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Wednesday, 16 November 2022

To All Councillors:

As a Member of the **Council**, please treat this as your summons to attend a meeting on **Thursday, 24 November 2022 at 6.00 pm** in the **Council Chamber, Town Hall, Matlock, DE4 3NN**

Yours sincerely,

James McLaughlin
Director of Corporate and Customer Services

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AGENDA

1. APOLOGIES FOR ABSENCE

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

2. PUBLIC PARTICIPATION

To enable members of the public to ask questions, express views or present petitions, **IF NOTICE HAS BEEN GIVEN**, (by telephone, in writing or by email) **BY NO LATER THAN 12 NOON OF THE WORKING DAY PRECEDING THE MEETING**. As per Procedural Rule 14.4 at any one meeting no person may submit more than 3 questions and no more than 1 such question may be asked on behalf of one organisation.

3. APPROVAL OF MINUTES OF PREVIOUS MEETING (Pages 5 - 18)

29 September 2022

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 the time.

5. LEADERS' ANNOUNCEMENTS

Announcements of the Leader of the Council.

6. CHAIRMAN'S ANNOUNCEMENTS

Announcements of the Civic Chairman.

7. COMMITTEES

To receive the non-exempt Minutes of the Committees shown below:

Non-exempt Minutes to be received:	Date
Planning Committee	13 September 2022
Licensing and Appeals Committee	21 September 2022
Governance and Resources Committee	22 September 2022
Council	29 September 2022
Planning Committee	11 October 2022
Community and Environment Committee	01 November 2022
Planning Committee	08 November 2022

Minute Book to follow

8. QUESTIONS (RULE OF PROCEDURE 15)

Questions, if any, from Members who have given notice.

9. PROPOSAL OF A NOTICE OF MOTION (RULE OF PROCEDURE 16) (Pages 19 - 20)

The Council will debate the following Motion, submitted by Councillor Peter Slack, in accordance with Rule of Procedure 16.

"That the District Council be approved as a Council for Fair Tax Declaration".

10. APPOINTMENT OF A CHAIR AND VICE-CHAIR TO SCRUTINY COMMITTEE

To take nominations and elect a Chair and Vice-Chair of the Scrutiny Committee for the 2022/23 municipal year.

11. ADDITIONAL FUNDING FOR FREEDOM LEISURE DUE TO THE INCREASED COST OF ENERGY (Pages 21 - 32)

A request for additional funding for Freedom Leisure to operate the 4 leisure centres across the district due to the increased cost of energy up to 31 March 2023.

12. HURST FARM HERITAGE TRAIL LOTTERY BID APPROVAL (Pages 33 - 60)

The Hurst Farm Regeneration project has been in place since September 2017. The project is delivering across several headings, the most recent being the award of a £1.2m Heritage Lottery Fund (HLF) grant that will deliver a new footpath around the estate, linking four key heritage assets. Numerous other projects and services will also be delivered within the programme. The funding body for the HLF grant require the Council to enter in to a Funding Agreement. This report therefore seeks the Council's support to sign the Funding Agreement and be bound by the terms of the agreement.

13. CAPITAL PROGRAMME BUDGET MONITORING 2022/23 AND FURTHER CAPITAL PROJECTS PROPOSALS (Pages 61 - 86)

This report presents the current financial position of spend against the 2022/23 Capital Programme as at 30th September 2022 and seeks approval for an updated Capital Programme for 2022/23 to 2025/26 and associated financing.

14. AMENDED REVENUE OUTTURN 2021/22 (Pages 87 - 96)

In July 2022 the provisional outturn was calculated as £732,113. This was approved by Council on 28th July 2022. Following that report the production of the statutory Statement of Accounts continued. This process highlighted a number of errors which needed to be corrected, some of which have adjusted the overall surplus, and therefore transfer to general fund reserves. These corrections are significant, increasing the surplus from £732,113 to £2,395,035. This report describes the impact of the corrections and seeks approval for the additional surplus to be transferred to specific reserves.

15. GYPSY AND TRAVELLER TEMPORARY SITE PROVISION IN THE DISTRICT (Pages 97 - 136)

Report of the Gypsy and Traveller Site Provision Working Group.

16. EAST MIDLANDS DEVOLUTION DEAL AND MAYORAL COMBINED COUNTY AUTHORITY (Pages 137 - 184)

The report updates members of the details contained within the East Midlands Devolution Deal along with the progress so far and next steps. The report also seeks Council agreement to participate in discussions related to the implementation of the deal.

17. CLEAN AND GREEN REVIEW - UPDATE REPORT (Pages 185 - 196)

The report outlines the work to date on the strategic review of Council's Clean and Green Service. This includes the review of the service by the Association of Public Service Excellence (APSE) and the involvement of staff, management and unions in that review.

18. INDEPENDENT REMUNERATION PANEL - APPOINTMENT OF ADDITIONAL MEMBER (Pages 197 - 200)

This report recommends the appointment of an additional person as a member of the Independent Remuneration Panel to review Members' Allowances for a four year period.

19. CORPORATE PLAN 2020-24 - PERFORMANCE 2022/23 AND PRIORITIES 2023/24 (Pages 201 - 220)

The report advises Members of performance against the District Council's Corporate Plan targets during the first six months of 2022/23. The report also sets out for Members consideration a proposed set Corporate Plan priority target areas for 2023/24, which if adopted will enable service planning and budget preparation to take place in good time for March 2023. Work on the future Corporate Plan post-2024 is noted.

20. ORGANISATIONAL HEALTH - KEY PERFORMANCE INDICATORS - MID-YEAR 2022/23 (Pages 221 - 228)

This report summarises performance against the District Council's 12 Key Performance Indicators for the first half of 2022/23. The report highlights where the organisation is performing strongly and areas for improvements.

NOTE

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Council

Minutes of a Council meeting held at 6.00 pm on Thursday, 29th September, 2022 in the Council Chamber, Town Hall, Matlock, DE4 3NN.

PRESENT Councillor Andrew Shirley - In the Chair

Councillors: Robert Archer, Jason Atkin, Richard Bright, Matt Buckler, Neil Buttle, David Chapman, Tom Donnelly, Graham Elliott, Steve Flitter, Chris Furness, Dawn Greatorex, Alyson Hill, Susan Hobson, David Hughes, Stuart Lees, Tony Morley, Dermot Murphy, Peter O'Brien, Garry Purdy, Mike Ratcliffe, Mark Salt, Peter Slack, Alasdair Sutton, Colin Swindell and Steve Wain

Paul Wilson (Chief Executive), Tim Braund (Director of Regulatory Services), Karen Henriksen (Director of Resources), James McLaughlin (Director of Corporate and Customer Services (Monitoring Officer)), Caroline Leatherday (Business Support Manager), Vikki Hatfield (Neighbourhoods Manager), Alena Greenwood (Community Safety Officer) and Tommy Shaw (Democratic Services Team Leader)

Note:

“Opinions expressed or statements made by individual persons during the public participation part of a Council or committee meeting are not the opinions or statements of Derbyshire Dales District Council. These comments are made by individuals who have exercised the provisions of the Council’s Constitution to address a specific meeting. The Council therefore accepts no liability for any defamatory remarks that are made during a meeting that are replicated on this document.”

APOLOGIES

Apologies for absence were received from Councillor(s): Sue Bull, Jacqueline Allison, Martin Burfoot, Sue Burfoot, Paul Cruise, Richard FitzHerbert, Helen Froggatt, Clare Gamble, Michele Morley, Claire Raw, Janet Rose, Andrew Statham and Mark Wakeman.

145/22 - APPROVAL OF MINUTES OF PREVIOUS MEETING

It was moved by Councillor Jason Atkin, Seconded by Councillor Chris Furness and

RESOLVED

That the minutes of the meetings of Council held on 26th July 2022 (Extraordinary Meeting) and 28th July 2022 be approved as a correct record.

Voting

25 For

0 Against

1 Abstained

The Chairman declared the motion **CARRIED**.

146/22 - PUBLIC PARTICIPATION

Re: Agenda Item 11 – Community Governance Reviews – Final Recommendations

In accordance with the procedure for public participation, Mr Simon Haslam (local resident) and Mr Jeremy Higham (South Darley Parish Council) made statements on the Community Governance Reviews.

Re: Agenda Item 17 – Establishment of Gypsy and Traveller Site Provision Working Group

In accordance with the procedure for public participation a signed statement was received from the residents of Ashbourne regarding the Traveller Site situated on Clifton Road.

147/22 - INTERESTS

There were no declarations of interest.

