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26 October 2016

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 3 November 2016 at 6.00pm in the Council Chamber, Town Hall, Matlock.**

Yours sincerely

A handwritten signature in black ink, appearing to be "Sandra Lamb". The signature is fluid and cursive, with a large initial 'S'.

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.

2. APPROVAL OF MINUTES OF PREVIOUS MEETING

22 September 2016

3. PUBLIC PARTICIPATION

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

4. INTERESTS

Members are required to declare the existence and nature of any interests they may have in subsequent agenda items in accordance with the District Council's Code of Conduct. Those interests are matters that relate to money or that which can be valued in money, affecting the Member her/his partner, extended family and close friends.

Interests that become apparent at a later stage in the proceedings may be declared at that time.

5. QUESTIONS PURSUANT TO RULE OF PROCEDURE NUMBER 15

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

Page No.

6. LAND HOLDINGS REVIEW – PHASE 5

3 - 20

To consider whether 4 sites across the District in which queries or expressions of interest have been received should be retained or sold and the terms which would apply.

7. CHANGES TO CAPITAL PROGRAMME 2016-2017

21 - 26

To consider approval of a report outlining a business case for additional capital funding, to be included in the revised Capital Programme proposals for 2016/17 to 2019/20, that will be considered by Council on 24 November 2016, alongside other capital scheme business cases. Also to approve the implementation of these capital works, subject to approval of the funding by Council.

8. PROCUREMENT OF FITNESS EQUIPMENT

To consider a report on the procurement of fitness equipment at the District Council Leisure Centres.

REPORT TO FOLLOW

9. PRIORITISATION OF CAPITAL PROGRAMME BIDS FOR USE OF THE CAPITAL PROGRAMME RESERVE

27 - 30

To prioritise any capital projects approved at the meeting which might require financing from the Capital programme Reserve, prior to referral to the Council meeting on 24 November 2016.

10. REFERRED ITEM

31 - 32

To consider a recommendation from the Joint Consultative Committee meeting held on 13 October 2016, that a revised Sickness Absence Management Policy be adopted.

11. JOINT CONSULTATIVE GROUP: MINUTES OF 13 OCTOBER 2016

33 - 35

To receive the minutes of the Joint Consultative Group meeting held on 13 October 2016.

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

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

GOVERNANCE AND RESOURCES COMMITTEE
3 NOVEMBER 2016

Report of the Corporate Director and Deputy Chief Executive

LAND HOLDINGS REVIEW – PHASE 5

PURPOSE OF REPORT

Phase 5 of the Land Holdings Review covers 4 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 results of Public Open Space (POS) advertising undertaken on Site 1 and updated legal advice and that the interested party in respect of site 1 be informed that it is to be retained in the Council's ownership.
- 2 That the Committee notes the results of POS advertising undertaken on Sites 2 & 3 and taking into consideration comments, proceeds with the disposal of these 2 sites as indicated in Appendix 1 of this report.
- 3 That site 4 to be disposed of, subject to POS advertising, as indicated in Appendix 1 of this report.

WARDS AFFECTED

Ashbourne North, Bakewell and Stanton

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 5 of the Land Holdings Review covers 4 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

1 site is recommended for retention (site 1)

2 sites are recommended for disposal (site 2 and site 3)

1 site is recommended for disposal subject to POS advertising (site 4)

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 and advertise public open space disposals to consider public opinion.

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 £20,500, 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 has also been considered: prevention of crime and disorder, equality of opportunity, environmental, health, legal and human rights, financial, personnel 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

BACK TO AGENDA

LAND HOLDINGS REVIEW

SITE INDEX

SITES IN WHICH INTEREST HAS BEEN EXPRESSED

- 1 Land at Bakewell Recreation Ground
- 2 Land at Horse & Jockey Yard, Ashbourne
(easement only)
- 3 Land at Horse & Jockey Yard, Ashbourne
(land and easement)
- 4 Land at Northwood Recreation Ground and Land
adjoining the Recreation Ground

Land at Bakewell Recreation Ground



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Macclesfield, Derbyshire, DE4 3HN.
Telephone: (01628) 791100.



Scale 1: 500
19/10/2015

WWW.DERBYSHIREDALES.GOV.UK

LAND HOLDINGS REVIEW

SITE NO. 1

ADDRESS	Land at Bakewell Recreation Ground
REQUEST RECEIVED	A request has been received from the adjacent house owner to incorporate the site into his curtilage as residential garden land. In phase 3 the land was recommended for sale subject to Public Open Space (POS) advertising.
DESCRIPTION/LOCATION	A small strip of land adjacent to Bakewell Recreation Ground mainly covered with shrubs.
OWNERSHIP	Derbyshire Dales District Council
LEGAL COVENANTS RESTRICTIONS	After receiving objections during POS advertising period additional legal advice was requested and there was subsequently found to be a restrictive covenant requiring the land to be restricted in use to that of a public recreation park.
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	<p>When this was presented for sale in Phase 3 it was 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 and the sale was subsequently recommended.</p> <p>Public Open Space advertising was undertaken in accordance with LGA S123</p> <p>The advertising resulted in two objections being received within the consultation period. These are reproduced below along with a letter from the applicant. After the close of the</p>

	consultation period six other objections were received.
RECOMMENDATION	To retain ownership of the land and notify the applicant accordingly.

Objection No. 1

Head of Corporate Services,

June 16th 2016

Dear Sandra,

**PROPOSED SALE OF PART OF
RUTLAND RECREATION GROUND, BAKEWELL**

What is Derbyshire Dales District Council thinking of?

One would have thought that you would have carried out some research before advertising that you are to sell a parcel of land on Haddon Road, Bakewell. It is part of Rutland Recreation Ground.

You would have discovered that the land was gifted to the people of Bakewell for recreation purposes by the Duke of Rutland and the Marquis of Granby, it was accepted by the then Bakewell Urban District Council. I believe around 1923

You would have found out the land has a covenant on it and it is doubtful whether you are able to extract this portion of land for sale.

Some 68 years ago my father used to take us down to the Rec. My brothers used to have clockwork boats on the very large pool. I am aware it has been replaced twice since then. I as Chairman of the District opened the present play pool.

To suggest it would save money with reduced maintenance costs begs belief.

Are you aware the land has several mature trees on the site? They act as shade for the children using the play area. Do these trees have a tree preservation order on them?

