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13 February 2019

To: All Councillors

As a Member or Substitute of the **Community & Environment Committee**, please treat this as your summons to attend a meeting on **Thursday 21 February 2019 at 6.00pm in the Council Chamber, Town Hall, Matlock.**

Yours sincerely



Sandra Lamb  
Head of Corporate Services

## **AGENDA**

### **1. APOLOGIES/SUBSTITUTES**

Please advise the Committee Team on 01629 761133 or e-mail [committee@derbyshiredales.gov.uk](mailto:committee@derbyshiredales.gov.uk) of any apologies for absence and substitute arrangements.

### **2. APPROVAL OF MINUTES OF PREVIOUS MEETING**

10 January 2019

### **3. 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 electronic mail) **BY NO LATER THAN 12 NOON OF THE WORKING DAY PRECEDING THE MEETING.**

### **4. 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 that time.

**5. QUESTIONS PURSUANT TO RULE OF PROCEDURE NUMBER 15**

To answer questions from Members who have given the appropriate notice.

**Page No.**

**6. GYPSIES AND TRAVELLERS – DISCHARGE OF HOMELESSNESS DUTY**

**4 - 9**

To receive an update in respect of a Gypsy and Traveller family who have presented themselves as homeless and to determine an appropriate course of action in order to discharge the Council's statutory duties under the Homelessness Reduction Act 2017.

**7. REVIEW OF STALL MARKETS**

**10 - 16**

To receive an update on the review of stall markets and consider the recommendations to close the Ashbourne (Thursday) market, grant a licence to occupy Shrovetide Walk and transfer the Ashbourne (Saturday) market to a Community Interest Company.

**8. MATLOCK COMMUNITY VISION – LAND AT BAKEWELL ROAD, MATLOCK**

**17 - 42**

To receive an update on progress with regard to the Bakewell Road redevelopment project and consider a recommendation to put the site forward as a potential bid to the Future High Streets Fund. Also, If approval is granted, to consider giving delegated authority to the Head of Regeneration and Policy to sign off the proposal on behalf of the District Council.

**9. HURST FARM ESTATE NON TRADITIONAL HOMES IMPROVEMENT SCHEME**

**43 - 49**

To consider a proposal for the improvement of the remaining non traditional homes on the Hurst Farm Estate by using an allocation of £100,000 from the Capital Programme for 2019/20.

**10. FOOD LAW ENFORCEMENT SERVICE BUSINESS PLAN 2018/19**

**50 - 75**

To consider formal approval and adoption of the Food Law Enforcement Service Business Plan 2018/19.

**11. PUBLIC CONVENIENCES – OVER HADDON**

**76 - 79**

To receive a report setting out a request from Over Haddon Parish Council for the District Council to take over responsibility for cleaning of the public conveniences and consider approval of the recommended actions in the event of closure of the facility.

**12. DERBYSHIRE DALES DISTRICT COUNCIL – LOCAL PLANNING AUTHORITY MONITORING REPORT 2017/18 80 - 88**

To consider approval for the publication of the Authority Monitoring Report covering the period 1 April 2017 to 31 March 2018.

**13. RESIDENTS ONLINE PANEL SURVEY RESULTS 89 - 112**

To note the results of the Derbyshire Dales residents' survey undertaken in October/November 2018 using the Council's Online Panel and the implications for the District Council's service and financial planning.

**14. LOCAL GOVERNMENT OMBUDSMAN REPORT 113 - 116**

To note the findings of a Local Government Ombudsman report which found fault about the manner in which the Council failed to respond properly to a complainants concerns regarding a planning application and consider endorsement of the recommended actions set out in the report.

**15. EXCLUSION OF PUBLIC AND PRESS**

At this point the Committee will consider excluding the public and press from the meeting for the reason shown in italics below:

*This report relates to the business affairs of a particular person and the sensitivity surrounding the application for a means tested grant. Release of the information prior to consideration by the Council is not considered to be in the wider public interest.*

**16. LOCAL GOVERNMENT OMBUDSMEN REPORT 117 - 126**

To note the findings of a Local Government Ombudsman report which found fault about the manner in which the Council dealt with the installation of a shower as part of a disabled facilities grant and consider approval for the Head of Regulatory Services to make revisions to the Disabled Facilities Grant processes as set out in the report.

Members of the Committee - Councillors Jason Atkin, Richard Bright, Sue Bull, Martin Burfoot, Albert Catt, Ann Elliott, Chris Furness, Susan Hobson (Vice Chairman), Vicky Massey-Bloodworth, Tony Morley, Dermot Murphy, Joyce Pawley, Mike Ratcliffe, Lewis Rose OBE, Andrew Statham, Colin Swindell, Jo Wild (Chairman)

Substitutes - Councillors Deborah Botham, Jennifer Bower, David Chapman, Tom Donnelly, Richard FitzHerbert, Steve Flitter, Alyson Hill, Angus Jenkins, Jean Monks, Garry Purdy, Irene Ratcliffe, Mark Salt, Jacquie Stevens, John Tibenham, Philippa Tilbrook

COMMUNITY AND ENVIRONMENT COMMITTEE  
21 FEBRUARY 2019

Report of the Chief Executive

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**UPDATE REPORT : GYPSIES AND TRAVELLERS – DISCHARGE OF HOMELESSNESS DUTY**

**PURPOSE OF THE REPORT**

To update the Committee in respect of a Gypsy and Traveller family who have presented themselves as homeless and to determine an appropriate course of action in order to discharge the Council's statutory duties under the Homelessness Reduction Act 2017.

**RECOMMENDATION**

1. That the Committee acknowledges and accepts its duties and responsibilities to Gypsies and Travellers under the Homelessness Reduction Act 2017.
2. That in response to the Council's duties and responsibilities to Gypsies and Travellers under the Homelessness Reduction Act 2017, the Committee agrees to the provision of a temporary tolerated site on land at Middleton Road, Wirksworth pending the identification of a more appropriate, permanent solution.

**WARDS AFFECTED**

All Wards outside the Peak District National Park

**STRATEGIC LINK**

The District Council's duties under Planning and Housing legislation underpin its corporate objectives in relation to the whole of the District.

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**1. BACKGROUND**

- 1.1 At a meeting held on 29<sup>th</sup> September 2016, Council accepted its duties and responsibilities towards Gypsies and Travellers under housing and planning legislation. At a meeting held on 15<sup>th</sup> November 2018, the Community and Environment Committee resolved to initiate as quickly as practicable a search of land in private ownership and / or offered for sale on the open market with the intention of the District Council purchasing a suitable site subject to Council approval. That process is currently underway.
- 1.2 Following the resolution of the Community and Environment Committee on 15<sup>th</sup> November 2018, matters have progressed quickly and the Council is now in receipt of an application for homelessness.

## **2. THE HOMELESSNESS REDUCTION ACT 2017**

- 2.1 On 3<sup>rd</sup> April 2018 the Homelessness Reduction Act 2017 came into force. The Act puts a legal duty on Local Authorities to offer more support and provide free advice to all residents within the local area.
- 2.2 The Act introduces a fundamental change to the way the Council delivers homeless support and advice services and focuses on providing assistance earlier and the prevention of homelessness. New legal duties mean that the Council must:-
- provide advice and carry out prevention work so that, where possible, people can be supported to remain in their current home;
  - offer everyone who is homeless or at risk of homelessness access to meaningful help, irrespective of their priority need status, as long as they are eligible for assistance; and
  - carry out prevention and relief work for anyone threatened with homelessness within 56 days.
  - If prevention and relief work does not resolve the homelessness the housing authority have a duty to secure a suitable offer of accommodation ('the main housing duty').
- 2.3 Under section 175(2) of the Housing Act 1996, applicants are homeless if the accommodation available for their occupation is a caravan, a houseboat or other movable structure and they do not have a place where they are entitled, or permitted, to put it and live in it. If a duty to secure accommodation arises in such cases, the Housing Authority is not required to make equivalent accommodation available (or provide a site or berth for the applicant's own accommodation). However, the Housing Authority must consider whether such options are reasonably available, particularly where this would provide the most suitable solution to the applicant's accommodation needs.
- 2.4 The circumstances described above are particularly relevant in the case of Gypsies and Travellers. Where a duty to secure accommodation arises but an appropriate site is not immediately available, the Housing Authority may need to provide an alternative temporary solution until a suitable site, or some other suitable option, becomes available. Some members of the Gypsy and Travelling Community may have a cultural aversion to the prospect of 'bricks and mortar' accommodation and, in assessing such cases, the Housing Authority should seek to provide suitable accommodation which is suitable for the person to whom the duty is owed. However, where the Housing Authority is genuinely satisfied that there is no prospect of a suitable site for the time being, there may be no alternative solution to an offer of bricks and mortar accommodation. Housing Authorities must give consideration to the needs and lifestyle of applicants who are Gypsies and Travellers when considering their application and how best to discharge a duty to secure suitable accommodation, in line with their obligations to act consistently with the Human Rights Act 1998 and, in particular, the right to respect for private life, family and the home; as well as their duties under section 149 of the Equality Act 2010.
- 2.5 The District Council is currently in a situation where, in accordance with the 2015 Gypsy and Traveller Accommodation Assessment, we have a requirement to provide 6 pitches by 2019 and a further 3 pitches by 2034 within the Derbyshire Dales (outside the Peak District National Park). At the present time, we have no pitch provision in the Derbyshire Dales outside the Peak District National Park. We

are, therefore, not in a position to discharge our statutory duties under the Homelessness Reduction Act 2017 by directing Gypsy and Traveller families to a designated site (temporary or otherwise).

### **3. TEMPORARY TOLERATED SITE**

- 3.1 As outlined above, where a duty to secure accommodation arises but an appropriate site is not immediately available, the Housing Authority may need to provide an alternative temporary solution until a suitable site, or some other suitable option, becomes available. The District Council, therefore, needs to determine whether it is prepared to accommodate the Traveller family on a temporary tolerated site pending the provision of a more permanent or suitable option.
- 3.2 At the present time, following the resolution of this Committee on 10<sup>th</sup> December 2018, the Traveller family is located at the Coach Park at Matlock Bath Railway Station. However, this is not considered to be a suitable location as we move into the tourism season and pressure increases on the availability of coach parking. An alternative temporary tolerated site therefore needs to be agreed pending the identification of a more appropriate, permanent solution.
- 3.3 In accordance with the Committee resolution on 15<sup>th</sup> November 2018, consultants have been appointed to undertake a search of open market / privately owned land holdings across the district (outside the Peak District National Park) to determine a suitable site. Although the consultant's formal report has not yet been received, verbal updates have been given and it is understood that a number of potential sites have been identified. The final report will form part of a more detailed consideration of site options at a later date. In the meantime, the Council, as the Housing Authority, must comply with its duties under the Homelessness Reduction Act 2017 to carry out prevention and relief work for anyone threatened with homelessness within 56 days. This includes a duty to provide suitable interim accommodation.
- 3.4 An extensive search of the Council's land holdings has been undertaken by the Head of Regulatory Services, having regard to the site selection criteria included in Policy HC6 - Gypsy and Traveller Provision of the Adopted Derbyshire Dales Local Plan (2017). The conclusion of this search exercise is that there are very few opportunities available to accommodate a Traveller site on land within the Council's control. Having regard to the limited supply of suitable land in the District Council's ownership, the following sites are considered to be the only potential options for consideration, solely on an interim basis:
- Land to rear of Agricultural Business Centre, Bakewell
  - Land at Fishpond Meadows Car Park, Ashbourne
  - Land at Matlock Station Car Park
  - Land at Temple Car Park (upper), Matlock Bath
  - Land at Artists Corner Car Park, Matlock Bath
- 3.5 All of the above sites have significant constraints in terms of adverse ground conditions, proximity to residential properties, town centre visibility or impact upon car parking provision. Whilst there is no 'ideal' site available, the Council must make provision for a temporary tolerated site in order to meet its obligations under the Homelessness Reduction Act 2017.
- 3.6 In light of the above, the most appropriate temporary tolerated site is considered to be land owned by the District Council at Middleton Road, Wirksworth (Appendix 1).

It is a site which would have minimal impact upon the Council's operations, would not have a detrimental impact upon neighbouring residential amenity and affords a degree of safety and security for the Traveller family. Whilst the site would not be appropriate as a permanent solution, pending the identification of a permanent site, it is considered to be the most appropriate solution as a temporary tolerated site.

- 3.7 If Members agree a temporary alternative, the District Council can direct the family to leave the current site, however, the District Council cannot compel the family to relocate to an alternative site. If, following direction to an alternative temporary site, the family remain in situ or relocate to another unauthorised site; Officers of the Council will utilise their delegated authority to consider whether to undertake possession proceedings.

## **4. RISK ASSESSMENT**

### **Legal**

- 4.1 The District Council is seeking to address the lack of authorised Gypsy and Traveller Sites within the District to meet its duties under the Planning Policy for Traveller Sites 2015. In the absence of a permanent site, the District Council will be required to seek legal redress to evict unauthorised encampments on its land. This is a drain on resources and can lead to animosity between the District Council and others.
- 4.2 The report requires Members to acknowledge its duties under the Homelessness Reduction Act 2017 and determine its position in respect of the suitability of land at Middleton Road, Wirksworth as a temporary tolerated site. Whilst the Homelessness Application is under consideration by the Housing Authority, Members should have regard to the Council's interim duties under the Housing Acts to assist its residents where they are threatened with homelessness or are currently homeless and take reasonable steps to help an applicant secure, or, remain in 'suitable' accommodation for their occupation.
- 4.3 Eviction is a temporary solution to unauthorised encampments in the District and whilst serious endeavours are being made to find a suitable permanent site, the legal risk to the Council is medium to high in terms of its own activity and to risk of challenge should those endeavours fail. The legal risk is assessed as medium to high.

### **Financial**

- 4.4 The cost of Officer time spent dealing with unauthorised encampments and undertaking a comprehensive site identification and evaluation exercise to identify the potential for an alternative Gypsy and Traveller site has been met from within existing budgets. The financial risk associated with this report is assessed as low.

### **Corporate Risk**

- 4.5 The corporate risk in terms of the Council's reputation and failing to fulfil a legal obligation, is high.

## **5. OTHER CONSIDERATIONS**

- 5.1 In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate

change, health, human rights, personnel and property.

## 6. CONTACT INFORMATION

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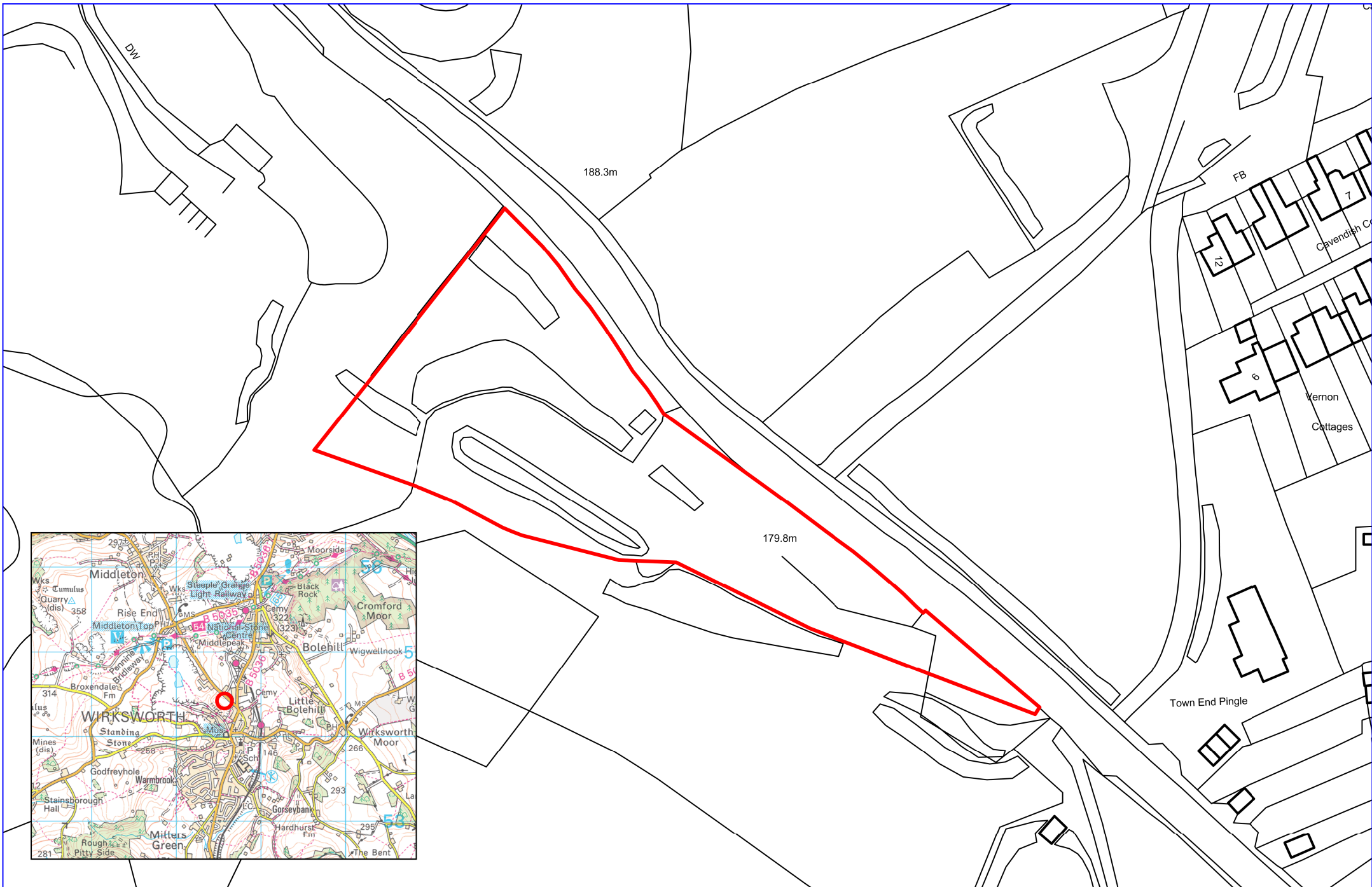
## 7. BACKGROUND PAPERS

29 <sup>th</sup> January 2016	Report to Council (Gypsies and Travellers)
26 <sup>th</sup> January 2017	Report to Council (Gypsies and Travellers Update)
12 <sup>th</sup> July 2018	Report to Community & Environment Committee ( <i>Gypsies and Travellers Update</i> )
15 <sup>th</sup> November 2018	Report to Community & Environment Committee ( <i>Gypsies and Travellers Update</i> )
10 <sup>th</sup> December 2018	Report to Community & Environment Committee ( <i>Gypsies and Travellers – Discharge of Homelessness Duty</i> )

## 8. ATTACHMENTS

Appendix 1: Site Location Plan





## **REVIEW OF STALL MARKETS**

### **PURPOSE OF REPORT**

This report provides an update on the review of stall markets and requests consideration of the closure of the Ashbourne (Thursday) market; the granting of a licence to occupy Shrovetide Walk and arrangements to transfer the Ashbourne (Saturday) market to a Community Interest Company.

### **RECOMMENDATION**

1. That the work undertaken and completed, as per the 16 November 2017 report is noted.
2. That the grant of a Licence to Occupy Shrovetide Walk issued to Ashbourne Communities CIC (AshCom), to continue the Ashbourne (Thursday) market is noted.
3. That Ashbourne (Saturday) market operates as a self-erect market and stall erectors receive redundancy from 23 February 2019.
4. That Ashbourne (Saturday) market is transferred to AshCom and the market remains on the Market Place.
5. That Council is recommended to make the sum of £10,000 (£5,000 2018/19 + £5,000 2019/20) available from general reserve as a grant to Ashbourne Communities CIC to assist with the operation of the Ashbourne (Saturday) market for a minimum of 1 year.
6. That £5,000 of the grant is released to the CIC as the first grant instalment.

### **WARDS AFFECTED**

Ashbourne North & South

### **STRATEGIC LINK**

The Review embraces one of the District Council's priorities, which is to revive stall markets, whilst continuing to seek efficiencies and innovative working practices.

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## **1 BACKGROUND**

- 1.1 At the Partnership and Regeneration Committee in March 2012, the Overview and Scrutiny Committee presented a report reviewing the District Council's markets. The report recommended that Ashbourne (Thursday) market be closed.
- 1.2 At Community and Environment Committee in March 2017, a Review of Ashbourne and Wirksworth Stall Markets was presented recommending:

- Ashbourne (Thursday) market close should it not achieve an average of more than 65% occupancy by September 2017.
- Ashbourne (Thursday) market introduce a self-erect policy from 1 January 2018 should it achieve 65% occupancy.
- That consultation shall take place to seek representations on the future of Wirksworth market.
- Consultation begin on the relocation of Ashbourne (Saturday) market to Civic Square now Shrovetide Walk.

1.3 At Community and Environment Committee in November 2017, a report reviewing stall markets was presented with the following recommendations:

- That Ashbourne (Thursday) market becomes a self-erect seasonal market, opening in April and closing at the end of September annually
- That Ashbourne (Thursday) market close should it not achieve an average occupancy level of 70% or more by the end of June 2018
- That Wirksworth market is transferred to Wirksworth Town Council.
- That Ashbourne (Saturday) market is relocated to Shrovetide Walk in April 2018
- That alternative options for the use of Matlock Indoor market be considered.

1.3.1 District Council Officers have implemented a number of improvements to its markets including:

- Rebranding of its Markets and the market offer
- Increase online response via social media platforms for improved marketing and promotion
- Adverts in market specific magazines to attract new traders and improve footfall
- Restructured the market team to create more resilience
- Updated licences for traders to improve standard of traders standing on markets
- Set up and host regular trader forums

## **2 REPORT**

### **2.1 Wirksworth Market**

#### **2.1.1 Background**

The report to the Partnership and Regeneration Committee in March 2012 reported that Wirksworth market occupancy was operating with 39% licenced traders and 17% (regular) casual traders.

At the Community and Environment Committee in March 2017 it was approved that consultation take place to seek representations on the future of Wirksworth market. The current occupancy level was 48%, including licenced and (regular) casual traders.

At the Community and Environment Committee in November 2017 the report recommended that Wirksworth market be transferred to Wirksworth Town Council.

#### **2.1.2 Actions Taken**

The District Council reduced stall rent to £10.00 per stall to encourage more traders to stand on Wirksworth Market.

Following a series of discussions with Wirksworth Town Council, the market was transferred in April 2018. Wirksworth Town Council were provided with a one off payment of £12,000 and a further payment of £15,000, which is to be paid in instalments over a 3 year period, to support relocation to the Memorial Hall, Wirksworth.

### **2.1.3 Current Position**

The market has been operated by Wirksworth Town Council for almost 1 year and the level of occupancy has increased seeing higher footfall into the town on market days.

## **2.2 Matlock Market**

In October 2018 the market was transferred to a new operator and has continued to take place on Park Head in Hall Leys Park with support (free use of land) from the District Council. The market continues to have regular footfall and the new operators have provided a considerable investment to replace all the market stalls.

## **2.3 Ashbourne Market (Thursday)**

### **2.3.1 Background**

The report to the Partnership and Regeneration Committee in March 2012 reported that Ashbourne market (Thursday) was operating at 37% licenced traders with a further 17% regular casuals.

At the Community and Environment Committee in March 2017 the report showed that occupancy levels were as low as 2%. The report also recommended that the market should close if 65% occupancy level not be reached by September 2017.

At the Community and Environment Committee in November 2017 the report recommended an extension be granted and a self-erect policy was introduced in April 2018. The report showed a combined loss for the Thursday and Saturday markets of £40,966.

### **2.3.2 Actions Taken**

The District Council introduced a promotional rent of £10.00 per stall to encourage more traders to stand on Ashbourne Market (Thursday).

In April 2017, the market was relocated to Shrovetide Walk, this resulted in an initial increase in occupancy levels (100%), however by September 2017 occupancy reduced to as low as 30%.

In April 2018, Ashbourne market (Thursday) introduced a self-erect policy as per the November 2017 report. A redundancy package was agreed with staff affected by the decision, with savings contributing to the Council's overall efficiency plan.

### **2.3.3 Current Position**

From April to December 2018 occupancy levels at Ashbourne market (Thursday) averaged 15 %. During this period the market generated £970 income.

As the market had not achieved the 70% target highlighted in the November 2017 report, discussions took place between officers and market traders regarding the closure of the market. During these discussions, market traders requested that the market remained open until December to allow them to benefit from Christmas trade and search for an alternative market. Taking into consideration the market traders request and the low operational costs due to the introduction of a self-erect policy, officers agreed to provide a temporary extension until 20 December 2018.

In December 2018 the District Council was approached by a Community Interest Company (AshCom) with a proposal to continue the operation of the Ashbourne (Thursday) market, under a licence to occupy on Shrovetide Walk.

The District Council has maintained operation of the market whilst discussions between officers and representatives from AshCom are ongoing, if a licence to occupy is not granted then the market will close permanently in March 2019.

## **2.4 Ashbourne Market (Saturday)**

### **2.4.1 Background**

A report to the Partnership and Regeneration Committee in March 2012 stated that Ashbourne Market (Saturday) occupancy level was 29% (licenced traders) and 13% by (regular) casual traders.

At the Community and Environment Committee in March 2017 the current occupancy level had increased to 53% including licenced and (regular) casual traders.

At the Community and Environment Committee in November 2017, the report recommended that the market should close if occupancy levels do not achieve an average of 70% by June 2018. The market was to introduce a self-erect policy in April 2018 and become a seasonal market, opening in April and closing at the end of September, if the minimum occupancy level could be met. The report showed a combined loss for the Thursday and Saturday market of £40,966.

In June 2018, discussions took place with Ashbourne Town Council and market traders regarding the proposed relocation of the Ashbourne market (Saturday) from the Market Place to Shrovetide Walk, as approved at the November 2017 Community & Environment Committee.

### **2.4.2 Actions Taken**

The District Council introduced a promotional rent of £10.00 per stall to encourage more traders to stand on Ashbourne Market (Saturday).

Consultation results regarding the relocation of Ashbourne Market (Saturday) from the Market Place to the new location to Shrovetide Walk showed that 68% of the 112 responses were in support of the move.

### 2.4.3 Current Position

Between April and December 2018, the average stall occupancy at Ashbourne (Saturday) market was 27%. During the same period the market generated an income of £3,610. However the market's financial projection for 2018/19 is an overall loss of £18,644.

