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28 October 2015

To: All Councillors

As a Member or Substitute of the **Governance and Resources Committee**, please treat this as your summons to attend the meeting on **Thursday 5 November 2015 at 6.00pm in the Council Chamber, Town Hall, Matlock.**

Yours sincerely

A handwritten signature in black ink, appearing to read "Sandra Lamb". The signature is fluid and cursive, with a large loop at the end.

Sandra Lamb
Head of Corporate Services

AGENDA

1. APOLOGIES/SUBSTITUTES

Please advise Democratic Services on 01629 761133 or e-mail committee@derbyshiredales.gov.uk of any apologies for absence and substitute arrangements.

1a APPROVAL OF MINUTES OF PREVIOUS MEETING

Governance and Resources Committee – 17/09/2015

2. PUBLIC PARTICIPATION

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

3. 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.

4. QUESTIONS PURSUANT TO RULE OF PROCEDURE NUMBER 15

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

Page No.

5. ANNUAL AUDIT LETTER 2014/15 – DERBYSHIRE DALES DISTRICT COUNCIL

3 - 8

The District Auditor will present the Annual Audit letter, which summarises the key findings from the 2014/15 external audit of the District Council, all of which have previously been reported.

6. CODE OF CORPORATE GOVERNANCE

9 - 23

To consider approval of a revised Code of Corporate Governance and updated Confidential Reporting or Whistleblowing Policy.

7. ASSETS OF COMMUNITY VALUE

24 - 59

To consider approval of a revised policy on Assets of Community Value and associated revisions to the scheme of delegation in relation to determination of nominations for inclusion in the District Council's list of Assets of Community Value.

8. TANSLEY COMMUNITY HALL

60 - 71

To consider a request from Tansley Community Hall Management Committee for Tansley Community Centre be transferred freehold to Tansley Parish Council to enable its continued use as a community facility.

9. COUNCILLOR TRAINING AND DEVELOPMENT PLAN

72 - 78

To consider an evaluation of the induction and supporting training provided since the District Council election 2015 and a proposed mechanism for identifying a draft training and development programme for Members in 2015/16.

10. LAND HOLDINGS REVIEW

79 - 103

To consider a report on Phase 1 of the Land Holdings Review that covers 10 sites across the District, for which expressions of interest have been received, and to consider recommendations regarding the sale, retention or further consultation in relation to those sites.

Members of the Committee - Councillors Deborah Botham, Albert Catt, Phil Chell, Steve Flitter, Chris Furness (Vice Chair), Alyson Hill, Neil Horton, Angus Jenkins, Tony Millward BEM, Jean Monks, Garry Purdy, Irene Ratcliffe, Lewis Rose, Mark Salt, Jacque Stevens (Chairman), Colin Swindell, John Tibenham

Substitutes – Councillors Jason Atkin, Richard Bright, Jennifer Bower, Sue Bull, Sue Burfoot, David Chapman, Tom Donnelly, Ann Elliott, Helen Froggatt, Richard FitzHerbert, Susan Hobson, Vicky Massey, Joyce Pawley, Mike Ratcliffe, Philippa Tilbrook, Jo Wild

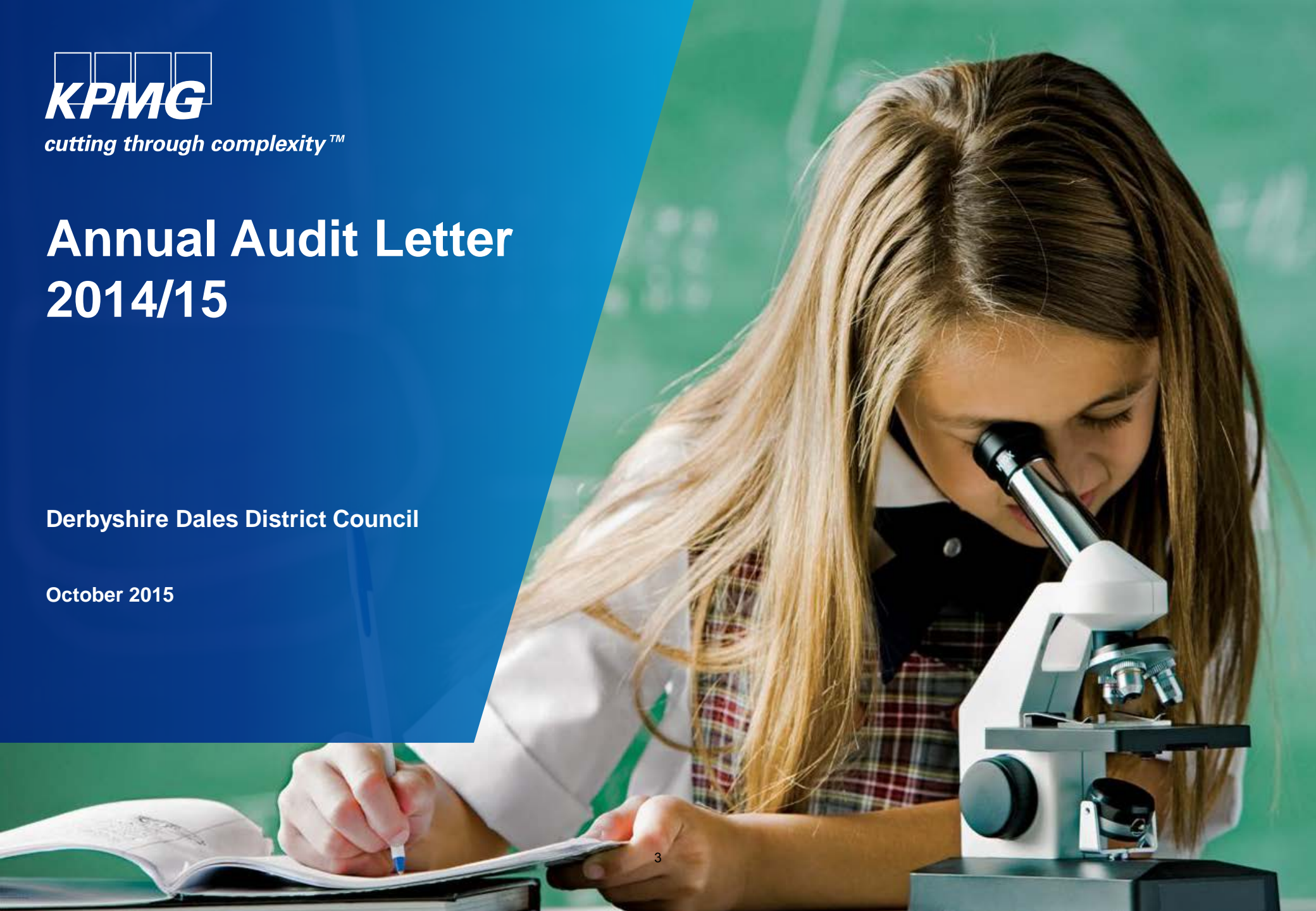


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Annual Audit Letter 2014/15

Derbyshire Dales District Council

October 2015



The contacts at KPMG in connection with this report are:

Sue Sunderland

Director

KPMG LLP (UK)

Tel: 0115 945 4490

Sue.Sunderland@kpmg.co.uk

Report sections

- Headlines

Appendices

1. Summary of reports issued
2. Audit fees

Page

2

3

4

This report is addressed to the Authority and has been prepared for the sole use of the Authority. We take no responsibility to any member of staff acting in their individual capacities, or to third parties. The Audit Commission issued a document entitled *Statement of Responsibilities of Auditors and Audited Bodies* summarising where the responsibilities of auditors begin and end and what is expected from audited bodies. We draw your attention to this document which is available on Public Sector Audit Appointment's website (www.psa.co.uk).

External auditors do not act as a substitute for the audited body's own responsibility for putting in place proper arrangements to ensure that public business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for, and used economically, efficiently and effectively.

We are committed to providing you with a high quality service. If you have any concerns or are dissatisfied with any part of KPMG's work, in the first instance you should contact **Sue Sunderland**, the engagement lead to the Authority, who will try to resolve your complaint. If you are dissatisfied with your response please contact the national lead partner for all of KPMG's work under our contract with Public Sector Audit Appointments Limited, Trevor Rees (on 0161 246 4000, or by email to trevor.rees@kpmg.co.uk). After this, if you are still dissatisfied with how your complaint has been handled you can access PSAA's complaints procedure by emailing generalenquiries@psaa.co.uk, by telephoning 020 7072 7445 or by writing to Public Sector Audit Appointments Limited, 3rd Floor, Local Government House, Smith Square, London, SW1P 3HZ.

This report summarises the key findings from our 2014/15 audit of Derbyshire Dales District Council (the Authority).

Although this letter is addressed to the Members of the Authority, it is also intended to communicate these issues to key external stakeholders, including members of the public.

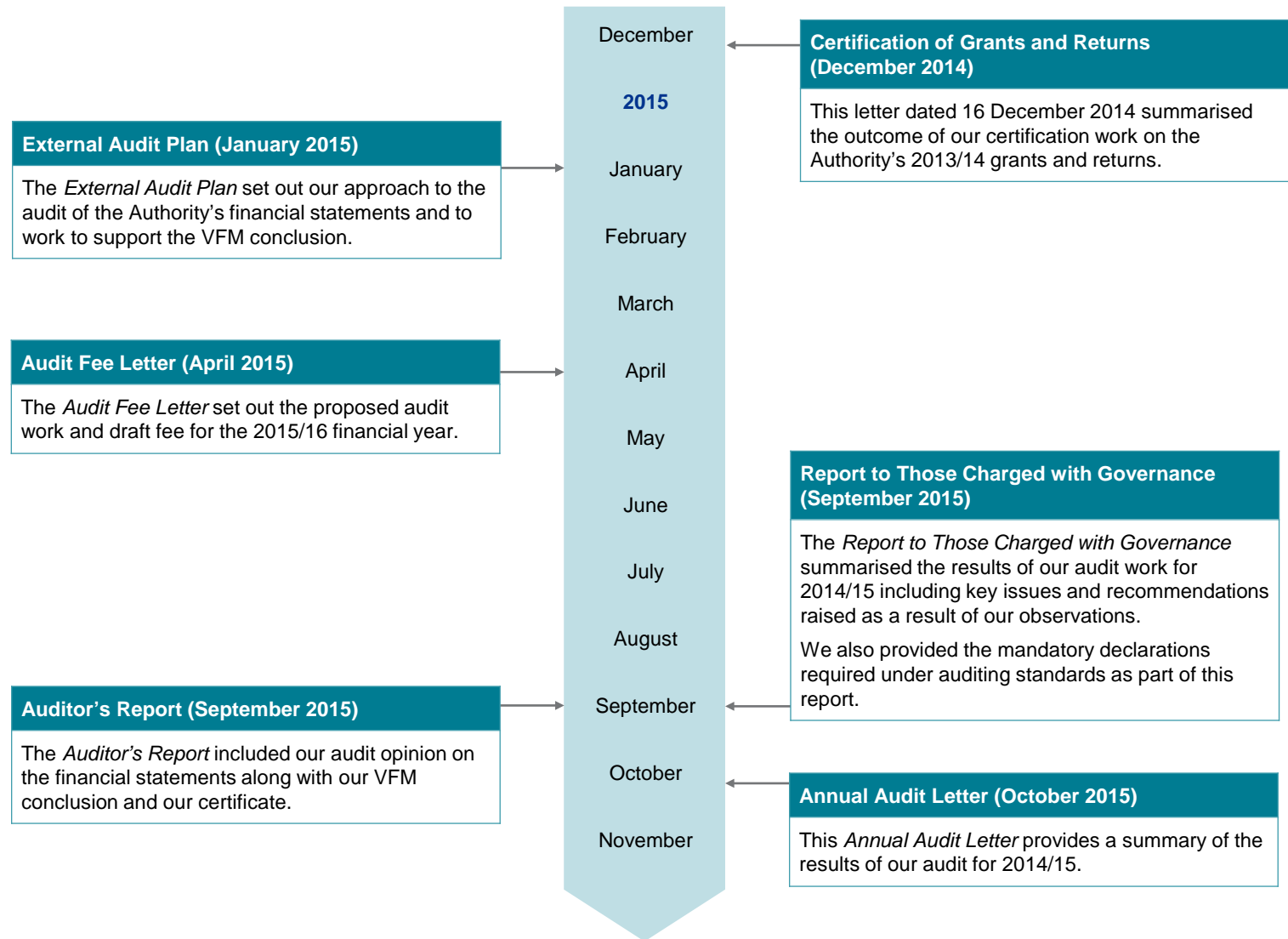
Our audit covers the audit of the Authority's 2014/15 financial statements and the 2014/15 VFM conclusion.

All the issues in this Annual Audit Letter have been previously reported. The detailed findings are contained in the reports we have listed in Appendix 1.

VFM conclusion	<p>We issued an unqualified conclusion on the Authority's arrangements to secure value for money (VFM conclusion) for 2014/15 on 21 September 2015. This means we are satisfied that that Authority had proper arrangements for securing financial resilience and challenging how it secures economy, efficiency and effectiveness.</p> <p>To arrive at our conclusion we looked at the Authority's financial governance, financial planning and financial control processes, as well as the arrangements for prioritising resources.</p>
VFM risk areas	<p>We undertook a risk assessment as part of our VFM audit work to identify the key areas impacting on our VFM conclusion and considered the arrangements you have put in place to mitigate these risks.</p> <p>Our initial risk assessment work at the planning stage of the audit did not identify any significant risks and no risks were identified during the course of the audit.</p>
Audit opinion	<p>We issued an unqualified opinion on the Authority's financial statements on 21 September 2015. This means that we believe the financial statements give a true and fair view of the financial position of the Authority and of its expenditure and income for the year.</p>
Financial statements audit	<p>We identified no issues in the course of the audit that are considered to be material.</p> <p>The Authority has good processes in place for the production of the accounts and good quality supporting working papers. Officers dealt efficiently with audit queries and the audit process has been completed within the planned timescales.</p> <p>We have had regular meetings with Officers throughout the year which has facilitated delivery of the audit.</p>
Annual Governance Statement	<p>We reviewed your <i>Annual Governance Statement</i> and concluded that it was consistent with our understanding.</p>
Whole of Government Accounts	<p>The Authority prepares a consolidation pack to support the production of Whole of Government Accounts by HM Treasury. We are not required to review your pack in detail as the Authority falls below the threshold where an audit is required. As required by the guidance we have confirmed this with the National Audit Office.</p>
High priority recommendations	<p>We raised no high priority recommendations as a result of our 2014/15 audit work and are pleased to note that the Authority has implemented the recommendations in our <i>ISA 260 Report 2013/14</i> on related party declarations.</p>
Certificate	<p>We issued our certificate on 21 September 2015. The certificate confirms that we have concluded the audit for 2014/15 in accordance with the requirements of the <i>Audit Commission Act 1998</i> and the Audit Commission's <i>Code of Audit Practice</i>.</p>
Audit fee	<p>Our fee for 2014/15 was £51,060, excluding VAT. Further detail is contained in Appendix 2.</p>

Appendix 1: Summary of reports issued

This appendix summarises the reports we issued since our last *Annual Audit Letter*.



This appendix provides information on our final fees for the 2014/15 audit.

To ensure transparency about the extent of our fee relationship with the Authority we have summarised below the outturn against the 2014/15 planned audit fee.

External audit

Our final fee for the 2014/15 audit was £51,060, which includes the additional £900 incorporated into the scale fee by the Audit Commission. This is to cover the additional work required around NNDR now that the NNDR3 return no longer requires external audit.

Certification of grants and returns

Under our terms of engagement with Public Sector Audit Appointments (PSAA Ltd) we undertake prescribed work in order to certify the Authority's housing benefit grant claim. This certification work is still ongoing. The final fee will be confirmed through our reporting on the outcome of that work in January 2016.

Other services

We did not charge any additional fees for other services.



