to officers
- No function to be discharged by individual Members

Effective Decision Making

- Is a decision needed?
- Decisions must be taken by appropriate decision maker
- Examine lawful courses of action that would lead to a solution of the need as well as consideration and analysis of costs and consequences
- Choice of the most appropriate solution available
- Must be procedurally correct
- Must be reasonable
- “Wednesbury unreasonable” – a decision so unreasonable that no reasonable authority could have come to it

Decision Making by officers

- Same principles apply
- Act of the officer becomes act of the local authority.
- Delegated authority cannot be passed on
- Officers have discretion in exercising their authority
- Delegation must not be fettered in such a way that an individual Councillor made the decision
- Immune from personal liability except from action by auditor or criminal proceedings

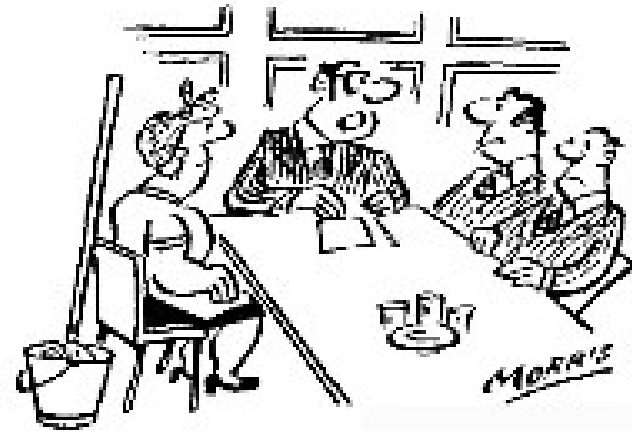
Council Meetings

- Principal forum for debate for Members
- Significant public interest in debates and decisions
- You're on camera!
- Specific rules around the conduct of Council meetings



Procedure Rule 12 - Quorum

- Council meeting = one quarter of the whole number of councillors (9)
- Committee = one third of the membership, but no less than 4 for committees, and 2 for sub-committees
- If no quorum present then the meeting will adjourn immediately and remaining business will be transacted at a future meeting



"Well, let's get started now we've got a quorum."

Procedure Rule 13 – Duration of meetings

- Any meeting that has lasted for 2 ½ hours will adjourn immediately
- Can continue for an addition 30 minutes to enable business to be concluded & avoid suspending debate
- Chairman has discretion to extend beyond 30 minutes
- All business outstanding adjourned to a future meeting
- Does not apply to Licensing Sub-Committee hearings



Procedure Rule 15 – Questions by Members

- Must have given notice by noon on third working day before the meeting
- Urgent questions up to 10.00am on day of the meeting
- No councillor may ask more than three questions
- Can be put to the Chairman, Leader, Chairman of any Committee or a representative on an outside body
- Answers can be given orally, by reference to a publication or in writing after a meeting
- Councillors can choose to decline to answer or refer to the Vice-Chairman where appropriate



Procedure Rule 16 – Notice of Motions

- Must be delivered 10 working days before the meeting
- Must be detailed on the summons for the meeting
- If not moved, it shall be postponed and treated as withdrawn and shall not be moved without fresh notice
- Motions have to relevant to some matter in which the Council has powers or duties, or which affects the District
- Must be delivered 10 working days before the meeting
- Must be detailed on the summons for the meeting
- If not moved, it shall be postponed and treated as withdrawn and shall not be moved without fresh notice
- Motions have to relevant to some matter in which the Council has powers or duties, or which affects the District
- Can be altered with Council's consent (and without discussion)

Procedure Rule 17 – Motions without Notice

- Election of Chairman
- Accuracy of the minutes
- To give precedence to an item of business
- Reference of business to a committee
- Appointment of a committee or councillor thereof occasioned by an item mentioned on the agenda
- Receipt of reports or adoption of recommendations from committees or officers
- To withdraw a proposal
- Amendment to proposals
- “that Council proceed to next business”
- “that the question be now put”
- “That the debate be now adjourned”
- That the Council do now adjourn”
- Suspension of a procedure rule
- Exclusion of press and public
- That a councillor be not further heard or do leave the meeting
- To give consent where the consent of Council is required
- To continue a meeting beyond 2 ½ hours