148/22 - LEADERS' ANNOUNCEMENTS

Councillor Garry Purdy, Leader of the Council, made the following statement:

“In the 1970’s OPEC affected the price of oil, and by 1973 inflation was raging up to 17%, and soon after to 25%. It brought the Heath Government down. My Wife and I had just bought our first house, the oldest cottage in Matlock built circa 1754 and if it was not for the help of our Parents we would have sunk. And so I understand and sympathize with those that are suffering today

With the benefit of hindsight, life in 1970 appears to have been ludicrously cheap. A loaf of bread cost 9p and the average weekly wage was around £32. Today, a loaf costs £1.37 and average weekly wages are circa £500.00 to £600.00.

I thought it would be useful to inform you, with thanks to Rob & Tim, on what the Authority is doing to help the vulnerable:

- 1. Home insulation scheme – We have already improved over 200 homes in the social and private sectors.*

2. *Debt reduction and income increases – our ongoing support through our own Home Options service, plus our work with Citizens Advice and Age UK both increases income and reduces debt by £1.5million per year for Derbyshire Dales residents*
3. *Our own Council housing – we let this out at affordable Social Rents, pegged at the Local Housing Allowance rate meaning they are the lowest rents chargeable in the affordable housing sector*
4. *We are achieving Energy Performance Certificate B ratings on all our retrofit Council homes including solar panels and battery technology. Our new build properties will achieve EPCA A ratings*
5. *We are supporting Notts Community Housing Association with a grant of £0.5million to build the most energy efficient social housing scheme in the District, being off gas and heated by air source heat pumps and solar panels*
6. *Our work with Almshouses Charities is improving some of the worst performing energy efficient homes in the District, reducing bills for those on the lowest income.*
7. *By the end of October we will have distributed £300,000 of the Household Support Fund to residents at risk of eviction from rent arrears and helping others to furnish and move into affordable housing, about 500 people in total*
8. *We support a range of voluntary and community sector organizations to help our residents through providing food, advice and legal representation*
9. *The District Councils Homelessness Team continue to assist those threatened with homelessness and support residents to either keep their existing tenancy or find a new home*
10. *We are targeting action in private rented housing to aim for an at least EPC E rating energy efficiency*
11. *We are providing community advice on energy efficiency and taking our Exhibition around the Derbyshire Dales through the use of the Fantastic Homes exhibition*
12. *There is a lot of investigative work with our Partners such as Derbyshire County Public Health on a Warm Spaces initiative, whereby public spaces are opened up to those who have difficulty keeping themselves warm*
13. *And as you know we are decarbonizing our own buildings to reach our Climate Change Policy of Zero carbon by 2030*

Derbyshire County Council is also carrying out similar work in the County and anyone in need of help and assistance is advised to contact Call Derbyshire on Tel: 01629 533190.

Finally, myself and Andrew Stokes, Chief Executive of High Peak are Leading on a Vision Derbyshire project entitled Proactive Communities and which covers five themes – Domestic Violence – Community Impact Assessment re Covid – The Voluntary Community Sector – Social Care and the Walk Derbyshire health initiative.”

149/22 - CHAIRMAN'S ANNOUNCEMENTS

Councillor Graham Elliott, Civic Chairman, made the following statement:

“On the 29th of July I attended the official opening of the Pavillion on Cokayne Ave in Ashbourne. The event was well attended and included a number of Derbyshire Dales employees and District Councillors who had been instrumental in this £1 million project. A fantastic achievement for all those involved. The ribbon was cut by our MP Sarah Dines and was followed by speeches and much needed refreshments. A very pleasant afternoon in the sunshine.

On the 10th August, I attended the “Name the Crane” event in Matlock. The day was well supported by both young and old and again included Sarah Dines and Matlock Town Mayor Cllr Paul Cruise. It was a blisteringly hot day and the much needed refreshments were plentiful. I did notice that parents were having as much fun with the diggers as the children. My thanks go out to the organisers and all those involved, an excellent PR event.

On the very wet afternoon of the 9th of September, floral tributes were laid by Councillors Purdy, Hobson and myself on the Park Head in tribute to Her late Majesty Queen Elizabeth II.

I’m sure all members are aware that I had the honour of reading out the Proclamation in Hall Leys Park on the afternoon of the 11th September. Very well attended and I have received numerous messages of thanks for our Council’s involvement.

On the 14th September, we attended the Cathedral to represent the Derbyshire Dales District in a service of thanksgiving. The Cathedral was packed and included many Civic dignitaries together with our Chief Executive and Council Leader. A very moving ceremony.

On the 18th September, we attended St Giles Church in Matlock for a service of thanksgiving. The event was well attended and my thanks go to Councillor Cruise for the invitation.

Yesterday lunch time, we attended the unveiling ceremony of “Name the Crane”. The event attracted over 1400 votes. The competition winner and name was announced by Matlock Town Mayor Cllr Paul Cruise. The occasion was also attended by our MP Sarah Dines.”

150/22 - COMMITTEES

It was moved by Councillor Susan Hobson, seconded by Councillor Tom Donnelly and

RESOLVED (unanimously)

That the non-exempt minutes of the Committees listed in the Minute Book for the period 14th July 2022 to 08th September 2022 be received.

The Chairman declared the motion **CARRIED**.

151/22 - QUESTIONS (RULE OF PROCEDURE 15)

No questions were received.

152/22 - PROPOSAL OF A NOTICE OF MOTION (RULE OF PROCEDURE 16)

The Council considered a motion submitted by Councillor Garry Purdy in accordance with rule of procedure 16.

At the meeting, it was moved by Councillor Garry Purdy and seconded by Councillor Steve Flitter as follows:

“This Council, on behalf of the residents of the Derbyshire Dales, place on record our sincere and deepest appreciation for the life of service and dedication given by Her Late Majesty, Queen Elizabeth II.

Her Majesty was a much loved and respected Monarch, who visited our district a number of times during her long reign and touched the lives of residents, companies and organisations in the Derbyshire Dales. She will be greatly missed and forever remembered by the people of our District.

We celebrate an amazing life of duty and give thanks that Her Late Majesty was part of our lives. We send our heartfelt condolences to His Majesty, King Charles III and his family at this saddest of times.”

The motion was put to the vote and met with unanimous approval.

The Chairman declared the motion **CARRIED**.

153/22 - COMMITTEE MEMBERSHIP

It was moved by Councillor Garry Purdy, seconded by Councillor Susan Hobson and

RESOLVED (unanimously)

That Councillor Janet Rose be appointed to the Planning Committee.

The Chairman declared the motion **CARRIED**.

154/22 - COMMUNITY GOVERNANCE REVIEWS- FINAL RECOMMENDATIONS

The Director of Corporate and Customer Services introduced a report providing details of responses received and proposals to make a Community Governance Order in response to the issues raised regarding the proposals to move Civil Parish Borders.

Members were informed that the Local Government and Public Involvement in the Health Act 2007 devolves the power to take decisions about matters such as the creation of parishes and their electoral arrangements to local government and local communities in England. These powers are exercised through carrying out a Community Governance Review as and when required.

It was noted that at a meeting of the Council on the 26th May 2022 authority was delegated to the Director of Corporate and Customer Services to commence initial general consultation in the first stage of a Community Governance Review to look at the electoral arrangements for Parish Councils situated in the new District Council Wards of Darley Dale and Matlock West.

In light of feedback received during the initial consultation, the Council authorised the Director of Corporate and Customer Services to commence consultation on specific proposals to move Civil Parish Borders so that:

- Part of the Civil Parish of South Darley would fall within the Civil Parish of Matlock.
- The Morledge estate currently in the Civil Parish of Darley Dale moves to the Civil Parish of Matlock.
- The Civil Parish of Northwood and Tinkersley moves to the Civil Parish of Darley Dale.

It was moved by Councillor Colin Swindell, seconded by Councillor Steve Flitter and

RESOLVED (unanimously)

1. That a Community Governance Order be made, to change the boundaries of the civil parishes of Matlock and South Darley as proposed.
2. That representations be made to the Local Government Boundary Commission for England asking them to make a related alteration order to amend the boundaries of the Matlock West Ward to reflect the revised parish boundaries.
3. That no further action be taken on proposed changes to the boundaries of the civil parishes of Darley Dale and Northwood and Tinkersley.

The Chairman declared the motion **CARRIED**.

155/22 - DISPENSATIONS FOR NON-ATTENDANCE AT COUNCIL MEETINGS

The Director of Corporate and Customer Services introduced a report seeking a dispensation for two Councillors in respect of a continued period of absence from Council and Committee meetings for a period of two consecutive months until 20 November 2022 for Councillor Michele Morley and three months until 31 December 2022 for Councillor Sue Bull.

It was noted that on the 27 April 2022, the Council gave approval to a dispensation for Councillor Michele Morley from attending meetings of the Council for a period of six months commencing on 6 May 2022, thus nullifying the disqualification to hold office for a six month period. It was addressed that in the same meeting, Members noted that it would be necessary for the Council to consider a further report should an extension to the dispensation be necessary for a period of time beyond 6 November 2022.