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GOVERNANCE AND RESOURCES COMMITTEE
5 NOVEMBER 2015

Report of the Head of Corporate Services

CODE OF CORPORATE GOVERNANCE

SUMMARY

This report requires the Committee to review the Local Code of Corporate Governance in accordance with relevant guidance and to approve an updated Confidential Reporting Policy or Whistleblowing Policy

RECOMMENDATION

1. That the revised Code of Corporate Governance is approved.
2. That the updated Confidential Whistleblowing Policy is approved and that the summary version is promoted on the District Council's intranet (SIDD) and web site.
3. That a report setting out a review of planning decisions be presented to the next practicable meeting of the Council and thereafter on an annual basis.

WARDS AFFECTED

Not applicable

STRATEGIC LINK

A strong governance framework helps to underpin the Council's Corporate Plan and is an effective tool in mitigating risk.

1. BACKGROUND

- 1.1 Local authorities are required by the Audit Commission to adopt a Local Code of Corporate Governance. The Code details the system by which the Council controls and directs its functions and relates to the local community.
- 1.2 The original Code of Corporate Governance (the Code) was adopted in 2003 based on guidance issued jointly by the Society of Local Authority Chief Executives (SOLACE) and the Chartered Institute of Public Finance and Accountancy (CIPFA). The guidance was updated in 2007 and 2010 and the Committee last revised the Code in 2014. The Code is reproduced at Appendix 1.

2. SOLACE/CIPFA GUIDANCE

- 2.1 The SOLACE/CIPFA guidance is based on six core principles that underpin the governance arrangement for all bodies. The principles are:
 - A clear definition of the body's purpose and desired outcomes
 - Well defined functions and culture
 - Transparent decision making

- Upholding high standards of conduct and behaviour
- Developing the capacity and capability of members and officers
- Real accountability to stakeholders

2.2 In conducting this year's annual review of the Code, the opportunity has been taken to update the Confidential Reporting policy and to review the reporting mechanisms on previously agreed actions.

All standards are considered to be met. The recommendations made by way of this report, seek improvements with that advent in mind, coupled with the need for effective training.

3. CONFIDENTIAL WHISTLEBLOWING POLICY

3.1 The Confidential Reporting Policy is intended to enable individuals or organisations to disclose information about potential malpractice within the organisation and to provide them with protection from subsequent victimisation, discrimination or disadvantage. The Council's Policy, often called the Whistleblowing Policy, was first approved in 2008 and has been revised on two previous occasions. The Policy is in line with our corporate aim, to promote high standards of openness, integrity and accountability as expressed in our employee and Member Codes of Conduct. As an organisation, we therefore expect employees and members who have a reasonable belief that malpractice is taking place, to come forward and voice those concerns.

3.2 The policy has been updated to reflect changes to job titles, legislation, relevant bodies' contacts and summarised where practicable. A summary version produced by the Communications and Marketing Team has also been refreshed. The purpose of the Summary is to make the policy more user friendly and accessible via the web and SIDD (the staff intranet).

3.3 No other, substantial changes are proposed. The revised Policy and Summary are attached as an appendix to the report.

3.4 The Monitoring Officer holds a central record of all reports made under the terms of the policy, which is reassuringly empty.

4. PLANNING PROBITY

4.1 In 2013, the Corporate Committee revised the Planning Code of Good Practice based on a framework designed by the Planning Advisory Service to ensure good standards of probity in the planning function. One of the initiatives adopted and yet to be reported, is an Annual Review of decision making. The Review is recommended as good practice for the Council to visit a sample of implemented planning permissions to assess the quality of decisions and development. This should improve the quality and consistency of decision making, strengthen public confidence in the planning system, and can help with reviews of planning policy. It was accepted at the time that the Annual Review should be undertaken by the Corporate Committee.

4.2 Since that decision was taken the Council has amended its decision making structure; revised its scheme of planning delegation, and established a single

Planning Committee for a trial 12 month period. The Annual Review report will be useful source information in determining the success of those revised arrangements. A revised reporting mechanism is therefore recommended with the report going direct to Council.

5. RISK ASSESSMENT

5.1 Legal

The Governance Code provides for the smooth functioning and control of the Council as a legal entity, which reinforces the importance of proper accountability, openness and transparency. The legal risk is therefore low.

5.2 Financial

There are no financial considerations arising from the report.

6. OTHER CONSIDERATIONS

In preparing this report the relevance of the following factors has also been considered; prevention of crime and disorder, equality of opportunity, environmental, health, legal and human rights, financial, personnel and property considerations.

7. CONTACT INFORMATION

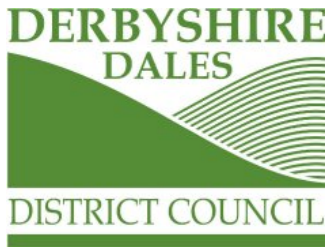
Sandra Lamb, Head of Corporate Services, Tel. 01629 761281 or Email sandra.lamb@derbyshiredales.gov.uk

8. BACKGROUND PAPERS

None

9. ATTACHMENTS

Appendix 1 – Code of Corporate Governance
Appendix 2 – Confidential Reporting Policy
Appendix 3 – Summary Document



Code of Corporate Governance

Introduction

Corporate governance comprises the systems and values by which the District Council is directed and controlled and through which it is accountable to and engage with its communities.

To demonstrate compliance with the principles of good corporate governance, the District Council must ensure that it does the right things, in the right way, for the right people in a timely, inclusive, open, honest and accountable manner.

Delivering Good Governance

Derbyshire Dales District Council is committed to applying the six core principles of good governance set out in the CIPFA/SOACE framework. The principles are -

- A clear definition of the District Council's purpose and desired outcomes
- Well defined functions and culture
- Transparent decision making
- Upholding high standards of conduct and behaviour
- Developing the capacity and capability of members and officers
- Real accountability to stakeholders

Good governance is crucial as it leads to good management, good performance, good stewardship of public money, good public engagement, and good outcomes for citizens and service users. Further, good governance enables the District Council to pursue its aims effectively whilst controlling and mitigating risk.

The District Council has a robust Constitution and other good governance documents and arrangements in place. Together these documents and arrangements demonstrate that the Council is seeking to ensure that it is governed well through the integration into its conduct the core principles of good practice.

The purpose of this Code of Corporate Governance is therefore to provide a simple document with hyperlinks to relevant documents relating to governance which are available free of charge on the District Council's website.

PRINCIPLE 1 – A clear definition of the District Council’s purpose and desired outcomes	
Supporting Principle	Evidence
1. Exercising strategic leadership by developing and clearly communicating the District Council’s purpose and vision and its intended outcome for citizens and service users	<ul style="list-style-type: none"> • The Corporate Plan • Performance Plan • Local Development Framework
2. Ensuring that users receive a high quality of service whether directly, or in partnership, or by commissioning	<ul style="list-style-type: none"> • The Corporate Plan • Consultation Plan • Partnership Protocol
3. Ensuring the District Council makes best use of resources and that tax payers and service users receive excellent value for money	<ul style="list-style-type: none"> • Medium Term Financial Strategy • Annual Budget • Annual Governance Statement (part of the Statement of Accounts) • Annual Audit and Inspection Letter • Financial Regulations – Constitution • Contract Procedures – Constitution • Asset Management Plan • Protocol on the Management of the Civic Allowance • Report of the Independent Remuneration Panel on Members Allowances
PRINCIPLE 2 – Well defined functions and culture	
Supporting Principle	Evidence
1. Ensuring effective leadership throughout the Council and being clear about the roles and responsibilities of the Council, its Committees and Sub-Committees, and the functions delegated to officers	<ul style="list-style-type: none"> • Responsibility for Functions – Constitution Part 3 • Elected Member Code of Conduct • Employee Code of Conduct • Planning Code of Good Practice
2. Ensuring that a constructive working relationship exists between Council Members and officers	<ul style="list-style-type: none"> • Protocol on Employee/Member Relations – Constitution • Planning Code of Good Practice
3. Ensuring relationships between the Council, its partners and the public are clear, so that each knows what to expect of the other	<ul style="list-style-type: none"> • Constitution • Partnership Protocol
PRINCIPLE 3 – Transparent decision making	
Supporting Principle	Evidence
1. Being rigorous and transparent about how decisions are taken	<ul style="list-style-type: none"> • Constitution • Annual review of Planning decisions • FOI Publication Scheme • Regulation of Investigatory Powers Act 2000 Policy • Data Protection Policy • Council and Committee decisions

Supporting Principle	Evidence
2. Ensuring that an effective risk management system is in place	<ul style="list-style-type: none"> • Risk Management Register • Annual Audit and Inspection Letter
3. Having good quality information, advice and support to ensure that services are delivered effectively and are what the community wants or needs	<ul style="list-style-type: none"> • Consultation Strategy • Area Community Forums
PRINCIPLE 4 – Upholding high standards of conduct and behaviour	
Supporting Principle	Evidence
1. Ensuring Councillors and officers exercise leadership by behaving in ways that exemplify high standards of conduct and effective governance	<ul style="list-style-type: none"> • Elected Member Code of Conduct • Employee Code of Conduct • Employee Register of Interests • Elected Member Register of Interests • Confidential Reporting Policy • Anti-Fraud and Corruption Policy • Regulation of Investigatory Powers Act Surveillance Policy
PRINCIPLE 5 – Developing the capacity and capability of members and officers	
Supporting Principle	Evidence
1. Making sure that Councillors and officers have the skills, knowledge, experience and resources they need to perform well in their roles	<ul style="list-style-type: none"> • Member Development Scheme • Employee Personal Development Scheme
2. Developing the capability of people with governance responsibilities and evaluating their performance as individuals and as a group.	<ul style="list-style-type: none"> • Member Development Scheme • Employee Personal Development Scheme • Annual review of Complaints • Annual review of Corporate Governance Code
PRINCIPLE 6 – Accountability to stakeholders	
Supporting Principle	Evidence
1. Exercising leadership through a system which engages local people, stakeholders and partners	<ul style="list-style-type: none"> • Consultation Strategy • Corporate Plan • Annual report of Area Community Forums • Dales Matters
2. Taking an active and planned approach to dialogue with and accountability to the public to ensure effective and appropriate service delivery	<ul style="list-style-type: none"> • Corporate Plan • Medium Term Financial Strategy • Our approach to equalities • Partnership Protocol • Annual Budget

Monitoring and Review

The District Council will monitor the arrangements set out in this Code of Corporate Governance for their effectiveness in practice and will review them on a continuing basis to ensure that they are up to date.

Each year the Council will publish an Annual Governance Statement which will explain and assess how the Council has complied with the Code of Corporate Governance and provide details of how continual improvement in the system of internal control will be achieved.



Whistleblowing Policy

Approved by	Date
Standards Committee	2008
Standards Committee	2010 update
Governance and Resources Committee	2015 update

1. INTRODUCTION

- 1.1 A whistle-blower is generally a term used for a person who works in or for an organisation and raises an honest and reasonable concern about a possible fraud, crime, danger or other serious risk that could threaten colleagues, service users, customers, members of the public of the success and reputation of the organisation.
- 1.2 This policy aims to set out how issues can be raised in good faith and without fear of recrimination to help ensure that the District Council operates in a safe and ethical manner. It is recognised that most cases will need to be dealt with confidentially.
- 1.3 The policy applies to:-
- All Members of the Council
 - All employees of the Council
 - Contractors working for the Council on Council premises
 - Suppliers and those providing services under a Council contract

2. DETAIL

- 2.1 All of us may at some time or another have concerns about what is happening at work. Usually these concerns are easily resolved. However, when they are about unlawful conduct, financial malpractice, or dangers to the public it can be difficult to know what to do.
- 2.2 You may be worried about raising such issues or may want to keep the concerns to yourself, perhaps feeling that it's none of your business, or that it's only a suspicion. You may feel that to speak up may be disloyal to your colleagues or to the Council. You may also decide not to say something for the fear of harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.
- 2.3 Derbyshire Dales District Council has introduced this policy to enable you to raise such concerns at an early stage and in the right way. The Council would rather that you raised the matter when it is just a concern rather than waiting for proof. This policy document makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage.
- 2.4 If something is troubling you, which you think should be known about or looked into, please use this procedure. If however you are aggrieved about your personal position please use the Grievance Procedure available on SIDD, your line manager or HR Section. This Whistleblowing procedure is primarily for concerns where the interest of others or of the organisation itself is at risk.
- 2.5 There are existing procedures in place to enable you to lodge a complaint about your own employment within the Council, namely –
- Grievance Procedure
 - Dignity at Work Policy

2.6 If in doubt – raise it!

3. EXAMPLES OF ISSUES THAT MAY BE RAISED

3.1 This policy is intended to cover major concerns that may fall outside the scope of other procedures. The following are examples and are not intended to be an exhaustive list.

- Health and safety risks, including risks to the public as well as other employees
- Sexual or physical abuse of both employees and clients
- Damage to the environment
- Unauthorised use of public funds
- Theft or abuse of Council property
- Possible fraud and corruption
- Other unethical conduct
- Abuse of children and vulnerable adults
- Actions which are intended to conceal any of the above.

3.2 It is clear that any serious concerns that you have about any aspect of service provision or the conduct of employees or Members of the Council or others acting on behalf of the Council can be reported under the Confidential Reporting Policy. This may be about something that:

- makes you feel uncomfortable,
- Is against the Council's existing Codes and policies such as Standing Orders, Financial Regulations etc., or
- Is contrary to established standards of practice, or
- Involves child abuse

3. HOW THE MATTER WILL BE HANDLED

3.1 The Council's Assurances to You

The Public Interest Disclosure Act 1998 (as amended by the Enterprise and Regulatory Reform Act 2013), protects whistle-blowers from any reprisals as long as they meet the rules set out in the Act:

- You must disclose the information in good faith
- You must believe it to be substantially true
- You must not act maliciously or make false allegations
- You must not seek any personal gain.

The Council is committed to this policy. You will not be at risk of losing your job or suffering any form of retribution or detriment as a result of raising your concerns provided that you reasonably believe that you are acting in good faith and making the disclosure in the public interest. It does not matter if you are mistaken, so long as you reasonably believe there is a problem.

Of course, the Council does not extend this assurance to someone who maliciously raises a matter that they know is untrue or makes an allegation for personal gain. This could be construed as gross misconduct and disciplinary action may be taken.

3.2 Confidentiality

The Council will not tolerate the harassment or victimisation or anyone raising a genuine concern. However, it is recognised that you may nonetheless want to raise a concern in confidence.

All concerns will be treated in confidence and every effort will be made not to reveal your identity without your permission. If you agree, you may be called as a witness at the appropriate time in order to prove the case. If a case comes before the Court however, your evidence may prove crucial and your identity may need to be disclosed.

Concerns raised anonymously are much less powerful, but they will be considered at the discretion of the Council. In exercising this discretion factors to be taken into account include:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from attributable sources.

Concerns raised by a trade union or other professional or representative body on behalf of one or more of its members may be raised without necessarily identifying individuals.

4. HOW TO RAISE A CONCERN

4.1 As a first step, you should normally raise concerns with your immediate manager, supervisor or head of service. This depends, however, on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if you believe that management is involved, you should approach one of the following –

- The Chief Executive,
- Corporate Director,
- Monitoring Officer.

All concerns raised under this policy will be referred without delay to the Monitoring Officer. If the concern relates to the Monitoring Officer, then the concern will be referred to the Chief Executive.

Concerns may be raised verbally initially but must then be put in writing. It is helpful to set out the background and history of the concern (giving relevant dates) followed by the reason why you are particularly concerned about the situation. The earlier you express the concern the easier it is to take action.

Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

You may wish to consider discussing your concerns with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have had

the same experience or concerns. You may invite your trades' union representative, professional association representative or work colleague to be present during any meetings or interviews in connection with the concerns you have raised.

Rarely a case might arise where the employee whom reported the matter has participated (or even continues to participate) in the action causing concern. In such a case it is in the employee's interest to come into the open as soon as possible. The Policy cannot undertake not to act against such an employee but by virtue of coming forward there is a mitigating factor to be taken into account.

4.0 HOW THE COUNCIL WILL RESPOND

4.1 Response

Once you have notified the Council of your concern, the Monitoring Officer will acknowledge receipt of that concern to you.

