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30 June 2021

To: All Councillors:

As a Member of the Council, please treat this as your summons to attend the **Council Meeting on Thursday, 8th July 2021 at 6.00pm** at Wirksworth Leisure Centre, Hannage Way, Water Lane, Wirksworth DE4 4JG

This meeting will be recorded and published for viewing after the conclusion of proceedings on the District Council's website at www.derbyshiredales.gov.uk or via our YouTube channel.

Yours sincerely,

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

James McLaughlin
Director of Corporate and Customer Services

AGENDA

1. APOLOGIES

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

2. PUBLIC PARTICIPATION

To enable members of the public to ask questions, express views or present petitions on the subject matters(s) identified in the summons **IF NOTICE HAS BEEN GIVEN**, (by telephone, in writing or by electronic mail) **BY NO LATER THAN 12 NOON OF THE DAY PRECEDING THE MEETING.**

3. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

Annual Council meeting - 27 May 2021

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.

6. LEADERS' ANNOUNCEMENTS

Announcements of the Leader of the Council

7. CHAIRMAN'S ANNOUNCEMENTS

Announcements of the Civic Chairman.

QUESTIONS (RULE OF PROCEDURE 15)

Page Nos.

- | | | |
|-----|--|-----------|
| 8. | REVIEW OF ALCOHOL, REGULATED ENTERTAINMENT AND LATE NIGHT REFRESHMENT LICENSING POLICY – 2021/2026 | 04 - 24 |
| | <p>To receive a report seeking Council's approval to publish a revised version of its Alcohol, Regulated Entertainment and Late Night Refreshment Licensing Policy, required under the provisions of the Licensing Act 2003.</p> | |
| 9. | REFERRED ITEM - INTRODUCTION OF HOUSE-TO-HOUSE AND STREET COLLECTIONS (FOR CHARITY) POLICY | 25 - 38 |
| | <p>To receive a report seeking Council's approval to introduce a Licensing Policy to assist in regulating House-to-House and Street collections In the Derbyshire Dales organised by local and national charities.</p> | |
| 10. | PROVISIONAL REVENUE AND CAPITAL OUTTURN 2020/21, REVISED REVENUE BUDGET 2021/22, CAPITAL PROGRAMME AND MEDIUM TERM FINANCIAL PLAN UPDATE | 39 - 69 |
| | <p>To receive a report seeking approval for the updated Capital Programme for 2021/22 to 2025/26, revised revenue budget for 2021/22 and an updated Medium Term Financial Plan (MTFP) for 2021/22 to 2025/26</p> | |
| 11. | VISION DERBYSHIRE – PHASE 4 IMPLEMENTATION PROPOSALS | 70 - 113 |
| | <p>To receive a report updating Members on work taking place with Derbyshire Councils on Vision Derbyshire, to seek approval for the Council's involvement in Phase 4 development and implementation and to approve proposals for the Council to become a participating member of the new Vision Derbyshire Joint Committee from September 2021 onwards.</p> | |
| 12. | GYPSIES AND TRAVELLERS | 114 - 121 |
| | <p>To receive a report updating the Members in respect of a Gypsy and Traveller family who have presented themselves as homeless and in relation to the work that has been undertaken to bring forward a site at Knabhall Lane, Tansley as both a permanent and temporary Traveller site.</p> | |
| 13. | STIMULATING TOWN CENTRES POST COVID-19 | 122 - 124 |
| | <p>To receive a report outlining a request from Ashbourne Town Team for the introduction of a short-term, partial dispensation of car parking charges to apply to all town centres, in order to provide a stimulus for town centres post Covid-19.</p> | |

14. PERFORMANCE MANAGEMENT – KEY & CORPORATE PERFORMANCE INDICATORS OUTTURN 2020/21 **125 - 150**

To receive a report summarising the outturn performance against the District Council’s Key & Corporate Plan Performance Indicators for the full year 2020/21, which is the first year of the current [Corporate Plan](#) 2020-24, agreed at Council on 5th March 2020.

15. BLACK’S HEAD, ASHBOURNE **151 - 158**

To receive a report informing Members of the results of the consultation undertaken in respect of the future of the Black’s Head, following the Council meeting held on 14 December 2020 and to seek a decision on the future of the Black’s Head and the gallows sign on which it was previously mounted.

16. SEALING OF DOCUMENTS

To authorise that the Common Seal of the Council be affixed to those documents, if any, required completing transactions undertaken by Committees or by way of delegated authority to others, since the last meeting of the Council.

NOTE

For further information about this Agenda or on “Public Participation” call 01629 761133 or e-mail committee@derbyshiredales.gov.uk

COUNCIL
8TH JULY 2021

Report of the Director of Regulatory Services

REVIEW OF ALCOHOL, REGULATED ENTERTAINMENT AND LATE NIGHT REFRESHMENT LICENSING POLICY – 2021/2026

PURPOSE OF REPORT

The report seeks Council's approval to publish a revised version of its Alcohol, Regulated Entertainment and Late Night Refreshment Licensing Policy, required under the provisions of the Licensing Act 2003.

It is a legal requirement that this Policy must be approved by the full Council, and not under delegated powers.

Members are advised that if approved, the Policy will remain in force until January 2026, although interim revisions to it are permitted subject to the appropriate consultation exercise(s).

Members will be aware that following the most recent consultation exercise the Draft Policy document was considered by the Licensing and Appeals Committee on 15th April 2021.

(Minute Number: 322/20 refers - Review of Alcohol, Regulated Entertainment and Late Night Refreshment Licensing Policy).

RECOMMENDATION(S)

- (1) That the final Draft Policy in Appendix 1, relating to the licensing of Alcohol, Regulated Entertainment and Late Night Refreshment, is approved by the Council, for publishing with immediate effect.
- (2) That the revised Alcohol, Regulated Entertainment and Late Night Refreshment Policy is kept under review during the next 5-year period, and any interim changes proposed will be subject to the appropriate consultation exercise(s) with all stakeholders.

WARDS AFFECTED

All

STRATEGIC LINK

An effective licensing regime contributes towards the District Council's Place objective, in terms of keeping the Derbyshire Dales clean, green and safe.

1 REVIEW OF POLICY

The Licensing Act 2003 (section 5) requires a Licensing Authority to review and re-publish a statement of its Alcohol, Entertainment and Late Night Refreshment Licensing Policy every five years.

The policy sets out the principles that this Licensing Authority applies to promote the licensing objectives when making decisions on applications for new licences or variations to existing licences made under the Act. It focuses on the authority's approach to its responsibilities under the Act, and should be developed in light of feedback on whether the licensing objectives are being met, and in accordance with any revised guidance issued to local authorities under section 182 of the Act.

The Licensing Objectives

There are 4 licensing objectives specified in the legislation, and these are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm.

The Policy does not include procedures for making applications or holding committee hearings as these matters are covered by separate guidance and procedure documents and are made available to all would-be applicants and existing licence-holders, with a copy of the current Policy document.

A draft Policy for a consultation exercise was approved by the Licensing and Appeals Committee in January. The consultation exercise ended on 31st March, and the 6 responses received were reviewed by Officers. These were reported to the meeting of the Licensing and Appeals Committee on 15th April 2021, for consideration. The draft Policy document at **Appendix 1** has been updated to reflect the proposals and officer recommendations.

Officers consider that the Policy has worked well during the last 16 years, and in light of the response to the consultation do not feel that any significant changes are required at this time.

Once adopted and republished the reviewed policy will remain in force for 5 years, but this does not prevent an earlier review(s) being carried out if considered necessary.

2 RISK ASSESSMENT

2.1 Legal

The Council has a statutory obligation to review and re-publish the Licensing Policy statement every five years. There may be potential for decisions made in determining licensing applications that become the subject of judicial review or appeal. If the Licensing Policy is not credible it may be subject to legal successful challenge.

The Council's Statement of Licensing Policy is not only important in setting out the Licensing Authority's approach to carrying out its duties under the Licensing Act 2003, but it must also be applied by the Magistrates' Courts on appeal, unless there is good reason to depart from it.

The report is intended to address issues that may give rise to the need for change, and the legal risk is therefore assessed as being low.

2.2 Financial

There are no financial or other resource implications directly arising from this report. 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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Email: eileen.tierney@derbyshiredales.gov.uk

Tim Braund, Director of Regulatory Services. Tel: 01629 761118.
Email: tim.braund@derbyshiredales.gov.uk

5 **BACKGROUND PAPERS**

Licensing Act 2003 and Section 182 Guidance to Licensing Authorities (April 2018).
EqIA (Equalities Impact Assessment) 2020-21

6 **ATTACHMENT(S)**

Appendix 1 –
Revised Alcohol, Regulated Entertainment and Late Night Refreshment Policy 2021-2026

**DRAFT POLICY DOCUMENT REFERRED
TO COUNCIL FOR CONSIDERATION/
APPROVAL**

LICENSING POLICY

Alcohol, Entertainment and Late Night Refreshment Licensing

This Policy will take effect from **xxxxx 2021** for a maximum period of 5 years, and will be kept under review. If you wish to make any comments during this period please contact the Licensing Manager by:

Post : The Licensing Manager
 Regulatory Services
 Derbyshire Dales District Council
 Town Hall
 Matlock
 Derbyshire
 DE4 3NN

Email : licensing@derbyshiredales.gov.uk

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		PAGES
1	Introduction	2
2	Licensing Objectives	3 - 4
3	Fundamental Principles	4
4	The Need for Licensed Premises	4
5	Cumulative Impact	4 - 5
6	Other Mechanisms for Controlling Cumulative Impact	5
7	Licensing Hours	6
8	Children	6 - 7
9	Children and Cinemas	7
10	Integrating Strategies	7
	Crime Prevention	7
	Cultural Strategies	8
	Transport	8
	Employment, Planning and Building Control	8
	Promotion of Equality	8
11	Duplication	8
12	Licence Conditions	9 -11
13	Enforcement	11
14	Live Music, Dancing and Theatre	12
15	Administration, Exercise and Delegation of Functions	12
16	Responsible Authorities	13 - 16
17	List of Consultees to Original Licensing Policy	17

1 Introduction

- 1.1 The District of Derbyshire Dales is an area of spectacular countryside, approximately half of which lies within the Peak District National Park. The District is home to approximately 71,000 people living in four main centres of population, Ashbourne, Bakewell, Matlock and Wirksworth, which are all attractive market towns, and the 100 or so smaller villages. Some of the attractions that are located in the District include Chatsworth House, Haddon Hall, Sudbury Hall, The Heights of Abraham, Gulliver's Kingdom and many picturesque Dales along the Rivers Derwent, Dove, Lathkill and Wye.
- 1.2 The tourism and hospitality industries contribute greatly to the District's economy and this is reflected in the wealth and diversity of premises affected by the Licensing Act 2003. At the time that this revised Policy was adopted there were approximately 450 premises licensed for the sale or supply of alcohol, provision of regulated entertainment and the provision of late night refreshment.
- 1.3 This Licensing Policy Statement is based on the Licensing Act 2003 ("the Act") and is in line with the Guidance issued by the Department of Culture, Media and Sport (DCMS) and the Home Office, under Section 182 of the Act, (latest revision April 2018).
- 1.4 The District Council is the licensing authority under the Act and is responsible for granting premises licences, club premises certificates, temporary events notices and personal licences. These licences are required for the sale and / or supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment. The term "Licensing Authority" has been used throughout this document to describe the functions of the District Council under the Act.
- 1.5 This Policy sets out the manner in which applications will be considered. Each application will be considered on its individual merits.
- 1.6 The Policy will not be used to fix the hours during which alcohol may be sold.
- 1.7 The Policy is not intended to regulate matters provided for in any other legislation. Instead it is intended to complement such regimes as planning, health & safety, fire safety, noise and nuisance control, etc.
- 1.8 The Licensing Authority wishes to encourage licensees to provide a wide range of entertainment activities within the District and to promote live music, dance, theatre etc for the wider cultural benefit of the community.
- 1.9 Before determining the Policy the Licensing Authority must consult:
 - Derbyshire Constabulary's Chief Officer of Police
 - Derbyshire Fire and Rescue Service
 - persons / bodies representative of local holders of premises licences
 - persons / bodies representative of local holders of club premises certificates
 - persons / bodies representative of local holders of personal licences
 - persons / bodies representative of businesses and residents in the District
- 1.10 In addition we have consulted bodies such as the Community Safety Partnership and all of the Responsible Authorities listed on pages 14-16.

2 Licensing Objectives

2.1 The Licensing Authority has a duty under the Act to carry out its functions with a view to promoting the licensing objectives:

- prevention of crime and disorder
- public safety
- prevention of public nuisance
- protection of children from harm

2.2 These objectives are of equal importance and are the only matters that may be taken into account when determining licensing applications.

2.3 The licensing function is only one method of delivering these objectives. The Licensing Authority will continue to work in partnership with its neighbouring authorities, the police, the fire and rescue service, local businesses, licensees and local people, towards the promotion of the objectives.

2.4 These objectives will be considered when determining applications for any of the licensable activities listed in the Act, and summarised as follows:

- retail sale of alcohol
- supply of alcohol to club members
- provision of regulated entertainment – to the public, to club members, or with a view to profit:
 - a performance of a play
 - an exhibition of a film
 - an indoor sporting event
 - boxing or wrestling entertainment
 - a performance of live music
 - any playing of recorded music
 - a performance of dance
- supply of hot food and / or drink from any premises between 11pm and 5am.

2.5 The licensing authority recognises there is no public health licensing objective and therefore cannot conduct its licensing function specifically with the aim of promoting public health as, the licensing function can only be carried out to promote the four licensing objectives as set out by the Licensing Act 2003. However, the licensing authority believes that public health has much to contribute to licensing and through ensuring the responsible selling of alcohol (by for example preventing drunkenness, restricting access of alcohol to underage persons etc.), this may have a positive impact on reducing a person's drinking at harmful or hazardous levels.

The Director of Public Health is responsible for making representations and observations on applications on behalf of health bodies. Public health and the other health bodies have unique access to data and evidence not available to other responsible authorities and which may inform licensing decisions, particularly in relation to cumulative impact policies. When such evidence/data is presented it will be considered and where links are made to any of the four licensing objectives it will be taken into account by the licensing authority in reaching its decision.

3 Fundamental Principles

- 3.1 Licensing is about regulating licensable activities on licensed premises, at qualifying clubs, and at temporary events within the terms of the Act. Any conditions attached to various authorisations will be focused on matters within the control of individual licensees and others in possession of relevant authorisations. These matters will centre on the premises being used for licensable activities and the vicinity of those premises. Whether or not incidents can be regarded as in being “in the vicinity” of licensed premises is a question of fact and will depend on the particular circumstances of the case. Where there is dispute, the question will ultimately be decided by the Courts.
- 3.2 In addressing this issue the Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working, or engaged in normal activity in the area. Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and beyond the direct control of the individual, club or business holding the authorisation. Nevertheless, licensing law does have an important role to play in these matters and the Licensing Authority wishes to use all relevant controls in managing the evening and night-time economy.

4 The Need for Licensed Premises

- 4.1 “Need” concerns the commercial demand for another pub or restaurant or hotel. This is not a matter for the District Council in discharging its licensing functions, or for this Policy. “Need” is a matter for planning committees and for the market.

5 Cumulative Impact

- 5.1 In some town centres, where the number, type and density of premises selling alcohol on the premises are unusual, serious problems of nuisance and disorder outside or some distance from licensed premises may occur.
- 5.2 Where there is evidence that such a problem exists the Licensing Authority may adopt a Special Policy relating to cumulative impact.
- 5.3 The effect of a Special Policy would be that applications for new premises licences or club premises certificates would normally be refused if relevant representations to that effect are received, unless it can be demonstrated that the operation of the premises involved will not add to the cumulative impact already being experienced. Applicants would need to address the Special Policy issues in their operating schedules.
- 5.4 In order to adopt a Special Policy, the Licensing Authority has to take the following steps:
- identification of concern about crime and disorder or public nuisance
 - consideration of whether it can be demonstrated that crime and disorder and nuisance are arising and are caused by the customers of licensed premises and if so, identifying the area from which problems are arising; or that risk factors are such that the area is reaching a point when a cumulative impact is imminent
 - consultation with relevant bodies (as specified in the introduction to this Policy)
 - inclusion of the Special Policy in the Licensing Policy
 - publication of the Special Policy

- 5.5 Derbyshire Dales District Council is not proposing to adopt a Special Policy about cumulative impact at this time. The absence of a Special Policy does not prevent any responsible authority or interested party making representations on new applications on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.

6 Other Mechanisms for Controlling Cumulative Impact

- 6.1 Whilst the Licensing Authority does not intend adopting a Special Policy there are other mechanisms that may be used to address behaviour that causes public nuisance, crime or disorder, for example:

- planning controls
- positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority.
- the provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols
- powers of the Licensing Authority to designate parts of the District as places where alcohol may not be consumed publicly
- police enforcement of the general law concerning disorder and anti-social behaviour including the issuing of fixed penalty notices
- the prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk
- the confiscation of alcohol in designated areas
- police powers to close down instantly for up to 24 hours any licensed premises or temporary event on the grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance
- the power of the police, other responsible authorities or a resident or business to seek a review of the licence or certificate in question

- 6.2 These may be supplemented by local initiatives promoted by partnership working of the Licensing Authority and the Responsible Authorities, in support of other legislation and guidance – eg Crime and Disorder Act 1998, Clean Neighbourhoods and Environment Act 2005, Violent Crime Reduction Act 2006, Health Act 2006 (workplace smoking ban), Policing and Crime Act 2009, Police Reform and Social Responsibility Act 2011, Anti-Social Behaviour, Crime and Policing Act 2014, Alcohol Harm Reduction Strategy, Local Government Regulation's (LACORS) Practical Guide to Test Purchasing, etc.

7 Licensing Hours

- 7.1 The Licensing Authority will determine licensing hours on the individual merits of each application taking into account the operating schedule and any relevant representations. Longer licensing hours for the sale of alcohol can avoid large concentrations of customers leaving premises at the same time. This is necessary to reduce the friction at late night fast-food outlets, taxi ranks and other sources of transport which lead to disorder and disturbance.
- 7.2 The Licensing Authority will not set fixed trading hours within a designated area. This practice is known as 'zoning', and experience in Scotland suggests that it may lead to significant movement of people across boundaries resulting in greater disturbance in the streets.
- 7.3 Applicants should be aware that there are few areas in the District where licensed premises do not have the potential to impact upon residential properties and affected business premises and they will be expected to demonstrate how they will prevent their premises from giving rise to crime, disorder and public nuisance.
- 7.4 Generally shops, stores and supermarkets will be allowed to sell alcohol for consumption off the premises at any time when they are open for shopping, unless there are very good reasons for restricting these hours. For example, a limitation may be appropriate following police representations in respect of a shop known to be a focus of disorder and disturbance.

8 Children

- 8.1 This Policy seeks to protect children from physical, moral or psychological harm in line with the licensing objectives. Areas that will give rise to particular concern in respect of children include premises:
- where entertainment or services of an adult or sexual nature are commonly provided
 - where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with the reputation for underage drinking
 - with a known association with drug taking or dealing
 - where there is a strong element of gambling on the premises (but not for example, the simple presence of a small number of cash prize gaming machines, although applicants will need to ensure that the siting of these machines is such that they minimise the potential to give rise to harm)
 - where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises
- 8.2 It would be unusual for the Licensing Authority to completely prohibit children from having access to premises. A range of alternatives is available for limiting their access where that is necessary in order to protect them from harm:
- limitations on the hours when children may be present
 - exclusion of children under certain ages when particular specified activities are taking place
 - limitations on parts of premises to which children might be given access
 - age limitations (under 18)

- requirements for accompanying adults
 - full exclusion of those people under 18 from the premises when any licensable activities are taking place
- 8.3 The Licensing Authority will not impose any condition which requires the admission of children to any premises.
- 8.4 The Licensing Authority considers the Competent Body to advise on matters relating to the protection of children from harm to be the Derbyshire Local Safeguarding Children Board. A copy of all applications for new licences or major variations will be sent to this Responsible Authority.
- 8.5 A further measure that should be considered in this context is the implementation of proof of age schemes. The Licensing Authority particularly commends schemes that carry the Proof of Age Standards Scheme (PASS) hologram logo.
- 8.6. The applicant must comply with the requirements of The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010, which makes proof of age schemes a mandatory condition of any licence to sell alcohol.

9 Children and Cinemas

- 9.1 Where film exhibitions are held at premises, the Licensing Authority will expect licensees or clubs to include in their operating schedules arrangements for restricting children from viewing age restricted films classified according to the recommendations of the British Board of Film Classification (BBFC), or in specific cases, by the Licensing Authority, itself.
- 9.2 In addition, all licences or certificates authorising film exhibitions must include a condition restricting the admission of children in accordance with the recommendations given to films by the BBFC or by the Licensing Authority.

10 Integrating Strategies

- 10.1 The Licensing Authority will ensure the proper integration of this Policy with local crime prevention, planning, transport, equality schemes and cultural strategies, in carrying out its licensing functions, through consultation, liaison and partnership working.
- 10.2 The Licensing Authority will expect applicants for premises licences and club premises certificates to have taken into account the Licensing Authority's Strategies when drawing up the operating schedule part of the application.

Crime Prevention

- 10.3 The Licensing Authority will encourage applicants and existing licence-holders to participate in crime prevention/community safety initiatives for licensed premises, developed with partners; for example, campaigns such as, (but not exclusively), 'Intoxicated – No Sale', and 'Intoxicated – No Entry', 'Safe and Responsible', or similar.
- 10.4 Where relevant representations are received or where they are suggested by the operating schedule, the Licensing Authority may attach conditions to premises licences and club premises certificates in order to reflect local crime prevention strategies.

Cultural Strategies

- 10.5 The Licensing Authority will monitor the impact of its licensing function on the provision of regulated entertainment, and particularly live music and dancing. Licensing conditions will only be used to impose restrictions on such events where they are necessary, proportionate and reasonable. Where there is an indication that these events are being deterred by licensing requirements this Policy will be reviewed to investigate how the situation may be reversed.

Transport

- 10.6 Where concerns are raised about the need to swiftly disperse people from town centres in order to prevent disorder and disturbance, the Licensing Authority will make arrangements to liaise with Derbyshire County Council's Local Transport Unit, and any other relevant organisations.

Employment, Planning and Building Control

- 10.7 Arrangements will be made for the Licensing Committee to receive reports on the following, to ensure they are reflected in their considerations:
- the needs of the local economy
 - the local employment situation and the need for new investment and employment where appropriate
- 10.8 In order to avoid duplication and inefficiency the Licensing Authority recognises that applications for licences should not be seen as a re-run of the planning application process and should not cut across planning decisions. Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned.
- 10.9 The Licensing & Appeals Committee will, where appropriate, provide regular reports to the Planning Committees so that they may have regard to the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder.

Promotion of Equality

- 10.10 The Licensing Authority recognises that the Equality Act 2010 places a legal obligation on public authorities to promote equality to reflect the change whereby the 2010 Act replaced and expanded on the previous legislation.

11 Duplication

- 11.1 The Licensing Authority will ensure that in exercising its licensing function it does not duplicate other regulatory regimes, such as planning, pollution control, health & safety etc. eg. legislation governing health and safety at work or fire safety, already places duties on licensees in respect of the safety of employees and the general public.
- 11.2 Conditions in respect of public safety will only be attached to premises licences and club premises certificates where they are necessary for the promotion of that licensing objective and are not already provided for by other legislation.

12 Conditions

12.1 Mandatory Conditions

The 2003 Act provides for the following mandatory conditions to be included in every licence and/or club premises certificates in the circumstances specified.

MANDATORY CONDITION: SUPPLY OF ALCOHOL

- (1) No supply of alcohol may be made under the premises licence:
 - a. at a time when there is no designated premises supervisor in respect of the premises licence, or
 - b. at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

MANDATORY CONDITION: IRRESPONSIBLE PROMOTIONS

1. The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
2. An irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises:-
 - a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

MANDATORY CONDITION: FREE TAP WATER

The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

MANDATORY CONDITION: PROOF OF AGE SCHEME

- (a) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
- (b) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
- (c) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
 - (i) a holographic mark, or
 - (ii) an ultraviolet feature.

MANDATORY CONDITION: REQUIREMENT TO MAKE SMALL ALCOHOL MEASURES AVAILABLE

The responsible person shall ensure that:-

- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures:
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

MANDATORY CONDITION: SALE OF ALCOHOL - DUTY + VAT

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1—
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a);
 - (b) “permitted price” is the price found by applying the formula—
$$P = D + (D \times V)$$
where—
 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or

- (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(a).

MANDATORY CONDITION: EXHIBITION OF FILMS

The admission of children to film exhibitions is to be restricted in accordance with film classification recommendations made by the British Board of Film Classification.

MANDATORY CONDITION: DOOR SUPERVISORS

Any individual(s) at the premises carrying out a security activity must be licensed by the Security Industry Authority, as required by section 21 of the Licensing Act 2003.

12.2 Other Conditions

Any conditions that are attached to licences and certificates will be tailored to the individual style and characteristics of the premises and events concerned. Conditions may only be imposed where they are consistent with an operating schedule or on receipt of relevant representations.

12.3 Any conditions proposed by the applicant in the operating schedule part of the application shall be interpreted in accordance with the applicant's intention. Standardised (blanket) conditions will be avoided, but the wording of the conditions shall be clear and easy to understand and enforceable.

12.2 Licence conditions will only be imposed where there is a need to promote the licensing objectives.

13 Enforcement

13.1 The Licensing Authority has established an enforcement protocol with Derbyshire Constabulary and other partners on matters relating to licensing. The purpose of the protocol is to ensure the effective deployment of local authority, police and other partner organisations' staff in the enforcement of licensing law and the inspection of licensed premises.

13.2 Inspection and enforcement activity will be targeted on a risk-assessed basis with high risk and problem premises receiving greater attention, and those premises that are low-risk receiving a 'lighter touch'.

13.3 Any enforcement action taken by the Licensing Authority will be in accordance with Derbyshire Dales District Council's Corporate Enforcement Policy and will take into account the principles of the Regulator's Code, which are available from the District Council's Licensing Manager.

14 Live Music, Dancing and Theatre

- 14.1 In its role of implementing its cultural strategies, the Licensing Authority recognises the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community, particularly for children.
- 14.2 When considering applications for such events the Licensing Authority will carefully balance the cultural needs with the need to promote the licensing objectives before imposing conditions on licences or certificates. As in all cases, conditions may only be imposed where they are consistent with an operating schedule or on receipt of relevant representations.
- 14.3 The Licensing Authority has obtained premises licences for public spaces within the community in its own name. These areas include parks and recreation grounds, leisure centres and car parks. Performers and entertainers providing only regulated entertainment do not need to obtain a licence or other form of authorisation before using these areas, although they will still need to obtain the permission of the District Council as the premises licence holder.

15 Administration, Exercise and Delegation of Functions

- 15.1 The powers and duties of the Licensing Authority in respect of licensing may be carried out by the Licensing Committee, by a sub-committee or by officers acting under delegated authority. Many of the licensing functions are administrative in nature and in the interests of speed, efficiency and cost-effectiveness the Licensing Authority supports the principle of delegating routine matters to officer level.
- 15.2 The table below sets out the delegation of functions and decisions.

Matter to be dealt with	Full Committee	Sub Committee	Officers **
Application for personal licence		If a police objection	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for provisional statement		If a relevant representation made	If no relevant representation made
Application (full) to vary premises licence/club premises certificate		If a relevant representation made	If no relevant representation made
Application for Minor Variation of premises licence/club premises certificate			All cases

Matter to be dealt with	Full Committee	Sub Committee	Officers **
Application to vary designated personal licence holder		If a police objection	All other cases
Request to be removed as designated personal licence holder			All cases
Application for transfer of premises licence		If a police objection	All other cases
Application for interim authority		If a police objection	All other cases
Application to review premises licence/club premises certificate		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious etc			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of a Police or Environmental Health objection to a temporary event notice		All cases	

** Officers to be delegated by Derbyshire Dales District Council to carry out this responsibility are: the Director of Regulatory Services and the Licensing Manager.

16 Responsible Authorities

- 16.1 The Responsible Authorities are the public bodies that must be fully notified of applications, and are entitled to make representations to the Licensing Authority in relation to the application for grant, variation, or review of a premises licence or club premises certificate.
- 16.2 The Licensing Authority will include information and advice prepared by the Responsible Authorities in application packs for licences, and encourages applicants to seek early advice from the Responsible Authorities when making applications.

See following table for contact details for the Responsible Authorities for Derbyshire Dales District:

LICENSING ACT 2003 - RESPONSIBLE AUTHORITIES FOR DERBYSHIRE DALES

Definition in Licensing Act 2003	Responsible Authority for Derbyshire Dales	Contact Details
1. 'the relevant licensing authority and any other licensing authority in whose area part of the premises is situated'	Licensing Manager Email: licensing@derbyshiredales.gov.uk Tel: 01629 761313	Regulatory Services Derbyshire Dales District Council please do not send extra copies to DDDC – we only need the original full application plus fee. If you are unsure if the premises is in more than one licensing authority's area, please contact this Council's Licensing Team.
2. 'the chief officer of police for any police area in which the premises are situated' Tel: 01298 762052	Derbyshire Constabulary Email: BDiv.Licensing@Derbyshire.PNN.Police.uk	Divisional Licensing Manager Buxton Police Headquarters Silverlands Buxton Derbyshire SK17 6QJ
3. 'the fire authority for any area in which the premises are situated' Buxton Tel: 01298 22620	Derbyshire Fire and Rescue Service Email: west_area_admins@derbys-fire.gov.uk	Staden Lane Derbyshire SK17 9RZ
4. 'the local authority by which statutory functions are exercisable in any area in which the premises are situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health'.	Principal Officer - Environmental Health FAO (Public Health & Housing) Email: envhealth@derbyshiredales.gov.uk Tel: 01629 761212	Regulatory Services Derbyshire Dales District Council Town Hall Matlock Derbyshire DE4 3NN
5. 'the enforcing authority within the meaning given by section 18 of the Health and Safety at Work etc Act 1974 for any area in which the premises are situated'.	Principal Officer - Environmental Health FAO (Commercial Section) Email: envhealth@derbyshiredales.gov.uk Tel: 01629 761212	Regulatory Services Derbyshire Dales District Council Town Hall Matlock Derbyshire DE4 3NN

OR

‘the enforcing authority within the meaning given by section 18 of the Health and Safety at Work etc Act 1974 for any area in which the premises are situated’.

Health and Safety Executive

Health and Safety Executive
Band 5 Admin Leader
City Gate West
1st Floor
Toll House Hill
Nottingham NG1 5AT

Email: margaret.erskine@hse.gsi.gov.uk
Tel: 0115 971 2802

Please note:

Enforcement responsibility for the Health and Safety at Work etc Act 1974 may rest either with the local authority or with the Health and Safety Executive. Further advice regarding which should be obtained from your safety advisor, or to check which authority you need to serve your application on, please contact the Licensing Section at the Council – 01629 761313.

6. ‘the local planning authority within the meaning given by the Town and Country Planning Act 1990 (c 8) for any area in which the premises are situated’

Development Manager
Email: planning@derbyshiredales.gov.uk
Tel: 01629 761336

Regulatory Services
Derbyshire Dales District Council
Town Hall
Matlock
Derbyshire DE4 3NN

OR

‘the local planning authority within the meaning given by the Town and Country Planning Act 1990 (c 8) for any area in which the premises are situated’.

Planning Services
Email: devcon@peakdistrict.gov.uk
Tel: 01629 816200

Peak District National
Park Authority
Aldern House
Baslow Road
Bakewell
Derbyshire DE45 1AE

22

Please note:

The responsibility for planning issues is divided between 2 authorities in the Derbyshire Dales. The District Council is the planning authority for the southern area of the district and the Peak District National Park Authority covers the northern area. To check which planning authority you need to serve your application on please contact the Licensing Section at the Council – 01629 761313.

7. ‘a body which:

- (i) represents those who, in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm,**
- (ii) and it is recognised by the licensing authority for that area for the purposes of this’ section as being competent to advise it on such matters’.**

Local Safeguarding Children Board
Email: trading_standards@derbyshire.gov.uk
Tel: 01629 532178

Derbyshire County Council
Chatsworth Hall
Chesterfield Road
Matlock
Derbyshire
DE4 3FW

8. 'The local weights and measures authority (within the meaning of section 69 of the Weights and Measures Act 1985)'.

Derbyshire County Council Trading Standards Division
Email: trading_standards@derbyshire.gov.uk
Tel: 01629 580000 Ext 6166

Derbyshire County Council
Cultural and Community Services
Trading Standards Division
Chatsworth Hall
Chesterfield Road
Matlock
Derbyshire DE4 3FW

9. 'The Director of Public Health or Local Health Board for any area in which the premises are situated'.