Members were further informed that Councillor Sue Bull had also given notice to the Proper Officer that she would be unable to attend meetings of the Council, its Committees or any outside bodies on which she represents the authority for medical reasons. In providing this notice, an indication had been given of her intentions to return to Council duties after 31 December 2022.

It was moved by Councillor Susan Hobson, seconded by Councillor Garry Purdy and

RESOLVED (unanimously)

1. That approval be given to a dispensation for Councillor Michele Morley from attending meetings of the Council for a further period of two months until 30 November 2022, thus nullifying the disqualification to hold office for a six month period.
2. That approval be given to a dispensation for Councillor Sue Bull from attending meetings for a period of three months until 31 December 2022.

The Chairman declared the motion **CARRIED**.

156/22 - APPOINTMENT OF INDEPENDENT PERSON AND ADDITIONAL MEMBERS OF THE INDEPENDENT REMUNERATION PANEL

The Director of Corporate and Customer Services introduced a report recommending the appointment of independent persons to support the Monitoring Officer in the assessment of complaints about elected Members. In addition, the report recommended the appointment of persons to sit on the Independent Remuneration Panel to review Members' Allowances.

Members were informed that Section 28(7) of the Localism Act 2011, required the Council to appoint one or more Independent Persons to assist the Authority in promoting and maintaining high standards of conduct.

The Independent Person would be consulted on the decision to investigate complaints, including those relating to the District's 71 parish councils, and before a decision is made on an investigated complaint. The Independent Person may be consulted on other standards matters, including by the member who is subject to an allegation. It was noted that currently there was one permanent Independent Person and one vacancy.

Section 99 of the Local Government Act 2000 makes provision in relation to allowances and pensions for members of local authorities. Regulations made under this Section require local authorities to establish and maintain a panel to make recommendations about the Scheme. It was addressed that the Panel last met in 2016 and is due to conduct a full review of Members' Allowances to report back to the Council before the end of the calendar year.

It was moved by Councillor Tom Donnelly, seconded by Councillor Chris Furness and

RESOLVED

1. That, subject to the outcome of the interviews held on 28 September 2022, approval be given to appoint Carolyn Jennings and Phillip Sunderland to the role of Independent Person for a four-year term until 30 September 2026.
2. That, subject to the outcome of the interviews held on 28 September 2022, approval be given to appoint Jackie Batchelor to the Independent Remuneration Panel for a four-year term until 30 September 2026.

Voting

25 For
0 Against
1 Abstention

The Chairman declared the motion **CARRIED**.

157/22 - RESILIENCE, RESOURCES, PRIORITIES

The Chief Executive introduced a report setting out proposals to invest in a comprehensive package of external support in order to implement a programme of organisational transformation to ensure that the Council is adequately resourced to deal with existing and future priorities / challenges.

It was noted that throughout the Covid-19 pandemic, local government and other public service providers, demonstrated a remarkable level of resilience, flexibility and adaptability in order to meet the needs of the crisis we faced. However in the post Covid-19 era, local government faces a series of acute workforce challenges on a scale which have never been experienced.

Members were informed that maintaining sufficient capacity and skills, attractiveness as a career choice, competition from other sectors, flexible working arrangements and the continuous inflationary erosion of pay are all having a severe impact upon the ability of councils of all types and sizes to attract and maintain staff of the calibre required to deliver excellent services.

Members had considered a series of reports which had looked at Organisational Resilience, Resources and Priorities. It was noted that this report continued to focus upon the current challenges faced by the organisation and seek to look ahead through a process of proactive engagement across the whole of the organisation in order to determine future priorities and improved member / officer working arrangements.

It was moved by Councillor Garry Purdy, seconded by Councillor Jason Atkin and

RESOLVED

1. That the Council acknowledges the current challenges and pressures on organisational resources and capacity.
2. That the Council supports the appointment of Circling Squares to provide a comprehensive package of support to the Chief Executive, Corporate Leadership Team, Senior Management Team and elected Members over a period of 6 months and that to this effect, appropriate authority be granted to appoint outside Contract Standing Orders under CSO 6.3.4.
3. That a supplementary revenue budget of £60,000 be financed from the General Reserve to implement the transformation programme.

Voting

25 For

0 Against

1 Abstention

The Chairman declared the motion **CARRIED**.

158/22 - ESTABLISHMENT OF GYPSY AND TRAVELLER SITE PROVISION WORKING GROUP

The Director of Corporate and Customer Services introduced a report which proposed the establishment of a working group to consider criteria and options for the provision of temporary Gypsy and Traveller sites in the district and to make recommendations for determination to the full Council within the next 8 weeks.

At its meeting on 29 September 2016, the Council formally accepted its duties and responsibilities towards Gypsies and Travellers under housing and planning legislation. In particular the Council recognised its duties under Homelessness legislation towards a

specific Traveller family, who had been resident within the district for many years, but who did not have a site on which they could legally place their caravans.

The report informed Members that since that time the Council had failed to provide either permanent or temporary sites within the District for use by this specific Traveller family. The most recent attempt to reach a decision on 28 July 2022 did not result in a definitive way forward, but rather a request for officers to take on board the feedback provided during a debate on 133 sites across the district and bring forward developed proposals for consideration by the Council.

The report went on to explain that the decision taken on 28 July 2022 did not rule in or rule out any of the 133 sites reported to that meeting. In the meantime, the Council continued to have a homelessness duty to the specific Traveller family who had been resident on Clifton Road Coach and Car Park in Ashbourne since the end of June 2022. Given that site's location to amenities and residential properties the Council had received numerous complaints from local residents and visitors to Ashbourne.

During debate it was moved by Councillor Tom Donnelly and seconded by Councillor Stuart Lees that the Officer recommendations be agreed in addition to an amendment to include a further recommendation as detailed below:

“That, until such time as the working group has submitted its recommendations to an extraordinary meeting of the Council, the council owned land at Harrison Way, Northwood, be designated as a temporary site for a specific Traveller family with a local connection to the Derbyshire Dales to whom the authority has a statutory homelessness duty, and that officers be authorised to seek an eviction notice in respect of the encampment currently located on Clifton Road Coach and Car Park in Ashbourne.”

This was put to a recorded vote as follows:

For: 19, Councillors: Robert Archer, Jason Atkin, Richard Bright, David Chapman, Tom Donnelly, Graham Elliott, Steve Flitter, Chris Furness, Dawn Greatorex, Susan Hobson, David Hughes, Stuart Lees, Tony Morley, Dermot Murphy, Garry Purdy, Andrew Shirley, Peter Slack, Alasdair Sutton, Steve Wain.

Against: 6, Councillors: Matt Buckler, Alyson Hill, Peter O'Brien, Mike Ratcliffe, Mark Salt, Colin Swindell.

Abstention: 1, Councillor: Neil Buttle.

It was therefore **RESOLVED**

1. That a Gypsy and Traveller Site Provision Working Group be established with a remit defined within the Terms of Reference detailed in Appendix 1.
2. That the recommendations of the Gypsy and Traveller Site Provision Working Group be reported to an extraordinary meeting of the Council in October or November 2022.
3. That Political Group Leaders submit names of nominated Members to the Proper Officer by 7 October 2022 and those Members be appointed to serve on the Working Group according to the agreed entitlement of their political group.

4. That, until such time as the working group has submitted its recommendations to an extraordinary meeting of the Council, the council owned land at Harrison Way, Northwood, be designated as a temporary site for a specific Traveller family with a local connection to the Derbyshire Dales to whom the authority has a statutory homelessness duty, and that officers be authorised to seek an eviction notice in respect of the encampment currently located on Clifton Road Coach and Car Park in Ashbourne.

The Chairman declared the motion **CARRIED**.

159/22 - URGENT MATTERS REQUIRING UPDATE TO THE 2022/23 CAPITAL PROGRAMME

The Director of Resources introduced a report requesting further changes to the 2022/23 Capital Programme to address urgent operational matters and recognise the impact of rising inflation on the estimated costs of existing projects.

The Revised Capital Programme for 2022/23 of £8,936,014 was approved on 28th July 2022. This took into consideration slippage where projects had not commenced or where projects had commenced but had not been completed during 2021/22 as planned.

The report detailed two operational issues requiring capital funding which had arisen since the July 2022 report. These were the Longcliffe Waste Depot Tipping Room Floor and the Flood Defence Scheme Contribution. Further details of these two issues were given in the report along with details of the increased estimates relating to other project costs.