Your children's play area would be greatly affected by the disposal of this plot of land.

When I first became a Councillor in 1975 the then Chief Executive of the then West Derbyshire District Council Roy Bubb said to me "save the Recreation Ground for the people of Bakewell".

Yours faithfully

Objection No. 2

Bakewell & District Civic Society

Founded 1972

Chairman: Mrs. Patricia E. Lunn, BSc., MA., MCIHort., FRSA
Riversdale Farm, Coombs Road, Bakewell, Derbys. DE45 1AR
Tel: 01629 813586; Email: patlunn@easynet.co.uk

16 June 2016

Head of Corporate Services,
Derbyshire Dales District Council,
Town Hall,
Matlock, Derbys. DE4 3NN

Dear Sir/Madam,

PROPOSED DISPOSAL OF OPEN SPACE RUTLAND RECREATION GROUND, BAKEWELL.

On behalf of the Bakewell & District Civic Society I wish to submit our strong objection to the sale of land at Haddon Road, Bakewell, which forms part of the Rutland Recreation Ground, recently advertised in the Matlock Mercury.

The area in question forms part of a parcel land gifted to the people of Bakewell for recreation purposes by the Duke of Rutland and the Marquis of Granby, ca. 1923, and received on their behalf by the then Bakewell Urban District Council. It is an important public open space in the town enjoyed by residents and visitors alike.

The Rutland Recreation Ground has a covenant on it (information previously given by the late Roy Bubb). It is therefore questionable to whether the Council can deem any part of the land to be excluded from the covenant.

The disposal of any portion of the land would diminish the amenity value of the Rutland Recreation Ground and particularly the children's play area.

An officer's comment in the Land Holdings Review, that the disposal would reduce maintenance costs in respect of the Rutland Recreation Ground to the Council should be not be a factor to be considered.

In addition, we note that the portion of land subject to this proposal contains a number of mature trees. It is our belief that they should have protection orders placed upon them, whether or not the disposal is undertaken.

Yours faithfully,



Patricia E. Lunn

Applicant's letter

Ref: Land at Haddon Road Recreation Ground Bakewell.

I am writing with regard to the proposed purchase of a small area of land referenced above. I understand there have been some issues raised by local residents and would like to respond to the points made.

Issue 1: The trees provide shade for the people using the splash pad area.

We have no desire to chop down trees unnecessarily, and we have no plan to remove the tree that would be located within our proposed boundary (this is the tree that provides shade) although please note it is located in the middle of a soil bed with shrubs and therefore is limited in the number of people that can sit beneath it. In addition, there is plenty of shade provided by the larger trees that overhang the area from Haddon Road.

The second tree in question is, I believe, unsafe and therefore needs removing, it is also located on the proposed upper border of the new boundary and because of its position provides no shade from the sun.

Issue 2: Noise

I am aware that a number of my neighbours have made complaints about the level of noise coming from the splash pad. The proposed purchase would include the planting of a robust hedge that would provide an equal sound barrier to the current hedge so that noise levels should not increase and affect our neighbours in any way –in fact it moves public noise further away from the complainant's property.

Issue 3: Public use

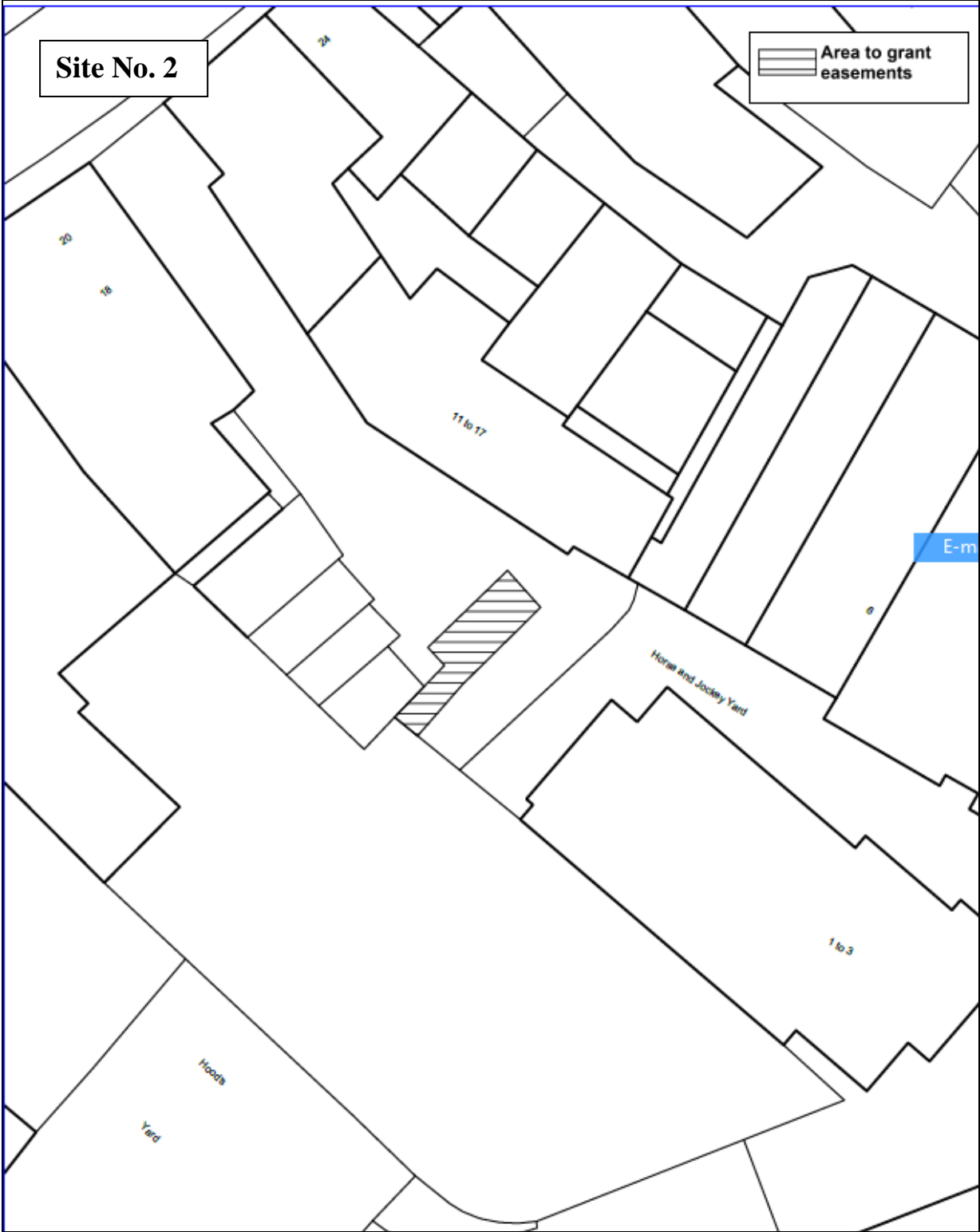
The proposed area of land for purchase is currently a small area of soil bed, over grown shrubs and hedge. Unfortunately, it is frequently used as a toilet by the people using the splash pad area. This is not only unsightly but also very unhygienic. Our proposal is to rebuild a satisfactory border and plant a hedge INSIDE the border, therefore taking away any hidden areas for people to use as a toilet.