The Monitoring Officer will write to you again within the next 10 working days:

- Indicating how the matter will be dealt with
- Giving an estimate of how long it will take to provide a final response
- Telling you whether any initial enquiries have been made
- Supplying you with information on staff support mechanisms, and
- Telling you whether further investigations will take place and if not, why not.

The amount of contact between the employees considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you.

The Council will take over investigation of your concern and steps will be taken to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, arrangements will be made for you to receive advice about the procedure.

Whilst the purpose of this policy is to investigate possible malpractice and take appropriate steps to deal with you, you will be given as much feedback as possible. And subject to legal constraints, you will be informed of the outcome of any investigation.

6 HELP AND ASSISTANCE

6.1 Internal Contacts

6.2 For independent and confidential advice regarding this policy please contact one of the following internal contacts within the Council:

Dorcas Bunton, Chief Executive - Tel: 01629 761126
Email: dorcas.bunton@derbyshiredales.gov.uk

Sandra Lamb, Monitoring Officer – Tel: 01629 761281
Email: sandra.lamb@derbyshiredales.gov.uk

Paul Wilson, Corporate Director – Tel 01629 761324
Email: paul.wilson@derbyshiredales.gov.uk

Karen Henriksen, Head of Resources – Tel. 01629 761284
Email: karen.henriksen@derbyshiredales.gov.uk

6.3 External Contacts

While it is hoped that this policy gives you the reassurance you need to raise such matters internally, it is recognised that there may be circumstances where you can properly report matters to outside bodies, such as the ‘Prescribed Regulators’. Prescribed Regulators are appointed by the Government and are external bodies able to take and consider your concerns.

If you do take a matter outside the Council, you should ensure that you do not disclose confidential information without the Council’s consent. You may need to check the status of information you want to disclose with the Monitoring Officer.

Relevant Prescribed Regulators include:

Health and safety risks	Health and Safety Executive
Environmental issues	Environment Agency
Financial Services	Financial Services Authority (and, pending its full operation, its predecessor bodies) and HM Treasury
Fraud	Serious Fraud Office, Inland Revenue and Customs and Excise
Public Sector Finance	National Audit Office
Competition and Consumer Law	Office of Fair Trading

In addition, the independent Charity Public Concern at Work has lawyers that can give you free confidential advice at any stage about how to raise a concern about serious malpractice at work. Tel 0207 404 6609.

5 THE RESPONSIBLE OFFICER

The Monitoring Officer has overall responsibility for the maintenance and operation of this policy, and will maintain a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) will report periodically to the Governance and Resources Committee on the use of this policy (also in a form which does not endanger your confidentiality).

Confidentiality

All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness.

This policy encourages you however to put your name to your concern whenever possible. Please note staff:

- ◆ Must disclose the information in good faith
- ◆ Must believe it to be substantially true
- ◆ Must not act maliciously or make false allegations
- ◆ Must not seek any personal gain

Internal contacts in relation to this policy

Dorcas Bunton, Chief Executive – Tel: 01629 761126,
Email: dorcas.bunton@derbyshiredales.gov.uk

Sandra Lamb: Head of Corporate Services –
Tel: 01629 761281,
Email: sandra.lamb@derbyshiredales.gov.uk

Paul Wilson: Corporate Director – Tel: 01629 761324,
Email: paul.wilson@derbyshiredales.gov.uk

Karen Henriksen: Head of Resources – Tel: 01629 761284,
Email: karen.henriksen@derbyshiredales.gov.uk



Whistleblowing Policy

Summary



How the matter can be taken further

If you are not satisfied with any action taken, and if you feel it is right to take the matter outside the Council, possible contact bodies, together with an indication of the areas for which they are responsible are listed in the Council's formal Confidential Reporting Policy.



Published by Derbyshire Dales District Council, Town Hall,
Matlock. DE4 3NN
derbyshiredales.gov.uk
Telephone: 01629 761100

This information is available free of charge in electronic, audio, Braille, large print and other languages. Please call 01629 761100

A full version of our Confidential Reporting Policy is available on SIDD

Untrue allegations

If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you and the Council will seek to ensure that you suffer no personal reprisals. If, however, you make an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

How to raise a concern

As a first step, you should normally raise concerns with your immediate manager, supervisor or head of service. This depends, however, on the seriousness and sensitivity of the issues involved. For example, if you believe that management is involved, you should approach one of the following:

- The Chief Executive
- Head of Corporate Services
- Head of Resources
- Corporate Director



What is Whistleblowing?

Whistleblowing or 'Confidential Reporting' encourages and enables employees to raise serious concerns within the Council rather than overlooking a problem or 'blowing the whistle' outside. Employees are often the first to realise there may be something seriously wrong within the Council, but may be afraid to express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council.

Our commitment

The Council's Employee Code of Conduct makes it clear that it is committed to the highest possible standards of openness, integrity and accountability. Anyone who has serious concerns about any aspect of the Council's work is encouraged to voice those concerns.

Who does the policy apply to?

The policy applies to all employees, (including those designated as casual hours, temporary, agency, authorised volunteers or work experience), and those contractors working for the Council on Council Premises, for example, agency staff, builders and drivers. It also covers suppliers and those providing services under a contract with the Council in their own premises.

This policy has been discussed with the relevant trade unions and professional organisations and has their support.

For independent advice you can contact the independent charity Public Concern at Work. Their lawyers can give you free confidential advice at any stage on how to raise a concern about serious malpractice at work. Their Helpline is 020 7404 6609, open between 9.00am and 6.00pm.

Aims of the Policy

- It encourages you to feel confident in raising serious concerns and to question and act upon concerns about practice
- It provides you with the means to raise those concerns and receive feedback on any action taken
- It ensures that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied
- It reassures you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made any disclosure in good faith

What Types of Concern are Covered?

There are existing procedures in place to enable you to lodge a complaint about your own employment within the Council, namely:

- Grievance Procedure
- Harassment and Aggression Policy
- Equal Opportunities and Diversity

This Policy is intended to cover major concerns that fall outside the scope of the procedures identified above.

These include concerns about possible:

- Conduct which is a criminal offence
- Miscarriage of justice
- Health and safety risks, including risks to the public as well as other employees

- Damage to the environment
- Unauthorised use of public funds
- Theft or abuse of Council property
- Possible fraud and corruption
- Harassment or bullying of service users or staff
- Discrimination as a result of reporting a concern under this policy
- Other unethical conduct
- Abuse of children and vulnerable adults
- Actions which are intended to conceal any of the above

Safeguards and Victimisation

The Public Interest Disclosure Act 1998 protects whistleblowers from any reprisals as long as they meet the rules set out in the Act:

- You must disclose the information in good faith
- You must believe it to be substantially true
- You must not act maliciously or make false allegations
- You must not seek any personal gain

If what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.

The Council will not tolerate any harassment or victimisation (including any informal pressures) and will take appropriate action to protect you when you raise a concern in good faith.

GOVERNANCE AND RESOURCES COMMITTEE

5 NOVEMBER 2015

Report of the Head of Corporate Services

ASSETS OF COMMUNITY VALUE

SUMMARY

This report outlines proposed revisions to the District Council's policy and procedures for dealing with Community Rights to Bid and List of Assets of Community Value.

RECOMMENDATION

1. That the revised policy on Assets of Community Value be approved for adoption and publication with immediate effect.
2. That Head of Regulatory Services be granted delegated authority to consider and determine all nominations for inclusion on the list of Assets of Community Value and initial applications for compensation.
3. That the Head of Community Development be delegated authority to make decisions set out above in the event of the Head of Regulatory Services having a conflict of interest.
4. That the Head of Corporate Services be delegated authority to determine requests to review the listing of a Community Asset and compensation decisions..
5. That the Corporate Director be delegated authority set out in 4 above in the event of the Head of Corporate Services having a conflict of interest.

WARDS AFFECTED

All

STRATEGIC LINK

The Assets of Community Value is a statutory requirement which aims to devolve power to local communities.

1. BACKGROUND

- 1.1 In March 2013, the Council adopted its procedure on the new provisions contained within the Localism Act regarding the Community Right to Bid and List of Assets of Community Value (ACV). The scope of the Act applies to the entire District of the Derbyshire Dales, including land within the Peak District National Park.
- 1.3 The Act gives the local community the right to apply to the Council for a building or area of land to be designated as ACV. The Council must determine each

application and maintain a list of both successful and unsuccessful nominations.

1.4 An Asset is of community value if -

- It is at least partly within the local authority's area
- Its main use (ie not ancillary) has recently been or is presently being used to further the social wellbeing or social interests of the local community and could reasonably do so in the future (ie within the next 5 years)
- It does not fall within one of the exemptions specified in the regulations

A local community group is

- Neighbourhood Forums
- Parish Councils
- Unincorporated bodies of at least 21 named members
- A Charity
- Company Limited by Guarantee which does not distribute any surplus it makes to its members
- Industrial or Provident Society
- Community Interest Company

1.5 The Right does not apply to residential property, land in respect of which a site licence is required under the Caravan Sites and Control of Development Act 1960 or operational land as defined in the Town and Country Planning Act 1990 Part 2.

1.6 When a building or area of land is placed on the list of Community Assets it remains on the list for 5 years.

1.7 If the owner of an Asset of Community Value wishes to sell it, they must inform the local Council. The Council will then notify the nominating community group and can advertise the intention to sell, for example by placing notification on the website. From the date of notification, the local community has a period of 6 weeks within which to decide whether or not they wish to place a bid for the asset. If they do wish to form a bid, the local community is given a period of 6 months within which to prepare a bid to purchase the asset, this is called the moratorium period. If the local community bids for an Asset of Community Value the owner of the Asset is able to consider that bid alongside any other commercial bids received and is free to accept any. It does not confer a right of first refusal to the local community. After the moratorium period has expired, the owner of the asset has a protected period of 12 months within which they can sell the asset without a further moratorium period being triggered.

1.8 In order to minimise unauthorised sales of ACV, when an Asset is placed on the list the Council must also put a charge on the property which will appear in the local land charges register, if the owner tried to sell the property the charge would be revealed to prospective purchasers.

1.9 The Council is required to determine all applications received requesting that a building or area of land be placed upon the list of Assets of Community Value, within 8 weeks. A decision to place a building or area of land upon the list of Assets of Community Value can be appealed by the owner, initially by requesting that the local authority undertake an internal review of the decision. The review must be completed within 8 weeks of the date of the request for review and must be

conducted by someone who was not involved in the original listing decision. The Act specifically states that the review must be undertaken by an Officer of the Council.

- 1.10 If the owner of the Asset is unhappy with the decision upon review they can appeal to a First Tier Tribunal (comprising of a Judge and 2 none legal members). An Asset owner who successfully appeals a listing decision at a First Tier Tribunal, will be entitled to recover reasonable legal expenses from the Council.
- 1.11 An Asset owner who believes they have incurred loss of value or expense as a result of the delay caused by waiting for the community to prepare their bid will be able to make a claim for compensation from the Council. If an Asset owner is unhappy with the Council's decision regarding compensation they are entitled to appeal to a First Tier Tribunal. An Asset owner who appeals to a First Tier Tribunal will be entitled to recover reasonable legal expenses from the Council.
- 1.12 The provisions for compensation contained within the Act are very wide and pose a significant financial risk for the District Council. Therefore, a detailed and robust policy is required detailing how each application for inclusion on the list of Assets of Community Value will be processed and determined, in a consistent and transparent manner.

2. REVISED POLICY

- 2.1 Since the AVC provisions were first introduced new Regulations have been introduced which link the granting of an ACV to the removal of permitted development rights. Applications to list ACV are also on the rise particularly in relation to the listing of public houses and community assets in the District's smaller communities. A higher proportion than originally envisaged is also progressing to the review stage.
- 2.2 In preparing for a review of a recent high profile ACV listing, Counsel's opinion was sought on the robustness of the District Council's procedures and learning points arising from that advice have been incorporated into the new policy, which are summarised below
 - Removal of the consultation with Ward Members on an application to list a community asset. This is to remove any possible doubt that a decision to list an ACV may have been fettered by the elected Member(s). The benefit of this removal provides for greater transparency and allows the Ward Member to become involved in their community and support or oppose a listing as s/he thinks fit. The Council will continue to inform a Ward Member of the receipt of an application.
 - A new procedure for the conduct of oral hearings, which was absent from the original policy.
 - A new decision template which provides for greater clarity and reasoning for the decision at listing and on review.
- 2.1 The recommended policy is attached at Appendix 1.

3 RISK ASSESSMENT

3.1 Legal

There are no Legal risks arising from this report.

3.2 Financial

There are no financial considerations arising from the report. The potential for compensation will need to be assessed if such an event arises.

4. OTHER CONSIDERATIONS

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

5. CONTACT INFORMATION

Sandra Lamb, Head of Corporate Services Tel. 01629 761281 email sandra.lamb@derbyshiredales.gov.uk

Sarah Gee, Senior Solicitor, Tel 01629 761319 or email sarah.gee@derbyshiredales.gov.uk

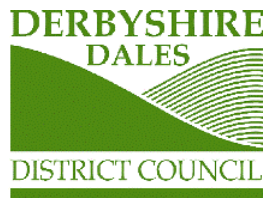
Tim Braund, Head of Regulatory Service Tel. 01629 761118 or email tim.braund@derbyshirdales.gov.uk

6. LIST OF BACKGROUND PAPERS

None

7. APPENDICES

1 – Revised policy



Assets of Community Value Policy Statement

Review date: 21 October 2015

Contents	Page
Introduction	5
Background	5-6
PART A- THE LISTING OF LAND/PROPERTY AS AN ASSET OF COMMUNITY VALUE	
A1 Who can make an asset of community value nomination?	7
A2 If we wish to make a nomination what should we do?	7-8
A3 What happens once the Council receives a nomination?	8-9
A4 What test does the Council apply when deciding whether or not to list the land/building as an asset of community value?	9-10
A5 Notification of the decision	10
A6 The listing of the land	10-11
PART B- REVIEW OF THE DECISION TO LIST AN ASSET	
B1 Owners can request that the decision to list the land/property is reviewed by the Council	12

B2 The owner can appoint a representative to act on his/her behalf	12
B3 Written representation and/or oral hearing	12-13
B4 The decision of the 'Reviewing Officer'	13
B5 Appeals to the First-Tier Tribunal	13

PART C- SELLING OR DEVELOPING LAND LISTED AS AN ASSET OF COMMUNITY VALUE

C1 What happens if the owner wants to sell land/property that is listed as an asset of community value	14
C2 When can the owner sell the land?	14-15
C3 What happens if the Council receives a written request from a community interest group?	15
C4 What happens if the owner wishes to develop the land or change the use of the land?	15-16
C5 What these provisions do not do	17

PART D- COMPENSATION

D1 Entitlement to compensation	18
D2 How to make a claim for compensation	18
D3 Decision on compensation	18

PART E- REVIEW OF THE COMPENSATION DECISION

E1 A Claimant may request the Council to review its compensation decision	19
E2 The Claimant can appoint a representative to act on his/her behalf	19
E3 Written representation and/or oral hearing	19
E4 The decision of the 'Reviewing Officer'	20
E5 Appeals to the First-Tier Tribunal	20
<u>Appendix 1</u> Nomination Form	21-24
<u>Appendix 2</u> Listing Review Process	25-26
<u>Appendix 3</u> Oral Hearing Listing Review Process	27-28
<u>Appendix 4</u> Compensation Review Process	29-30
<u>Appendix 5</u> Oral Hearing Compensation Review Process	31-32

1. Introduction

The purpose of this document is to set out the Council's policy position with regards to assets of community value. In particular:

- to provide clarity so that officers are able to effectively support the management of the process; and
- to provide transparency for community nominators and asset owners so that they are easily able to navigate the Council's process.

This policy has been developed in response to the Right derived from the Localism Act 2011, and understanding how the Right operates will evolve over time. We are committed to monitoring the evolution of the Right locally and nationally, and may amend our policy in response to this research so that our policy reflects best practice.

This revised policy is in force from 8th November 2015.