In September 2018, officers of the District Council and representatives of AshCom entered into formal discussions regarding the transfer of Ashbourne (Saturday) market. Since this time there has been ongoing dialogue between District Council officers and AshCom to help refine the initial proposals put forward by the group. AshCom have requested the market remains on the Market Place.

### 2.4.4 AshCom Proposal

AshCom are a recently formed Community Interest Company, who have provided further detail regarding their operating model and aspirations to Officers. The Company has requested that this information is treated as commercially sensitive and is available only for Members to view via the Members Portal. Their proposal is to continue to operate a weekly market on the Market Place with the aim of increasing current occupancy and footfall of customers to both the market and Ashbourne as a tourist destination.

As part of the proposal to operate the market, AshCom have made a request for a one off payment of £10,000 to assist with the set up and operation of the market. In summary the money will be used to support the following key functions for operating and improving a market:

Insurance	£1000
Advice on licences, accounting, social media and risk assessments	£1,500
Marketing and materials (branding, website, leafleting, social media set up and signage)	£4,000
Stock of stalls and covers to assist with self-erect policy	£2,000
Ongoing costs throughout first year including marketing, social media, back office admin and expenses	£1,500 (AshCom have included additional money for this, as self-funded through income generated).

In order for the District Council to protect its financial interest and mitigate misuse of funds provided, the transfer will be subject to a Funding Agreement and a Lease to Occupy Council Land. This includes some of the extracts noted below:

- In accordance with Clause 5.1 of the Agreement, the Council shall pay a maximum sum of £10,000 to the Company for the purpose of operating and promoting the Market subject to the terms of this Agreement and the Licence
- In accordance with Clause 5.2 of the Agreement, the Council shall pay the Funding to the Company during the Term of this Agreement for the purpose of

operating a weekly market on a Saturday only at the Market Place car park Ashbourne and such Funding may only be used for the following purposes:

- staffing costs relating to:
  - operating the Market
  - the erection of the market stalls
  - collection of market rents from the market traders
- maintenance costs relating to the wear and tear of the market stalls;
- purchase of additional stalls as required (the property of which shall vest in the Council on termination of the Licence)
- any other purpose agreed in writing by the Council in relation to the operating the Market

In addition to points noted above, Section 4.1 of the Funding Agreement stipulates that AshCom must (in summary):

- keep accurate and up-to-date accounts and records
- evidence compliance of spend
- provide interim statements of accounts at set periods
- allow the Council to audit and examine accounts

In the event the CIC breaches any of the terms, the Council reserves the right to withhold or require repayment of all the funding

It is recommended that an upfront payment of £5,000 be made to AshCom and a further payment of £5,000 be made once Officers are satisfied the initial payment has been used appropriately.

Should the market close before the end of year 1 the operation rights of the market will return to the District Council and a pro rata payment of the funding handed over to AshCom will be recovered.

### **DDDC Proposal**

The market will implement a self-erect policy from 23 February 2019.

Should the Market remain under the operation of the District Council, the market will move to Shrovetide Walk from the Market Place in April 2019 as approved in the November 2017 report.

Should Occupancy remain below 70% by September 2019 then the Ashbourne Market (Saturday) will close permanently.

## **3 RISK ASSESSMENT**

### **3.1 Legal**

The markets in Ashbourne, Wirksworth and Matlock were established by Royal Charter. The terms for relocation would be regulated by formal agreements. Whilst consultation has taken place, the legal risk is low to medium as the risk of a challenge cannot be fully mitigated.

### 3.2 Financial

Any additional income or savings in operational costs arising from this review will contribute towards the achievement of the Council's Corporate Savings Target.

The contribution of £10,000 to Ashbourne Communities CIC will be made in 2 instalments. The first instalment will be funded from the General Reserve following approval by Council; the second instalment will be included in the 2019/20 revenue budget.

The financial risk is assessed as low.

## 4 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

## 5 CONTACT INFORMATION

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## 6 BACKGROUND PAPERS

None

**BACK TO AGENDA**



COMMUNITY AND ENVIRONMENT COMMITTEE  
21 FEBRUARY 2019

Report of the Head of Regeneration and Policy

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## **MATLOCK COMMUNITY VISION - LAND AT BAKEWELL ROAD, MATLOCK**

### **PURPOSE OF REPORT**

To advise the Committee of progress with regard to the Bakewell Road redevelopment project and consider a potential bid to the Future High Streets Fund.

### **RECOMMENDATION**

1. That the update on recent activity in relation to Bakewell Road site is noted.
2. That the Bakewell Road site be put forward as the focus of the District Council's bid to the Future High Streets Fund, developed in partnership with Matlock Community Vision, with delegated authority to the Head of Regeneration and Policy to sign off the proposal on behalf of the District Council.
3. That a report is presented to this Committee in July 2019, with an update on the development of proposals for this site.

### **WARDS AFFECTED**

Matlock All Saints and Matlock St Giles

### **STRATEGIC LINK**

The redevelopment of the Bakewell Road site will positively contribute to the Corporate Plan priority of delivering a thriving district, and in particular business growth and job creation and market towns.

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## **1 BACKGROUND**

- 1.1 The Committee will recall their discussion at the Community and Environment Committee meeting on 15 November 2018 of the market hall and former bus station on Bakewell Road, Matlock.
- 1.2 A very thorough feasibility study commissioned by Matlock Community Vision (funded by the District Council) had evaluated a range of proposals for the site, with the aim of incorporating community use. It found that for all options there was insufficient financial viability to cover both the costs of redevelopment (capital costs) and the running costs of a new use

(revenue costs). However if running costs alone were considered, a small cinema supported by food/beverage use might be viable.

- 1.3 Additional work by the District Council's commercial advisors confirmed similarly that, whilst there was some interest from smaller cinema operators, without significant capital investment in redevelopment of the site it was unlikely that such an operation would be financially viable in the short to medium term. The requirement for significant up-front capital injection is a fundamental barrier to unlocking the site.
- 1.4 It was noted that a larger development site (including the Trent Barton garages) might generate greater viability, but that the owner had unrealistic expectations of land values. The position of London Metric, who hold the lease of the building occupied by M&S and Boyes, was also noted. Complex land ownerships/site assembly are a further problematic issue in unlocking the site.
- 1.5 The evidence is that, with regard to the land solely within the ownership of the District Council, longer term returns along with economic led community benefits *could* be gained from a cinema type development in the market hall area – where this includes some food and beverage offer – but capital costs for such a development would not be capable of being recouped in the short term.
- 1.6 The Committee therefore resolved at their 15 November 2018 meeting that:
  1. Matlock Community Vision are noted and thanked for the work they have undertaken in taking forward the Bakewell Road redevelopment project.
  2. On an ongoing basis, that Matlock Community Vision are continually engaged and involved by the District Council in the development of any proposals for the redevelopment of the site.
  3. On an ongoing basis, that potential funding opportunities for the redevelopment of the site continue to be explored.
  4. London Metric are approached to ascertain their interest in the re-use of the Market Hall for cinema or other related uses.
  5. Cinema operators are approached to ascertain whether there is a firm interest in the occupation of part or all of the Market Hall for cinema uses – and the financial terms which would be available.
  6. Wellglade are engaged to seek a more detailed understanding of their aspirations for the property and site.
  7. Options to divert bus routes away from the Imperial Road/ Bakewell Road link whilst maintaining services to central Matlock are explored with Derbyshire County Council / bus operators.
  8. The potential to meet demand for new facilities on the subject site is explored with the CCG and local doctor's practices.
  9. A report is presented to this Committee in July 2019, with an update on progress on the development of proposals for this site.

## **2 RECENT ACTIVITY**

- 2.1 Since November, a number of lines of activity have been progressed by the District Council to fulfil the above resolution.
- 2.2 A meeting has been held with London Metric to ascertain their interest in the re-use of the Market Hall for cinema or other related uses. During the meeting, London Metric made it clear that they did not consider a cinema to be a proposition they would wish to be involved in themselves; their current investment focus is in out-of-town logistics and distribution sites. They did however indicate that the present M&S Food Hall is trading very well, and that a leisure use for the market hall would be acceptable to them in principle. However, protecting the existing car parking and servicing arrangements is very important to M&S, and it must be acknowledged that might restrict wider alterations to the site.
- 2.3 Following that meeting, the agent for a small cinema operator has requested more information about the site.
- 2.4 Options to divert bus routes away from the Imperial Road/ Bakewell Road link whilst maintaining services to central Matlock have again been raised with Derbyshire County Council (Economy, Transport and Environment department). Further information provided by Matlock Community Vision regarding a potential bus right turn from Matlock Bridge has been passed on. The County Council have yet to provide a detailed response, but have indicated that the difficulties they have previously raised remain unchanged and unresolved.
- 2.5 The potential to meet demand for new GP facilities on the subject site has been raised with the Clinical Commissioning Group, but no substantive response has yet been received. Officers have requested meeting dates.
- 2.6 Wellglade (the owner of the Trent Barton garage) have been written to in order to seek a more detailed understanding of their aspirations for the property and site. A disappointing reply has been received indicating their position is unchanged, and they would only reconsider their position if the Council were to provide them with alternative premises, as well as then making an offer for the purchase of the site. It is therefore clear that, for the time being, the Trent Barton site must be wholly excluded from any redevelopment proposals.
- 2.7 A meeting was held with the Matlock Community Vision steering group on 31 January in order to update them on the above and discuss next steps. It was felt that the most appropriate further step would be to submit an application to the Government's Future High Streets Fund in order to seek funding for the up-front capital costs required to redevelop the market hall and former bus station.

### **3 FUTURE HIGH STREETS FUND**

- 3.1 The Government has recently issued a prospectus for its new Future High Streets Fund. The capital fund aims to part-fund “transformative, structural changes” via competitive bidding through a two-stage application process. The first stage closes on 22 March 2019. Bids must be submitted by district or unitary councils. Bidders must define the town centre and hinterland it serves; the key challenges it faces; and strategic ambition for the town.
- 3.2 The Fund will contribute up to a maximum of £25 million to each successful place. However, the expected project size is in the region of £5-10 million per town centre. £675m has been allocated to the fund nationally. The Government will favour projects that are co-funded by public and private investment.
- 3.3 The objective of the Future High Streets Fund is to “renew and reshape town centres and high streets in a way that improves experience, drives growth and ensures future sustainability.” Bids should fall under the following themes:
- Investment in physical infrastructure
  - Acquisition and assembly of land including improvements to public realm
  - Improvements to transport access, traffic flow and circulation in the area
  - Supporting change of use including (where appropriate) housing delivery and densification
  - Supporting adaptation of the high street in response to changing technology.
- 3.4 Eligibility criteria are strict. The Government will only accept bids covering single town centres facing “significant challenges”. The District Council may put forward only a single submission covering one high street or town centre in the district. Successful projects will be assessed in accordance with the HM Treasury Green Book, and must demonstrate support from the local community, County Council, Local Enterprise Partnership and private sector.
- 3.5 In principle, the opportunity to make a bid for a town centre within the district is of interest. However, the resource implications of preparing a submission (alongside other competing priorities) are significant. The question of which town centre is able to make the strongest case and the likelihood of success is a matter for Members’ immediate consideration.
- 3.6 As well as Matlock other Dales towns have expressed interest in the Fund. Whilst Ashbourne, Bakewell, Matlock and Wirksworth were all informed of the Fund, and the fact that Members would be considering it at this meeting, only Matlock and Wirksworth have made a proposal that their town centre should be the Derbyshire Dales bid.
- 3.7 The proposals from Matlock and Wirksworth are attached at Appendices 1 and 2, and the detailed Fund prospectus is at Appendix 3. Officers are attending a Government briefing on the Fund, and any update will be presented verbally at the meeting.

- 3.8 Should Members wish to make a submission, on initial consideration, the body of evidence currently available leads officers to recommend Matlock as the potential candidate, based upon: the population of the town; its rural hinterland; high dependency on public sector employment; inclusion of the Bakewell Road site as the town centre redevelopment site (part owned by the District Council) within the Council's Economic Plan; and feasibility work undertaken to date to bring this site forward.
- 3.9 The interest from both towns is welcome. However, officers are of the view that whichever town might be put forward, there is likely to be strong competition from larger centres across the country with more significant challenges on the high street than those in the Derbyshire Dales.

## 4 RISK ASSESSMENT

### 4.1 Legal

There are no legal considerations arising from the report. The legal risk is currently low.

### 4.2 Financial

The cost of the initial work set out in this report can be met from existing budgets. It is considered that the financial risk of this report is low at this stage.

## 5 OTHER CONSIDERATIONS

In preparing this report the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

## 6 CONTACT INFORMATION

Steve Capes, Head of Regeneration and Policy  
 Email: [steve.capes@derbyshiredales.gov.uk](mailto:steve.capes@derbyshiredales.gov.uk) Tel: 01629 761371

## 7 BACKGROUND PAPERS

Description	Date
Community and Environment Committee Report	15 November 2018

## 8 ATTACHMENTS

- Appendix 1 – proposal from Matlock Community Vision
- Appendix 2 – proposal from Wirksworth Town Council
- Appendix 3 – Future High Streets Fund prospectus

## **APPENDIX 1 PROPOSAL FROM MATLOCK COMMUNITY VISION**

### **FUTURE HIGH STREETS FUND** *(fund categories in italics)*

#### **Why we should make a bid to improve Matlock for residents and visitors alike.**

“The key challenge facing Matlock is for the town centre to become an area where local people can live, work, shop and socialise, and a place where visitors will be drawn back to again and again.”

Matlock SPD 2008

Much work was done 10 years ago to identify the challenges facing the town, which still stand today. The increasing impact of digital technology is probably the biggest contextual change since 2008, which is mentioned in the High Street Fund.

The Town is growing with new residential development and there are opportunities to enhance the Town Centre with the development of underutilised assets and other improvements including access and movement in the Town Centre.

#### **What would make a bid by DDDC and MCV stand out?**

As a town, Matlock has already invested significant energy in exploring ways to finance the type of mixed use universally agreed to be the vision for the town centre. A bid describing what has already been done, and a detailed plan of how it could be brought to fruition, would demonstrate that Matlock is a county town wrestling with conditions similar to many other market towns, using social enterprise as its model.

On top of international /national factors causing the decline of the high street, are the local factors including the constraint on the site caused by the location of an under-used bus station (*a transport and access issue*). MCV has taken professional advice and identified a potential solution to unlock this problem. This could pave the way for the purchase and integration of a neighbouring privately owned site with land already in the Council’s ownership (*assembly and acquisition of land*).

The adjacency and long river frontage to the Bakewell Road creates an opportunity to develop the public realm in a way which has been demonstrated to attract people to the town, as demonstrated in Bakewell.

A mixed use development, as described below, would combine a range of complementary uses to provide a destination which will encourage visitors through the day and in particular into the evening. This would provide a boost to the night-time economy. Belper demonstrates that an independent cinema can be a catalyst for high street regeneration.

#### **What has already been done to explore ways to finance mixed use?**

MCV members have donated local knowledge and experience to explore how a development on council-owned land could be financed by private development which has a social benefit (eg a care home, flats, GP surgeries); independent retail (eg destination shops eg cycle shop); and entertainment venue (eg independent cinema) with adjacent cafe / meeting rooms with dual use for performances, to provide a much-needed space in Matlock for people to meet during community based activities.

This approach is based on the principles of social enterprise, in which activity is geared to a triple bottom line (financial, social and environmental).

A report by consultant Aspinall Verdi investigated the financial sustainability of a range of different uses and demonstrated how a more intense use of space than originally proposed by MCV could generate sufficient income to meet the management and running costs of the space, but an investment of public capital would be needed. (*physical development*).

We therefore envisage that a bid from DDDC with MCV support could address at least three of the Fund's key priorities.

In relation to *adaptation in response to changes in technology* we believe there would be an opportunity to work closely with Highfields Secondary School and Derby University to ensure that skills and innovation in this area are an integral part of the plan.

Helen Crane, Secretary, on behalf of MCV Steering Group. 29 January 2019



# WIRKSWORTH TOWN COUNCIL

**TOWN HALL, WIRKSWORTH, DERBYSHIRE DE4 4EU**

**Email: [townclerk@wirksworth.gov.uk](mailto:townclerk@wirksworth.gov.uk)**

**Website: [www.wirksworthtowncouncil.gov.uk](http://www.wirksworthtowncouncil.gov.uk)**

Clerk to the Town Council & Responsible Financial Officer:

Paul Jennings BEng (Hons), Cert ICM

Office hours: 8:30am-12:30pm Mon-Thurs

29 January 2019

Dear Mr Dann,

The council has been passed a copy of Paul Wilson's letter of 18 January to Cllr Ratcliffe about the launch of the Future High Streets Fund. The Council remains interested in pursuing a bid under this initiative, though we recognise the difficulties.

As Mr Wilson suggested, we are writing to you relatively briefly under the headings you suggested.

## **Specific Challenges**

Wirksworth is a small market town, which serves a sizeable rural community and has an increasingly elderly population. The town is sited at the head of the Ecclesbourne Valley at the crossroads of two minor roads. It is close to the Peak District National Park, within a few miles of Carsington Water and has the National Stone Centre and the Mount Cook Adventure Centre on its periphery. Wirksworth has a lengthy industrial heritage as a quarrying and mining town and has now developed at its centre a conservation area of considerable interest to visitors and tourists, many of whom stay in the town for its resources while visiting the Peak District. Visitors have contributed to a significant increase in the town's traffic levels, with both through traffic and drivers coming in for specific purposes. There is relatively little parking space and Wirksworth's geographical position within the valley leads to there being few locations for additional parking

Wirksworth has recently been recognised as a dementia-friendly town, the first in the County. However, the centre of the town's Conservation Area status means that few properties have been designed with the disabled in mind and the pedestrian routes within the centre are awkward and poorly signed.

Over the period of the District Council's Local Plan, the number of households in the town will increase by about 35%. The Town Council has in general accepted the principle of these developments, which will however be sited around the northern edge of the town, adjacent to roads which will make it easy for the developments' residents to go to other nearby towns for shopping and leisure activities. Wirksworth Town Council has been generally receptive to the principle of the new developments, which assist the area to meet government housing targets, but is anxious to ensure that the town is sufficiently resilient to enable the present quality of life in the town to be maintained.

## **Strategic Ambition**

The Town Council's overall ambition is to re-energise the town's economy so as to maintain the quality of Wirksworth as a town in which to live and work. In view of the increasingly aged demographic of the town, the Council also seeks, by supporting affordable and social housing, to encourage young people to stay in the town and to move here.

Wirksworth's industrial past has given it a highly self-sufficient ethos and the town has a very high level of voluntary involvement in a huge range of activities, some dedicated to helping others, some creative and others devoted to self-improvement. This commitment to social activity and well-being is already harnessed to the town's welfare. Creative industries have a strong presence in the town. A large number of residents are actively involved in the visual, dramatic, musical and written arts. The Wirksworth Festival has an excellent reputation as one of the best regional art festivals in the country, during the course of which there is an extensive showing of both local and national artists, as well as music and dramatic performances. Allied to this is the town's annual book festival. The breadth of activity in the town is demonstrated by the annual Whitsuntide Carnival, which accompanies well dressings across the centre of the town,



and by the Open Gardens event. All of these are supported by the Town Council within its aim of supporting economically beneficial activities.

Residents' commitment to Wirksworth's economic resilience has led to the Town Council taking over the management of the weekly market. The Council has moved the market from the Market Car Park, thereby relieving some pressure on parking, to a newly developed space in the centre of the town. The market has become both bigger and more successful. The new space is also being used by the monthly Farmers' Market, organised privately.

There are in the town a significant number of businesses based on the digital economy and there have also been a number of successful pop-up businesses, as well as the volunteer-run Ecclesbourne Valley Heritage Railway, which connects the town to the wider national rail network. The local businesses work effectively together both to bring in new customers and to ensure continuing good service to existing ones. Events organised have included a Christmas Market and a Wizarding weekend.

The planned expansion of the town will lead to new pressure on the centre of the town if it is to retain its appeal and attractiveness as a town providing a high quality of life. Measures are needed to enable the use of the town by the new residents without damaging the town's character. At the same time, accessibility for the disabled to businesses and services demands improvement as does the signage to safe pedestrian routes.

The Town Council therefore is therefore aiming

- To retain a thriving retail sector;
- To make the town welcoming to businesses;
- To encourage job creation;
- To improve the town's tourist appeal, ensuring the town is welcoming to visitors;
- To improve both route signage and the town's accessibility to the disabled.

## Proposals

The developments proposed by the Town Council are designed to meet the needs, both current and future, described above.

- The Car Parking facilities in and around the Market Square will be both improved and extended. A thorough review of all parking in the town and possible additions will be carried out. To achieve this, the services of an expert will be obtained to develop plans for implementation.
- The new residents in the town will put fresh pressure on the roads in the centre of town. Changes to the balance of space between pedestrians and vehicles as well as between different sizes of vehicle will be made.
- Work will be carried out to make the town, its throughways and its buildings, more accessible to disabled people. This will require close cooperation with planners in key authorities and with organisations concerned with Wirksworth's environment.
- Safer routes through and around the town require improved signage.
- The Memorial Hall is at the southern end of the retail area. It is owned by the Town Council: the Council will seek to develop the Hall to provide both improved public space and town centre housing as well, perhaps, as additional town centre parking.
- The Council will seek to ensure that public transport access between the town and its surroundings by both bus and heritage railway is maintained and enhanced.
- Co-funding for these developments should be sought from those developing the substantial new housing in the town. It is this new housing which is causing the new pressures on the town.

Yours sincerely,



Paul Jennings  
Town Clerk



Ministry of Housing,  
Communities &  
Local Government

# Future High Streets Fund

Call for proposals



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# Foreword

For centuries, our high streets have been where commerce and community meet. They have been the hubs of enterprise, where small businesses grow and local jobs are created, and they are the barometers of our prosperity and the heartbeats of the places we call home.

Today, as consumer patterns change and spending increasingly moves online, our expectations of high streets are changing too. A renewed emphasis on 'experience' brings convenience, valuable services and a powerful sense of the community to the fore – that intrinsic desire for something that cannot be replicated online. Where this has been achieved successfully, it can transform a community. It's something we've seen showcased brilliantly at our Great British High Street Awards.

This government is committed to helping more high streets adapt and meet these changing expectations; not just to survive, but to thrive. This is why we launched Our Plan for the High Street in autumn with a fund of £675m. Our Plan for the High Street includes a cut in business rates by up to a third for a wide range of retail properties for two years, a consultation on planning reform to make it simpler to create more homes, jobs and choice in our town centres, and the creation of a High Streets Task Force.

The Future High Streets Fund is an essential part of Our Plan for the High Street, providing co-funding towards capital projects that bring transformative change. We want to see the regeneration of our town centres through innovative proposals around transport, housing delivery and our public services.

Because no two high streets are the same, we are looking to work with visionary local leaders who understand what their local communities will need in the years to come. I'm looking forward to reading your Expressions of Interest and seeing your positive visions for our future high streets – places that can flourish for years to come.



A handwritten signature in blue ink, appearing to read 'James Brokenshire'.

The Rt Hon James Brokenshire  
MP, Secretary of State for  
Housing, Communities and Local  
Government



A handwritten signature in black ink, appearing to read 'Jake'.

Jake Berry MP, Minister for the Northern  
Powerhouse and Local Growth

# Introduction

High streets and town centres lie at the heart of our communities and local economies, creating jobs, nurturing small businesses and injecting billions of pounds into our economy. But the way we shop and the way that communities use their high streets and town centres is changing: we are shopping more online, making fewer big shopping trips and shopping 'little and more often'. This changes the nature of what makes a high street successful.

The government is committed to helping local high streets evolve and adapt to these changes. We want to see thriving places created where the community feels engaged, and vibrant town centres where people live, shop, use services, and spend their leisure time.

At the Budget, we set out Our Plan for the High Street, including:

- cutting business rates by a third for up to 90% of retail properties for two years, to provide upfront support for high streets;
- supporting the transformation of the high street, by creating a £675 million Future High Streets Fund to help local areas make their high streets and town centres fit for the future;
- consulting on planning reform to make it simpler to create more homes, jobs and choice in town centres, and trialling a register of empty shops;
- setting up a High Streets Task Force which will support local leadership with expert advice on helping local high streets to adapt and thrive; and
- strengthening community assets, including the restoration of the historic buildings that make our high streets special, supporting community groups to use empty properties and providing business rates relief for public toilets and local newspapers.

The Future High Streets Fund forms a central part of this Plan. It will support places by co-funding transformative, structural changes to overcome challenges in their area. And it will support wider economic growth within local areas, delivering investment and growth across regions in England to deliver our modern Industrial Strategy.

This document sets out how the Fund will operate as a two-round fund with two stages to the application process. This first stage of the application process, Phase 1, calls for places to come forward with Expressions of Interest by 22 March 2019 setting out their challenges and strategic approach to regenerating town centres. We will assess these Expressions of Interest against criteria set out within this document and make an announcement on which places will move forward to Phase 2, development of full business cases.

During this second phase, shortlisted places will receive some revenue funding to support the development of their high street strategies which shall include specific project plans and associated business cases setting out how they shall regenerate these places. These business cases will be assessed in accordance with departmental and HM Treasury Green Book appraisal methodologies and criteria to be published in due course.

£55m of the Fund has been allocated to the Department for Digital, Culture, Media and Sport to support the regeneration of heritage high streets. This has two elements: helping

to restore historic high street properties through Historic England, and equipping communities with their own resources to put historic buildings back into economic use – for example as residential buildings, new work spaces or cultural venues, supported by the Architectural Heritage Fund. Further detail will be announced in due course.

# Background: structural changes on high streets

Change on high streets is not a new phenomenon. Shop numbers have been steadily declining since at least the 1920s and over many years the ways in which people interact with their high streets and town centres have constantly evolved. Technological advances, new products, competition and changing consumer preferences have seen many high street retailers and industries rise to prominence or disappear. The rise in out-of-town shopping, for example, had a significant impact on the way that people engaged with high streets, in the same way that rising car ownership has transformed town centres.<sup>1</sup>

In the past, high streets have shown themselves to be resilient to change, constantly needing to adapt to meet changing demands. They have continued to play a key role at the heart of many communities.