We enjoy living in this area and would not wish our proposal to have a detrimental effect on the recreation ground. The proposed area of land is not used by the public (other than as an unofficial toilet!). Purchasing it would not take anything away from the splash pad area or the public's use of it, in fact it would mean less maintenance for the park groundsmen.

I trust the comments will be respected in the same way that the objections will.

Yours sincerely,


Land at Horse & Jockey Yard, Ashbourne (easement)



LAND HOLDINGS REVIEW

SITE NO. 2

ADDRESS	Land at Horse & Jockey Yard, Ashbourne
REQUEST RECEIVED	A request has been received from the adjacent owner who is developing a retail outlet to acquire an easement for installing underground services.
DESCRIPTION/LOCATION	<p>The site forms part of a larger area of land that forms part of the Horse & Jockey Yard. The top section of this yard is owned and maintained by the Council.</p> <p>The Horse & Jockey Yard provides a popular pedestrian access from Shawcroft Car Park.</p>
OWNERSHIP	Derbyshire Dales District Council
LEGAL COVENANTS RESTRICTIONS	<p>A utility provider has a statutory right to acquire easements for service connections but in practice prefer to acquire by negotiation.</p> <p>Public Open Space (POS) advertising will be required.</p>
PLANNING	There are no planning implications.
MAINTENANCE	The site is maintained by Estates. The site is in good condition having been resurfaced by the Council in 2014.
HEALTH & SAFETY/RISKS	None.
OFFICER COMMENT	<p>The development requires an easement for electricity and water across land that the Council owns. There are limited other options for accessing services. The area marked for the easement is indicative.</p> <p>In Phase 4, it was agreed that an easement be granted subject to POS advertising. Comments received have been in relation to the possible disturbance to trade when the cables/pipes are installed.</p> <p>As the consultation period closes on 01 November, a verbal update will be given should additional comments be received.</p>

	It is possible to delay the installation until January or February to avoid the Christmas shopping period.
RECOMMENDATION	Grant an easement as agreed in Phase 4 with conditions that work not proceed until January 2017 and disruption be kept to a minimum.