It was moved by Councillor Jason Atkin, Seconded by Councillor Tom Donnelly and

RESOLVED (unanimously)

1. That project 624 for the purchase of land at Longcliffe for £250,000 be removed from the Capital Programme.
2. That a business case evaluating options to purchase land to provide an owned site for the delivery of waste operations be submitted to a future meeting of the Council.
3. That two new projects – Works to flooring at the Tipping Room Floor at Longcliffe Depot £25,000 and Contribution towards Flood Prevention works at Longford of £20,000 be added to the 2022/23 Capital Programme.
4. That increases in budget totalling £70,000 be approved for existing projects (project 617-Ashbourne Bandstand £35,000, project 627 Matlock Hall Leys Park Clock Tower £30,000 and project 652 Lovers Walk Shelter £5,000) and the Capital Programme be updated accordingly.
5. That the additional capital expenditure arising from the above changes be financed from Capital Receipts Reserve and that the Revised Capital Programme of £8,801,014 for 2022/23 be approved (net reduction of £135,000).

The Chairman declared the motion **CARRIED**.

160/22 - ANTI-SOCIAL BEHAVIOUR POLICY

The Neighbourhoods Manager introduced a report which sought Member approval to introduce an Anti-Social Behaviour Policy. The report informed Members that the Council did not currently have an Anti-Social Behaviour (ASB) Policy and although such behaviour was being addressed and tackled, it is prudent to have something formally adopted to help manage people's expectations and have the ASB Policy available on the Council's website.

The report provided Members with the Draft ASB Policy which formalised the work previously undertaken by the Council when ASB cases had been referred to the Council from other partners, such as the police, or members of the public. The proposed ASB policy aimed to set out clear procedures for dealing with reports of ASB and what the community can expect. It also advised complainant of their responsibilities and behaviour that is acceptable.

It was moved by Councillor Garry Purdy, Seconded by Councillor Steve Wain and

RESOLVED (unanimously)

That the Anti-Social Policy be approved and adopted, as outlined in Appendix A, as the District Council's process and procedures for addressing and tackling such behaviour.

The Chairman declared the motion **CARRIED**.

161/22 - DURATION OF MEETING (MOTION TO CONTINUE)

At **8.25pm** it was moved by Councillor Andrew Shirley, seconded by Councillor Jason Atkin and

RESOLVED (unanimously)

That, in accordance with Rule of Procedure 13, the meeting continue to enable the business on the agenda to be concluded.

The Chairman declared the motion **CARRIED**.

162/22 - PROCUREMENT STRATEGY 2022-26 AND SUSTAINABLE PROCUREMENT POLICY

The Business Support Manager introduced a report which sought approval for the revised Procurement Strategy and a new Sustainable Procurement Policy to meet the Council's commitments under the Climate Change Action Plan by 2030. The report also sought approval for £54,068 of funding to provide a new internal Procurement and Contract Management resource to ensure that the Council is better supported in meeting its obligations under the law, as well as delivering better value on external contractual and commercial activities.

The report informed Members that the Council had adopted its first formal Procurement Strategy in 2003. The original strategy was subsequently updated in 2006, 2010, 2015 and 2018. The report also detailed how increasing pressures on budgets had made the procurement activity a vital factor in the successful delivery of supply and services. It was also noted that procurement plays an integral role in ensuring that the Council can continue

to deliver what our residents/customers want e.g. value for money, equal treatment and transparency and in contributing towards economic, social and environmental wellbeing.

During debate it was moved by Councillor Neil Buttle and seconded by Councillor Peter O'Brien that the Officer recommendations be agreed in addition to an amendment to include a further recommendation as detailed below:

“That the Director of Corporate and Customer Services be required to submit an annual report evaluating the Council’s procurement activity, contract management, and value for money from its commercial activities, to the Governance and Resources Committee.”

The motion was then put to the vote and

RESOLVED (unanimously)

1. The Procurement Strategy 2022-2026 be adopted.
2. The Sustainable Procurement Policy be adopted.
3. Council supports the establishment of a Procurement and Contracts Officer post and approves a supplementary revenue budget of £14,000 to cover the cost in 2022/23 and that the estimated annual cost of £54,068 (plus pay awards) be built into the Medium Term Financial Plan from 2023/24 onwards, funded from the General Reserve.
4. That the Director of Corporate and Customer Services be required to submit an annual report evaluating the Council’s procurement activity, contract management, and value for money from its commercial activities, to the Governance and Resources Committee.

The Chairman declared the motion **CARRIED**.

163/22 - PROPOSED AMENDMENTS TO THE CONSTITUTION - FINANCIAL REGULATIONS AND CONTRACT STANDING ORDERS

The Director of Corporate and Customer Services introduced a report recommending the adoption of revised Contract Standing Orders and Financial Regulations following a review to ensure that the rules comply with current legislative and best practice requirements.

Members were informed that Standing Orders must include provisions for securing competition and for regulating the manner in which tenders are to be invited. They may exempt contracts for a price below that specified in the Standing Orders and may authorise the Council to exempt any contract from the relevant order when it is satisfied that the exemption is justified by special circumstances.

It was noted that Section 151 of the Local Government Act 1972 required the Council to make arrangements for the proper administration of its financial affairs. It is required to conduct its business efficiently and to ensure that it has sound financial management policies in place and that they are strictly adhered to. Financial regulations, which set out the financial policies of the Council, are the means by which the Council meets that requirement.

The Council had adopted Contract Standing Orders as part of the Constitution which had been amended from time to time as required to meet the Council's operational needs. The Financial Regulations were last reviewed in 2020.

RESOLVED (unanimously)

1. That the draft Contract Standing Orders be approved and adopted as Part 8 of the Council's Constitution.
2. That the draft Financial Regulations be approved and adopted as Part 9 of the Council's Constitution.
3. That authority be delegated to the Monitoring Officer to make consequential changes to the Constitution to reflect the provisions of the Financial Regulations.

The Chairman declared the motion **CARRIED**.

Meeting Closed: 8.45 pm

Chairman

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Standing up for Responsible Tax Conduct Agenda Item 9



Full Council notes that:

1. The pressure on organisations to pay their fair share of tax has never been stronger.
2. Polling from the Institute for Business Ethics finds that “corporate tax avoidance” has, since 2013, been the clear number one concern of the British public when it comes to business conduct.
3. Two thirds of people (66%) believe the Government and local councils should at least consider a company’s ethics and how they pay their tax, as well as value for money and quality of service provided, when awarding contracts to companies.
4. Around 17.5% of public contracts in the UK have been won by companies with links to tax havens.
5. It has been conservatively estimated that losses from multinational profit-shifting (just one form of tax avoidance) could be costing the UK some £17bn per annum in lost corporation tax revenues.
6. The Fair Tax Mark offers a means for business to demonstrate good tax conduct, and has been secured by a wide range of businesses across the UK, including FTSE-listed PLCs, co-operatives, social enterprises and large private businesses.

Full Council believes that:

1. Paying tax is often presented as a burden, but it shouldn’t be.
2. Tax enables us to provide services from education, health and social care, to flood defence, roads, policing and defence. It also helps to counter financial inequalities and rebalance distorted economies.
3. As recipients of significant public funding, local authorities should take the lead in the promotion of exemplary tax conduct; be that by ensuring contractors are paying their proper share of tax, or by refusing to go along with offshore tax dodging when buying land and property.

4. Where councils hold substantive stakes in private enterprises, influence should be wielded to ensure that such businesses are exemplars of tax transparency and tax avoidance is shunned.
5. More action is needed, however, as current and proposed new UK procurement law significantly restricts councils' ability to either penalise poor tax conduct (as exclusion grounds are rarely triggered) or reward good tax conduct, when buying goods or services.
6. UK cities, counties and towns can and should stand up for responsible tax conduct - doing what they can within existing frameworks and pledging to do more given the opportunity, as active supporters of international tax justice.

Full Council resolves to:

1. Approve the Councils for Fair Tax Declaration.
2. Lead by example and demonstrate good practice in our tax conduct, right across our activities.
3. Ensure IR35 is implemented robustly and contract workers pay a fair share of employment taxes.
4. Not use offshore vehicles for the purchase of land and property, especially where this leads to reduced payments of stamp duty.
5. Undertake due diligence to ensure that not-for-profit structures are not being used inappropriately by suppliers as an artificial device to reduce the payment of tax and business rates.
6. Demand clarity on the ultimate beneficial ownership of suppliers UK and overseas and their consolidated profit & loss position, given lack of clarity could be strong indicators of poor financial probity and weak financial standing.
7. Promote Fair Tax Mark certification especially for any business in which we have a significant stake and where corporation tax is due.
8. Support Fair Tax Week events in the area, and celebrate the tax contribution made by responsible businesses are proud to promote responsible tax conduct and pay their fair share of corporation tax. .
9. Support calls for urgent reform of UK procurement law to enable local authorities to better penalise poor tax conduct and reward good tax conduct through their procurement policies.