However, the speed of these changes has increased dramatically in recent decades. The unprecedented growth of online shopping in particular has had a big effect on high streets. Between 2007 and 2018 online sales increased six-fold while the growth of in-store sales lagged behind. In 2000 online retailing accounted for less than 1% of total retail sales while in October 2018 almost a fifth of all retail sales took place online.<sup>2</sup>

Technological advances, including the fast growth in personal computer use, smartphone use and improvements to broadband have facilitated this rapid rise in online retailing. We are starting to see online retailing replacing traditional "bricks-and-mortar" retailing seen on the high street as retailers are often able to offer competitive prices, more choice and greater convenience by moving their business online.

This has left a number of vacant or under-used spaces in town centres, with a proportion of the existing stock of retail stores on high streets becoming under-used. There is currently a mismatch between the supply of existing space and the demand for different types of space in town centres.<sup>3</sup>

The speed of this change has meant that high streets and local areas have not had sufficient time to adapt to meet these challenges. While there are examples of successful regeneration of town centres, many places across the country are struggling to transform in response to these structural changes.

Evidence shows that high streets with a wide choice of retail services alongside well-designed and planned residential and office space are more resilient to these changes and are adapting more successfully. In contrast, high streets that rely heavily on traditional retail without sufficient office space and housing surrounding the high street have found it harder to adapt to these changes and tend to be the ones that are struggling.<sup>4,5</sup>

<sup>1</sup> Centre for Retail Research (2013), Retail Futures 2018: Shop Numbers, Online and The High Street

<sup>2</sup> Office for National Statistics (2018), Retail Sales, Great Britain: October 2018

<sup>3</sup> British Property Federation (2016), Town Centre Investment Zones: Getting Investment Back Into the High Street

<sup>4</sup> Public Health England (2018), Healthy High Streets

<sup>5</sup> British Property Federation (2016), Town Centre Investment Zones: Getting investment back into the high street



People want local high streets to provide convenience, a sense of community and to add value through services not offered online. High streets can and should continue to play an important role in the life of communities – they are the locus for some of the highest levels of social interaction in places and can be important drivers of growth in local economies.<sup>6</sup>

Experience has shown that local areas need support, investment and guidance to help them meet these structural changes. To date many places have not been able to keep up with the speed of change to the detriment of town centres. We know that a scattergun approach of light touch interventions is not the solution for town centres facing large structural issues. Instead effective strategic thinking and masterplanning is needed, with local areas able to work across public and private sector organisations including local businesses, driven by strong local leadership.

<sup>6</sup> Parker, C., N. Ntounis, S. Quinn and S. Millington (2017), Identifying factors that influence vitality and viability

# Scope of the fund

## Objectives

Given the above challenges, the objective of the Fund is to **renew and reshape town centres and high streets in a way that improves experience, drives growth and ensures future sustainability.**

In this first phase of the programme we want local authorities to define the specific challenges faced by their high streets, to set out their overarching strategic ambition for what the high street or town centre should become and what needs to be done to make this possible.

We would expect any identified need for investment to fall under the following themes:

- Investment in physical infrastructure
- Acquisition and assembly of land including to support new housing, workspaces and public realm
- Improvements to transport access, traffic flow and circulation in the area
- Supporting change of use including (where appropriate) housing delivery and densification
- Supporting adaptation of the high street in response to changing technology

## How the Fund will work

- There will be two rounds of the Fund, both with a two-phase application process
- Phase 1 of application process: this is an Expression of Interest stage where we will assess places on the need for funding, nature of the challenge and the vision for the future of the town centre
- Phase 2 of application process: for those who pass to Phase 2, there will be an amount of revenue funding available to work up project proposals. Funding decisions will be based on project plans and business cases
- In the first round of the Fund, projects which are 'shovel ready' may be fast-tracked for funding
- We will make an announcement on the second round of the Fund in due course

There will be two rounds of the Future High Streets Fund; we will therefore open applications to the Fund twice. The first-round application phase will open with the publication of this prospectus and aims to co-fund projects and places that have already started to formulate a vision for the future of their town centres. We will confirm the date of the second round and publish assessment criteria in due course, but it will not open before 2020.

The Fund will operate via a full competition over two phases, with the first acting as a light-touch process in order to reduce the burden on places and minimise wasted resource. This prospectus acts as the launch of Phase 1 and invites places to come forward with Expressions of Interest setting out their challenges and strategic approach.

As the first phase concerns identifying places to work with, we will not have regard to specific schemes included in submitted proposals when assessing bids.

We will assess these Expressions of Interest against criteria set out within this document and the application form. We expect to be able to make an announcement in summer 2019 on which places will move forward to Phase 2, where they will develop full business cases.

During Phase 2 shortlisted places will receive some revenue funding from government to support the development of their high street strategies and the business cases for their proposed projects. The High Streets Task Force, once established, will provide support to places in developing their cases. Places will also receive some support from within the Ministry of Housing, Communities and Local Government.

We expect the full business case development phase to take 6 to 12 months, with some places taking less time and receiving decisions on capital funding at an earlier stage. At the end of each places' business case development phase we expect them to submit specific project plans and associated business cases which will be assessed against departmental and HM Treasury Green Book appraisal methodologies. We will then make decisions on which places will receive capital funding and any further revenue funding as well as the level of this funding.

- December 2018: Phase 1 opens and Expressions of Interest invited
- 22 March 2019: deadline for Expressions of Interest
- Summer 2019: announcement on places moving to Phase 2
- Late 2019: first round of final business cases to be submitted
- Spring 2020: all remaining final business cases to be submitted
- Not before 2020: Second round of applications opens

## Funding decisions

### *Phase 1*

Places shortlisted to move forward to Phase 2 will be granted some revenue funding in 2019/20 to support the development of their project plans and associated business cases.

We expect places to give in their Expressions of Interest an indication of the level of revenue funding they would need to deliver this; however, places are not guaranteed the full amount they propose as the amount of revenue funding is limited.

### *Phase 2*

**There is no guarantee of further investment funding to shortlisted places** if the proposals put forward at the end of Phase 2 are not sufficiently developed or fail to demonstrate adequate value for money or deliverability. From the outset, places should consider how schemes could be flexed to reflect the options available and consider the best intervention to make a significant and transformative difference within their areas.

Final decisions on the amount of capital funding (and any further revenue funding needed to support the delivery of this) for a shortlisted place will be made considering the quality of the proposals put forward at the end of Phase 2. When we make individual capital funding awards following the submission of business cases, we will announce the full funding amount for the scheme. We will also give an annual profile, which will need to be spent in the year allocated.

Given the scale of investment proposed, any bids taken through to Phase 2 and shortlisted for capital funding will need to produce fully worked up business cases. **We expect projects to be co-funded** by public and private sector additions and this will be taken into consideration as part of the assessment of projects. We will expect an element of co-funding, either on a project basis or to delivery a local area's wider strategy for the high street. This co-funding could either be public (e.g. from local areas' own budgets) or private finance (e.g. co-financing housing infrastructure).

The Fund will contribute up to a **maximum of £25 million** to each successful place. However, we expect to see a range of project sizes coming forward, many of which are in the region of £5-10 million per town centre. As such we do not expect to allocate that full amount to each area. When making funding decisions, we will consider the funding available in each financial year.

The size of agreed funding packages, once approved, will be fixed. Should cost increases occur the Department will not provide additional funding, and this will need to be accounted for within local budgets or from private investment.

# Eligibility

## Eligible places

Given their control over the strategic levers that will be necessary to bring forward the types of projects that will meet the objectives of the Fund, we recognise that local authorities are best-placed to bid for the funding and develop and deliver proposals.

We therefore invite bids from unitary authorities, metropolitan districts, London boroughs and, where there is a two-tier system, from district councils, in England.

**We will not accept bids covering town centre areas that are not facing significant challenges.** We expect places to come forward with proposals that cover high streets or town centres as defined as areas that exhibit high levels of social and economic activity, that contain a variety of uses and functions and that act as important service centres for extensive catchment populations.

Small parades of shops of purely neighbourhood significance are not regarded as high streets or town centres for purposes of this fund. Additionally, the Fund is not directed at central business districts of major city centres. Proposals that cover entire city regions, rather than a single high street or town centre, will not be eligible for funding.

## Local and stakeholder support

While we feel local authorities are best-placed to bid for funding, projects will likely be stronger and more successful if they tie into a broader economic market. We would like to see places link to the delivery of emerging Local Industrial Strategies and any wider strategic vision for the area at various levels.

We therefore would expect to see Expressions of Interest come forward with proof of engagement with, and support from, a number of stakeholders including the following (where applicable):

- Mayoral and non-Mayoral Combined Authorities
- Local Enterprise Partnerships
- Other tiers of local government in the area
- Business Improvement Districts
- Private sector
- Community groups

## Type and size of projects

We expect bidding local authorities to put forward a single, transformative submission covering one high street or town centre in their area. This may comprise of more than one intervention, but that will need to be subject to a strong business case. For example, a local authority may wish to consolidate its town centre offer across a number of high streets to provide additional residential or commercial space. In that case we would consider applications which saw interventions across the network of high streets assuming there was a sufficiently robust strategic business case.

We would expect any identified need for investment to fall under the following themes:

- Investment in physical infrastructure
- Acquisition and assembly of land including making improvements to the public realm
- Improvements to transport access, traffic flow and circulation in the area
- Supporting change of use including (where appropriate) housing delivery and densification
- Supporting adaptation of the high street in response to changing technology

Funding will not be provided for surface-level projects that only make a difference to the appearance, rather than the use, of the area or those that would not have a long-term impact.

# Assessment process

The competition will take place over two phases.

Phase 1 is this light-touch process calling for Expressions of Interest by 22 March 2019. We will assess the definitions of places and need in these Expressions of Interest as well as the level of strategic ambition before making a decision on places we will take forward.

During Phase 2 we will provide some support to these shortlisted places to develop their strategic vision and full business cases which will be assessed in accordance with the HM Treasury Green Book, MHCLG appraisal guidance and other departmental guidance where necessary. Places successful in moving to Phase 2 will receive capacity funding to support this. Based on the strength and merits of the final business cases, we will make a decision on which projects will receive capital funding and any further revenue funding.

## Phase 1: shortlisting places

Places need to complete the application form in the annex. This is based around three themes against which places will be selected:

### **1. Defining the place**

- a. The geography of the high street/town centre
- b. The centre's catchment and link to wider economic areas

### **2. Setting out the challenges**

- a. Clear description of the issues and challenges facing this area
- b. Why central government funding is needed to meet these challenges
- c. Evidence to support this

### **3. Strategic ambition**

- a. Set out a high-level vision for improving their area and how this links with need expressed in Section 2
- b. Cover how investment from government will support the area and help overcome these challenges
- c. Demonstrate engagement with and support from local stakeholders including other tiers of local government, if applicable, and the private sector
- d. Demonstrate how this ambition will align with other funding streams (public or private)
- e. Show how this will link to wider strategic plans e.g. around housing and local growth
- f. Detail of capacity arrangements to ensure robust governance and delivery

Applications will be sifted on the basis of the responses to these key themes. We will publish further guidance on the scoring criteria and weighting for Expressions of Interest before the end of January 2019.

We will decide on the relative merits of each bid and shortlist places for the next phase of the competition.

We are not asking for specific scheme proposals at this stage, as we will make a decision on which places to take forward based on the challenges and ambition set out in the application form.

However, if as part of their strategic vision places would like to identify specific schemes they feel are “shovel-ready” and would be in a position to receive capital funding in the near future, we invite them to make this clear here and provide further supporting evidence if available. If this place moves forward to Phase 2 we would examine the proposed projects at an early stage of co-development.

The use of qualitative and quantitative evidence from government bodies and well-respected independent sources is encouraged. The suitability and validity of this will be scrutinised as part of the bid.

Where the Fund is oversubscribed we will take into account factors such as the available profile of the Fund, ensuring a geographical spread of impact, and wider economic considerations. The Secretary of State for the Ministry of Housing, Communities and Local Government will make the final decision on funding.

## Phase 2: Business case development

Shortlisted places will be invited to develop their strategic vision and business cases for specific projects. They will receive capacity funding at this stage to be spent on revenue needs and will be expected to seek additional private and local investment. They will also receive some support from the Department.

Local authorities will then be asked to submit their final full business cases for specific projects. These business cases will then be assessed according to appraisal methodologies across the five cases as outlined in the HM Treasury Green Book, MHCLG guidance and other departmental guidance as necessary.

More detail on appraisal and assessment at Phase 2 will be announced in early 2019.

We expect to undertake business case development to allow those ready to move quickly to do so and avoid moving at the pace of the slowest. The Ministry will then take a final funding decision for each place who will then deliver the projects funded.

It is expected that evaluation processes will be developed in tandem with the development of business cases. All funded places will be expected to complete an evaluation of interventions after the completion of the Fund proportionate to the level of investment agreed.

Successful bids will be announced on a rolling basis.



# Application process

## Application form

Places will be expected to apply via the application form attached as an annex to this document.

Applications to the Fund will be assessed against the criteria set out in the annex. Further information on the scoring criteria and their weighting will be published by the department before the end of January 2019.

A panel will moderate the final score of each bid to ensure consistency. The places taken forward to Phase 2 will be agreed by the Secretary of State after the proposals have been fully scrutinised.

All applicants should evaluate whether their project will comply with the rules on State Aid under European Union law.

## Submission of bids

All bids should be submitted electronically to [highstreetsfund@communities.gov.uk](mailto:highstreetsfund@communities.gov.uk) no later than 2359 on Friday 22 March 2019.

We may wish to discuss the content of bids with local authorities to seek clarity on any aspects following the deadline.

When authorities submit a bid for funding, as part of the Government's commitment to greater openness in the public sector under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004, they must also publish a version excluding any commercially sensitive information on their own website within two working days of submitting the final bid to the Ministry. The Ministry reserves the right to deem the business case as non-compliant if this is not adhered to.

As well as increasing transparency, publishing bids will also help create a network of places engaged in the process and support those places looking to bid for the second round of funding.

## Enquiries

Enquiries about the Fund may be directed to [highstreetsfund@communities.gov.uk](mailto:highstreetsfund@communities.gov.uk).

## Transparency and privacy

Local authorities will be expected to spend funds in an open and transparent way. We would expect plans relating to the projects to be publicly available. In addition, we will expect details of the projects and progress to be made available to local authorities and MHCLG over the duration of the project including taking part in monitoring and evaluation.

Any personal data provided through the application will be processed in line with data protection legislation. The following is to explain your rights and give you the information you are entitled to under the Data Protection Act 2018.

The Ministry of Housing, Communities and Local Government (MHCLG) is the data controller. The Data Protection Officer can be contacted at

[dataprotection@communities.gov.uk](mailto:dataprotection@communities.gov.uk). Data protection legislation sets out when we are lawfully allowed to process your data. The lawful basis that applies to this processing is 6(1)(e) of the GDPR: the processing of personal data is necessary for the performance of a task carried out in the public interest or in the exercise of official authority.

Your personal data is being collected to identify places to receive support from the Future High Streets Fund. We are processing your data as part of Phase 1 of the application phase deciding which places will move forward to Phase 2. We may also use it to contact you about further opportunities to apply for this project if we expand the Fund in future.

We may share the information with external assessors as we assess the applications. Your personal data will only be shared with the assessor for that purpose and will only be retained by them for the duration of the assessment process. Your personal data will be held for the duration of the Fund, including monitoring and evaluation.

The data we are collecting is your personal data, and you have rights that affect what happens to it. You have the right to:

- know that we are using your personal data
- see what data we have about you
- ask to have your data corrected, and to ask how we check the information we hold is accurate
- ask to have your data deleted
- complain to the ICO (see below)

In some circumstances you may also have the right to have all data about you deleted, or to object to particularly types of use of your data. We will tell you when these rights apply. Your personal data will not be sent overseas.

We will not use your data for any automated decision making. Your personal data will be stored in a secure government IT system.

When we ask you for information, we will keep to the law, including the Data Protection Act 2018 and General Data Protection Regulation.

If you are unhappy with the way the department has acted, you can make a complaint. If you are not happy with how we are using your personal data, you should first contact [dataprotection@communities.gov.uk](mailto:dataprotection@communities.gov.uk).

If you are still not happy, or for independent advice about data protection, privacy and data sharing, you can contact:

The Information Commissioner's Office:

Wycliffe House

Water Lane

Wilmslow

Cheshire SK9 5AF

Telephone: 0303 123 1113 or 01625 545 745

<https://ico.org.uk/>

**BACK TO AGENDA**

COMMUNITY AND ENVIRONMENT COMMITTEE  
21 FEBRUARY 2019

Joint Report of the Head of Housing and Head of Regulatory Services

## **HURST FARM ESTATE NON TRADITIONAL HOMES IMPROVEMENT SCHEME**

### **PURPOSE OF REPORT**

This report sets out a proposal for the improvement of the remaining non-traditional homes on the Hurst Farm Estate. Whilst the vast majority of the original homes built in the late 1950s have been substantially improved, there remains limited capital funding to fully renovate the 43 properties in need of modernisation. Estimates place the cost of full reinstatement at over £2m. Officers have developed an alternative, lower cost proposal that will deliver improvements to the thermal comfort of the homes and the external appearance of the properties.

### **RECOMMENDATION**

That Council be requested to approve the inclusion of £100,000 within the Capital Programme for 2019/20 for the improvements to homes set out as option 3 in section 2 of this report.

### **WARDS AFFECTED**

Matlock St Giles

### **STRATEGIC LINK**

Estate regeneration can be an effective way of improving the wider environment, tackling poor housing conditions and supporting vulnerable people in their housing choices. The Hurst Farm project also provides an opportunity for different Council Departments to work together to add value and develop inspirational projects.

---

## **1 SUMMARY**

- 1.1 Committee previously received three reports concerning the Government's Estate Regeneration programme. On 16 March 2017 Members were asked to note the District Council's submission of a Capacity Building Fund bid to the Ministry Housing for Communities and Local Government (MHCLG). Following this report the District Council has been successful, with funding awarded for the Hurst Farm Estate, Matlock.

- 1.2 Committee received a second report concerning the progress of the Government's Estate Regeneration programme on the 11 January 2018 asking Members to note the work undertaken. Committee then received a third update report in November 2018.
- 1.3 This report seeks Member approval to take forward one of the housing related projects that has emerged through the first phase of the Regeneration Project. As previously reported, there remain 43 non-traditional homes on the Estate. The Hurst Farm Estate was built in response to the skills and material shortages, together with the growing demand for housing that followed WW2. Over 1.5m non-traditional homes were built across the UK. However, it soon became apparent that such properties had inherent defects and whilst grant programmes of the 1980s improved many of the properties, some remained unimproved. Those properties in public ownership were also improved, though in the case of the Derbyshire Dales, this could only be achieved through stock transfer (given the resources required).

## **2 REPORT**

### **Non Traditional Homes**

- 2.1 Derbyshire Dales District Council transferred its housing stock of 3200 homes to Dales Housing in 2002 but retained its strategic housing role, homelessness and housing advice services. Since transfer, the District Council has had the provision of affordable homes as one of its top priorities, enabling the provision of over 1700 new affordable homes
- 2.2 One area of work which has received less attention concerns estate regeneration and 'defective' properties. After WW2, at a time of labour and building material shortages, successive Governments commissioned significant house building programmes using new methods of system built construction. Many of these system built homes were later found to be defective. During the 1980s Councils across the Country accessed Government grants to reinstate many of the defective homes that were owner occupied. In the Derbyshire Dales, estates in Matlock, Darley Dale and Ashbourne received funding to improve the majority of the homes. A further round of improvements was undertaken by Dales Housing after stock transfer in 2002 of the social housing units in their ownership. However, like many Councils, there remains a spread of owner occupied homes across 3 estates (Matlock, Darley Dale and Ashbourne) all in their original state. Some of the residents who bought their homes in the late 1970s and early 1980s missed the application deadline for government funding to reinstate their property.
- 2.3 Non-traditional homes are difficult to heat and cannot benefit from a mortgage, leaving owners at a particular disadvantage. Property values are significantly depressed. When properties come on to the market, they typically sell for cash at auction, usually with a guide price of £70,000. Chesterfield BC commissioned a survey of the non-traditional homes in their ownership in 2014. The defective 'Unity' house types which are the same as those in Matlock, had an estimated reinstatement cost of £51,000 per home. This leaves owners of non-traditional homes in a property with a low market value, high energy bills and reinstatement costs beyond their reach. Even when fully reinstated, such properties still only sell for around £125,000.

## **Estate Regeneration**

- 3.1 Estate regeneration remains a priority for the Government, though the means to improving estates tends to be linked to the development of additional market homes so that profits from one can fund improvements of the other. This approach is not feasible on Hurst Farm, given the development constraints that exist. Despite approaches to the Government, there simply is not the funding to fully modernise the non traditional properties. At today's prices, it is estimated that over £2m would be needed. Much work has taken place with the Friends of Hurst Farm since Members first received a report in 2016. Using the funding provided by the Government, the District Council and Waterloo HA have sought to understand the issues and concerns of residents so that a long term sustainable plan can be put in place to attract the funding necessary to improve the estate and people's lives.
- 3.2 Several projects have started including the Community Café, support for the Social Club, with a detailed stock condition survey and a recent bid for Government grant to improve the Spider Park.

## **The Local Characteristics of the Hurst Farm Non Traditional Properties**

- 3.3 All of the 43 properties are in private ownership, with the majority owner occupied and some owned by private landlords. Visits to half of the properties took place in 2018 with a view to understanding the aspirations of residents concerning their properties. The overwhelming view was that residents were quite happy to remain in their own homes, though they were unsure about how their properties might be modernised. Many of the occupiers are retired and some have complex health issues. The average age of owner occupier residents is 69 years old.
- 3.4 The properties themselves are relatively sound with owners generally keeping the properties in good order. Though some are in poor repair, this is generally due to condition of gardens and windows etc. The external appearance of the properties is in stark contrast to the other homes on the estate, which have been modernised and have a brick skin finish. Improving the external appearance of the homes would make a significant contribution to the regeneration of the estate.
- 3.5 The thermal efficiency of non traditional buildings is very poor, comparable to solid wall properties built before 1919. Taking into account the age and characteristics of occupiers, many would be considered to be in fuel poverty, i.e. households have required fuel costs that are above average (the national median level), and were they to spend that amount, they would be left with a residual income below the official poverty line. The Hurst Farm Estate is within 10% of the most deprived wards in England and so there is a strong likelihood that many owners are in fuel poverty. The impact on the health of households in fuel poverty is well documented, with access to health services and admission to hospital often resulting from cold homes, particularly for older people.

## **Renovation Options**

- 3.6 There are 3 potential options available to improve the 43 properties:-
1. Full modernisation at a cost of £51,000 per property. There simply isn't the capital funding available to undertake such a programme. Despite several questions to MHCLG by Officers, there is no current or likely expectation of capital grant from Government.

2. Purchase and repair by Housing Associations. Residents are home owners and the majority have no desire to become tenants again. Undertaking substantial capital works to a property that will continue to have a low market value is not an attractive proposition for Housing Associations.
  3. Providing an additional external skin that, whilst not modernising the property, would improve the physical appearance and dramatically improve the thermal comfort.
- 3.7 Option 3 has the most potential with works costing between £5,000 and £7,000. Officers have explored this option and noted that several other Councils (such as Chesterfield Borough Council) have adopted this approach with their own stock. This option has several other benefits including the ability to attract energy efficiency grants of around £2,100 per property, is restricted to external works, would give homes a brick skin appearance and there are contractors able to complete the works.

### **Funding Solutions**

- 3.8 Subject to approval by the Community & Environment Committee, taking option 3 forward would require Council approval for the project to be included in the District Council's Capital Programme. In the 1990s and early 2000s, Councils received capital funding from the Government to support the renovation of private sector housing that did not meet the Decent Homes Standard, usually through Improvement Grants and Minor Works grants. The funding from the Government could also be used to fund Private sector house condition surveys, designed to report on housing conditions across the District. With the demise of the grant funding from the Government, the need to conduct the surveys reduced, leaving the District Council with £50,335 balance, held in reserves. Work has been ongoing between Public Health, Derby City Council and the Derbyshire District and Borough Councils, to undertake a survey of private sector housing using existing data sources, rather than commissioning a new survey. This approach has resulted in a substantial saving with only £2,500 of the original £50,335 required. As a consequence, the Council now holds £47,835 of Government funding, which was allocated to the area for the purpose of improving private sector housing that did not meet the Decent Homes Standard.
- 3.9 Previously private sector house condition surveys have shown that excess cold is the most prevalent housing hazard in the stock across the District. This reflects the age of much of the private sector stock and the construction methods in use at the time that those properties were built. It is estimated that 10.9% of the households across the District meet the official definition to be considered living in fuel poverty (source: Derbyshire Observatory). Officers are of the opinion that the scheme outlined in this report exactly meets the purpose for which this funding was originally allocated to the Council.
- 3.10 The Housing Service also has an underspend of housing grant from the 2<sup>nd</sup> Homes Programme which, when combined with the condition survey underspend, amounts to £100,000. The underspend is held in reserve to offset any future changes in the 2<sup>nd</sup> Homes Programme. The 2<sup>nd</sup> Homes Programme is designed to support a broad range of households described as vulnerable. Officers have been working on an extension to the current agreement and, as such, it is considered that allocating £52,165 in support of the Hurst Farm Regeneration project does not affect the short term viability of the wider programme and also meets the intended use of the funds.

- 3.11 Officers are, therefore, seeking Member approval to develop an offer to owner occupiers and landlords that would provide 100% grant funding, using a combination of external energy efficiency funding and the two underspends. Through this approach it is estimated that around 20 properties could be improved. The intention is to apply some eligibility criteria, and in the first instance adopt the 'Eco 3' criteria, detailed in Appendix 1. A search for other external sources of funding will continue in an effort to secure more than the initial 20 properties improved, should demand prove to be high. It is not anticipated that every home owner will want to take up the offer of support. Experience from other areas indicates that some people will not engage due to various reasons such as the wider condition of the home, the disturbance that works will create and scepticism that the works will prove beneficial.
- 3.12 Should the scheme be approved, the selection of a contractor will take place using a framework agreement. Consultation with residents would take place, offering residents the opportunity to attend a drop-in event as well as home visits. Consultation with the Council's Development Management Service will also aim to ensure the external facings comply with local standards.

## **4 RISK ASSESSMENT**

### **4.1 Legal**

The Regulatory Reform (England and Wales) (Housing Assistance) Order 2002 (the RRO) has radically changed the way in which government seeks to encourage private sector home improvement in England and Wales. The RRO introduced a general power on local authorities to provide "assistance" "in any form" "to any person", to improve, repair, adapt or rebuild residential premises. The legal risk is therefore low.