2. Background

The assets of community value legislation gives local groups a right to nominate a building or other land for listing by the Council as an asset of community value.

The aim of the Right is to empower communities wishing to protect valuable local assets (land and buildings) by requiring the Council to maintain a list of assets in its area which are of community value, so that upon sale, the community will have a chance to prepare a bid to buy it. When a listed asset is to be sold, local community groups will in many cases have a fairer chance to make a bid to buy it on the open market.

The Right does not restrict in any way who the owner of the asset can sell his property to, or at what price and it does not confer a right of first refusal to community interest groups.

The Right does not apply to residential property, land in respect of which a site licence is required under the Caravan Sites and Control of Development Act 1960 or operational land as defined in the Town and Country Planning Act 1990 Part 2.

This policy is set out in 5 parts as follows:

Part A- The listing of land/property as an asset of community value

Part B- Review of the decision to list the land/property as an asset of community value

Part C-Selling or developing land listed as an asset of community value

Part D- Compensation

Part E- Review of the compensation decision

PART A- THE LISTING OF LAND/PROPERTY AS AN ASSET OF COMMUNITY VALUE

A1. Who can make an asset of community value nomination?

Land in a Council's area which is of community value may be included by a Council in its list of assets of community value in response to a community nomination made by:

1. a parish council (where the land/property is in the parish council's area)
2. a person that is a voluntary or community body with a local connection to the land which include the following:
 - (a) a body designated as a neighborhood forum
 - (b) an unincorporated body whose members include at least 21 individuals, and which does not distribute any surplus it makes to its members
 - (c) a charity
 - (d) a co-operative or community benefit society which does not distribute any surplus it makes to its members; or
 - (e) a community interest company

A2. If we wish to make a nomination what should we do?

Nomination to list an asset should be made in writing and can be made by completing the form shown at appendix 1.

Nominations should be submitted to the Head of Regulatory Services, Derbyshire Dales District Council, Town Hall, Matlock, DE4 3NN or by email to ACV@derbyshiredales.gov.uk.

Your nomination should include the following:

1. Evidence that you are eligible to make a community nomination (please see '**Who can make an asset of community value nomination**' for details)
2. A description of the land you wish to nominate including its proposed boundaries. If possible please provide a map with your nomination and draw a line around the land/property you wish to nominate.
3. The names of the current occupiers of the land and the names and current (or last known) addresses of the owners and or any leaseholders of the land.
4. Reasons why the land should be listed as an asset of community value (where appropriate please provide us with any evidence that supports your reasons)

A3. What happens once the Council receives a nomination?

The Council will review the application to ascertain whether it provides sufficient information to form a valid community nomination. The Council may request further information from the nominator for clarification.

The Council will decide whether land nominated by a community nomination should be included in the list **within 8 weeks** of receiving the nomination.

The Council will take all practicable steps to give the information that it is considering listing the land to-

- (a) A Parish Council if any of the land is in the Council's area
- (b) The owner of the land
- (c) Where the owner is not the freeholder
 - (i) The holder of the freehold estate in the land; and
 - (ii) The holder of any leasehold estate in the land other than the owner; and
- (d) Any lawful occupant of the land

The owner will be sent a copy of the nomination form. **If the owner wishes to make any written representations as to why the land should or should not be listed**

these should be sent in writing to the Head of Regulatory Services, Derbyshire Dales District Council, Town Hall, Matlock, DE4 3NN or by email to ACV@derbyshiredales.gov.uk.

A4. What test does the Council apply when deciding whether or not to list the land/building as an asset of community value?

The Council will check that the land does not fall into one of the excluded categories as set out in Schedule 1 of the Assets of Community Value (England) Regulations 2012 ('the Regulations') and apply either the "current use test" or "future use test" (as appropriate) as set out in section 88 of the Localism Act 2011.

"Current Use Test"

A building or other land in a Council's area is land of community value if in the opinion of the Council—

(a) an actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community, and

(b) it is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.

Or

"Future Use Test"

A building or other land in a Council's area that is not land of community value as a result of the "Current Use Test" is land of community value if in the opinion of the Council—

(a) there is a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community, and

(b) it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.

A5. Notification of the decision

The Council will assess the nomination and provide written notification of our decision to:

- (a) The nominating organisation
- (b) A Parish Council if any of the land is in the Council's area
- (c) The owner of the land
- (d) Where the owner is not the freeholder
 - (iii) The holder of the freehold estate in the land; and
 - (iv) The holder of any leasehold estate in the land other than the owner; and
- (e) Any lawful occupant of the land

If the nomination is unsuccessful the Council will provide written reasons for its decision as to why the land could not be included in its list of assets of Community Value.

A6. The listing of the land

The Council will publish a list of assets of community value (List of Assets of Community Value) and a list of land nominated by unsuccessful community nominations (List of Nominated Assets not of Community Value).

In order to ensure that the most up to date version of our lists are available for public inspection, it is the Council's intention to publish these lists on our website, and we will make hard copies available on request.

PART B- REVIEW OF THE DECISION TO LIST THE LAND/PROPERTY AS AN ASSET OF COMMUNITY VALUE

B1 Owners can request that the decision to List the land/property is reviewed by the Council

In some cases, the owner whose asset has been included on the list of assets of community value may wish to ask the Council to review its decision. In such cases, the owner must write to the Council within **8 weeks** of receipt of the Council's notification that the asset is to be listed.

B2 The owner can appoint a representative to act on his/her behalf

The owner may appoint any representative (whether legally qualified or not) to act on his or her behalf in accordance with the review.

B3 Written representation and/or oral hearing

The review can take place through representations at an oral hearing, in writing or both. The owner can request in writing that an oral hearing is held. Where no written request for an oral hearing is made by the Owner, the Council may decide whether or not to include an oral hearing in the review process.

Both the owner and owner's representative may make representations to the reviewer. These can be made in writing and/or orally (where an oral hearing is held).

The owner must present a case for removing the asset from the list based on whatever evidence they consider appropriate, but it should be relevant to the following issues:

- Whether or not the asset is eligible to be listed;
- Whether or not the asset was nominated by an eligible group;

- Any new factors which have come to light since the original nomination was made; or,
- Any irrelevant matters, or improper conduct, which the Council might have taken into account when reaching its original decision.

The Council's Listing Review Procedures can be found at appendices 2 and 3.

B4 The decision of the 'Reviewing Officer'

A Head of Service who did not take part in making the decision to be reviewed ("the Reviewing Officer") shall carry out the review and make the review decision.

The Reviewing Officer will complete their review within 8 weeks beginning with the date the Council received the written request for the review, or longer period as agreed with the owner in writing.

Following the review the Reviewing Officer will inform the owner and the nominator of the decision and provide reasons for their decision.

If the decision on a review is that the land concerned should not have been included in the Council's list of assets of community value the Council will remove the entry for the land from the list.

B5 Appeal to First-Tier Tribunal

If the owner is dissatisfied with the outcome of the Council's internal review they have a right of appeal to the First Tier Tribunal.

PART C SELLING OR DEVELOPING LAND LISTED AS AN ASSET OF COMMUNITY VALUE

C1 What happens if the owner wants to sell land/property that is listed as an asset of community value?

Under section 95 of the Localism Act 2011 the owner must give notice to the Council in writing that they wish to enter into a relevant disposal of the land (i.e. sell the land or grant or assign a lease of 25 years or more). This notification requirement is subject to any exemptions contained with section 95(5) of the Localism Act 2011 and Schedule 3 of the Regulations.

Upon receipt of a notice from the owner the Council will update the entry of the land/property in the asset of community value list to reveal—

- (a) that notice has been received in respect of the land
- (b) the date when the Council received the notice, and
- (c) the end date of the

- Initial moratorium period (**6 weeks** beginning with the date on which the Council receives notification from the owner in relation to the disposal)
- Full moratorium period (**6 months** beginning with the date on which the Council was informed of the disposal)
- Protected period (**18 months** beginning with the date on which the Council receives notification of the disposal)

The Council will also give written notice to the person who made the original nomination to include details of (a), (b) and (c) above and make arrangements for those matters to be publicised in the area where the land is situated.

C2 When can the owner sell the land?

After giving notice the owner cannot sell the land until either

(a) the interim moratorium period has ended (i.e. **6 weeks** beginning with the date on which the Council receives notification from the owner in relation to the relevant disposal) without the Council receiving, from any community interest group, a written request for the group to be treated as a potential bidder in relation to the land

or

(b) the full moratorium period has ended (i.e. **6 months** beginning with the date on which the Council was informed of the relevant disposal).

and the protected period has not ended (i.e. the **18 months** beginning with the date on which the Council receives notification of the relevant disposal).

If the owner makes a relevant disposal which contravenes the requirements set out in section 95 of the Localism Act that disposal may be deemed ineffective.

C3 What happens if the Council receives a written request from a community interest group?

If within **6 weeks** of receiving notice from the owner the Council receives from a community interest group a written request for the group to be treated as a potential bidder in relation to the land. The Council will, as soon as is practicable, either pass on the request to the owner of the land or inform the owner of the details of the request.

C4 What happens if the owner wishes to develop the land or change the use of the land?

If a building or land is included on a local authority's ACV list, it remains on the list for five years. When a Local Planning Authority (LPA) considers planning applications in

its area it is *“open to the LPA to decide whether listing an asset of community value is a material consideration”*. The weight to be given to any material consideration is a matter for the decision-maker, subject to the decision being reasonable and rational in all the circumstances. Each case depends on its merits and it is expected that the Government will consult on a proposal to provide further clarification on this issue in due course.

Permitted Development Rights in Respect of Drinking Establishments:

The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 provides permitted development rights to allow for certain development, alterations and changes of use to land without requiring a full planning application to be submitted and determined.

Certain permitted development rights have been removed for the change of use or demolition of; Class A4 (drinking establishments) which are listed as an asset of community value. There cannot be:

- An automatic change to Class A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes);
- temporary change for two years to A1, A2, A3 or B1 (business); or demolition.

A planning application will be required for the above and failure to do so may result in planning enforcement action being taken by the LPA. The disapplication of the permitted development rights is for a period of five years, unless the Council removes the building from the asset of community value list after a successful review/appeal or it is no longer considered to have community value.

For any drinking establishment which is not listed as an asset of community value, the developer must obtain the LPA's confirmation that it has not been nominated for listing before any change of use or demolition can take place.

If there has been a nomination, the permitted development rights will be disapplied for 56 days from the request date. If the asset is not nominated, the proposed work can take place; provided it does so within one year from the request date.

C5 What these provisions do not do

These provisions do not restrict in any way who the owner of a listed asset can sell their property to, or at what price. They also do not confer a right of first refusal to community interest groups.

PART D COMPENSATION

D1 Entitlement to compensation

The owner or former owner of listed or previously listed land is entitled to compensation from the Council when:

The person making the claim has, at a time when they owned the land and the land was listed, incurred loss or expense in relation to the land which would be likely not to have been incurred if the land had not been listed.

D2 How to make a claim for compensation

A claim for compensation should:

- (a) Be made in writing to the Council and submitted to the Head of Regulatory Services, Derbyshire Dales District Council, Town Hall, Matlock, DE4 3NN or by email to ACV@derbyshiredales.gov.uk.
- (b) **Be made before the end of the thirteen weeks after the loss or expense was incurred or finished being incurred.**
- (c) State the amount of compensation sought for each part of the claim
- (d) Provide accompanying evidence in support of each part of the claim

The burden of proving the claim falls on the owner/former owner.

D3 Decision on compensation

The Council will consider the claim for compensation and will write to the owner/former owner (Claimant) with its decision and reasons for its decision.

PART E- REVIEW OF THE COMPENSATION DECISION

E1 A Claimant may request the Council to review its compensation decision

A person (Claimant) who has made a claim for compensation may ask the Council to review its decision as to-

- (a) Whether compensation should be paid to that person, and
- (b) If compensation is to be paid, the amount of that compensation

This request must be made within eight weeks beginning with the date on which the owner/former owner was provided with notification of the Council's decision compensation.

E2 The Claimant can appoint a representative to act on his/her behalf

The Claimant may appoint any representative (whether legally qualified or not) to act on his or her behalf in accordance with the review.

E3 Written representation and/or oral hearing

The review can take place through representations at an oral hearing, in writing or both. The Claimant can request in writing that an oral hearing is held. Where no written request for an oral hearing is made by the Claimant, the Council may decide whether or not to include an oral hearing in the review process.

Both the owner and owner's representative may make representations to the Reviewing Officer. These can be made in writing and/or orally (where an oral hearing is held).

The Council's Compensation Review Procedures can be found at appendices 4 and 5.

E4 The decision of the 'Reviewing Officer'

A Head of Service who did not take part in making the decision to be reviewed ("the Reviewing Officer") shall carry out the compensation review and make the compensation review decision.

The Reviewing Officer will complete their review within 8 weeks beginning with the date the Council received the written request for the review, or longer period as agreed with the owner in writing.

After the review the Council will write to the Claimant with its decision and reasons for its decision.

E5 Appeal to First-Tier Tribunal

Where the Council carries out a compensation review, the person who requested the review may appeal to the First-Tier Tribunal against any decision of the Council on review.

COMMUNITY RIGHT TO BID

NOMINATION FORM

This Nomination Form is for groups who want to nominate an asset for inclusion on the list of assets of community value.

Please note that a copy of this form and any supporting evidence will be provided to the owner(s) of the land/property subject to the nomination.

Under the terms of the Localism Act, 2011 all nominations under the Community Right to Bid must be provided in writing. The Regulations accompanying the Act specify the information required in a nomination, so it is important that you answer all the questions in this form as fully as possible, and provide additional information where appropriate.

PART A: INFORMATION ABOUT THE ASSET

1. Identification of Asset

To help us identify the asset being nominated please provide as much information as possible:

Type of Asset	<i>Please circle...</i> <div style="display: flex; justify-content: space-around; width: 100%;"> Building Land </div>
Title of the Asset	<i>e.g. name of the building?</i>
Address	
Any further information	<i>e.g. details of any additional information that you have supplied which will help us identify the asset. Where possible please provide a map marking the boundaries of the land/property to be nominated.</i>

2. Asset Owners

Please provide details about the existing occupants (if relevant) and names and current or last known address of all those holding a freehold or leasehold estate in the asset (if known)

Occupant / Freeholder / Leaseholder #1	
Name(s)	
Connection to the asset	<i>Please circle...</i> <div style="display: flex; justify-content: space-around; width: 100%;"> Occupant Freeholder Leaseholder </div>
Address	
Phone number	
Email	
Occupant / Freeholder / Leaseholder #2	
Name(s)	
Connection to the asset	<i>Please circle...</i> <div style="display: flex; justify-content: space-around; width: 100%;"> Occupant Freeholder Leaseholder </div>
Address	
Phone number	
Email	
Occupant / Freeholder / Leaseholder #3	
Name(s)	
Connection to the asset	<i>Please circle...</i> <div style="display: flex; justify-content: space-around; width: 100%;"> Occupant Freeholder Leaseholder </div>
Address	
Phone number	
Email	
Occupant / Freeholder / Leaseholder #4	
Name(s)	

Connection to the asset	<i>Please circle...</i> Occupant Freeholder Leaseholder
Address	
Phone number	
Email	

3. Community Value

Under the Community Right to Bid regulations, an asset is of community value if:

- It is at least partly within the Council’s area
- Its main use (i.e. not ancillary) has recently been or is presently being used to further the social wellbeing or social interests of the local community and could reasonably do so in the future i.e. within the next 5 years
- It does not fall within one of the exemptions specified in the Localism Act 2011 or the Assets of Community Value (England) Regulations 2012.

Please provide reasons below why you believe the asset that you have identified should qualify as an asset of community value.

Please include, affix or provide links to any relevant supporting information.

PART B: INFORMATION ABOUT YOUR ORGANISATION

Nominations can be submitted by voluntary and community organisations with a local connection.