Agenda Item 11

Council – 24 November 2022

ADDITIONAL FUNDING FOR FREEDOM LEISURE DUE TO THE INCREASED COST OF ENERGY

Report of Director of Community & Environmental Services

Report Author and Contact Details

Ashley Watts, Director of Community & Environmental Services
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Rebecca Cummins, Community Development Manager
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Wards Affected

District-wide

Report Summary

A request for additional funding for Freedom Leisure to operate the 4 leisure centres across the district due to the increased cost of energy up to 31 March 2023.

Recommendations

1. That approval be given to a supplementary revenue budget, financed from the General Reserve, to support the partnership to the value of 75% of the significant increase in energy costs to the value of £204,000
2. That this support is to be ring-fenced to the Derbyshire Dales contract and will be paid on a monthly basis through open book accounting and monthly meetings with the contract managers up until 31st March 2023
3. That further investigation be undertaken of options in January 2023 to mitigate costs and to review further information or support provided by central government
4. That an update report be submitted to Council in March 2023.

List of Appendices

Appendix 1 Expected utility increase by venue

Background Papers

N/A

Consideration of report by Council or other committee

N/A

Council Approval Required

Yes

Exempt from Press or Public

No

Additional funding for Freedom Leisure due to the increased cost of energy

1. Background

- 1.1 The District Council has four leisure centres. These are sited in Ashbourne, Bakewell, Matlock and Wirksworth. These leisure centres provide vital health, leisure and wellbeing services to our local communities, with over 755,000 total centre participation in 2021/22.
- 1.2 Following a review and options appraisal in 2018, the management and development of the service was out sourced to Freedom Leisure, a not for profit organisation. Freedom Leisure are not a private company therefore they don't have a lot of reserves as all funds are put back into the organisation.
- 1.3 Freedom Leisure is one of the UK's leading charitable and not-for-profit leisure trusts. They manage leisure and cultural services on behalf of over 25 local authority partners and operate more than 100 leisure and cultural venues across England and Wales, including over 60 swimming pools – teaching over 62,000 children to swim on a weekly basis.
- 1.4 Freedom Leisure have operated sustainably, improving lives through leisure for over 20 years. Their programmes are designed to support rehabilitation, active ageing, the prevention of physical, mental and social ill health, and addressing health inequalities, obesity, and support long term health conditions. The services they provide influence both the medical and social determinants of health.
- 1.5 As a not for profit trust, they are fully dedicated to providing an affordable, accessible and inclusive health and wellbeing offer to the local communities, including providing vital life skills to children and adults learning to swim. These vital services are now under threat.
- 1.6 As a result of outsourcing the service the original projection was that there would be a saving to the District Council of circa £4.9m over the 10 year contract life.
- 1.7 The contract with Freedom Leisure has a management fee payable each year and for the first 5 years the District Council pays Freedom Leisure a decreasing fee. In the remaining 5 years of the contract the District Council will receive funds from Freedom Leisure for delivering the service. These costs are reducing each year, year 1 the management fee was £441k whereas for the current financial year, the management fee is only £177k.
- 1.8 In addition to this, if there are any profits beyond break even for the Derbyshire Dales contract there is a surplus share agreement which is split 50/50 with Freedom Leisure and the District Council.
- 1.9 During the Covid-19 pandemic, Freedom leisure were forced to close for 9 months of the year which had a huge impact on the leisure service. In August and November 2020 the Council approved £366,613 in support for the continuation of services.

- 1.10 Following the relaxation of Covid-19 restrictions, Officers worked closely with Freedom Leisure through monthly meetings and open book accounting. Due to a recovery in the performance of the business, the district council was not required to provide as much financial support to Freedom Leisure as was originally anticipated and approved. As a result, there was an underspend of circa £180,000 which the Council transferred back into reserves.
- 1.11 Due to the extraordinary increase in utility costs nationally, the fitness and leisure sector is finding it extremely challenging to cover these costs. This comes at a time when facilities are still recovering from major losses incurred during forced closures and reduced footfall caused by the Covid-19 pandemic.
- 1.12 Freedom Leisure was in a 3 year fixed contract for both gas and electricity. The gas contract ended in September 2022 and the electricity contract ended in October 2022.

2. Key Issues

- 2.1 Following the government announcement of the Energy Bill Relief Scheme (EBRS) Freedom Leisure can confirm that the total impact of latest energy price increase is **£272,397** this financial year and **£578,693** for next financial year. The latter assumes the continuation of the central government support 'cap' after April 2023 however this has yet to be confirmed.
- 2.2 There is currently uncertainty over support from Government beyond March 2023. It is hoped and expected that utility rates will start to decrease over the next 18 months which will require less support and ideally tariffs will return to a sustainable level which will require zero support from partners beyond the 18-month period.
- 2.3 Freedom Leisure has made reasonable provision for uplifts on Energy Contract Inflation and is able to contribute up to a maximum of 25% of these costs. It is incredibly challenging for a Not for Profit organisation to absorb liabilities of this proportion, especially when the increases are linked to global economic shocks as a result of Russia's invasion of Ukraine.
- 2.4 For this financial year Freedom Leisure are forecasting a deficit after the utility increases of £325,000 and this is compounded by the effect of the lack of full income recovery after the Global Covid-19 Pandemic and the subsequent inflationary rises in wages, goods, supplies and services.
- 2.5 When the additional utility costs are included in the projections for next year Freedom Leisure is predicting a deficit of £739k in the financial year 2023-24. See appendix 1 for the breakdown of expected utility increases.

Work undertaken to date

- 2.6 Freedom Leisure has enacted a range of previous actions, mitigations and support measures in order to reduce the risks of disruption, reduction and potentially loss of service. These include:

Ashbourne

- LED lighting upgrades to Gym, Pool Hall & Sports Hall
- Smart metering gas and electricity
- £13,500 investment, £1,600 annual saving, 8.2 year payback
- Savings on Electricity 14,242 KWH 5% & CO2 6 Tonnes 2%

Bakewell

- LED Lighting upgrades throughout the centre
- Test water recycling
- Complete replacement of Pool Hall AHU
- Cleaning of existing duct work
- Smart metering gas and electric
- £88,500 investment, £8,500 annual saving, 10 year payback
- Savings on Gas 243,814 KWH 63%, Electricity 22,829 KWH 14%, CO2 55 Tonnes 38% & Water 420 M3 9%
- Replaced old inefficient single 500kw boiler for 2 x 150kw high efficiency modulating boilers (2019)

Arc Leisure Matlock

- LED lighting upgrades to Sports Hall, Pool Hall & Cycle Studio
- Pool Sentry System for increased day time speed control of circulation pumps
- Test water recycling
- Kelda Eco Showers to Wet and Dry Change
- Smart metering gas and electric
- £116,100 investment, £16,100 annual saving, 7.2 year payback
- Savings on Gas 21,778 KWH 0.7%, Electricity 123.935 KWH 14%, CO2 59 Tonnes 6% & Water 840 M3 10%
- LED upgrade phase 1 completed August 2022 to fitness suite, reception lobby, café seating area and management office
- LED upgrade phase 2 – in the process of completing phase 2 to include change village, WC's all other changing facilities and plant rooms

Wirksworth

- Smart metering pas and electric

In addition to the above works Freedom Leisure have been implementing good housekeeping measures to include:

- Weekly meetings to review weekly and monthly gas and electricity data
- Regular review and tightening of all BMS time schedules
- Reduction in stored hot water temperatures by 1 degree
- Reduction in boiler temperatures by 2 degree except Arc due to CHP
- Reduced pool water temperatures where possible
- Air Conditioning minimum set points increased to 20 degree
- Implementation of Energy Non-Negotiable guidelines for staff and information for customers

3. Options Considered and Recommended Proposal

3.1 Despite the above mitigations and actions taken, Freedom Leisure have made 7 proposals, listed below, to be considered by Derbyshire Dales District Council in support of its community leisure portfolio and associated services. Should the council not be in a position to support the officer recommendation in 3.2, the operation of leisure centres, as currently delivered, will be placed at serious risk.

1. DDDC to support the partnership to the value of 75% of the significant increase in energy costs to the value of £204k in 2022/23 and £434k in 2023/24

2. Support the temporary reduction/removal of the Active Communities role saving approximately £25k per annum

3. Support the temporary reduction in establishment across the 4 leisure centres, saving potentially £70k per annum

4. The temporary pool closure of Arc, Ashbourne & Bakewell with immediate effect. Arc c£16k a month saving, Ashbourne c£14k a month saving and Bakewell c£1k a month

5. Consider reduced opening hours at Bakewell and Wirksworth

6. Explore further DDDC capital funding opportunities to generate energy and reduce consumption at sites

7. Support further services reviews to be brought forward in mitigation of the significant challenges ahead

Officer recommendations

3.2 In light of the above proposals by Freedom Leisure it is recommended that approval is granted to proposal 1, however it is amended to DDDC to support the partnership to the value of 75% of the significant increase in energy costs to the value of £204k up until 31 March 2023. This support is to be ring-fenced to the Derbyshire Dales contract and will be paid on a monthly basis through open accounting and monthly meetings with the contract managers. To finance this level of support utilisation of the general reserve will be required.