### **4.2 Financial**

Based on a take-up of 20 homes and an average net cost of around £5,000 per unit, it is recommended that Council be requested to approve the inclusion of £100,000 within the capital programme for 2019/20, to be financed as described in the report. The financial risk is assessed as medium.

## **5 OTHER CONSIDERATIONS**

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

## **6 CONTACT INFORMATION**

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Telephone : 01629 761118

## 7 BACKGROUND PAPERS

<b>Date</b>	<b>Description</b>	<b>Location</b>
2016	Community and Environment Committee 2 <sup>nd</sup> June 2016, Estate Regeneration Programme: Expression of Interest	Head of Housing
2016	DCLG regeneration programme bid documents	<a href="https://www.gov.uk/government/publications/estate-regeneration-fund">https://www.gov.uk/government/publications/estate-regeneration-fund</a>
2017	Environment Committee 16 <sup>th</sup> March 2017, Hurst Farm Regeneration Bid	Head of Housing
2018	Community and Environment Committee 11 <sup>nd</sup> January 2018, Estate Regeneration Programme: Hurst Farm Regeneration Project	Head of Housing



## APPENDIX 1

### Summary of Eligibility Criteria ECO3

- Armed Forces Independence Payment.
- Attendance Allowance.
- Carer's Allowance.
- Child Benefit (on the condition that the household's relevant income does not exceed the amount set out in Chapter 3 of our scheme guidance).
- Constant Attendance Allowance.
- Disability Living Allowance.
- Pension Guarantee Credit.
- Income-related Employment and Support Allowance (ESA).
- Income-based Jobseeker's Allowance (JSA).
- Income Support.
- Industrial Injuries Disablement Benefit.
- Mobility Supplement.
- Personal Independence Payment.
- Severe Disablement Allowance.
- Tax Credits (Child Tax Credits and Working Tax Credits).
- Universal Credit.

Under ECO3 there is an additional in-fill mechanism for solid wall insulation and district heating measures. Under this mechanism if 66% of eligible households receive either of these measures, an adjacent property can also receive the same measure without needing to meet the eligibility criteria.

**BACK TO AGENDA**

COMMUNITY AND ENVIRONMENT COMMITTEE  
21 FEBRUARY 2019

Report of the Head of Regulatory Services

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## **FOOD LAW ENFORCEMENT SERVICE BUSINESS PLAN 2018/19**

### **PURPOSE OF THE REPORT**

This report introduces the District Council's business plan for food law enforcement activities for 2018/19 for formal approval and adoption.

### **RECOMMENDATION**

1. That the Food Law Enforcement Service Business Plan 2018/19 attached as Appendix 1 to this report is approved.

### **WARDS AFFECTED**

All

### **STRATEGIC LINK**

The provision of an effective food law enforcement service can aid business growth and job creation and contributes towards a distinctive, high quality rural environment where people of all ages are healthy and safe.

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## **1. REPORT**

- 1.1.** Derbyshire Dales District Council's Environmental Health team is responsible for ensuring the safety of food in approximately 1400 food premises. Along with all other food safety authorities the District Council is required to produce an annual business plan that sets out how it will provide its food safety enforcement service. This Plan must conform to guidance issued by the Food Standards Authority.
- 1.2.** An audit of the District Council's food safety arrangements undertaken towards the end of 2015 highlighted the need to update the business plan on an annual basis and to ensure that elected Members had the opportunity to scrutinise and question the plan.
- 1.3.** The enforcement of food safety law is aimed at protecting public health by improving the safety, standard and quality of food and food outlets. This is achieved by a number of key activities:
  - The inspection of food outlets;
  - Emergency and voluntary closure of food outlets;
  - Seizing and destroying unfit and potentially unfit food;
  - Food and environmental sampling;

- Responding to complaints about food and food outlets;
- Intelligence gathering;
- Investigation of food related cases/outbreaks of infectious diseases;
- Education and advice;
- Food Hygiene Rating Scheme (FHRS).

1.4. All these activities are aimed at improving the safety and quality of food and food outlets, and reducing the number of cases of food related illness arising in the District. More information on each of these activities is contained in the full Food Law Enforcement Service Business Plan itself, which is attached as Appendix 1 to this report.

## 2. RISK ASSESSMENT

### 2.1 Legal

The Food Safety Act 1990 designates the District Council as a food law enforcing authority and creates an obligation to enforce the Act, as such the District Council has statutory functions in respect of food safety. The Food Standards Agency (FSA) acts as regulator for local authorities on Food Safety matters. It is a requirement of the FSA under the 'Framework Agreement on Local Authority Food Law Enforcement' for Local Authorities to have Food Law Enforcement Service Plan. This report is therefore in compliance of the statutory provisions and the legal risk is therefore low.

### 2.2 Financial

The costs associated with the delivery of the Food Law Enforcement Service Business Plan 2018/19 (mainly officer time) can be accommodated within existing budgets. The financial risk is, therefore, assessed as low.

## 3. OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

## 4. CONTACT INFORMATION

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## 5. BACKGROUND INFORMATION

Food Standards Agency Audit of Service Delivery and Food Business Compliance – Derbyshire Dales District Council

**6. ATTACHMENTS**

Appendix 1: Food Law Enforcement Service Business Plan 2018/19

**BACK TO AGENDA**



## REGULATORY SERVICES

## ENVIRONMENTAL HEALTH

# COMMERCIAL TEAM FOOD SAFETY SERVICE PLAN 2018–19

**Aim** The Commercial Team aims to work with others:-

- to maintain and improve food safety standards for residents, employees and visitors to Derbyshire Dales;
- to meet the council's statutory responsibilities for food safety; and,
- contribute to the council's Corporate Plan

**Service Manager** Amanda Goodwill - Principal Environmental Health Officer

**Contact Details** 01629 - 761316

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# 1. INTRODUCTION and BACKGROUND

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This document details the activities of the council's Commercial Team. It has been produced to reflect the requirements contained in:-

- The Food Standards Agency's Framework Agreement on Local Authority Food Law Enforcement.

## 1.1 CORPORATE PLAN LINKS

The work of the team needs to link with the council's Corporate Plan priorities for 2015/19 which are:-

### **CP1 Business Growth & Job Creation**

*TA1 Help New Businesses to Start*

*TA2 Help Existing Businesses to Grow*

*TA3 Promote Key Development Sites*

### **CP2 Affordable Housing**

*TA4 Identify and Deliver New Affordable Housing Sites*

*TA5 Improve Housing for Vulnerable People*

### **CP3 Market Towns**

*TA6 Reviving Stall Markets*

*TA7 Seeking Public Realm Improvements*

### **CP4 A Clean and Safe District**

### **CP5 Continue to Seek Efficiencies and Innovative Working Practices**

The direct links with the council's Corporate Plan priorities are made in Section 2.1 Statutory and Discretionary Services. More details on how we deliver CP1, CP4 and CP5 are given in Appendix 1.

## 1.2 DESCRIPTION OF THE DISTRICT

Derbyshire Dales is a large rural district (approx.800 Sq Km) with a low population density. The population of approximately 71,281 (mid 2014 Population Estimate), is evenly spread across the area, as opposed to being clustered around large towns. There is a low ethnic population of 2.9% of residents and approximately 22% of the population are of retirement age. It is estimated that 4.9 million tourists (STEAM report 2013) visit the Dales each year due to its location in the Peak District National Park. It is interesting to note that a third of the nation's population live within one hours drive of the district due to its proximity to major cities such as Manchester, Sheffield, Derby and Nottingham. However, despite its affluent image there are pockets of deprivation.

## 1.3 THE COMMERCIAL TEAM

The Commercial Team is one of two operational teams within Environmental Health. The staffing resource is roughly comparable between the two. An organisation structure of the council is provided at Appendix 2.

The service is based at the Town Hall, Matlock, Derbyshire DE4 3NN, together with the majority of council services. The offices are open to the public, however all officers within the Team work in an 'agile' fashion whereby they are able to access all of the necessary council systems remotely to

carry out their duties, therefore a 'hot-desk' only facility is provided at the Town Hall site. 'Front of house' and the first point of contact with the service is invariably carried-out by the Business Support Unit (BSU). Where a request for service requires an officer response the officer will endeavour to do so as soon as practicable and within 5 working days. If the issue is more involved or complex the officer may make a mutually agreeable appointment to progress the matter.

The Team does not operate an out of hours or call out service. Routine out of hours calls via the main daytime Customer Service number 01629 761100 default to the District Council's answerphone service. Emergency calls are routed via Derbyshire County Council's Emergency Planning duty officer. He or she will refer the matter to an appropriate officer detailed in the Council's Emergency Plan depending on the nature and urgency of the problem.

Service users may also contact the service, in the following ways:

- Council reception at the Town Hall (as stated above), open Monday to Friday between 9am and 5pm (with the exception of Wednesday morning which is 9.30am)
- By telephone – 01629 761212, 8.30am to 5pm Monday to Friday.
- By E-mail to officers individual e-mail addresses or to the general address: [envhealth@derbyshiredales.gov.uk](mailto:envhealth@derbyshiredales.gov.uk)
- The Council also operates a general enquiries on-line form [www.derbyshiredales.gov.uk/general-enquiries](http://www.derbyshiredales.gov.uk/general-enquiries)
- Environmental Health fax number: 01629 761165

## 2. SERVICE DELIVERY

Delivery of food safety is a statutory function for the council. The Commercial Team is a front line service that provides the council with a positive opportunity for community and business engagement, protection and economic development.

### 2.1 STATUTORY AND DISCRETIONARY SERVICES

CP ref	SP Ref <sup>1</sup> No.	Statutory
CP1 CP4	EH 1	Act to bring about compliance with requirements of the food safety legislation in relevant premises via number of food interventions completed.
CP1 CP4		Meet the requirements of relevant government and agency requirements, codes of practice and guidance, for example:- <ul style="list-style-type: none"> <li>• Food Standards Agency Agreement on Local Authority Food Law Enforcement.</li> <li>• Food Law Code of Practice.</li> <li>• Health and Safety Executive's Section 18 Standard on Enforcement.</li> </ul>
		Operate the national Food Hygiene Rating Scheme for food business which is designed to improve public access to information about food hygiene and food safety standards of food business.
		Undertake a programme of food sampling to meet the requirements of the Food Law Code of Practice.
CP4		Investigate and respond to requests for service from the public in respect of commercial premises.
CP4		Act to achieve compliance with other relevant legislation in commercial premises e.g. smoke free and Sunday trading requirements.
CP4		Control the spread of infectious disease in the community by undertaking the investigation, statutory action and enforcement as appropriate of:- <ul style="list-style-type: none"> <li>• Food poisoning outbreaks.</li> <li>• Food related illness.</li> <li>• Other relevant notifiable diseases (e.g. legionella).</li> </ul>
		<b>Discretionary</b>
CP1 CP4		Provide information and advice to businesses where appropriate.
		Work in partnership with Derbyshire County Council to support the 'Heart of Derbyshire'.
		Provide information to the public on food safety.
		Support other service areas on environmental health issues.
		Work with and consult with partners and service users.

<sup>1</sup> Service Plan Reference



## **2.2 BUSINESS SUPPORT AND BETTER REGULATION**

The Commercial Team aims to support positive business growth and development. The Head of Regulatory Services is involved in the Better Regulation programme by the D2N2 (Derby, Derbyshire; Nottingham, Nottinghamshire) Local Enterprise Partnership (LEP). The wider council is also a non-constituent member of the Sheffield City Region LEP to ensure the geographical spread and diversity of the district is recognised and represented. The Better Regulation programme aims to link regulators and businesses together to remove barriers and so promote business growth. The Council also has the benefit of a full-time Business Advisor within Economic Development who has positive links with the Team.

## **2.3 DEALING WITH NON-COMPLIANCE AND ENFORCEMENT**

### **2.3.1 Enforcement Policy**

An Enforcement Policy has been adopted by the council in respect of enforcement activities to ensure they are proportionate, consistent, transparent and accountable. A copy of the Enforcement Policy is available on the council's website at [www.derbyshiredales.gov.uk/your-council/policies-plans-a-strategies/corporate-enforcement-policy](http://www.derbyshiredales.gov.uk/your-council/policies-plans-a-strategies/corporate-enforcement-policy) ; paper copies or electronic versions are available on request via [legal@derbyshiredales.gov.uk](mailto:legal@derbyshiredales.gov.uk) or alternatively by telephoning 01629 761303.

A key priority for the Commercial Team is to ensure enforcement decisions are consistent with our Enforcement Policy, and any other enforcement guidance and standards issued by relevant government agencies such as the Food Standards Agency, the Home Office and the Regulators' Code.

### **2.3.2 Proportionality and Consistency**

Enforcement action taken by officers will be reasonable, proportionate, risk-based and consistent with good practice and will take account of the full range of enforcement options. This includes educating business operators, giving advice, informal action, sampling, detaining and seizing food, serving hygiene improvement notices/ improvement notices, hygiene prohibition procedures/ prohibition procedures and prosecution procedures.

Where a Primary Authority partnership exists officers will attempt to resolve non-compliance by liaising with the Primary Authority where appropriate.

Except where circumstances indicate a significant risk, officers use a graduated approach (*the hierarchy of enforcement*) starting with advice/education and informal action and only moving to more formal action where the informal approach does not achieve the desired effect.

## **2.4 STATUTORY RETURNS**

The service is required to make the following statutory/national returns with respect to 'food':

- Food safety service annual returns to Food Standards Agency.
- Private water supply information to Drinking Water Inspectorate.

## **2.5 EQUALITIES**

The Commercial Team operates to the council's Equalities Plan available on the website at <http://www.derbyshiredales.gov.uk/your-council/equalities/equality-scheme-and-action-plan> .

From the 2011 Census data it was identified that 2.9% of the Derbyshire Dales population is not English/Welsh/Scottish/N. Irish or British. Derbyshire Dales District Council subscribes to a telephone based interpretation service which can be used by Officers at any time, however where circumstances dictate, the Council will make arrangements for interpreters to visit in person. Some information from the Food Standards Agency is also available in other languages.

## **2.6 QUALITY ASSESSMENT OF OFFICER WORK**

Monitoring arrangements to assist in the quality assessment of the officers' work include:-

### **2.6.1 Internal Monitoring**

- Periodic review of high risk premises letters and post-inspection paperwork by the Lead Food Officer or Principal Environmental Health Officer (PEHO)
- Periodic review of Food Hygiene Rating scores and associated reports issued by officers
- Team meetings on an approximate 6 to 8 week basis
- Regular meetings between officers and PEHO
- Monitoring of performance at team meetings
- Participation in the inter-authority audits organised by the Derbyshire Food Liaison Group
- Participation in local and national consistency exercises for the Food Hygiene Rating Scheme

It is also anticipated that accompanied inspection audits and associated documentation audits by the Lead Food Officer would prove beneficial in future years.

### **2.6.2 Customer Survey**

An on-line customer satisfaction survey was launched in October 2016. The link to the said survey is included within every food inspection report as standard. Uptake is also supported by a targeted mail-shot. The latter has recently been dispatched; once results are received and collated they will form an update to this report.

## **2.7 OFFICER TRAINING and CPD (continuing professional development)**

Officer training needs and CPD requirements are reviewed as part of the council's annual Performance Development Review (PDR) process and flagged through 1-2-1's and team meetings as necessary. Officers receive structured training via various delivery models such as webinars, on-line training modules, regional practitioner short courses and seminars relevant to the activities undertaken by the team.

### **2.7.1 Food Safety**

The Food Law Code of Practice contains specific competency requirements for officers carrying out food safety official controls. Officers are actively encouraged to consider competency gaps that may prevent them from effectively delivering official controls through the PDR process and 1-2-1 discussions. To meet the Food Law Code of Practice officers undertake 20 hours CPD per year of which a minimum of 10 hours must be on core food matters directly related to official control delivery.

### 3 WORK-PLAN and RESOURCES

#### 3.1 2017-18 WORK PLAN with relevant performance targets

Ref	Action	Performance Target/ comment	Actual
D	Customer survey respondents from business 'agree' or 'strongly agree' that their interaction with the service was fair, transparent and informative.	80% 'agree' or 'strongly agree' Respond if requested	TBC n/a
D	Food advice given in response to enquiries	85% first response in 5 w/ds	85.33%
S S	Food service requests		84.25%
	Food complaint investigations		98.28%
	Food safety planned interventions	95% undertaken	99.17%
	Food safety unplanned interventions	Prioritise as necessary	123
	Food safety revisits	Revisits undertaken	46
	Food other visits (e.g. advice/ premises checks)	As necessary	36
	3 days to undertake sampling	Sampling undertaken	3
	Respond to food safety incidents	Appropriate action	100%
S	Percentage of food businesses rated 3, 4 or 5	Target 75%	95.81%
D	Support DCC's 'Heart of Derbyshire' scheme	Advice and audit visits	100% of those referred
S	Undertake Employee Personal Development Reviews and periodic reviews	by end May 2017	Complete
	Training to meet Food Law Code of Practice		
	Training to maintain officer competency	Relevant training provided	Complete
	Submit required statutory returns	Returns submitted	Complete
S	Other requests for service	85% first response in 5 w/ds	86.36
S	Smoke-free or Sunday trading requests for service	100% of letters responded to within 5 w/ds	N/A
S	Investigation of confirmed or suspected infectious disease outbreaks	100% response in 1w/d	100%
	Respond to reports of food related illness or other relevant notifiable diseases	85% first response in 5 w/ds	100%
S	Private water supplies and private distribution systems	Risk assess any identified systems – referral to Public Health Team	No new systems identified
D D	Support on environmental health issues and partnership working	Appropriate action	Complete

\* Ref Indicator of Statutory (S) and Discretionary (D) Services

#### 3.2 RESOURCE ALLOCATION

##### 3.2.1 Full Time Equivalent (FTE) Officers

No. of Posts	Officers Resource	Food
1	Head of Service	0.04
1	Principal Environmental Health Officer <sup>1</sup>	0.30
2.5	Environmental Health Officers	2.09
1.6	Technical Officers	1.05
	<b>FTE TOTALS<sup>2</sup></b>	<b>3.48</b>

<sup>1</sup>The Principal Officer is also responsible for managing activities other than food within the Commercial Team, plus the activities of the Public Health Team.

<sup>2</sup>Officers within the Commercial Team also cover other core activities such as Health & Safety, Infectious Disease and Animal Welfare. The 3.48 FTE equates to food only activity.

### **3.2.2 Resource Allocation Unplanned Events and Impact on Service Delivery**

Limited resources within the team together with an extremely flat structure continue to present very real challenges against a back-drop of ever increasing number of food premises/food activities springing-up in the borough and the general churn of businesses changing hands. This situation is compounded still further by the proportion of unplanned work and unforeseen events based on current service demands and past experience.

A high percentage of the Team's work is planned but there is a significant proportion of unplanned work through-out the year from a number of work areas such as:-

- food and food premises issues;
- food premises requiring approval;
- food alerts;
- dealing with new businesses;
- general requests for service;
- health and safety accidents;
- infectious disease cases and/ or outbreaks;
- established and 'pop-up' festivals/events;
- enforcement and investigation work; and,
- undertaking a prosecution.

Presently issue prioritisation is tackled through 1-2-1 meetings with staff and team meetings. Traditional approaches to operations continue to be challenged and redesigned, however the on-going in-house STEP review together with the Regulating Our Future (ROF) agenda being developed and taken forwards by the FSA presents a combined opportunity for change. Essentially the way in which food stuffs are brought to the market has become increasing dynamic in nature together with the way in which customers purchase foods, however the Food Law Code of Practice which states how food operations should be 'policed' at a local level has stood still. ROF attempts to tackle the need for change and continues to be informed by various targeted research activities and local authority pilots with a view to staggered implementation post March 2019 (see Appendix 3 for ROF headliners).

The nature of the service is such that an unplanned event which poses a significant risk to public health may occur at any time. In such cases a judgement will be made to determine the level and nature of resource required and the ability of the Team to deal with the event. There are a number of options either in isolation or combination which shall be considered:-

- Request for additional funding from the council's contingency budgets.
- Engaging specialist contractors or support to deal with the event or backfill officer time.
- Suspension of low risk planned work activities.
- Enhanced administrative support from BSU.

## 4. FOOD SAFETY

The work of the Commercial Team is currently linked to the Food Standards Agency's (FSA) Strategic Plan 2015-20 and in particular:

- regulation is effective, risk-based and proportionate -see 4.1
- enforcement is effective, consistent, risk-based and proportionate and is focused on improving public health - see 4.2
- food is safe to eat – see 4.3
- consumers can make informed choices about what to eat - see 4.4

### 4.1 FOOD SAFETY REGULATION

#### 4.1.1 Food Premises Profile

The profile of food businesses on 31<sup>st</sup> March 2018 is:-

Type of Food Premises <sup>1</sup>	Cat A	Cat B	Cat C	Cat D	Cat E	Unrated/ outside	Totals
Primary Producers A	0	0	1	0	29	10	<b>40</b>
Manufacturers/Processors C	0	8	8	10	35	14	<b>75</b>
Packers D	Inc Above						
Importers E	0	0	0	0	0	1	<b>1</b>
Distributors F	0	0	0	1	23	11	<b>35</b>
Retailers G,G01-03	0	13	23	46	167	34	<b>283</b>
Restaurant/Caterers H, H01-08 & I	3	22	192	355	312	88	<b>972</b>
<b>Total Number</b>	<b>3</b>	<b>43</b>	<b>224</b>	<b>412</b>	<b>566</b>	<b>158</b>	<b>1406</b>

<sup>1</sup>Premises list above includes a total of 9 Approved Premises – all based around manufacture

#### 4.1.2 Food Safety Intervention Plan for 2018-19

Food safety interventions are planned using the risk rating criteria detailed in the Food Law Code of Practice. A computerised database generates a list of the premises due for an intervention during the year based on the risk rating given as a result of conditions found during the last intervention.

The intervention plan

Risk Category / minimum Intervention frequency	No. of Premises (at 31/03/2018)	Interventions outstanding from 2017/18	Interventions due in 2018/19	Revisits estimated 2018/19
A / 6 months	3	0	3	1
B / 12 months	43	0	19	5
C / 18 months	224	7	114	25
D / 24 months	412	27	121	30
E / 36 months or alternative enforcement <sup>1</sup>	566	328	158	50
Unrated	151	0	114	25
Outside scheme	7	1	0	0
Unplanned <sup>2</sup> -new businesses			100	10
<b>Total</b>	<b>1406</b>	<b>363</b>	<b>629</b>	<b>146</b>

<sup>1</sup>See 4.1.4 <sup>2</sup>See 4.1.5

### **4.1.3 Food Safety Interventions**

Where possible an intervention will be undertaken without prior notification in line with Regulation 882/2004 Article 3(2) which also identifies that visits may be carried out on an ad hoc basis.

Interventions are carried out in accordance with the Food Law Code of Practice and other recognised guidance as well as internal documented procedures. An intervention rating will only be given following an intervention that is an 'official control' that is an inspection, partial inspection or audit as defined by Regulation 882/2004 Article 2(1).

### **4.1.4 Alternative Interventions**

The Food Law Code of Practice allows an alternative intervention strategy to be applied to Category E and some Category D risk rated food businesses that present little or no risk to public health or food safety. The alternative intervention can only be applied if the premises were previously subject to an official control but will not result in a change to the intervention rating.

At Derbyshire Dales District Council an on-line 'alternative intervention' scheme has been established for Category E rated premises. It is envisaged the scheme will be further developed to suitably accommodate some Category D rated premises in the near future, whilst also ensuring compliance with the Food Law Code of Practice and the Food Hygiene Rating Scheme (FHRS).

### **4.1.5 New Premises**

An initial visit to undertake an official control of a new food establishment will, whenever practicable, be made within 28 days of registration, opening of the business or the Team becoming aware an establishment is operating. However this requirement will be balanced against other work priorities. All interventions are undertaken in a risk based manner, this includes new business following an assessment of any available information including the registration form if submitted.

### **4.1.6 Overdue inspections**

The Team aim to visit premises within 28 days of the date they are due for intervention to meet the Food Law Code of Practice. However, priority is given to higher risk premises (Category A to C), and requests for service concerning a risk to public health. This may result in Category D premises being visited past the 28 days. It should also be noted that some parts of the District are heavily geared towards the tourist trade, e.g. Matlock Bath. And therefore the trading year of some food businesses does not always sit comfortably alongside central guidance on inspection frequencies (as there can be periods of the year when premises are closed for a number of weeks at a time). In these instances 'next inspections' will be either brought forwards or put back at the discretion of Authorised Officer in conjunction with the Principal Officer. Every effort is made to complete the inspection programme by the end of the work-plan period as regards A to D rated premises. The planned intervention programme is monitored at team meetings to check on progress and if necessary appropriate measures can be put in place to help meet the intervention plan. (See Para 3.2.2)

## **4.2 FOOD SAFETY ENFORCEMENT**

### **4.2.1 Not 'Broadly Compliant' Premises**

Resources are focused at those food establishments in the District that do not meet the criteria for being 'broadly compliant'. These are premises that have a compliance score as set out in the Intervention Rating Scheme in section 5.6 of the Food Law Code of Practice of:-

- 15 or higher for hygiene and / or structure; and / or,
- 20 or higher for confidence in management / control procedures

Food businesses that fail to comply with significant statutory requirements will be subject to appropriate enforcement action and revisit(s). Revisits will focus on the contraventions identified at the intervention to ensure that they have been remedied before deciding that no further action is required. The timing of the revisit is determined by the result of the earlier intervention.

A staged enforcement approach which includes revisits, service of legal notices, informal interviews, issuing of simple cautions or prosecution is taken. All enforcement decisions are made in line with the council's Enforcement Policy (See Section 2.3).

#### **4.2.2 Enforcement of E.coli Contamination Control Requirements**

The Food Standards Agency has issued guidance on the steps that food businesses must have regard to control the risk of contamination from E.coli O157. Due to the serious consequences of E.coli food poisoning greater focus is placed on ensuring all food business have adequate controls in place. However butchers premises that handle ready-to-eat and raw foods often present the highest risk, due mainly to the high levels of contamination which occur during butchering carcasses and cutting meat. Such premises are subject to more detailed examination of their control measures.

Officers also use the guidance during food safety interventions in all premises to make an assessment of compliance against the guidance. Prompt and decisive action will be taken to ensure that public health is protected as necessary.