Relevant bodies include:

- a) Neighbourhood Forums
- b) Parish Councils
- c) Unincorporated bodies of at least 21 named members
- d) A Charity
- e) Company Limited by Guarantee, which does not distribute any surplus it makes to its members
- f) Industrial or Provident Society
- g) Community Interest Company

Please provide information about the nominating organisation:

Name of organisation	
Type of organisation	<i>e.g. Neighbourhood Forums; Parish Councils; Unincorporated bodies of 21 named members; A Charity; Company Limited by Guarantee; Industrial or Provident Society.</i>
Proof of eligibility to make a community nomination	<i>e.g. This could include documentation demonstrating the nature of the organisation and in what way it has a local connection.</i>

PART C: CONTACT DETAILS

We will need to contact you to respond to your application, please provide contact details for the person who is leading this Nomination.

Name(s)	
Address	
Phone number	
Email	

Appendix 2

Asset of Community Value- Listing Review Process

<p>1.</p>	<p>On receiving the request for a listing review, the Council will ascertain whether the request has been made in the required timescale. This is before the end of a period of 8 weeks, beginning with the day on which notice of inclusion of the land in the list was given by the Council.</p>
<p>2.</p>	<p>If the request for a review is accepted, the Council will notify the relevant parties (which will include):</p> <ul style="list-style-type: none"> (a) Owner (freeholder, leaseholder and other lawful occupants) (b) Parish Council (c) Original nominators of the land (if not the Parish Council) <p>Or if the request for a review is not accepted, notify the owner or owner's representative that their request was not submitted within the required timeframe.</p>
<p>3.</p>	<p>An officer of appropriate seniority, the "Reviewing Officer", who did not take any part in making the original decision, shall carry out the review. The Reviewing Officer must make a decision by the end of a period of 8 weeks from the date the request for a review was received (or longer period if agreed with the owner).</p>
<p>4.</p>	<p>The owner or appointed representative is contacted to:</p> <p>Request their reasons for objecting to the listing (if these have not been received already).</p> <p>The owner must present a case for removing the asset from the list based on whatever evidence they consider appropriate, but it should be relevant to the following issues:</p> <ul style="list-style-type: none"> (a) Whether or not the asset is eligible to be listed; (b) Whether or not the asset was nominated by an eligible group; (c) Any new factors which have come to light since the original nomination was made; or, (d) Any irrelevant matters, or improper conduct, which the Council might have taken into account when reaching its original decision. <p>The owner may appoint any representative (whether legally qualified or not) to act on his or her behalf in connection with the review. Both the owner and the Owner's representative may make representations to the reviewer in writing, (orally and/or in writing if the owner requests an oral hearing).</p>
<p>5.</p>	<p>The party who nominated the land and/or building is sent any written</p>

	representation provided by the owners, and given the opportunity to comment within 10 working days. This deadline may be extended at the discretion of the Reviewing Officer if deemed appropriate.
6.	If any comments are put forward by the part who nominated the land and/or building, they will be passed on to the owners (and appointed representative), who will have 10 working days to respond. This deadline may be extended at the discretion of the Reviewing Officer if deemed appropriate.
7.	<p>The Reviewing Officer will then consider the written representations put forward by the owners and the party who nominated the land/and or building, and make a decision.</p> <p>NB In the event that there is an oral hearing, all written representations and comments should be submitted by 5pm the day before the Hearing takes place. Usually no new written evidence submitted after the deadline will be considered. The guidance for an oral hearing can be found on the next page.</p>
8.	<p>If the Reviewing Officer concludes that the decision to list <u>should be upheld</u>, all the relevant parties will be notified of the decision within 5 working days, along with the reasons for this decision. In addition the owner must be informed of their right to appeal.</p> <p>OR</p> <p>If the Reviewing Officer concludes that the decision to list <u>should not be upheld</u>, all the relevant parties will be notified of this decision within 5 working days, along with the reasons for this decision. Furthermore the land and/or building(s) will be removed from the List of Assets of Community Value immediately.</p>
	<p>Procedure for Appeal against a Listing Review:</p> <p>If the owner of the listed land is not satisfied with the outcome of the review they may appeal against the reviewer's decision to the General Regulatory Chambers of the First-Tier Tribunal. The deadline for appealing is within 28 days from the date on which notice of the decision was sent. The land/or building in question will remain listed during the appeal process.</p> <p>Notice of appeal should be made in writing to: Tribunal Clerk, Community Right to Bid Appeals HM Courts & Tribunals First-tier Tribunal (General Regulatory Chamber) P.O. Box 9300 Leicester, LE1 8DJ Or by email to: GRC.CommunityRights@hmcts.gsi.gov.uk</p>

Oral Hearing Listing Review Process

All Review Hearings will take place at Derbyshire Dales District Council, Town Hall, Matlock DE4 3NN

1.	The Reviewing Officer will introduce themselves and any other officers present, and explain the procedure to be followed.
2.	If a party has informed the Reviewing Officer that s/he does not intend to attend or be represented the Hearing may proceed in their absence.
3.	If a party who has not so indicated fails to attend or be represented at a Hearing the Reviewing Officer may: a) where he/she considers it to be necessary in the public interest, adjourn the Hearing to a specified date, or b) hold the Hearing in the party's absence.
4.	The Hearing will facilitate a discussion between the Reviewing Officer and the Parties present. - Firstly, the party who has requested the review will be asked to present their representations as to why they do not agree with the listing. - Secondly, any representative of the relevant party/ies who nominated the asset for listing will be asked to make their representations as to why the listing should remain. Parties will be allowed equal maximum time in which to make their representation. The Reviewing Officer may exercise his/her discretion to allow additional time if necessary, taking into account the requirement to allow all parties equal maximum time. The Reviewing Officer may ask any relevant questions.
5.	The Reviewing Officer may also call upon the original officer who made their decision to explain their reasons for listing the land and/or the building under review.
6.	The party who has requested the review will be given a final opportunity to comment.
7.	The Reviewing Officer will bring the hearing to a close.
8.	Following on from the hearing, the Reviewing Officer will make a decision within 5 working days. Confirmation of this review decision and the reasons for the decision will be made in writing to all parties involved.
	Procedure for Appeal against a Listing Review: If the owner of the listed land is not satisfied with the outcome of the

review they may appeal against the Reviewing Officer's decision to the General Regulatory Chambers of the First-Tier Tribunal. The deadline for appealing is within 28 days from the date on which notice of the decision was sent. The land/or building in question will remain listed during the appeal process.

Notice of appeal should be made in writing to:

Tribunal Clerk,

Community Right to Bid Appeals

HM Courts & Tribunals

First-tier Tribunal (General Regulatory Chamber)

P.O. Box 9300

Leicester, LE1 8DJ

Or by email to: GRC.CommunityRights@hmcts.gsi.gov.uk

Appendix 4

Asset of Community Value - Compensation Review Process

1.	On receiving the request for a compensation review, the Council will ascertain whether the request has been made in the required timescale. This is before the end of a period of 8 weeks, beginning with the day on which the owner received the decision on compensation.
2.	An officer of appropriate seniority, the “Reviewing Officer”, who did not take any part in making the original decision, shall carry out the review. The Reviewing Officer must make a decision by the end of a period of 8 weeks from the date the request for a review was received (or longer period if agreed with the owner).
3.	<p>The Claimant or appointed representative is contacted to:</p> <p>Request their reasons for a compensation review (if these have not been received already).</p> <p>The Claimant should present a case for compensation and/or the amount of any compensation</p> <p>The Claimant may appoint any representative (whether legally qualified or not) to act on his or her behalf in connection with the review. Both the Claimant and the Claimant’s representative may make representations to the Reviewing Officer in writing, (orally and/or in writing if the owner requests an oral hearing).</p>
4.	<p>The Reviewing Officer will then consider the written representations put forward by the Claimant and/or the Claimant’s representative, and make a decision.</p> <p>NB In the event that there is an oral hearing, all written representations and comments should be submitted by 5pm the day before the Hearing takes place. Usually no new written evidence submitted after the deadline will be considered. The guidance for an oral hearing can be found on the next page.</p>
5.	After the review the ‘Reviewing Officer’ will write to the Claimant with is decision and reasons for its decision.
	Procedure for Appeal against a Listing Review:

If the Claimant is not satisfied with the outcome of the review they may appeal against the Reviewing Officer's decision to the General Regulatory Chambers of the First-Tier Tribunal. The deadline for appealing is within 28 days from the date on which notice of the decision was sent. The land/or building in question will remain listed during the appeal process.

Notice of appeal should be made in writing to:
Tribunal Clerk,
Community Right to Bid Appeals
HM Courts & Tribunals
First-tier Tribunal (General Regulatory Chamber)
P.O. Box 9300
Leicester, LE1 8DJ
Or by email to: GRC.CommunityRights@hmcts.gsi.gov.uk

Oral Hearing Compensation Review Process

All Review Hearings will take place at Derbyshire Dales District Council, Town Hall, Matlock DE4 3NN

1.	The Reviewing Officer will introduce themselves and any other officers present, and explain the procedure to be followed.
2.	If a party has informed the reviewer that s/he does not intend to attend or be represented the Hearing may proceed in their absence.
3.	If a party who has not so indicated fails to attend or be represented at a Hearing the Reviewing Officer may: a) where he/she considers it to be necessary in the public interest, adjourn the Hearing to a specified date, or b) hold the Hearing in the party's absence.
4.	The Hearing will facilitate a discussion between the Reviewing Officer and the Parties present. - The party who has requested the review will be asked to present their representations as to why they do not agree with the <i>decision</i> on compensation. The Reviewing Officer may ask any relevant questions.
5.	The Reviewing Officer may also call upon the original officer who made their decision on compensation to explain their reasons.
6.	The party who has requested the review will be given a final opportunity to comment.
7.	The Reviewing Officer will bring the hearing to a close.
8.	Following on from the hearing, the Reviewing Officer will make a decision within 5 working days. Confirmation of this review decision and the reasons for the decision will be provided in writing to the Claimant/Claimant's representative.
	<p>Procedure for Appeal against a Compensation Review:</p> <p>If the Claimant is not satisfied with the outcome of the review they may appeal against the Reviewing Officer's decision to the General Regulatory Chambers of the First-Tier Tribunal. The deadline for appealing is within 28 days from the date on which notice of the decision was sent.</p> <p>Notice of appeal should be made in writing to: Tribunal Clerk,</p>

	<p>Community Right to Bid Appeals HM Courts & Tribunals First-tier Tribunal (General Regulatory Chamber) P.O. Box 9300 Leicester, LE1 8DJ Or by email to: GRC.CommunityRights@hmcts.gsi.gov.uk</p>
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GOVERNANCE AND RESOURCES COMMITTEE
5 NOVEMBER 2015

Joint report of the Head of Corporate Services and the Estates and Facilities Manager

TANSLEY COMMUNITY HALL

SUMMARY

The report considers a request from Tansley Community Hall Management Committee for Tansley Community Centre to be transferred freehold to Tansley Parish Council to enable its continued use as a community facility.

RECOMMENDATION

1. That the terms outlined in paragraph 3 of this report for transferring the freehold of the Tansley Community Hall as shown on the plan at Appendix 2 to Tansley Parish Council are agreed.
2. That it is noted that the disposal in 1 above constitutes an undervalue transaction permitted under the General Disposal Consent 2003.

WARDS AFFECTED

Matlock St Giles

STRATEGIC LINK

The use of Council property for the benefit of the Communities that we serve assists in ensuring that the Council Leads the Communities of the Dales, improves quality of life for residents and, with partners ensures the continued provision of excellent services

1 BACKGROUND

- 1.1 The District Council owns the Community Hall in Tansley and has leased the building to various organisations to enable Community activity in the area since at least 1975. The building was originally transferred to Tansley Parish Council (“the Parish Council”) in 1906 for use as public offices and meetings in Tansley.
- 1.2 The Parish Council was abolished in 1924 and the building transferred to Matlock Urban District Council’s ownership. Following reorganisation in 1974 the building then transferred to the District Council’s ownership.
- 1.3 The District Council has leased the building to Trustees on behalf of Tansley Youth Club since 1975. This has always been at a peppercorn rent. In 2012 the Corporate Committee considered a request from the Tansley Parish Council to transfer the property ‘back’ to the Parish Council. It was accepted by the Council at that time that the Parish Council’s claim to the asset had no legal basis in law and that the

District Council was perfectly entitled to dispose of the property as it sought fit in accordance with the law.

- 1.4 The Corporate Committee therefore resolved to offer a 25 year lease on the Tansley Community Centre to Tansley Parish Council or the sum of £1 per annum (if demanded) to enable its continued community use. The Committee also noted in its resolution that the disposal would constitute an undervalue in accordance with the General Disposal Consent Order 2003. The estimated value at the time was considered by the Council's Valuer to be in the region of £150,000 freehold and £4,000 per annum for a commercial rent.
- 1.5 A draft lease was subsequently prepared, but the transaction has not completed.
- 1.6 The Parish Council requested that a number of surveys be undertaken at the District Council's cost prior to the lease being signed. Accordingly asbestos, energy and building surveys were undertaken and no significant issues were identified. Although a building survey had been undertaken, the Parish Council further requested a separate more detailed survey of the roof in July 2014. This was not undertaken pending clarification as to whether the PC still intended to sign the lease.
- 1.7 A number of reminders to sign off the lease have been sent by the Council's legal team to no avail. Finally on 21 May 2015, the Parish Council notified the legal team that the Parish Council had been working with Rural Action Derbyshire and the Community Hall Management committee to develop a Business Plan to retain the Community Hall as a community asset and to request transfer of the freehold to Tansley Parish Council to enable its continued use as a community facility to be managed by Tansley Community Hall Management Committee.

2 CURRENT SITUATION

- 2.1 A request has been received from Tansley Community Hall Management Committee for Tansley Community Centre to be transferred freehold to Tansley Parish Council to enable its continued use as a community facility.
- 2.2 The Management Committee have provided the Council with a business plan which indicates how they would propose to operate the facility to the benefit of the community. The business plan which is included in full at Appendix 1. outlines the benefits of such a transfer.
- 2.3 The business plan includes a request for the roof survey to be undertaken. This is in hand and a verbal update of the results will be given at the Committee meeting.

3 PROPOSED RECOMMENDATIONS

- 3.1 It is proposed that the Community Hall at Church Street, Tansley as shown on the plan at Appendix 2 be transferred freehold to Tansley Parish Council subject to the payment of a consideration of £1 if demanded with each party being responsible for their own legal costs. The hall will be transferred in its existing condition.

4 VALUATION

- 4.1 The proposed terms for the transfer of Tansley Community Hall to Tansley Parish Council constitutes an undervalue transaction as permitted under the General Disposal Consent 2003.
- 4.2 It is considered by the Council's Valuer that the value of the transfer equates to £150,000.
- 4.3 Under the General Disposal Consent 2003, Local Authorities are permitted to dispose of any interest in land held under the Local Government Act 1972 which they consider to contribute to the promotion or improvement of the economic, social or environmental wellbeing of the area at less than best consideration subject to various conditions.
- 4.4 It is considered that the proposed terms for the transfer of Tansley Community Hall to Tansley Parish Council would comply with this legislation.

5 CONSULTATION

- 5.1 The relevant Ward Members have been consulted on the proposed transfer and any comments received will be reported verbally at the meeting.

6 OTHER EXPRESSIONS OF INTEREST

- 6.1 In addition to various general expressions of interest in development sites/opportunities across the District and the expressions of interest forming part of this report, no other specific expressions of interest have been received in relation to all the sites/properties included in this report.

7 LEGAL CONSIDERATIONS

- 7.1 The Local Government Act 1972: General Disposal Consent (England) 2003 provides consent for the disposal of a property at an undervalue in certain circumstances. These are:

“(a) the local authority considers that the purpose for which the land is to be disposed is likely to contribute to the achievement of any one or more of the following objects in respect of the whole or any part of its area, or of all or any persons resident or present in its area;

i) the promotion or improvement of economic well-being;

ii) the promotion or improvement of social well-being;

iii) the promotion or improvement of environmental well-being; and

b) the difference between the unrestricted value of the land to be disposed of and the consideration for the disposal does not exceed £2,000,000 (two million pounds).”