Land on the Horse & Jockey Yard, Ashbourne



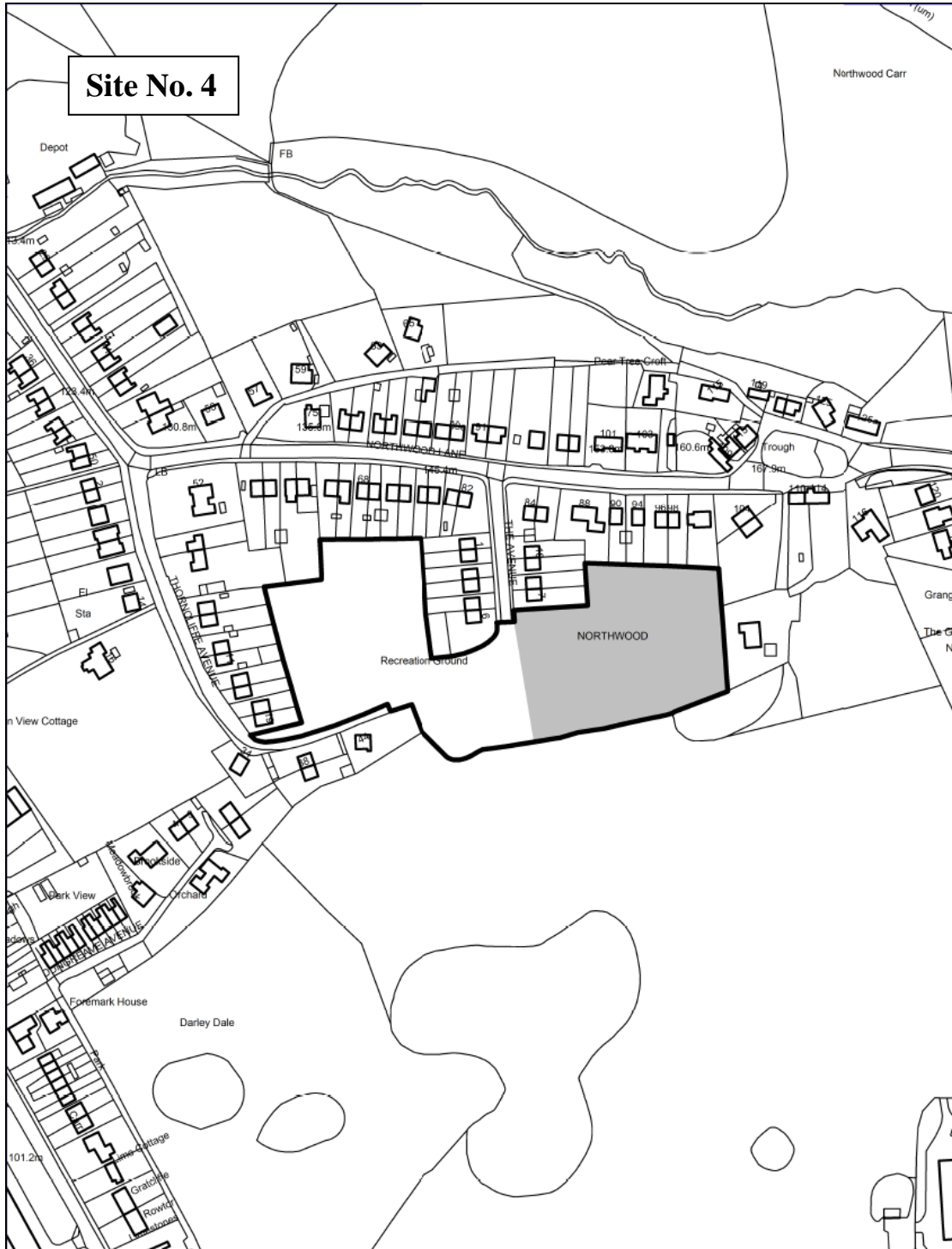
LAND HOLDINGS REVIEW

SITE NO. 3

ADDRESS	Land on the Horse & Jockey Yard, Ashbourne
REQUEST RECEIVED	A request has been received from the owner of 18-20 St John's Street to buy a 10m ² strip of land to build a slightly deeper shop than would otherwise be achieved. An easement for access to services is also required.
DESCRIPTION/LOCATION	<p>The site forms part of a larger area of land that forms part of the Horse & Jockey Yard. The top section of this yard is owned and maintained by the Council.</p> <p>The Horse & Jockey Yard provides a popular pedestrian access from Shawcroft Car Park.</p>
OWNERSHIP	Derbyshire Dales District Council
LEGAL COVENANTS RESTRICTIONS	<p>A utility provider has a statutory right to acquire easements for service connections but in practice prefer to acquire by negotiation.</p> <p>POS advertising would be required for the land and easement being sold.</p>
PLANNING	A planning consent for the development of the shop was granted in May 2016 and this shows the subject land as being converted to a shop.
MAINTENANCE	The site is maintained by Estates. The site is in good condition having been resurfaced by the Council in 2014.
HEALTH & SAFETY/RISKS	None.
OFFICER COMMENT	<p>It is considered that the sale of the land will not be detrimental to the continued use of this popular pedestrianised thoroughfare.</p> <p>The development requires an easement for electricity and water across land that the Council owns. There are limited other options for accessing services. The area marked for the easement is indicative.</p> <p>In Phase 4, it was agreed that an easement be granted subject to Public Open Space (POS) advertising. Comments received have been in relation to the possible disturbance to</p>

	<p>trade when the cables/pipes are installed</p> <p>As the consultation period closes on 01 November, a verbal update will be given should additional comments be received.</p> <p>To minimise disruption to trade it may be possible to delay the installation until January or February to avoid the Christmas shopping period.</p>
<p>RECOMMENDATION</p>	<p>Proceed with the sale of land as agreed in Phase 4.</p> <p>Grant an easement as agreed in Phase 4 with conditions that work not proceed until January 2017 and disruption be kept to a minimum.</p>

Northcliffe Recreation Ground & Land at to the east of Northcliffe Recreation Ground



LAND HOLDINGS REVIEW

SITE NO. 4

ADDRESS	Northcliffe Recreation Ground & Land at to the east of Northcliffe Recreation Ground
REQUEST RECEIVED	<p>A request has been received from Northwood & Tinkersley Parish Council (NTPC) to acquire the recreation ground and field to the east as a community asset transfer.</p> <p>There has also been an open market offer of £28,500 for the field to the east of the recreation ground for use for grazing purposes</p> <p>As part of Phase 3 LHR it was agreed that they be granted a stewardship agreement on the land at the east of Northcliffe Recreation Ground shown shaded grey. This would supersede that approval.</p>
DESCRIPTION/LOCATION	The site comprises the recreation ground and adjoining land. The Recreation ground is 2.3 acres (0.93 hect) and well maintained and contains play equipment and open grassed areas. The land adjacent is 1.8 acres (0.74 hect), remains unmown and is becoming untidy.
OWNERSHIP	Derbyshire Dales District Council
LEGAL COVENANTS RESTRICTIONS	<p>None affecting the proposed use if the land is transferred to NTPC.</p> <p>Legal advice suggests that granting a separate right of way over the private road serving the site (The Avenue) would be difficult to achieve without compromising access rights to the wider site which is the preferred access point for maintenance purposes.</p> <p>POS advertising would be required on any disposal.</p>
PLANNING	The land to the east of the recreation ground was included in the sites assessed for potential residential land allocations for the Local Plan. Following consideration, the site was classed as being undevelopable, mainly due to highway constraint as it is accessed by

	<p>a private road.</p> <p>Whilst use as grazing land is likely to be acceptable in planning terms, no other development would be possible for the reasons stated above.</p>
MAINTENANCE	<p>The site is maintained by Environmental Services Department. The recreation area is regularly mown and the area to the east would require mowing and clearance from time to time.</p>
HEALTH & SAFETY/RISKS	<p>None.</p>
OFFICER COMMENT	<p>It is considered that the sale of the land to NTPC will not affect the public use of this area as NTPC would maintain it as POS.</p> <p>Whilst the capital sum offered for the section of land requested for grazing purposes, it is considered that marketing this part of the site separately would be difficult due to the access restrictions stated above .</p> <p>Given the above ,together with the fact that such a proposal would lead to the loss of a substantial area of Public Open Space, it is considered that the capital offer should be declined and the whole area transferred to NTPC as Public Open Space with an appropriate clawback clause.</p>
RECOMMENDATION	<ol style="list-style-type: none"> 1. To decline the offer from a private individual to purchase part of the site for grazing purposes. 2. To agree the transfer of the whole site freehold to NTPC as Public Open Space at a peppercorn with an appropriate clawback clause.to apply subject to POS advertising and subject to NTPC paying the Council's reasonable legal, surveying and POS advertising costs.

BACK TO AGENDA

**GOVERNANCE AND RESOURCES COMMITTEE
3 NOVEMBER 2016**

Report of the Corporate Director and Deputy Chief Executive

CHANGES TO CAPITAL PROGRAMME 2016-2017

SUMMARY

This report outlines the additional capital funding required and recommends inclusion of these amounts in the revised Capital Programme proposals for 2016/17 to 2019/20 to be considered by Full Council.

RECOMMENDATIONS

That the business cases outlined in this report be referred to Council in November 2016, to be considered for funding alongside other capital scheme business cases and, if approved, capital works identified in Paragraphs 1.2.1 – 1.2.4 of this report be implemented.