### **4.3 FOOD IS SAFE TO EAT**

#### **4.3.1 Food Sampling**

Food sampling is used to gather information about the microbiological quality and possible presence of harmful micro-organisms in foods produced and/or sold or used locally. Based on this information appropriate action can be taken to protect the consumer. Food sampling in the District is carried out in accordance with our sampling policy. The annual programme is aligned with regional and local priorities as appropriate. Samples are examined and/or analysed by specific laboratories, see Appendix 4.

#### **4.3.2 Food Complaints**

A food complaint is classed as food (including drink) which has a problem concerning its fitness, its wholesomeness, or possible foreign body contamination. Investigations are carried out in accordance with the Food Law Code of Practice and relevant guidance and internal procedures.

#### **4.3.3 Food Safety Incidents**

The Team respond appropriately to any food safety incident notifications received from the Food Standards Agency. Given the sporadic and unpredictable nature of food safety incidents it is impossible to predict with any accuracy the likely activity and resources required. The resource implications when responding to a "For Action" report can be significant. Such incidents often require an immediate response involving significant resources. In such circumstances it may be necessary to meet these demands by disrupting other priority work, secondment of employees from other work teams within the council or the provision of funding for temporary resources.

This area also links with

- 4.1 Regulation - effective, risk-based and proportionate
- 5.4.1 Investigation and Control of Outbreaks
- 5.4.2 Investigation and Control of Food Related Illness

#### **4.3.4 Imported Food**

Imported food responsibilities are included as part of routine food hygiene inspections and sampling programme. A check for imported food is made during all planned food premises interventions. Any issues found are then investigated further to ensure food is legally imported.

### **4.4 INFORMATION FOR CONSUMERS**

#### **4.4.1 Food Hygiene Rating Scheme (FHRS)**

The Food Hygiene Rating Scheme was introduced in Derbyshire Dales on 13<sup>th</sup> April 2012. Ratings for all relevant businesses are available to consumers via the website at <http://ratings.food.gov.uk/>

Under the terms of the scheme food businesses can appeal against the rating given and can also request a revisit with a view to re-rating the premises. Although the level of such requests is low, going forwards there is the opportunity to charge for revisits. The latter aligns with other changes in regulatory activity and will be brought to the necessary decision forum in due course. Further details of the scheme are available at <http://ratings.food.gov.uk/>

#### **4.4.2 Food Allergen Information Rules**

Food allergens can be life threatening to those affected. Food allergens cannot be removed by cooking. It is essential to practice good kitchen hygiene, as well as careful separation, storage and labelling of ingredients when preparing food to protect customers with a food allergy.

The EU Food Information for Consumers Regulation (No.1169/2011) requires all food business to provide information about the allergenic ingredients used in food sold or provided by them. The lead for enforcement sits with Derbyshire County Council. However the power to undertake enforcement has also been given to district councils.

The initial focus during 2015-16 was to provide advice and information for businesses to comply. From 2017-18 onwards a staged approach to enforcement has been adopted in line with the Council's Enforcement Policy.



## **5. OTHER WORK AREAS**

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### **5.1 COMMERCIAL PREMISES REQUESTS FOR SERVICE**

A diverse range of requests for service continue to be received by the Commercial Team from members of the public, commercial premises and other stakeholders. All requests are actioned as appropriate and the target is to provide a first response to 85% of requests in 5 working days.

### **5.2 ADVICE TO BUSINESSES**

The Commercial Team work with businesses to help them to comply with the law and to encourage best practice. This is achieved through a range of activities including:-

- advice given during the course of an inspection and other visits;
- sign posting of significant topical issues at the footer of inspection reports;
- the provision of appropriate advice and sign posting from central government agencies;
- the Council website at [www.derbyshiredales.gov.uk](http://www.derbyshiredales.gov.uk); and,
- response to direct enquiries (either to the Department or direct to officers).

### **5.3 ADVICE TO PUBLIC**

Direct advice is given to members of the public via our website or on request; invariably this may result in electronic sign posting. Relevant information is developed, produced and/or purchased if the need is identified. This may be in conjunction with educational and promotional activities (see paragraph 5.8.1) or in response to topical issues. Articles may also be published in 'Dales Matters', the Council's magazine for residents delivered to all households in the District.

### **5.4 COMMUNICABLE DISEASE CONTROL**

#### **5.4.1 Investigation and Control of Outbreaks**

The Commercial Team investigate any outbreaks or suspected outbreaks of food related infectious disease. This is undertaken in accordance with national guidance and on the advice of the Council's Proper Officer for Medical Advice who is the Consultant in Communicable Disease Control (CCDC) of Public Health England (PHE) (See Appendix 4). Actions are in line with procedures developed in conjunction with Public Health England and Derbyshire Food Liaison Group.

In the event of a major outbreak, the resources required will be significantly higher due to the intensive demands created. In such circumstances it may be necessary to meet these demands by the disruption of other priority work, secondment of employees from other work areas within the council or the provision of funding for temporary resources.

#### **5.4.2 Investigation and Control of Food Related Illness**

Notifications of confirmed food related illness suffered by residents of the District are reported by Public Health England on a weekly basis. A response matrix developed by Public Health England (PHE) and the Derbyshire Food Liaison Group is used to identify who may be contacted for further information or for an investigation to be undertaken. Arrangements are in place for PHE to contact us directly if they become aware of specific types of infections of public health significance that require a more immediate response such as a suspected outbreak or a person which falls within a high risk category as defined in national guidance.

#### **5.4.3 Investigation and Control of other Notifiable Diseases**

The Health Protection Regulations 2010 have widened the number of infectious diseases that are legally notifiable. The inclusion of legionellosis means that the Team may be called on to be involved in the investigation of legionella cases within the District.

## **5.5 SMOKE FREE**

The Commercial Team enforce the Health Act 2006 and Smoke Free (Premises and Enforcement) Regulations 2006 in all food premises. Compliance checks are included in other visits to commercial premises and responses made to requests for service or concerns against premises.

## **5.6 SUNDAY TRADING**

The Commercial Team enforce the Sunday Trading Act 1984. Responses are made to requests for service or concerns against premises.

## **5.7 PRIVATE WATER SUPPLIES**

### **5.7.1 Private Water Supply**

The Private Water Supplies Regulations 2016 require a risk assessment of all private water supplies; except for supplies to single non-commercial dwellings (unless a risk assessment is requested). Currently the council are aware of 224 private water supplies in the District (167 springs, 53 bore holes and 4 mixed borehole and spring). Of that number 13 springs, 4 bore holes and 1 mixed spring and borehole serve food businesses (18 total).

### **5.7.2 Private Distribution Systems (PDS)**

The Private Water Supplies Regulations 2016 include “private distribution systems” where mains water is further distributed e.g. industrial units, college/university campuses. The council has a statutory duty to identify such systems and carry out risk assessments to determine if the water in those systems meets statutory water quality parameters. The council can charge for undertaking risk assessments and recover the cost of any sampling required. The council must then carry out a risk assessment review every five years.

The council is not currently aware of any PDS in the District but efforts to identify a PDS continue as required by the Regulations.

## **5.8 EDUCATIONAL ACTIVITIES**

### **5.8.1 Educational Events and Awareness Raising**

The Commercial Team recognise the importance of education and promotion of relevant food safety messages. The Team are therefore fully engaged with other stakeholders such as the Food Standards Agency and Derbyshire County Council in this regard.

## **6. PARTNERSHIP WORKING**

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### **6.1 Liaison with Other Organisations**

The Commercial Team liaise with other relevant organisations such as:-

#### **a) Derbyshire Food Liaison Group**

- Discussion on issues of consistency and enforcement.
- Development of county wide procedure documents and information resources.
- Development and periodic implementation of an Inter Authority Audit process.
- Development of partnership working with Derbyshire local authorities and Derbyshire County Council Trading Standards,
- Formal links via the Food Liaison Group with other agencies such as the Food Standards Agency, Public Health England and regional government offices such as the Care Quality Commission and Ofsted Early Years.

#### **b) Derbyshire Food Sampling Group**

- Development of a regionally co-ordinated sampling programme.
- Liaison with the Public Health England Food Examiners.

#### **c) Public Health England**

- Meetings with Consultant in Communicable Disease Control to discuss communicable disease control within Derbyshire.

#### **d) Other Organisations**

- Derbyshire County Council Public Health to help support public health initiatives in the District such as 'Heart of Derbyshire'.
- D2N2 (Derby, Derbyshire; Nottingham, Nottinghamshire) Local Enterprise Partnership.
- Sheffield City Region Local Enterprise Partnership.
- Violence and Alcohol Licensing (VAL) Group which links the Police, Derbyshire Fire and Rescue Service and relevant Council services involved in licensing of premises.
- UK Border Agency.
- Severn Trent Water Authority in respect of drinking standards and supply continuity.

### **6.2 Referrals to other organisations**

Referrals are made where relevant information identifies that there is a wider regulatory interest.

Relevant agencies to which referrals may be made include:

- Food Standards Agency
- Health and Safety Executive
- Other local authorities via Primary, Home or Lead Authority schemes
- Public Health England
- Derbyshire Fire and Rescue Services
- Derbyshire Police
- Ofsted Early Years
- Care Quality Commission
- Severn Trent Water Authority

### **6.3 Internal Consultations**

The Team are statutory consultees on licence applications under the Licensing Act 2003 and for temporary event notices. The Commercial Team also consult:-

- With other sections within the Council; and,
- On building control and planning applications relating to food premises.

## 7. REVIEW OF SERVICE in 2017-18

### 7.1 ACTIONS AGAINST 2017-18 WORK PLAN

#### 7.1.1 Intervention Programme

During 2017/18 we undertook 358 programmed food hygiene interventions and 123 non-programmed; a total of 481 interventions compared to 418 in 2016/17.

In 2017/18 we achieved 96% of our high risk food inspection targets. (Category A, B and C rated premises) compared to 88% in the previous year.

We also inspected 174 of 201 required category D (low risk) rated premises (87%) compared to 73% in the previous year.

#### 7.1.2 Reactive Work Monitoring

In addition to the planned programme of work the Team receives a large number of requests for service both from business and members of the public. The list below gives details and numbers for those requests received in 2017/18:

- Complaints about extraneous matter in food = 9 (total of 7 in 2016/17)
- Complaints about chemical contamination of food = 0 (total of 0 in 2016/17)
- Complaints about microbiological contamination of food = 6 (total of 2 in 2016/17)
- Complaints about food labelling = 4 (total of 0 in 2016/17)
- Complaints about hygiene of food premises = 37 (total of 51 in 2016/17)
- Alleged food poisoning = 23 (total of 24 in 2016/17)
- Food enquiries = 144 (total of 183 in 2016/17)
- Requests for food hygiene advice = 75 (total of 113 in 2016/17)
- Requests for health certificates = 23 (total of 26 in 2016/17)

The total number of requests for service stands at 321\*

Previous total 406

\* 21% reduction on the previous year

#### 7.1.3 Food Sampling

As in previous years we participated in the regional Food Sampling Programme.

Sliced cooked meats and black pudding products were considered together with ready to eat (RTE) bakery products generated within a butchery/delicatessen type environment. Of the 14 samples (including 6 environmental swabs), 2 were deemed unsatisfactory. The details of the latter were considered and brought to the attention of the business concerned.

## 7.2 ENFORCEMENT ACTIONS DURING 2017-18

### 7.2.1 Legal Notices, Actions and Prosecutions at 31<sup>st</sup> March 18

Food	Reason
3 Voluntary Closure	Details in 7.2.2 below
6 Hygiene Improvement Notice (HIN)	Details in 7.2.3 below
Nil Prosecutions	N/A

### **7.2.2 Voluntary Closure of Premises**

During the last financial year three food serving pubs opted to close to remedy aspects of serious non-compliance found by inspecting officers on routine, unannounced visits. All the said businesses were revisited promptly with positive improvements being noted.

### **7.2.3 Hygiene Improvement Notice (HIN)**

In October and November 2017 it was considered necessary to serve a number of Hygiene Improvement Notices on two food premises within the district, one being a high street retailer and the other a 'take away' premises. Notices were served on the Food Business Operator's (FBO's) for the training of staff plus those in a supervisor capacity and failure to have a suitable and sufficient HACCP (Hazard Analysis & Critical Control Point) system in place. The FBO's responded positively to the concerns expressed by the inspecting officer and secured compliance within the said notice periods.

## **7.3 SIGNIFICANT ACTIVITIES in 2017-18**

### **7.3.1 Supporting New Local Businesses & Business Diversification**

During the 12 month period three existing small local businesses have successfully 'up-scaled' their existing food production activity to achieve 'approval' status.

In order for the FBO to distribute over a wide geographical area they require conditional and ultimately full approval status from the council. Approval also allows a business to sell their products across the EU as they are given a unique approval number as part of the approval process which must be included on their labels.

This type of production and associated distribution requires detailed food safety management systems and ownership thereof. The nominated officers from the Commercial Team have continued to work with the businesses from a start point in 2016 to help ensure compliance and consumer confidence.

### **7.3.2 Supporting and Ensuring Compliance at Significant Local Events**

Officers within the Commercial Team together with Public Health Team colleagues and other stakeholders continue to make a significant contribution to the smooth running and ultimate success of large scale high profile events within the District, considering aligned Food Safety, Health & Safety and potential Nuisance activity. The summer of 2017 saw the launch of the Royal Horticultural Society (RHS) at Chatsworth. The event draws approximately 90,000 visitors across the whole event schedule; initial traffic issues on the first public day were quickly remedied, with lessons learned being carried forwards to the 2018 event planning. Other significant events include Ynot music festival, Eroica celebration of cycling, Chatsworth Horse Trials and Chatsworth Country Fair.

### **7.3.3 Working in Partnership Locally**

2017-18 saw the continuation of the Heart of Derbyshire Healthy Eating Scheme for a fourth year. The scheme compliments the national Food Hygiene Rating Scheme (FHRS), by informing customers about the healthy options available as well as the safety of the food on offer. The scheme works by allowing businesses to make pledges to offer healthier options by, for example, reducing the amount of fatty foods on offer, reducing salt and sugar content, increasing the range of fruit and vegetable on offer and providing information about food allergens. The more pledges a business makes the higher the rating it will receive, with awards ranging from bronze to gold. To ensure that the food served is safe as well as 'healthy' all participating businesses have to score a minimum of 3 under the FHRS.

The scheme operates in partnership with Derbyshire County Council and is open to all Derbyshire Local Authorities. Participating businesses are shown on the County Council website. Derbyshire Dales hosts 50 businesses that have chosen to join the scheme.

#### **7.3.4 Educational/Media Campaigns**

Throughout 2017/18 the Commercial Team together with colleagues in Communications helped the FSA to cascade and engage with the public and business on matters of food safety by joining various national awareness activities including Summer BBQ safety and Christmas 'let's talk turkey' safe food preparation.

#### **7.3.5 Project E Data Cleanse**

January 2018 witnessed the launch of a joint working initiative with BSU colleagues to review the accuracy of our food premises database with the focus being on Category E's. This category typically captures low level and low risk food activities such as home caterers and other producers/retailers which as per the Food Law Code of Practice registered their activity with the local authority at a point in time. However there is no real incentive for the FBO to notify us of their business demise or up-scaling and similarly as a regulator we are obliged to consider such premises at a 3 year trigger point.

On the 1<sup>st</sup> January 2018 we had 799 category E's on our database, these were split into 11 phases of some 72 premises. Through a process of engagement which includes a historical premise file review, e-mail contact or letter drop, plus cold calling and where still operational the completion of an on-line questionnaire, we managed to reduce the overall premises figure by 233 at the end of March 2018. In early October 2018 the last phase of premises to target (phase 11) went live. We feel confident that the overall figure of such premises actually trading in any meaningful way will fall by a similar figure to a more tangible 330-340 premises which is more in keeping with council districts of a similar profile to ourselves.

#### **7.3.6 CEO Back to the Floor**

As part of the above CLT initiative the then Chief Executive Dorcas Bunton accompanied a colleague from the Commercial Team on an unannounced food hygiene inspection during August. This proved to be a valuable insight not only into our interaction with businesses but the importance of food safety and the dynamics we consider, plus the wealth of knowledge and technical expertise held within the discipline.

End.

## APPENDIX 1: LINKS WITH COUNCIL'S CORPORATE PLAN 2015-19

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### CP1 Business Growth & Job Creation

The team deliver a front line service that provides a positive opportunity for community engagement and for the Council to interact with local businesses and protect our community. It has been recognised in previous national indicator measurements that food grown and manufactured in an area helps contribute directly to a sense of local identity. The Derbyshire Dales boasts a wealth of start-up and well established food businesses of varying size, many of which have national and international brand recognition. All of which make a contribution to sustainable employment and communities whilst also helping to maintain the draw of significant visitor numbers throughout the calendar year.

We achieve this by:-

- Checking standards of hygiene in food premises to reduce the incidence of food poisonings and the impact that has on lost time from sickness.
- Operate the national Food Hygiene Rating Scheme for food business which helps the public make informed choices about where they eat.
- Interacting at an early stage with large scale event organisers in order to ensure compliance.
- Provide help and advice to new and existing businesses and help sign post them to other regulators as necessary.



### CP4 A Clean and Safe District

The Council has a statutory duty to deliver the services provided by the Commercial Team. Most of the work of the team is based on the preventative side of public health and contributes to keeping Derbyshire Dales 'clean' and 'safe'.

We achieve this by:-

- Checking standards of compliance with food law including cleanliness within food premises and the production of safe food.
- Taking samples of food produced in the District to ensure it is safe.
- Checking standards of hygiene in food premises to help prevent food poisoning.
- Dealing with refuse and waste disposal issues associated with food premises to prevent pests in an area and problems to neighbouring residents.
- Operating the national Food Hygiene Rating Scheme for food businesses which is designed to improve public access to information about food hygiene and food safety standards of food businesses.
- Investigating cases of communicable disease such as food poisoning outbreaks or food related illness to help with control measures and prevent spread of illness in the community.
- Making checks during visits or responding to concerns to ensure premises meet smoke free laws which prevent exposure to the harmful effects of second hand smoke.

### CP5 Continue to Seek Efficiencies and Innovative Working Practices

The Commercial Team led the way on agile working. It is fair to say this is now fully embedded and has become the norm as regards operational practise. Officers are able to access all back office systems from home and any web enabled locations. A hot desk facility is also operational from the Town Hall site; therefore officers have an increased flexibility to their working day, reducing down time and unnecessary mileage whilst promoting greater efficiency.

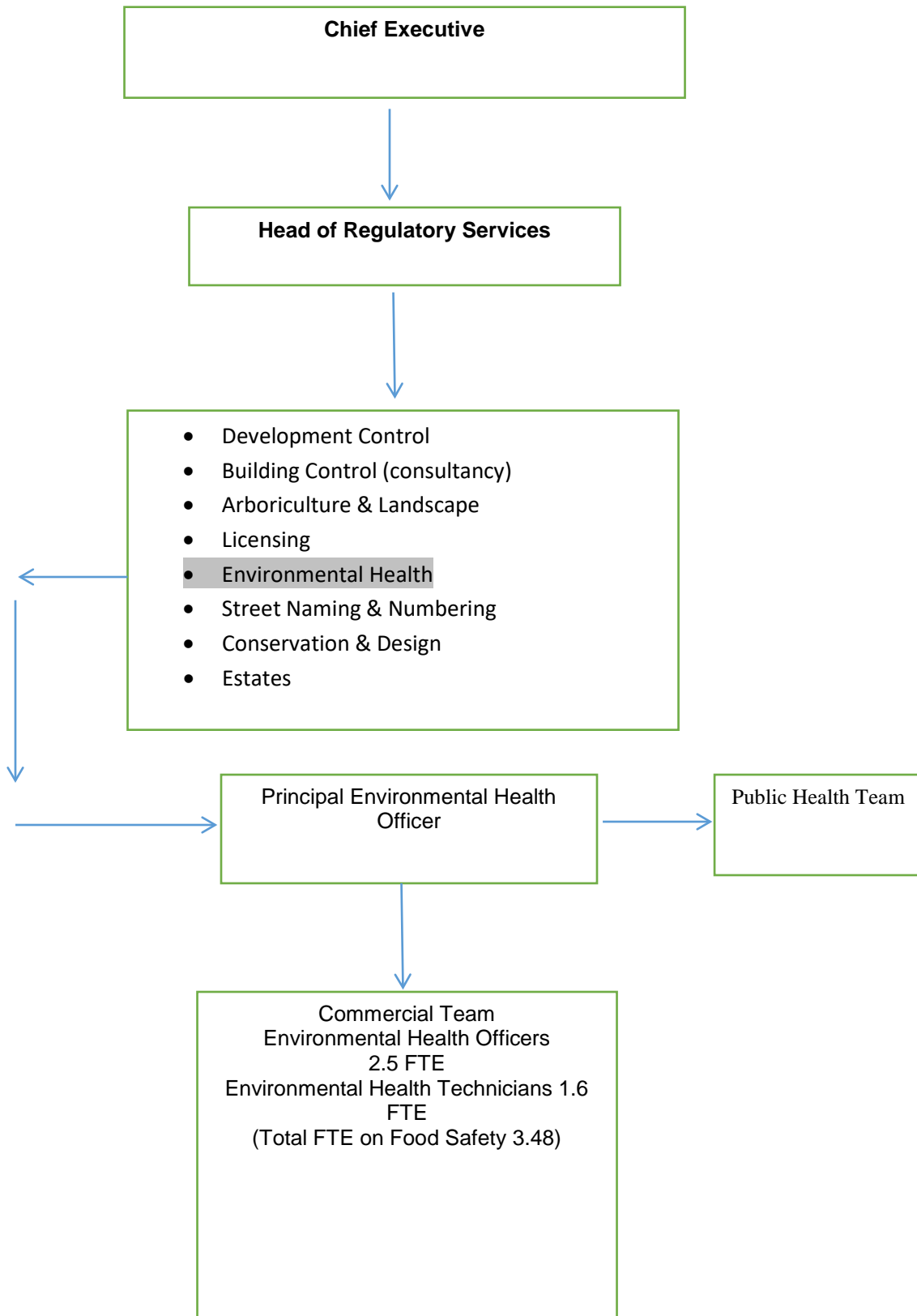
Looking forwards we want to:-

- Fully embrace the Regulating Our Future agenda
- Trial differing inspection techniques for high performing businesses
- Trial new technologies and inspection approaches which are fit for purpose



## APPENDIX 2: ORGANISATIONAL CHART

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## **APPENDIX 3: Regulating Our Future – modernising food regulation in the UK**

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**What is ‘Regulating Our Future’ (ROF) all about?** *The ROF agenda was first muted by the Food Standard’s Agency (FSA) approximately 2 years ago. The FSA recognised the fact that the term ‘food business’ now covered a multitude of differing operational models from that of the traditional high street to internet sales and food brokers etc. whereas the framework for regulation had failed to keep pace. There is a need for change. The ROF model is set to modernise how food businesses in England, Wales and Northern Ireland are regulated and check that our food is safe and is what it says it is. ROF is billed as a dynamic and flexible regulatory approach which can adapt as circumstances change and technology develops in the future.*

### **The five principles of ROF**

- 1 Businesses are responsible for producing food that is safe and what it says it is
- 2 Regulatory decisions should be tailored, proportionate and based on a clear picture of UK food businesses
- 3 Regulators should take into account all available sources of information in respect of a business
- 4 Businesses doing the right thing for consumers should be recognised and action taken against those that do not
- 5 Businesses should meet the cost of regulation, which should be no more than they need to be

### **What are the key areas of focus?**

**Enhanced registration** – *A new on-line registration service that will generate a unique reference number and collect more in-depth data from the FBO is currently in test with a view to a soft in launch March 2019 through to March 2020. In addition a ‘what will happen next’ pathway will be introduced together with improved sign-posting to FSA web based guidance. This unified oversight of all food businesses should enable improvements in risk identification and associated responses, improved consumer protection and better regulatory judgements.*

**Segmentation** – *The development of a more sophisticated ‘risk engine’ which uses a set of business rules to generate a ‘risk score’. The said score will then segment businesses into categories and the category determine the nature, frequency and intensity of any official controls, such as on-site inspection etc. Status – a version of the business rules are currently in test within a prescribed geographical area. It is anticipated such an approach will embrace earned recognition, intensify some activities and where necessary take some businesses out of scope altogether.*

**Sustainable funding** – *A regulatory model which is underpinned by full cost recovery for regulatory activities. Currently the FSA are working with the Cabinet Office Regulatory Futures Review team to shape thinking on ‘regulation’. Efforts are being made to establish baseline costs across the food and delivery landscape in order to fully inform an options appraisal. Other national and internationally recognised charging models are also being considered.*

**Primary Authority National Inspection Strategies (NIS’s)** – *To further enable those local authorities who already have a formal partnership with a ‘multi outlet business’ to decide the frequency, nature and intensity of official controls for that business. Presently a small scale pilot is scoping out how primary authorities might access business compliance data in order to inform their decision making. A comparison exercise has also been carried out as regards desktop outcome ratings compared to physical on-site inspection and associated rating – with the lessons learnt being published in September 2018 and a draft Standard for NIS being launched.*

ROF continues at a pace with LA’s contributing to the process of refinement.

## **APPENDIX 4: SPECIALIST SERVICE PROVIDERS**

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### **FOOD & WATER EXAMINERS**

Public Health England  
Food, Water and Environmental Microbiology Laboratory, York  
Block 10, The National Agri-Food Innovation Campus  
Sand Hutton  
York  
YO41 1LZ

[YorkFWElab@phe.org.uk](mailto:YorkFWElab@phe.org.uk)

General Office Tel: 01904 468 948  
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### **CONSULTANT IN COMMUNICABLE DISEASE CONTROL**

Consultant in Communicable Disease Control  
Public Health Laboratory Birmingham  
Heart of England NHS Foundation Trust  
Bordesley Green East  
Birmingham  
B9 5SS

Duty Clinical Microbiologist Tel: 0121 424 3240  
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**BACK TO AGENDA**

COMMUNITY AND ENVIRONMENT COMMITTEE  
21 FEBRUARY 2019

Joint Report of the Head of Corporate Services and Head of Community and Environmental Services

## **PUBLIC CONVENIENCES – OVER HADDON**

### **PURPOSE OF REPORT**

This report sets out the request from Over Haddon Parish Council for the District Council to take over responsibility for cleaning of the public conveniences.