- 7.2 The Committee will be aware that consideration of these matters is a process and the approach taken has to be both proportionate and reasonable. This means that the Council must consider whether the objective set out in the consent can be achieved by something less than an outright transfer of the property.

7.3 The Committee may wish to consider whether significant extra economic, social or environmental benefit would be gained by for the persons resident or present in our area by the transfer of the freehold as against the granting of a 25 year lease.

7.4 The Committee will also be aware that they are subject to their general fiduciary duty when considering disposal of property at an undervalue.

8 RISK ASSESSMENT

8.1 Legal

Legal considerations are contained in the report

8.2 Financial

Whilst this disposal is classed as an undervalue transaction, the proposed transfer of the Hall on the terms proposed will remove a future maintenance liability for the Council. Therefore the financial risk is low.

9 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.

10 CONTACT INFORMATION

Sandra Lamb, Head of Corporate Services, Tel. 01629 761281 or email sandra.lamb@derbyshiredales.gov.uk

Mike Galsworthy, Estates and Facilities Manager, Tel. 01629 761307 or email mike.galsworthy@derbyshiredales.gov.uk

11 BACKGROUND PAPERS

None

APPENDIX 1

8 Oak Tree Gardens

Tansley

Derbyshire

DE4 5WA

8th July 2015

Dear Dorcus Bunton,

Re Tansley Community Hall

As the Chair of the Tansley Community Hall Management Committee I have taken the opportunity of compiling the attached Business Plan which outlines a proposal for the continuing operation of the hall for the next period of 5 years.

As you will see from the plan there is a need to establish the position of the Hall in order to ensure it is able to continue on a sound footing – and the Committee's proposal is that this entails the donation of the Hall by the DDDC to the ownership of the Parish Council – and that a small sub group of residents manage the Hall on behalf of the Parish Council.

We do hope that you are able to agree to this proposal and that a recommendation can be made to the DDDC Councillors to give the Hall to the residents of Tansley to continue to manage the hall in the successful manner which has been carried out for the last 128 years!!

Yours sincerely

Joe Woods

Chairman

(For and on behalf of the Tansley Community Hall Management Committee)

TANSLEY COMMUNITY HALL MANAGEMENT COMMITTEE

BUSINESS PLAN 2015 – 2020

CONTENTS

- Proposal
- Introduction
- Historical Perspective
- Description
- Aims
- Community Usage
- Sustainability
- Future Planning
- Marketing
- Financial Profile

PROPOSAL

That the DDDC approve this Business Plan as a sustainable proposition for the Tansley Community Hall and, following a survey of the roof by DDDC and initiating any works that may be outlined in the survey, that the ownership of the building is passed to the Tansley Parish Council in perpetuity to run the Hall on behalf of the people of Tansley.

INTRODUCTION

The Tansley Community Hall is situated on Church Street in Tansley. The Hall is currently in a position where a positive plan for the future is needed so that the building can be utilised to its full potential. The hall has had a number of uses in its history but it has been fully sustained by a small management committee for the past 20 years providing a community resource for meetings to be held and groups from the village and the local district to be able to operate at a cost which is affordable to all who want to make use of the facility.

At this point in time there is no lease in place signed by the current committee with the Derbyshire Dales District Council. The tenancy is still signed by a group of people who ran the hall over 20 years ago, and this lease expired in 2002. There is also still some dispute about the actual ownership of the Hall. However the current ownership is with the DDDC and a decision now needs to be made about returning the Hall to the ownership of the village by allowing the Parish Council to take over the Hall.

This Business Plan has been prepared by the Committee to evidence that the Hall is a sustainable entity and that it would be in the best interests of the community of Tansley if the building was returned to the ownership of the Parish Council and run on behalf of the Council by a small sub-group of interested and committed residents who will apply for Charitable status.

HISTORICAL PERSPECTIVE

In 1887 the foundation stone of a new building – The Liberal Club -was laid by Sir J. C. Lee who deputized for Lord Edward Cavendish. One of the original donors and promoters of the Tansley Liberal Club was Mr. J. H. Scholes who owned Tansley Mills and was a large employer of local labour. It continued to operate as a Liberal Club for about 10 years until it fell into disuse.

In February 1906 it was bought and transferred to the Parish Council*"to be used for Public Offices and for meetings (and for any purpose connected with parish business for which the premises are adapted)"*. The cost of the sale of the building to the Parish Council was £48 10s 0d. Thus the building became the property of the Parish Council in 1906 and was known as the Tansley Institute. It was run by a committee. At the first meeting after the building became the property of Tansley Parish Council, a motion proposed by the Chairman (Mr. W. Clarke Taylor) and seconded by Mr. Staley, the meeting unanimously, with loud acclamation, passed the following resolution:- *"That this meeting heartily thanks Mr. J. H. Scholes for his most kind and generous gift, in paying off the debt on this building and the cost of the conveyance to the Parish Council."* It was used as a Reading Room, to replace the one within the Church School (now Tansley Village Hall). The Institute also used it as a non-sectarian Adult Sunday School and for Technical Education.

Another milestone came in 1924 when, under the County of Derby (The Matlock U.D.C.) Order of 1923, Matlock's Urban District Council was formed. Under the Local Government Act 1894 any property no longer required for parochial purposes could be let or sold or exchanged with the consent of the Ministry of Health, unless the Parish Council wished the property to be vested with the new Urban District. Apparently the Parish Council wished to vest it in Trustees in the village for its use as a Parish Institute. The Parish Council was advised to write to the Ministry for permission to let it to the trustees at a nominal rent for as long as possible. It is not known what course of action was taken but it is probable that the building became the property of the U.D.C. and managed by a group of trustees from the village.

By the early 1970's the building had ceased to be used as a reading room and by residents of the village, except as a changing room by Tansley Football Club, but again by 1975 they too had ceased to use it and the building once again began to fall into disrepair. By Easter 1975 a Management Committee had been formed to run a Youth Club in the Hall and the Club had 34 young people as members. A 5 year lease was signed with the West Derbyshire District Council. In 1988 a new committee was formed and the Youth Club ended after its leaders left the District. The building was renamed the Tansley Community Hall. The last lease was signed in 1995 with the Derbyshire Dales District Council for a period of 7 years at a pepper corn rent of 25 pence per year. The building has been managed by a committee of local people and representatives from user groups ever since. For a number of years the main user was the Tansley Pre-school group but it has also been used by many other groups including the Scouts, Guides, Brownies, Rainbows, Mums & Tots, Sewing groups, Yoga & Pilates classes, theatre groups, a food co-operative, as a training room for social services and

the Water Safe as well as private parties. The Parish Council have now also returned to the Hall and use it for their regular council meetings.

DESCRIPTION

The Community Hall is a stone built two storey building which complements the other public building in Tansley – The Village Hall. The Community Hall is a smaller, more intimate space than the village Hall with a small kitchen and it is suitable for running groups, meetings, children's parties or family gatherings. There is storage space in cupboards in the kitchen and underneath the building are a large storage area and a room which could be made into an office but is currently not used. There is also a small garden area suitable for outdoor play, activities or barbecues and picnics.

AIMS

The group of people who currently manage the Hall have retained the original ethos of the reading room and Institute and have always promoted the use of the Hall by local residents – it is also available for anyone from the district or surrounding areas to hire but local residents will be given priority. The hall is for the benefit of local people and is to provide a space for all groups – of any age or interest - to use it for leisure, pleasure, entertainment, or non-profit making activity. The hire charges are based on a very competitive rate for the hire of a hall. The committee want it to be used and the charges are set in order to cover the costs of running the Hall. One of our main aims is to ensure that any village non-profit making group, particularly those who work with children, are able to use the hall. Should such a group be struggling to pay the hourly rate, the Management Committee will support the group in trying to obtain grants, and helping with fund raising events. In some instances the Management Committee reserves the right to reduce the hourly rate, to enable a non-profit making group to remain viable.

COMMUNITY USAGE

Over the last twenty years the use of the hall has changed from almost entirely youth groups to a much more mixed use. The hall has always had a regular use by local people for one-off children's parties. Currently the hall is used on a regular basis by the Brownies, Mother and toddler group, Stitch & Sip, a sewing group, an exercise class and a yoga class. Two local theatre groups use the Hall for ad hoc rehearsals. In addition Social Services, a local GP practice, the Whitworth Hospital and the Fire Brigade underwater rescue team both use it regularly for training events and meetings. The adjacent Tansley Residential Home also uses it for fund raising events and the Parish Council hold their monthly Council meetings in the Hall. The County Guides Association rent the storage area underneath the hall for storing their outdoor camping equipment.

SUSTAINABILITY

The Hall has now been in operation providing a resource for the people of Tansley for 128 years. It has had periods of under use and periods of regular sustained use – it has seen times of decay and almost dereliction but on each occasion the local people have raised funds from the community and with grants from local councils and donations from charities managed to refurbish and maintain the building. It is currently in a good state of repair – further details on this aspect will be considered in the following section.

Over the past 20 years the hall has had continuous use by local groups and currently has sufficient regular bookings to cover the annual running costs. The financial accounts are in good order and for the past two decades the hall has kept a savings fund with a minimum of £600 and a current account which has always had a balance in excess of £1000. The Hall has an annual insurance policy for public liability, legal costs, damage to property and contents/belongings brokered through Peak Insurance Services Ltd with the Ecclesiastical Insurance Company.

The village of Tansley is designated to take a share of the growth in housing required by the Government and it is anticipated that this will increase from the current approximation of 30 new houses to perhaps double that number between now and 2026. A new housing estate has recently been given planning permission to build 27 houses and a brown field site has also been designated as part of the village build plan which would provide for a further 25 houses. As such there will be a growth in the population of Tansley and it is anticipated that the infrastructure – including facilities such as the Community Hall – will be in increased demand and further the argument for the sustainability of the hall into the future.

By bringing the hall into the ownership of the Parish Council, the Hall will have security of tenure, and benefit from being under the financial umbrella of the Parish Council. The hall would be covered by the Public liability and Building insurance, paid for by the parish Council. The Hall would also benefit from the Parishes membership to DALC, and the working relationship between the Parish and District Councils.

FUTURE PLANNING

Recently the Hall has had a full structural survey completed by the DDDC and the overall building is in a good state of repair

An electrical survey has also been carried out and the required changes and improvements have already been implemented by the committee.

The only area that still needs to be surveyed is the roof. This would have to be completed before any change of ownership to the Parish Council

The Management Committee needs to achieve charitable status to enable it to apply for grants in order to continue to maintain and improve the facilities and structure of the hall. In order to do this the future ownership of the hall has to be confirmed. If the Hall is returned to the Parish Council – the management committee would operate as a sub group of the Council - and the following areas of work would be developed over the next 5-10 years subject to obtaining suitable funding:

- Disability access and disabled toilets
- Replacement or refurbishment of the current worn and splintered wood floor in the Hall
- New entrance doorway
- Putting in a door into the kitchen and a roller shutter to make the kitchen a separate room
- Completion of the entrance way into the downstairs and making the small separate room into an office for the use of the Parish Council and to enable the clerk to have a base.

- Replacement central heating boiler

MARKETING

The Management Committee is aware that user groups for the Hall often change as interests alter, populations and demographics change and funding varies. In order to ensure that people in the village and surrounding area know about the facilities of the Hall we are developing our own web page as a part of the Tansley Parish Council website. Currently the Parish Council hosts the site and has the home page which in turn has direct links to the Tansley Village site and the Tansley Village Hall site; the community hall would then be part of this interlinking information about the village. We are also part of the village halls booking scheme and we have a facebook page.

We also plan with the help of users to raise the profile of the hall by more fund raising events .

FINANCIAL PROFILE

Over the last 20 years the Community Hall has remained financially stable with regular sources of income from local groups as well as regular fundraising events organised by the management committee and any major expenditure assisted by the provision of grants by the DDDC or local charities. In this time there has only been three treasurers and that has enabled continuity. Over the years the types of groups using the hall have changed but the income and expenditure has remained quite constant and the hall has essentially provided a resource for groups that need a smaller space that provides a more intimate environment than the larger village hall. The committee has also always maintained a savings account of over £600 to use for emergencies.

For many years Tansley Community Hall income depended largely on the Tansley Preschool which used the hall on weekday mornings. The pre-school closed in 2011 which, whilst removing a major source of income, opened up the hall for commercial use during the daytime.

The hall is now used 3 or 4 evenings a week and one afternoon by village groups: Brownies, Tots, two sewing groups and a yoga group. This accounts for about 30% of the income.

Tansley Parish Council uses the hall for its monthly meetings and also to store documentation and as an office for the Parish Clerk to use. In return the Parish Council pays the insurance for the hall.

Since the hall was renovated in 2011 it has become a popular location for family parties especially for toddlers who can use of the toys belonging the Tots group. It is also used as a fund raising venue by Tansley House Nursing home. These events brought in 15% of the income last year.

A growing part of the halls use is hire by commercial businesses and local authority and health service groups. DE4 Food cooperative used the hall until it closed in 2013. Other users include Derbyshire Children and Young People's team who meet there regularly and groups from local GPs and Whitworth Hospital. We also host a water safety class who use the hall before and after training on the river Derwent. This is contributing about a third of the income.

The expenditure is managed to match the income. As well as overheads, gas, electric, water and insurance we are constantly maintaining the hall with regular servicing and inspections of equipment. In 2012 the ceiling tiles were replaced and extra insulation added. In 2013 the external paintwork was repainted and the gutters replaced and new lighting put in the cellar. Volunteers do the weekly cleaning and also as much of the maintenance as possible to save money.

The Management Committee reviews the hire rates at the Annual General Meeting each year. Currently both the Brownies Group and Tots group have lower rates to support these local children's groups.

There is currently a Tansley Community Hall Website and Facebook page and it appears on Hallshire (a hall booking service). An upgrade to the Website is in progress and also plans for advertising the hall at local authority and NHS sites to increase the daytime bookings.