WARDS AFFECTED

Matlock St Giles; Matlock All Saints; Darley Dale; Stanton

STRATEGIC LINK

The effective maintenance of the Council's property assets contributes to the value of value for money and the aim of providing excellent services as expressed in the Corporate Plan.

1 REPORT

1.1 BACKGROUND AND INTRODUCTION

1.2 ADDITIONAL CAPITAL PROGRAMME REQUIREMENTS

1.2.1 Arc Leisure Centre, Matlock – Boiler Room Ventilation Upgrades

The Arc Leisure Centre is heated by 3 gas powered Broag boilers linked to a gas powered Ener-g Combined Heat and Power (CHP) unit. Under normal operating conditions, the CHP unit will operate for the majority of the opening hours of the Centre, with up to 2 of the boilers operating in series dependent on demand. The CHP unit, in addition to acting as a heat source in its' own right, also generates electricity for use within the Centre thereby reducing electricity costs.

Following a routine audit inspection of the Arc boiler room at the time of the annual boiler service in April this year, a number of problems were identified. The first of these was that the flues serving the 3 boilers were suffering from extensive internal corrosion causing the dampers to fail on 1 of the units. This was identified as a maintenance issue and works are currently ongoing to renew the 3 flues to be funded from revenue.

The other issue identified was that, although it had passed all previous tests and had operated without issue since the centre opened, the level of ventilation available in the boiler room was found not to meet current standards. The particular issues identified were:-

- High and low level ventilation is taken from the same duct.
- Undersized low-level ventilation.
- CHP unit drawing combustion air from the plant room.
- CHP unit drawing cooling air from the plant room and mechanically extracting to outside.
- Negative pressure within the plant room.
- Positive pressure within chimney.
- Ventilation grilles require cleaning.

Immediate action was taken to remedy the last item and, in order to allow the Centre to continue to operate throughout the summer months it was agreed that 1 of the 3 boilers or the CHP unit alone could continue to operate at any time until the ventilation issues had been remedied.

Accordingly, the CHP unit has remained off since this time and the Centre has been operating on 1 boiler. Staff from Estates & Facilities have been working with Tomlinsons, Ener-g and Desco (the original Arc M&E Consultants) on a scheme to remedy this by fitting additional ventilation, hence this report.

The ventilation works required have 2 elements as follows:-

- New High Level Ventilation air for the three Broag boilers is to be provided by new louvers in the external boiler room wall. Additionally, the existing Nuair AM43 extraction fan mounted at high level is to be replaced with a larger unit and rotated so it supplies combustion air into the boiler room not extraction air. The existing ducting is to be modified at high level via removal of one of the attenuators, re-positioning of the new fan, re-positioning of the existing secondary attenuator, and new ducting to be installed to direct the combustion air towards the boiler room floor complete with manual vcd to control air flow. We have a quote for this work in the sum of £18,690.40 plus vat

- New updated and re-routed ductwork and modification of the acoustic enclosure to provide independent combustion and cooling air to the CHP unit from outside the boiler room. We have a quote for this work in the sum of £11,012.50 plus vat.

It is therefore recommended that an additional £30,000 is made available in the 2016/17 Capital Programme to finance these works. Following allocation of the funding, an appropriate contractor will be instructed to undertake the works.

1.2.2 Sparrow Park Play Area, Matlock – Drainage Works

This scheme has arisen following complaints received by the owner of a private property known as Anlic House in Matlock regarding water draining from the neighbouring District Council owned Sparrow Park Play Area/ Open Space. Sparrow Park is at a higher level than the subject property and is separated from it by a large retaining wall. In the spring of this year, the house owner noticed water running into their rear garden under the retaining wall in an area which has previously been dry. The water is muddy carrying with it silt deposits particularly in wet weather conditions and this is having a detrimental effect on the appearance and amenity value of the private garden to Anlic House.

Under Land Drainage law, it is the responsibility of the owner of the land from which the water originates to resolve this issue and accordingly, engineers from Derbyshire County Council (DCC) have investigated the source of the water and are currently specifying a scheme to remedy the problems experienced by Anlic House. This scheme has a budget cost of £20K inclusive of professional fees.

It is therefore recommended that £20K is made available in the 2016/17 Capital Programme to finance these works.

1.2.3 Relocation of Matlock Town Council Store Building from Hurds Hollow Nursery Site

Matlock Town Council (MTC) have a storage container on the Dimple Nursery site which is currently under offer to Westleigh for a Waterloo Homes Affordable Housing scheme providing 11 affordable homes

The container is the main Matlock Store for MTC and is used by their Works Officer in the maintenance of all MTC Town Centre Assets. MTC wish to find other accommodation in Matlock. As the requirement to relocate is due to the sale of District Council owned land, staff from Estates & Facilities have been working with MTC to identify a new site. As a result, suitable space has been found on the DDDC owned Dimple Garage site to accommodate a new (container based) store (subject to planning consent)

Discussions with MTC have established that they will cover the capital cost of the scheme (£15,500 inclusive of planning application fees) provided it is specified, procured and project managed by the District Council. On the basis that MTC will cover the capital cost, it is proposed to charge an annual rental of £200 per annum for a 15 year lease of the new site subject to MTC being responsible for the payment of the District Council's legal costs.

In order to secure vacant possession of the Nursery Site so that the affordable housing scheme is not delayed, it is recommended that £15,500 is made available in the 2016/17 Capital Programme to finance these works. On completion of the works, the actual cost of the works and planning fees or £15,500 (whichever is least) will be recharged to MTC. The costs of specifying and project managing the works will be borne by the District Council as our contribution to the scheme.

1.2.4 White Peak Cycle Loop Multi User Trail – Underpass link to A6, Matlock/Darley Dale

Members will recall previous reports outlining the various land transactions agreed with Derbyshire County Council (DCC) and other private land owners in order to enable the construction of a multi user trail with cycling rights (forming part of the White Peak Cycle Loop between Rowsley and Matlock).

Most of the construction work on this section of the trail will be completed by early November. However DCC have encountered unforeseen problems with the Office of the Rail Regulator (ORR) changing their advice during the planning process, resulting in there being no current legal way to allow cyclists to leave the section of the trail between Old Road, Darley Dale and Matlock (Opposite Arc Leisure Centre). Whilst DCC are still in correspondence with ORR over their stance with respect to this crossing point, this unfortunately means that there will be a significant delay in being able to promote and formally open the whole route (to cyclists).