### **RECOMMENDATION**

1. That a final offer be made to Over Haddon Parish Council to encourage a Community Asset Transfer based on the following formula:  
  
£3,000 one off contribution  
  
£3,782 to contribute to the cost of back log repairs
2. That should the Parish Council decline the offer and remain of the view that it is no longer willing to continue with the cleaning of the toilets, a 3 week period of public consultation is undertaken to assess the potential impact of closure of the facility.
3. That in the event of recommendation 2 being necessary, the Head of Community and Environmental Services is delegated to make a decision on closure in consultation with the Chairman of the Committee.

### **WARDS AFFECTED**

Bakewell

### **STRATEGIC LINK**

The provision of public conveniences as a discretionary service, links to the District Council's Community Strategy, Health and Wellbeing, its aspiration for vibrant market towns and a clean and green district.

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### **1. BACKGROUND**

- 1.1 Council agreed to a number of recommendations as part of its review of public conveniences at meetings held on 8 March and 30 April 2018. All decisions reached were balanced against the need to make financial savings on a discretionary service.
- 1.2 In terms of the facilities at Over Haddon, Council agreed to mitigate the risk of closure by adding a 20p levy for car parking spaces and £1 for coach parking at the pay and display car park adjacent to the toilet facilities. The additional levy was

introduced in August 2019 .The facilities were considered to be fairly well used (43,160 visits per annum) Charging was not considered to be a viable option given the outlying location and increased risk to the Council. Backlog repairs were required for external rendering, internal repairs and lighting.

1.3 The reported cost of running the facilities based on 2017/18 figures was:

Over Haddon car park	Per annum
Repairs	£316.60
Electricity	£120.00
Water	£1,500.00
Business Rates	£1,467.90
Stock	£378.00
Staff	N/A undertaken by parish council
TOTAL	£3,782.50
Backlog Repairs	£6,030.00

1.4 The Head of Corporate Services had previously been given delegated authority (which has now expired) to continue negotiations with willing partners on the prospect of a Community Asset Transfer on terms agreed, which represented a one off payment of £3,000 plus a contribution to backlog repairs equivalent to one year's running costs.

1.5 In meetings with the parish council, the Head of Corporate Services discussed potential terms of a Community Asset transfer. An initial offer was declined.

1.6 The site is unusual however, in that the building containing the public conveniences also houses an electricity substation leased to Western Power. The lease is due to be renewed and a revised offer was made to transfer the income from that lease to the Parish Council to help with the cost of cleaning. This offer was made subject to approval but was nevertheless declined. The Parish Council also asked for advice on any other potential money making initiatives that it could pursue with the Council's consent. The idea of a hot drinks concession was envisaged but not pursued.

1.7 The Parish Council took over cleaning of the public conveniences to mitigate closure when the District Council first reviewed its public conveniences in 2011. The Parish Council employees a member of staff to undertake the work and operates an honesty box. The honesty box is estimated to make a little over £200 per year.

## 2. **POTENTIAL WITHDRWAL OF SUPPORT**

2.1 In a recent email, the parish Council stated:

“Following the Chancellor’s welcome news, Over Haddon Parish Council at its meeting resolved that with the increased fees you are receiving from the car park for the toilet block, renegotiated Sub Station wayleave and now the abolition of a major expense from business rates, you are well placed to take back the cost of the cleaner and keep this essential facility for the tourism in your District open year

round and will welcome your removal of this 40% of the precept cost burden on our parish.”

- 2.2 The reference to the Chancellors news is understood to be the promise to introduce a business rate concession for public ownership of public conveniences. However, this has not yet been enacted and is understood to be for a limited period only of 2 years.
- 2.3 The Head of Community & Environmental Services has provided an estimate to bring back cleaning of the facility in-house. The costs is estimated to be **£12,045.60 per annum** which includes staff time, cleaning materials vehicle and travel costs. As well as the additional costs, the current staffing establishment does not have capacity to deliver this service, so would require an increase in staffing levels. It is worth noting that this is an area of work is extremely difficult to recruit to, even when using employment agencies. Therefore a delay in the delivery of services is probable.
- 2.4 Should closure of the facility be considered, the Estates and Facilities Manager would recommend exploring other potential uses for the building as the surrounding car park would make a freehold sale difficult. The value of the asset inclusive of the substation lease is considered to be in the region of £15,000.

### 3. **CONSIDERATIONS**

- 3.1 The aim of the review of public conveniences was to identify savings to support its Efficiency Plan, prepared in support of the Medium Term Financial Plan. In concluding the review and rationalising its stock to meet those financial needs, Council also adopted a Public Toilet Strategy that aims “to meet the needs of residents and visitors to the Derbyshire Dales through the provision and/or facilitation of clean, safe, accessible and financially sustainable toilets at key locations across the District.”
- 3.2 In terms of financial sustainability the Strategy states that in the future “rationalised stock will have to contribute to its own running costs” and “that running costs will be reviewed on an annual basis to ensure that costs do not exceed the new budget”.2.3 In examining the budget for public conveniences and Over Haddon facilities in particular, it is clear that should the Council take on cleaning of the facilities, it will breach that principle. The Committee is therefore asked to carefully balance the benefit of a public convenience in Over Haddon, with the overall principle of a balanced budget and not making a decision which may reverse the overall aim of the review, albeit for one facility.
- 3.3 Given the financial situation, two options appear worthy of consideration
  - To enhance the offer to the parish council to encourage a Community Asset Transfer
  - Close the facility and consider opportunities for alternative use.

## 4 RISK ASSESSMENT

### 4.1 Legal

The District Council is not legally required to provide public conveniences. There is a duty to consult and a further period of consultation will be required to measure the potential impact of any proposed closures before a final decision is made.

### 4.2 Financial

On 24 January 2019, the Council approved and updated Medium Term Financial Strategy and a new corporate savings target to “achieve corporate savings of £400,000 by 2020/21”.

The Council has a statutory duty to set a balanced budget so, if the Committee were minded to take on the cleaning of Over Haddon Public conveniences, it would be necessary to identify savings or additional income elsewhere to offset the additional, ongoing revenue cost. As the Council does not yet have a plan in place to identify the corporate savings of £400,000 that are required, or the additional savings that would be required if the Council were to take on the cleaning of these conveniences, the financial risk of that course of action is assessed as high.

Should the offer set out in recommendation 1 to this report be accepted by the Parish Council, the one-off sum of £6,782 will be included in the draft capital programme to be considered by Council on 7 March 2019.

## 5 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

## 6 CONTACT INFORMATION

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Ashley Watts, Head of Community and Environmental Services

Tel. 01629 761367

Email: [ashley.watts@derbyshiredales.gov.uk](mailto:ashley.watts@derbyshiredales.gov.uk)

## 7 BACKGROUND PAPERS

Email from Over Haddon Parish Council to Head of Corporate Services

**BACK TO AGENDA**

COMMUNITY AND ENVIRONMENT COMMITTEE  
21 FEBRUARY 2019

Report of Head of Regeneration and Policy

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## **DERBYSHIRE DALES DISTRICT COUNCIL – LOCAL PLANNING AUTHORITY MONITORING REPORT 2017/2018**

### **PURPOSE OF REPORT**

This report fulfils the requirements under Section 35 of the Planning and Compulsory Purchase Act 2004 to prepare a Local Planning Authority Monitoring Report (AMR) setting out the extent to which the District Council is meeting the milestones for Local Plan documents as set out in the Local Development Scheme (LDS) and the extent to which the District Council is monitoring the effectiveness of Local Plan policies, in particular those pertaining to housing and economic development. The Authority Monitoring Report covers the period 1<sup>st</sup> April 2017 to 31<sup>st</sup> March 2018.

### **RECOMMENDATION**

That the contents of the Authority Monitoring Report be approved for publication.

### **WARDS AFFECTED**

All outside the Peak District National Park.

### **STRATEGIC LINK**

The Authority Monitoring Report contains information on the effectiveness of policies in the Adopted Derbyshire Dales Local Plan (2017), many of which directly contribute towards the achievement of the objectives contained in the District Council's Corporate Plan.

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## **1. BACKGROUND**

- 1.1 The Planning and Compulsory Purchase Act 2004 requires every Local Planning Authority to prepare at least annually an Authority Monitoring Report (AMR) containing information on the implementation of the Local Development Scheme (LDS) and the extent to which policies set out within the Local Development Documents are being achieved.
- 1.2 Regulation 34 of the Town and Country Planning (Local Planning) (England) Regulations 2012 ('the Regulations') requires more specifically that the following matters be addressed in the AMR:
  - The title of the Local Plan or Supplementary Planning Documents specified in the Local Development Scheme and a review of proposed



and actual progress in terms of preparation against the timetable and milestones in the LDS;

- An assessment of the extent to which policies in Local Development Documents (Local Plan) are being implemented;
- Where policies specified in a Local Plan are not being implemented, include a statement of the reasons why the local planning authority are not implementing the policy and the steps (if any) that the local planning authority intend to take to secure that the policy is implemented;
- Where a policy in the local plan specifies an annual number of net additional dwellings or net additional affordable dwellings in any part of the local authority's area, the AMR must specify the relevant number for the part of the local planning authority's area concerned in the period in which the report is made and since the policy was first adopted;
- Local Planning Authorities may also use the AMR to provide up to date information on the implementation of Neighbourhood Development Plans: report an update with respect of regulation 62 of the Community Infrastructure Levy and activity relating to the duty to cooperate.

1.3 The National Planning Policy Framework (NPPF) requires that policies in local plans should be reviewed to assess whether they need updating at least once every five years (paragraph 33). The Council's Authority Monitoring Report is the main mechanism for assessing how effectively the Derbyshire Dales Local Plan is being implemented and for dealing with the risks associated with affect delivery of the Plan. The results of such monitoring will identify which policies and implementation measures are succeeding, and which may need some form of revision. As such a review of the Local Plan will be triggered if key targets, such as maintenance of a five year housing land supply are not met over a sustained period.

## **2. AUTHORITY MONITORING REPORT 2017-2018 KEY FINDINGS**

2.1 The Derbyshire Dales Authority Monitoring Report (AMR) covers the period 1<sup>st</sup> April 2017 to 31<sup>st</sup> March 2018 and is set out Appendix 1 for information. It should be noted that for many indicators in this year's AMR, data collected for many policies only cover the period from the Adoption of the Derbyshire Dales Local Plan on 7<sup>th</sup> December 2018 to 31<sup>st</sup> March 2018.

2.2 Section 1 of the AMR sets out the context for the preparation of the AMR and the appropriate regulations.

2.3 Section 2 outlines Local Plan progress against key milestones included in the Councils most recent Local Development Scheme (LDS) which covers the period 2018-2021 and reports upon the examination in public of the Derbyshire Dales Local Plan and its Adoption on 7<sup>th</sup> December 2017.

2.4 Section 3 – 10 of the AMR reports upon the implementation of planning policies contained within the Adopted Derbyshire Dales Local Plan. From the date of Adoption the District Council has formally monitored the effectiveness of Local Plan policies against a series of indicators and targets set out within

Chapter 9 of the Local Plan. The AMR sets out under key themes how effectively the policies have started to be used in the determination of planning applications within the District. A number of these key monitoring areas are important to achieving the Council's corporate policies and to provide evidence to support planning applications, particularly business growth and job creation; and affordable housing. The key findings within the AMR are set out below for consideration:

### **Spatial Strategy**

- 2.5 The Spatial Strategy within the Adopted Derbyshire Dales Local Plan seeks to set out a broad approach to the overall distribution of development across the Plan area and support sustainable development by improving the economic, environmental and social conditions of the area wherever possible. The spatial strategy seeks to direct new development towards the most sustainable locations in accordance with the Settlement Hierarchy set out within policy S2 and within the defined settlement boundaries (Policy S3). Over the monitoring period 2017/2018 the District Council has granted permission for 7 dwellings within tiers 4 'Accessible Settlements with Minimal Facilities' and tier 5 'Infill and Consolidation Villages' of the settlement hierarchy, with 87% of all residential development being granted within the defined settlement boundaries.

### **Housing Delivery**

- 2.6 The NPPF (paragraph 73) sets out that local planning authorities should identify and update annually a supply of specific deliverable sites to provide five years' worth of housing against their requirements.
- 2.7 The adopted Local Plan identifies that the housing requirement for the whole of the Derbyshire Dales, including that part of the Peak District National Park that is situated within Derbyshire Dales for the period 2013-2033 is 5,680 dwellings at a rate of 284 dwellings per annum. Over the monitoring period 2017/18 there has been an overall increase in the number of dwellings completed, with a total of 308 dwellings completed (295 dwellings within the Plan area and 13 dwellings within the Peak District National Park). At 1<sup>st</sup> April 2018 1330 dwellings on allocated sites within the Local Plan had the benefit of planning permission..
- 2.8 The District Council has prepared, and will publish alongside the AMR, a stand-alone Five Year Housing Land Supply Position Statement (December 2018) that sets out all the evidence and data of the District Councils position in terms of housing delivery. For convenience, however, this has been included as Appendix 1 to the AMR. Taking account of the District Councils housing commitments and deliverable sites at the 1<sup>st</sup> April 2018 the District Council has significantly in excess of a five years supply of land for housing, with over seven years' worth of housing land supply.
- 2.9 The 2017/18 AMR housing trajectory sets out how much housing is anticipated to come forward over the Plan period and at what point in the

future. The housing trajectory indicates that 1010 dwellings have been completed between 2013 to 2018 and a further 5606 dwellings will be delivered over the plan period to 2033.

- 2.10 In order to deliver a sufficient supply of homes the revised NPPF published in 2018 introduced the concept of the Housing Delivery Test (HDT) (Paragraph 75). The HDT is a percentage measurement of the number of net homes delivered against the number of homes required over a rolling three year period.
- 2.11 The Ministry for Housing Communities and Local Government (MHCLG) have indicated that the HDT results will be published annually in November. To date the District Council has yet to receive the HDT result from MHCLG, however on the basis of the criteria set out within the HDT Measurement Rule Book it is anticipated that the District Council will PASS the HDT in November 2018 with a score of 114% and continue to pass in subsequent years. However, it should be noted that until such time as MHCLG publish their assessment this cannot be assured and it is considered imperative that the District continues to monitor housing delivery and prepare an Action Plan, which sets out how the District Council will maintain and boost housing supply. A further report will be presented to Members setting out the result of the HDT and the contents of the District Councils Housing Delivery Action Plan. The result of the Housing Delivery Test will be reported verbally if available on the night
- 2.12 In regard to the provision of Self Build Housing, the District Council has not been able to secure any plots from developers during the monitoring year and there is only one entry on part 1 on the Derbyshire Dales Self and Custom Build Register. Whilst the District Council has not secured any plots for self-build within the District over the monitoring period, Officers are still striving to secure a plot through ongoing discussions and negotiations as part of the determination of planning applications for sites allocated within the Local Plan.
- 2.13 The District Council continues to be successful in bringing forward affordable housing, with 88 net affordable dwellings completed over the monitoring period, with 31 dwellings secured for affordable housing through Section 106 agreements on site and £1,003,302.26 secured through Section 106 agreements for affordable housing contributions off site. Monitoring data for 2017/18 indicates that the requirement of 30% affordable housing on developments of 11 or more dwellings has not been met in all instances, due to other material considerations that existed which resulted in a reduction of the delivery of onsite affordable housing. However policy HC4 does allow flexibility in exceptional circumstances for provision to be made off site or by way of a financial contribution.
- 2.14 The District Council is required to provide a minimum of 9 pitches for gypsy and Travellers under the provisions of Policy HC6 of the Adopted Local Plan. Derbyshire County Council advised in April 2018 that the site at Watery Lane in Ashbourne allocated in the Local Plan was no longer available. As Members are aware the District Council has subsequently undertaken a

comprehensive site identification and evaluation exercise to consider the potential for an alternative Gypsy & Traveller site within the Derbyshire Dales. The District Council has in the short term identified a temporary site at Tinti's Yard, off Station car park, Matlock Bath until a more suitable permanent site is identified.

- 2.15 Under the provisions of Policy HC11 residential developments of 11 or more are to accord with a prescribed housing bedroom mix on site for both open market and affordable housing. The AMR indicates that over the monitoring period the District Council have not achieved this target on all permissions granted. The analysis of site permissions reveal that many of the sites were initially granted outline permission prior to the formal adoption of the Local Plan whereby the policy did carry sufficient weight through determination. Other material considerations and phasing timescales of large developments on a site by site basis have affected the delivery of achieving the prescribed housing mix. The District Council is working closely with developers and landowners through pre-application discussions to achieve a mix on site that meets the requirements of the policy.
- 2.16 The Derbyshire Dales has a significant proportion of populations of elderly persons and recognises the need to provide housing for older people within the District. The AMR reports that between 7<sup>th</sup> December 2017 and 31<sup>st</sup> March 2018 the District Council granted two minor applications for elderly/dependant person's accommodation to meet existing needs.

### **Brownfield Land Register**

- 2.17 The Town and County Planning (Brownfield Land Registers) Regulations 2017 came into force in April 2017, with detailed guidance published on 28 July 2017. The Regulations required each local planning authority to prepare and publish a Register of Previously Developed Land (Brownfield Land) by 31<sup>st</sup> December 2017, and maintain it annually thereafter. Part 1 of the Brownfield Land Register 2017/18 recorded 28 sites with potential for 3147 dwellings. Eleven are allocated in the Local Plan, fourteen sites have planning permission and five sites have a planning permission pending.
- 2.18 The Brownfield Land Register is updated annually and the position as at 31<sup>st</sup> December 2018 is that the Register contains 24 sites with a total of 2938 dwellings. A copy of the sites that make up the Brownfield Land register is set out in Appendix 2 to this report. .

### **Employment Land Delivery**

- 2.19 The adopted Derbyshire Dales Local Plan (2017) sets out that the Council will make provision for at least 24 hectares over the Plan period on new allocated sites in the Local Plan. The Local Plan identifies a number of strategic sites which will deliver mixed use developments and a proportion of the employment land.

- 2.20 The Local Plan requires the District Council to deliver 0.75 hectares of employment land each year. The District Council has achieved the target and delivered 0.92 ha's of employment land over the monitoring period 2017/18. The new employment floorspace completed over the monitoring period was for B1 offices in Ashbourne and B8 storage and distribution units located in Brailsford and Darley Dale.
- 2.21 The Derbyshire Dales Local Plan allocates eight sites for employment land delivery under Policy EC2 of the plan period. The AMR provides an update of progress made for site delivery over the monitoring period and indicates that the District Council has worked very closely with landowners/developers and agencies to secure planning permission (and where available support external funding bids) for employment and mixed uses on key strategic sites over the last year and key infrastructure permissions to support these developments. Key sites progress include Ashbourne Airfield, Halldale quarry, Cawdor Quarry and Land at Middleton Road.

### **Retail Development, Town and Local Centres**

- 2.22 Policy EC6: Town & Local Centres requires the District Council to monitor and record the amount of floorspace for town centre uses to ensure an appropriate mix of uses is retained. The AMR reports that the vacancy rates in Ashbourne (8%) & Matlock (5.9%) Town Centres are lower than the prevailing national average retail level in the UK (13.2%). Wirksworth Town centre vacancy rate was reported slightly higher at 18.4%. Further observations recorded as part of the surveys revealed reasons for units being vacant, including changes of use and conversion of existing retail premises to other uses such as residential or currently being refurbished (6%); some properties clearly were being marketed (6%) and a small proportion (5%) were vacant with no agent or signs of activity. Vacancy rates in the District and Local Centres were all recorded below the prevailing national vacancy rates.
- 2.23 The District Council is maintaining relatively high proportions, of A1 uses within the primary shopping frontages of Ashbourne (62%), Matlock (85%) and Wirksworth (56%) town centres in accordance with Policy EC7 of the Local Plan.
- 2.24 Following Council, the AMR report and appendices including the housing position statement and housing trajectory will be published on the District Council's website.

### **Community Infrastructure Levy**

- 2.25 The AMR sets out that, as per the Council resolution on 5<sup>th</sup> December 2018 (Minute 271/18) that because of the potential detrimental impact upon the financial viability of development across the local planning authority area the District Council has suspended work on the implementation of a Derbyshire Dales Community Infrastructure Levy.

2.26 For information, the Government published on 20<sup>th</sup> December 2018 a technical consultation on draft regulations, which confirms its intentions to include in Regulation the lifting completely of all pooling restrictions. The consultation also indicates that the Government proposes to introduce a requirement for all local authorities to publish an annual Infrastructure Funding Statement which reports on revenues from developer contributions and the way in which those revenues have been applied. It is anticipated that such a Statement would be included within future Authority Monitoring Reports.

### **3. RISK ASSESSMENT**

#### **3.1 Legal**

The proposals accord with the provisions of the relevant legislation, accordingly the legal risk is low.

#### **3.2 Financial**

There are no financial risks arising from this report.

#### **3.3 Corporate Risk**

The failure to comply with Government policy advice would constitute a strategic risk to the Council. However, the overall degree of risk is considered to be low.

### **4 OTHER CONSIDERATIONS**

In preparing this report the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

### **5 CONTACT INFORMATION**

Tel: 01629 761241

### **6 BACKGROUND PAPERS**

<b>Description</b>	<b>Date</b>	<b>Location</b>
Planning and Compulsory Purchase Act	13th May 2004	G/5/P2
Localism Act 2011	15th November 2011	G/5/P2
Town and Country Planning (Local Development) (England) Regulations 2012	6th April 2012	G/5/P2
National Planning Policy Framework and Planning Practice Guidance	24 <sup>th</sup> July 2018	G/5/P2
Derbyshire Dales Local Plan	Adopted December 2017	G/5/P2

## **7 ATTACHMENTS**

Appendix 1 – Derbyshire Dales Authority Monitoring Report 2017/18 (PUBLISHED SEPARATELY)

Appendix 2 – Summary of Brownfield Land Register December 2018.

**BACK TO AGENDA**

**Brownfield Land Register 2018: as published on the website December 2018:** <http://www.derbyshiredales.gov.uk/planning-a-building-control/planning-policy/brownfield-land-register>

Site & Map	SHLAA reference	Site Area (hectares)	Capacity	Local Plan Allocation	Planning Application
<a href="#">Dove Service Station, Ashbourne</a>	SHLAA583	1.09	41		<a href="#">16/00700/OUT</a>
<a href="#">Former Mirage Hotel, Ashbourne</a>	SHLAA204	0.41	20	HC2 (b)	
<a href="#">Land At Ashbourne Airfield, Phase 1</a>	SHLAA266	17.87	367	HC2 (c)	<a href="#">14/00074/OUT</a>
<a href="#">Land At Ashbourne Airfield, Phase Two</a>	SHLAA500	58.6	1100*	HC2 (d)	
<a href="#">The Mount, 4 North Avenue, Ashbourne</a>	SHLAA7	0.32	14		<a href="#">09/00496/FUL</a>
<a href="#">Dairy House, Brailsford</a>	SHLAA584	0.55	19		<a href="#">17/00015/FUL</a>
<a href="#">Stancliffe Quarry, Darley Dale</a>	SHLAA281	10.16	100***	HC2 (m)	
<a href="#">Old Hall Farm, Marston Montgomery</a>	SHLAA279	0.98	22		<a href="#">16/00182/OUT</a> <a href="#">17/00498/REM</a>
<a href="#">Land at RBS, Matlock</a>	SHLAA344	0.35	24	HC2 (u)	
<a href="#">Land at Cawdor Quarry, Former Permanite Works</a>	SHLAA49/384	16.88	482	HC2 (t) & HC2 (y)	<a href="#">08/00705/FUL</a> <a href="#">16/00923/OUT</a> <a href="#">17/00294/FUL</a>
<a href="#">Harveydale Quarry, Matlock</a>	SHLAA199	1.16	17		<a href="#">17/00934/OUT</a>
<a href="#">Land at Halldale Quarry, Matlock</a>	SHLAA435	15.66	220	HC2 (v)	<a href="#">14/00541/OUT</a> <a href="#">14/00541/DCOND</a>
<a href="#">Trevelyan House, Matlock</a>	SHLAA141	0.98	11		<a href="#">17/00852/FUL</a>
<a href="#">Dimple Nursery, Matlock</a>	SHLAA617	0.29	12		<a href="#">17/00003/FUL</a>
<a href="#">Riber Castle, Riber</a>	SHLAA52	2.9	47		<a href="#">04/07/0609</a>
<a href="#">Tansley Wood Mills, Lumsdale Road, Tansley</a>	SHLAA80	3.52	42		<a href="#">08/00261/FUL</a>
<a href="#">Whitelea Nursery, Tansley</a>	SHLAA478	1.04	27	HC2 (aa)	<a href="#">17/00850/FUL</a>
<a href="#">Ladygrove Mill, Two Dales</a>	SHLAA432	0.88	24		<a href="#">11/00545/EXF</a> <a href="#">13/00749/VCOND</a>
<a href="#">Chequers Farm, Millers Green, Wirksworth</a>	SHLAA83	3.28	10		<a href="#">08/00286/FUL</a>
<a href="#">Haarlam Mill, Wirksworth</a>	SHLAA217	3.3	30		<a href="#">15/00395/FUL</a>
<a href="#">Land at Middleton Road Quarry, Wirksworth</a>	SHLAA269	9.46	151	HC2 (cc)	<a href="#">18/00741/OUT</a>
<a href="#">Land at Middle Peak Quarry, Wirksworth</a>	SHLAA473	61.51	645**	HC2 (dd)	
<a href="#">The Firs, Wyaston</a>	SHLAA305	2.1	9		<a href="#">16/00340/OUT</a> <a href="#">18/00699/REM</a>
<a href="#">Mushroom Farm, Rodsley Lane, Yeaveley</a>	SHLAA572	0.62	9		<a href="#">16/00587/FUL</a>
Totals:	24 sites	213.91ha	2938****	11 allocated	19

\*Development at this site will extend beyond 2033, assumed completion of circa 800 dwellings 2017-2033.

\*\*Development at this site will extend beyond 2033, assumed completion of circa 540 dwellings 2017-2033.

\*\*\*Development at this site is recognised as not "deliverable" as defined by paragraph 5, Schedule 2 of the 2017 Brownfield Land Regulations as "there is no reasonable prospect that residential development will take place on the land within 5 years of the entry date".

\*\*\*\* allows for the deduction of \*. \*\*. \*\*\*



COMMUNITY AND ENVIRONMENT COMMITTEE  
21 FEBRUARY 2019

Report of the Head of Regeneration and Policy

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## **RESIDENTS ONLINE PANEL SURVEY RESULTS**

### **PURPOSE OF REPORT**

A Derbyshire Dales residents' survey was undertaken in October/November 2018, using the Council's Online Panel. The report presents the results of the survey and the implications for the District Council's service and financial planning.