Derbyshire Public Health
Email: trading_standards@derbyshire.gov.uk
Tel: 01629 536180

Derbyshire County Council
Derbyshire County Public Health
Chatsworth Hall
Chesterfield Road
Matlock
Derbyshire
DE4 3FW

10. Home Office (Immigration Enforcement)

Home Office (Immigration Enforcement)
Email: Alcohol@homeoffice.gsi.gov.uk

Alcohol Licensing Team
Lunar House
40 Wellesley Road
Croydon
CR9 2BY

17 CONSULTTEES TO THE ORIGINAL LICENSING POLICY

Derbyshire Constabulary
Derbyshire Fire and Rescue Service
Derbyshire Local Safeguarding Children Board
Health & Safety Executive
Derbyshire Dales District Council:
Public Health Authority
Health & Safety Authority
Planning Authority
Legal
Community Safety
Tourism
Arts Development
Leisure Services
Elected Members
Derbyshire County Primary Care Trust
Peak District National Park Authority
Neighbouring Local Authorities
Derbyshire Rural Community Council
Town and Parish Councils and Parish Meetings
Existing holders of Premises Licences and Club Premises Certificates in Derbyshire Dales
Licensing Solicitors
Crime Partnerships
Musicians' Union
Equity
Arts Council for England
Association of Licensed Multiple Retailers
Breweries and Pub Companies
Campaign for Real Ale
Chambers of Trade
British Institute of Innkeepers
Other Interested Parties and Trade Associations
Members of the Public

COUNCIL
8TH JULY 2021

Report of the Director of Regulatory Services

REFERRED ITEM - INTRODUCTION OF HOUSE-TO-HOUSE AND STREET COLLECTIONS (FOR CHARITY) POLICY

PURPOSE OF REPORT

The report seeks Council's approval to introduce a Licensing Policy to assist in regulating House-to-House and Street collections In the Derbyshire Dales organised by local and national charities.

At the April 2021 meeting of the Licensing and Appeals Committee it was resolved that a final Draft Policy relating to Street Collections and House to House Collections (for charitable and other good causes), was approved for referral to the next available meeting of the full Council, with a view to adoption as soon as possible.

(Minute Number: 320/20 refers – Introduction of Policy on Street Collections and House to House Collections).

RECOMMENDATIONS

- (1) That the final Draft Policy (Appendix 1), relating to Street Collections and House to House Collections (for charitable and other good causes), is approved for implementation with effect from 1st August 2021.
- (2) That, if approved, the Policy will be reviewed every 3 years, when further consultation will be required before the Policy is revised, approved and published.

WARDS AFFECTED

All

STRATEGIC LINK

An effective licensing regime contributes towards the District Council's Place objective, in terms of keeping the Derbyshire Dales clean, green and safe.

1 BACKGROUND

- 1.1 The District Council is the Licensing Authority for Charitable Street Collections under Section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916 and Charitable House to House Collections under the House to House Collections Act 1939.
- 1.2 The Council has made regulations, which require the promoter to obtain a permit from the Council before a collection can take place.
- 1.3 The function of licensing House to House and Street Collections was transferred to the Licensing Team in 2019. Regulation of these activities was undertaken previously based on custom and practice. Although there is no legal requirement to have a Licensing Policy for this service, it is believed that the adoption of a formal Policy setting out the Council's requirements and expectations in relation to these collections would be beneficial to the Council, applicants and members of the Public.
- 1.4 The Council usually limits collections to one per day in the same location/area, so that the public are not inundated with requests for donations, and to ensure that as many charities as possible have a reasonable opportunity to raise funds.
- 1.5 The Council is entitled to refuse an application for a house to house collection if the percentage of proceeds donated to a charitable cause, after paying expenses, is considered to be insufficient. Generally, a minimum of 80% of the value of the proceeds of a collection should be donated to the charitable cause. The Promoter has to complete an income/expenditure statement after a collection.
- 1.6 Following a consultation exercise, the 7 responses received were reviewed by Officers and a final draft policy document at **Appendix 1** has been updated to reflect the proposals where appropriate. This was considered by the Licensing and Appeals Committee at the meeting on 15th April 2021.
- 1.7 At the meeting it was resolved unanimously, that a final Draft Policy relating to Street Collections and House to House Collections (for charitable and other good causes), was approved for referral to the next available meeting of the full Council, with a view to adoption as soon as possible. (Minute Number: 320/20 refers – Introduction of Policy on Street Collections and House to House Collections).
- 1.8 Officers propose that, if the Policy is approved for implementation, a further review should be carried out in 2024. In the interim period it should be kept under review to assess whether it works well and to take account of any legislative or administrative changes that may be needed before 2024.

2 RISK ASSESSMENT

2.1 Legal

Street collections are governed by the Police, Factories, etc (Miscellaneous Provisions) Act 1916. This Act allows the Council to make regulations with respect to the places where and the conditions under which collections may be permitted. The Council has made regulations, which require the promoter to obtain a permit from the Council before a collection can take place.

House to House collections are regulated by the House to House Collections Act 1939. This Act requires the promoter to obtain a licence from the Council before a collection can be carried out. The Council must grant a licence on application unless one of the grounds set out in the Act for refusing the licence apply.

There is no requirement to have a Charitable Collections Policy; however, it is good practice for the Council, as a licensing authority, to have a policy, which provides the framework for consistent decision-making. The legal risk is therefore assessed as being low.

2.2 Financial

The Council cannot make a charge for the issue of either a Street Collection permit or House to House Collection licence. As such, the cost of administering the scheme cannot be recovered. The staff costs involved in administering the permits and licences can be contained 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**

Eileen Tierney, Licensing Manager. Tel: 01629 761374.
Email: eileen.tierney@derbyshiredales.gov.uk

Tim Braund, Director of Regulatory Services. Tel: 01629 761118.
Email: tim.braund@derbyshiredales.gov.uk

5 **BACKGROUND PAPERS**

1. Committee Report to 15 April 2021 Licensing and Appeals Committee Meeting.
2. Responses to Consultation Exercise – March 2020.
3. Equalities Impact Assessment 2020-2021.

6 **ATTACHMENT(S)**

Appendix 1 – Final Draft House-to-House and Street Collections Policy Document

**DRAFT POLICY DOCUMENT REFERRED
TO COUNCIL BY LICENSING &
APPEALS COMMITTEE APRIL 2021**

LICENSING POLICY

HOUSE TO HOUSE AND STREET COLLECTIONS (CHARITY COLLECTIONS)

This Policy will take effect from **1st AUGUST 2021** for a maximum period of 3 years, and will be kept under review. If you wish to make any comments during this period please contact the Licensing Manager in writing by:

Email : licensing@derbyshiredales.gov.uk

Post : The Licensing Manager
Regulatory Services
Derbyshire Dales District Council
Town Hall
Matlock
Derbyshire
DE4 3NN

Index

	Page Number
Introduction	2
General Policy Matters	2
• Sharing information	2
• Policy Application	2
• Enforcement	2
Street Collections	
• Introduction	3
• Policy	3 - 4
• Applications and Fees	4
• Waivers and Consents	4
• Regulations	4
• Appeals	4
House to House Collections	5
• Introduction	5
• Exemptions	5
• Policy	5
• Fit and Proper Person	6
• Exercising Due Diligence	6
• Additional Information	6
• Late Applications	6
• Applications and Fees	6 - 7
• Appeals	7
Appendix 1 – Street Collections Regulations	8 - 9
NB: The House-to-House Collections Regulations 1947. The regulations are 12 pages long and can be requested by email licensing@derbyshiredales.gov.uk . A copy of these will be sent out with every House-to-House Licence issued.	
Appendix 2 – Standard Scale of Maximum Fines for Offences (Levels 1 – 5)	10

Introduction

- 1.1 Derbyshire Dales District Council regulates charitable collections in the street and also house to house charitable collections. Some matters relating to these collections are at the discretion of the Council and it is important that the Council has a policy regarding these matters.
- 1.2 This policy is designed to ensure that:
 - a) applications are made in a timely way, neither too early nor too late,
 - b) collecting organisations each get a fair opportunity to make collections, and
 - c) members of the public are not subject to an excessive number of requests for donations.

2 General Policy Matters

2.1 Sharing of Information

The Council will share with other enforcement bodies information supplied by applicants, or acquired in the course of exercising licensing functions, where it is lawful to do so. In particular, personal information will only be disclosed in accordance with data protection legislation. This may include requests from the Audit Commission or other regulatory agencies where this is necessary for the detection or prevention of crime or required by law or in connection with legal proceedings. Where applicable, it will be under the relevant Information Sharing Protocol.

2.2 Policy Application

This document contains the policies adopted by Derbyshire Dales District Council for the grant of permits and licences. These policies will normally be applied in every case but where there are exceptional or unusual circumstances then these policies and conditions may be departed from. Any departure from these policies will only be as approved by the Head of Regulatory Services.

2.3 Enforcement

Failure to comply with legislative requirements is an offence. In determining what enforcement action to pursue in respect of offences, the individual circumstances will be taken into consideration, together with the Council's enforcement policies and other national guidance, such as the Crown Prosecutor's Code of Practice.

3 Street Collections

3.1 Introduction

The Police, Factories, etc. (Miscellaneous Provisions) Act 1916, as amended by the Local Government Act 1972, empowers local authorities to regulate collections made in the street.

A collection means a collection or a sale of articles for the benefit of charitable or other purposes.

3.2 Policy

All collections shall be carried out in accordance with the regulations made by the Council. The following policies are in addition to those regulations.

- 1) Collections may not be carried out in any public street or public place, apart from at an open air meeting, unless the promoter has obtained a permit from the Council. This includes collections as part of processions. This does not prevent collections taking place on land which is not a public place but some land that is privately owned to which the public generally have access will constitute a public place.
- 2) All applications shall be made at least one calendar month prior to the proposed start date of the collection. Applications received after this time will not generally be considered unless there are exceptional circumstances. For example: where a major charitable need has suddenly arisen, which could not have been foreseen, and which requires urgent assistance e.g. Children in Need Rickshaw Challenge.
- 3) Applications for permits or waivers will not be considered more than twelve months in advance of the proposed date of the start date of the collection.
- 4) Only one charity shall be allowed to collect within any one town centre on any one day. Applications may be made for several town centres for the same period – but a separate application must be completed for each one.
- 5) The most popular areas in which collections are usually applied for are Bakewell, Matlock, Ashbourne, Wirksworth, Tideswell and Matlock Bath. Other towns and villages may be allowed.
- 6) Permits to collect shall only be granted for periods not exceeding seven consecutive days with a period of seven clear days between permits.
- 7) Permits will not be granted to any organisation which
 - a) has any direct political allegiance or affiliation or
 - b) is involved in, or advocates
 - i) any form of direct action which intimidates or threatens any person, or group or person, or
 - ii) which involves or encourages any illegal activity.

- 8) Where applications are received from more than one organisation for the same day, or for periods which overlap, then a permit will only be granted to one organisation. The organisation which shall be granted a permit shall be determined on a first-come-first-served basis.

However, preference will be given to local charities or charities with a local connection where applications have been made but not yet granted for the same or an overlapping period.

- 9) Exceptions to this rule shall be for the following national charities whose collections are linked to specific dates in the year to whom preference shall be given: Children in Need, Royal British Legion Poppy Appeal, Round Tables, Lions and Rotary Clubs. In addition local events that will receive preference include Shrovetide Committee, Matlock Bath Raft Event and various village carnivals.
- 10) Authority is delegated to the Head of Regulatory Services, to limit permits to such streets or public places or such parts thereof as is considered appropriate.
- 11) Applications to collect to raise funds for the purpose of financing personal expeditions shall not be permitted, even where a proportion of the funds raised are donated to charity.

3.3 Applications and Fees

The current legislation does not make any provision for any fees to be payable for a permit.

3.4 Waivers and consents

The Council's Regulations make allowances for the Regulations to be departed from in some case under specified circumstances. Any request to depart from the Regulations shall be made as detailed above.

3.5 Regulations

Applicants for permits and existing permit-holders shall comply with the Council's Regulations which are included at **Appendix 1**.

Any person who acts in contravention of these Regulations is guilty of an offence which on conviction is punishable by a fine not exceeding Level One (currently £200).

3.6 Appeals

There is no formal right of appeal against any decision made by the Council to grant or refuse an application for a street collection permit.

However, in the interest of fairness and transparency, if an organisation wishes to lodge a request for a decision to be reviewed then the matter should be put in writing to the Head of Regulatory Services, who will review the decision.

4 House to House Collections

4.1 Introduction

Public charitable collections conducted on a house-to-house basis are currently regulated by the House to House Collections Act 1939 and the House to House Collections Regulations 1947.

Collections for a charitable purpose may not be made unless the provisions of the Act and the Regulations are complied with and a licence from the Council has been obtained; otherwise a criminal offence is being committed. Anyone acting as a collector where the promoter is not licensed, would also be committing a criminal offence. Offences are punishable by penalties ranging from a minimum fine up to six months imprisonment and a fine.

For penalties for offences see House to House Act 1939 – section 8
<https://www.legislation.gov.uk/ukpga/Geo6/2-3/44/section/8>

NB: See page 10 for current maximum fines for each Level on the Standard Scale.

4.2 Exemptions

The Minister for the Cabinet Office is responsible for a national exemption order scheme for house-to-house collections under the current law.

National exemption orders are generally available to organisations which have obtained house to house collection licences in at least 70-100 local authority licensing areas for the two preceding years. There are currently 47 national exemption order holders. (List updated July 2019).

Special provisions relate to collections which are local to an area and which are to take place over a short period of time. In such circumstances the Police are able to issue a local exemption certificate as an alternative to the Council issuing a licence.

Selling goods door-to-door on the basis that the proceeds will go to charity constitutes a house to house collection. The Council has no power to attach conditions to a licence, nor to limit the number of house to house collections taking place at any one time nor to restrict them to a particular locality.

4.3 Policy

1) Amount devoted to charity

The grounds for refusal of an application for a licence by the Council, which are detailed in the Act, include where the total amount likely to be applied for charitable purposes as a result of the collection is inadequate in proportion to the value of the proceeds likely to be received (including any proceeds already received).

For the purposes of assessing this, the Council will not generally grant a licence unless the total amount applied for charitable purposes is a) likely to be equal to or exceed 80% of the total value of money likely to be received or b) where goods are collected or sold 80% of the profit derived. In judging this, evidence of the amount devoted to

charitable purposes as a result of previous collections, both within or outside the District, will be taken into account.

Where information becomes available after a licence has been granted, that the percentage requirements have not been met, then the licence shall normally be revoked.

2) Fit and proper person

The grounds of refusal include where the applicant is not a fit and proper person by virtue of having been convicted of certain offences.

The Council's Policy shall be that generally anyone convicted of one of the specified offences shall not be granted a licence or shall have their licence revoked.

For penalties for offences see House to House Act 1939 – section 8
<https://www.legislation.gov.uk/ukpga/Geo6/2-3/44/section/8>

NB: See page 10 for current maximum fines for each Level on the Standard Scale.

3) Exercising due diligence

Where the applicant for or licence-holder fails to exercise due diligence in ensuring that collectors authorised by him/her were or are fit and proper persons, then the Council may refuse to grant the licence or may revoke the existing licence.

The Council's Policy is that, where the Council is satisfied that due care or diligence has not been exercised, a licence will be refused or revoked.

4) Additional information

Where the applicant or the holder of a licence refuses or neglects to provide the Council with such information that the Council considers reasonable to require, then the Council will normally refuse the application or will revoke an existing licence.

5) Late applications

Applications must be made at least one month before the month in which it is proposed to carry out the collection. This period is specified in the legislation. Late applications may be considered but only where there are special reasons for doing so.

The Council's Policy is that late applications will not generally be considered unless there are exceptional circumstances. An example of this would be where a national/international disaster that could not be foreseen, where emergency aid/relief is required eg. Tsunami Relief Aid.

4.4 Applications and Fees

The current legislation does not make any provision for any fees to be payable for a licence.

Once a licence has been granted the collection promoter must ensure that their collectors are issued with prescribed certificates of authority and badges, blank copies of which may be obtained from HM Stationery Office.

It is an offence for any collector to collect without being in possession of the required signed authority and badge.

Following the collection, a form of statement must be completed and submitted to the Council within one month of the collection. The Statement must include details of income and expenditure, and the amount donated to the charity or good cause.

Some collections are carried out by regional or national charitable organisations under the authority of a Cabinet Office Exemption, and do not need a licence from the Council, so will not be required to submit statements to the Council.

4.5 Appeals

There is a right of appeal to the Minister for the Cabinet Office against the decision of the Council to refuse an organisation a licence to hold a house to house collection or to revoke such a licence.

An appeal must be lodged within 14 days of the date on which notice of refusal or revocation was given to the applicant or licence-holder.

STREET COLLECTIONS - REGULATIONS

1. No collection of money or sale of any article shall be made in any street or public place within the District of Derbyshire Dales unless the person, society, committee or other body of persons responsible for such collection or sale shall have obtained from the Derbyshire Dales District Council a permit for such collection or sale.
2. Application for a permit shall be made in writing not later than one month before the date on which it is proposed to make the collection or sale.

The licensing authority may reduce the period of one such month if satisfied that there are special reasons for so doing.
3. No collection or sale shall be made except upon the day and between the hours stated in the permit.
4. The licensing authority may in granting a permit limit a collection or sale to such streets or public places or such parts thereof as they think fit.
5. No person may assist or take part in any collection or sale without the written authority of the person, society, committee or other body of persons to whom a permit has been granted. Every person so authorised shall produce such written authority forthwith for inspection by a duly authorised officer of the licensing authority or any police officer on demand.
6. No collection or sale shall be made in any part of the carriageway of any street, which has a footway, provided that the licensing authority may, if it thinks fit, allow a collection or sale to take place on the said carriageway where such a collection or sale has been authorised to be held in connection with a procession.
7. No collection or sale shall be made in any street or public place to the obstruction or annoyance of any person in such a street or public place.
8. No collector or vendor shall importune any person to the annoyance of such persons.
9. Any person acting as a collector or vendor in a street or public place shall occupy a stationary position at some place on the footway. Not more than 2 persons shall act as collectors or vendors at the same place, and no person shall collect money or sell articles within 25 metres of the place where any other person is collecting or selling.

The licensing authority may, if it thinks fit, waive the requirements of this Regulation in respect of a collection or sale, which has been authorised to be held in connection with a procession.
10. No person under the age of 16 years shall act or be permitted to act as a collector or vendor.
11. Every collector or vendor shall carry and present to all contributors or purchasers for the reception of money contributions, a box or other receptacle securely closed and sealed in such a way as to prevent the same being opened without such seal being broken, and all money shall be immediately placed into such box or receptacle.

All such boxes or receptacles shall be numbered consecutively. Every collector or vendor shall deliver his boxes, other receptacles, with seals unbroken, to one of the persons responsible for the proper application of the money received.

12. A collector or vendor shall not carry or use any collecting box, receptacle or tray, which does not bear, displayed prominently thereon the name of the fund for which the collection or sale is being made, nor any box or the receptacle which is not duly numbered.
13. No payment or reward shall be made or given either directly or indirectly, to any other person connected with the promotion or conduct of a collection or sale for or in respect of services connected therewith, except such payments as may have been approved by the authority which granted the permit.
14. (1) Within one month after the date of any collection or sale, the person, society, committee or other body of persons responsible therefore shall forward to the Secretary and Solicitor for the information of the licensing authority a statement in the form set out in the Schedule to the Regulations, certified by the auditor of the society or by some independent responsible person, with vouchers showing in detail the amount received and the expenses incurred in connection with such collection or sale, and shall, if required by the licensing authority, satisfy them as to the due proper application of the proceeds of the collection or sale.

The society, committee or other body shall also, within the same period, at their own expense and after audit, publish in such newspapers as the licensing authority may direct, a short statement showing the name of the person, society, committee or other body of persons responsible for the collection or sale, the amount collected, the amount of expenses and the amount distributed to the charity or fund.

- (2) The licensing authority may, if satisfied there are special reasons for doing:-
 - (a) extend the period of one month referred to in Paragraph (1) above and
 - (b) agree to accept from the person, society, committee or other body of persons required to forward a statement to the appropriate officer under Paragraph (1) above, a statement which although not in the form set out in the Schedule to these Regulations is in a like or similar form, and where there has been agreement and an acceptance, Paragraph (1) above shall be deemed to have been complied with.
15. These regulations shall not apply:-
 - (i) in respect of a collection taken at a meeting in the open air;
 - (ii) to the selling of articles in any street or public place when the articles are sold in the ordinary course of trade and for the purpose of earning a livelihood and no representation is made by or on behalf of the seller that any part of the proceeds of sale will be devoted to any charitable purpose.
16. The maximum fine for breach of any of these regulations is £200, Level 1 under Section 5 of the Police, Factories etc. (Miscellaneous Provisions) Act 1916 as amended.

Maximum fines

A fine must not exceed the statutory limit. Where this is expressed in terms of a 'level', the maxima are:

Level 1	£200
Level 2	£500
Level 3	£1,000
Level 4	£2,500
Level 5	Unlimited

(This information is correct at 1 July 2021)

Council

08 July 2021

Report of the Director of Resources

PROVISIONAL REVENUE AND CAPITAL OUTTURN 2020/21, REVISED REVENUE BUDGET 2021/22, CAPITAL PROGRAMME AND MEDIUM TERM FINANCIAL PLAN UPDATE

PURPOSE OF REPORT

This report provides details of the provisional financial outturn for the District Council's Revenue and Capital spending for the year ended 31st March 2021 and significant variations from the revised budget.

The report also seeks approval for the updated Capital Programme for 2021/22 to 2025/26, revised revenue budget for 2021/22 and an updated Medium Term Financial Plan (MTFP) for 2021/22 to 2025/26.

RECOMMENDATION

1. That the General Fund Revenue and Capital Outturn reports for 2020/21 be noted.
2. That the General Fund Revenue Account for the year 2020/21 be balanced by a transfer of £17,873 into the Funding Uncertainties Reserve;
3. Members note that, subject to the approval of recommendation 2, the revenue account for 2020/21 is balanced.
4. Members approve the creation of a new Covid Funding Reserve to earmark funds for future pressures relating to Covid-19.
5. That the provisional Capital Out-turn, as detailed in Appendix 3, and financing arrangements for 2020/21, in the sum of £4,944,145 are approved;
6. That the revised Capital Programme as detailed in Appendix 3 and financing arrangements for 2021/22, in the sum of £10,444,275 are approved;
7. That the Capital Programmes for 2022/23 to 2025/26, as detailed in Appendix 3, for the sum of £1,731,162, are approved;
8. That the potential future capital programme liabilities outlined in Appendix 4 are noted.
9. That the revised budget for 2021/22, as presented in Appendix 6, including virements and supplemental budgets detailed in appendix 7 are approved.
10. That the updated Medium Term Financial Plan 2020/21 to 2024/25, as shown in Appendix 5, and revised indicative Corporate Savings Target for 2023/24 of £500,000 are approved;
11. That the summary of revenue balances, provisions and earmarked reserves, set out in Appendix 2, is noted.

WARDS AFFECTED

All

STRATEGIC LINK

The Council's Revenue Budget and Capital Programme assist in delivering the priorities and targets within the Corporate Plan, by allocating budgets to specific projects. It should be noted, however, that not all projects shown in the new Corporate Plan have been costed and included in these financial plans.

The Revenue Budget, Capital Programme and Medium Term Financial Plan specifically address the following priority area: "People: Achieve a sustainable financial position by prudent management of resources and reviewing services". The Capital Programme is presented to link spending with the three priority areas of People, Place and Prosperity.

The provisional financial position as at 31st March 2021 has been reflected in an updated Medium-Term Financial Plan and will be reflected in an updated Medium Term Financial Strategy and Revenue Spending Proposals for 2022/23 that will be presented in 2022.

1 SUMMARY

- 1.1 The provisional outturn on the revenue account for 2020/21 was a surplus of £17,873 against the revised budget. Key reasons for the variance are highlighted in the report below.
- 1.2 The provisional outturn for the 2020/21 Capital Programme was an under-spend of £2,907,960 against the revised Capital Programme that was approved in March 2020 and updated in August 2020, December 2020 and March 2021. Key schemes that contributed to this underspend are given in the report below. Most of the under-spend has been treated as "slippage" and moved into the revised Capital Programme for 2021/22.
- 1.3 If the recommendations of this report are approved, the provisional outturn is that Council will maintain its general fund balances at £2.0m at 31 March 2021 and increase earmarked reserves from £17.664m to £20.976m in the financial year.
- 1.4 It is necessary to update the budget for 2021/22 to take account of the impact of year end transfers into the Committed Expenditure Reserve which were not included in the Original Budget, alongside other minor budget amendments and virements which have been identified to date. The net impact of this results in an anticipated reduction in the contribution from the general reserve of £20,200.
- 1.5 An updated Medium Term Financial Plan has been prepared to reflect the 2020/21 outturn, and events that have occurred since the budget and MTFP were approved in March 2021. The updated MTFP indicates that ongoing annual savings of approximately £500,000 will be required to balance the revenue budget from 2023/24, unless favourable finance settlements are received.
- 1.6 The figures shown in this report reflect the provisional outturn for 2020/21. The Council's accounts are subject to external audit review and technical adjustments might be required that could affect the overall financial position. Any changes that are required during the audit will be reported to the Governance & Resources Committee when the Statement of Accounts is considered for approval (expected) in September.

2 REVENUE SPENDING

- 2.1 The General Fund contains all services that the Council is responsible for providing. During 2020/21 the Council faced a number of challenges in successfully managing its financial position, delivering new and existing services during the Covid-19 pandemic whilst also planning for the future. The Council set a balanced revised budget in March 2021 which accounted for the known and expected impacts of Covid-19 as fully as possible at that stage. There was an expectation that a contribution of £695,684 (£490,533 from the Funding Uncertainties Reserve and £205,151 from the General Reserve) would be required to balance the budget. It has not been necessary to fund the 2020/21 out-turn with these contributions and a surplus of £17,873 has been achieved.
- 2.2 A number of services had to be temporarily suspended as the country entered national and local lockdowns, and this had a significant impact in particular on income generating services such as car parking, trade waste and markets, but also on other frontline services including those which have been outsourced such as to Freedom Leisure for Leisure Centre closures and Serco for Waste Collection. Many of the financial impacts were taken into consideration when the revised budget was set in March 2021.
- 2.3 There remains uncertainty on the Government's plans for local government funding reform, including the fair funding review and changes to business rates retention, with the potential of a delay to the implementation of funding reforms. A delay may allow the reforms to take account of the effects of the pandemic. It is recommended that the 2020/21 surplus be transferred into the Funding Uncertainties Reserve, increasing the funding available to support the Council in responding to future financial pressures.
- 2.4 The Summary Revenue Account, comparing the outturn with the revised budget, is shown at Appendix 1. The main reason for the 2020/21 surplus is the receipt of additional government grant funding that was not anticipated when the revised budget was set. The table below identifies the most significant variances against the revised estimates:

Budget Head	Variance: Revised Budget to Outturn 2020/21 £000s
Income from Section 106 contributions (offset by contribution to Revenue Grants Unapplied).	(1,117)
Discretionary Grants funded by government grants paid to Businesses (offset by contribution to Revenue Grants Unapplied Reserve)	(642)
Tree maintenance (offset by contribution to Committed Expenditure Reserve)	(163)
Underspend in anticipated Leisure Centre Management payments (offset by transfer to Covid Funding Reserve)	(302)
Reduced utility bills (electricity, gas and water charges)	(147)
National Leisure Recovery Fund Grant to support Leisure Services	(117)
SWEP Homeless Grant (offset by contribution to Revenue Grants Unapplied)	(163)
Other variances - net	2
Net Cost of Services	(2,649)
Transfers to / (from) Reserves*	3,682

Retained Business Rates (offset by contribution to Revenue Grants Unapplied Reserve for NNDR rate reliefs and from Business Rates Fluctuations Reserve)	(228)
Covid-19 New Burdens Grant	(229)
Covid-19 Sales, Fees and Charges Grant in excess of Revised Budget	(452)
Council Tax Income Guarantee Scheme compensation (offset by contribution to Revenue Grants Unapplied)	(77)
Other Non-ring-fenced Government Grants	(65)
Sub Total (surplus)	(18)
Proposed Transfer to Funding Uncertainties Reserve	18
Total	0

Reductions in expenditure or increased income are shown in brackets in the table above.

*A breakdown of the transfers to and from reserves is included in Appendix 2.

- 2.5 The impact of Covid-19 on the financial position of the Council has been significant throughout 2020/21 as the effects of the pandemic were felt and as the Council, in its position as a community leader, engaged in a number of projects and initiatives to support its local businesses and electorate, whilst continuing to deliver its core services, where able.

Covid-19 Grants and Reliefs Administered on Behalf of Central Government

- 2.6 During the 2020/21 financial year Derbyshire Dales District Council has been responsible for administering and distributing a number of grant schemes over the course of the Covid-19 pandemic. The most significant grants related to business grants awarded by BEIS (Department for Business, Energy & Industrial Strategy). The Council has been required to distribute these grants to eligible businesses as either a principal where the Council is acting in its own right, or as an agent where the Council is an intermediary. The Council has also received Test & Trace Support Scheme grants to deliver a mandatory scheme (agent) and a local discretionary scheme (principal) for payments to qualifying individuals.
- 2.7 Where the Council is the Principal, these grants and the payments are recognised in the Council's relevant services and included in the out-turn position. Any grant unspent by the 31st March 2021, but expected to be spent is carried forwards within the Revenue Grants Unapplied balance for use during 2021/22. Where the Council is an agent, these transactions are not included within the outturn.
- 2.8 A number of other grants and reliefs have also been awarded or recognised during the year. The table at Appendix 8 summarises the Covid-19 grants received and utilised from Central Government during 2020/21, indicating whether they have been included within the outturn position.

Reserves and Balances as at 31 March 2021

- 2.9 The table below shows a summary of General Fund Reserves and Provisions. The detailed position on reserves and balances, following the recommendations set out above, can be seen in Appendix 2. It is important to appreciate that many of the reserves and

provisions are earmarked for specific purposes, and accordingly these funds should not be regarded as being available for general use.

Reserve	Opening Balance 1 st April 2020 £'000	Closing Balance 31 st March 2021 £'000	Amount of Closing Balance Specifically relating to Covid-19 £'000
General Reserve & Working Balance	2,000	2,000	0
Earmarked Reserves	17,664	20,976	5,589
Capital Receipts Reserve	2,962	2,559	0
Capital Grants Unapplied	236	1,262	0
Useable Reserves	22,862	26,797	5,589
Provisions	1,148	1,617	0
Total Reserves and Provisions	24,010	28,414	5,589

2.10 As a result of Covid-19 a number of grants and underspends have been specifically earmarked for future use relating to the effects of the pandemic and do not represent additional spending power otherwise available to the Council.

2.11 The balances held specifically relating to Covid-19 are as follows:

Reason	Amount	Earmarked Reserve
Future covid pressures	£608,040	Covid Funding Reserve
Discretionary Business Support Grants such as Additional Restrictions Grant	£642,290	Revenue Grants Unapplied
Track and Trace Funding	£47,000	Revenue Grants Unapplied
NNDR Section 31 relief for Expanded Retail Discount	£4,126,808*	Revenue Grants Unapplied
NNDR Section 31 relief for Nursery Discount	£14,000*	Revenue Grants Unapplied
Compliance and Enforcement Grant and DCC Contribution	£73,403	Revenue Grants Unapplied
Council Tax Income Guarantee Compensation	£77,234*	Revenue Grants Unapplied
Total	£5,588,775	

*The surplus on Business Rate Section 31 grants includes £4,140,808 of grant received by the Council to compensate for the loss of Business Rate Income as a result of the extended rate relief given to retail, hospitality and leisure businesses and nursery providers to support them through the pandemic. The revised budget estimated this amount to be £3,956,571. The legislation that governs Collection Fund Accounting means the related deficit as a result of the loss of Business Rate income in year will not be charged to the Council's General Fund until 2021/22. As a result this balance has been transferred to Revenue Grants Unapplied to be drawn down to offset the deficit in 2021/22. This funding is not available for any other use. The Council Tax Income Guarantee compensation of £77,234 similarly compensates the Council for income losses which would otherwise be recognised in 2021/22, and is not available for any other use.

2.12 The creation of the new Covid Funding Reserve underpins the Council's commitment to continue to plan for and react to any ongoing pressures arising from the Covid-19

pandemic which will continue to arise during and beyond 2021/22. This will provide an immediate funding mechanism for emerging pressures which are outside of the Council's direct control, and to develop services post covid-19 which would otherwise be unaffordable or have adverse financial impacts.