3.3 This support will only be until 31st March 2023 due to the uncertainties around the Council's own financial position, at which point there will be more clarity on what support will be provided by central government and investigations into further mitigations will be considered through regular meetings with Freedom Leisure.

3.4 The leisure centres are invaluable to local residents in the community and any reduction of hours or closure could have an impact on resident's health and wellbeing.

Additional information

3.5 Since drafting this report Freedom Leisure has continued to review the services they provide, including the reduction of services, costs and workforce. Freedom have already or will be removing the following senior roles from their establishment:

- Reduction in Regions from 4 to 3 resulting in a removal of a Regional Manager role
- Reduction in the number of Area Managers from 19 to 14
- Removal of Head of Healthy Communities
- A further 10 central support roles are being removed along with a reduction in Business Development hours and associated costs.
- The Executive Team have also agreed to a temporary reduction in salaries whilst leading and navigating the organisation through these very challenging times.

3.6 Over the past several months officers have been in regular discussions with Freedom Leisure to understand the impact and the severity of this utility crisis. Officers have also liaised with other local authorities who are in contracts with Freedom Leisure and 5 out of the 6 local authorities contacted have responded and are all providing a high level of financial support to Freedom Leisure. The 6th authority has not responded.

Freedom Leisure's requirement from the government

3.7 The wider leisure sector needs meaningful and long-term support now in order to secure its future as outlined below:

- Public Sector leisure must be identified as a vulnerable sector in the upcoming January review to put in place support beyond the 31st March 2023
- Support should be bespoke to the sector and be more 'generous' than the current cap position which still results in unsustainable losses
- Urgent government backed liquidity loans, as were put in place during Covid, are needed to secure the viability of the sector and prevent catastrophic failure of organisations with consequent loss of service and jobs (Freedom employ 5,000 people)
- More direct support for energy management scheme would also assist in the medium term
- Freedom Leisure are members of UK Active and Community Leisure UK that have worked tirelessly to lobby government about the plight of the leisure industry and in particular the trust sector for more support.

4. Consultation

4.1 A Leaders Advisory Group meeting took place on Friday 28 October to discuss this recommendation. Engagement has also been undertaken with Sarah Dines MP.

5. Timetable for Implementation

5.1 As soon as possible following Council meeting

6. Policy Implications

- 6.1 There are no immediate links to the Council's Corporate Plan, but consideration will need to be given to broader implications set out elsewhere in this report in relation to financial impacts.

7. Financial and Resource Implications

- 7.1 This report recommends that the District Council provides additional financial support to Freedom Leisure in 2022/23 up to the value of 75% of the significant increase in energy costs i.e. to the value of £204,000. There is no provision in the 2022/23 revenue budget for this amount. Therefore, approval is sought for a supplementary revenue budget of £204,000 in 2022/23. The additional spending could be financed from the General Reserve as the Council's Medium Term Financial Strategy allows the General Reserve to be used for "one-off" expenditure. The General Reserve currently has a balance of circa £3m. The financial risk is assessed as Medium.
- 7.2 The report states that Freedom Leisure has requested financial support for 75% of the significant increase in energy costs to the value of £434,000 in 2023/24. It is recommended that officers investigate further options to mitigate costs and to review further information or support provided by central government, with the intention of reporting back to Council in March 2023. This potential cost pressure and financial risks will need to be assessed at that time and considered alongside other cost pressures, which are being assessed by officers as part of a revision of the Medium Term Financial Plan.

8. Legal Advice and Implications

- 8.1 This report is requesting additional funding for Freedom Leisure to operate the 4 leisure centres across the district due to the increased cost of energy up to 31 March 2023.
- 8.2 There are 4 recommendations put forward and due to the uncertain climate and volatility of the energy market the legal risk at the current time has been assessed as medium. Further investigations are required as detailed within this report to ensure the contract with Freedom Leisure is complied with.

9. Equalities Implications

- 9.1 Public authorities are required to have due regard to the aims of the Public Sector Equality Duty (Equality Act 2010) when making decisions and setting policies. There are no specific equalities implications arising from this report.

10. Climate Change Implications

- 10.1 Whilst there are considered to be no direct climate change impacts as a result of the recommendations of this report it is worth noting that:

- Some of the proactive measures undertaken by Freedom Leisure to reduce energy consumption should reduce carbon emissions from all sites
- Reduction in opening hours or closures would similarly reduce emissions temporarily

11. Risk Management

- 11.1 There is a risk that if support isn't given to Freedom Leisure there will be a reduction in the service or potential closure of sites.

Report Authorisation

Approvals obtained from:-

	Named Officer	Date
Chief Executive	Paul Wilson	16/11/2022
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	13/11/2022
Monitoring Officer (or Legal Services Manager)	James McLaughlin	16/11/2022

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Partnership: Derbyshire Dales
 Region: Mid
 Author: Jeremy Rowe, Operations Director



Appendix I: Expected utility increase by venue (assumes 6 month tariff cap)

Derbyshire Dales Partnership - Expected Utility Increases (assume 6 month tariff cap)						
Site Name	Type	Full Year Cost Current Tariffs	2022-23 Increase	2022-23 Total Cost	2023-24 Total Cost	2023-24 Increase
Arc Leisure Centre	Gas	101,751	128,359	230,110	358,468	256,717
	Electricity	57,632	30,012	87,644	129,660	72,028
Ashbourne Leisure Centre	Gas	26,732	31,419	58,151	89,570	62,838
	Electricity	37,806	30,167	67,973	110,208	72,402
Wirksworth Leisure Centre (DU)	Gas	7,150	9,344	16,494	25,839	18,689
	Electricity	16,566	10,131	26,697	40,881	24,315
Bakewell Swimming Pool	Gas	13,344	18,529	31,873	50,403	37,059
	Electricity	15,227	14,436	29,663	49,873	34,646
Total Utilities	TOTAL	276,208	272,397	548,605	854,901	578,693

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Agenda Item 12

Council – 24 November 2022

HURST FARM HERITAGE TRAIL LOTTERY BID APPROVAL

Report of Director of Housing

Report Author and Contact Details

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Marie-Christine Schmidt, Estate Regeneration Manager
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Wards Affected

Matlock St Giles

Report Summary

The Hurst Farm Regeneration project has been in place since September 2017. The project is delivering across several headings, the most recent being the award of a £1.2m Heritage Lottery Fund (HLF) grant that will deliver a new footpath around the estate, linking four key heritage assets. Numerous other projects and services will also be delivered within the programme. The funding body for the HLF grant require the Council to enter in to a Funding Agreement. This report therefore seeks the Council's support to sign the Funding Agreement and be bound by the terms of the agreement.

Recommendations

1. That the Director of Resources be authorised to sign the Funding Agreement and notes that the Council will be bound by the terms of the agreement;
2. That the terms of the HLF grant conditions be accepted and agreed and that the Director of Housing be authorised to submit the required information to the HLF;
3. That £682,885 (£565,034 plus £36,722 inflation and £81,129 contingencies) be added to the Council's capital programme in respect of the Hurst Farm Heritage Trail project, with the expenditure being financed by the HLF grant;
4. That a supplementary revenue budget of £326,115 (£272,942 plus £7,927 for inflation and £45,246 contingencies) be approved for 2022/23 in respect of revenue expenditure on the Hurst Farm Heritage Trail project, to be financed by a grant from the HLF.

List of Appendices

Appendix 1 – Heritage Fund award letter

Background Papers

Community and Environment Committee 17th November 2021

Community and Environment Committee 11th January 2018

Community and Environment Committee 16th March 2017

Community and Environment Committee 2nd June 2016

Consideration of report by Council or other committee

N/A

Council Approval Required

Yes

Exempt from Press or Public

No

HURST FARM HERITAGE TRAIL LOTTERY BID APPROVAL

1. Background

- 1.1 The Hurst Farm Heritage Trail project seeks to deliver a £1,222,841 Heritage Lottery grant awarded to DDDC for the creation of the Hurst Farm Heritage Trail. The HLF grant is £1,009,000 with the balance match funding from existing Council budgets and estimated value of volunteer time. Funding will be for three years from Nov/Dec 2022 - December 2025 and includes capital funding to build footpath infrastructure and undertake woodland management and revenue funding to deliver an activity program over 3 years. The exact start date is dependent on the permission to start being granted by the Heritage Lottery. We have already been informed by the funder that this likely to be delayed, due to their current reduced staff capacity.
- 1.2 The Heritage Trail project is a key part of the wider Hurst Farm Regeneration Vision created in partnership with the Hurst Farm community and other partners. Work started in Sept 2017 and the vision was launched in November 2019. The Hurst Farm Heritage Trail will restore 14.4 hectares of woodland adjacent to the Hurst Farm Estate (Matlock), using the natural and built heritage as a catalyst to improve the landscape, conserve nature, support a disadvantaged community, improve wellbeing and assist in regenerating a deprived area.
- 1.3 The Community and Environment Committee of the 17th November 2021 approved the Hurst Farm Woodland Management Plan. This approval was a key element of the HLF bid submission and signalled the Council's intention to bid for the HLF funding.