Whilst DCC have planning consent to continue the trail from this crossing point down the western side of the railway which could eventually provide a very good route for trail users in terms of connectivity to any future development of Cawdor Quarry and into the railway and bus station and the centre of Matlock, this does involve major engineering works and significant associated costs due to having to share an existing railway bridge with the Peak Rail operation and convert Bridge 35 over the R Derwent into a shared use bridge to accommodate the trail and the railway. For this reason, this is seen as a much longer term aspiration.

Accordingly, the best solution at the current time would be to have an exit across the railway to come out onto the A6 and provide connections to Hooley Estate, the Arc Leisure Centre and the shared use pedestrian cycle route alongside the A6 to get into Matlock town centre. It is also something that should be more achievable in the short term and considerably cheaper. In the absence of being able to cross over the railway by means of a crossing, DCC have investigated the option of using of the existing adjacent underbridge. Unfortunately, this is considered not to be feasible due to the reduced headroom afforded by the presence of Severn Trent's combined sewer, the difficulty of getting this sewer moved and the impact that a new trail would have on the adjacent wildlife site which the District Council also receive income to manage through a Higher Level Stewardship Agreement.

The favoured solution at the moment is to construct a new purpose built underpass alongside the existing level crossing. A feasibility study has been carried out and a drawing which shows how the proposal could work is attached at Appendix 1. The estimated cost for the design and build of this scheme is in the region of £200,000. Ideally, funding permitting, DCC would proceed to the scheme initial design stage such that they can seek full planning permission and then finalised to the point that it could be built in the January –March 2017 window that they have when Peak Rail would consider closing the line to allow it to happen.

There are 2 areas where the District Council can assist in this matter as follows:-

- Land ownership issues – the land to the west of the railway is owned by the District Council but the land to the east between the railway and the A6 is owned by William Davis Homes who are keen to dispose of the land at no cost. As the District Council already has a Higher Level Stewardship Agreement over this land and hence receives an income for it, accepting a transfer of the land from William Davis Homes would make it a lot easier and quicker to sort out all the landowner permissions to get this new proposal built and operational. Should the Capital Funding below be approved, the proposed land transfer will be the subject of a separate report to the December meeting of this Committee.
- Finance – DCC does not have a budget for this additional work at present as their original budget was only for an improved rail crossing (gates, signage and surfacing). Their Project Manager is actively looking to see if any more budget can be secured, for both design and build stages. As the proposed link to the roadside cycle trail opposite Arc would be advantageous to the District Council from a Leisure and Tourism viewpoint, it is recommended that £20K is made available in the 2016/17 Capital Programme as our contribution towards the cost of these works which would be procured and project managed by DCC.

2 RISK ASSESSMENT

2.1 Legal

There are no legal considerations arising from the report at this stage as all matters are pre-contract. The legal risk is therefore low.

2.2 Financial

With the exception of the business case for the relocation of Matlock Town Council's store (which will be financed from a capital receipt from the Town Council), the financial risk associated with the business cases in this report is high. Funding for these projects will be considered by Council on 24th November, alongside other projects to be funded from the capital programme reserve. Members should be aware that there is a high risk that funding for all the proposed capital projects will not be available from the Capital Programme Reserve.

2.3 Corporate

Adoption of a planned effective maintenance programme based on accurate condition survey information will ensure that the District Council's properties remain in good condition and operating efficiently, reducing the risk of disruption to service delivery. An accurately costed programme also allows for informed decisions to be made about the suitability and cost effectiveness of each property.

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

For further information contact:

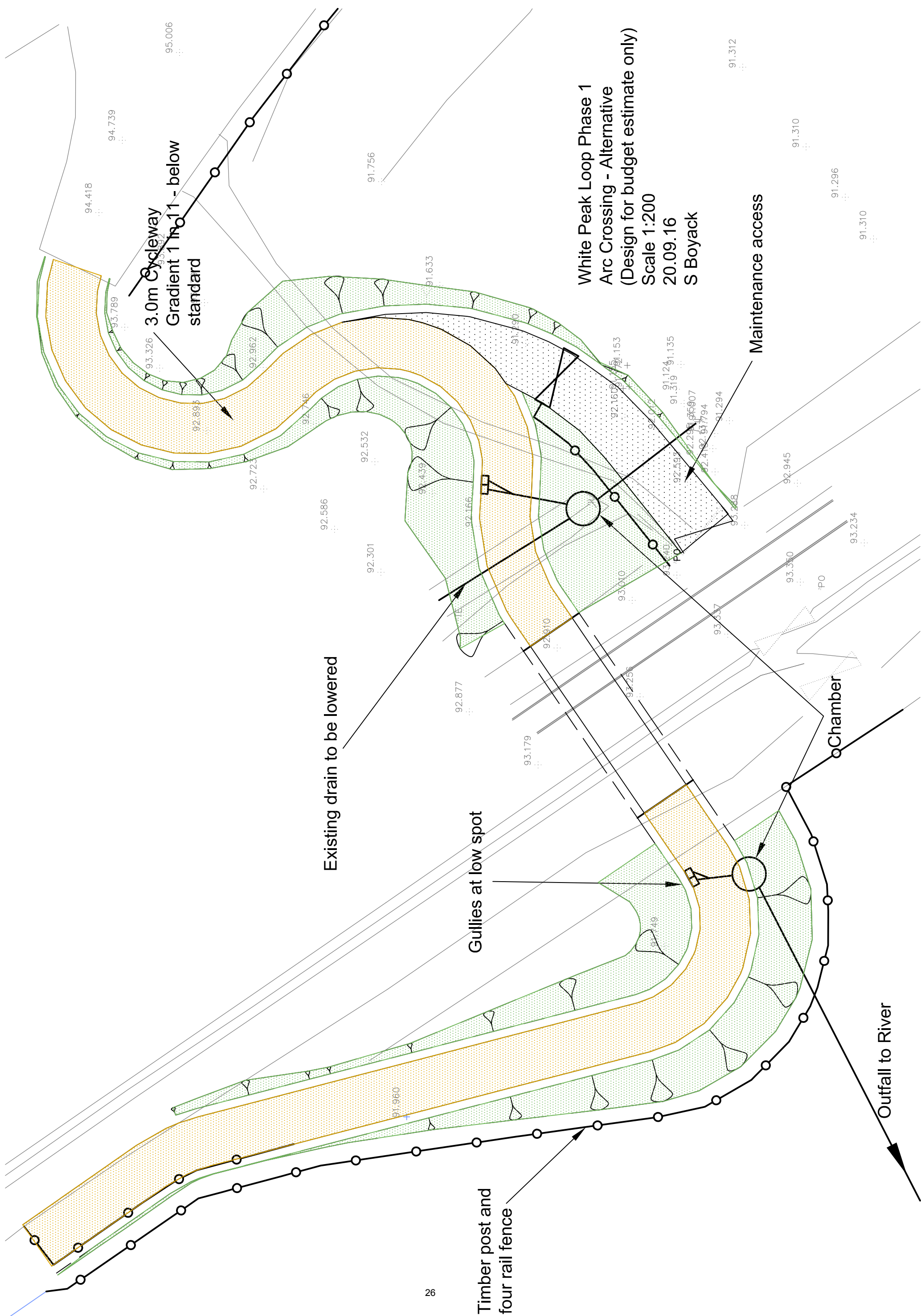
Mike Galsworthy 01629 761207 or

Email: mike.galsworthy@derbyshiredales.gov.uk

5 BACKGROUND PAPERS

None

BACK TO AGENDA



White Peak Loop Phase 1
 Arc Crossing - Alternative
 (Design for budget estimate only)
 Scale 1:200
 20.09.16
 S Boyack

3.0m Cycleway
 Gradient 1 in 11 - below
 standard

Existing drain to be lowered

Gullies at low spot

Maintenance access

Chamber

Outfall to River

Timber post and
 four rail fence

GOVERNANCE AND RESOURCES COMMITTEE
3 NOVEMBER 2016

Report of the Head of Resources

PRIORITISATION OF CAPITAL PROGRAMME BIDS FOR USE OF THE CAPITAL PROGRAMME RESERVE

PURPOSE OF REPORT

This report asks Members to prioritise any capital projects approved at this meeting, which might require financing from the Capital Programme Reserve. This will be taken into account at the Council meeting on 24th November, when requests for funding will be considered.

RECOMMENDATION

That Members prioritise the bids for the capital programme in respect of any new capital projects approved at this meeting that might require financing from the capital programme reserve.

WARDS AFFECTED

None

STRATEGIC LINK

The Council's Capital Programme takes into account all the priorities and targets within the Corporate Plan and these are identified in the Capital Strategy.

1 REPORT

- 1.1 Earlier in this meeting, members have considered several reports that sought approval for new capital projects. It was indicated in the reports that any new projects approved by this Committee will have to be referred to the Council meeting on 24th November for approval of funding.
- 1.2 Members will be aware that funding for new capital projects is becoming depleted. To deal with the possibility that the balance on the capital programme reserve is insufficient to finance all new projects, this report asks Members to prioritise any capital projects approved at this meeting, so that the Committee's relative priorities can be taken into account when the requests for funding are considered at the Council meeting on 24th November, alongside any capital projects referred from the Governance & Resources Committee.

1.3 The table below shows the capital projects submitted for approval at this meeting, together with a suggested score set by the Corporate Leadership Team (CLT). The CLT's scores reflect the following criteria:

- Statutory need (including health and safety)
- Reputational and political risk (of not delivering the project)
- Likelihood of complaints
- Ability to generate revenue income
- Match with corporate plan priorities
- Capacity of the Council to deliver and to meet deadlines
- Commitments to other organisations.

Details of the CLT scores are provided in Appendix 1. A high CLT score reflects a project that meets the criteria.

Capital Project	Amount	CLT score (see Appendix 1)	Committee priority*
Arc Leisure Matlock - Boiler room ventilation project	£30,000	85%	
Drainage works – Sparrow Park, Matlock	£20,000	42%	
Replacement of Fitness Equipment at Leisure Centres	£250,000	78%	
Capital contribution to White Peak Cycle Loop	£20,000	59%	

*Members are requested to prioritise any projects approved at this meeting, by scoring the most important as 1, second most important as 2, etc.

2 RISK ASSESSMENT

2.1 Legal

There is no legal risk arising from this request to prioritise projects.

2.2 Financial

While there is no financial risk arising from this request to prioritise capital projects, Members should be aware that there is a high risk that funding for all the proposed capital projects will not be available from the Capital Programme Reserve.

2.3 Corporate Risk

The Corporate Leadership Team has reflected the corporate risks when scoring these projects.

3 OTHER CONSIDERATIONS

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

4 CONTACT INFORMATION

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

5 BACKGROUND PAPERS

None

6 ATTACHMENTS

Appendix 1 – Corporate Leadership Team scoring of capital programme reserve bids

Corporate Leadership Team Scores for Capital Programme Reserve Bids – Governance & Resources Committee

PROJECT	DESCRIPTION	PRIORITY SCORE	ESTIMATED COST £	STATUTORY INC HEALTH AND SAFETY Up to 20%	REPUTATIONAL & POLITICAL RISK Up to 15%	LEVEL OF COMPLAINTS Up to 5%	CORP. PLAN PRIORITIES & INCOME GEN'N Up to 10%	COMMITMENTS TO OTHER ORGANISATIONS Up to 10%	CAPACITY TO DELIVER Up to 20%	IS THERE A CRITICAL DEADLINE? Up to 20%
Arc Leisure Matlock - Boiler room ventilation project	Works necessary to increase ventilation in the boiler room to meet current standards	85	30,000							
Sparrow Park, Matlock - Drainage works	Works required to fulfil the Council's obligations under Land Drainage law.	42	20,000	10	15	5	10	5	20	20
Replacement of Fitness Equipment at Leisure Centres	Replacement gym equipment as Ashbourne Leisure Centre and Arc Leisure Matlock and relocation of existing equipment from those facilities to Bakewell and Wirksworth.	78	250,000	10	5	5	2	0	10	10
Capital contribution to White Peak Cycle Loop	Contribution to Derbyshire County Council towards an improved rail crossing opposite Arc Leisure, Matlock	59	20,000	3	15	5	10	5	20	20
				5	10	0	4	10	20	10
TOTAL			320,000							

BACK TO AGENDA

**GOVERNANCE AND RESOURCES
3 NOVEMBER 2016**

Report of the Chief Executive

REFERRED ITEM

SUMMARY

To consider a recommendation from the Joint Consultative Committee meeting held on 13 October 2016, that a revised Sickness Absence Management Policy be adopted.