- 2.13 Following the transfer of the surplus for 2020/21 into the Funding Uncertainties Reserve, revenue balances carried forward at 31 March 2021 total £1,999,839 (31 March 2020 £1,999,839). This balance is significant as it reflects the revenue balances that are generally available for new expenditure. The Council has determined that it is prudent to maintain a working balance of £1m to meet emergencies and contingencies, and to assist with cash flow. This balance may also be required in the event that the Council does not achieve the savings required to balance the budget in any financial year after the use of relevant reserves.
- 2.14 The Council holds a number of earmarked reserves to finance future capital and revenue expenditure. The value of earmarked reserves held at 31 March 2021 is £20,970,179 (£17,664,082 at 31 March 2020).
- 2.15 Provisions are made when an event has taken place that gives the Council an obligation that most likely requires settlement, but where the timing or amount are uncertain. The Council has an Insurance provision and a provision for Business Rate Appeals, which has grown during 2020/21 based on the latest information received relating to likely appeals. The Business Rate Retention regime places a liability on the Council and other precepting Authorities to refund ratepayers who successfully appeal against the rateable value of their property on the rating list. The provision represents the Council's estimated share of such liabilities as at the 31st March 2021.
- 2.16 The section on the Capital Programme set out below explains that sources of funding for the Capital Programme and potential future capital resources are diminishing. The current Medium Term Financial Plan (MTFP), shown in Appendix 5, illustrates that in 2022/23 there is still a budget gap of £298,000. The level of the General Reserve and the Funding Uncertainties Reserve provide mitigation in case savings or additional income of that magnitude do not materialise by March 2022 when the Council must set a balanced budget for 2022/23.

Council Tax and Business Rates Collection

- 2.17 Derbyshire Dales District Council collects council tax on behalf of Derbyshire County Council, Derbyshire Fire and Rescue Authority and Derbyshire Police Authority. Amounts collected, bad debts written off and any surplus or deficit on the collection fund are distributed according to precepts. In 2020/21 £55.4m (£54.5m in 2019/20) was collected from council tax payers; this represents 97.5% of council tax that was due by 31 March (98.5% collected in 2019/20). The final year-end position on the Council Tax Collection Fund is a deficit of £1.026m, (2019/20 £0.226m surplus).
- 2.18 During 2020/21 the Council was part of a business rates pool with other Derbyshire Authorities, and business rates were collected on behalf of Derbyshire County Council and Derbyshire Fire and Rescue Authority. Amounts collected, bad debts written off and any surplus or deficit on the collection fund are distributed according to prescribed shares. In 2020/21 £9.5m was collected from business rate payers (£18.3m in 2019/20)– the reduction in 2020/21 reflects covid rate reliefs; this represents 92.2% of business rates that were due by 31 March, (97.6% collected in 2019/20). The final year-end position on

the National Non Domestic Rates (NNDR) Collection Fund is a deficit of £11.830m (2019/20 £1.416m deficit).

- 2.19 Collection rates for both council tax and business rates were affected by the coronavirus pandemic. The revenues team will continue to collect any arrears from 2020/21 and prior years during 2021/22. During 2020/21 a light touch was taken to debt recovery, with only reminders being sent. A plan is being developed to resume full debt recovery in the coming months, tying in with the government milestones for emerging from the lockdown. Court dates have been booked for September 2021.
- 2.20 As highlighted previously in this report the Council received section 31 grants during the year in respect of expanded retail relief and nursery relief to compensate the Council and the precepting authorities for the reduction in the overall business rates collectable debit. The Council has also received Council Tax Income Guarantee compensation. These balances have been transferred into Earmarked Reserves to significantly offset the deficits that will be recognised in 2021/22.
- 2.21 Derbyshire Dales District Council's share of these surplus and deficits is taken into account when setting the council tax for the following financial year.

3 CAPITAL SPENDING

- 3.1 Capital expenditure can be defined as any expenditure to acquire or construct an asset that has a useful life of more than one year, or any continuing expenditure to enhance (not merely maintains) an asset. Capital expenditure may include:
- buying or building a new property
 - work to improve or enhance the Council's properties
 - awarding grants for the above types of activity, for example, grants for facilities in disabled residents' homes.

Capital spending in 2020/21

- 3.2 The Capital budget for 2020/21 was set in March 2020 at £7,342,041. This was revised during the year to reflect progress on schemes and the addition of new schemes. In March 2021 the Council approved a revised capital programme for 2020/21 of £7,790,985. The provisional outturn for 2020/21 is £4,944,145. Details of spending against each scheme can be seen in Appendix 3 to this report.
- 3.3 The table below shows capital spending, analysed by the Council's priorities:

Council Priority	2020/21 Budget £'000s	2020/21 Revised Budget £'000s	2020/21 Actual £'000s	2019/20 Actual £'000s
Prosperity	2,717,970	2,261,736	1,347,323	1,326,218
People	37,250	37,200	37,200	112,461
Place	3,762,382	936,906	690,529	2,051
Other	824,439	4,555,143	2,869,093	594,355
Total Capital Spending	7,342,041	7,790,985	4,944,145	2,035,085

- 3.4 At 31st March 2021, there is an under-spending of £2,846,840 compared to the revised estimate. The major schemes contributing to this are:

Capital scheme	Comments	Variance: Revised Programme to Outturn 2020/21 £000s
Waste Vehicles	Further Fleet delivery scheduled for 2021/22	(1,115)
Commercial Vehicles	Further Fleet delivery scheduled for 2021/22	(298)
Ashbourne Leisure Centre - Condition surveys	Scheme scheduled to commence in 2021/22	(145)
Energy Efficiency GHG: LAD Phase 1B	Project is scheduled to commence in 2021/22	(880)
Non Traditional Homes improvement schemes	To be completed in 2021/22	(152)
Rural village affordable Housing	To be completed in 2021/22	(55)

Underspends are shown as negative figures in the table above.
Further details are given in Appendix 3 to this report.

- 3.5 This report seeks Members' approval to carry forward most of the underspending from 2020/21 as slippage into 2021/22, as set out in Appendix 3.

Capital spending in 2021/22

- 3.6 The revised capital programme for 2021/22 has been updated to reflect slippage and is summarised below:

Priority	2020/21 Recommended Capital Programme £
Prosperity	5,869,331
People	11,000
Place	2,027,020
Other	2,536,924
	10,444,275

Further details are given in Appendix 3 to this report.

- 3.7 The spending proposals shown in the table above are the aggregate of the estimated scheme costs. All estimated grants and contributions have been dealt with as part of the financing arrangements (shown below). The major items in the spending proposals where expenditure in 2021/22 is estimated at £250,000 or more are:

Scheme	Cost £000
Development at Blenheim Road, Ashbourne	250
Disabled Facilities Grants	667

Social Housing Grants: Tideswell	413
Social Housing Grants: Matlock YMCA with NCHA	500
Non Traditional Homes improvement scheme	351
Social Housing Grants: Wirksworth community land trust	350
Social Housing Grant - Wirksworth	280
Commercial vehicles – Vans, lorries etc.	578
Purchase of waste vehicles	1,115
Potential purchase of land at Longcliffe	250
Bakewell Road, Matlock Development	799
De-carbonisation at Ashbourne Leisure Centre	734
Energy Efficiency GHG: LAD Phase 1B	880
Empty Homes - Council Houses	300

New Bids

- 3.8 The revised Capital Programme for 2021/22 **does not include** the following schemes which are subject to a separate report at this Council meeting. If these schemes receive approval they will be included in the next update to the Capital Programme.

New Scheme	Reason for Inclusion	Amount
Travellers' Site	In response to the needs by Homeless Gypsy and Traveler Family	Site Works = £25,000
Car parks	Security measures for vulnerable car parks	Barrier = £10,000
Total New Bids		£35,000

*This does not include the cost of the CCTV for monitoring the Coach area.

Capital spending in 2022/23 to 2025/26

- 3.9 The revised Capital Programmes for 2022/23 to 2025/26 have been updated to reflect slippage and are summarised below:

Priority	2022/23 to 2025/26 Recommended Capital Programme
	£
Prosperity	491,470
People	0
Place	467,000
Other	772,692
	1,731,162

Further details are given in Appendix 3 to this report.

Capital Resources

- 3.10 The Council has substantial internal resources to finance its capital programme including its strategic reserves and the balance of its Capital Receipts Reserve. Also available is the use

of external borrowing when required. The Council has sufficient resources to fund the proposed capital programme.

3.11 The table below shows how the capital spending in 2020/21 was financed and how it is proposed to finance the capital programme from 2021/22 to 2025/26:

Source of Funding	2020/21 £	2021/22 £	2022/23 £	2023/24 to 2025/26 £	Total £
Capital Receipts	403,139	2,468,096	55,000	55,000	2,981,235
Grants & Contributions	1,074,765	696,260	458,470	0	2,229,495
Use of Reserves:					
Capital Programme Reserve	91,193	1,709,759	0	0	1,800,952
Section 106 Contributions	667,465	4,312,224	570,000	0	5,549,689
Waste Vehicles Reserve	2,497,571	0	0	0	2,497,571
Vehicle Renewals Reserve	166,684	577,666	214,000	322,000	1,280,350
ICT Reserve	13,048	81,000	50,000	0	144,048
Economic Development Reserve	0	10,000		0	10,000
Carsington Reserve	0	26,760	6,692	0	33,452
Investment Reserve	2,080	562,510	0		564,590
Customer Innovation Reserve	28,200	0	0	0	28,200
Total Capital Financing	4,944,145	10,444,275	1,354,162	377,000	17,119,582

3.12 The table below shows the impact on the Council's Reserves and Balances of the above proposals:

Reserve/Balance	B/fwd 01/04/2020 £	New Receipts £	Used for capital expenditure £	C/fwd 31/03/2026 £	Comments
Capital Programme Reserve	1,807,120	0	1,800,952	6,168	Mostly earmarked for specific projects
Other Strategic Reserves* (earmarked for capital schemes) See below	3,949,642	912,200	4,558,211	303,631	Mostly earmarked for specific projects
Section 106 Income	6,128,692	1,210,179	5,549,689	1,789,182	Relies on new receipts being attained
Capital Receipts	2,962,476	300,000	2,981,235	281,241	Relies on new receipts being attained
Capital Grants	235,693	3,284,206	2,229,495	1,290,404	Mostly earmarked for specific projects
Total	15,083,623	5,706,585	17,119,582	3,670,626	

*Other Strategic Reserves” comprise the following:

Reserve	B/fwd 01/04/2020 £	New Receipts £	Used for capital expenditure £	C/fwd 31/03/2026 £
Carsington Improvements	33,452	0	33,452	0
Vehicle Renewals	590,063	900,000	1,280,350	209,713
ICT Reserve**	223,237	12,200	144,048	91,389
Economic Development Reserve**	10,000	0	10,000	0
Investment Reserve	564,590	0	564,590	0
Waste Vehicles Reserve	2,500,100	0	2,497,571	2,529
Customer Innovation Reserve**	28,200	0	28,200	0
Total	3,949,642	912,200	4,558,211	303,631

** Element of reserve that is earmarked for capital expenditure

3.13 Officer comments:

The table above demonstrates that, if the recommendations of this report are accepted, sources of capital funding are forecast to amount to £3,670,626 by 31 March 2026. However, Section 106 contributions, capital grants and the amounts in other strategic reserves are set aside for specific purposes; if these are excluded the amount available for new capital schemes reduces to £287,409. The Corporate Leadership Team has identified a number of future capital liabilities and potential new projects that will be required in the next 1-2 years that have not been included in this revised capital programme. These projects are set out in Appendix 4. They total £140,500 but do not include the estimated costs of constructing the traveller site (which haven't yet been quantified) and the new bids mentioned above. If the potential future capital liabilities and the new bids (totalling £175,500) are deducted from the £287,409 it leaves the Council with available funds of only £111,909 to meet further liabilities, not yet identified or quantified. If reserves or grant funding are not available to finance future capital projects, the Council's Capital Strategy (approved in March 2021) indicates that other sources of finance, such as borrowing, could be considered as long as the impact on the revenue account is sustainable.

For a small district council, in the current economic climate, a fully funded capital programme of £17.1m can be seen as fairly healthy. Members should note, however, that much of the capital programme is spent on enhancing and replacing existing assets and that existing funds are likely to be depleted by 2025/26. There will always be a need for some asset replacements and hence the need for annual contributions from revenue to capital reserves, as identified in the Medium term Financial Strategy.

4 REVISED REVENUE BUDGET 2021/22

- 4.1 On the 4th March 2021 Council approved the 2021/22 Original Budget with net revenue expenditure of £11,015,556. Following the closure of 2020/21 and the allocation of balances into the Committed Expenditure Reserve, it is necessary to update the 2021/22

budget to reflect the anticipated appropriations of £335,318 from the Committed Expenditure Reserves to fund services.

- 4.2 A small number of other budget amendments (virements) and supplemental budgets are also necessary to update the current anticipated financial position for 2021/22 which is now reflected as the Revised Budget. Fees and income relating to the Countywide Building Control Partnership have resulted in a saving which is proposed to reduce the contribution from the General Reserve during 2021/22 from £56,627 to £36,427, a reduction of £20,200.
- 4.3 Summary information on these budget changes is reflected in the table in Appendix 7. Where the total = 0 the required budget amendments are contained within the same directorate with no overall budgetary implication.
- 4.4 During Quarter 1 there have been ongoing lockdown restrictions which are slowly being lifted and have impacted the delivery of ordinary Council services, and both income and expenditure budgets. At present it is too early to determine the absolute impact and the budget is not yet updated to consider this. The full financial and operational impact of Covid-19 on the Council remains uncertain with our covid-19 response remaining a key priority during 2021/22. The creation of the Covid funding reserve will provide financial resilience to the Council to help mitigate against emerging cost pressures and income losses in excess of those compensated by government grants and contributions. Income and expenditure will be monitored through the year, and further revisions to the budget will be reported to members and recommended for approval as they are required.
- 4.5 The impact of Covid-19 on the Public Sector could not have been expected, with no previous experience of this type of virus or of the economic impact that it would have. The future economic situation remains uncertain. It is hoped that this is a one off event, but this cannot be guaranteed and further highlights the necessity to maintain an adequate level of Reserves, including the General Reserve to protect the Council against exceptional events. Due to robust Leadership and sound Financial Management the financial situation at Derbyshire Dales District Council is secure. The need to plan long term and to hold sufficient levels of reserves is reinforced in order to be able to deliver our key services, support our residents and businesses now and in the future, and continue to provide value for money in all that we do.

5 MEDIUM TERM FINANCIAL PLAN

- 5.1 The Medium Term Financial Plan (MTFP), shown in Appendix 5, sets out in broad terms the Authority's anticipated future spending requirements and indicates the level of savings that could be required in future years if the Council is to meet its statutory duty to set a balanced budget. The MTFP takes account of current and known additional requirements. The quantified additional requirements are based on the planned intentions of the Council and any future impact of decisions already implemented, but cannot be conclusive, as other changes will undoubtedly occur over time.
- 5.2 The Council's Medium Term Financial Plan was last updated in March 2021 when the Council set its budget for 2021/22. At that time a Corporate Savings Target of £318,000 a year by 2022/23, rising to almost £600,000 by 2024/25 was approved. The current update reflects the 2020/21 outturn position, and updates to the 2021/22 Revised Budget.
- 5.3 The figures in the updated MTFP reflect the funding that has been indicated in the Government's Settlement Funding Assessment for 2021/22. Several funding streams such as New Homes Bonus and Rural Services Delivery Grant received from Government have

a significant, direct impact on the Council. The Ministry for Communities and Local Government (MHCLG) has previously indicated that these funding streams may reduce and that information has been used to model the Council's MTFP. Central Government have made ongoing commitments to local government funding reform, including the Fair Funding Review. However there is currently a consensus across both Local Government and Whitehall that it may be better to delay the implementation of these funding reforms to take account of the effects of the pandemic alongside major reviews of the business rates system and social care. These reviews could bring about significant changes to the Council's funding in future financial years, which makes medium term financial planning very difficult at this point in time. There remains strong support for multi-year finance settlements which give improved certainty of local government funding. As the provisional and final settlements are not normally received until December and January respectively prior to financial year start, the Council will have limited time to respond to changes.

- 5.4 The MTFP includes the anticipated impact of several key developments for the council over the MTFP period. These include the impact of the climate change strategy, the Bakewell Road Development, the triennial review of the pension fund and impacts of savings arising through the previous Leisure Review.
- 5.5 The figures in the medium term financial plan indicate that significant savings must be achieved in the medium term if the Council is to be able to set a balanced budget each year. It is recommended that the Corporate Savings Target should be maintained at £500,000 by 2023/24, based on the assumptions in the MTFP which may or may not turn out to be accurate.

5.6 Officer comment

If the assumptions in the medium term plan turn out to be accurate, the Council will need to identify ongoing annual savings or additional income in excess of £298,000 in 2022/23 rising to over £500,000 to balance the budget by 2023/24, or use the General Reserve or Funding Uncertainties Reserve in those years to cover any shortfall. The use of reserves is a one-off, not sustainable for future years, but it would provide time during 2022 (when it is hoped that there will be more clarity over the funding position) for the Corporate Leadership Team to develop a Savings Plan to address budgetary shortfalls arising in 2022/23 onwards.

- 5.7 The approach to achieving the savings is set out in the Council's Medium Term Financial Strategy, which was approved in March 2021. Given the amount set aside in usable revenue reserves, the timing of the required savings, and the uncertainty surrounding local authority funding (arising mainly from the outcome of the anticipated level of the government's Fair Funding Review and its review of the Business Rates Retention scheme), the Council's approach to meeting the Corporate Savings Target and closing the budget gap is to refrain from significant service reductions at the present time, until the outcome of the government reviews is known. The Council will continue to explore commercial and investment opportunities to help it to achieve a sustainable financial future. The overall aim of this approach is that the Council will be far less reliant on government funding and will become more self-sufficient. The approach will focus on income generation and investment in economic development that will lead to growth. In the longer term, this approach will provide the Council with more financial resilience than depending on government grants.
- 5.8 The recommendations made in this report have been reflected in the draft Statement of Accounts, which will be published on the Council's website. The Statement of Accounts is subject to an independent audit, carried out by Mazars LLP. The audited Statement of

Accounts will be presented for approval at the Governance and Resources Committee meeting scheduled to be held in September 2021.

6 RESERVES AND BALANCES FOR 2021/22 AND BEYOND

- 6.1 The impact on reserves and balances of the revised revenue budget for 2021/22 and the updated capital programme is set out in Appendix 2 and summarised below:

Reserve	Opening Balance 1 st April 2021 £'000	Forecast Closing Balance 31 st March 2022 £'000	Forecast Balance 31 st March 2026 £'000
General Reserve & Working Balance	2,000	1,963	1,963
Earmarked Reserves	20,976	9,029	8,657
Provisions	1,617	1,617	1,617
Capital Grants & Receipts	3,821	1,499	1,572
Total Reserves and Provisions	28,414	14,108	13,809

7 KEY EVENTS FOR 2021/22 AND BEYOND

- 7.1 Whilst the impact of Covid19 has affected service delivery and Council priorities during 2020/21, Central Government has provided funding to Local Authorities to assist them both with cash flows and with enacting government priorities to protect businesses and individuals who would otherwise have been adversely affected. The longer term impacts and the ability for a V shaped recovery is not guaranteed and this presents a further risk to the Council, especially in returning to pre-covid levels of income for services such as car parking and stall markets and for leisure services through its relationship with Freedom Leisure.
- 7.2 Further uncertainties arise due to the continuing delay of the Fair Funding Review and the Retained Business Rate Review. Both of these reviews have the potential to significantly affect the amount of funding received by the Council in future years. The full impact of the McCloud/ Sargeant tribunal judgement on public sector pensions is also likely to have long term cost implications on the LGPS, the revenue impact of this is also not yet known.
- 7.3 Looking ahead, the key issue facing Derbyshire Dales District Council in the medium term is the need to produce a sustainable, balanced budget in the face of declining government support, following previous government austerity measures, and significant uncertainty of how the future now looks. The Council will continue to explore commercial and investment opportunities to help it to achieve a sustainable financial future. The overall aim of this approach is that the Council will be far less reliant on government funding and will become more self-sufficient. The approach will focus on income generation and investment in economic development that will lead to growth. In the longer term, this approach will provide the Council with more financial resilience than depending on government grants.
- 7.4 There are ongoing major projects outlined below that are being undertaken that will significantly influence the Council's ability to balance its budget in the future. There is also

a requirement for significant work and expertise to ensure that the best outcome for the Council and residents is achieved.

7.5 Council House Building Programme

The Council has previously approved proposals to become a provider of social housing. The modest programme of development will see up to 52 homes delivered over the next few years. The programme will provide a new and ongoing revenue stream to the General Fund, helping to support the Council's wider strategic objectives. The business plan for the programme was revised in June 2020 and forecast an annual revenue income of approximately £200,000 when all 52 homes have been completed.

7.6 Climate Change Action Plan

The Council's Climate Change Strategy and Action Plan is expected to be received very shortly and will be reported to Council separately. Whilst the detail is not yet known, it is expected that the Action Plan will identify a number of items that will require significant investment, if the Council is to meet its commitment to reach net zero carbon emissions by 2030.

7.7 Matlock Regeneration – Bakewell Road

The Bakewell Road Regeneration Project, Matlock, will convert the unattractive, underutilised former indoor Market Hall to enable provision of a new indoor leisure attraction for Matlock (a two-screen cinema), and will enclose part of the covered legacy bus bay area to provide an ancillary commercial use (a retail / food & beverage unit). The project's business case secured Council approval on 25 November 2020, along with capital investment of up to £848,820 from the District Council. It is intended that works will complete during 2022.

7.8 Local Plan Review

A review of the Derbyshire Dales Local Plan began in 2020. The Council has determined that economic recovery and climate change will be front and centre in the revised Local Plan. During 2021/22, evidence gathering will enable a revised Local Plan to be consulted upon. Examination and adoption is scheduled for 2023.

7.9 Ashbourne Airfield

Ashbourne Airfield is the largest employment location in the Derbyshire Dales and the focus of the district's manufacturing economy, occupied by over 70 businesses employing over 2,000 people. A new roundabout access and link road will complete during 2021/22, opening up 9 hectares of new employment land and additional land for some 1,500 new homes. The District Council has led the regeneration project and is contributing capital funding to the link road.

7.10 Other Corporate Plan Priorities

It is worth noting that priorities and plans in the new Corporate Plan are not fully costed and future financing decisions will need to take this into account.

8 RISK ASSSSMENT

8.1 Legal

The Council has a legal duty to set a balanced budget and has a general duty to act in the public interest in managing the custody of public funds. The accounts have been prepared by qualified personnel using accepted principles for to ensure proper accountability. The legal risk is therefore low.

8.2 Financial

The recommended transfer of the 2020/21 revenue account surplus to the Funding Uncertainties Reserve will help to provide funding for potential future liabilities that the Council may face in balancing its revenue budget.

For revenue spending, in 2021/22 the use of the General Reserve and the Covid Funding Reserve will ensure a balanced revised budget if there is insufficient government funding to cover all Covid-19 additional spending and lost income not covered by the reserve. However, this may leave the General Reserve with a lower balance, which is assessed as high risk.

The Medium Term Financial Plan illustrates that before the 2022/23 budget is set in March 2022 significant savings must be identified or the use of reserves approved in order to set a balanced budget. There are risks associated with this approach; these risks are explained in the Council's [Medium Term Financial Strategy](#). If savings cannot be identified by March 2022, the use of the Funding Uncertainties Reserve will mitigate the risks in the short term but the financial risk in respect of the Council's long-term financial position remains high.

8.3 Corporate Risk

The Council's financial position is taken into account in determining all the priorities in the Corporate Plan. The Council is expected to deliver significant savings or approve the use of reserves to balance its revenue budget from 2022/23 onwards. "Financial Resilience" has been identified on the Council's Strategic Risk Register and has been assessed as high risk, pending the delivery of the required savings and the outcome of the Local Government Finance Settlement for 2022/23. The consequences of failing to identify the required savings are shown as:

- Lack of resources available to deliver the core Council activities
- Controls not performed or overlooked due to time and resource pressures.
- Cash flows are not available to maintain standards and quality of service provision.
- Increase in claims made to the Council
- Initiatives, development programmes etc. around capital enhancements, car park maintenance etc. may not be performed resulting in members of the public hurt or public property damaged.

9 OTHER CONSIDERATIONS

- 9.1 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.

10 CONTACT INFORMATION

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10.3 Joseph Abraham-Koranteng, Interim Principal Accountant

11 BACKGROUND PAPERS

11.1 None

12 ATTACHMENTS

Appendix 1: Summary Revenue Outturn 2020/21

Appendix 2: Summary of Revenue Balances, Provisions and Earmarked Reserves as at 31st March, 2021

Appendix 3: Capital Programme 2020/21 to 2025/26

Appendix 4: Potential capital schemes/liabilities not included in capital programme

Appendix 5: Medium Term Financial Plan

Appendix 6: 2021/22 Revised Budget

Appendix 7: 2021/22 Virements and Supplemental Budgets

Appendix 8: Covid-19 Grants and recognition.

APPENDIX 1

SUMMARY OF REVENUE OUTTURN 2020/21

	Amount	Original Budget	Revised Budget	Variance from Original Budget	Variance from Revised Budget
Chief Executive	361,253	454,349	365,566	(93,096)	(4,313)
Community and Environmental Services	4,778,361	3,605,102	5,480,845	1,173,259	(702,484)
Corporate Services	1,777,763	1,903,476	1,842,677	(125,713)	(64,914)
Housing	(355,184)	587,641	479,584	(942,825)	(834,768)
Regeneration & Policy	(160,831)	648,057	526,042	(808,888)	(686,873)
Regulatory Services	1,037,268	1,083,859	1,248,703	(46,591)	(211,450)
Resources	2,441,860	2,234,861	2,585,886	206,999	(144,026)
Net cost of Services	9,880,489	10,517,345	12,529,303	(636,856)	(2,648,829)
Non Service Items:					
Interest on Balances	(86,522)	(134,472)	(87,750) [▼]	47,950	1,228
Borrowing Interest Paid	223,901	225,000	225,010 [▼]	(1,099)	(1,109)
Statutory Debt Repayment	98,801	191,500	98,801	(92,699)	0
Loan Premium Due	110,924	110,924	110,924	0	0
Income from Investment Properties	(101,055)	(101,956)	(101,056) [▼]	901	1
Net Revenue Expenditure	10,126,537	10,808,341	12,775,232	(681,804)	(2,648,710)
Transfers to / (from) Reserves	6,748,372	(548,967)	3,066,860	7,297,339	3,681,512
Funding Requirement	16,874,909	10,259,374	15,842,092	6,615,535	1,032,802
Funded by:					
External Funding					
Retained Business Rates including S31					
Grant Payments to and from Pool	(6,838,194)	(2,602,786)	(6,610,030)	(4,235,408)	(228,164)
Business Rate Collection Fund (Surplus)/ Deficit	(130,596)	(130,596)	(130,596)	0	0
CT Collection Fund (Surplus)/ Deficit	(102,632)	(102,632)	(102,632) [▼]	(0)	(0)
Rural Services Delivery Grant	(401,179)	(401,179)	(401,179)	0	0
New Homes Bonus	(630,790)	(630,790)	(630,790)	0	0
Other Government Grants	(2,398,000)	0	(1,575,474)	(2,398,000)	(822,526)
Total External Funding	(10,501,391)	(3,867,983)	(9,450,701)	(6,633,408)	(1,050,690)
Total Council Tax Requirement (inc Parishes)	(8,132,553)	(8,132,553)	(8,132,553)	0	0
Town and Parish Precepts	1,741,162	1,741,162	1,741,162	0	0
District Council Tax Requirement	(6,391,391)	(6,391,391)	(6,391,391)	0	0
Outturn - (Surplus) / Deficit	(17,873)	(0)	0	(17,873)	(17,888)
Proposed Transfer to / (from) Funding					
Uncertainties Reserve	17,873				
Total	0				

APPENDIX 2: SUMMARY OF REVENUE BALANCES, PROVISIONS AND EARMARKED RESERVES
(Note this includes the proposed transfers set out in the body of the report).

Revenue Funding	Balance at 31st. March 2020 £	Contribution in 2020/21 £	Use in 2020/21 Revenue £	Use in 2020/21 Capital	Balance at 31st. March 2021 £	Estimated Contribution in 2021/22 £	Estimated Use in 2021/22 Revenue £	Estimated Use in 2021/22 Capital	Estimated Balance at 31st. March 2022 £
Revenue Balances									
General Fund Working Balance	1,000,000	0	0	0	1,000,000	0	0	0	1,000,000
General Reserve	999,839	0	0	0	999,839	0	(36,427)	0	963,412
	1,999,839	0	0	0	1,999,839	0	(36,427)	0	1,963,412
Capital Balances									
Capital Receipts	2,962,476	0	0	(403,139)	2,559,337	150,000	0	(2,468,096)	241,241
Capital Grants Unapplied	235,693	2,101,266	0	(1,074,765)	1,262,194	691,470	0	(696,260)	1,257,404
	3,198,169	2,101,266	0	(1,477,904)	3,821,531	841,470	0	(3,164,356)	1,498,645
Earmarked Reserves									
Business Rates Fluctuations Reserve	760,423	0	(43,927)	0	716,496	0	0	0	716,496
Capital Programme Reserve	1,807,120	0	0	(91,193)	1,715,927	0	0	(1,709,759)	6,168
Carsington Improvements	33,452	0	0	0	33,452	0	0	(26,760)	6,692
Committed Expenditure Reserve	171,125	242,100	(77,907)	0	335,318	0	(335,318)	0	0
Corporate Plan Priority Reserve	0	201,471	0	0	201,471	0	0	0	201,471
COVID Funding Reserve	0	608,040	0	0	608,040	0	0	0	608,040
CUSTOMER Innovation Project	279,397	0	(98,129)	(28,200)	153,068	0	(132,510)	0	20,558
Economic Development Reserve	297,845	29,200	(46,673)	0	280,372	30,000	(42,239)	(10,000)	228,133
Elections Reserve	98,056	30,000	0	0	128,056	0	0	0	158,056
Funding Uncertainties Reserve	490,533	17,873	0	0	508,406	0	0	0	508,406
Information Technology Reserve	421,879	12,200	(49,141)	(13,048)	371,889	0	(112,250)	(81,000)	178,639
Insurances Reserve	464,473	0	0	(2,080)	464,473	0	0	(562,510)	464,473
Investment Fund / Invest to Save Reserve	564,590	0	0	0	562,510	0	0	0	0
Job Evaluation	150,000	0	0	0	150,000	0	0	0	150,000
Local Plan Reserve	208,422	50,000	(52,486)	0	205,936	50,000	(100,832)	0	155,104
Member / Officer Indemnity	25,000	0	0	0	25,000	0	0	0	25,000
Revenue Grants Unapplied	8,089,604	6,853,676	(890,978)	(667,465)	13,384,837	182,982	(4,357,610)	(4,312,224)	4,897,985
Vehicle Renewals Reserve	590,063	150,000	0	(166,684)	573,379	150,000	0	(577,666)	145,713
Waste Contract Fluctuations Reserve	712,000	0	(156,812)	0	555,188	0	0	0	555,188
Waste Vehicles Reserve	2,500,100	0	0	(2,497,571)	2,529	0	0	0	2,529
	17,664,082	8,194,560	(1,416,054)	(3,466,241)	20,976,347	412,982	(5,080,759)	(7,279,919)	9,028,651
Provisions									
Insurances	60,640	24,500	(3,551)	0	81,589	0	0	0	81,589
NINDR Appeals	1,087,624	1,831,641	(1,384,011)	0	1,535,254	0	0	0	1,535,254
	1,148,264	1,856,141	(1,387,561)	0	1,616,843	0	0	0	1,616,843
TOTAL	24,010,354	12,151,967	(2,803,615)	(4,944,145)	28,414,561	1,254,452	(5,117,166)	(10,444,275)	14,107,552

The General Fund Working Balance is specified as a “controlled reserve” for the purposes of Section 26 of the Local Government Act 2003.