2. Key Issues

- 2.1 The HLF work with numerous organisations with different legal and organisational arrangements in place. The grant offer letter setting out the terms of the grant and the level of sign off required by organisations seeks to encompass a wide variety of legal entities. In accepting the grant conditions the Council must send a certified copy of the document recording the Council's decision authorising acceptance of the terms of the grant. The Council is also required to provide the following information;
 - set out the power under which the terms of the grant have been accepted,
 - provide an extract of the policy framework under which we have accepted the grant,
 - the executive arrangements under which the Council's decision to accept the Terms of Grant was made,
 - the considerations the Council took into account in using the powers and the procedure under which any consultation took place and the decision was made,
 - the authority under which the Declaration forming part of the Application has been signed on our behalf

3. Options Considered and Recommended Proposal

- 3.1 In this instance there is no specific options appraisal required. There is only one course of action open to the Council in order to deliver the previously agreed footpath and other works. The Estate Regeneration Manager has established an internal project group to ensure a corporate response to the key issues arising from the HLF project. Subject to approval by Council, the group will prepare a response accepting the grant and send this to the HLF for their consideration and acceptance.

4. Consultation

- 4.1 Consultation concerning the Hurst Farm regeneration project has been ongoing since 2017. The decision to pursue the improvement of the footpaths around the estate came from consultation with residents. The existing footpath network is very poor in places, native species of plants and insects are at risk and the original views across the area have been blocked by invasive species of plants and trees. Delivery of the HLF project will respond to the concerns of residents and further enhance the regeneration of the wider estate.

5. Timetable for Implementation

- 5.1 Subject to Council approval of the funding agreement, the works will take place over a 2.5 year period. The HLF will issue a 'permission to start' which will allow expenditure to begin.

6. Policy Implications

- 6.1 Delivery of the HLF project will support the Council's Corporate Plan 2020-2024 specifically contributing to;
- **People** – helping residents to access and enjoy the woodland and heritage assets around Hurst Farm.
 - **Place** – manage woodland, improve biodiversity and create a safe footpath
 - **Prosperity** – support the development of the Green Estate social enterprise and bring investment to the district.

7. Financial and Resource Implications

- 7.1 The approved costs of the Hurst Farm Heritage Trail project total £1,222,841. The breakdown of costs between capital and revenue, and the source of funding is set out in the table below:

	Approved project costs	HLF Grant	Existing revenue budget
Capital expenditure			
- Direct	£565,034	£565,034	0
- Inflation	£36,722	£36,722	
- Contingencies etc.	£81,129	£81,129	0
	£682,885	£682,885	0

Revenue expenditure			
- Direct	£272,942	£272,942	0
- Project Manager	£161,441	0	£161,441
- Volunteer Programme (notional cost)	£52,400	0	£52,400
- Inflation	£7,927	£7,927	0
- Contingencies	£45,246	£45,246	0
	£539,956	£326,115	£213,841
Total	£1,222,841	£1,009,000	£213,841

7.2 The majority of the costs are covered by the grant award of £1,009,000 and the other costs can be accommodated within the existing revenue budget. An allowance has been made for inflation and contingencies. Therefore, the financial risk is assessed as low.

8. Legal Advice and Implications

8.1 This report provides members with updates on the Hurst Farm Regeneration project has been in place since September 2017. The report contains 4 recommendations seeking member approval. The legal risk at the current time has been assessed as low.

9. Equalities Implications

9.1 The Hurst Farm Regeneration project is seeking to deliver a long term improvement to the wider estate that will benefit residents now and future generations. The Matlock St Giles Ward is within the top 10 most deprived wards in England. As such the regeneration project and all of the subsequent activities are seeking to improve the access to employment, education and training, the local woodland, improve housing conditions and health outcomes. These activities will reduce inequality and give all residents the opportunity to access services and facilities that will have a long term benefit.

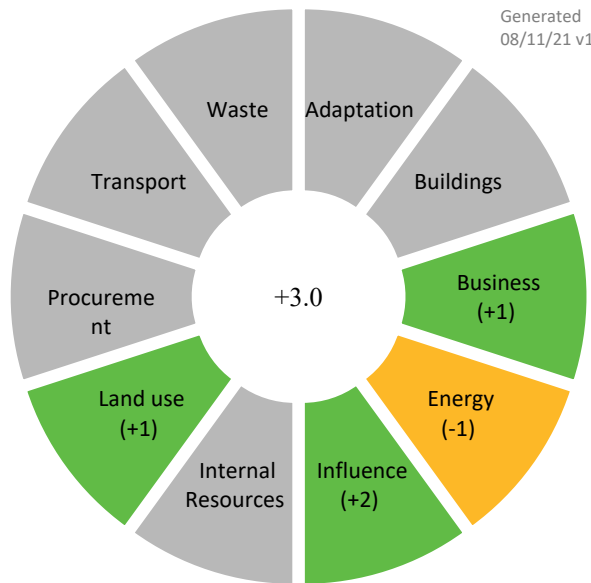
10. Climate Change Implications

10.1 The CCIA has been undertaken on the Woodland Conservation Management and Maintenance Plan. It is worth noting that the plan has been developed with expert external input and consultation. The plan seeks to carry out essential woodland management while retaining the wild, natural character of the wood. While some trees will be removed for specific reasons, new trees will be planted, new habitats will be created and existing ones improved.

10.2 In order to best enhance habitats a landscape scale approach is proposed which will prove particularly important as wildlife species move due to the impacts of climate change. The overall impacts on land use and biodiversity are therefore positive. The plan puts the community at the heart of the woodland it intends to engage and train community volunteers – developing ‘green skills’ such as hedge laying.

10.3 It is noted in the assessment that the plan suggests use of petrol powered equipment e.g. brush cutters and leaf blowers in order to complete some of

the woodland management tasks required, but there are plans to acquire electric equipment where possible and to introduce 'old-fashioned' non powered tools and skills where possible to improve long term resilience within the community.



11. Risk Management

- 11.1 The grant funding will be paid to DDDC in arrears on a quarterly basis based on evidence of expenditure to the funder. 10% of the funding will be held back until the project has been completed. This requires DDDC to cashflow the project. This was identified and raised as part of the development phase and was approved. The increasing inflation rate may affect how much we can deliver for the fixed grant of the proposed project. Significant rise in material and contractor building costs may require the scope of the capital project to be adapted from its current proposed budget. The project budget has 8% of inflation built into the capital costs and a large 15% contingency.
- 11.2 The Hurst Farm Green Estate social enterprise was set up for this project and is part of the project legacy. It will be employed by DDDC to deliver aspects of the Heritage Trail Activity Plan. As the grant holder DDDC will be responsible to oversee that the delivery of the Activity Plan happens to the quality, timescale and budget set out in the bid. Therefore, in case of the Green Estate not delivering within agreed parameters, DDDC would be required to take over the full delivery.
- 11.3 As part of the project support an internal working group has been established with representatives from housing, finance, legal and regulatory services. This group will meet at regular intervals to support the project delivery.

Report Authorisation

Approvals obtained from:-

	Named Officer	Date
Chief Executive	Paul Wilson	16/11/2022
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	15/11/2022
Monitoring Officer (or Legal Services Manager)	James McLaughlin	16/11/2022

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Granby House
44 Friar Lane
Nottingham
NG1 6DQ

Telephone
0115 8576763
Website
heritagefund.org.uk



7 October 2022

Our Ref: OL-18-07125

Marie-Christine Schmidt
Estate Regeneration Manager
Derbyshire Dales District Council
Town Hall
Bank Road
Matlock
Derbyshire
DE4 3NN

Dear Marie-Christine Schmidt

Heritage that is Understood, Respected, Safeguarded and Treasured for Hurst Farm

Congratulations, your *Application* has now been assessed, and I am pleased to confirm that we will offer you a *Delivery Grant* of up to £1,009,000.00 [One Million and Nine Thousand Pounds] (83% of the total approved *Project* work cost of £1,222,841.00) towards the *Delivery Phase* of the above *Project* which is set out in the *Approved Purposes* in part 1 of this letter.

The percentage above is known as your *Grant Percentage*. As your *Approved Project Costs* include non-cash contributions and/or volunteer time, we have also calculated the percentage of cash that we will be contributing towards the *Project*. We describe this as the *Payment Percentage* and for your *Project* this will be 86%. More information on this can be found within the *Receiving a Grant* guidance.