SWOT Analysis (Strengths, Weaknesses, Opportunities, Threats)

STRENGTHS	WEAKNESSES
<p>Operating for 128 years</p> <p>Committed & enthusiastic group of local people managing the hall</p> <p>Regular users & strong future bookings</p> <p>Good structural condition</p> <p>Parish Council want to have the hall as part of village fabric</p> <p>Financially managed in the black for over 2 decades – healthy working bank balance</p>	<p>Limited attraction of new people to help manage the hall</p> <p>Small amount of financial reserves</p> <p>A number of maintenance and improvement projects on hold until grants can be applied for</p>
OPPORTUNITIES	THREATS
<p>Fund raising supported by local people</p> <p>Work parties arranged to maintain the hall</p> <p>Once hall given to Parish Council the committee can apply for grants</p> <p>Also able to apply for charitable status</p> <p>Develop marketing to attract outside groups</p>	<p>Potential for roof needing work – unknown</p> <p>Hall being retained by the DDDC – remaining in limbo</p> <p>No lease signed or in place</p> <p>Reduction in the users/bookings in the future</p>

Appendix – Copy of TCH Accounts

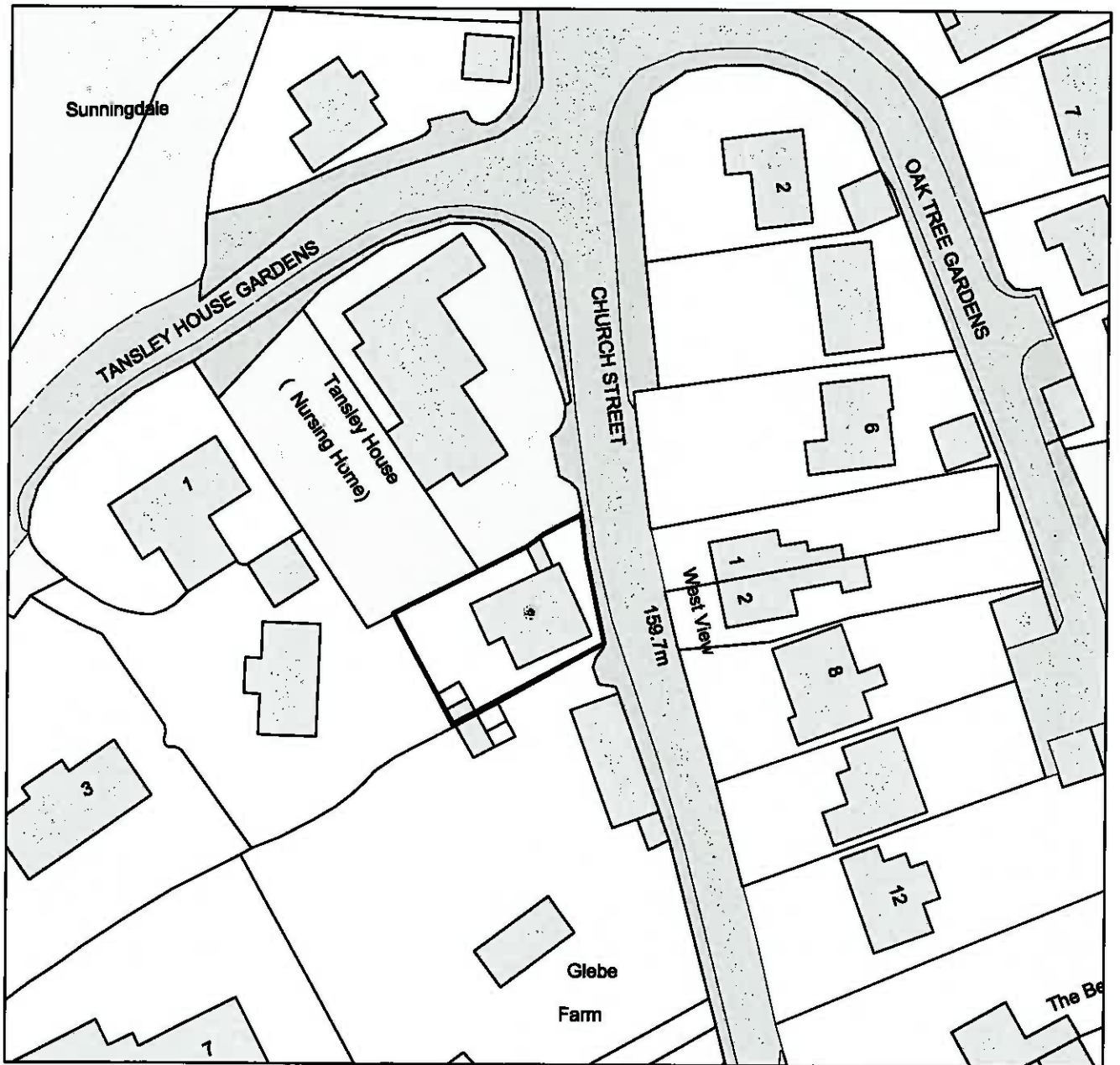
Joe Woods (Chair Tansley Community Hall Management Committee)

8 Oak Tree Gardens, Tansley, Derbyshire DE4 5WA

e-mail: joe@jwassoc.co.uk Tel:

8/7/15

No 2



Derbyshire Dales DC

1:750

Date: 22/10/2015

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GOVERNANCE AND RESOURCES COMMITTEE
5 NOVEMBER 2015

Report of the Head of Corporate Services

COUNCILLOR TRAINING AND DEVELOPMENT PLAN

SUMMARY

This report evaluates the Induction and supporting training provided since the election in 2015 and recommends a way forward in terms of identifying a draft programme for Members in 2015/16.

RECOMMENDATION

1. That the evaluation of the Member Training and Development plan for the first 6 months following the elections in May 2015 be noted.
2. That the draft training plan to ensure a 100% attendance at mandatory training be approved to be completed by 31 December 2015
3. That additional training in Treasury Management be approved in the sum of £1500
4. That a Member Development Working Group be established as set out in paragraph 3.1

WARDS AFFECTED

Not applicable

STRATEGIC LINK

The continuing success of the District Council will rely on the skills, knowledge and dedication of its elected membership. An effective training and development plan will enable Councillors to grow in their roles as community and political leaders and thereby support the Council's vision.

BACKGROUND

- 1.1 The Corporate Committee approved the Induction Programme for the new Council at its meeting prior to the elections in March 2015. The content of the programme was informed by all Members of the previous Council and is substantially complete. Each session was evaluated by those in attendance and the results are summarised in Appendix 1.
- 1.2 Appendix 1 also reports on the level of attendance at each session and the degree by which the mandatory training requirements have been met. Mandatory training is aimed at mitigating risk. As a reminder, the following sessions are categorised as mandatory training.

Subject	Attendance Required	Frequency
Planning	All Members	Annual. Members of the Planning Committee must attend annual training in order to continue to serve as a member of the Planning Committee.
Licensing and Appeals Committee	All Members of the Licensing and Appeals Committee	Following induction on general matters and specifically on Employment matters immediately prior a hearing. To be refreshed following significant legislative change
Equalities	All Members	Following induction and refreshed following significant legislative change
IT Security	All Members	Following Induction
Data Protection	All Members	Following Induction and refreshed following significant legislative change

- 1.3 In addition to the planned training six Members benefitted from a bespoke training session provided by East Midlands Councils on Chairing and Facilitating Meetings. The attendee's feedback is included in Appendix 1 and was funded from the Member Training Budget.

2 LOOKING AHEAD

- 2.1 In determining the future training and develop needs of the Council, the Committee may wish to have regard to the secondary priorities identified by the previous Council. They are:

Priority 2	Priority 3
Running an advice surgery	Health and Safety
Dealing with case work	External Partnerships
Facilitating groups	Speed Reading
Political awareness	Succession Planning
Problem analysis	Effective Leadership
Public speaking	

- 2.2 It may be considered that Members of the Council have differing priorities based on their personal experiences of being a member of the District Council. It is therefore suggested that the views of all Members are canvassed to refine training demands before formalising a training and development plan for the remainder of this financial year. In discussions on the draft of this report, the Member Champion for the service area felt that Members may appreciate being involved as well as benefitting from a break in what has thus far been a challenging training schedule.
- 2.3 The gaps in the mandatory training requirement must be met and additional sessions will need to be arranged. It is suggested that the Committee sets a realistic timeframe for completion of this element of the Training and Development Programme. The Committee may also wish to reinforce the message that mandatory training is a key element in mitigating risk and is often the first line of defence should a decision be challenged.
- 2.4 In canvassing the views of the Corporate Leadership Team on any future training programme, the Head of Resources has made a specific request for training to be considered to help Members develop an awareness of the Treasury Management function. The revised CiPFA Code of Practice stresses that treasury management training for elected members should be an on-going process, as the treasury management function continues to operate in a dynamic market environment. The ideal timing for this training, if approved, would be in February 2016, and could be externally provided at a cost of £1500. Members of High Peak Borough Council have received similar training which was highly rated.
- 2.5 A draft programme to incorporate the residual mandatory training sessions and incorporate the request for Treasury Management training is attached at Appendix 2. The programme can be funded from the Member Training Budget.

3. CO-ORDINATION

- 3.1 Should the Committee be minded to approve the mechanism for canvassing Councillors views, an element of judgement needs to be exercised to re-prioritise training requests to form the basis of a new Training and Development Plan. It is therefore suggested that a Member Development Working Group be formed to comprise newly elected members to undertake that work under the leadership of the Corporate Services Member Champion. The optimum size of that Group is considered to be 6 which may be best set to reflect political balance ie 4 Conservatives, 1 Labour and 1 Liberal Democrat Member. The suggested terms of reference of that group would be:

- To consult elected members on their training needs and prepare for recommendation to the Governance and Resources Committee, an annual Training and Development Plan.
- To review the effectiveness of training provided
- To review the Member Development Scheme

4. RISK ASSESSMENT

4.1 Legal

The Councillor Training and Development Plan aims to mitigate risk and develop individuals. The legal risk is therefore low.

4.2 Financial

Training costs will be contained within existing budgets. The financial risk is, therefore assessed as “low”.

5. OTHER CONSIDERATIONS

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

6. CONTACT INFORMATION

Sandra Lamb, Head of Corporate Services, Tel. 01629 761281 or email sandra.lamb@derbyshiredales.gov.uk

7. BACKGROUND PAPERS

None

8. ATTACHMENTS

Appendix 1 - Feedback from Members Workshop

Members Training and Development Programme 2015

Training Session	Date	No. of attendees	Average score*	Mandatory training % attendance	Comments
Current Issues	25 June	21 (12)	52%	n/a	As there is a lot of work that goes on in each department maybe hold individual department training with current issues so each can be spoke about and digested.
					Bit longer session. Different layout of table/chairs would have encouraged more involvement.
					I would like to know more about the local plan and its relevance to planning decisions.
					Item 1 took too much of the meeting. Perhaps should have been dealt with just committee members of planning.
					Too rushed, omitted Heidi.
Data Protection	05 August	11 (10)	91%	49%	Not particularly relevant to the Data Protection training, but I always appreciate case study information.
	07 September	8 (8)	100%		Room very cold.
					As a new councillor I have found all the training I have had has been spot on.
Effective Meetings / Decision Making	17 June	12 (11)	92%	n/a	Would have been interested in how political party is represented.
					None – Sandra is a good and interesting presenter.
	23 June	13 (13)	100%		Very informative. Information ish approach very good. Everyone chipping in very informative too. Role play could help although I know time is a problem.
Licensing and Appeals	15 July	10 (4)	40%	83%**	Very useful training, role playing excellent.
	24 September	<i>Date Cancelled</i>			Excellent with role play.
Equalities and Diversity – Core Training	06 July	7 (7)	100%	77%	Need to increase time slightly especially if we have a larger group.
	20 July	15 (1)	0%		Needed more time and a lot more practical examples.
	27 July	8(7)	75%		

Finance	29 July	18 (16)	89%	n/a	It's a big subject but essential for us.
	16 September	2 (2)	50%		OHP needs repair. Thank you – well handled, the breakdown of the OHP. Difficult topic to make interesting.
Handling the Media – An Introduction	03 June	7 (7)	100%	n/a	Content very interesting. I wouldn't have minded giving more time to this subject. The practice interview very good idea. Proved I need more training. Very interesting and very well delivered. Perhaps a more detailed guide to social media. Watching a mock interview with Jim and a 'willing' volunteer.
	08 June	10 (8)	80%		No comments. A very useful and informative session. Thanks Jim! Mentoring – accompanying new councillors to first interviews or more training of simulated difficult interviews.
Planning	01 June	15	No feedback forms	100%	Training carried out by external trainer
	10 June	23			
	13 July	13 (9)	69%	n/a	
	15 July	10 (9)	78%		
Information Technology	20 May	22	No feedback forms	82%	
	21 May	1			
	27 May	5			
	28 May	4			
Chairing and Facilitation Skills		4		95%	There was a good combination of making us think for ourselves and observing, 'how not to do it'! It made for a most interesting approach.

*% of members satisfied with the member development programme based on average evaluation of 4 out of 5 for each session.

() number in brackets is the number of evaluation forms completed per session.

Shaded rows are the mandatory training sessions

** This training is mandatory for Members of the Committee only (12 Members).

GOVERNANCE AND RESOURCES COMMITTEE
5TH NOVEMBER 2015

Report of the Head of Resources

LAND HOLDINGS REVIEW – PHASE 1

SUMMARY

Phase 1 of the Land Holdings Review covers 10 sites across the District in which expressions of interest have been received. Following detailed consideration of planning, legal and estate management factors, recommendations are made regarding whether the sites should be retained or sold and the terms which would apply.

RECOMMENDATION

- 1 That the Committee notes the actions taken in informing the interested parties in respect of sites 3 and 8 that the sites are not in the District Council's ownership.
- 2 That the Committee notes the actions taken in informing the interested parties in respect of sites 6,7 and 10 that the sites are to be retained as indicated in Appendix 1 taking account of section 1.5 in the report.
- 3 That sites 1, 2, 4 and 9 be disposed of as indicated in Appendix 1 of this report.
- 4 That further consultation with neighbouring landowners takes place in respect of site 5 with further recommendations being reported as part of the next phase of the Land Holdings Review.

WARDS AFFECTED

Bakewell, Darley Dale, Hartington and Taddington, Matlock All Saints, Matlock St. Giles, Masson, and Wirksworth

STRATEGIC LINK

The Land Holdings Review Process accords with the District Council's values and aims of obtaining "value for money" and to "protect and enhance the environment" as expressed in the Corporate Plan 2015/16.

1 REPORT

1.1 Background

Phase 1 of the Land Holdings Review covers 10 sites across the District in which expressions of interest have been received. Following detailed consideration of planning, legal and estate management factors, recommendations are made regarding whether the sites should be retained or sold and the terms which would apply.

1.2 Review Procedure

An appraisal of each site has taken place comprising advice on any planning constraints, legal restrictions and maintenance liabilities plus an assessment of any health and safety risks.

The results and recommendations are summarised in Appendix 1 together with plans of each site.

1.3 Summary of Outcome

2 no. sites are not in the Council's ownership.

4 no. sites are recommended for disposal.

3 no. sites are recommended for retention.

1 no. sites are recommended for further consultation.

1.4 Consultation

Where it is recommended that a site be sold, the relevant Local Council and Ward Members have been consulted and any responses received will be reported at the meeting.

1.5 Planning Consents

In each case of disposal the purchaser would be responsible for making any necessary planning application at their cost to enable their desired use of the site. The decision at this meeting is entirely without prejudice to any future decisions on such applications by this Council as Planning Authority.

2 RISK ASSESSMENT

2.1 Legal

The Council has a duty under S123 of the Local Government Act 1972 to dispose of assets for the best price reasonably obtainable.

The purchasers would be responsible for the District Council's reasonable legal costs.

The duty to consult on the disposals accords with the Council's policy on the disposal of land and property. The legal risk in that respect is low.

2.2 Financial

The costs involved in dealing with expressions of interest (mainly officer time) can be met from existing budgets. The disposals that are recommended in this report are expected to generate receipts totalling approximately £3,850, which will be credited to the General Reserve. As well as bringing in some income, these disposals also remove a liability for maintenance of the sites. The financial risk is assessed as low."

3 OTHER CONSIDERATIONS

In preparing this report the relevance of the following factors is also been considered: prevention of crime and disorder, equality of opportunity, environmental health, legal and human rights, financial personal and property considerations.