APPENDIX 3

CAPITAL PROGRAMME – 2020/21 OUT-TURN & PROPOSED PROGRAMME FOR 2020/21 TO 2023/24
 Key: Includes **Actual 202021** Slippage Revised Budget 2021/22

Corporate Priority – Prosperity

Earmarked Schemes	Budget 2020/21 including new schemes March Council		Actual Spend @ 31st March 2021		To Be Carried Forward		Revised 2021/22 Budget (including C/F)				Total Capital Programme approved March Council 2	
							2022/23	2023/24	2024/25	2025/26		
Blenheim Road	Prosperity	-	-	-	-	-	212,410.00					212,410.00
Disabled facilities Grants	Prosperity	401,736.00	426,675.40	-	24,939.40	-	666,530.60	491,470.00				1,584,676.00
Social Housing Grants - Bakewell Lady Manners Schoo	Prosperity	80,000.00	80,000.00	-	-	-	-	-	-	-	-	80,000.00
Social Housing Grant - Cromford / Matlock Bath	Prosperity	-	-	-	-	-	100,000.00	-	-	-	-	100,000.00
Social Housing Grant - Tideswell	Prosperity	-	-	-	-	-	412,500.00	-	-	-	-	412,500.00
Social Housing Grant - Rural village affordable Housir	Prosperity	255,000.00	200,000.00	-	55,000.00	-	210,000.00	-	-	-	-	410,000.00
Social Housing Grant - Darley Dale	Prosperity	-	-	-	-	-	157,500.00	-	-	-	-	157,500.00
Social Housing Grant - Luke Lane / Mercaston Lane	Prosperity	-	-	-	-	-	135,000.00	-	-	-	-	135,000.00
Hurst farm Estate Cladding Programme	Prosperity	-	-	43,567.56	-	-	46,510.00	-	-	-	-	90,077.56
Social Housing Grant - Matlock YMCA with NCHA	Prosperity	-	-	-	-	-	500,000.00	-	-	-	-	500,000.00
Social Housing Grant - Wirksworth community land tr	Prosperity	-	-	-	-	-	350,000.00	-	-	-	-	350,000.00
Social Housing Grant - Bakewell Alms-house Trust	Prosperity	-	-	-	-	-	35,000.00	-	-	-	-	35,000.00
Social Housing Grant - Bakewell Road, Darley Dale	Prosperity	570,000.00	570,000.00	-	-	-	-	-	-	-	-	570,000.00
Social Housing Grant - Harrison A lms-house Charity	Prosperity	-	-	-	-	-	26,500.00	-	-	-	-	26,500.00
Social Housing Grant - Ashbourne Empty Property Bu	Prosperity	25,000.00	25,000.00	-	-	-	-	-	-	-	-	25,000.00
Hurst Farm Social Club	Prosperity	-	-	-	-	-	-	-	-	-	-	-
Social Housing Grant - Bradwell	Prosperity	40,000.00	-	-	40,000.00	-	110,000.00	-	-	-	-	110,000.00
Social Housing Grant - Calver	Prosperity	-	-	-	-	-	40,000.00	-	-	-	-	40,000.00
Social Housing Grant - Matlock Almshouse Trust	Prosperity	-	-	-	-	-	43,000.00	-	-	-	-	43,000.00
Council Housing Station House	Prosperity	-	-	-	-	-	212,000.00	-	-	-	-	212,000.00
Social Housing Grant - Wirksworth	Prosperity	-	-	-	-	-	104,000.00	-	-	-	-	104,000.00
Empty Homes - Council Houses	Prosperity	-	-	-	-	-	280,000.00	-	-	-	-	280,000.00
Energy Efficiency GHG: LAD Phase 1B	Prosperity	880,000.00	-	-	880,000.00	-	300,000.00	-	-	-	-	300,000.00
Potential Purchase of land at Longcliffe	Prosperity	-	-	-	-	-	880,000.00	-	-	-	-	880,000.00
Bakewell Road, Matlock Development	Prosperity	10,000.00	2,080.00	-	7,920.00	-	250,000.00	-	-	-	-	250,000.00
Total Programme	Total	2,261,736.00	1,347,322.96	1,957,980.60	957,980.60	491,470.00	5,869,330.60	491,470.00	-	-	-	7,708,123.56

Corporate Priority – People

Corporate Priority (new)	Budget 2020/21 including new schemes March Council	Actual Spend @ 31st March 2021	To Be Carried Forward	Revised 2021/22 Budget (including C/F)	2022/23	2023/24	2024/25	2025/26	Total Capital Programme approved March Council 2
People	9,000.00	9,000.00	-	11,000.00					20,000.00
People	15,000.00	13,200.00	1,800.00	-					13,200.00
People	13,200.00	15,000.00	1,800.00	-					15,000.00
Total Programme	37,200.00	37,200.00	-	11,000.00	-	-	-	-	48,200.00

Corporate Priority - Place

Corporate Priority (new)	Budget 2020/21 including new schemes March Council	Actual Spend @ 31st March 2021	To Be Carried Forward	Revised 2021/22 Budget (including C/F)	2022/23	2023/24	2024/25	2025/26	Total Capital Programme approved March Council 2
Non Traditional Homes improvement schemes	800,000.00	648,089.60	151,910.40	351,910.00					999,999.60
Condition Surveys - Parks & Pavilions	20,000.00	18,528.97	1,471.03	48,826.03					67,355.00
Ashbourne Pavillion Project	36,000.00	14,200.43	21,799.57	136,372.57					150,573.00
Ashbourne Pavillion Project Grant	-	-	-	175,000.00					175,000.00
Bakewell Riverside Path	-	-	-	10,000.00					10,000.00
Hall Leys Park Ranger Station	1,157.00	1,157.00	1,157.00	1,157.00					1,157.00
Bakewell Riverside Path	3,749.00	3,749.00	3,749.00	3,749.00					3,749.00
Ashbourne Memorial Gardens and Bandstand	10,000.00	10,000.00	10,000.00	70,000.00					70,000.00
Climate Change: Energy Efficiency Measures	-	-	-	65,000.00					65,000.00
Climate Change: Town Hall Biomass Boiler	-	-	-	150,000.00					150,000.00
Climate Change: Electrification of Heater	-	-	-	55,000.00					55,000.00
Climate Change: Roof mounted PV	-	-	-	467,000.00					467,000.00
Surface repairs & full relining of car parks	21,000.00	21,000.00	21,000.00	21,000.00					21,000.00
Reinstatement of paths at Broadwalk Park	10,000.00	9,710.00	290.00	9,710.00					9,710.00
Extensive structural & roof repairs required at Hall Le Place	-	-	-	40,000.00					40,000.00
Resurfacing of Paths in Hall Leys Park	-	-	-	30,000.00					30,000.00
Ashbourne Recreation Ground Footbridge replacement	-	-	-	40,000.00					40,000.00
Ashbourne Recreation Building Rationalisation	15,000.00	15,000.00	15,000.00	45,000.00					45,000.00
Dimple Palying Fields, Matlock	-	-	-	30,000.00					30,000.00
Hall Leys Park Play area - Plant Equipment	20,000.00	20,000.00	20,000.00	20,000.00					20,000.00
Decarbonisation - Ashbourne Leisure Centre	-	-	-	734,006.00					734,006.00
Total Programme	936,906.00	690,529.00	246,377.00	2,027,020.60	467,000.00	-	-	-	3,184,549.60

Corporate Priority – Other

Corporate Priority (new)		Budget 2020/21 including new schemes March Council	Actual Spend @ 31st March 2021	To Be Carried Forward	Revised 2021/22 Budget. (including C/F)	2022/23	2023/24	2024/25	2025/26	Total Capital Programme approved March Council 2
Other	Pay & Display Ticket Machines	6,000.00	6,000.00	6,000.00	6,000.00					6,000.00
Other	Fishpond Meadow, Ashbourne: Car Park improvements	27,000.00	26,990.88	9.12						26,990.88
Other	Bakewell ABC Car Park improvements	51,719.00	65,686.01	13,967.01	63,813.99					129,500.00
Other	Monsal Head car Park improvements	10,500.00		10,500.00	10,500.00					10,500.00
Other	Darley Dale Down Station Improvements	-	462.00	-	22,590.00					22,590.00
Other	Wirksworth Steeple Arch cemetery extension	40,000.00		39,538.00	59,538.00					60,000.00
Other	Commercial Vehicles	464,350.00	166,683.84	297,666.16	577,666.16					1,280,350.00
Other	Waste Vehicles	3,612,382.00	2,497,570.69	1,114,811.31	1,114,811.31			214,000.00		3,612,382.00
Other	Miscellaneous Grants DDCVS	30,000.00	30,000.00	-	30,000.00			30,000.00		120,000.00
Other	Carsington fund grants	20,070.00	20,070.00	20,070.00	26,760.00			6,692.00		33,452.00
Other	Hulland Ward Recreation Ground	-	-	-	22,000.00					22,000.00
Other	Capital Investment Transfer of Leisure	41,600.64	41,600.64	0.32	48,078.00					89,678.64
Other	Ashbourne Leisure Centre - Condition surveys	144,520.81	144,520.81	144,520.81	144,520.81					144,520.81
Other	Air handling unit at ARC	40,000.00	40,000.00	40,000.00	40,000.00					40,000.00
Other	Public Conveniences Condition survey works	-	-	-	7,000.00					7,000.00
Other	Microsoft Enterprise Agreement	-	-	-	-					-
Other	Works to war Memorials	10,000.00	10,000.00	10,000.00	30,000.00					30,000.00
Other	Estates salaries	25,000.00	25,000.00	25,000.00	50,000.00			25,000.00		100,000.00
Other	Redevelopment of Bakewell Rec Toilets Building	-	-	-	80,000.00					80,000.00
Other	2020/21 New Property Condition Surveys	7,000.00	7,000.00	7,000.00	10,000.00					10,000.00
Other	Bakewell ABC Various	25,000.00	21,353.73	-	40,000.00					40,000.00
Other	Small Sewer Site Flags	-	-	-	3,646.27					24,999.73
Other	Harrison Way, Northwood	-	-	-	40,000.00					40,000.00
Other	Shrovetide Walk, Ashbourne	-	-	-	40,000.00					40,000.00
Other	Uninterruptable power supply	-	-	-	20,000.00					20,000.00
Other	Production Server replacement	-	-	-	30,000.00					30,000.00
Other	Network switch replacement	-	-	-	20,000.00					20,000.00
Other	Disaster recovery Storage	-	-	-	30,000.00					30,000.00
Other	VDI Server Replacement	-	-	-	20,000.00					20,000.00
Other	SQL 2012 Replacement	-	-	-	20,000.00					20,000.00
Other	Server 2016 Replacement	-	-	-	20,000.00					20,000.00
Other	Server 2016 Replacement	-	-	-	20,000.00					20,000.00
Other	Windows 2016 Server consultancy	1,192.82	1,192.82	1,192.00	20,000.00					21,192.82
Other	St Mary's Churchyard Railings	-	-	-	-					-
Other	Hurst Farm Estate Cladding Programme	-	-	-	-					-
Other	CRM System	10,500.00	10,500.00							10,500.00
Other	Paye.net System	3,303.40	3,303.40							3,303.40
Other	Capita Payment Portal	-	3,749.00							3,749.00
Total	Total Programme	4,555,142.77	2,869,093.01	1,703,602.98	2,536,924.27		377,000.00	395,692.00		6,178,709.28

Potential Future Liabilities – Not included in the Capital Programme

PROJECT	COMMENTS	ESTIMATED COST
Vehicle Renewal and Replacement	New vehicles have been purchased in 2020/21, However these will need replacement in line with our depreciation policy after 5 years	TBC
Various Car Parks	Surface repairs & full re-lining	20,500
Replacement telephony	Subject to business plan & maintenance of current equipment	50,000
Mid Call Solution for telephone payments	To improve security. Dependent on new telephony being in place	30,000
Wi-Fi Replacement	May be required to address 'roaming issues'	20,000
Uninterruptable power supply	Upgrade	20,000
Traveller Site	New site(s) to meet housing need. Updating report due to be presented to members in July 2021.	TBC
	Total	£140,500

APPENDIX 5
MEDIUM TERM FINANCIAL PLAN (JULY 2021)

	Note	Original Budget 2021/22	Revised Budget 2022/23	Forecast 2022/23	Forecast 2023/24	Forecast 2024/25	Forecast 2025/26
		£000s	£000s	£000s	£000s	£000s	£000s
Service Funding Requirement		10,718	10,718	11,018	9,504	9,840	10,012
Adjustment for Service Costs Funded from Strategic Reserves			320	(1,157)	55	(92)	0
Inflation							
Pay Awards				146	149	152	155
Contracts				129	132	135	138
Fees and Charges				(74)	(75)	(77)	(79)
General Inflation				67	68	69	70
Pressures / Savings - Recurring							
Increasing savings from leisure review				(300)	(50)	0	0
Additional income garden waste collections (full fee of £50)				(156)	0	0	0
Potential increase in pension contributions following revaluation				0	150	0	0
Vision Derbyshire Partnership Working				(20)	0	0	0
Ice Cream Concession Installation of Electric Points				(8)	(14)	0	0
Ice Cream Concession Increased Income				(70)	0	0	0
Bakewell Road Development (cinema) rental income				(48)	(15)	(15)	(2)
Climate Change revenue income / savings from capital investments				(23)	(65)	0	(198)
Increased Building Control Partnership Income			(5)	0	0	0	0
Decreased Building Control Partnership Fee			(15)	0	0	0	0
				0	0	0	0
				0	0	0	0
Net Cost of Services		10,718	11,018	9,504	9,840	10,012	10,096
Non Service Items: Debt Repayment etc.		297	297	300	302	304	307
Net Revenue Expenditure		11,015	11,315	9,804	10,141	10,316	10,402
Transfers to /(from) reserves relating to Collection Fund Accounting	3	(3,958)	(3,958)	0	0	0	0
Transfers to/(from) reserves for current year		(874)	(1,194)	(37)	(92)	0	0
Contributions to reserves for future years costs							
Corporate Plan Priorities Reserve		0	0	0	0	0	0
Election reserve annual contribution		30	30	30	30	30	30
Local plan reserve		50	50	50	50	50	50
Revenue Grants Unapplied		183	183	0	0	0	0
Vehicle renewal fund		150	150	150	150	150	150
Total Net Spending Requirements		6,596	6,576	9,997	10,279	10,546	10,632
Funded By:							
Revenue Support Grant	1	0	0	390	400	410	420
Business Rates Baseline Funding	2	(1,675)	(1,675)	(1,709)	(1,743)	(1,778)	(1,814)
Settlement Funding Assessment		(1,675)	(1,675)	(1,319)	(1,343)	(1,368)	(1,394)
Other business rates income, net of payment to pool	3	(1,193)	(1,193)	(1,165)	(1,187)	(1,211)	(1,235)
NDR Collection Fund (surplus)/deficit	3	3,949	3,949	0	0	0	0
Council Tax Collection Fund (surplus) / deficit		80	80	9	9	0	0
New Homes Bonus	6	(398)	(398)	(218)	0	0	0
Rural Services Delivery Grant	4	(421)	(421)	(200)	(200)	(200)	(200)
Lower Tier Services Grant		(71)	(71)	(72)	(73)	(74)	(75)
Covid 19 Grants & Contributions		(294)	(294)	0	0	0	0
Financing from Council Tax	5	(6,573)	(6,573)	(6,734)	(6,921)	(7,114)	(7,311)
Total Income		(6,596)	(6,596)	(9,699)	(9,715)	(9,967)	(10,215)
Corporate Saving Target		0	(20)	298	564	579	417

1. Negative RSG removed in 2021/22 following settlement. Effect of future negative grant cannot be dismissed.

2. Assumed NNDR receipts as per current pool arrangement. Changes to future distribution not confirmed.

3. Effect of NNDR CF balance reflected in use of S31 grants via Revenue Grants Unapplied reserve to mitigate impact.
4. Current level of RSDG only confirmed for 2021/22.
5. Council tax base growth assumed at 250 band D properties per year plus 1.94% increase from 2022/23 onwards.
6. New Homes Bonus calculated on current year methodology, no new allocations assumed only legacy payments.

Appendix 6
2021/22 Revised Budget

	Original Budget 2021/22 £	Budget Amendments £	Proposed Revised Budget £
Chief Executive	371,397	10,310	381,707
Community and Environmental Services	3,281,896	62,452	3,344,348
Corporate Services	1,972,854	19,542	1,992,396
Housing	586,350	0	586,350
Regeneration & Policy	610,792	15,290	626,082
Regulatory Services	1,114,325	137,119	1,251,444
Resources	2,780,575	55,173	2,835,748
Net cost of Services	10,718,189	299,887	11,018,076
Non Service Items:			
Interest on Balances	(37,000)	0	(37,000)
Borrowing Interest Paid	225,150	0	225,150
Statutory Debt Repayment	100,849	0	100,849
Loan Premium Due	110,924	0	110,924
Income from Investment Properties	(102,556)	0	(102,556)
Net Revenue Expenditure	11,015,556	299,887	11,315,443
Transfers to / from Reserves (as detailed in Appendix 6)	(4,419,167)	(320,087)	(4,739,254)
Funding Requirement	6,596,389	(20,200)	6,576,189
Funded by External Funding			
Retained Business Rates including S31			▼
Grant Payments to and from Pool	(2,868,832)	0	(2,868,832)
Business Rate Collection Fund (Surplus)/ Deficit	3,949,040	0	3,949,040
CT Collection Fund (Surplus)/ Deficit	80,418	0	80,418
New Homes Bonus	(397,613)	0	(397,613)
Rural Services Delivery Grant	(420,990)	0	(420,990)
Lower Tier Services Grant	(71,358)	0	(71,358)
Other Government Grants	(294,083)	0	(294,083)
Total External Funding	(23,418)	0	(23,418)
Total Council Tax Requirement (inc Parishes)	(8,399,207)	0	(8,399,207)
Town and Parish Precepts (As detailed in Appendix 9)	1,826,236	0	1,826,236
District Council Tax Requirement	(6,572,971)	0	(6,572,971)
Total (Surplus)/Deficit	0	(20,200)	(20,200)
Projected Surplus/ (Deficit)			
Recommended Transferred to / (from) General Reserve		20,200	20,200
Total	0	0	0

Appendix 7 2021/22 Virements and Supplemental Budgets

Directorate	Reason for Virement	Virements	Supplemental Budget	Grand Total
Chief Executive	Bright ideas offset by inc VLT	5,500		5,500
	Correct HR/Payroll salary allocations	0		0
	Funded from committed expenditure reserve	4,810		4,810
Chief Executive Total		10,310		10,310
Community and Environmental Services	New Horizon Telephone contract	(1,414)		(1,414)
	Funded from committed expenditure reserve	63,866		63,866
Community and Environmental Services Total		62,452		62,452
Corporate Services	Legal costs for Virtual Council Meetings		300	300
	New Horizon Telephone contract	2,038		2,038
	Funded from committed expenditure reserve	17,204		17,204
Corporate Services Total		19,242	300	19,542
Regeneration & Policy	Local Plan Review	5,000		5,000
	Funded from committed expenditure reserve	10,290		10,290
Regeneration & Policy Total		15,290		15,290
Regulatory Services	Building Control Fee		(40,500)	(40,500)
	Contain Outbreak Management Fund	0		0
	Funded from committed expenditure reserve	177,619		177,619
Regulatory Services Total		177,619	(40,500)	137,119
Resources	Building Control Fee		20,000	20,000
	Bright ideas offset by inc VLT	(5,500)		(5,500)
	HB Circular Updates	0		0
	HB Circular Updates	0		0
	LA Data Sharing IT Costs	0		0
	Replacement of uninterruptable power supplies at Matlock Town Hall	10,000		10,000
	New Horizon Telephone contract	(624)		(624)
	Funded from committed expenditure reserve	31,297		31,297
Resources Total		35,173	20,000	55,173
Transfer from Reserves	Local Plan Review	(5,000)		(5,000)
	Replacement of uninterruptable power supplies at Matlock Town Hall	(10,000)		(10,000)
	Funded from committed expenditure reserve	(305,087)		(305,087)
	Transfer from Reserves Total		(320,087)	
		0	(20,200)	(20,200)

Appendix 8
 Covid-19 grants and recognition in 2020/21

Grant Name	Allocation	Description	Principal / Agent	Within Outturn
Small Business Rates/Retail, Hospitality and Leisure	31,455,000	£10,000 grants to businesses in receipt of Small Business Rates relief and £10,000 and £25,000 grants for businesses in the Retail, Hospitality and Leisure sector depending on their rateable value.	Agent	No
Local Authority Discretionary Scheme	1,702,500	An allocation given to local authorities to fund a local scheme at their discretion	Principal	Yes
Additional Restrictions Grant	2,088,967	A discretionary scheme for local authorities to fund businesses based on their knowledge of their local economy	Principal	Yes
Local Restrictions Support Grant Closed	23,698,113	A mandatory grant for those businesses mandated to close during the lockdowns with set eligibility criteria running throughout October 20 to March 21	Agent	No
Local Restrictions Support Grant Open	244,350	A discretionary grant for those businesses that were not mandated to close during the lockdowns	Principal	Yes
Closed Business Support Payment for Wet Led Pubs	96,000	A £1,000 grant for those hospitality venues whereby less than 50% of their income was generated by food sales	Agent	No
Subtotal Business Grants	59,284,930			

NHS Test and Trace Mandatory	35,500	A £500 grant for those residents that were in receipt of a relevant benefit as described within the governments eligibility criteria, where they were required to self-isolate due to a positive COVID-19 test for them or their children	Agent	No
NHS Test and Trace Discretionary	54,000	A £500 grant for those residents who met the local authorities discretionary eligibility criteria, where they were required to self-isolate due to a positive COVID-19 test for them or their children	Principal	Yes
Sub-total Test and Trace Grants	89,500			
Compliance and Enforcement Grant	26,661	Funding to support additional compliance and enforcement activities. Note an additional £50,000 was awarded from DCC.	Principal	Yes
Reopening Highstreets Safely Fund	57,908	Funding to allow local authorities to put in place additional measures to establish a safe trading environment for businesses and customers	Principal	Yes
National Leisure Fund	117,542	Funding to support Local Authority leisure services	Principal	Yes

New Burdens Grants	587,858	Funding to support Local Authorities in delivering additional services which is not financed within the Local Authority Finance Settlement, including to deliver additional services as a result of Covid-19.	Principal	Yes
Coronavirus Emergency funding for Local Government	937,877	Throughout the financial year, government distributed £4.607bn in funding to local authorities as emergency funding to combat funding pressures	Principal	Yes
Sales, fees and charges Grant	896,475	To recompense local authorities for irrecoverable and unavoidable losses from sales, fees and charges income generated through the delivery of services. This has been extended into the first quarter of 2021/22	Principal	Yes
Sub-total LA Assistance funding	2,624,321			
Local Income Tax Guarantee Scheme	77,234	The government outlined that it will compensate local authorities for 75% of irrecoverable losses in council tax income in respect of 2020/21.	Principal	Yes
COVID-19 Hardship Fund	338,264	£500m of funding was provided to support economically vulnerable people and households within local areas	Principal	Yes

Business Rate Relief s31 Grant	4,140,808	Compensation from government for the cost of additional Expanded retail discounts and nursery discounts to businesses granted in year	Principal	Yes
Sub-total Council Tax/ Business Rates funding	4,556,306			
Grand Total	66,555,057			

Council

8 July 2021

Report of the Chief Executive

VISION DERBYSHIRE – PHASE 4 IMPLEMENTATION PROPOSALS

PURPOSE OF REPORT

To provide an update on work taking place with Derbyshire Councils on Vision Derbyshire, to seek approval for the Council's involvement in Phase 4 development and implementation and to approve proposals for the Council to become a participating member of the new Vision Derbyshire Joint Committee from September 2021 onwards.

RECOMMENDATION

1. That Council notes progress on the development of the Vision Derbyshire approach and recent Phase 3 developments and achievements
2. That Council considers and notes key actions currently being undertaken during Vision Derbyshire Phase 3a to develop an ambitious programme of work in advance of Phase 4.
3. That Council considers and approves Vision Derbyshire Phase 4 proposals for the forthcoming period as set out in the report.
4. That Council approves active participation in Vision Derbyshire Phase 4 and the associated costs of taking forward the programme of work, the maximum cost of which currently stands at £52,350.
5. That, subject to the approval of recommendation 4, Council approves a supplementary revenue estimate of £32,350 for 2021/22.
6. That Council approves proposals for the establishment of the Vision Derbyshire Joint Committee to be in place from September 2021 onwards.
7. That Council endorses and approves proposals for the Council to become a full participating member of the proposed Vision Derbyshire Joint Committee.
8. That Council nominates a Member to act as the Council's lead representative on the Vision Derbyshire Joint Committee.
9. That further reports be presented to Council updating Members on the work of Vision Derbyshire and the Vision Derbyshire Joint Committee.

WARDS AFFECTED

All Wards

STRATEGIC LINK

The 'Vision Derbyshire' non-structural reform initiative will enable the Council to explore more collaborative forms of working across traditional boundaries in an effort to improve the outcomes for Derbyshire Dales' residents and businesses.

1 BACKGROUND

- 1.1 This is the fourth report to be presented to members in the space of 18 months, outlining the work on Vision Derbyshire. As members will be aware, over the last two years, Councils across Derbyshire have been working towards a new collective and ambitious vision and model of local government collaboration, integration and shared leadership, which has looked beyond traditional partnerships and focused on achieving the greatest public value for local people and communities.
- 1.2 Phase 1 of the approach which commenced in July 2019 (reported to Council January 2020), saw all ten Councils in Derbyshire – the County Council, City Council and eight District and Borough Councils – working together to develop a shared set of priorities and to agree to strategically collaborate on the improvement of outcomes for people and places, to speak with one voice as a county, to provide a viable alternative to unitarisation and to coordinate resources better and more sustainably.
- 1.3 Phase 2 of the approach (reported to Council on 15th July 2020), saw the County Council and eight District/Borough Councils (now excluding Derby City), pursue the further development of Vision Derbyshire, an approach to non-structural reform and a case for change and proposition to central government focused around four key ambitions as follows:
- **Seize innovation** - pioneering skills and technologies for a sustainable future economy
 - **Establish relentless ambition** - creating opportunities for everyone in Derbyshire and making these visible:
 - **Build proactive communities** - harnessing the energy in Derbyshire's communities and empowering people to make change:
 - **Live and work sustainably** - committing to a zero-carbon footprint in our tourism, wider economy and ways of working
- 1.4 A number of enablers, including: leadership; culture; strategy; technology; workforce; customers; and assets, to support and embed collaboration, were also identified during the development of Phase 2, alongside estimated organisational and wider system benefits that could potentially be achieved if the new approach were to be taken forward.
- 1.5 New formal governance arrangements, to support effective decision making, were also identified during this phase as being crucial in taking the approach forward, in addition to a number of asks and offers to Government to support the realisation of ambitions.
- 1.6 In October 2020, a report to Council provided an update on Vision Derbyshire in the context of the awaited Devolution and Local Recovery White Paper, with reports at the time suggesting that this would pave the way for widespread local government reorganisation. At this meeting, Council agreed that Vision Derbyshire was the preferred option of local government reform in Derbyshire at the current time.
- 1.7 Since that time, work has actively been taking place to further develop the Vision Derbyshire approach. In October 2020, Leaders and Chief Executives of eight Derbyshire Councils (all Derbyshire Councils excluding Derby City Council and South Derbyshire District Council), agreed to progress and commence implementation of Vision Derbyshire proposals, translating the case for change and proposition to central

government, developed during Phase 2, into a practical programme of work across the following five work streams:

- Strategic and Tactical Development
- Building a Team
- Accelerated Delivery Programme
- Governance Model
- Communications and Stakeholder Engagement

1.8 Vision Derbyshire Phase 3 (October 2020 – June 2021) has sought to:

- Maintain the momentum successfully built up during earlier phases, extending engagement to a broader range of Members, employees and partner organisations through agreed implementation and delivery proposals
- Mobilise delivery in order to accelerate the implementation of agreed priorities initially focusing on a number of early start areas aligned to the four agreed ambitions areas
- Develop draft governance proposals for Vision Derbyshire through the development of new Joint Committee arrangements
- Build a broader short and medium-term delivery programme to meet agreed ambitions.

1.9 Phase 3 has seen significant progress being made in a relatively short period of time and has been successful in demonstrating the true potential of the approach. During Phase 3, Leaders and Chief Executives supported by Lead Officers from across the range of participating Councils, have been given responsibility for identified thematic programmes of work. This has accelerated shared leadership and accountability and developed trust and collective buy in to the approach.

1.10 Phase 3 has also seen the design and development of joint programmes of work to support identified priorities and this has presented opportunities to showcase activity and the benefits of the model in delivering improved outcomes for people and place for example through the county wide Business Entrepreneur Scheme and new approach to improve Homelessness services.

1.11 Engagement sessions specifically aimed at broadening wider Elected Member involvement have taken place between January and March 2021 with all four Derbyshire Dales political group leaders being invited to briefing sessions, thus providing a basis for the fostering of even closer working relationships through a clearer understanding and involvement in Vision Derbyshire implementation which will deliver benefits on the ground.

1.12 Rapid progress has been made on governance with Lead Officers, from a number of participating Councils, involved in the Governance Working Group, which has been led by James McLaughlin, designing and developing proposals for new formal governance arrangements through a new Vision Derbyshire Joint Committee which are presented in this report for consideration and endorsement.

1.13 Work to develop communications and engagement of the approach, which will be vital as activity on the ground emerges, has also taken place with an initial focus on the development and design of a new Vision Derbyshire brand through a partnership with the University of Derby.

1.14 Phase 3 has ultimately put in place the foundations and architecture for future phases of the Vision Derbyshire approach and this will put Derbyshire Councils in a strong position to rapidly accelerate future proposals.

2 CURRENT POSITION

2.1 Vision Derbyshire has been driven forward and involved a significant investment of time, hard work and goodwill from participating councils and their leaders, executive officers and lead officers. The future of the approach is now at a critical stage of development.

2.2 At a meeting of Vision Derbyshire Leaders and Chief Executives in March 2021, proposals to take forward the approach were approved and Phase 3a, which commenced in April 2021 is now underway. Phase 3a seeks to take advantage of the significant progress made during Phase 3 putting in place plans and making the necessary preparations for the delivery of a wider, ambitious programme of work as part of Phase 4 proposals. The key aims of Phase 3a are to:

- Scope out and develop detailed programme delivery plans for the four thematic ambition areas ensuring these are developed and in place in advance of Phase 4 implementation.
- Identify and scope out the key enablers and potential shared services which can be further developed through the Vision Derbyshire approach.
- Secure the buy-in and involvement of participating councils to new formal governance arrangements.
- Identify and secure resources for the creation of dedicated joint programme support.
- Broaden involvement through additional Elected Member, and a series of new Senior Management Team, engagement sessions across participating Councils to support the development of programme delivery plans.
- Re-engage with central government and other key stakeholders to identify opportunities to maximise opportunities for Derbyshire to support identified ambitions and priorities.

2.3 It is anticipated that all necessary plans and activity will be completed in readiness for the launch of Phase 4 at the end of September 2021.

3 PHASE 4 VISION DERBYSHIRE PROPOSALS

3.1 Phase 4 Vision Derbyshire proposals seek to build on the foundations and architecture built during previous phases whilst clearly focusing on programme delivery specifically aimed at achieving better outcomes for local people and places across Derbyshire. Phase 4 of the Programme will seek to:

- Confirm detailed implementation proposals developed during Phase 3a and commence delivery of agreed short and medium-term programmes of activity focused on achieving the four Vision Derbyshire strategic ambitions.
- Establish a new joint Vision Derbyshire programme team, tasked with accelerating and supporting the implementation of delivery plans and proposals.

- Build on the success of Phase 3, further extending and deepening the engagement and involvement of Elected Members, senior managers and partner organisations through agreed implementation and delivery proposals.
- Establish the new Vision Derbyshire Joint Committee embedding new decision-making processes across participating councils.
- Build a broader longer-term delivery programme to meet agreed Vision Derbyshire ambitions.

4 PHASE 4 DELIVERY PROGRAMME

4.1 Detailed delivery programmes for each of the four thematic ambitions are currently in development and will be in place by September 2021.

4.2 Key priorities for each of the ambitions which are set out below:

Ambition	Priorities
Seize Innovation	Business Entrepreneur Scheme
	Smart Towns Programme
Achieve Relentless Ambition	Careers
	Skills and Employment Research
	Festival of Business
	Social Mobility
Communities	Homelessness
	Independent Living
	Domestic Abuse
Live and Work Sustainably	Climate Change
	Shared Planning Policies

4.3 A high-level plan, which sets out key activity identified to date, alongside Leader, Chief Executive and Lead Officer leads is attached at Appendix A for consideration.

4.4 The benefits of progressing the Vision Derbyshire approach are significant, both in terms of the potential offered by the approach and the benefits that will be accrued through associated programmes of delivery.

4.5 A key principle of the approach is to provide a viable alternative to local government reform, putting in place arrangements and a model to position Derbyshire at the forefront of any national developments including securing a potential devolution deal and maximising additional resources into the county. The national landscape has recently shifted, with a move away from ‘Devolution and Local Recovery’ to ‘Levelling Up’. However, there are significant opportunities for Derbyshire Councils through Vision Derbyshire in this shift, to present a credible model to Government, particularly given the recent review of Local Enterprise Partnerships and the advent of any potential new arrangements that will have to be in place. The need to mobilise as a group of Vision Derbyshire Councils in this debate, will be critical in ensuring that vital resources and funding are drawn into the county. Phase 4 proposals set out in the report will ensure that the necessary governance and structures to deliver

at pace are in place once the White Paper is published and any new proposals and funding streams for future 'Levelling Up' activity is announced.