Procedure Rule 18 – Rules of Debate

- No speeches until a proposal has been seconded (and right to speak as seconder may be reserved to a later period in the debate)
- Speakers to address the Chairman and the Chairman will decide who and the order of speakers
- Speeches must be direct to the question under discussion
- Proposers of motions or amendments have up to 7 minutes to speak, everyone else has up to five minutes
- Members may not speak more than once in debate except to speak on an amendment, move a further amendment, exercise the right of reply (proposers only), a point of order or personal explanation

Procedure Rule 18 – (Amendments)

- Amendments must be relevant and should either:
- Refer the matter to the appropriate body for consideration or reconsideration
- To leave out words
- To leave out words and to insert words or add others
- To insert or add words
- The negative of a proposal may not be moved by way of an amendment
- Any amendment must be pertinent and relevant to the original motion
- Only one amendment at a time
- If lost, return to the original proposal
- If won, becomes the substantive motion which must be voted on again

Procedure Rule 18 – (Proposals in Debate)

- When a proposal is under debate, no other proposal may be moved except procedural proposals:
- To amend a proposal
- To adjourn a meeting
- To adjourn debate
- To proceed with the next business
- That the question be now put
- That a councillor be not further heard
- By the Chairman that a councillor do leave the meeting
- Exclusion of press and public
- The meeting to continue beyond 2 ½ hours
- Debate be adjourned for a site visit (Planning Committee)

Procedure Rule 18 – (Closure Proposals)

- A councillor may move without comment at the conclusion of a speech of another councillor:
 - That the Council proceed to the next business
 - That the question be now put
 - That the debate be now adjourned or
 - That the Council do now adjourn
- Once seconded:
 - If a proposal to next business is seconded and the Chairman believe it has been sufficiently discussed, the proposer shall have the right of reply and then put the procedural proposal to the vote
 - If a proposal that the question now be put is seconded and the Chairman believes it has been sufficiently discussed s/he will put the procedural motion to vote. If passed, the proposer of the motion has a right of reply before the motion is voted on

Procedure Rule 18 – (Point of Order)

- A councillor may raise a point of order at any time and be heard immediately.
- A point of order may only relate to an alleged breach of the Council's Procedure Rules or the law.
- The Councillor must indicate the rule of law which he/she consider has been broken
- the Chairman's ruling on the matter will be final

- It isn't an opportunity to correct statements you have made or others have made.

Procedure Rule 19 – Voting

The Chairman shall take votes in one of the following ways:

- By show of hands
- By ballot
- Where any councillor requests it immediately after the vote is taken, their vote will be so recorded in the minutes
- If two councillors present demand it, names will be recorded in the minutes showing how councillors voted

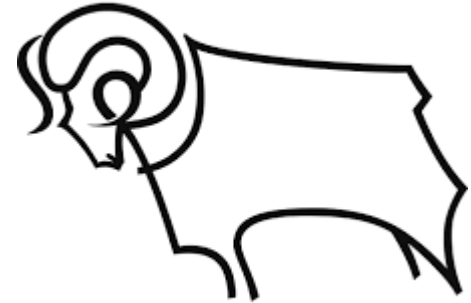
- Any matter will be determined by a simple majority
- Chairman's casting vote where there is an equal number for and against – no restriction on how it is used, but if not used then the proposal falls automatically
- In the event of an equality of votes for the Chairman at the Annual Meeting, the person presiding must exercise a casting vote



LUNCH

Mock Council Meeting

- You are going to take part in a Council meeting where there is a single item of business on the agenda to help understand the procedures and dynamics of the meeting
- There will be an angry member of the public who has registered to address the meeting to express their dissatisfaction with Members and the whole Council
- The business to be considered is a decision to recognise the considerable contribution of Derby County Football Club to lives of residents in the Derbyshire Dales as the club approaches its 140th anniversary in 2024.
- You have been given a card to indicate whether you will speak in support or against this recommendation.
- Watch out for some procedural shenanigans!



Take away tips

- Base contributions to meetings from a position of respect for other Members, officers and the public viewing the meeting
- Be courteous towards all participants during political debate - play the subject, not the personality
- Be inclusive and welcoming of debate - involving discussion from all of those who wish to articulate a view, particularly where conflicting viewpoints are being expressed and being clear on what is debate
- Provide clear leadership and direction – if you are in the Chair then ensure that discussions are held within some framework for debate, i.e. based on an agreed agenda and adhering to established ground rules, procedure rules or protocols for how the business should be conducted.
- Various roles of the Chair - summarising all views at the end of a debate, ensuring that everyone understands what is happening and how it should happen, avoiding a “talking shop” and focusing discussions on reaching decisions on actions

Questions