### **RECOMMENDATION**

Areas of satisfaction and dissatisfaction highlighted by the Online Panel Survey are noted.

### **WARDS AFFECTED**

All

### **STRATEGIC LINK**

Finding out how satisfied residents are with the District Council, its services and the quality of life in the Derbyshire Dales, underpins the aim for a clean, safe and thriving District. By listening to residents the District Council helps fulfil the values set out in its Corporate Plan.

The survey provides important feedback on the performance of services and suggests areas for improvement, which will support service planning for 2019/20.

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## **1 SUMMARY**

- 1.1 94% of respondents are satisfied with their local area as a place to live. This is notable as nationally, resident satisfaction levels are declining. Satisfaction with waste and recycling collection and parks and open spaces remains high. However, there remains a need to monitor performance in these and other areas.

## **2 RESIDENTS ONLINE PANEL**

- 2.1 The Derbyshire Dales Online Panel was introduced in Autumn 2016 and replaced the former Citizens Panel. It comprises more than 700 residents who have opted to receive periodic surveys from the District Council by email.

- 2.2 The Online Panel is a self-selecting sample so is not fully representative of the District's population as a whole. It provides only a snapshot in time of the views of a limited number of residents, and the Online Panel alone does not constitute comprehensive consultation. For larger service or policy changes, the Online Panel is only one of a number of consultation methods used by the District Council to seek views. Nevertheless, as a rapid and insightful means of gathering and tracking opinions, the Online Panel is a valuable tool.
- 2.3 This report uses the findings from the Local Government Association's October 2018 national survey, *Resident satisfaction with councils*, for benchmarking the Council's performance during 2018/19. The LGA's survey uses six key indicators to measure how satisfied residents are with their local area and council. The majority of respondents to the LGA survey gave positive satisfaction ratings in October 2018, with the exception of value for money. The yearly average results for these key indicators for the last six years (2013 to 2018) have shown **year on year decline in satisfaction** over that period at the national level.

### 3 SATISFACTION SURVEY SEPTEMBER 2018 - RESULTS

- 3.1 The Online Panel Survey was sent to 705 residents in October 2018; 336 people (49%) responded by the closing date in November. As the year on year data in the table below shows, the survey consistently achieves a high response rate but there is scope to increase the number of residents taking part. How this will be addressed is set out in section 4.4 below.

	2016	2017	2018
Total Online Panel	714	724	705
No. of respondents	354	321	336
Response rate	50%	44%	49%

- 3.2 The 2018 survey comprised questions previously prescribed by the Government in the former Place Survey plus additional questions about the local area and customer services. The survey included both 'satisfaction' and 'quality of life' questions, with a particular focus on residents' perceptions of their local area and their satisfaction with services provided by the District Council.
- 3.3 The Online Panel Survey did not include residents' perceptions of services provided by other organisations, so these results are in the main only relevant to Derbyshire Dales District Council.

#### The Derbyshire Dales as a place to live

- 3.4 Residents were asked how satisfied they were with the local area within 15 - 20 minutes walking distance from their homes. In the Derbyshire Dales, residents' overall satisfaction with their local area remains very high at 94%, particularly when compared to a national overall satisfaction rate of 78% which itself has fallen from 82% in 2017.

PI	Question / Indicator	LGA 2016	LGA 2017	LGA 2018	2016	2017	2018
NI 5	% who are satisfied with their local area as a place to live	86%	82%	78%	93%	93%	94%

### Satisfaction with the District Council overall

3.5 Residents were asked whether they were satisfied with the services that the District Council provides: this is the key satisfaction measure for any council. A satisfaction rating of 68% for Derbyshire Dales residents, although lower than in 2017, is higher than the national rate of 61%.

PI	Question / Indicator	LGA 2016	LGA 2017	LGA 2018	2016	2017	2018
POL9	% who are satisfied with the services Derbyshire Dales District Council provides	68%	65%	61%	76%	74%	68%

### Value for money

3.6 District Council tax costs the average household in Derbyshire Dales approximately 56p per day. When provided with this figure, three fifths (60%) of respondents agreed that the District Council provides value for money. Whilst this is lower than the previous two years, it is significantly higher than the national overall rate of 44%, which has fallen from 50% in 2017.

PI	Question / Indicator	LGA 2016	LGA 2017	LGA 2018	2016	2017	2018
POL8	% who agree that the District Council provides value for money	49%	50%	44%	68%	68%	60%

### Local Decision Making

3.7 Residents were asked if they agreed that they could influence decisions affecting their local area. A quarter of respondents (25%) agreed that they can influence decisions made in their local area.

PI	Question / Indicator	2016	2017	2018
NI 4	% who feel they can influence decisions affecting their local area	26%	26%	25%

### Keeping Residents Informed

3.8 Residents were asked if they felt well informed about the services and benefits the Council provides. 83% of respondents felt well informed about the services and benefits the District Council provides, which is significantly higher than the national rate of 58%, and appears to have increased.

Question / Indicator	LGA 2016	LGA 2017	LGA 2018	2016	2017	2018
% who feel well informed about services and benefits the District Council provides	66%	63%	58%	77%	72%	83%

## Local identity

- 3.9 Respondents were asked which of a range of areas they identified with most closely. The majority of respondents identified most closely with their immediate locality and district, with over a third of respondents (37%) identifying most closely with their town or village and a further quarter (26%) with the Derbyshire Dales. 20% identified most closely with the Peak District.

Relatively few residents identified most closely with Derbyshire, the East Midlands or the country as a whole.

Question / Indicator	2018
Which of these do you feel you identify with most closely?	
Derbyshire Dales	25.75%
Your town / village	37.13%
Peak District	20.36%
Derbyshire	11.38%
East Midlands	1.50%
England or UK	2.10%
Other	1.80%

## Community Safety

- 3.10 Residents were asked if they felt safe when outside in their local area during the day and after dark. Derbyshire Dales is very strongly perceived as a safe place, with 84% of respondents feeling safe when outside in their local area after dark and 97% feeling safe when outside during the day.

PI	Question / Indicator	LGA 2016	LGA 2017	LGA 2018	2016	2017	2018
CDCS 05	How safe or unsafe do you feel when outside in your local area during the day	94%	95%	93%	97%	99%	97%
CDCS 06	How safe or unsafe do you feel when outside in your local area after dark	79%	76%	76%	81%	90%	84%

## Satisfaction with District Council services

3.11 Residents were asked how satisfied they were with a range of specific services provided by the District Council. This year, two additional service areas were included – access to affordable housing and housing advice / homelessness services.

Question / Indicator	LGA 2016	LGA 2017	LGA 2018	2016	2017	2018
<i>% satisfied with....</i>						
Sport and leisure facilities	62%	63%	59%	57%	63%	51%
Parks and open spaces	-	-	-	80%	83%	78%
Keeping areas including highways free from litter	71%	69%	65%	65%	62%	57%
Waste & recycling collections	79%	78%	76%	82%	82%	80%
Access to affordable housing*	-	-	-	-	-	10%
Housing advice / homelessness services*	-	-	-	-	-	5%

\*These service areas were not previously included in this survey

Respondents remain satisfied overall with the District Council's performance at keeping areas including highways free from litter (57%); however satisfaction rates have fallen since 2017 in line with the national pattern.

Satisfaction with sport and leisure facilities has declined to 51%. However, nearly 46% of respondents to this question were neither satisfied nor dissatisfied with facilities or responded 'don't know' – both perhaps reflecting the fact that sport and leisure facilities are not used by every resident. Dissatisfaction with sport and leisure facilities remains low, at around 6%.

Satisfaction levels with regard to parks and open spaces (78%), and with waste and recycling collections (80%), remain high.

Whilst satisfaction levels with regards to access to affordable housing appear low at 10%, it should be noted that a quarter of respondents were neither satisfied nor dissatisfied and almost 41% (120) of respondents to the question responded 'don't know'.

Satisfaction levels with regards to housing advice / homelessness services appear very low at 5%. Again, it should be noted that the majority of residents will not have been in need of these services hence almost 62% of 312 respondents to the question responded 'don't know'.

## Council powers and funding

3.12 This question was recently introduced in the Local Government Association's annual survey, *Resident satisfaction with councils*. It seeks to gauge the extent to which respondents agreed or disagreed with a series of statements about local government powers and funding.

Results show overall support from residents in the Derbyshire Dales for councils to have greater control of their funding and the powers they can exercise to improve local areas and services.

Question / Indicator	LGA 2018	2018
Councils should have more control over local taxes such as council tax and business rates	71%	80%
Councils should have more financial freedoms and powers to build new homes	77%	75%
Local councils should have the powers and funding to integrate employment, skills, apprenticeships and business support in their area	89%	86%

## Customer services

3.13 This year, the Online Panel survey included a question on residents' satisfaction with key customer services. The District Council's customer service standards were included as part of this question:

*We aim to -*

- *Treat you fairly and equally*
- *Provide a pleasant and courteous service at all times*
- *Be helpful and responsive*
- *Provide you with good quality information about our services.*

Satisfaction levels were high for ease of contact with the Council (76%) and the quality of the Council's website (73%). Around two thirds of respondents were satisfied with ease of payment methods, and 3 out of 5 were satisfied with the Council's responsiveness to their enquiries.

Question / Indicator	2018
Ease of contact with the Council	76%
Quality of the Council website	73%
Ease of payment methods	66%
Our responsiveness to your enquiries	59%

## **4 ANALYSIS OF FINDINGS AND ACTIONS**

- 4.1 With regard to quality of life indicators, the Derbyshire Dales performs well. People are satisfied with their local area as a place to live, and satisfied with the cleanliness of public areas. People feel very safe when outside during the day and after dark.
- 4.2 The results indicate that the District Council as a whole appears to provide good value for money, and that satisfaction with both parks and waste/recycling score particularly strongly. There has, however been a decrease in the satisfaction rating for some services. Whilst it is unclear from the responses the reasons for this decrease, analysis of the data shows that there has been a notable fall in the level of responses on those specific services, and levels of *dissatisfaction* remain low.
- 4.3 As noted at 2.2 above, the Online Panel is a self-selecting sample and not fully representative of the District's population. The following improvements have been identified with the aim of boosting the numbers recruited to the Panel, particularly younger people, and ensuring that the Dales community receives feedback on consultation.
- a. Using the Corporate Plan survey (as reported to Council on 5 December 2018) to recruit new panel members with a focus on younger people
  - b. Every District Council survey hosted online now includes a link for people to directly register for the Online Panel if they choose
  - c. A regular article in Dales Matters to publicise the Online Panel
  - d. Every consultation will include details of where the results will be published online and what has been decided/actioned as a consequence
  - e. Working with staff and contractors to encourage their younger customers to join the Online Panel if they choose.

## **5 RISK ASSESSMENT**

### **5.1 Legal**

The Online Panel survey was carried out in accordance with good consultation practice. The legal risk is assessed as being low.

### **5.2 Financial**

There are no financial risks arising directly as a result of this report. However, it is noted that areas of relatively poor satisfaction (sports and leisure facilities, public conveniences, and markets) have received significant financial investment in previous years.

## **6 OTHER CONSIDERATIONS**

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

## **CONTACT INFORMATION**

Lynne Cheong on 01629 761100 or email: [lynne.cheong@derbyshiredales.gov.uk](mailto:lynne.cheong@derbyshiredales.gov.uk)

## **BACKGROUND PAPERS**

Council, November 2017, Residents Online Panel Survey Results  
Local Government Association, Polling on resident satisfaction with councils,  
October 2018:

<https://www.local.gov.uk/polling-resident-satisfaction-councils-october-2018>

## **ATTACHMENTS**

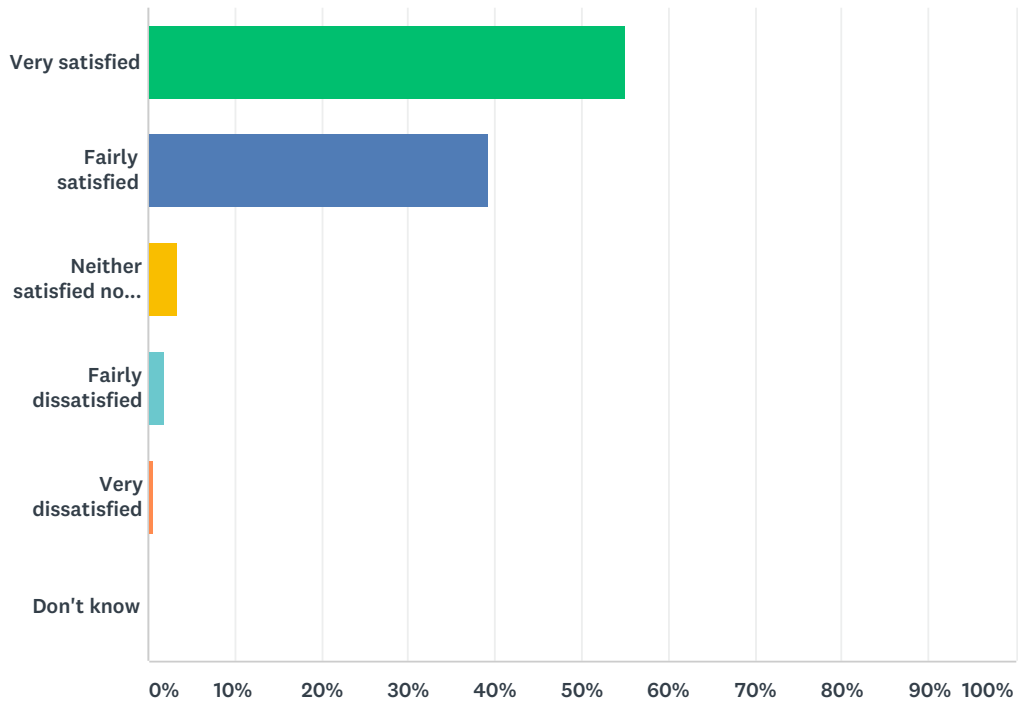
Appendix 1 Online panel survey results, October 2018

**BACK TO AGENDA**



**Q1 Overall, how satisfied or dissatisfied are you with your local area as a place to live? Please consider your local area to be the area within 15 – 20 minutes walking distance from your home**

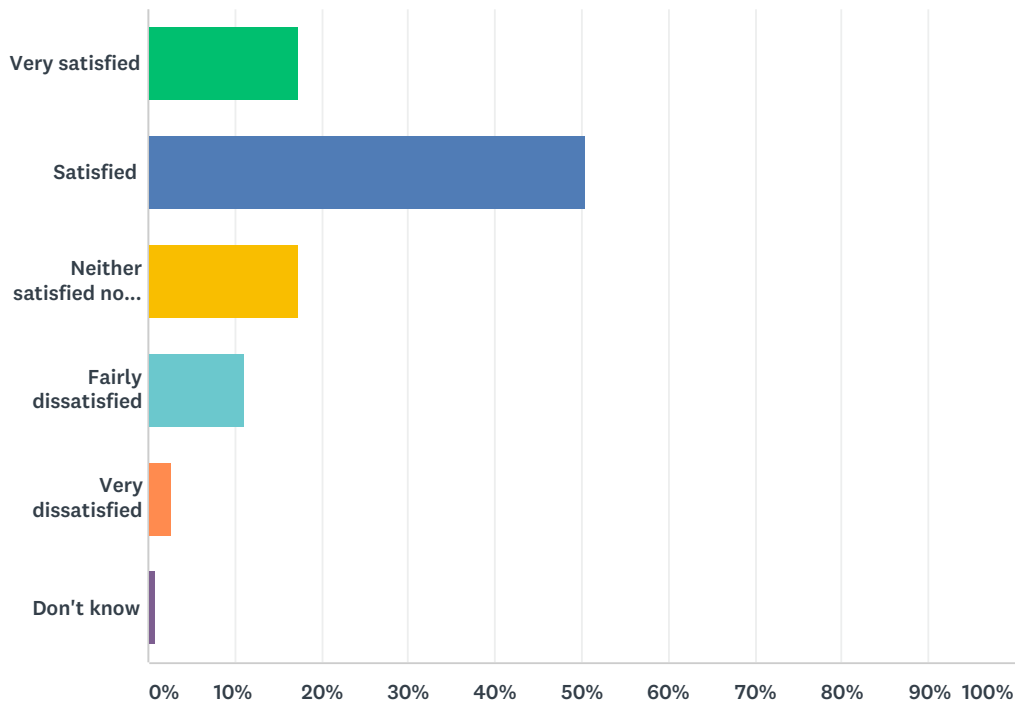
Answered: 335 Skipped: 1



ANSWER CHOICES	RESPONSES	
Very satisfied	54.93%	184
Fairly satisfied	39.40%	132
Neither satisfied nor dissatisfied	3.28%	11
Fairly dissatisfied	1.79%	6
Very dissatisfied	0.60%	2
Don't know	0.00%	0
<b>TOTAL</b>		<b>335</b>

Q2 Your local area receives services from two councils, Derbyshire Dales District Council and Derbyshire County Council. This survey asks about Derbyshire Dales District Council which is responsible for services such as refuse collection, street cleaning , planning (excluding Peak District National Park area), housing, leisure facilities, environmental health, parks and gardens. Overall, how satisfied or dissatisfied are you with the services Derbyshire Dales District Council provides?

Answered: 333 Skipped: 3

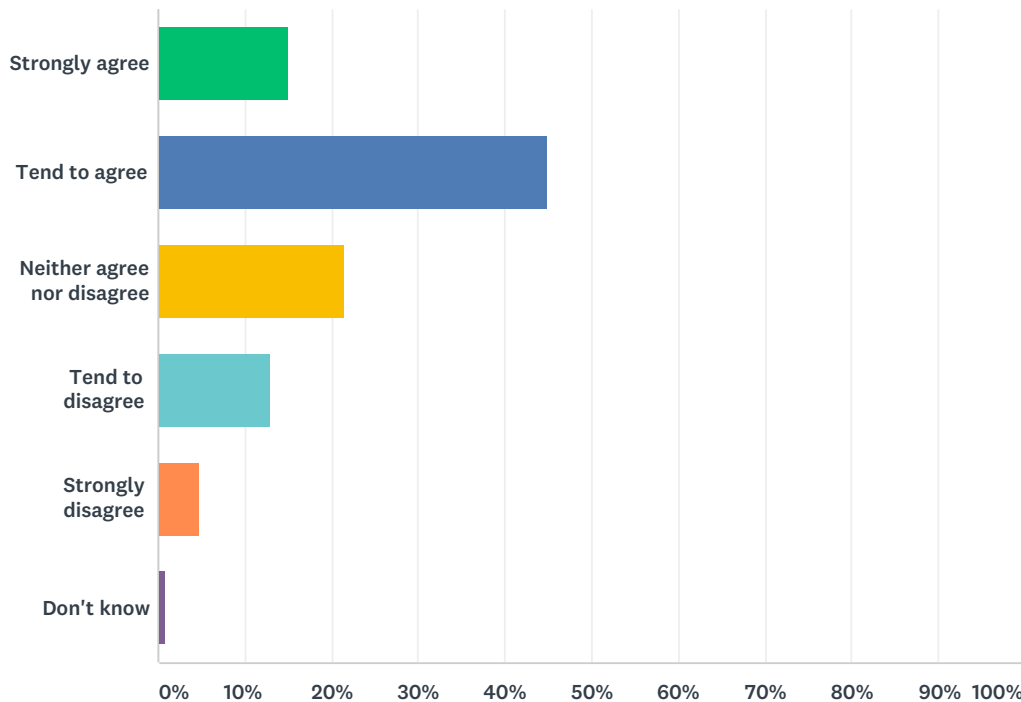


ANSWER CHOICES	RESPONSES	
Very satisfied	17.42%	58
Satisfied	50.45%	168
Neither satisfied nor dissatisfied	17.42%	58
Fairly dissatisfied	11.11%	37
Very dissatisfied	2.70%	9
Don't know	0.90%	3
<b>TOTAL</b>		<b>333</b>

Q3 In considering the next question, please think about the range of services Derbyshire Dales District Council provides to the community as a whole, as well as the services your household uses. It does not matter if you do not know all of the services the council provides to the community.

We would like your general opinion. Council tax costs the average household in the Dales approximately 56p per day. To what extent do you agree or disagree that your local council provides value for money?

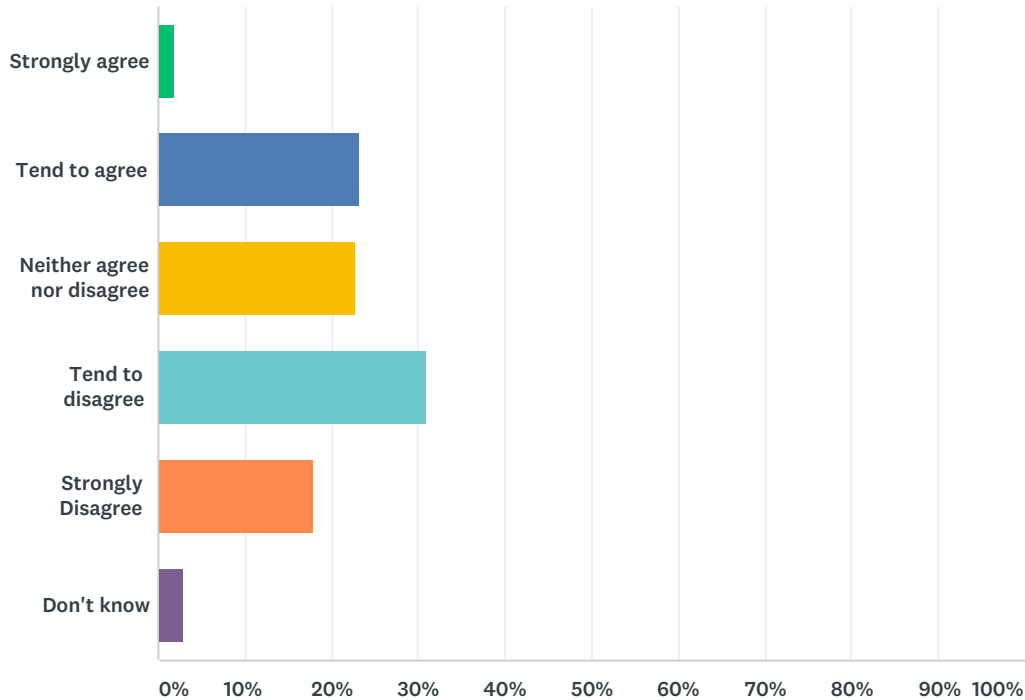
Answered: 334 Skipped: 2



ANSWER CHOICES	RESPONSES	
Strongly agree	14.97%	50
Tend to agree	44.91%	150
Neither agree nor disagree	21.56%	72
Tend to disagree	12.87%	43
Strongly disagree	4.79%	16
Don't know	0.90%	3
<b>TOTAL</b>		<b>334</b>

Q4 Derbyshire Dales District Council makes decisions which may affect the whole district as well as the services the Council provides for its communities. We invite people's views on key issues through a range of methods such as consultation and Area Forums so your feedback can make a difference. Do you agree or disagree that you can influence Council decisions affecting your local area?

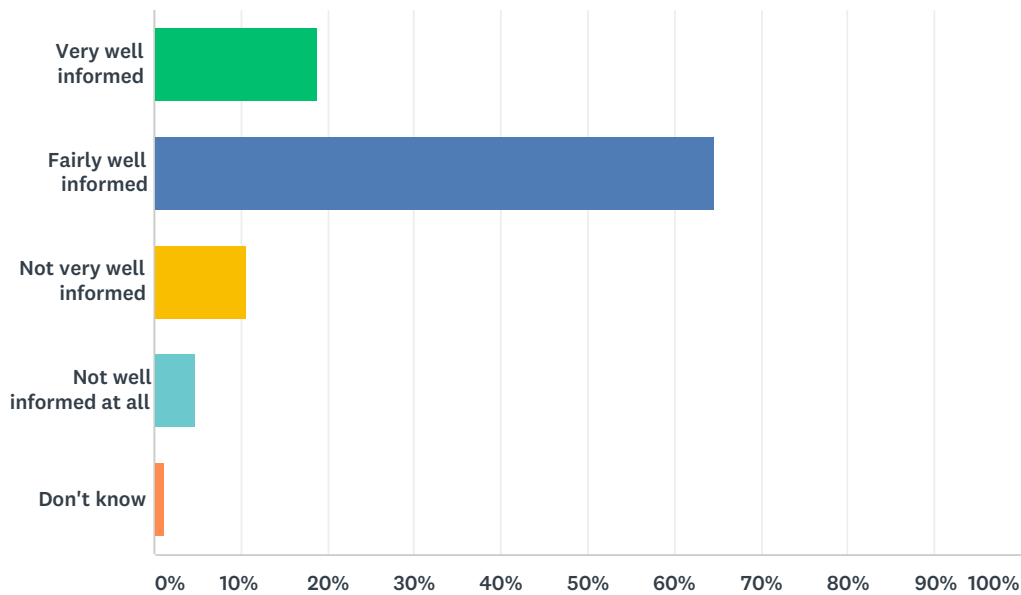
Answered: 332 Skipped: 4



ANSWER CHOICES	RESPONSES	
Strongly agree	1.81%	6
Tend to agree	23.19%	77
Neither agree nor disagree	22.89%	76
Tend to disagree	31.02%	103
Strongly Disagree	18.07%	60
Don't know	3.01%	10
<b>TOTAL</b>		<b>332</b>

Q5 We keep you informed using a range of methods, such as our website, Dales Matters, social media such as Facebook and Twitter, Area Forums, live streaming Council meetings, e-newsletters. Overall, how well informed do you think Derbyshire Dales District Council keeps residents about the services and benefits it provides?