- 4.6 There are also significant benefits to be gained through a rationalisation of existing partnership structures and approaches. New governance arrangements will enable a clear focus and accountability for key programmes of work which will streamline current arrangements, reduce duplication, and ensure resources can be effectively organised and deployed. Rationalisation will be essential given limited capacity and expertise and reducing public sector resources.
- 4.7 The case for change developed through Phase 2 of the approach set out potential benefits of taking forward Vision Derbyshire as a group of Derbyshire Councils – these include potential organisational benefits estimated at between £20 million to £66 million and wider system benefits estimated at approximately £1.08bn that could be achieved.
- 4.8 Whilst these figures are indicative at this stage, it is clear that developing a joint approach to a number of complex challenges facing organisations at the current time; both in terms of programmes of activity which improve outcomes for people and place; and proactive joint working on key enablers, will undoubtedly result in better outcomes for people and place and savings.
- 4.9 Any benefits associated with Vision Derbyshire activity will need to link to agreed programmes of work as these develop and progress over forthcoming months.

5 PROPOSALS FOR FUTURE GOVERNANCE - VISION DERBYSHIRE JOINT COMMITTEE

- 5.1 The creation of new formal governance arrangements to support effective decision making is a critical factor in delivering future Vision Derbyshire ambitions. Formal governance is important in ensuring that Derbyshire Councils can work effectively, maximise opportunities for collaboration and enable agile and flexible decision making. Understanding the level of commitment to the approach is also essential in identifying the appetite of Derbyshire Councils to progress to Phase 4 and beyond over the forthcoming period.
- 5.2 A significant amount of work has been undertaken by the Governance Working Group during Phase 3 on the development of governance proposals. Draft proposals, for the establishment of a Vision Derbyshire Joint Committee, have been developed and were considered by Leaders and Chief Executives of the current participating Derbyshire Councils at their meeting on 12 March 2021. Leaders and Chief Executives were tasked with considering proposals within their own organisations and identifying any potential issues and challenges in advance of proposals being brought forward for approval.
- 5.3 The final articles and procedure rules for the proposed Vision Derbyshire Joint Committee are now attached at Appendix B, for consideration and approval by the Council. These provide a framework for the Joint Committee to operate as the future decision-making body for matters where Derbyshire councils will work collaboratively and demonstrate a collective political commitment and will to the approach moving forward. The articles set out the main purpose of the Vision Derbyshire Joint

Committee, which will:

- Provide collective leadership for Derbyshire.
- Progress shared ambitions for the area.
- Work together to tackle the issues and challenges outlined in the case for change; and
- Enable agile, timely and effective decision making.

5.4 The Joint Committee, on behalf of the participating authorities, will be responsible for improving the delivery of functions already within the remit of local authorities through statute or through specific collaborative work to improve the economic, environmental or social wellbeing of the areas within Derbyshire from the following broad definitions:

- Shared service arrangements.
- Incorporating existing partnership arrangements within the Vision Derbyshire model.
- Areas for collaborative system changes across authorities.
- Specific thematic projects and priorities.

The flow charts which are set out in Appendix C to this report, identify the likely flow of decision making that will be required under the four areas highlighted above.

5.5 The Joint Committee will initially have full responsibility for the approval of agreed Phase 4 delivery programmes and budgets and resources allocated to the full programme of work. It is likely that the first task of the Joint Committee will be the sign off, of the detailed delivery programme as outlined in the report.

5.6 In the first instance, the Joint Committee will also have responsibility for previously agreed thematic areas of work such as climate change and social mobility. As the approach develops, the Joint Committee will take on responsibility for existing partnership arrangements such as the Joint Committee for Economic Prosperity and associated programmes of work.

5.7 As Phase 4 progress from September 2021, the Joint Committee will take on new areas of work and responsibility as these emerge and develop. The further exploration of agreed enablers will for example, identify potential areas and opportunities for taking forward shared services which are likely to result in efficiencies to those Councils participating in the approach.

5.8 The articles and rules of procedure set out in Appendix B recognise that authorities do not have to participate in all aspects of the Vision Derbyshire approach and may choose to become involved in individual projects associated with the model. The intention is to be inclusive without removing the individual sovereignty of any local authority within Derbyshire. However, all authorities understand that the governance arrangements provide a framework to reach the intended outcome of a model that will enable local authorities in Derbyshire to work collaboratively to deliver efficient and effective services with improved economies as an alternative to a government led reorganisation of local government in the county.

- 5.9 The articles and rules of procedure also recognise that not all Derbyshire Councils are currently in a position to progress Vision Derbyshire within their organisations as a full participating member. Councils who choose to be a full participating member will have full voting rights and will have a shared role in designing, developing and shaping the future of the approach as well as full involvement in the development of all programmes of activity should they wish.
- 5.10 In developing governance arrangements, provision has been made to ensure that the door to ongoing involvement in the approach remains open to all Derbyshire Councils, recognising that not all Councils may choose to be involved as a full participating member moving forward. Those Councils who choose not to be active participating members will be designated as non-participating members. Non-participating members will continue to have a seat round the table but will have limited voting rights which will be agreed and exercised by participating members.
- 5.11 All Derbyshire Councils are now being asked, and will now need to consider, whether they wish to progress their involvement in Vision Derbyshire moving forward as either a participating or non-participating member, the implications of which are set out above.
- 5.12 The Council is now asked to consider proposals as set out in the report in relation to its future involvement in Vision Derbyshire and the proposed Vision Derbyshire Joint Committee. The establishment of governance arrangements through the Joint Committee, formalises Vision Derbyshire as an approach and as such it is therefore recommended that the Council becomes a full participating member and nominates a Member representative.

6 TAKING FORWARD PROPOSALS

- 6.1 Whilst significant progress has been made on the development of the approach to date, it has become increasingly apparent that the ability to accelerate delivery is currently limited due to the lack of capacity. This is particularly the case at a project and programme delivery level. The lack of resource at what has been a critical time for local government in terms of the recent pandemic has slowed the delivery response.
- 6.2 Proposals to adequately resource Phase 4 ambitions and plans, initially for a twelve month period, are set out below and create the following programme resource:
- **Programme team** – comprising combination of team members to facilitate delivery
 - **Programme budget** – funding to support the buy in of specialist expertise and support
 - **Communications budget** – funding to support branding, design, campaigns, social media activity etc.
 - **Equipment, travel and subsistence** – to support the activities of the programme team
 - **Accommodation** – in kind support from host agency/agencies

6.3 Proposals for the Programme Team include the creation of the following roles:

- 1 x Grade 14 Programme Manager fixed term
- 4 x Grade 11 Senior Project Officers (one per ambition theme)
- 1 x Grade 11 Communications Officer
- 1 x Grade 6 Admin Support

6.4 The total cost of taking forward resourcing proposals is £436,248. Subject to approval of proposals, it has been agreed that the costs of preparing for and taking forward Phase 4 proposals, should be shared across authorities using the following split across councils:

Council	£
County Council 40% split	174,499
District and Borough Councils 60% split (Costs dependent upon the total number of Councils joining)	261,749 (32,719 per council if eight councils) (37,393 per council if seven councils) (43,635 per council if six councils) (52,350 per council if five councils)
Total	436,248

6.5 The maximum cost of supporting Vision Derbyshire proposals for the Council is therefore £52,350 based on the involvement of five Derbyshire Councils. This figure will reduce should a greater number of Councils agree proposals to become a full participating members. Involvement in Phase 4 presents a unique opportunity for the Council to participate in the further development and implementation of an innovative and collaborative approach for Derbyshire and a delivery programme which will support the achievement of key Council priorities which will ultimately benefit local people in the Derbyshire Dales and Derbyshire as a whole. The ability to pool resources on the programme is likely to deliver significant benefits across a range of activities.

6.6 It is recommended that the Council approves the authority's active and continued involvement in Vision Derbyshire and the associated costs as set out in the report. It also recommended that Councils involvement the Vision Derbyshire.

6.7 Wider engagement with Leadership Teams within participating Councils, both at an Elected Member and Senior Management Team level, will continue to be vital moving forward and a key action which will feature strongly through future phases of the approach. It will be important to ensure that the authority is engaged in proposals as they emerge and develop over forthcoming months to maximise the benefits for local people and communities in the Derbyshire Dales. Identifying the key actions which the Council will need to undertake, and the resources and capacity required to participate fully in both the development and future implementation of proposals will also be important.

7 FINANCIAL CONSIDERATIONS

7.1 The total cost of taking forward Vision Derbyshire proposals is £436,248. A breakdown of costings is set out below:

Programme Team	£296,248
• 1 x Grade 14 Programme Manager fixed term	£47,181 (plus £13,211 oncosts)
• 4 x Grade 11 Senior Project Officers (1 per theme)	£32,913 x 4 = £131,652 (plus £36,863 oncosts)
• 1 x Grade 11 Communications Officer	£32,913 (plus £9,216 oncosts)
• 1 x Grade 6 Admin Support	£19,697 (plus £5,515 oncosts)
Programme Budget	£100,000
Equipment, Travel and Subsistence	£10,000
Communications Budget	£30,000
	Total - £436,248

7.2 The maximum cost to the Councils of supporting current proposals as set out in the report are £52,350. Budget provision of £20,000 has already been included in the 2021/22 revenue budget to support Vision Derbyshire initiatives. Any additional costs would have to be met from the General Reserve. This use of the General Reserve to meet ‘one-off’ expenditure in exceptional circumstances” is consistent with the Council’s Medium Term Financial Strategy. The cost of ensuring the Council can actively participate in the development and implementation of proposals are currently unknown and will therefore be the subject of a separate report to Council as further detail emerges. The financial risk is assessed as low to medium.

8 LEGAL CONSIDERATIONS

8.1 Section 101(5) of the Local Government Act 1972 permits councils to make arrangements for two or more authorities to discharge functions jointly, so long as it is a function that the law reserves to a specified committee.

8.2 Participating councils may establish joint arrangements with one or more local authorities and/or their executives to exercise functions which are not executive functions in any of the participating councils or advise the Council. Such arrangements may involve the appointment of a joint committee with these other local authorities.

9 OTHER CONSIDERATIONS

9.1 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.

10 CONTACT INFORMATION

10.1 Paul Wilson : Chief Executive
Telephone : 01629 761125
Email : Paul.wilson@derbyshiredales.gov.uk

11 BACKGROUND PAPERS

11.1 Report to Council : New Vision for Derbyshire – Non-Structural Reform 16th January 2020

11.2 Report to Council : New Vision for Derbyshire – Non-Structural Reform (Phase 2) 15th July 2020

11.3 Report to Council : Vision Derbyshire and Local Government Reform 8th October 2020

12 ATTACHMENTS

Appendix A : Vision Derbyshire High-Level Plan of Activity

Appendix B : Vision Derbyshire Joint Committee – Articles and Procedure Rules

Appendix C : Decision Making Flowcharts

HIGH LEVEL PLAN

Seize innovation	Establish relentless ambition	Build proactive communities	Live and work sustainably
<p>Early Starts</p> <ul style="list-style-type: none"> County wide Business Start up and Support Programme <p>Additional short term activity</p> <ul style="list-style-type: none"> Smart Towns Programme Develop wider programme of work in advance of launch <p>Lead Strategic Group – Economic Recovery Pilot</p> <p>Leader Lead – Cllr Trish Gilby CEX Lead – Emma Alexander Officer Lead – Joe Battye</p>	<p>Early Starts</p> <ul style="list-style-type: none"> Festival of Business Careers Skills Research <p>Additional short term activity</p> <ul style="list-style-type: none"> Develop wider programme of work in advance of launch <p>Lead Strategic Group – Employment and Skills Recovery Group</p> <p>Leader Lead – Cllr Barry Lewis CEX Lead – Paul Wilson Officer Lead – Andy Marsh</p>	<p>Early Starts</p> <ul style="list-style-type: none"> Homelessness Independent Living (e.g. joint approach to disabled facilities grants etc) Domestic Violence <p>Additional short-term activity</p> <ul style="list-style-type: none"> Develop wider programme of work in advance of launch <p>Lead Strategic Group – Communities Recovery Pilot</p> <p>Leader Lead – Cllr Carol Hart CEX Lead – Andrew Stokes Officer Lead – Liz Cook</p>	<p>Early Starts</p> <ul style="list-style-type: none"> Joint Climate Change programme, e.g. behaviour change, green homes, Develop shared approach to Planning Policies to support climate change <p>Additional short-term activity</p> <ul style="list-style-type: none"> Strategic Housing Plan Visitor Economy/Tourism Develop wider programme of work in advance of launch <p>Lead Strategic Group(s) Derbyshire Planners Group Climate Change Working Group</p> <p>Leader Leads – Cllr Kevin Buttery (Climate Change) Cllr Garry Purdy (Planning and Climate Change) CEX Leads – Lee Hickin (Climate Change), Julian Townsend (Planning & CC) Officer Leads – Claire Brailsford (Climate Change) David Arnold (Planning and Climate Change)</p>

PROPOSED GOVERNANCE ARRANGEMENTS FOR VISION DERBYSHIRE

ARTICLES

1. Context

- 1.1 Vision Derbyshire is a collaborative working model between participating local authorities across Derbyshire which seeks to improve outcomes for people and place through closer working between those authorities without formal, top-down reorganisation from central government.
- 1.2 In developing this governance model, authorities do not have to participate in all aspects of the Vision Derbyshire working model and may choose to become involved in individual projects associated with the model. The intention of the working model is to be inclusive without removing the individual sovereignty of any local authority within Derbyshire. However, all authorities understand that the governance arrangements provide a framework to reach the intended outcome of a model that will enable local authorities in Derbyshire to work collaboratively to deliver efficient and effective services with improved economies as an alternative to a government led reorganisation of local government in the county.
- 1.3 A joint committee, to be known as the **Vision Derbyshire Joint Committee**, will:-
- Provide collective leadership for Derbyshire
 - Progress shared ambitions for the area
 - Work together to tackle the issues and challenges outlined in the case for change.
 - Enable agile, timely and effective decision making

- 1.4 The Vision Derbyshire model allows local authorities to blend working at a hyper-local level with a large strategic level. Authorities will collaborate at three levels:
- regional/national
 - county-wide or
 - local place level,
- depending on the nature of the outcome that the authorities are looking to improve. In adopting this way of working, Derbyshire can blend strategic, county-wide and local approaches to tackle outcomes in a multi-faceted way, and maintain focus on people and places, not organisational boundaries.
- 1.5 To enable the delivery of the above, the Joint Committee will act as the enabling body, through the political leadership of councillors from the participating authorities. Other authorities may participate in the Joint Committee in respect of individual projects which fall within the broader aims and objectives of the Vision Derbyshire working model. In such circumstances, Members of those authorities may be appointed for the duration of their authority's involvement in a specific project.
- 1.6 The participating authorities in the Vision Derbyshire working model are committed to the provision of improved services. It is considered that this will, in certain instances, be best achieved by the joint provision of services, joint working and / or the development of common standards and protocols. All proposals for the setting up of any new services or the discharge of functions are in the first instance to be subject to an investigation into the suitability of providing such services or discharging such functions, as a joint service for all participating Councils. All participating Councils agree to operate all reviews in an open and transparent manner to support the aims and objectives of Vision Derbyshire. This will include the sharing of all information.

2. Functions and Responsibilities

2.1 The Joint Committee is established pursuant to Section 101(5) of the Local Government Act 1972, which permits local authorities to make arrangements for two or more authorities to discharge functions jointly, so long as it is a function that the law reserves to a specified committee. The Joint Committee is established with the following aims:

- Provide collective leadership for Derbyshire
- Progress shared ambitions for the area
- Work together to tackle the issues and challenges outlined in the case for change.
- Enable agile, timely and effective decision making

2.2 The Joint Committee, on behalf of the participating authorities, will be responsible for improving the delivery of functions already within the remit of local authorities through statute or through specific collaborative work to improve the economic, environmental or social wellbeing of the areas within Derbyshire from the following broad definitions:-

- Shared service arrangements
- Incorporating existing partnership arrangements within the Vision Derbyshire model
- Areas for collaborative system changes across authorities
- Specific thematic projects and priorities

2.3 Within those broad definitions, the Joint Committee will:-

- (i) Determine the programme of projects and work streams, how those will be managed and communicated to stakeholders and the public
- (ii) Monitor and review performance in respect of services delivered through the Vision Derbyshire Joint Committee and authorise the publication of an annual report of performance and outcomes

- (iii) Commission strategic outline and full business cases for individual councils to consider opportunities for more collaborative working in respect of shared services
- (iv) Approve annual business plans for the delivery of shared services
- (v) Provide or assume democratic oversight for existing joint committee and partnership arrangements
- (vi) Provide a platform for the devolution of powers from Government to authorities in Derbyshire
- (vii) Determine requests from individual authorities or groups of authorities to work collaboratively on specific projects or work streams
- (viii) Provide a forum for councils and their representatives to provide challenge to each other with the aim of increasing collaboration to deliver efficient, effective and economic services, which equally improve the offer and outcomes to residents and businesses
- (ix) Delegate functions and responsibilities to individual councils within Derbyshire for the delivery of services or projects which are considered to be effectively discharged by those councils

2.4 The Joint Committee will also have authority to delegate functions to individual participating or non-participating authorities in order to facilitate the delivery of Vision Derbyshire aims and priorities. Where a function is delegated, it will be reflected as such within these Articles.

2.5 The functions of the Joint Committee conferred or imposed upon it by any Orders from the Secretary of State and / or the functions of the Joint Committee delegated to it by Orders approved by participating authorities will be set out within these terms of reference.

2.6 The Joint Committee will exercise all its powers and duties in accordance with the law and these terms of reference and procedure rules.

3. Membership of the Joint Committee

3.1 The Authority shall comprise Members from all authorities within Derbyshire as follows:

(a) Each of the participating Councils and the non-participating Councils¹ shall appoint one of its elected members to be a Member of the Joint Committee; and

(b) Additionally, each participating Council and each non-participating Council shall appoint one of its elected members to be a substitute second member ('Substitute Member') of the Joint Committee, who will act in the absence of Members appointed under 3.1(a) above.

3.2 A Substitute Member will have the same rights to receive meeting papers and to access information as the Member for whom s/he is a substitute.

3.3 All appointments as Members or Substitute Members of the Joint Committee shall be for a term of one year, but an individual may be re- appointed to serve as a Member or Substitute Member any number of times.

3.4 A participating Council or non-participating Council shall be entitled at any time to terminate the appointment of a Member or Substitute Member appointed by it and to appoint another of its Elected Members in that person's place. Where a Council exercises this power it shall give written notice of the new appointment and the termination of the previous appointment to the Monitoring Officer responsible for the Joint Committee and the new appointment shall take effect and the previous appointment terminate at the end of one week from the date on which the notice is given or such longer period not exceeding one month as is specified in the notice.

¹ Members appointed by non-participating Councils would only be entitled to be present for and vote on matters in relation to specific projects that they would wish to be involved.

- 3.5 A Member or Substitute Member of the Joint Committee who ceases (for whatever reason) to be an Elected Member of the Council that appointed them shall immediately cease to be a Member or Substitute Member of the Joint Committee, and the relevant Council shall as soon as practicable give written notice of this to the Monitoring Officer responsible for the Joint Committee and appoint another of its Elected Members in that person's place.
- 3.6 A person may resign as a Member or Substitute Member of the Joint Committee by written notice served on the Proper Officer of the participating Council or non-participating Council that appointed them and the resignation shall take effect on receipt of the notice by the Proper Officer. The relevant Council shall as soon as practicable give written notice of this to the Monitoring Officer responsible for the Joint Committee and appoint another of its Elected Members in that person's place.
- 3.7 Where an appointing Council operates executive arrangements (within the meaning of the Local Government Act 2000), the appointment, removal and replacement of Members and Substitute Members of the Joint Committee shall be decided in accordance with the constitutional requirements of that Council, but it is anticipated that all Members and Substitute Members appointed by it shall be Members of its executive and will include its executive leader or elected mayor.
- 3.8 All appointments, removals and replacements of Members and Substitute Members of the Joint Committee by participating Councils and non-participating Councils shall be made by notice in writing addressed to the Monitoring Officer responsible for the Joint Committee. Any such notice shall be deemed to have been given when received by the Monitoring Officer.
- 3.9 All Members of the Joint Committee (including any Substitute Members acting in place of Members of the Joint Committee) will:-
- (a) (subject to the Joint Committee's voting arrangements) collectively be the ultimate policy makers of the Joint Committee;

- (b) bring views of their communities into the Joint Committee's decision making process; and
- (c) maintain the highest standards of conduct and ethics.

- 3.10 Members will at all times observe the Code of Conduct for Members which is in force in their own Council and any breaches will be reported to the Monitoring Officer of their own Council.
- 3.11 No remuneration shall be payable to Joint Committee Members other than allowances for travel and subsistence in accordance with the Members' Allowances Schemes in operation at the participating Councils and non-participating Councils. (It is acknowledged that a participating Council or a non-participating Council may, in accordance with its own procedures, pay a special responsibility allowance to any Elected Member appointed by it to the Joint Committee in respect of duties and responsibilities undertaken as a Member or Substitute Member of the Joint Committee.)
- 3.12 The Joint Committee may co-opt representatives of organisations with a particular relevance to the work of the Joint Committee (for example, neighbouring local authorities which are neither participating Councils nor non-participating Councils) or such other person as it agrees to participate in meetings of the Joint Committee or any sub-committees. Such co-optees shall not be Members of the Joint Committee and shall have no voting rights. They shall, however, observe the Code of Conduct for Members set out from whichever authority they serve on. An individual's co-option shall terminate as soon as his/her involvement with the organisation that gave rise to the co-option ceases; and such co-option shall be endorsed annually by the Joint Committee.

4. Chairing the Joint Committee

- 4.1 The Joint Committee will be chaired by a Member of the Joint Committee appointed by a participating Council for the duration of a municipal year.

- 4.2 In the event that there are more than two Members nominated for the role of Chair, and there is not a clear majority of votes in favour of one Member, then the name of the Member with the least number of votes will be eliminated and that process will continue until a Chair is elected with a majority of votes.
- 4.3 The Joint Committee will appoint a Vice-Chair to deputise for the Chair when they are not present or available. The Vice-Chair will be appointed for the duration of a municipal year.
- 4.4 In the event that there are more than two Members nominated for the role of Vice-Chair, and there is not a clear majority of votes in favour of one Member, then the name of the Member with the least number of votes will be eliminated and that process will continue until a Vice-Chair is elected with a majority of votes.
- 4.5 The Chair or Vice-Chair of the Joint Committee will cease to hold such office when they cease to be a Member of the Joint Committee, in accordance with the provisions set out at paragraph 3.5 above.

5. Procedural Arrangements

- 5.1 The Joint Committee shall meet approximately ten times in a municipal year, but additional meetings may take place should the need arise.
- 5.2 Each Member of the Joint Committee appointed by a participating Council shall have one vote.
- 5.3 Members of the Joint Committee appointed by non-participating Councils will be non-voting. However, Members appointed by participating Councils may resolve to extend the voting rights on defined matters to all or any of the Members appointed by non-participating Councils. At each meeting of the Joint Committee the items of business on which Members of the Joint

Committee appointed by non-participating Councils may or may not vote shall be identified before those matters are considered.

- 5.4 The proceedings of the Joint Committee shall not be invalidated by any vacancy among its Members or Substitute Members or by any defect in the appointment or qualifications of any Member or Substitute Member.

6. Records of Proceedings

- 6.1 The Joint Committee shall make arrangements for the names of Members and Substitute Members present at any meeting to be recorded.

- 6.2 Minutes of the proceedings of a meeting of the Joint Committee, or any sub-committee, shall be kept in such form as the Joint Committee may determine.

- 6.3 Any such minutes are to be signed at the same or next suitable meeting of the Joint Committee or sub-committee by the Member chairing that meeting.

- 6.4 A Member of the Joint Committee, or any sub-committee, has the right to have their vote on any matter recorded in the minutes of the meeting at which the vote was cast.

7. Sub-Committees

- 7.1 The Joint Committee may establish such sub-committees as it thinks fit to discharge its functions.

- 7.2 Sub-committees established under paragraph 7.1 may include as voting members any Elected Member of a participating Council, even if such member is not a Member of the Joint Committee.

- 7.3 Members of non-participating Councils appointed to any sub-committee may be given voting rights by resolution of the Members appointed by the participating Councils.

7.4 For the avoidance of doubt no person who is not entitled to vote as of right, except for the Members appointed by the non-participating Councils can be given voting rights by the sub-committee.

8. Officers

8.1 The Head of Paid Service (appointed under Section 4 of the Local Government and Housing Act 1989), Section 151 Officer (appointed under Section 73 of the Local Government Act 1975) and Monitoring Officer (appointed under section 5 of the Local Government and Housing Act 1989) of the host authority for the Joint Committee will serve as the statutory officers in support of the Joint Committee.

8.2 The Joint Committee may engage such staff (referred to as officers), as it considers necessary to carry out its functions.

PROCEDURE RULES

These procedure rules apply where appropriate to the Joint Committee and Sub-Committees established by the Joint Committee.

1. Name

1.1 The name of the Joint Committee shall be the 'Vision Derbyshire Joint Committee'.

2. Membership

2.1 The membership of the Joint Committee shall be determined in accordance with the provisions of Article 3.

3. Meetings

3.1 The Annual Meeting of the Joint Committee shall be held each year on such a day in the month of March, April, May or June as the Joint Committee may fix, to deal with any other business normally transacted at an annual meeting.

3.2 The Joint Committee shall meet approximately ten times per municipal year, but additional meetings may take place should the need arise. The dates and times of meetings of the Joint Committee (including the Annual Meeting and extraordinary meetings) shall be determined by the Joint Committee. Such meetings shall be held at a venue (physical or virtual) determined by the Chair. Save as provided elsewhere in these Procedure Rules all meetings of the Joint Committee, sub-committees and working party meetings shall be summoned by the Head of Paid Service of the host authority.

3.3 An extraordinary meeting of the Joint Committee may be called at any time by the Chair. If the Chair refuses to call an extraordinary meeting of the Joint Committee after a requisition for that purpose signed by three Members of the Joint Committee has been presented to him/her or if, without so refusing, the

Chair does not call an extraordinary meeting within seven days after the requisition has been presented to him/her then any three Members of the Joint Committee, on that refusal, or on the expiration of those seven days, as the case may be, may forthwith call an extraordinary meeting of the Joint Committee

- 3.4 No business shall be considered at any extraordinary meeting save such as is specified in any requisition of the Joint Committee calling such meeting, or as the case may be, in the requisition presented to the Chair by Members.

4. Chair and Vice-Chair

- 4.1 Article 4 sets out the arrangements for the appointment of Chair and Vice-Chair of the Joint Committee.

- 4.2 If the Chair is absent from a meeting the Vice-Chair, if present, shall preside.

- 4.3 If both the Chair and Vice-Chair are absent from a meeting of the Joint Committee, such Member as the Members of the Joint Committee present so choose, shall preside.

- 4.4 Any power or duty of the Chair in relation to the conduct of a meeting may be exercised by the person presiding at the meeting.

5. Quorum

- 5.1 The quorum for a meeting will be five Members.

- 5.2 If during a meeting the Chair, after counting the number of Members present, declares that there are not at least five of the Members present, who are entitled to vote (being at least 5 Members from the participating Councils) on the matter(s) under consideration, the meeting shall stand adjourned. The names of those Members who are present shall be recorded in the minutes of the meeting. Consideration of any business not transacted shall be adjourned to a

date and time fixed by the Chair at the time the meeting is adjourned, or if s/he does not so fix a date and time, to the next meeting of the Joint Committee.

6. Chair's Announcements

6.1 No discussion shall take place on any announcement made by the chair of the meeting, but any Member shall be at liberty to move a motion, without notice, to refer the subject matter of any such announcement to the next ordinary meeting of the Joint Committee and such motion, on being seconded, shall be at once put to the vote.

7. Order of Business

7.1 Except as otherwise provided by paragraph 7.2 of this Rule, the order of business at every meeting of the Joint Committee other than the annual meeting and any extraordinary meeting shall be:-

- (a) To choose a person to preside if the Chair and Vice-Chair are absent;
- (b) To deal with any business required by statute to be done before any other business;
- (c) To identify those items of business on which Members of the Joint Committee appointed by non-participating Councils may or may not vote;
- (d) Urgent items: to determine whether there are any additional items of business which by reason of special circumstances the Chair is of the opinion should be considered at the meeting;
- (e) Exclusion of Public and Press: to identify items where resolutions may be moved to exclude the public and press;
- (f) To receive disclosures by Members of interests in matters under consideration;
- (g) To approve as a correct record and sign the minutes of the last meeting of the Joint Committee;
- (h) To deal with any business expressly required by statute to be done;
- (i) Chair's announcements;
- (j) To dispose of business, if any, remaining from the last meeting;

- (k) To approve as necessary minutes of sub-committees;
- (l) To receive and consider reports, if any, from sub-committees;
- (m) To receive and consider reports from participating or non-participating authorities;
- (n) To receive minutes of and recommendations from other bodies;
- (o) To consider motions, if any, in the order in which notice has been received;
- (p) To deal with other business, if any, specified in the summons.

7.2 The Chair may at any meeting vary the order of business so as to give precedence to any business which in his/her opinion is of special urgency but such a variation shall not displace any business falling under items (a), (b), (f) or (g) in paragraph 7.1 of this Rule.

7.3 At any extraordinary meeting of the Joint Committee the minutes of the last ordinary meeting of the Joint Committee will not be considered. The minutes of an extraordinary meeting of the Joint Committee will be submitted where possible to the next ordinary meeting of the Joint Committee.

8. Notice of Motion

8.1 Except as provided by Rule 9, every notice of motion shall be in writing, signed by the Member or Members of the Joint Committee giving the notice and delivered by email or in person at least seven clear days before the next meeting of the Joint Committee at the office of the Head of Paid Service of the host authority, by whom it shall be dated, numbered in the order in which it is received and a record kept, which shall be open to the inspection of every Member of the Joint Committee during normal office hours.

8.2 Every motion shall be relevant to some matter in relation to the Joint Committee's powers or duties.

8.3 The Head of Paid Service of the host authority shall set out in the summons for every meeting of the Joint Committee motions of which notice has been duly

given in the order in which they have been received, unless the Member(s) giving such notice intimated in writing, when giving it, that s/he proposed to move it at some later meeting or has withdrawn it in writing.

- 8.4 If a motion set out in the summons is not moved either by a Member who gave notice thereof or by some other Member on his/her behalf, it shall, unless postponed by consent of the Joint Committee, be treated as withdrawn and shall not be moved without fresh notice.

9. Motions which may be moved without notice

- 9.1 The following motions may be moved without notice: -

- (a) Appointing a Chair of the meeting at which a motion is moved;
- (b) Motions relating to the accuracy of the minutes;
- (c) That an item of business specified in the summons has precedence;
- (d) Appointment of a sub-committee or members thereof occasioned by the appointment;
- (e) That leave be given to withdraw a motion;
- (f) That leave be given to withdraw in whole or in part or amend the minutes or proceedings of the Joint Committee or any sub-committee;
- (g) That the Joint Committee proceeds to the next business;
- (h) That the question be now put;
- (i) That the debate be now adjourned;
- (j) That the Joint Committee does now adjourn;
- (k) Amendments to any motion to approve the Minutes or proceedings of the Joint Committee or any sub-committee any part of which has been withdrawn or amended in accordance with Rule 9(f);
- (l) Suspending Procedure Rules in accordance with Rule 18;
- (m) A motion, under Part 1 of Schedule 12A to the Local Government Act 1972 (relating to admission to meetings of local authorities);
- (n) That a Member named under Rule 12 be not further heard or do leave the meeting;

- (o) Giving consent or leave of the Joint Committee where the consent or leave of the Joint Committee is required by these Procedure Rules;
- (p) That the subject matter of an announcement made by the chair of the meeting be referred to the next meeting of the Joint Committee or the appropriate sub-committee;
- (q) Approval or amendment of recommendations of Officers and any consequential resolutions.

10. Amendments to Motions

10.1 Normally, no motion to amend a motion other than a motion which may be moved without notice under Rule 9 shall be moved at any meeting of the Joint Committee unless not less than 24 hours' notice in writing of the motion, signed by the Member(s) giving notice, is delivered to the Monitoring Officer of the host authority. The Head of Paid Service of the host authority shall inform the Chair of the Joint Committee of any such amendments so received.

11. Rules of Debate

11.1 A motion or amendment shall not be discussed unless it has been proposed and seconded.

11.2 An amendment shall be relevant to the motion and shall be either:–

- (a) to refer a subject of debate to the next meeting of the Joint Committee or the sub-committee for consideration or re-consideration; or
- (b) to leave out words and insert or add others; or
- (c) to insert or add words;

but such omission, insertion or addition of words shall not have the effect of negating the motion before the Authority.