RECOMMENDATION

That the updated Sickness Absence Management Policy be adopted.

WARDS AFFECTED

All

STRATEGIC LINK

Managing Sickness Absence Management and reviewing and continually improving policies supports the District Council's values of working in partnership to provide affordable quality service and valuing its employees.

1 REPORT

The relevant minute of the Joint Consultative Committee is reproduced in full, below, to assist Members' understanding of the issues involved, with the recommendation to be approved marked by an arrow (→).

REVIEW OF SICKNESS ABSENCE MANAGEMENT

The Human Resources Manager presented a report giving details of the improved sickness absence statistics since the introduction of the new Sickness Absence Management policy.

Since the introduction of the new policy, the average number of days lost per full time equivalent employee for 2015/16 reduced to 7.28 days lost compared with 10.12 days lost in 2014/15. With an average salary of £70 per day this equates to a saving of around £36,220 in sick pay. At 7.38 days the District Council is now in the lower quartile of days lost by Derbyshire Authorities with a mean average of 9.53 days across the county.

Concurrent with launching the policy, the District Council increased its support to staff by offering self-referral to Derwent Rural Counselling. During this period, 7 staff sought support and an additional 10 employees were referred to occupational health. At the end of 2015/16 the Chief Executive wrote to 102 staff to give recognition and thanks for 100% attendance, compared with 79 staff in June 2014.

The new policy states that updates can be made as a result of changes in legislation, best practice or learning from implementing the policy. Changes to the Policy Statement require Committee approval whilst changes to the Guidance Notes can be approved by the Corporate Leadership Team.

After the first financial year of implementation and after discussions at senior management team level and the Corporate Leadership Team (CLT), the following changes to the guidance notes have been approved by CLT:

- To retain the current 'trigger points' for review of absence
- To exclude surgery from 'triggers' for short term absence but retain in long term absence
- That managers can retain 3 month review periods following a warning but must record the review meeting date in their diary.
- To include more guidance as to when further warnings are appropriate
- To include more guidance for ill health retirement

In addition to the above, CLT support that the Committee recommends to the Governance & Resources Committee that Formal Absence Warnings are re-named as Formal Absence Notifications. This change needs Committee approval as 'warnings' are part of the policy statement. In changing to "Formal Absence Notification" employees are being notified that their absence is causing operational difficulty or that the level of absence is unacceptable.

It was moved by Councillor Purdy seconded by Councillor Furness and

AGREED

(Unanimously)



That the improved Sickness Absence statistics for 2015/16 are noted and that the Governance and Resources Committee be recommended to adopt an update to the Sickness Absence Management Policy.

BACK TO AGENDA



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For assistance in understanding or reading this document or specific information about these Minutes please call the Democratic Services on 01629 761133 or e-mail committee@derbyshiredales.gov.uk

JOINT CONSULTATIVE GROUP

Minutes of a Meeting held on Thursday 13 October 2016 in the Council Chamber, Town Hall, Matlock at 2.30pm

PRESENT Councillor Albert Catt - In the Chair
Councillors Sue Burfoot, Chris Furness, Joyce Pawley and Garry Purdy
Representing UNISON – Neil Mather, and Ashley Watts
Representing GMB – Sandra Lamb
Dorcas Bunton (Chief Executive), Deborah Unwin (Human Resources Manager) and Annette Reading (Democratic Services Assistant)

APOLOGIES

Apologies for absence were received from Councillors Steve Flitter, Jean Monks and Lewis Rose, Jon Bradbury (GMB) and Andy Cairns (UNISON). Councillors Sue Burfoot and Chris Furness attended as substitute members.

ELECTION OF CHAIRMAN FOR 2016/2017

It was moved by Councillor Garry Purdy, seconded by Councillor Chris Furness and

AGREED That Councillor Albert Catt be elected Chairman of the Joint Consultative Committee until the next annual meeting of the Council.
(Unanimously)

APPOINTMENT OF VICE CHAIRMAN FOR 2016/17

It was moved by Sandra Lamb, seconded by Neil Mather and

AGREED That Ashley Watts be appointed Vice-Chairman of the Joint Consultative Committee until the next annual meeting of the Council.
(Unanimously)

MINUTES

It was moved by Councillor Catt, seconded by Councillor Garry Purdy and

AGREED That the minutes of the meeting of the Joint Consultative Group held on 31 March 2016 be approved as a correct record.
(Unanimously)

REVIEW OF SICKNESS ABSENCE MANAGEMENT

The Human Resources Manager presented a report giving details of the improved sickness absence statistics since the introduction of the new Sickness Absence Management policy.

Since the introduction of the new policy, the average number of days lost per full time equivalent employee for 2015/16 reduced to 7.28 days lost compared with 10.12 days lost in 2014/15. With an average salary of £70 per day this equates to a saving of around £36,220 in sick pay. At 7.38 days the District Council is now in the lower quartile of days lost by Derbyshire Authorities with a mean average of 9.53 days across the county.

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In addition to the above, CLT support that the Committee recommends to the Governance & Resources Committee that Formal Absence Warnings are re-named as Formal Absence Notifications. This change needs Committee approval as 'warnings' are part of the policy statement. In changing to "Formal Absence Notification" employees are being notified that their absence is causing operational difficulty or that the level of absence is unacceptable.

It was moved by Councillor Purdy seconded by Councillor Furness and

AGREED

(Unanimously)

That the improved Sickness Absence statistics for 2015/16 are noted and that the Governance and Resources Committee be recommended to adopt an update to the Sickness Absence Management Policy.

EMPLOYEE GROUP – NOTES OF THE MEETINGS HELD ON 27 JULY 2016

It was moved by Councillor Furness seconded by Councillor Burfoot and

AGREED That the notes of the Employee Group meeting held on 27 July 2016
(Unanimously) be received.

SAFETY COMMITTEE – NOTES OF MEETINGS HELD ON 20 APRIL AND 15 JULY 2016

It was moved by Councillor Pawley, seconded by Councillor Furness and

AGREED That the notes of the Safety Committee meetings held on 20 April
(Unanimously) and 15 July 2016 be received.

Meeting Closed 3.10pm.

Chairman

BACK TO AGENDA