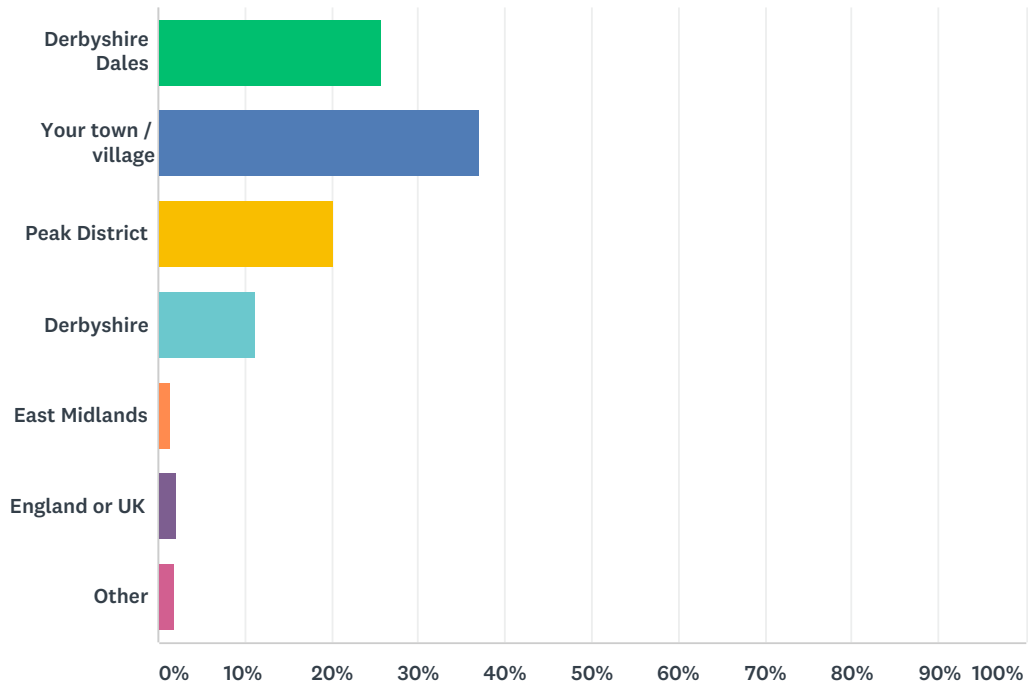
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ANSWER CHOICES	RESPONSES	
Very well informed	18.75%	63
Fairly well informed	64.58%	217
Not very well informed	10.71%	36
Not well informed at all	4.76%	16
Don't know	1.19%	4
<b>TOTAL</b>		<b>336</b>

## Q6 Which of these do you feel you identify with most closely?

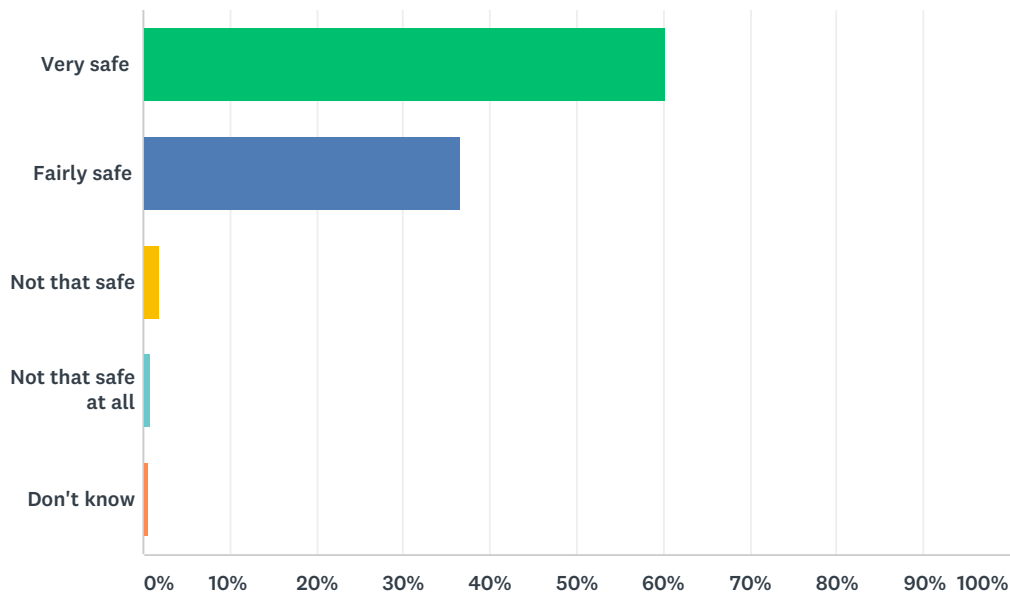
Answered: 334 Skipped: 2



ANSWER CHOICES	RESPONSES	
Derbyshire Dales	25.75%	86
Your town / village	37.13%	124
Peak District	20.36%	68
Derbyshire	11.38%	38
East Midlands	1.50%	5
England or UK	2.10%	7
Other	1.80%	6
<b>TOTAL</b>		<b>334</b>

**Q7 Derbyshire Dales Community Safety team works to prevent and reduce crime and anti-social behaviour in the District. How safe or unsafe do you feel when outside in your local area during the day? Please consider your local area to be the area within 15 – 20 minutes walking distance from your home**

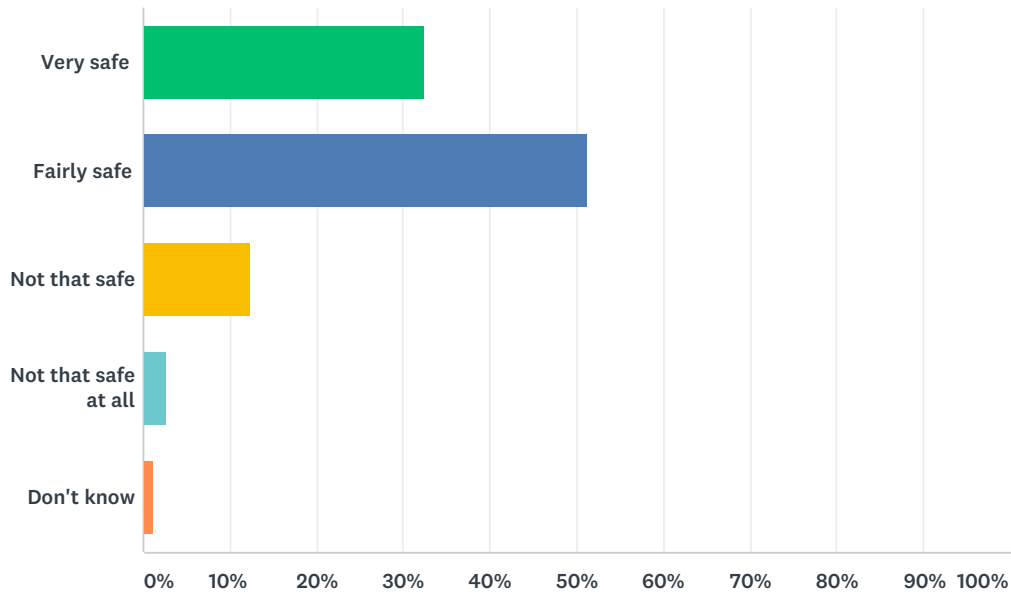
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ANSWER CHOICES	RESPONSES	
Very safe	60.18%	201
Fairly safe	36.53%	122
Not that safe	1.80%	6
Not that safe at all	0.90%	3
Don't know	0.60%	2
<b>TOTAL</b>		<b>334</b>

**Q8 How safe or unsafe do you feel when outside in your local area after dark? Please consider your local area to be the area within 15 – 20 minutes walking distance from your home**

Answered: 330 Skipped: 6



ANSWER CHOICES	RESPONSES	
Very safe	32.42%	107
Fairly safe	51.21%	169
Not that safe	12.42%	41
Not that safe at all	2.73%	9
Don't know	1.21%	4
<b>TOTAL</b>		<b>330</b>



## Q9 How satisfied are you with the following services provided by Derbyshire Dales District Council?

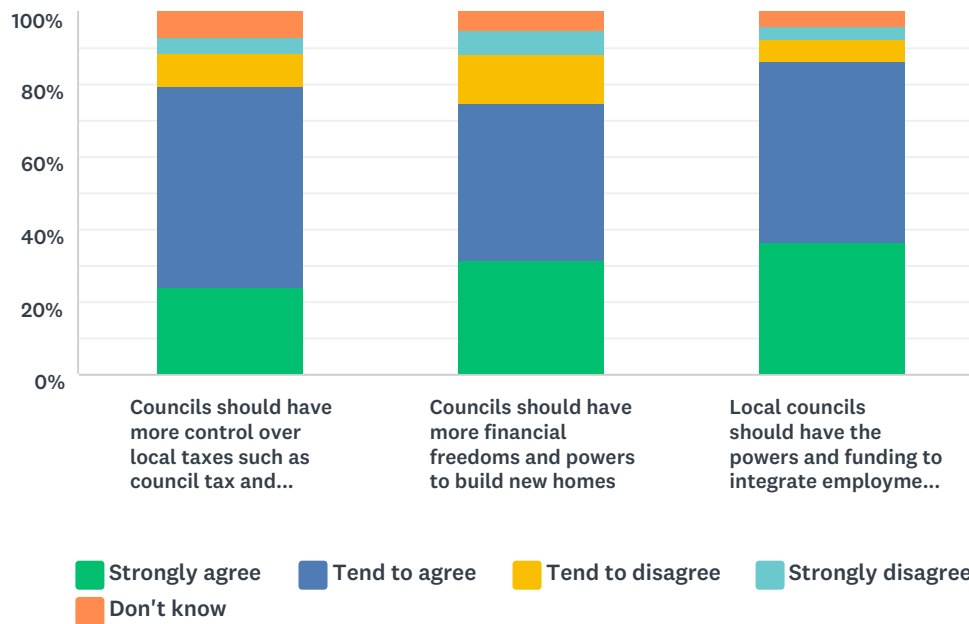
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	VERY SATISFIED	FAIRLY SATISFIED	NEITHER SATISFIED NOR DISSATISFIED	FAIRLY DISSATISFIED	VERY DISSATISFIED	DON'T KNOW	TOTAL
Sports and leisure facilities	16.23% 43	34.72% 92	26.79% 71	5.28% 14	1.13% 3	15.85% 42	265
Parks, recreation grounds and open spaces	34.97% 100	43.36% 124	13.99% 40	2.80% 8	1.05% 3	3.85% 11	286
Keeping areas including highways free from litter	11.78% 35	44.78% 133	16.84% 50	16.84% 50	9.43% 28	0.34% 1	297
Waste and recycling collections	42.04% 132	38.22% 120	9.55% 30	6.69% 21	3.50% 11	0.00% 0	314
Access to affordable housing	1.36% 4	8.81% 26	26.10% 77	11.86% 35	11.19% 33	40.68% 120	295
Housing advice / homelessness services	0.96% 3	4.17% 13	25.00% 78	5.45% 17	2.56% 8	61.86% 193	312

## Q10 To what extent do you agree or disagree with the following statements about council powers and funding?

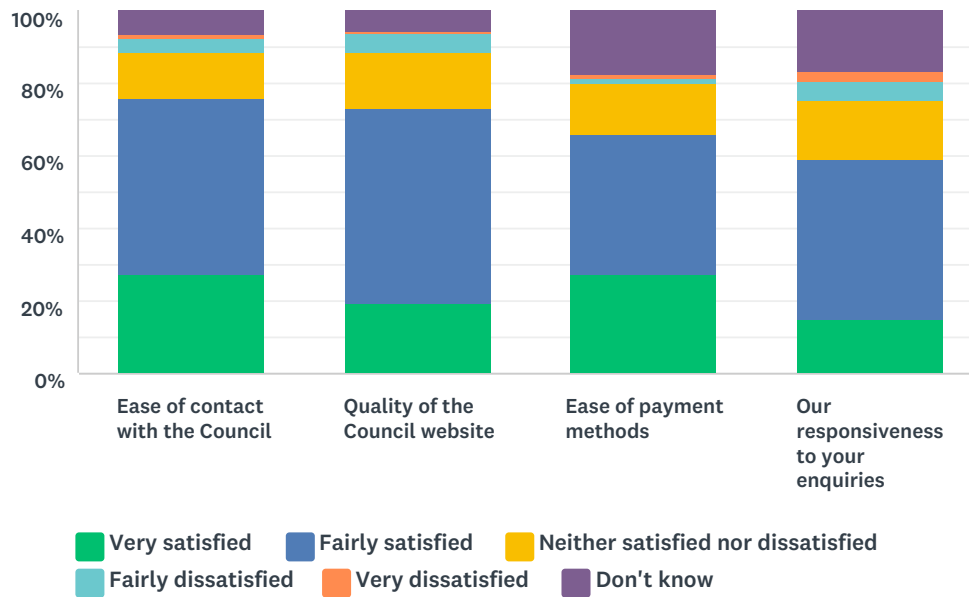
Answered: 336 Skipped: 0



	STRONGLY AGREE	TEND TO AGREE	TEND TO DISAGREE	STRONGLY DISAGREE	DON'T KNOW	TOTAL
Councils should have more control over local taxes such as council tax and business rates	24.18% 81	55.52% 186	8.96% 30	4.48% 15	6.87% 23	335
Councils should have more financial freedoms and powers to build new homes	31.74% 106	43.41% 145	13.17% 44	6.59% 22	5.09% 17	334
Local councils should have the powers and funding to integrate employment, skills, apprenticeships and business support in their area	36.31% 122	50.00% 168	6.25% 21	3.57% 12	3.87% 13	336

**Q11 Derbyshire Dales District Council offers a range of ways to contact us, find out information or pay bills. We aim to: Treat you fairly and equally Provide a pleasant and courteous service at all times Be helpful and responsive Provide you with good quality information about our services. How satisfied are you with ... ?**

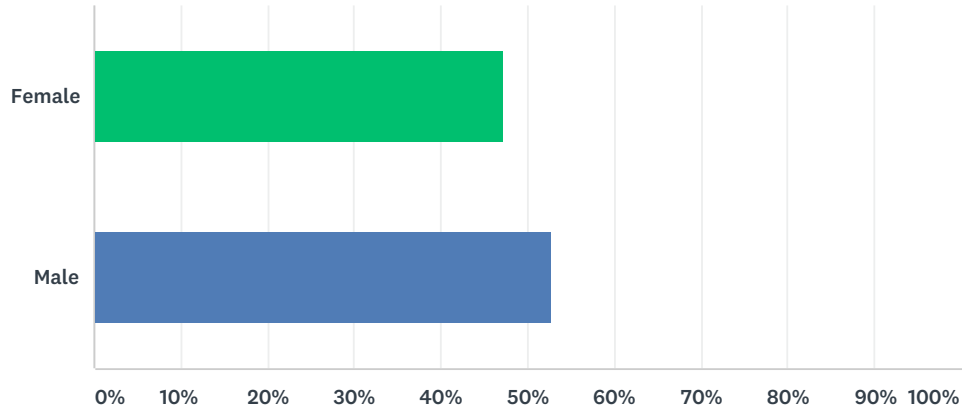
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	VERY SATISFIED	FAIRLY SATISFIED	NEITHER SATISFIED NOR DISSATISFIED	FAIRLY DISSATISFIED	VERY DISSATISFIED	DON'T KNOW	TOTAL
Ease of contact with the Council	27.38% 92	48.51% 163	12.80% 43	3.57% 12	1.19% 4	6.55% 22	336
Quality of the Council website	19.58% 65	53.31% 177	15.66% 52	5.42% 18	0.30% 1	5.72% 19	332
Ease of payment methods	27.54% 92	38.62% 129	14.07% 47	1.50% 5	0.90% 3	17.37% 58	334
Our responsiveness to your enquiries	14.93% 50	44.18% 148	16.42% 55	4.78% 16	2.99% 10	16.72% 56	335

## Q12 Are you ... ?

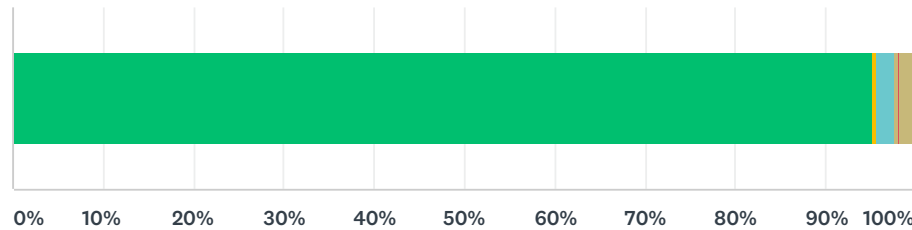
Answered: 334 Skipped: 2



ANSWER CHOICES	RESPONSES	
Female	47.31%	158
Male	52.69%	176
TOTAL		334

## Q13 How would you describe your ethnic background?

Answered: 333 Skipped: 3



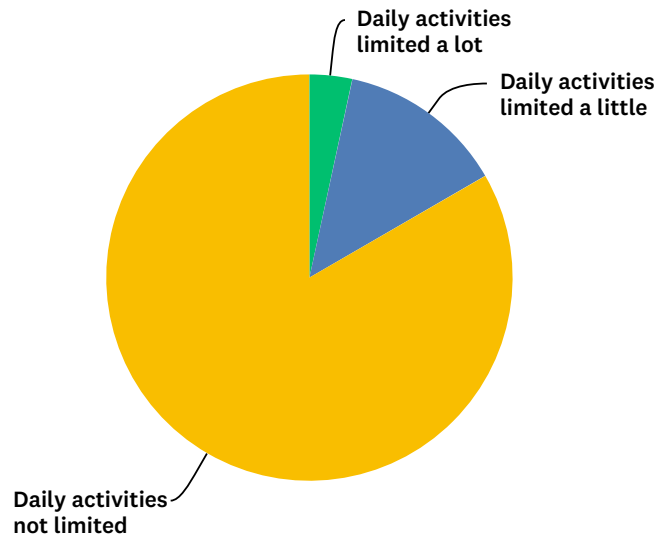
ANSWER CHOICES	RESPONSES	
White English / Irish / Scottish / Welsh / British	95.20%	317
White Irish	0.00%	0
White Gypsy or Irish Traveller	0.30%	1
Any other White background	2.10%	7
Mixed / multiple ethnic groups - White & Black Caribbean	0.00%	0
Mixed / multiple ethnic groups - Black African	0.00%	0
Mixed / multiple ethnic groups - Asian	0.00%	0
Any other mixed / multiple ethnic background	0.30%	1
Indian	0.30%	1
Pakistani	0.00%	0
Bangladeshi	0.00%	0
Chinese	0.00%	0
Any other Asian background	0.00%	0
African	0.00%	0
Caribbean	0.00%	0
Any other Black / African / Caribbean / Black British background	0.00%	0
Arab	0.00%	0
Any other ethnic group	1.80%	6

TOTAL

333

Q14 The definition of disability in the Equality Act 2010 is: “A physical or mental impairment which has a substantial and long term adverse effect on a person’s ability to carry out normal day to day activities”. Do you consider yourself to be disabled?

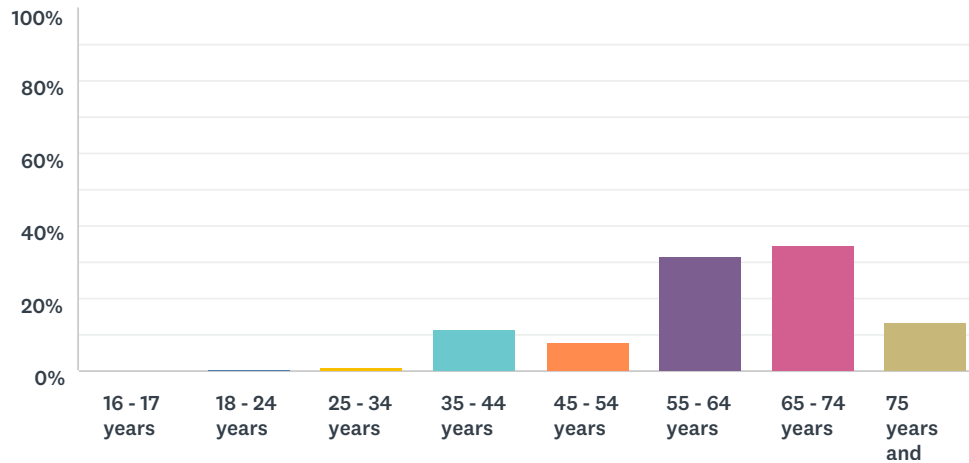
Answered: 324 Skipped: 12



ANSWER CHOICES	RESPONSES	
Daily activities limited a lot	3.40%	11
Daily activities limited a little	13.27%	43
Daily activities not limited	83.33%	270
TOTAL		324

## Q15 What is your age?

Answered: 324 Skipped: 12



ANSWER CHOICES	RESPONSES	
16 - 17 years	0.00%	0
18 - 24 years	0.31%	1
25 - 34 years	0.93%	3
35 - 44 years	11.42%	37
45 - 54 years	8.02%	26
55 - 64 years	31.48%	102
65 - 74 years	34.57%	112
75 years and over	13.27%	43
<b>TOTAL</b>		<b>324</b>

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COMMUNITY AND ENVIRONMENT COMMITTEE  
21 FEBRUARY 2019

Report of the Monitoring Officer

## **LOCAL GOVERNMENT OMBUDSMAN REPORT**

### **PURPOSE OF REPORT**

This report sets out the findings of a Local Government Ombudsman report which found fault about the manner in which the Council failed to respond properly to the complainants' concerns regarding a planning application.

### **RECOMMENDATION**

1. That the findings of the Ombudsman's report are noted.
2. That the recommended actions set in paragraph 4 are endorsed.

### **WARDS AFFECTED**

N/A

### **STRATEGIC LINK**

N/A

## **1. BACKGROUND**

1.1 The Local Government Ombudsman is an independent body that investigates complaints against local authorities and some other public bodies. After an individual has exhausted the District Council's complaints process they have the right to refer their complaint to the Ombudsman, who will take a fair and impartial view of the complaint. If the Ombudsman finds fault with what a local authority has done they can recommend action to remedy any injustice that may have been caused. Similarly, if during the investigation process, a local authority wishes to accept responsibility on any point, it may do so in the interests of fairness.

## **2. COMPLAINT**

### **2.1 The complaints claimed that:**

- The Council did not properly consider the impact a proposed build next to their property would have on their amenity.
- They sent several letters of complaint, some of which were ignored by the Council.

2.2 The complaint concerns two planning applications to build a replacement shed, in the back garden of a property next to the complainants' house. The complainants claimed that they initially had no problem with the original application and did not make any formal objections. However, the development turned out to be much bigger than the original shed it replaced and the complainants became concerned

about the loss of light to their kitchen and pond. An Officer of the Council met the complainants at their home to appreciate their concerns. The complainants confirmed their concerns in writing. The Planning Officer did not keep a record of the meeting.

- 2.3 The applicant agreed to amend the initial application to address the complainants' concerns and agreed to a new roof design which would lessen the overall impact. The Planning Officer did not consider that the revised outbuilding would have an adverse impact on the amenity of neighbouring properties which is reflected in the planning decision letter.
- 2.4 No further consultation was initiated with the complainants on the amended plans as they had not made formal representations to the Council about the application.
- 2.5 However, the complainants became increasingly concerned about the size of the build in June 2017 as they believed the applicant had gone off plan. They informed the Council of their concerns in June 2017 and an enforcement officer visited. The complainants also wrote to the Council in June 2017. They said they had objected to the application through the Planning Officer, but had heard nothing further from him.
- 2.6 The enforcement officer confirmed that there had been a breach, although not the breach to which the complainants referred. The applicant sought to regularise the planning breach by submitting a further application.
- 2.7 In July 2017, the complainants received notice of the renewed application which showed that the word 'shed' had been replaced with 'outbuilding'. The complainants wrote to the Council registering their objections to this application and in the letter they raised concerns that their previous views had been ignored by the enforcement officer and how they had heard nothing further following their discussion with the Planning Officer.
- 2.8 A second letter was sent by the complainants in July 2017 stating that the proposed outbuilding would be against the conveyance terms. They did not receive a response to their letter. Planning permission was granted in August 2017.
- 2.9 The complainants felt that their objections had been ignored. The complainants concerns were not considered to be a complaint and were not processed as part of the official complaints procedure.

### 3. FINDINGS

- 3.1 The Ombudsman found that the Council did not process the complainants' complaints formally. This is a fault. The Council also failed to demonstrate that it properly considered the impact of the development on the complainants' amenity. The fault did not cause the complainants an injustice and there was no evidence to suggest that development would not have been approved if the Planning Officers consideration had been better evidenced.
- 3.2 The Ombudsman accepts that the Council did not have to re-consult after the amendments were made to the original plans. However the Ombudsman did not accept the Planning Officer's view that no formal representations had been made. It is clear that the complainants made representations and that these were addressed by the Planning Officer's visit and noted in the decision letter.

- 3.3 The Ombudsman understood why the complainants were aggrieved that the building turned out to be an industrial unit. However the Council did not approve plans for an industrial unit and it cannot be at fault for that.
- 3.4 The Council is right that any conflicts with the covenants set out in the land registry, is a civil matter and not a planning consideration.
- 3.5 The Council did not have to reply to the complainant's' letter of objection as it is clear that its policy from April 2017 is not to do so. However, although this had the effect of making the complainants feel they were being ignored, their objections were registered.
- 3.6 The Ombudsman concluded that the Council was at fault for the way it handled the complainants' correspondence. It did not put them through the complaints procedure. It was a complaint about the way the application had been dealt with and the Ombudsman saw no reason why it was not formally addressed as a complaint. The Planning Officer did reply to the correspondence and although the failure to abide by Council policy was not helpful, it did not cause an injustice.

#### 4. **LEARNING POINTS**

- 4.1 The Development Management team co-operated with the Ombudsman throughout the investigation and on reflection accepted the findings of the report to bring the matter to a close.
- 4.2 The Head of Regulatory Services proposes the following actions and learning points, which the Committee is asked to endorse.
- Refresher training to officers on how to identify and address material considerations raised in representations
  - Use of site inspection sheets to record notes of meetings
  - Reminders to contributors that representations should be made in writing to avoid misunderstandings
  - Refresher training for Development Management and Business Support staff on the identification of complaints

#### 5 **RISK ASSESSMENT**

##### 5.1 Legal

The District Council has a duty to consider the Ombudsman's report and recommended remedy. It does not have to accept the recommendations, but in doing so it would need to substantiate its reasons in reaching an alternative, ensuring that it is reasonable in all circumstances.

##### 5.2 Financial

There are no financial risks arising from this report.

**6 OTHER CONSIDERATIONS**

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

**7 CONTACT INFORMATION**

Sandra Lamb, Monitoring Officer, Tel. 01629 761281 or  
email [sandra.lamb@derbyshiredales.gov.uk](mailto:sandra.lamb@derbyshiredales.gov.uk)

**8 BACKGROUND PAPERS**

None

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