11.3 Only one amendment may be moved and discussed at a time and no further amendment shall be moved until the amendment under discussion has been

disposed of provided that the Chair may permit two or more amendments to be discussed (but not voted on) together if circumstances suggest that this course would facilitate the proper conduct of the Joint Committee's business. Where two or more amendments are discussed together they shall be voted upon in the order in which they were moved.

- 11.4 When an amendment has been lost, other amendments may be moved on the original motion. If an amendment is carried, the motion as amended shall take the place of the original motion and shall become the motion to which any further amendment may be moved.
- 11.5 When a motion is under debate no other motion shall be moved except the following:-
- (a) to amend or withdraw the motion provided that the notice of amendment has been properly given in accordance with these Procedure Rules;
 - (b) to adjourn the meeting;
 - (c) to proceed to the next business;
 - (d) that the question be now put;
 - (e) that a Member be not further heard.
- 11.6 The ruling of the Chair on a point of order or on the admissibility of a personal explanation shall not be open to discussion.
- 11.7 A Member who does not have the right to vote on a matter shall have the same rights to speak on a matter as a Member with the right to vote on that matter.

12. Disorderly Conduct

- 12.1 If at a meeting any Member of the Joint Committee in the opinion of the Chair misconducts himself/herself by persistently disregarding the ruling of the Chair or by behaving irregularly, improperly, or offensively, or by willfully obstructing the business of the Joint Committee, the Chair may move 'That the Member named be not further heard' and the motion if seconded shall be put and determined without discussion.
- 12.2 If the Member named continues his/her misconduct after a motion under the foregoing paragraph has been carried the Chair shall either move 'That the Member named do leave the meeting' (in which case the motion shall be put and determined without seconding or discussion), or adjourn the meeting of the Joint Committee for such period as s/he in his/her discretion shall consider expedient.
- 12.3 In the event of general disturbance which in the opinion of the Chair renders the due and orderly dispatch of business impossible, the Chair in addition to any power vested in him/her may, without question put, adjourn the meeting of the Joint Committee for such period as s/he in his/her discretion shall consider expedient.

13. Rescission of Previous Resolution

- 13.1 No motion to rescind any resolution passed within the preceding six months, and no motion or amendment to the same effect as one which has been rejected within the preceding six months shall be proposed unless the notice thereof given in pursuance of Rule 8 bears the names of at least five Members of the Joint Committee. When any such motion or amendment has been disposed of by the Joint Committee, it shall not be open to any Member to propose a similar motion within a further period of six months.

13.2 Provided that this Rule shall not apply to motions moved by the Chair or other Members of the Joint Committee in pursuance of a recommendation of a sub-committee.

14. Mode of Voting

14.1 (a) Every proposition shall, unless otherwise required by these Procedure Rules or statute, be determined by show of hands.

(b) In taking the votes on any proposition, only those Members who are present in the room when the proposition is put from the chair shall be entitled to vote.

(c) Members appointed by non-participating Councils shall not be entitled to vote except on defined matters where the Members appointed by the participating Councils have resolved to allow them to vote. Individuals co-opted pursuant to Article 3.12 shall not be entitled to vote

(d) After a proposition is put from the Chair but before the vote is taken, any three Members by show of hands may require that the voting shall be recorded in the minutes of the meeting so as to show whether each Member present gave his/her vote for or against that proposition or abstained from the voting.

(e) Except where a recorded vote has been taken, any Member who is present when the vote was taken may require that his/her vote for or against the question or abstention shall be recorded in the minutes by notifying the Head of Paid Service of the host authority.

14.2 Where there are more than two persons nominated for any position to be filled by the Joint Committee and of the votes given there is not a majority in favour of one person, the one having the least number of votes shall be struck off the list and a fresh vote shall be taken, and so on, until a majority of votes is given in favour of one person.

14.3 In the case of an equality of votes the Chair shall have a second or casting vote.

15. Urgent Business

- 15.1 The Head of Paid Service and the Monitoring Officer of the host authority shall each be empowered individually to take any action which is required as a matter of urgency in the interests of the Joint Committee, after consultation (where practicable) with the Chair of the Joint Committee, on behalf of and within the powers and duties of the Joint Committee. All such action shall be reported to the next meeting of the Joint Committee.

16. Variation and Revocation of Procedure Rules

- 16.1 Any motion to add to, vary or revoke these Procedure Rules shall when proposed and seconded stand adjourned without discussion to the next ordinary meeting of the Joint Committee, provided that this Rule shall not apply to any review of Procedure Rules at the annual meeting of the Joint Committee.

17. Suspension of Procedure Rules

- 17.1 No Rule shall be suspended at any meeting of the Joint Committee except on the vote of a majority of the members then present.

18. Recordings at Meetings

- 18.1 The Local Audit and Accountability Act allows persons:
- (a) To film, photograph or make sound recordings of proceedings at a meeting of a body to which this section applies, or of a committee or - sub-committee of such a body;
 - (b) To use other means for enabling persons not present at such a meeting to see or hear proceedings at the meeting, as it takes place or later;
 - (c) To report or provide commentary on the proceedings at such a meeting orally or in writing, so that the report or commentary is available, as the meeting takes place or later, to persons not present at the meeting.

19. Record of Attendance

19.1 Every Member of the Joint Committee attending a meeting or a meeting of a sub-committees of which s/he is a member, shall have their attendance recorded and published through the website of the host authority.

20. Appointment of Sub-Committees

20.1 The Joint Committee may establish such sub-committees as it deems appropriate or it is required to appoint by or under any statute.

20.2 Subject to any statutory provision in that behalf the Joint Committee:–

(a) shall not appoint any member of a sub-committee so as to hold office later than the next annual meeting of the Joint Committee;

(b) may at any time dissolve a sub-committee or alter its membership; every vacancy on a sub-committee shall be reported by the Head of Paid Service of the host authority at the first meeting of the Joint Committee after the vacancy has arisen and the Joint Committee may thereupon proceed to fill the vacancy.

20.3 The Joint Committee may appoint sub-committees for purposes to be specified by the committee and, subject to these Procedure Rules and to any resolution of the Joint Committee in that behalf, may delegate to any such sub-committee any power or duty delegated by the Joint Committee.

20.4 The Chair and Vice-Chair of the Joint Committee shall be ex-officio members of every sub-committee appointed by the committee.

20.5 The membership of a sub-committee may include persons who are not members of the Joint Committee by which the sub-committee was appointed, however where such persons are not Members of the Joint Committee, they shall be appointed as non-voting members.

20.6 A Joint Committee shall not appoint any member of a sub-committee so as to hold office later than the next annual meeting of the Joint Committee and may at any time dissolve a sub-committee or alter its membership.

21. Quorum of Sub-Committees

21.1 Except where ordered by the Joint Committee or authorised by statute, or set out in the specific terms of reference of a sub-committee, business shall not be transacted at a meeting of any sub-committee unless at least one third of the whole number of members of the sub-committee who are entitled to vote is present, provided that in no case shall the quorum of a sub-committee be less than three members.

22. Procedure Rules to Apply to Committees and Sub-Committees

22.1 These Procedure Rules shall, with any necessary modifications, apply to meetings of sub-committees.

23. Interpretation

23.1 The decision of the chair of the meeting on the question of the construction of the Procedure Rules and on any question of order not provided for by the Procedure Rules shall be final.

23.2 The inclusion or exclusion of any specific matters in any other regulation or resolution shall not be construed as limiting in any way the scope of these Procedure Rules.

23.3 Where the Monitoring Officer is not a solicitor holding a current practising certificate for the expression "Monitoring Officer" in these Procedure Rules there shall be substituted the expression "the solicitor to the Joint Committee" wherever it is appropriate and where there is a requirement at law that such action is to be taken by a solicitor.

24. Procedure Rules to be Given to Members

- 24.1 A printed copy of these Procedure Rules and any other documents in respect of governance of the Joint Committee shall be given by the Monitoring Officer of the host authority to every Member of the Joint Committee on his/her first being appointed to the Joint Committee.

ACCESS TO INFORMATION PROCEDURE RULES

These rules are a summary of rights to attend meetings of the Vision Derbyshire Joint Committee, its sub-committees, and of access to documents. The host authority for the Joint Committee will keep at its principal office a summary of various rights to attend meetings and to inspect documents in the possession of that authority on behalf of the Joint Committee, conferred by law.

1. Access

- 1.1 A meeting of the Joint Committee (including meetings of its sub-committees) is open to the public, except as stated in Rules 1.2 and 1.3 below.
- 1.2 The public must be excluded from a meeting during any item of business whenever it is likely that, if they were present, confidential information would be disclosed in breach of the obligation of confidence. Confidential information means information provided on a confidential basis by a Government department, and information the disclosure of which is prohibited by statute or by Court order.
- 1.3 The public may be excluded by resolution during an item of business whenever it is likely that there would be disclosure to them of 'exempt information'. Exempt information is defined to cover such matters as personal information, financial and business affairs of people or companies with whom the Authority has dealings, action likely to lead to criminal proceedings, matters relating to industrial relations consultations and negotiations and matters relating to legal proceedings. A description of 'exempt information' is set out in Schedule 12A to the Local Government Act 1972, as amended.

2. Access to Agendas and Reports

- 2.1 Copies of the agenda and reports for a meeting of the Joint Committee or of any of its sub-committees must be open for inspection by the public, except for any report on an item during the consideration of which the meeting is not likely

to be open to the public. Documents must be available five clear days before the meeting, or as soon as the meeting is convened, or the item added to the agenda, if that is less than five clear days before the meeting. The papers will be available through the following website (insert link) and at the offices of the host authority.

- 2.2 A reasonable number of copies of agendas and reports must be available for members of the public present at a meeting. The agendas and reports must also be made available to the media on request.

3. Key Decisions

- 3.1 A “Key Decision” means a decision of a decision maker, which is likely—
- (a) to result in the incurring of significant expenditure, or the making of significant savings, having regard to the Joint Committee’s budget for the service or function to which the decision relates; or
 - (b) to be significant in terms of its effects on persons living or working in an area comprising two or more wards or electoral divisions in the area of the participating authorities

In relation to expenditure or savings referred to in 3.1(a), as a guide, this will ordinarily be taken to mean that a Key Decision will result in expenditure or savings in excess of £0.25M.

4. Procedures before taking Key Decisions

- 4.1 Notice – Where a decision maker intends to make a Key Decision that decision must not be made until a notice has been published which states:
- (a) that a key decision is to be made in relation to the discharge of functions which are the responsibility of the Joint Committee;
 - (b) the matter in respect of which the decision is to be made;
 - (c) the decision maker’s name, and title if any;
 - (d) the date on which, or the period within which, the decision is to be made;

- (e) a list of the documents submitted to the decision maker for consideration in relation to the matter in respect of which the key decision is to be made;
- (f) the address from which, subject to any prohibition or restriction on their disclosure under Rule 1.3, copies of, or extracts from, any document listed is available;
- (g) that other documents relevant to those matters may be submitted to the decision maker; and
- (h) the procedure for requesting details of those documents (if any) as they become available

4.2 Subject to Rule ?? (general exception) and Rule 6 (special urgency), a key decision may not be taken unless:

- (i) the notice referred to at 4.1 above has been published —
 - (a) if the Joint Committee has a website, on its website; or
 - (b) otherwise, in such manner as it thinks is likely to bring the notice to the attention of persons who live in its area; and made available for inspection by the public at the offices of the host authority;
- (ii) at least twenty eight clear days have elapsed since the publication of the notice; and
- (iii) where the decision is to be taken at [or in the presence of] a meeting of the Joint Committee or its sub-committees, notice of the meeting has been given in accordance with 2.1 (notices of meetings) above.

4.3 Where, in relation to any matter—

- (i) the public may be excluded under section 100A of the Local Government Act 1972 from the meeting at which the matter is to be discussed; or
- (ii) documents relating to the decision need not, because of Rule 6 (confidential information), be disclosed to the public, the notice referred to above must contain particulars of the matter but may not contain any confidential information or exempt information.

5. Notice of a Key Decision – Cases of Special Urgency

5.1 Where the date by which a key decision must be made makes compliance with Rule 4 impracticable, the decision may only be made where the decision maker has obtained agreement from the Chair of the Joint Committee or, in the absence of the Chair, the Vice-Chair of the Joint Committee that the making of the decision is urgent and cannot reasonably be deferred.

5.2 As soon as reasonably practicable after the decision maker has obtained agreement under paragraph 5.1 that the making of the decision is urgent and cannot reasonably be deferred, the decision maker must –

(a) make available to the public at the offices of the host authority a notice setting out the reasons why the meeting is urgent and cannot reasonably be deferred; and

(b) publish that notice on the Joint Committee’s website, if it has one

6. Inspection of Background Papers

6.1 Members of the public may also inspect a list of background papers for any report (except those reports containing ‘confidential’ or ‘exempt’ information) and a copy of each of the documents included in that list. This right is available as soon as the report to which the list relates is published, and continues for four years from the date of the meeting. (In the case of the public right to inspect background papers, the right is subject to their production as soon as is reasonably practicable after the request is made). Background papers disclosing confidential or exempt information are not required to be listed, but, if they are listed, they will not be open to inspection.

6.2 Background papers are documents which relate to the subject matter of a report, disclose any fact or matter on which the report is based, and have been relied on to a material extent in preparing the report - but exclude any published work. Requests for inspection of such documents should be made to the

Monitoring Officer of the host authority who will arrange for the production of such documents as soon as reasonably practicable after the request.

7. Additional Access for Members of the Joint Committee

7.1 Any document in the possession or under the control of the Joint Committee which contains material relating to any business to be transacted at a meeting is open to inspection by a member of the Joint Committee.

7.2 Where a document discloses certain specified categories of exempt information it need not be open to inspection by a member. These categories relate mainly to personal information relating to crime or legal proceedings, or matters concerned with negotiations or industrial relations.

8. Publication of additional information

8.1 The host authority for the Joint Committee must maintain a register stating the name of every member of the Joint Committee and sub-committees and their appointing council. The register is published on the website and is also open to inspection by the public at the offices of the host authority.

8.2 The host authority for the Joint Committee will maintain a list specifying the powers delegated to individual authorities or specific officers, and stating the title of the officer by whom each of those powers is exercisable. The list is published on the website of the host authority and also open to public inspection, but excludes delegations of less than six months' duration.

9. Documents deposited with the Joint Committee

9.1 Documents may be required to be deposited with a proper officer of the host authority for the Joint Committee, either under an Act of Parliament or statutory instrument, or pursuant to the Standing Orders of either House of Parliament. A person interested in any such document may inspect it. Requests should be made to the Monitoring Officer.

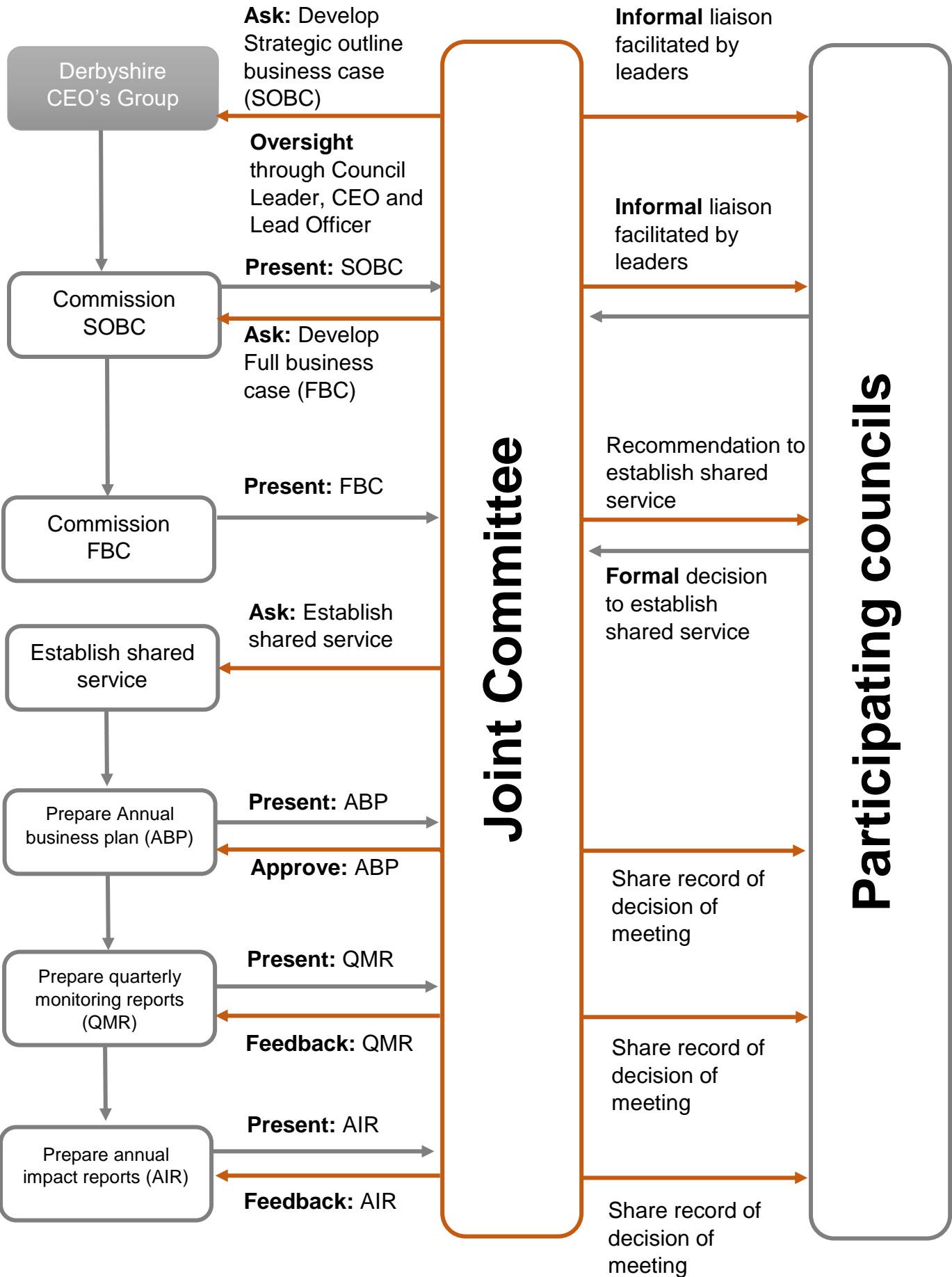
10. Other Documents

- 10.1 Any report received from the Local Government Ombudsman under section 30 of the Local Government Act 1974 must normally be open to public inspection for a period of three weeks, but the Ombudsman may direct that a particular report shall not be publicly available.
- 10.2 Where a public inquiry is to be held into a compulsory purchase order made by the Joint Committee, a statement of the Joint Committee's case to the inquiry, together with copies of any documents it intends to submit to the inquiry, must be made available for inspection by any person on request.
- 10.3 The Local Government (Inspection of Documents) (Summary of Rights) Order 1986 lists many other statutory provisions under which documents are required to be made available to the public.

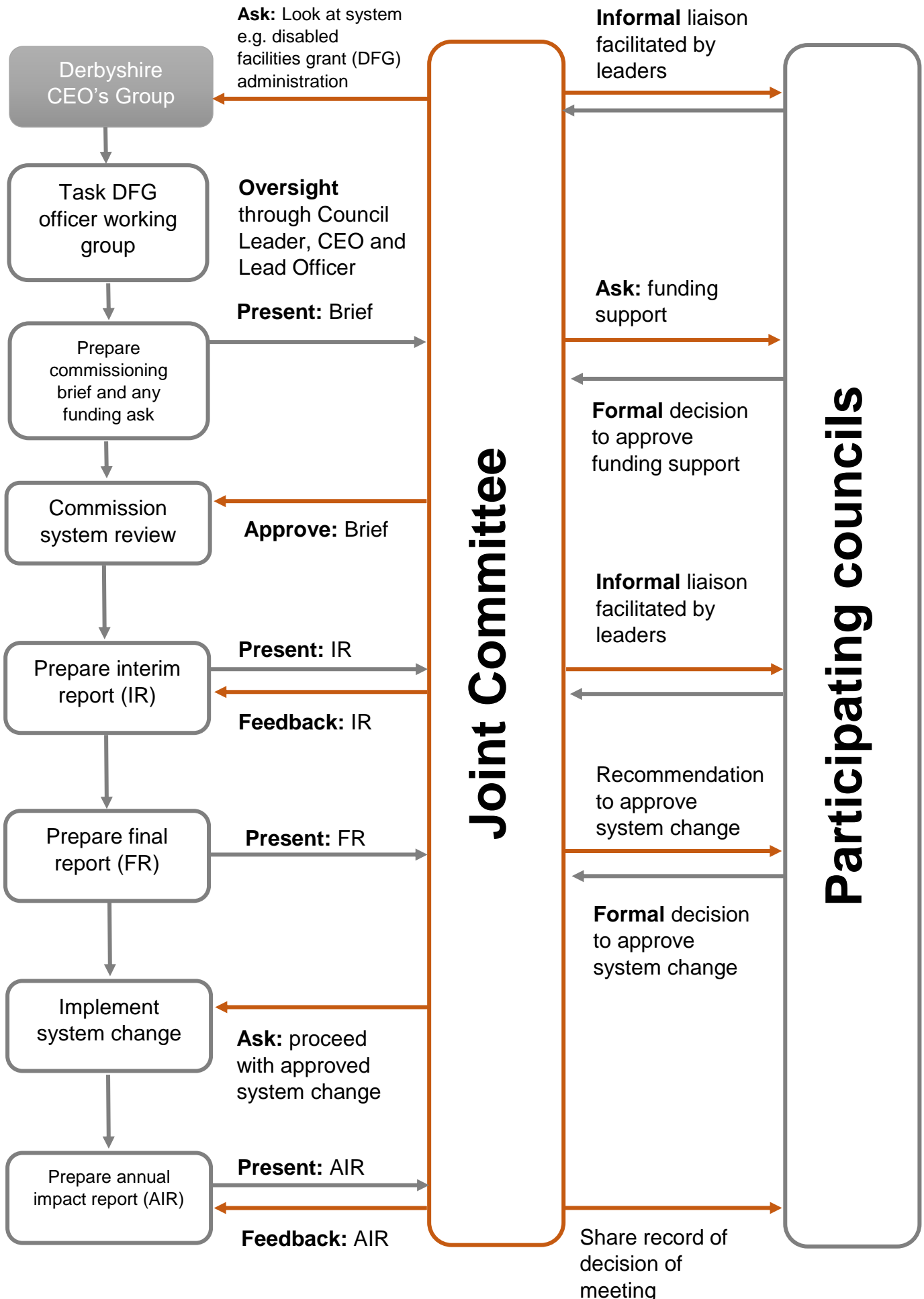
11. Fees

- 11.1 No fee will be charged for providing the facility of inspecting background papers.
- 11.2 A person who is entitled to inspect a document may (unless copyright law forbids it) make copies of, or extracts from it, or require a photographic copy of, or extract from, the document. The host authority for the Joint Committee reserves the right to make a charge for providing copies of documents

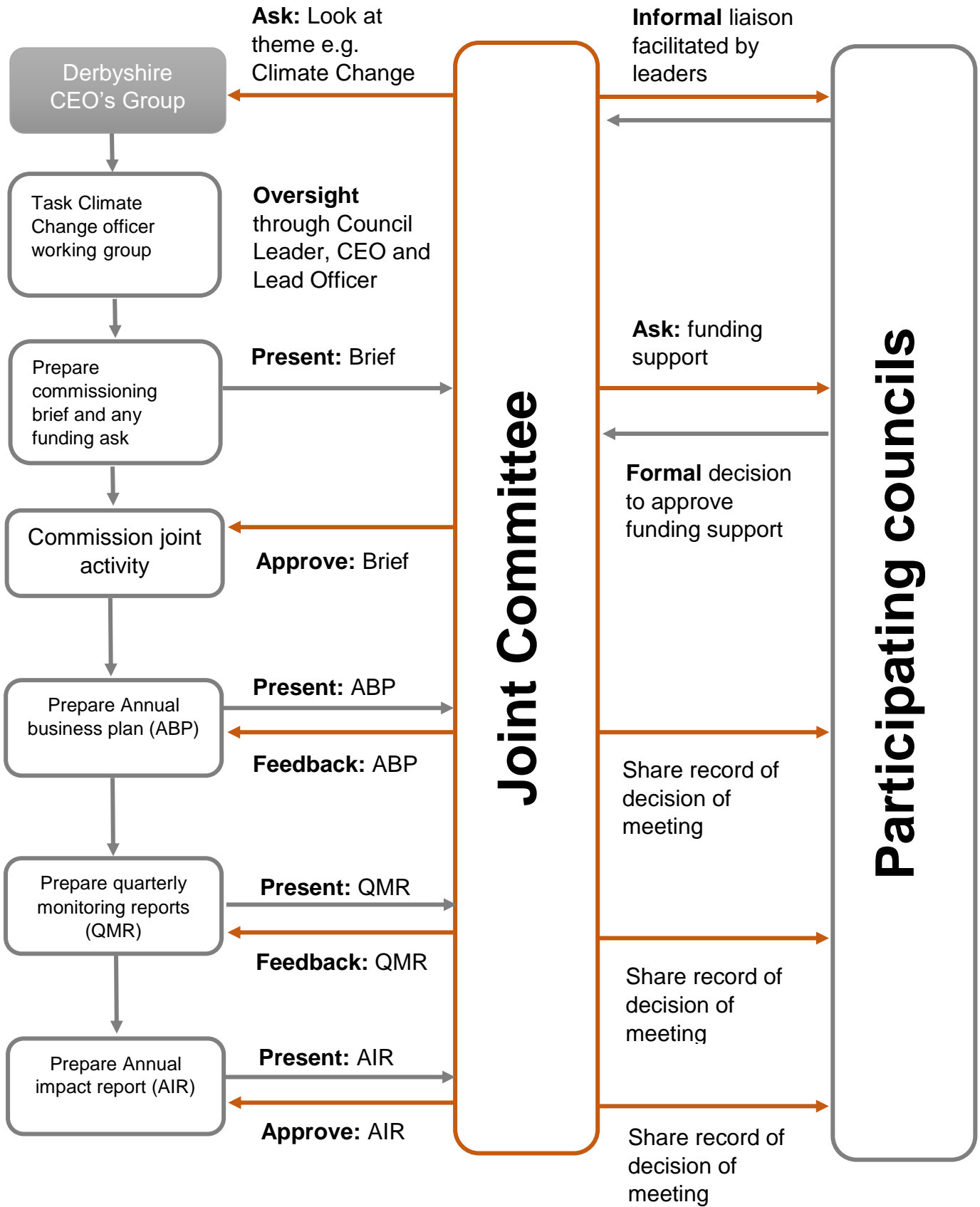
Shared Services



System change



Themes



COUNCIL
08 JULY 2021

Report of the Director of Housing and the Director of Regulatory Services

GYPSIES AND TRAVELLERS

PURPOSE OF THE REPORT

To update the Committee in respect of a Gypsy and Traveller family who have presented themselves as homeless and in relation to the work that has been undertaken to bring forward a site at Knabhall Lane, Tansley as both a permanent and temporary Traveller site.

RECOMMENDATION

1. The Council notes the progress to date concerning the identified temporary and permanent site at Knabhall Lane, Tansley.
2. That Council approves a capital budget of £25,000 in 2021/22 for costs associated with further assessment of the Knabhall Lane site up to and including the submission of applications for temporary planning permission and permanent planning permission, to be financed from Capital Receipts.
3. That in the interim period prior to the provision of a temporary or permanent site, Council delegates authority to any two of the Chief Executive, Director of Regulatory Services, Director of Housing, Director of Community and Environmental Services, Director of Corporate and Customer Services, to direct the Traveller family to specific Council owned sites, for temporary occupation until such time that a temporary or permanent site is established.
4. That subject to recommendation 3, Council identifies the following sites as temporary tolerated sites:
 - Agricultural Business Centre, Bakewell
 - Old Station Close, Rowsley
 - Matlock Station Car Park
 - Artists Corner Car Park, Matlock Bath
 - Matlock Bath Station Car Park
 - Land at Middleton Road, Wirksworth
 - Fishpond Meadows Overspill Car Park, Ashbourne
5. That authority be delegated to the Neighbourhoods Manager to initiate the installation of height barriers where appropriate, to protect the Council's vulnerable, town centre car parks where this does not undermine the provision of effective car parking provision for all vehicles.
6. That Council approves a capital budget of £10,000 in 2021/22 for costs associated with the installation of security measures, to be financed from Capital Receipts.

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. The delivery of a permanent Traveller site is a specific priority for the Council within its Corporate Plan, under the theme of 'Prosperity: Supporting better homes and jobs for you'.

1. BACKGROUND

- 1.1 'Traveller' is a generic term used to describe groups of people whose lifestyle or culture is rooted in a nomadic way of life.
- 1.2 Gypsies and Travellers are a part of British life and have been so for many centuries. They make up a very small minority of the wider population. Some Gypsies and Travellers live in caravans or other vehicles and follow a lifestyle that is nomadic, or semi-nomadic, in that it involves travel for at least part of the year.
- 1.3 Gypsies of Romany origin (English, Welsh, Scottish and European Travellers) and Irish Travellers live in Derbyshire, or use many parts of Derbyshire as traditional stopping places and have done so for hundreds of years. Other Travellers are also found within the County.
- 1.4 Romany Gypsies are an indigenous ethnic minority group, which is thought to have originated in India. Their language is Romanes. Irish Travellers are an indigenous, nomadic ethnic minority group found in Ireland and Britain. Their language is Cant or Gammon, although they predominantly speak English.
- 1.5 New Travellers are former house-dwellers who now travel. They are not a recognised ethnic group. Many New Travellers have been travelling for a number of years and some have children who have only ever known a travelling lifestyle.
- 1.6 Travelling Show People are people who organise and run fairgrounds. A Show Person will often refer to him/herself as a Traveller. However, the term Show People is used to differentiate people who organise fairgrounds from other travelling communities.
- 1.7 The work of Derbyshire authorities with the various travelling communities is co-ordinated through the long established Derbyshire Travellers Issues Working Group (TIWG). This is an officer group that brings together all of the Derbyshire district and borough councils, Derby City Council, Derbyshire County Council, Derbyshire Constabulary, the health community, the Environment Agency and Derbyshire Gypsy Liaison Group.
- 1.8 TIWG has produced a guidance document that sets out the commitments of the various partner agencies. In relation to the district and borough councils, these relate to statutory functions, such as dealing with planning enquiries, receiving homelessness applications and managing both authorised and unauthorised Traveller encampments.

- 1.9 The document recognises that providing these services often involves making difficult decisions, but commits TIWG members to treating all sections of the community fairly.
- 1.10 The most recent significant work co-ordinated through TIWG has been the Derbyshire and East Staffordshire Gypsy and Traveller Accommodation Assessment undertaken in 2014/2015 and currently being updated. This work is explained in more detail in the section relating to the Local Plan below
- 1.11 The Derbyshire Dales District Council area does not currently contain an authorised Traveller site. However, from time to time, unauthorised sites appear in the District. Sometimes these sites are established on land that is owned or administered by the District Council and it is these sites that the District Council has a duty to manage. Sites established on the public highway are managed by the Highway Authority which, in our case, is usually Derbyshire County Council.
- 1.12 In addition to the temporary encampments of Travellers who are passing through the District, the District Council is also aware of one family group of Gypsies with an accepted local connection to the area. The particular circumstances of this family are such that they wish to access a permanent site within the District on which to live. At the present time no such site is available and as a consequence they also travel around the District, moving from site to site. Because of their circumstances this family's encampments are often lengthier than those of Travellers who are 'passing through' and they often occur on land that is administered by the District Council.
- 1.13 In dealing with these different forms of Traveller encampments the District Council must have regard to a number of legal duties and these are set out in the following sections of the report.
- 1.14 At the Council meeting on the 2nd of September 2020, Members chose the Council owned site at Knabhall Lane in Tansley as the preferred site to take forward for development as a temporary and a permanent traveller site. Members also gave delegated authority to the Director of Housing to prepare and submit planning applications in respect of the temporary / permanent use of the site.

2 KNABHALL LANE PROGRESS

- 2.1 As with any development, early advice from the Planning Department is key to establish the reports and information needed to support an application. The Director of Housing undertook a site visit with colleagues from the Planning Department and agreed to follow up issues concerning badgers, land contamination and access to utilities.
- 2.2 In relation to badgers, local knowledge indicated that a badger sett existed on the North of the site. Specialist advice was sought and a report has been provided which in summary indicates that whilst badgers may have been on site in the past, there is no current evidence of badgers on the site. Although no badger field signs were found to indicate current badger activity in the survey area, it remains likely that the site is within an existing clan territory and that badgers forage in the area around the site. However, the situation can change at any time and therefore, due care should be taken at all times.
- 2.3 In relation to ground conditions, local knowledge indicates that the site has previously been used as a refuse tip. This presents various problems, both in terms of the materials that may have been deposited on the site and also the ability of the site to

support foundations and buildings. An initial desktop land contamination assessment has therefore been undertaken which comprises both an Environmental Assessment element and a Geotechnical Assessment element. These present more challenges. Specifically the Environmental Assessment indicates a risk to people occupying the land concerning contaminants and the build-up of gasses which could cause harm to people and buildings. The consultant's report states that 'Intrusive ground investigation and further assessment is recommended to determine the ground's contamination status and gas generation potential to assess the risks posed to the future development.