4 CONTACT INFORMATION

Mike Galsworthy, Estates and Facilities Manager
Tel: 01629 761207 E-mail: mike.galsworthy@derbyshiredales.gov.uk

5 BACKGROUND PAPERS

Property Services File – Land Holdings Review OPG41

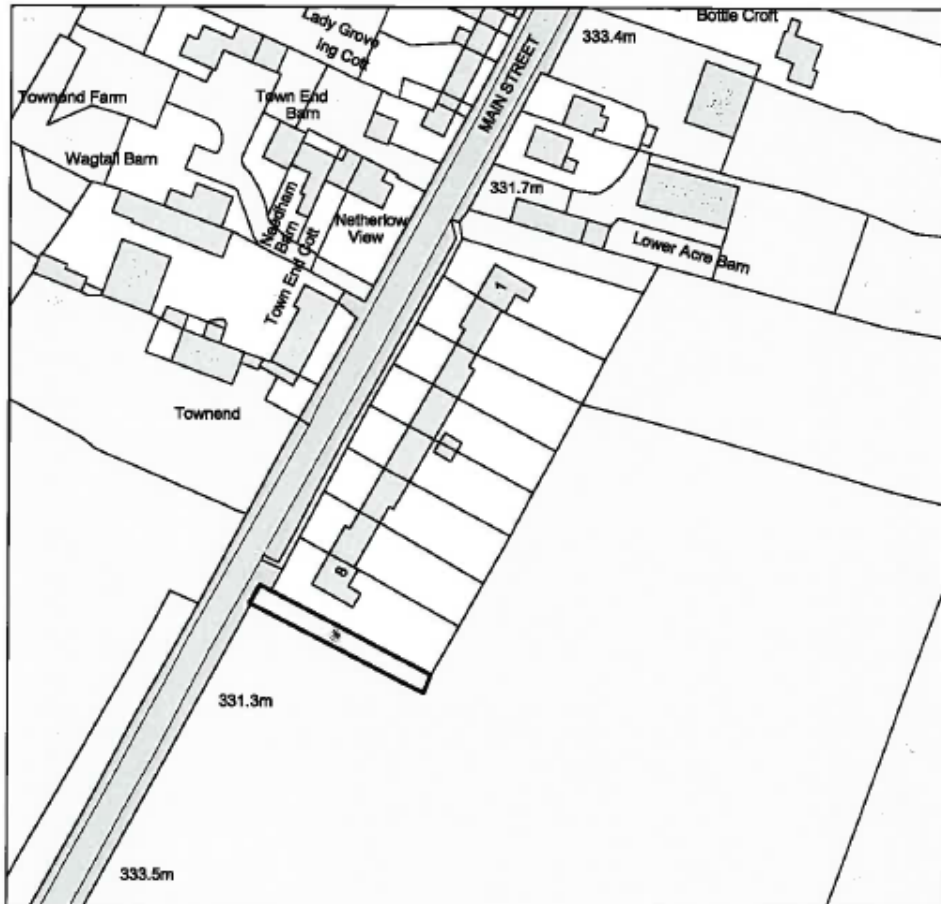
LAND HOLDINGS REVIEW

SITE INDEX

SITES IN WHICH INTEREST HAS BEEN EXPRESSED

- 1 Land at Main Street, Chelmorton
- 2 Land adjacent to Bakewell Recreation Ground
- 3 Land adjacent of The Junction A6 Bath Street, Bakewell
- 4 Land adjacent to 6 The Avenue, Darley Dale
- 5 Land adjacent to 41 Painters Way Darley Dale
- 6 Land adjacent to 162 Cavendish Road, Matlock.
- 7 Land adjacent to 37 Rockside View, Matlock
- 8 Land adjacent to 88 Morledge, Matlock
- 9 Land on north side of Scarthin, Cromford
- 10 Land to rear of 1 Steeple Grange, Wirksworth

No 1



Derbyshire Dales DC

1:1,250

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LAND HOLDINGS REVIEW

SITE NO. 1

ADDRESS	Land at Main Street, Chelmorton.
REQUEST RECEIVED	A request has been received from the owner of No. 8 Main Street to regularise his title by incorporating this site subject to the payment to the Council of a sum of £100.
DESCRIPTION/LOCATION	The site comprises a small strip of land of approximately 80 sq.m. which remained in the Council's title following the Housing Stock Transfer in 2002. The adjacent house, No. 8 Main Street was purchased in 2001 and in the absence of any visible boundary, has incorporated the land into their curtilage and rebuilt the boundary wall thereby absolving the Council of our responsibility to do this. The land has no development potential.
OWNERSHIP	Derbyshire Dales District Council
LEGAL COVENANTS RESTRICTIONS	It is considered that the prospective owner may have acquired the rights to the site by adverse possession.
PLANNING	No issues.
MAINTENANCE	No maintenance undertaken.
HEALTH & SAFETY/RISKS	No issues.
OFFICER COMMENT	As the site has no development potential it is considered that disposal to the neighbouring land owner on the terms suggested would be the best solution.
RECOMMENDATION	Transfer for a consideration of £100 subject to the purchaser obtaining Planning Consent for change of use (if required) and covering the Council's reasonable legal costs.



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LAND HOLDINGS REVIEW

SITE NO. 2

ADDRESS	Land adjacent to Bakewell Recreation Ground
REQUEST RECEIVED	A request has been received from the adjacent house owner to incorporate the site into his curtilage for residential garden extension purposes.
DESCRIPTION/LOCATION	A small strip of land adjacent to Bakewell Recreation Ground mainly covered with shrubs.
OWNERSHIP	Derbyshire Dales District Council
LEGAL COVENANTS RESTRICTIONS	There is a section of land adjacent to the strip of land in question which does have a restriction on it, this restriction is to not cause any disposition to the land. However, the subject site is not affected by this.
PLANNING	PDNPA have been consulted and their advice will be stated verbally at the meeting.
MAINTENANCE	The site is maintained by Environmental Services Department as public open space for the community as part of Bakewell Recreation Ground.
HEALTH & SAFETY/RISKS	None
OFFICER COMMENT	It is considered that disposal to the neighbouring land owner on the terms suggested would reduce maintenance costs to the Council without having any impact on the amenity value of the Recreation Ground.
RECOMMENDATION	Subject to no adverse comments being received from the Local Planning Authority transfer for a consideration of £750 subject to the purchaser obtaining Planning Consent for change of use (if required) and covering the Council's reasonable legal costs.



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LAND HOLDINGS REVIEW

SITE NO. 3

ADDRESS	Land adjacent of The Junction A6 Bath Street, Bakewell
REQUEST RECEIVED	A request has been received from the owner of an adjacent business to use the land for car parking.
DESCRIPTION/LOCATION	Section of Land adjacent to the junction between the A6 and Bath Street, Bakewell
OWNERSHIP	Derbyshire Dales District Council does not have the title for this area of land.
LEGAL COVENANTS RESTRICTIONS	N/A
PLANNING	N/A
MAINTENANCE	N/A
HEALTH & SAFETY/RISKS	None
OFFICER COMMENT	N/A
RECOMMENDATION	To note that interested party has been informed that the land is not in DDDC ownership.



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LAND HOLDINGS REVIEW

SITE NO. 4

ADDRESS	Land adjacent to 6 The Avenue, Darley Dale
REQUEST RECEIVED	A request has been received from the owner of 6 The Avenue, Darley Dale to incorporate the land into their curtilage for residential garden extension purposes.
DESCRIPTION/LOCATION	Section of sloping grassed land adjacent to 6 The Avenue, Darley Dale forming part of a large area of maintained open space.
OWNERSHIP	Derbyshire Dales District Council
LEGAL COVENANTS RESTRICTIONS	Covenants on the land state that the purchasers and their successors in title will not use or permit the use of the property hereby conveyed for any obnoxious trade or business and will not do or permit anything to be done upon the property which may by or become a nuisance or annoyance to the owners or occupiers of any neighbouring property.
PLANNING	Planning would not in principle be opposed to a planning application to incorporate this area of land into domestic garden.
MAINTENANCE	Maintained as part of a larger grassed area.
HEALTH & SAFETY/RISKS	None
OFFICER COMMENT	It is considered that disposal to the neighbouring land owner on the terms suggested would reduce maintenance costs to the Council without having any impact on the amenity value of the open space.
RECOMMENDATION	Transfer for a consideration of £2500 subject to the purchaser obtaining planning consent for change of use and subject to the purchaser covering the Council's reasonable legal costs



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LAND HOLDINGS REVIEW

SITE NO. 5

ADDRESS	Land adjacent to 41 Painters Way, Darley Dale
REQUEST RECEIVED	A request has been received from the owner of 41 Painters Way, Darley Dale to incorporate the land into their curtilage for residential garden extension purposes.
DESCRIPTION/LOCATION	Section of Land adjacent to 41 Painters Way, Darley Dale
OWNERSHIP	Derbyshire Dales District Council
LEGAL COVENANTS RESTRICTIONS	No issues
PLANNING	Would not be opposed in principle to a planning application to incorporate this area of land onto a residential garden
MAINTENANCE	No Problem with the sale of this land
HEALTH & SAFETY/RISKS	None
OFFICER COMMENT	It is considered that, given the size of the section of land and the proximity of other residential properties, consultation should take place to ascertain whether any other neighbouring property owners also wish to acquire a section of this land.
RECOMMENDATION	That consultation with the neighbouring land owners takes place and any sales recommended be reported in a further phase of the Land Holdings Review.



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LAND HOLDINGS REVIEW

SITE NO. 6

ADDRESS	Land adjacent to 162 Cavendish Road, Matlock
REQUEST RECEIVED	A request has been received from the owner of 162 Cavendish Road, Matlock to incorporate the land into their curtilage to provide space for a residential house extension.
DESCRIPTION/LOCATION	Strip of grassed open space land adjacent to the property 162 Cavendish Road, Matlock
OWNERSHIP	Derbyshire Dales District Council
LEGAL COVENANTS RESTRICTIONS	None apply
PLANNING	Would not support a planning application as an extension would harm the character and appearance of the area.
MAINTENANCE	No issues.
HEALTH & SAFETY/RISKS	None
OFFICER COMMENT	As below
RECOMMENDATION	To note that the applicant has been informed that we would not recommend the sale of this section of land for the purpose requested at this time.



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LAND HOLDINGS REVIEW

SITE NO. 7

ADDRESS	Land adjacent to 37 Rockside View, Matlock
REQUEST RECEIVED	A request has been received from the owner of 37 Rockside View, Matlock to incorporate the land into their curtilage for residential garden extension purposes.
DESCRIPTION/LOCATION	Strip of grassed open space land adjacent to the property 37 Rockside View, Matlock
OWNERSHIP	Derbyshire Dale District Council
LEGAL COVENANTS RESTRICTIONS	None apply
PLANNING	Would not support a planning application, an extension would harm the character and appearance of the area.
MAINTENANCE	No issues.
HEALTH & SAFETY/RISKS	None apply
OFFICER COMMENT	As below
RECOMMENDATION	To note that the applicant has been informed that we would not recommend the sale of this section of land for the purpose requested at this time.



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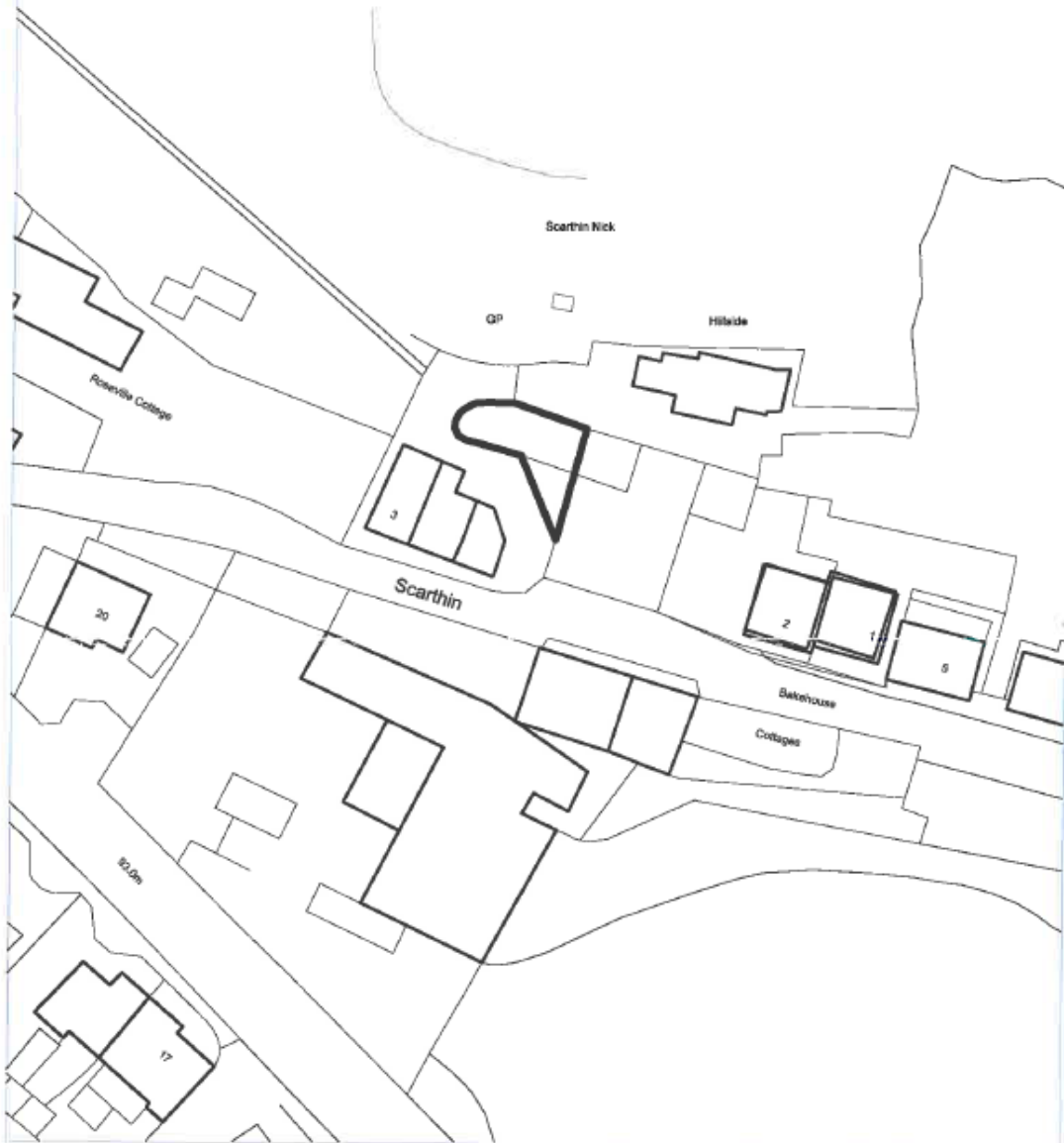
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LAND HOLDINGS REVIEW

SITE NO. 8

ADDRESS	Land adjacent to 88 Morledge, Matlock
REQUEST RECEIVED	A request has been received from the owner of 88 Morledge, Matlock to incorporate the land into their curtilage for residential garden extension purposes.
DESCRIPTION/LOCATION	Large area of open space land adjacent to 88 Morledge, Matlock
OWNERSHIP	Derbyshire Dales District Council does not own this section of land at the current time
LEGAL COVENANTS RESTRICTIONS	N/A
PLANNING	Would be opposed to any application which sought to incorporate this land into residential curtilage.
MAINTENANCE	N/A.
HEALTH & SAFETY/RISKS	None apply
OFFICER COMMENT	None
RECOMMENDATION	To note that interested party has been informed land not in DDDC ownership.

9



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Derbyshire Dales District Council, Town Hall, Bank Road,
Mastlock, Derbyshire, DE4 3NN.
Telephone: (01823) 761100.



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LAND HOLDINGS REVIEW

SITE NO. 9

ADDRESS	Land on North Side of Scarthin, Cromford
REQUEST RECEIVED	A request has been received from the owner of Hillside, Cromford to incorporate the land into their curtilage for residential garden extension purposes.
DESCRIPTION/LOCATION	Area of steeply sloping overgrown land incorporating retaining walls on the north side of Scarthin, Cromford
OWNERSHIP	Derbyshire Dales District Council
LEGAL COVENANTS RESTRICTIONS	None apply
PLANNING	No objection from Planning.
MAINTENANCE	No objection as the Council do not maintain this area.
HEALTH & SAFETY/RISKS	Potential risk to users of adjacent footpath if retaining wall fails.
OFFICER COMMENT	Given the future maintenance liabilities faced by the Council should the retaining walls require repairs, and the fact that there is no development potential, it is recommended that the land is sold on the terms below.
RECOMMENDATION	Transfer for a consideration of £500 subject to the purchaser obtaining planning consent for change of use and subject to the purchaser covering the Council's reasonable legal costs.



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LAND HOLDINGS REVIEW

SITE NO. 10

ADDRES	Land to the rear of 1 Steeple Grange, Wirksworth
REQUEST RECEIVED	A request has been received from the owner of 1 Steeple Grange, Wirksworth to incorporate the land into their curtilage for residential garden extension and parking purposes.
DESCRIPTION/LOCATION	An area of hard surfaced partially overgrown land used for informal car parking.
OWNERSHIP	Derbyshire Dales District Council.
LEGAL COVENANTS RESTRICTIONS	None apply
PLANNING	Any development would be harmful to the local environment and would be likely to meet a planning objection.
MAINTENANCE	Derbyshire Dales District Council do not maintain this area of land.
HEALTH & SAFETY/RISKS	Some potential trip hazards in car park –to be addressed.
OFFICER COMMENT	As below.
RECOMMENDATION	To note that the applicant has been informed that we would not recommend the sale of this section of land for the purpose requested at this time.