2.4 The geotechnical assessment indicates that the site is underlain in the west by a relatively small gravel pit/ quarry which may have been backfilled with domestic waste up until the 1960s. The presence of a backfilled gravel pit/ quarry on-site has significant implications for proposed structures and their foundations (e.g. amenity block). Deep soft / loose ground and highwall issues may potentially exist in the area of the former mineral excavation. Geotechnical issues should be suitably investigated and assessed once development proposals are finalised.

2.5 In order to progress matters further, the consultants recommend that:

- Intrusive ground investigation be undertaken to determine the ground conditions including the lateral and vertical extent of made ground/refuse tip;
- Chemical laboratory analysis of soils;
- In-situ and laboratory geotechnical testing, depending on building type and construction;
- Undertake a gas monitoring programme;
- Interpretative site investigation report with generic quantitative analysis of laboratory results.

2.6 The badger survey and the desktop land contamination survey were relatively low cost pieces of work funded from existing Council budgets within the Housing Department. However, in order to commission the intrusive studies now recommended by the consultants, detailed briefs would need to be prepared and the works procured in accordance with Council standing orders. This is time consuming and costly exercise which would require additional budgetary provision. Whilst detailed cost estimates have not yet been invited, it is anticipated that costs of up to £25,000 could be expected.

2.7 The provision of utilities is another constraint that will impact on the delivery of the site. An assessment of the electrical needs has informed a request to Western Power concerning the costs associated with providing an electrical supply to the site. The Land Contamination Survey identified the likelihood of a local aquafer being able to provide a drinking water supply to the site. The provision of such a supply is complicated by the fact that the land above the aquafer is contaminated and would itself need further assessment. In terms of sewerage and surface water drainage, it is unlikely that the site could meet its own needs and further work is needed to identify the best method of disposing of water from the site.

2.8 All of the work undertaken to date has been done at minimal cost. However, it is clear that in order to progress the site further, additional funds would need to be made available prior to the submission of any application for planning permission. Members are therefore requested to consider the Council's position and instruct officers accordingly.

3 **NEGOTIATED STOPPING PLACES**

- 3.1 In the absence of a currently available permanent site the District Council has a legal duty to accommodate the homeless Travellers on one or more temporary sites. The term used to describe a site on which Travellers may be sited temporarily is a negotiated stopping place. At the present time Derbyshire Dales District Council has not identified any such sites.
- 3.2 As no negotiated stopping places have been identified the Council's ability to control the location of the homeless families is extremely limited. Officers have no sites to which they can direct them and should they choose to occupy a site officers have no powers to direct them to another site, even though another site might be more suitable. As a consequence, recent encampments on sites in Matlock Bath and Matlock have been prolonged and have given rise to increased levels of public and Member complaint.
- 3.3 In order to address this situation, it is suggested that a number of sites are identified across the district for potential use as negotiated stopping places for use by the homeless families only, until such time as a permanent site is available for use. It is also suggested that officers be granted delegated authority to direct the families to these sites, having first informed rather than consulted, Ward Members of the intention to carry out such a direction.
- 3.4 It is further suggested that any one negotiated stopping place should generally be used for no more than 8 weeks at any one time, subject to the review of any extraordinary circumstances that might arise, for example with respect to issues such as health and welfare.
- 3.5 In order for such a system to work it is necessary to identify sites that may be used as negotiated stopping places. The list below has been compiled from officers' knowledge of District Council owned sites where encampments comprising the homeless families have previously been managed successfully and is recommended for adoption.
- Agricultural Business Centre, Bakewell
 - Old Station Close, Rowsley
 - Matlock Station Car Park
 - Artists Corner Car Park, Matlock Bath
 - Matlock Bath Station Car Park
 - Land at Middleton Road, Wirksworth
 - Fishpond Meadows Overspill Car Park, Ashbourne.
- 3.6 Officers recognise that a system of consent for these negotiated stopping places may not be popular, but nevertheless feel it is the only effective way of managing the encampments of the homeless families until a permanent site is available. As such, it will be necessary for Members to accept that these sites will be used from time to time. The alternative currently is that any one of these sites might be used by the families, with the Council having no ability to direct them to an alternative site.
- 3.7 In order to ensure that decisions are made in a considered and appropriate manner, it is suggested that authority is delegated to specified members of the Corporate Leadership Team and that all such decisions must be agreed by 2 such officers in consultation with each other. It is recommended that the following officers are

granted that delegated authority: Chief Executive, Director of Regulatory Services, Director of Housing, Director of Community and Environmental Services, Director of Corporate and Customer Services.

4. PROTECTION OF VULNERABLE CAR PARKS

- 4.1 In order to ensure that the Council's off-street pay and display car parks are protected from unauthorised use by Travellers, it has been necessary to install height barriers on a number of sites including Temple Car Park - Matlock Bath, Agricultural Business Centre – Bakewell and Lido Car Park – Matlock.
- 4.2 Whilst the installation of height barriers is not a fail-safe means of protecting sites and is not appropriate for all sites, it does act as a deterrent to unauthorised use. However, the installation of height barriers is not appropriate in all cases since the District Council must ensure that adequate provision remains for the parking of high sided vehicles.
- 4.3 Officers are therefore considering a number of solutions to protect vulnerable sites, however in the interim it will be necessary to make additional provision in the Capital Programme for the installation of height barriers in those locations determined appropriate by the Council's Neighbourhoods Manager.

5. RISK ASSESSMENT

Legal

- 5.1 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 temporary site will minimise the risk of legal action being taken against the Council for failing in its statutory duty to provide such a site.
- 5.2 The Council also has duties under the Homelessness Reduction Act 2017. The temporary site, reduces the risk of challenge against the Council for failing in its duties under the homelessness legislation.
- 5.3 The Council is also under a duty to protect its assets and ensure they are used for their intended purpose. Therefore eviction of illegal encampments is a necessary but temporary solution to the lack of authorised sites within the District. However due to the lack of a permanent site the risk of a legal challenge is medium to high and without the use of a temporary site to place families, the risk would be high.

Financial

- 5.4 The cost of officers' time and planning fees associated with the report recommendations can be met from within existing budgets.
- 5.5 The costs of the further investigations and assessments relating to land contamination and geotechnical issues at the Knabhall Lane site are estimated at up to £25,000. The costs of provision of utilities has not yet been determined.
- 5.6 The costs for the installation of height barriers in those locations determined appropriate by the Council's Neighbourhoods Manager are estimated at up to £10,000. These works will reduce the risk of lost income caused by a traveller encampment.

- 5.7 There is currently no provision in the capital programme for the £25,000 associated with the Knabhall Lane site or the £10,000 for height barriers at vulnerable car parks. Therefore, members' approval is requested for capital budgets in 2021/22, which can be financed from capital receipts.
- 5.8 A report elsewhere in the agenda for this meeting explains that internal sources of funding for the Council's capital programme are becoming depleted. The financial risk is, therefore, assessed as medium.

Corporate Risk

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

6. OTHER CONSIDERATIONS

- 6.1 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.

7. CONTACT INFORMATION

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8. BACKGROUND PAPERS

29 th January 2016	Report to Council (Gypsies and Travellers)
26 th January 2017	Report to Council (Gypsies and Travellers Update)
12 th July 2018	Report to Community & Environment Committee (<i>Gypsies and Travellers Update</i>)
15 th November 2018	Report to Community & Environment Committee (<i>Gypsies and Travellers Update</i>)
10 th December 2018	Report to Community & Environment Committee (Gypsies and Travellers – Discharge of Homelessness Duty)
21 st February 2019	Report to Community & Environment Committee (Gypsies and Travellers – Discharge of Homelessness Duty)
26 June 2019	Report to Community & Environment Committee (<i>Gypsies and Travellers</i>)

30 October 2019	Report to Community & Environment Committee (<i>Gypsies and Travellers</i>)
2 September 2020	Report to Council (Gypsies and Travellers)

9. ATTACHMENTS

None

COUNCIL

8 July 2021

Report of the Chief Executive

STIMULATING TOWN CENTRES POST COVID-19

PURPOSE OF REPORT

The report outlines a request from Ashbourne Town Team for the introduction of a short-term, partial dispensation of car parking charges to apply to all town centres, in order to provide a stimulus for town centres post Covid-19.

RECOMMENDATION

1. That consideration be given to the implementation of Option 1 for the month of September 2021.
2. That Council approves a supplementary revenue estimate for 2021/22 to cover the estimated shortfall in income associated with recommendation 1, to be funded from the Covid Funding Reserve.

WARDS AFFECTED

All Wards

STRATEGIC LINK

‘Prosperity’ is highlighted in the Corporate Plan 2020-24 as a District Council priority due to low local wages and high local house prices. The recommendation in this report would support the District Council’s specific aims to: *Support businesses to encourage productivity, growth, and higher wage jobs in rural and urban locations*; and to *Promote investment to stimulate the economy of our market towns*.

1 BACKGROUND

- 1.1 On 5th November 2020, the second of three Covid-19 national lockdowns were announced by the Government in response to rapidly increasing COVID-19 cases. A third national lockdown was announced on 6th January 2021 and restrictions continue to remain in force until 19th July at the earliest.
- 1.2 The impact of the Coronavirus pandemic and the three national lockdowns on the Derbyshire Dales has been widespread and ongoing. In the Derbyshire Dales, it has affected jobs, health, incomes, communities, environment, public services and more. Despite the plethora of financial support packages that have been put in place by the District Council to support businesses, it is likely that many businesses will not survive and if they do, it is likely to be some considerable time before they will recover to the their pre-March 2020 state, if at all.

- 1.3 The District Council, as the principal place-shaping agency for the Derbyshire Dales, has a key role in leading the economic recovery of the district. In this regard, a post COVID-19 Economic Recovery Plan for the district that links to the Local Plan and existing Corporate Plan and Economic Plan, was considered and endorsed at the Council meeting on 9th November 2020. A further report was also endorsed at Council on 22nd April 2021.
- 1.4 In addition to the economic recovery measures outlined in the earlier reports, regular representations have been received, principally from Ashbourne Town Team, asking the District Council to consider a short period incentive of reduced car parking charges, in order to encourage visitors back to the town centre following the removal of national restrictions. Officers have therefore been asked to consider this request, hence the reason for this report.
- 1.5 In considering this request, it is important to have regard to the combination of factors which have an impact upon the vibrancy and vitality of town centres, including disposable income of the local community, nature and volume of UK and overseas visitors, the level of digital connectivity, strong local business networks, and an immediate catchment which drives footfall and passing trade. Irrespective of the level of car parking charges, the national restructuring of the retail sector, influenced by the rise in online sales, means every town faces the challenges of declining high street spend and footfall. Reducing car parking charges, is not therefore considered to be the panacea for all of the challenges facing our town centres. It is also not a financially viable option for the District Council given the critical importance of car parking income to sustaining our overall financial position, which is already under strain.
- 1.6 However, it is evident that COVID-19 has added to the existing challenges town centre businesses currently face. Social distancing measures may impact profitability and some customers, now accustomed to online purchasing and home delivery, may not return to high street retailers. In order to respond to this request, consideration has been given to a series of options for a 'one-off', short term incentive for the month of September, for all town centre car parks in each of our four market towns plus Matlock Bath, which would have the benefit of extending the summer season. These options include:

		ESTIMATED COST (£)
OPTION 1	Free Parking after 2pm for the month of September 2021 (as per customary Christmas arrangements)	£45,325
OPTION 2	Free parking on Saturdays only for the month of September 2021	£55,874
OPTION 3	Free parking on Saturdays and Sundays only for the month of September 2021	£106,951
OPTION 4	Free parking for the month of September 2021	£201,269

- 1.7 In the event that Members wish to consider the offer of a car parking incentive, Option 1 is considered to be the most appropriate option having regard to the Council's current financial position.

2 OTHER CONSIDERATIONS

- 2.1 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.

2.2 Legal

The Council has the power to set its fees and charges and thus has the power to waive such charges as they deem appropriate. The use of the Covid Reserve Funding is in line with the fund requirements. Therefore the legal risk is low.

2.3 Financial

There is a report elsewhere on the agenda for this meeting that shows that the Council's latest Medium Term Financial Plan has a budget gap of £298,000 for 2022/23, rising to £564,000 in 2023/24, based on current assumptions, which may or may not turn out to be correct. This demonstrates that any ongoing reduction in parking charges would not be financially sustainable, based on those assumptions.

However, that report also indicates that during 2020/21 the Council has received several government grants to support spending associated with the coronavirus pandemic, not all of which have been spent or committed at the current time. Therefore, the cost of £45,325 for the option 1 parking charge dispensation in September 2021 could be met in 2021/22 from the Covid Funding Reserve.

The financial risk of Option 1 is assessed as Low; Option 2 is assessed as Medium and Options 3 and 4 are assessed as High.

3 CONTACT INFORMATION

- 3.1 Paul Wilson, Chief Executive – paul.wilson@derbyshiredales.gov.uk Tel: 01629 761126

4 BACKGROUND PAPERS

- 4.1 Various correspondence from Ashbourne Town Team

COUNCIL
8 JULY 2021

Report of the Director of Regeneration and Policy

PERFORMANCE MANAGEMENT – KEY & CORPORATE PERFORMANCE INDICATORS OUTTURN 2020/21

PURPOSE OF REPORT

This report summarises the outturn performance against the District Council’s Key & Corporate Plan Performance Indicators for the full year 2020/21, which is the first year of the current [Corporate Plan](#) 2020-24, agreed at Council on 5th March 2020.

The report highlights where services have performed strongly and where improvements can be made.

RECOMMENDATION

1. The outturn performance against Corporate Plan targets for 2020/21 be noted.
2. The outturn performance against the Key Performance Indicators for 2020/21 be noted.
3. That bi-annual reports continue to be brought to Council to highlight progress, demonstrate good performance, and address areas for improvement.

WARDS AFFECTED

All

STRATEGIC LINKS

The Corporate Plan (2020-24) sets out the District Council’s priorities and areas for improvement. It sets out targets and the actions required to achieve them agreed by Council in March 2020. Service Plans, policies and strategies supplement the Corporate Plan.

Key Performance Indicators provide a focus for strategic and operational improvement. They show the direction of Council performance and so create a basis for decision making. KPIs assist in maintaining priority service standards and therefore cover organisational health, planning, revenues and benefits, and housing.

Service Plans are developed for each Directorate. They contain the relevant Corporate Action Plan targets and actions, as well as any Key Performance Indicators. In addition targets for more routine operational achievement within those service areas are included.

The District Council’s Performance Management scheme monitors progress against these Key and Corporate Performance Indicators quarterly, identifies improvements and reports to Council.

1 BACKGROUND

- 1.1 The Corporate Plan 2020-24 (adopted by Council on 5th March 2020) sets out the District Council's priorities and areas for improvement. It identifies a number of priority targets to be achieved each year. These are assigned annually to specific teams and service areas. These actions set out how the Council will meet its key targets.
- 1.2 For 2020/21, eleven target areas, which include 33 pledges [aims] and 44 actions, were set by Council on the 5th March 2020. Appendix 1 details progress on all 44 actions contained in the Corporate Plan. These targets and actions cover the three priority areas identified in the Council Plan 2020-24:
1. *People* – Providing you with a high quality customer experience [4 target areas, 9 pledges, 12 actions]
 2. *Place* – Keeping the Derbyshire Dales clean, green and safe [4 target areas, 9 pledges, 14 actions]
 3. *Prosperity* – Supporting better homes and jobs for you [4 target areas, 15 pledges, 18 actions]
- 1.3 In addition, there are 12 Key Performance Indicators that measure how well the District Council is doing at maintaining its priority service standards. They cover service areas such as determining planning applications in good time, paying bills on time, collecting Council Tax efficiently, and paying benefits claims promptly. Appendix 2 provides detail on progress against the KPIs, on a quarter by quarter basis, throughout 2020/21
- 1.5 A mid-year progress report on both the Corporate Plan targets and Key Performance Indicators was considered by Council on 26 November 2020. A further report on Q3 progress was presented to Council on the 4th March 2021.
- 1.6 The Council's Corporate Plan targets and Service Plans (2021/22) were approved by Council on 4 March 2021. These documents set out the performance targets for the new Corporate Plan and the 2021/22 year.

2 PERFORMANCE MANAGEMENT

- 2.1 The District Council's Performance Management process is the means of measuring, monitoring and improving the Council's progress in achieving its targets. Targets include Corporate Plan Actions, KPIs and Service Specific objectives which are detailed in the [Corporate Plan](#) and Service Plans. Good performance and areas for improvement are identified through quarterly reporting processes.
- 2.2 By managing its performance, the District Council demonstrates that it knows:
- what its priorities are
 - what its targets are
 - actions it must take to achieve targets
 - measures progress
 - informs where it is appropriate to take remedial action to address underperformance
- 2.3 The District Council's [Performance Management Handbook](#) sets out the performance management process that uses the following classification at outturn:

- **Green** = has fully achieved the year's target on time
- **Amber** = has partially achieved the target and is on track to fully achieve the year's target albeit later than planned. It also includes delays to the achievement of targets caused by the impact of COVID-19
- **Red** = has not achieved year's target and is unlikely to do so.

3 COUNCIL PERFORMANCE – OUTTURN SUMMARY 2020/21

Corporate Plan

3.1 Overall, of the 44 Corporate Plan performance action indicators for the financial year 2020/21, for which data is available, all were fully or partially achieved, as Table 1 shows. Table one also shows performance against KPIs, with nine being fully achieved.

	Totals	Green	Amber	Red
Corporate Plan Actions	44	23	21	0
Key Performance Indicators	12	9	1	2
TOTAL	56	32	22	2

Table 1 - Summary of Performance Indicator Outcomes

3.2 A lower proportion of Corporate Plan actions were fully achieved (23 out of 44, or 52%) compared to Key Performance Indicator targets (9 out of 12, or 75%). Corporate Plan targets tend to be more project-based, one-off projects and involve a range of partners; they are therefore frequently more complex and long term. Outturns suggest that changes to service activities required by the impact of COVID have negatively affected the timescales for Corporate Plan actions delivery, more so than for KPI delivery. It is to be noted however, that progress has been made on almost all Corporate Plan actions despite the challenge of COVID throughout the year.

3.3 Detailed outcomes for 202/21 Corporate Plan Actions are shown in Appendix 1. Highlights include:

- Customer care and communication has been key service delivery during COVID. This has included the introduction of a faster, and improved website home page, including greater functionality and mobile access; the implementation of a new payment portal to expand payment options and ensure fully integrated payments are added to all online forms; numerous publications including Dales Matters, approx. 100 media releases, and posters, adverts and banners.
- BSU have continued to provide a flexible, high quality service throughout the pandemic despite numerous challenges including the need for social distancing within the Town Hall, increased call numbers, occasional staff shortages, new advice and guidance to pass on etc.
- The Economic Development Team/Business Advice Service were redirected to support business survival including the management and delivery of government grants. Over 160 businesses were awarded grants by the end of Q3.
- Residents and businesses have much-improved access to the support they need online, via our website. The number of fully trackable services has increased by 29 during the year. COVID specific support services were also added in a timely matter e.g. information on government funding, testing centres, service arrangements, and so on.
- Despite a reduction in the number of activities carried out by community groups caused by COVID, we have still been able to provide £34,621 funding on projects that benefit the wider community

- The provision of 27 Electric Vehicle Charging Points across all four Derbyshire Dales market towns has exceeded plans for a minimum of one charging point per market town
- Despite the impact of COVID, 75 adaptations were made to the homes of disabled people. This exceeds the target of 50.
- The development of three Neighbourhood Plans was completed and all were subject to positive referendum on 6th May 2021

3.4 Of the Council's 12 **Key Performance Indicators**, 75% were fully achieved, 17% were not achieved, and 8% were partially achieved. Success levels may increase once figures for waste recycling are produced; the current average for waste recycling from Q1 to Q3, is 58.5% which meets the target for 2020/21.

Service Area / CMT Lead	Description	2020/21 Target	Full Year
Organisational Health	% of undisputed invoices paid on time	99.00%	99.47%
	% of household waste which has been sent for reuse, recycling, composting or anaerobic digestion	58.5%	Q3 = 58.5% Q4 not available
	Average no. working days lost due to sickness absence per FTE employee- quarterly*	9	7.54
Housing	The percentage of homeless households seeking assistance from the Council for whom this intervention helped resolve their situation	75%	88% av.
Planning	% of Major planning applications determined in 13 weeks	>75%	100%
	% of Minor planning applications determined in 8 weeks	>77%	90%
	% of Other planning applications determined in 8 weeks	>90%	90%
	% of appeals allowed against LA's decision to refuse planning application	<30%	25%
Revenues & Benefits	% of Council Tax collected within the year	98.40%	97.51%
	% of Non-Domestic rates collected within the year	97.30%	92.16%
	Speed of processing new claims (days)	24 days	13 days
	Speed of processing: notifications of changes in circumstances (days)	8 days	7 days

3.5 Performance **highlights** from 2020/21 KPIs include:

- 99.47% of undisputed invoices were paid on time, taking on average only 7.27 days to pay each invoice.
- Average no. working days lost due to sickness absence per FTE employee-quarterly was 7.54 which is a significant improvement on last year's figure of 8.36. It is important to note that COVID-19 related absence data has been recorded separately from the main sickness absence data. As a result COVID-related sickness absence is not included in sickness absences statistics, during the period April 2020 to March 2021.
- Other indicators that exceeded their targets include; the number of minor and major planning applications that were determined within the designated number of weeks, the percentage of homeless people helped by the council, and the speed of processing new claims by benefits and revenues teams.

3.6 Although the collection of Council Tax and Non Domestic Rates was adversely affected by COVID-19 the rates of collection in 2020/21 were 98.4% and 92% respectively. This represents a 1% deficit against the target for council tax collection and a 5% deficit for non-domestic rates. Due to the impact of COVID-19, it has not been considered appropriate to take higher level recovery action in respect of Council Tax/Non Domestic Rate payers who fail to pay despite reminder notices. In addition, some customers have had problems in making payments and maintaining payment arrangements due to fluctuations and reductions in their own incomes due to COVID. Recovery action in respect of arrears will be taken in 2021/22.

3.7 It is proposed to continue reporting performance for the new Corporate Plan and key performance indicators to Members at Council meetings twice a year. This will highlight progress, demonstrate good performance where it occurs, and focus on areas for improvement that emerge during the year.

4 **RISK ASSESSMENT**

4.1 **Legal**

The Corporate Plan, and relevant Service Plans are compliant with all relevant legislation. The legal risk is assessed as being low.

4.2 **Financial**

There are no financial considerations arising from the performance management report. Where Corporate Plan targets or Service Plans actions have resource implications, these have been accounted for in existing budgets.

4.3 **Corporate**

There is a risk that Corporate Plan targets or Key Performance Indicators may continue to experience delays, particularly given the re-prioritisation of service delivery in the wake of the COVID-19 pandemic. This risk may continue to have service and reputational consequences for the District Council as we progress through 2021/22. To mitigate this, progress is monitored quarterly by Service Heads and by the Corporate Leadership Team.

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.
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CONTACT INFORMATION

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BACKGROUND PAPERS None

ATTACHMENTS

Appendix 1 Corporate Plan Actions Outturn Data 2020/21

Appendix 2 Key Performance Indicators Outturn Data 2020/21

APPENDIX 1: Q4 UPDATE – CORPORATE PLAN ACTIONS 2020/21

Note: Actions that became temporarily unachievable due to the impact of Covid have been shown as Amber

Reference No. and Service Area	Action	Q1 and Q2 reported jointly to Council 26/11/2020	Q3	Q4	2020/21 Outturn
CP20/PE1 Corporate and Customer Services	Introduction of faster, and improved website home page including greater functionality and mobile access by April 2020	Achieved 1st April 2020. New homepage, improved information			New homepage, improved information
CP20/PE2 Corporate and Customer Services	Implement a new payment portal to expand payment options (accepting Debit Cards, Credit Cards and PayPal) and ensure fully integrated payments are added to all online forms by April 2020.	Achieved 1st April 2020			Achieved 1st April 2020
CP20/PE3 Corporate and Customer Services	Introduce integrated Direct Debit payments on selected online forms by August 2020	Project delayed due to additional complexities with Direct Debit structure and suppliers - On target for a mid-Oct 2020 soft launch and test; full public launch in Nov 2020	Achieved Nov 2020		Achieved Nov 2020

APPENDIX 1: Q4 UPDATE – CORPORATE PLAN ACTIONS 2020/21

Reference No. and Service Area	Action	Q1 and Q2 reported jointly to Council 26/11/2020	Q3	Q4	2020/21 Outturn
CP20/PE3 Corporate and Customer Services	Increase the information available to you automatically in the 'My Account' e.g. Waste collection dates, Councillor details, weather alerts etc. by April 2020	Achieved 1st April 'My account' launched with a range of bespoke data targeted to customers			Achieved 1st April
CP20/PE5 Corporate and Customer Services	Implement a 'My Account' feature to track service requests by April 2020.	Achieved 1st April 2020 , with a range of services trackable through the account			Achieved
CP20/PE6 Corporate and Customer Services	Expand the number of services that are fully trackable by March 2022	On track – some additional services have been made fully trackable, with another 6 going live in October 2020	13 waste services, 10 clean and green services, 5 payment services (e.g. paying for council tax, business rates, invoices etc.) and car park discount season tickets		Achieved 13 waste services, 10 clean and green services, 5 payment services (e.g. paying for council tax, business rates, invoices etc.) and car park discount season tickets

APPENDIX 1: Q4 UPDATE – CORPORATE PLAN ACTIONS 2020/21

Reference No. and Service Area	Action	Q1 and Q2 reported jointly to Council 26/11/2020	Q3	Q4	2020/21 Outturn
CP20/PE7 Regeneration and Policy	Undertake Annual Survey using the Online Residents Panel to assess resident satisfaction with DDDC Services by November 2020	Anticipated to be completed in Q3. On track	Achieved 18th October 20 survey completed. Results reported to Council Dec 14 th 2020		Results reported to Council Dec 14 th 2020
CP20/PE8 Chief Executive and Corporate Leadership Team	Review the role and purpose of the Commercial Board by July 2020	Deleted by Council July 2020			Deleted by Council July 2020
CP20/PE9 Corporate and Customer Services	Continue to maintain and publicise a variety of offline customer contact channels for the District Council's services through Dales Matters and other media.	Dales Matters published twice yearly (Autumn 2020 edition in October). Leaflets are produced (every household will receive 2 publicising new garden waste subscription scheme). We also continue to use posters, newspaper adverts and outdoor banners.		Achieved. Dales Matters published, approx 100 media releases, and posters, adverts and banners	Achieved. Dales Matters published, approx 100 media releases, and posters, adverts and banners

APPENDIX 1: Q4 UPDATE – CORPORATE PLAN ACTIONS 2020/21

Reference No. and Service Area	Action	Q1 and Q2 reported jointly to Council 26/11/2020	Q3	Q4	2020/21 Outturn
CP20/PE10 Community Development	Provide up to £36,600 of grant funding to local community groups for projects that benefit the wider community in Derbyshire Dales.	Q1 £9,725; Ernest Bailey Q2 £15,675 spent on The Local Projects Fund. Ernest Bailey £1,500 [estimated interest] due to be allocated at annual meeting in November 2020	£22 806 total provision Local Projects Fund Ernest Bailey £1,500 allocated at annual meeting in November 2020	£34,621 in total spent on The Local Projects Fund. £1,361 spent on Ernest Bailey	£34,621 in total spent on The Local Projects Fund. £1,361 spent on Ernest Bailey
CP20/PE11 Community Development	Support community groups to successfully host events on District Council land by March 2021	All events cancelled due to Covid			All events cancelled due to Covid
CP20/PE12 Resources	Continue to explore opportunities to deliver £250,000 efficiency savings and/or additional income by 2023/24	On hold until receive Local Government Finance Settlement later this year		On hold pending the outcome of the government review of Council funding. An announcement on the review is expected in autumn 2021	On hold pending the outcome of the Government Finance Settlement and the government's Review of Council funding.
CP20/PL1 Regulatory Services	Implement measures to achieve 2% reduction in CO2 from local authority buildings as compared to the previous	Clear Lead Consulting Report to reduce Co2 emissions to net Zero by 2030 approved at Council 08/10/20	Clear Lead Consulting Report to reduce Co2 emissions to net Zero by 2030	Climate Change Officer, responsible for undertaking assessment work in place.	Assessment work on our carbon footprint for 2020/21, is ongoing + builds on the ClearLead report from 2019/20.

APPENDIX 1: Q4 UPDATE – CORPORATE PLAN ACTIONS 2020/21

Reference No. and Service Area	Action	Q1 and Q2 reported jointly to Council 26/11/2020	Q3	Q4	2020/21 Outturn
	calendar year by March 2021.		approved at Council 08/10/20		Assessment will be complete when energy consumption figures are available for the year. This figure will be reported on later in the year [planned for Q2], when energy data has been collated and analysed. This task will be undertaken by our Climate Change Project Officer
CP20/PL2 Regulatory Services	Develop a strategy to improve energy efficiency at all buildings of asset value £10,000 and above by March 2021.	Clear Lead Consulting Report target incorporates work at DDDC buildings which will achieve this outcome	Agreed projects at DDDC buildings will achieve energy efficiency at all buildings of asset value £10,000 and above by March 2021.		Further development delayed by Covid – new target March 2022
CP20/PL3 Regeneration and Policy	Appoint Consultants to Assist with Preparation of Climate Change SPD by October 2020.	Achieved Aug 20: consultants appointed			Achieved

APPENDIX 1: Q4 UPDATE – CORPORATE PLAN ACTIONS 2020/21

Reference No. and Service Area	Action	Q1 and Q2 reported jointly to Council 26/11/2020	Q3	Q4	2020/21 Outturn
CP20/PL4 Regeneration and Policy	Publish for public consultation Climate Change SPD by January 2021.	Consultation still scheduled for January 21	Consultation happened in Feb 21	Report to be considered by C&E Committee and adoption in June 21	Report to be considered by C&E Committee and adoption in June 21
CP20/PL5 Regeneration and Policy	Complete adoption of SPD on Climate Change by June 2021.	Scheduled for June 2021		Due to be adopted in June 2021	On target
CP20/PL6 Neighbourhoods	Introduce publicly accessible EV charging points in at least one car park in each of our market towns by April 2020.	Achieved May 2020. [Slight delay due to Covid-19]			Achieved – one in each market town – Matlock, Wirksworth, Ashbourne, Bakewell
CP20/PL7 Neighbourhoods	Develop a programme for further publicly accessible EV charging points in car parks across the Derbyshire Dales by April 2021	Discussions on-going with EV providers to assess the suitability of sites for the provision of EV Charging Points for a future programme.	Charging points in place May 21	27 charging points have been installed: Ashbourne [8], Matlock [8], Bakewell [8] and Wirksworth [3]	To date 27 charging points have been installed.
CP20/PL8 Clean and Green	Implement a recycling education and promotional programme by December 2020	Postponed due to Covid. Will be completed by March 21			Postponed due to Covid

APPENDIX 1: Q4 UPDATE – CORPORATE PLAN ACTIONS 2020/21

Reference No. and Service Area	Action	Q1 and Q2 reported jointly to Council 26/11/2020	Q3	Q4	2020/21 Outturn
CP20/PL9 Community Development	Develop a Community Tree Planting Programme by April 2021 for implementation in 2021/22	Postponed due to Covid			Postponed due to Covid. Moved to 2021/22
CP20/PL10 Community Development and Regulatory Services	Support the transfer and re-build of Ashbourne Memorial Pavilion and the Bowls Pavilion on Ashbourne Recreation Ground by March 2021.	Bowls pavilion replaced with new structure August 2020. Lease terms for leasehold transfer of Memorial Pavilion with solicitors - On Track.	The Ashbourne Memorial Pavilion will be complete by Sept 21, the lease is being finalised, and the Bowls Pavilion on Ashbourne Recreation Ground been built and the transfer will be complete in Sept 2021	Work is underway and completion of the whole project is expected by September 2021.	On track – completion expected by revised date of Sept 2021
CP20/PL11 Community Development and Regulatory Services	Implement a refurbishment programme for the Bandstand at Ashbourne Memorial Gardens by April 2021.	Survey/spec for complete replacement due autumn 2020 to allow works to be tendered winter 2020 and to take place in spring 2021. On Track	Delayed due to Covid; moved to Sept 21	Delayed due to Covid. Survey completed, procurement late spring, revised completion date Dec 2021	Delayed due to Covid - completion date now Dec 2021

APPENDIX 1: Q4 UPDATE – CORPORATE PLAN ACTIONS 2020/21

Reference No. and Service Area	Action	Q1 and Q2 reported jointly to Council 26/11/2020	Q3	Q4	2020/21 Outturn
CP20/PL12 Clean and Green	Review and implement revised core standards for Clean and Green by April 2021.	Due to Covid this is postponed to Dec 2021, review outline will go to members in Nov and take 12 months to complete. Members are aware.			Postponed until 2021/22 due to Covid
CP20/PL13 Regulatory Services and Neighbourhoods	To work with DFRS and other partners to review and relaunch the Council's Bonfire Safety Campaign by October 2020	Discussions held with DFRS and 2 other local authorities to ensure consistency. For 2020 the message is largely around discouraging organised events due to ongoing Covid 19 pandemic	No bonfires in 2020 due to Covid. If bonfire night 2021 is back on, we will return to this. Otherwise it will be picked up in 2022.	Preliminary discussions were underway with DFRS and other partners to work-up and launch a suitable campaign, however redistribution of resources and Covid priorities for all stakeholders resulted in delay.	The scheme was not relaunched in 2020 as bonfire events were prohibited under Covid restrictions. Will be relaunched in 2021, as Covid restrictions allow.
CP20/PL14 Regulatory Services	Publish an Air Quality Monitoring Report by July 2020 and where necessary commence appropriate mitigation measures by March 2021	Air quality report agreed by Defra. Detailed assessment being procured through competitive quotes	Air Quality Report submitted and published Oct 2020 Detailed assessment commissioned for area of non-compliance	Detailed assessment commissioned for area of non-compliance. Outcome report received prior to year-end (March 2021)	Air Quality Management Area declared April 2021. Work has now commenced on the production of an Air Quality Action Plan.

APPENDIX 1: Q4 UPDATE – CORPORATE PLAN ACTIONS 2020/21

Reference No. and Service Area	Action	Q1 and Q2 reported jointly to Council 26/11/2020	Q3	Q4	2020/21 Outturn
CP20/PR1 Regeneration and Policy	Work with public & private sector partners to complete infrastructure improvements at Ashbourne Airfield Industrial Estate, opening up 8 ha of new employment land by December 2020	Commencement delayed due to COVID. Contractor now appointed by Derbyshire County Council enabling works on new A52 roundabout to proceed. Start on site proposed anticipated 26th October 2020.	Commencement delayed due to COVID. However, work began on A52 roundabout in October 2020 and works on link road anticipated to commence April 2021	Legal agreements for link road completed in March 2021 with work on site commencing 12 April 2021	Work began on A52 roundabout in October 2020 and was completed in June 2021. Completion of link road due by December 2021
CP20/PR2 Regeneration and Policy	Pursue funding opportunities to unlock employment land and support initial phase of workspace development at Middleton Road, Wirksworth by March 2021	Feasibility study delayed due to COVID. Landowner's Development Team Furloughed. Further site investigation information required ; revised Development Appraisal awaited		Feasibility study delayed due to COVID. Landowner's Development Team Furloughed. Further site investigation information required; revised Development Appraisal awaited	In Service Plan for 2021/22

APPENDIX 1: Q4 UPDATE – CORPORATE PLAN ACTIONS 2020/21

Reference No. and Service Area	Action	Q1 and Q2 reported jointly to Council 26/11/2020	Q3	Q4	2020/21 Outturn
CP20/PR3 Regeneration and Policy	Secure investment to enable development of the Bakewell Road town centre site, Matlock by March 2021	On track. Business Case for proposed conversion of Matlock Market Hall prepared for consideration at 26 November Council. Stakeholder engagement ongoing	£800,000 District Council investment agreed at November 2020 Council and investment from cinema operator agreed.	Draft Heads of Terms prepared, draft design prepared for stakeholder comment and planning application in preparation	District Council and private sector investment for scheme agreed Planning application due to be submitted July 2021
CP20/PR4 Regeneration and Policy	Provide support to 75 established businesses in the Derbyshire Dales by March 2021, enabling the creation of local jobs	Economic Development Team / Business Advice Service re-directed to support business survival inc. handling grant enquiries to Revenues Team, advice on Government support measures and administration of COVID Discretionary Grant Fund. Several hundred businesses signposted to available support or provided with initial advice. Focus now on providing more intensive support	Covid grants: Economic Development Team / Business Advice Service re-directed to support business survival inc. handling grant enquiries, advice on Government support measures and administration of COVID Discretionary Grant Fund.	Service re-directed to support COVID business survival. Several hundred businesses signposted to available support, provided with initial advice or supported through discretionary business grant schemes	Economic Development Team / Business Advice Service re-directed to support business survival inc. handling grant enquiries, advice on Government support measures and administration of several hundred COVID Discretionary Grant Fund and Additional Restrictions Grants

APPENDIX 1: Q4 UPDATE – CORPORATE PLAN ACTIONS 2020/21

Reference No. and Service Area	Action	Q1 and Q2 reported jointly to Council 26/11/2020	Q3	Q4	2020/21 Outturn
CP20/PR5 Regeneration and Policy	9 Dales businesses supported to access grants or loans from D2N2, Government and EU to enable growth by March 2021	Economic Development Team / Business Advice Service re-directed to support business survival. 162 Dales businesses awarded grants (£1.7m) through the Derbyshire Dales COVID Discretionary Grant Fund involving significant case work. A further 5 businesses supported to access D2N2/EU Growth Grants	Beyond COVID business survival grants, a total of 6 businesses supported to access D2N2/EU Growth Grants -	162 Dales businesses awarded grants of £1.7m through the COVID Discretionary Grant Fund. A further 196 businesses awarded Additional Restrictions Grant support by the end of March 2021 totalling £1.296m plus 11 businesses supported to access external grants totalling £242,646 to support growth	162 Dales businesses awarded grants of £1.7m through the Derbyshire Dales COVID Discretionary Grant Fund. A further 196 businesses awarded discretionary Additional Restrictions Grant support by the end of March 2021 totalling £1.296m plus 11 businesses supported to access external grants totalling £242,646 to support growth
CP20/PR6 Regeneration and Policy	Launch a Derbyshire Dales Place Branding Initiative to promote the area as a business location by May 2020	Delayed due to re-allocation of team resources to support COVID survival. Narrative prepared, x3 business champions' videos completed, draft 'Invest in Dales' video prepared. New web pages in preparation		New webpages in preparation for launch in Summer 2021 as economy re-opens	Delayed due to re-allocation of team resources to support COVID survival. New webpages in preparation for July 2021 launch

APPENDIX 1: Q4 UPDATE – CORPORATE PLAN ACTIONS 2020/21

Reference No. and Service Area	Action	Q1 and Q2 reported jointly to Council 26/11/2020	Q3	Q4	2020/21 Outturn
CP20/PR7 Housing	Procure a Development Agent and Managing Agent, register with Homes England and the Regulator of Social Housing, to help enable a programme of new Council Housing by August 2020	The procurement process is underway with the PQQ stage completed and the ITT nearing submission. Covid19 has introduced some delay but will not impact on the overall programme	Nottingham Community HA was selected as the Council's contractor in Dec 2021.	Original business plan being revised using NCHA's appraisal software. Several opportunities are being worked up including new build, conversions, purchase of empty homes and an S106 scheme.	
CP20/PR8 Housing	Complete 80 new affordable homes by March 2021	There have been no completions in Q1 due to covid19. There have been no completions in Q1&Q2 due to covid19. Only 12 completions are expected this year	12 homes completed	There were no completions in Q4 due to delays caused by Covid19.	
CP20/PR9 Regulatory Services	Implement Policy HC11 in the Derbyshire Dales Local Plan through the determination of planning applications	Ongoing in the determination of all relevant planning applications		Ongoing in the determination of all relevant planning applications	Achieved and ongoing.

APPENDIX 1: Q4 UPDATE – CORPORATE PLAN ACTIONS 2020/21

Reference No. and Service Area	Action	Q1 and Q2 reported jointly to Council 26/11/2020	Q3	Q4	2020/21 Outturn
CP20/PR10 Regulatory Services	Provide adaptations to the homes of 50 disabled people by March 2021.	Completions affected by Covid 19 lockdown restrictions earlier in year. 21 adaptations to be completed by 9 October 2020.	Achieved: 71 adaptations completed	No further adaptations completed	Achieved: 71 adaptations completed
CP20/PR11 Housing	Undertake a further review the effect of increase in Council Tax Premium in May 2020		Initial work undertaken to identify the empty properties in advance of review	Empty properties identified	Progress has been delayed due to covid19 and will be taken forward in 2021/22
CP20/PR12 Housing	Explore further policy options to reduce the number of empty homes by December 2020.	An up to date list of empty homes has been requested to inform a review of the latest numbers by length of time vacant. An initial review took place in May which showed that the number of empty homes had increased.	Visits to all the empty homes on the Council Tax register have taken place and so a further review should be undertaken before April 2021	The focus of this has been the option to increase the premium on the homes empty for more than 5 years and more than 10 years. Without a specific officer resource, no further options are available	Partially achieved – numbers of empty homes identified, no further options yet developed until staff resource in place
CP20/PR13 Regulatory Services	Identify opportunities for the provision of permanent Traveller site and conclude	Potential sites identified. Council resolution to move forward with site made on 2nd September 2021.	Potential sites identified at Q2, negotiations ongoing	Delegated authority to proceed with application for	No application has been made for the chosen site as yet - reports on ecology,

APPENDIX 1: Q4 UPDATE – CORPORATE PLAN ACTIONS 2020/21

Reference No. and Service Area	Action	Q1 and Q2 reported jointly to Council 26/11/2020	Q3	Q4	2020/21 Outturn
	negotiations with landowners by July 2020.	Delegated authority to proceed with application for planning permission given to Director of Housing		planning permission, given to Director of Housing.	contamination and supply of services are being developed for planning application.
CP20/PR14 Housing	Complete the Phase 1 survey and projects for the Heritage Lottery Fund bid for the Hurst Farm Regeneration Project by March 2021	Phase 1 survey and projects include procurement of 10 consultants to assess aspects of the bid. This was delayed to covid19 such that procurement has only just completed in October 2020.	8 of the 10 consultants have been procured and studies etc are underway.		The Phase 1 works will not now complete until August 2021
CP20/PR15 Corporate and Customer Services	Review the Council's procurement processes to encourage local firms to do business with the District Council by April 2021	No progress to date due to other priorities emerging due to Covid-19 pandemic	Delayed due to Covid		Delayed due to Covid
CP20/PR16 Regeneration and Policy	Commence Initial Planning for Review of Derbyshire Dales Local Plan by December 2020 and adoption by December 2022	Review of Derbyshire Dales Local Plan commenced in September 2020 - Now scheduled adoption June 2023		Adoption now targeted for June 2023 not Dec 2022	Adoption scheduled for June 2023 [Q2]
CP20/PR17	Provide ongoing Officer support to	Ongoing support for Ashbourne and Brailsford Neighbourhood		Ongoing support to Ashbourne,	All three Neighbourhood

APPENDIX 1: Q4 UPDATE – CORPORATE PLAN ACTIONS 2020/21

Reference No. and Service Area	Action	Q1 and Q2 reported jointly to Council 26/11/2020	Q3	Q4	2020/21 Outturn
Regeneration and Policy	neighbourhood areas including technical and procedural advice	Plans. Ashbourne NP Reg16 Consultation Aug-Oct 2020, Brailsford NP Nov-Dec 2020		Brailsford and Kirk Ireton Neighbourhood Plans.	Plans were approved at referendum on 6 th May 2021
CP20/PR18 Housing	Provide debt and welfare advice to 350 vulnerable households by March 2021	Q1 - 58 Q2 - 50 (plus results from one provider still to be received). Some impact from covid19 as services were delivered from home by staff	259 Total: CAB supported 10 existing clients and 25 new clients with 333 debt issues and managed debt of £105,054. Adullam HA supported 29 existing clients and 17 new clients, affecting debt of £44,941 and generating £33,670 in benefit and £27,211 in other financial gains Age UK have 155 existing clients and supported 23 new clients generating £32,521 in new (weekly) benefits and £3,768 in one off payments		259 Total: CAB supported 10 existing clients and 25 new clients with 333 debt issues and managed debt of £105,054. Adullam HA supported 29 existing clients and 17 new clients, affecting debt of £44,941 and generating £33,670 in benefit and £27,211 in other financial gains Age UK have 155 existing clients and supported 23 new clients generating £32,521 in new (weekly) benefits and £3,768 in one off payments

APPENDIX 2: Key Performance Indicators 2020/21 Outturn

Service Area / CMT Lead	Description	2020 /21 Target	Q1	Q2	Q3	Q4	Full Year	Supporting Notes
Organisational Health	% of undisputed invoices paid on time	99.00%	99.52%	99.28%	99.64%	99.43%	99.47%	<p>The final result of 99.47% equates to 3,960 successful payments and just 21 late payments. The 21 late payments are almost identical to the previous 4 years (20, 20 & 22, & 11 last year. 4, 7 & 6 are the no of late payments each quarter. It is the lowest result for 5 years, however this is against the backdrop of the pandemic, the first set of Covid grants to process in Summer 2020 and staff changes. The result compares well with previous high results. Four months saw no late payments made and the worst month had 5 (August). The average time taken to pay an invoice in 2020-21 has risen from 6.33 days to 7.27 day & the % of payment made in 10 days was 78.50% which is 3% lower than last year's record 81.67 %.). We recorded 79 disputed invoices and 139 credit notes. There were 1,600 other payments made by Payment Voucher for grants, refunds, precepts, and credit card purchases etc, which represent 27.5% of all the payments made.</p>

APPENDIX 2: Key Performance Indicators 2020/21 Outturn

Service Area / CMT Lead	Description	2020 /21 Target	Q1	Q2	Q3	Q4	Full Year	Supporting Notes
	% of household waste which has been sent for reuse, recycling, composting or anaerobic digestion	58.5 %	56.30%	61.20%	55.50%	TBC		Q4 figures not yet available. The % has decreased from Q3 last year. Residual waste tonnage increased due to Covid-19 and people being at home more due to lockdown. Recycling decreased very slightly. Garden/food waste was the same as last year. Food waste collections took place weekly as normal during this quarter and garden waste collections also operated as normal hence the tonnage was similar. Overall the recycling and composting tonnage decreased.
	Average no. working days lost due to sickness absence per FTE employee-quarterly*	9	1.43	2.09	2.13	1.89	7.54	It is very important to note that all Covid-19 related absence data has been recorded separately from the main sickness absence data. As a result Covid-19 related sickness absence is not included in any of the reported District Council's sickness absences statistics in the period from April 2020 to March 2021.
Housing	The percentage of homeless households seeking assistance	75%	80%	80%	96%	96%	88% av.	This represents 21 successful interventions. Despite seeing a national freeze on social and private rental evictions over Covid19 numbers of homelessness presentations have remained constant. Government initiatives "Everyone in" and "Keep Everyone In" have also kept the

APPENDIX 2: Key Performance Indicators 2020/21 Outturn

Service Area / CMT Lead	Description	2020/21 Target	Q1	Q2	Q3	Q4	Full Year	Supporting Notes
	from the Council for whom this intervention helped resolve their situation							service busy. This represents 21 successful interventions.
Planning	% of Major planning applications determined in 13 weeks	>75%	0/0 = no return	4/4=100% Combine Q1 and Q2 = 4/4 = 100%	10 0% Q1Q31 00%	0/0=no return	100%	Target achieved.
	% of Minor planning applications determined in 8 weeks	>77%	48/48=100%	36/40=90% Combine Q1 and Q2 =84/88 = 95.4%	8 7.2%Q 1-Q3 92.6%	78.80%	90%	Target achieved
	% of Other planning applications	>90%	56/57=98.2%	49/56=87.5% Combine Q1 and Q2	3 92.5%	84%	90%	Target achieved

APPENDIX 2: Key Performance Indicators 2020/21 Outturn

Service Area / CMT Lead	Description	2020/21 Target	Q1	Q2	Q3	Q4	Full Year	Supporting Notes
	determined in 8 weeks			=105/113=92.9%	Q1-Q3 92.3%			
	% of appeals allowed against LA's decision to refuse planning application	<30%	0/4=0%	3/7=42.8% Combined Q1 and Q2 =3/11=27.2%	Q3 0% Q1-Q3 20%	66%	25%	Target achieved
Revenues & Benefits	% of Council Tax collected within the year	98.40%	31.80%	60.6% (Cumulative Figure)	88.4% [Cumulative figure]	97.51%	97.51%	Council tax collections have been impacted by covid-19 throughout 2020/21. Because of the Covid-19 situation it has not been considered appropriate to take higher level recovery action in respect of Council Tax payers who fail to pay despite reminder notices. We have not issued summonses or applied for liability orders from the Magistrates Court. In addition, some customers have had problems in making payments and maintaining payment arrangements as jobs and income were impacted by the pandemic..

APPENDIX 2: Key Performance Indicators 2020/21 Outturn

Service Area / CMT Lead	Description	2020 /21 Target	Q1	Q2	Q3	Q4	Full Year	Supporting Notes
	% of Non-Domestic rates collected within the year	97.30%	18.50%	57.50%	79.00%	92.16%	92.16%	Collections of non-domestic rates have been impacted by covid-19 throughout 2020/21. Because of the Covid-19 situation it has not been considered appropriate to take higher level recovery action (issuing summonses or applying to the court for liability orders) in respect of ratepayers who fail to pay despite receiving reminder notices. The impact on cash flow for some businesses has meant that they have found it difficult to maintain payment arrangements.
	Speed of processing new claims (days)	24 days	14.72	13.76	14 days	11 days	13 days	COVID-19 has resulted in employed people claiming CTS where they have been laid off or furloughed. The volume of work has increased and complexity of verifying individuals' circumstances has been considerable. Also, we have the COVID-19 CTS Hardship Fund and Test & Trace Support Payments Scheme to administer as special projects – this has impacted throughput of 'normal work'.
	Speed of processing: notification of changes in circumstances (days)	8 days	8.15	6.13	6 days	4 days	7 days	See comments above – in addition: HB Cases have migrated to Universal Credit increasing the volumes of Changes of Circumstances – again increased volumes of work adversely impacted and the complexity of verifying changes in absence of face to face contact has complicated service delivery.

Council

8 July 2021

Report of Director of Regulatory Services

BLACK'S HEAD, ASHBOURNE

PURPOSE OF REPORT

To inform Members of the results of the consultation undertaken in respect of the future of the Black's Head, following the Council meeting held on 14 December 2020 and to seek a decision on the future of the Black's Head and the gallows sign on which it was previously mounted.

RECOMMENDATION

1. That Council determines the future siting of the Black's Head figure
2. That Council determines the next steps to be taken in relation to the Green Man and Black's Head Royal Hotel sign
3. That authority is delegated to the Director of Regulatory Services and the Director of Corporate and Customer Services to undertake the actions determined by Council in respect of recommendations 1 and 2.

WARDS AFFECTED

Ashbourne North, Ashbourne South, all Wards that previously formed part of the Ashbourne Rural District Council.

STRATEGIC LINK

The effective management of the Council's assets supports the Place theme within the Corporate Plan.

1 BACKGROUND

- 1.1 Council is aware of the incident on 8 June 2020, whereby the Black's Head situated upon the Grade II* listed gallows sign over St John Street, Ashbourne advertising the Green Man and Black's Head Royal Hotel was removed. The circumstances relating to the removal of the Head were debated in Council on 8 October 2020.
- 1.2 At its meeting on 2 July 2020 Council considered a motion to review a list of assets held by the Council and resolved that, "Given what we have seen in other boroughs, districts and local government authorities around the UK in recent weeks, we have a duty to address the legacy of colonialism, slavery and racism in all its forms. We

acknowledge the public outcry of hurt, pain and anger over these legacies and that we undertake in the first instance a review of all our assets and a report be brought back to full Council on completion of the review.”

- 1.3 This initial review was been undertaken and reported to Council on 14 December 2020. That meeting determined that subject to listed building consent being received, the Black’s Head figure not be returned to its original location above St John’s Street, Ashbourne; that officers be authorised to undertake consultation with Ashbourne Town Council and neighbouring parish councils, as well as Ashbourne heritage Society in order to determine, subject to listed building consent, an acceptable mechanism for the return, future custodianship, management and any public presentation of the Black’s Head figure and gallows; that authority be delegated to the Director of Regulatory Services and the Director of Corporate and Customer Services to undertake the actions recommended by Council in respect of the above resolutions.
- 1.4 The consultation outlined in paragraph 1.3 has been undertaken and this report summarises the comments received.

2 CONSULTATION

- 2.1 Following the resolution emails were sent to Ashbourne Town Council, Ashbourne Heritage Society and all parish councils that had previously formed part of Ashbourne Rural District Council, as these were considered to be a good approximation of the word ‘neighbouring’ in the resolution. All were given until 5 March 2021 to respond. In total 7 responses were replies were received in response to this consultation and they are reproduced in the table below. Comments are presented in the order they were received and whilst any personal details have been removed the text itself has not been amended:

Responder	Response
Private Individual	<p><i>I feel very strongly that, as a result of our over sensitive politically correct society the whole issue of The Black's Head has gone out of all proportion. It is a local issue and should be decided upon using only the comments/thoughts/sensitivities of local people. To use the figure of 80,000 in favour of removal is ridiculous- this figure relates to the opinion of people nationwide, with no awareness of the reality. What is that reality? Uncertain; probably (yes, a personal opinion) a recognition of an individual who made a significant impact. Such a monument would not come cheap, so it is more likely it was a compliment. I feel that it should go back where it came from; the vociferous minority in Ashbourne would not allow that, and we, the majority, seem to always bend over backwards to accommodate them. The next best thing is public display- and I mean public display, not locked away somewhere which is local.</i></p> <p><i>Time moves on. If we were all as unbalanced as this minority are as regards live and let live, we Brits should be falling out with Danes, Saxons, Vikings, Normandy French, Romans/Italians ...they have all subjected us to murder rape and pillage . As I say, time moves on. We don't remove the unpleasant issues from the history books, from our sight, from our memories over the course of time, but leave them there as a reminder, discuss the issues, learn from them and move on into a more tolerant and understanding society.</i></p>

Brassington Parish Council	<i>Brassington Parish Council feel that this issue concerns Ashbourne and any decision should therefore be made by the relevant Ashbourne associated authorities.</i>
Private Individual	<p><i>I am a resident of Snelston and have used Ashbourne & the Green Man regularly over the years but have never thought of the racist implications of both the name & particularly the "head" part of the signage. This issue has been raised before but several years ago & I recollect it it was largely dismissed in chit chat & letters to the Ashbourne Telegraph, I believe one of the comments raised that the name actually referred to a "Turks Head". I can understand the sensitivity of the issue in the current climate. Maybe the diplomatic solution is to let the heritage society display it with a history of the name, pub etc. Particularly as most people refer to the pub as the "Green Man"</i></p> <p><i>I would point out that this is my personal view & does not represent the views of the village</i></p>
Clifton Parish Council	<p><i>Clifton Parish council would like to fully support Ashbourne Town Council to see an acceptable safe return and custodianship of the Black's Head figure.</i></p> <p><i>We would also like to clarify the legal position of the removal of the Black's Head figure, together with the changes regarding the protection of historical statues.</i></p> <p><i>Our councillors would also appreciate been informed of any future recommendation, Custodianship, management and any public presentation of the Green Man and Black's Head Gallows sign and Black's Head figure.</i></p>
Hognaston Parish Council	<p><i>Hognaston Parish Council discussed the consultation at their meeting on Thursday 4th March. The debate was passionate about the decision on the future of the sign being a local decision. It was commented that it affects the history and heritage of those local people.</i></p> <p><i>The Parish Council feels that the future of the Green Man and Black's Head sign should be self determination by local people.</i></p> <p><i>If you have any queries or need further comment then please let me know.</i></p>

<p>Ashbourne Town Council</p>	<p><i>Ashbourne Town Council Members discussed the email from Tim Braund on an acceptable mechanism for the return, future custodianship, management and any public presentation of the Black's Head figure and gallows in detail.</i></p> <p><i>Members resolved to ask DDDC for clarification of the legal position of the removal of the Black's Head and whether the possible changes to the National Planning Policy on the protection of historic statues, plaques, memorials and monuments would impact on their decision. The proposed amendments to the National Planning Policy Framework are to ensure greater clarity for planners and retain and explain, not remove, our heritage.' Historic England have provided advice on how local authorities should make decisions on so-called 'contested heritage.'</i></p> <p><i>Members would like to see a response on this prior to them making any future recommendations on the mechanism for the return, future custodianship, management and any public presentation of the Black's Head figure and gallows.</i></p>
<p>Ashbourne Heritage Society</p>	<p><i>As a heritage society, it is our remit to help preserve and conserve historical buildings and artefacts, especially if they are under threat, and accordingly our comments will be restricted to the carving's historical context and its preservation.</i></p> <p><i>There have been various attempts to identify historical black figures in the town as models for the head, but most are vague, erroneous or undocumented. However, there are numerous other examples of inns called either the Black(amoor)'s Head or the Black Boy all over the country. All of these inns cannot be named after specific local personages, but most must be generic images which simply reflect the experience of society in general at the time.</i></p> <p><i>We cannot 'change' history, and artefacts such as the head are vital traces of our past – for better or worse - and should not be covered up but used as examples to educate future generations. This is best achieved in a secure environment accessible to the public, such as the Visitor Information Centre at Ashbourne Town Hall (where the Town Council might consider displaying the Ashbourne Bushel of 1677 alongside it) or Ashbourne Library, where display boards can provide an explanation of its context.</i></p> <p><i>An information plaque at the coaching entrance to the Green Man could explain the background to the gallows sign, and the Black's Head and the hanging inn sign, both of which were integral to this historic structure. We would strongly recommend that the gallows sign be repaired and repainted, as it now looks very shabby and gives a poor impression to visitors. Such structures are rare, with only six or so in the country, others being well-known tourist attractions in Stonegate in York and Stamford in Lincolnshire.</i></p> <p><i>The Heritage Society would be happy to provide the text for any display boards or information plaques.</i></p>

2.2 Following the closure of this consultation the Group Leaders and the Ashbourne Ward Members were made aware of the comments received. There was a general agreement that the matter should be brought back to Council for a clear view on the

actions that should be taken to determine the future of the Black's Head and the gallows sign, such that an application could then be made for listed building consent to implement that decision.

2.3 A number of further comments have been received from members of the public and organisations that did not form part of the original consultation. These are reproduced below for the consideration of Members:

Responder	Response
Private Individual	<p><i>There are many local people who would appreciate being consulted about the long term decision about The Blackamoor's Head. Ashbourne has been central to the lives of many over a significant number of years. The Blackamoor's Head has been part of the daily lives of several generations who still feel a strong connection to our heritage.</i></p> <p><i>I would urge Derbyshire Dales District Council to include both Ashburnians and the local residents of Ashbourne in the decision regarding the long term plans. The old Ashbourne RDC and UDC districts should be given a voice, a voice which DDDC could easily hear given that local elections are being held in May. All it would take is an extra ballot paper in a few parishes</i></p>
Private Individual	<p><i>As a new resident in Ashbourne, (5 months), I have fallen in love with the place, as I knew I would. I am proud to call this place home and want to play my part in looking after it for future generations.</i></p> <p><i>I have followed with interest the conflicting views surrounding the removal of the 'Black's Head' carving from the gallows sign across St. John Street. I know how much this sign has been a part of Ashbourne's identity for so many generations, but the world is changing as it must, and in my view, tradition cannot stand in the way of acknowledging past injustice. We can no longer behave as if not knowing, not being personally responsible, is good enough. We cannot ignore the fact that the past informs our present behaviour. Not to act is to suggest to the casual visitor that the people of Ashbourne are at best are ignorant of the effects of unchallenged racism, or at worst condone and encourage it. A proactive approach is now needed to ensure that we can live in a fairer world where all have equal opportunity to have their story heard</i></p>

<p>Private Individual</p> <p>Cont'd</p>	<p><i>I would like to suggest that instead of being seen as problem to be solved, this carving becomes an opportunity for Ashbourne to become a leading light in this more proactive approach, especially as it could be linked to its rich and varied eighteenth century heritage. Perhaps the carving could be situated in the Town Hall or the Heritage Centre, where people might see the story of black lives in the UK throughout history, with an honest reflection on the slave trade by those whose personal history was rewritten because of it.</i></p> <p><i>I have also read and followed the campaign to refresh Ashbourne's identity as a tourist destination with new logos and street banners. There is so much here to celebrate: surrounding countryside, green spaces within the town, architecture (including the most beautiful church spire) history, from the medieval layout to stunning Georgian houses, independent shops, and perhaps most importantly, its warm and welcoming people. It is sad though to see the 'gallows sign' across the main street left in a state of decay and disrepair while the argument about its future goes on. I walk under this sign most days and notice that the 'Green Man' element of the sign has been forgotten as the argument rages. Though represented here as an eighteenth century gentleman in a green coat, the 'Green Man' has a much longer history, especially in rural communities. 'Green Man' carvings with their sprouting branches, fruits and leaves were often found in rural churches, permitted despite having their beginnings in time before Christianity itself. This was surely the original meaning of the 'Green Man' part of this sign. What a wonderful opportunity to reconnect with Ashbourne's rural roots by commissioning a new carving of a 'Green Man' Perhaps a new young artist who might find a way to link climate concerns and the need to reconnect with nature for our mental and physical wellbeing - in other words a new carving which embraces the town's past yet looks forward to a more enlightened future.</i></p>
<p>Derbyshire County Council BME Employee Network Group</p>	<p><i>I write on behalf of the BME (Black, Minority, Ethnic) Employee Network Group at Derbyshire county council.</i></p> <p><i>Concerns have been raised regarding the black's head sculpture which we understand was taken down from St John Street, Ashbourne last summer following a petition for it to be removed.</i></p> <p><i>The BME Group, along with wider members of the community, who live and work in the county, deem this sculpture to be racist and that it was also deeply offensive. This is particularly so in the wake of the George Floyd killing and of the protests that followed to put an end to racial discrimination global wide.</i></p> <p><i>Could you please confirm that the black's head sculpture will never be restored to its position on John Street? Its place belongs in a museum, or other such building, so that this country's colonial past will not be forgotten.</i></p>

- 2.4 Having undertaken the consultation required following the Council meeting on 14 December 2020 officers are now of the view that Council should determine a clear positive proposal for the future of the Black's Head and for the gallows sign. Whilst it was clear from the December resolution that Members did not believe that the Head should be reinstated on the gallows sign a decision now needs to be made as to what should actually be done with it. The comments received during the consultation do seem to be agreed that the Head should be physically returned to Ashbourne and the clearest indication as to how this might be done seems to be outlined in the response from Ashbourne Heritage Society.
- 2.5 In making any decision, members are reminded that the Head and the gallows sign are Grade II* listed structures and that any works undertaken to them, including their continued removal, requires listed building consent. Members' attention is drawn to the online advice on this subject, issued by Historic England in December 2020 and available at <https://historicengland.org.uk/advice/planning/planning-system/contested-heritage-listed-building-decisions/> In summary, Historic England's general stance is that contested heritage should be retained and explained in order to provide thoughtful, long lasting and powerful reinterpretation that responds to its contested history and tells the full story. The guidance includes a checklist to be used by local authorities when they are the Planning decision maker, but in this case it should be remembered that the decision maker would be Historic England, acting on behalf of the Secretary of State.
- 2.6 Taking all this information into account, the issues that remain to be resolved are the proposed future siting of the Head and the future of the gallows sign, which currently reads 'Green Man and Black's Head Royal Hotel'.

3 RISK ASSESSMENT

3.1 Legal

The gallows sign and the Head is owned by the Council and therefore the decision on what to do with the sign is for Council to decide. As detailed in the report however the signs are subject to Grade II listed structure status and thus any decision, other than to restore the Head to its original position, is subject to approval by English Heritage. If the decision of English Heritage is to restore the Head to its original position, Council will need to decide whether to accept this decision or appeal. The legal risk is low as long as proper authorisations from English Heritage is obtained.

3.2 Financial

At the current time, Derbyshire County Council has stored the head without charge (though this could change in future).

Depending on the approach determined by Members, costs could be incurred in relation to obtaining listed building consent, re-siting the Black's Head and / or the gallows sign, the provision of information plaque(s) and public presentation. Any conservation work that might need to be undertaken would attract a cost, as could offering out a commission to research the history of the artefact. None of these has

been formally costed at this time but it is expected that they would not be significant and could be met from existing budgets. The financial risk is therefore assessed as low.

4 OTHER CONSIDERATIONS

- 4.1 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.

5 CONTACT INFORMATION

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6 BACKGROUND PAPER

2 July 2020	Motion to Council
8 October 2020	Report of Investigation into the Green Man Incident to Council
14 December 2020	Report of Review of Council Assets to Council

7 ATTACHMENTS

None