Part 1 of this letter deals with the legal aspects of the *Delivery Grant* that we are offering.

Part 2 of this letter sets out how we will work with you during the *Delivery Phase* of your *Project*.

Part 1 – The Legal Section

Project Reference Number: OL-18-07125

Grant Amount Awarded: £1,009,000.00

Grant Contract – made up of:

- *Grant Notification Letter*,

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Granby House
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- *Standard Terms of Grant;*
- *Any Additional Grant Conditions;* and
- *Signed Permission to Start Form.*

Grantee name and address:

Derbyshire Dales District Council
Of Town Hall
Bank Road
Matlock
Derbyshire
DE4 3NN

Approved Purposes

You will need to deliver your *Project* in line with the proposals set out in your *Application*. We will monitor your progress against the following *Approved Purposes* which we agreed to support:

Approved Purposes

- Ensure high visibility acknowledgement of the National Lottery Heritage Fund on site, online and in all activities as well as using your project to acknowledge and thank National Lottery Players.
- Take proactive measures to be inclusive, remove barriers to access and to reach new and more diverse audiences with both activities and capital designs.
- Appoint consultants and staff to support project delivery, including: Project Manager; Landscape Architect; Green Estate Manager; Community Ranger; 2 Apprentices; Evaluation, ecology and interpretation consultants.
- Improve access to natural heritage by repairing historic stone footpaths and constructing a new boardwalk, along with sensitive tree and vegetation clearance, to provide safe, accessible routes through the woodland.
- Improve and expand biodiversity by carrying out well informed habitat management works and new planting of trees, wildflowers and other plants.
- Conserve and enhance heritage landscape features such as the Wishing Stone, historic views, footpaths and drystone walls.
- Deliver the Activity Plan programme of volunteering, training and public engagement events and activities with local partners and communities.
- Implement well designed physical and digital interpretation works in collaboration with Hurst Farm residents.
- Establish the HURST Farm Green Estate Community Benefit Society, owned and operated by local people, as a long-term legacy to care for the landscape and community woodland.
- Support and develop the Green Estate Community Benefit Society in order that it is managed and governed to meet voluntary sector best practice.
- All project activities to be carried out with an aim of supporting environmental sustainability and increasing biodiversity, with an ethos of reduced waste, using reusable, durable materials and avoiding single use plastic.

- Evaluate the project in accordance with National Lottery Heritage Fund guidance.

Delivery Grant: Approved Project Costs

The attached Appendix 1 sets out the *Approved Project Costs* to which the National Lottery Heritage Fund has agreed to contribute, along with any partnership funding.

If you spend less on your *Project* than the *Approved Project Costs*, we will reduce the final *Grant* payment. The amount will be in proportion to our *Grant* contribution.

Standard Terms of Grant

We will pay you the *Grant* subject to you complying with:

- the *Standard Terms of Grant* set out in Appendix 2;
- the *Additional Grant Conditions* set out below; and
- the conditions and requirements set out in the document entitled *Receiving a Grant*.

Additional Grant Conditions

In addition to our *Standard Terms of Grant* you must observe the following *Additional Grant Conditions* in respect of the *Delivery Phase* of your *Project*.

For the purposes of these Additional Grant Conditions, “the Property” means Hurst Farm and the following definitions apply in addition to those in the Standard Terms of Grant:

1. Local-authority Grantee

- 1.1. Within 28 days of the date of the Grant Notification Letter, you must send us a certified copy (signed to confirm it is a true copy) of the document recording your decision (or the decision of the relevant properly constituted committee, executive or authorised officer) authorising you to accept the Terms of Grant, together with a statement containing the information set out below. The statement must include the following information:
 - 1.1.1. the power (statutory or otherwise) you have and which you have used to accept the Terms of Grant;
 - 1.1.2. an extract of that part of your policy framework under which you have accepted the terms of grant;
 - 1.1.3. the executive arrangements under which your decision to accept the Terms of Grant was made;
 - 1.1.4. the considerations that you took into account in using the powers and the procedure under which any consultation took place and the decision was made;
 - 1.1.5. the authority under which the Declaration forming part of the Application has been signed on your behalf.
- 1.2. Without affecting clause 36 you must (if we think it is necessary) confirm your decision in whatever way we direct. Within seven days of confirming, you must send us evidence of this.

- 1.3. We may withdraw the Grant (after considering the matters referred to above) if we are not satisfied that the Terms of Grant are valid and binding on you.
- 1.4. Within 21 days of sending us the document and information needed under paragraph 1.1 (or evidence of the confirmation of the decision in line with paragraph 1.2), we may ask that you get the written opinion of a barrister, in a form satisfactory to us, asking for his or her opinion on whether:
 - 1.4.1. the powers you are relying on in accepting the Terms of Grant do allow you to enter into these arrangements;
 - 1.4.2. you have followed correctly all procedural requirements in using those powers and have acted in a reasonable and proper way; and
 - 1.4.3. you have taken account of only, and all, relevant considerations in using those powers.You must send us the barrister's opinion and make sure that it is addressed to us as well as to you. You must also make sure that the barrister confirms we may rely on his or her opinion for our own purposes.
- 1.5. You acknowledge that neither any documents or information that you send us, nor the fact that we may then have paid you part of the Grant, will affect our right to rely on the promise in paragraph 1.6 below.
- 1.6. You promise that:
 - 1.6.1. you have the authority to accept the Terms of Grant;
 - 1.6.2. in using that authority you have acted in good faith, in a reasonable and proper way, for a proper purpose, without breaking any procedural requirement and in considering only (and all) relevant considerations; and;
 - 1.6.3. your decision to accept the Terms of Grant is one that any reasonable local authority (applying the laws that are relevant to it) could have reached.
- 1.7. Within one month of the end of each of the 10 years after you finish the work, you must send us detailed accounts, certified by your chief finance officer, showing the funding and resources you used on the Property in the year before.

2. Letting Clause

- 2.1. Despite clause 18 of the Standard Terms of Grant, you may lease or let part or parts of the Property for purposes which are consistent with the Approved Usage and for any periods we have first approved. However, the leases or lets must always be at a full market rent and you must use the rental income for the purpose of carrying out the Approved Purposes or generally for the benefit of the Property.

3. Restriction on Title

- 3.1. Within 28 days of the date of Permission to Start, you must apply to the Land Registry for a restriction to be entered using the following wording:
“No disposition of the registered estate by the proprietor of the registered estate or by the proprietor of any registered charge, not being a charge registered before the entry of this restriction, is to be registered without a written consent signed by the Trustees of the National Heritage Memorial Fund of Fourth Floor, Cannon Bridge House, 25 Dowgate Hill, London, EC4R 2YA or their conveyancer.”

Your solicitor must forward us updated Office Copies as soon as possible once the restriction has been registered at HM Land Registry.

Grant Expiry Date

You must complete the *Approved Purposes* of your *Delivery Phase* and submit your *Completion Report and Final Payment Request* form and *Evaluation Report* by **1 November 2026**.

Term of the Grant Contract

The Grant Contract will last from Permission to Start and run for a term of 20 years after the Project Completion Date.

The following documents define the *Project* for which the *Grant* is offered:

1. This letter;
2. Your *Application* dated 24 February 2022; and
3. Documents submitted by you in support of your *Application* including all correspondence we have sent you and all correspondence we have received from you.

Withdrawal of the Grant

We may withdraw the *Grant* if:

- You have already started work on the *Delivery Phase* of your *Project* before we have given you our permission to do so;
- You do not start work on your *Project* within six months of the date of this letter

Part 2 – How we will work with you

The National Lottery Heritage Fund is currently updating its grants management system. The new portal will be easier to use and will offer a better service for all our grantees and applicants. As part of this work we will be moving all our live projects from the current system onto the new one. This includes yours. There is nothing that you need to do in advance of this and you can continue to submit *Permission to Start*, *Payment Requests* and *Progress Updates* through the current portal. When your project is ready to be moved to the new system, we will contact you and let you know.

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Delivering your Project

You will need to develop your *Project* in line with the proposals set out in your *Application*. We will contact you shortly to arrange a start-up discussion for your *Delivery Phase*, where we will agree a timetable for progress reporting and grant payment requests. More information on this can be found within the *Receiving a Grant* guidance.

You should now carefully read the following related documents:

- *Receiving a Grant*
- *Appendix 2: Standard Terms of Grant*

You are required to:

1. obtain our *Permission to Start* the Project;
2. submit *Progress Reports* at intervals agreed at *Permission to Start*;
3. request your *Grant*;
4. provide a *Completion Report and Final Payment Request* form and an *Evaluation Report* when you have finished your *Project*; and
5. procure goods, works and services in accordance with the *Receiving a Grant* guidance.

Obtaining Permission to Start your Project

We will only give you our *Permission to Start* when certain pre-conditions, defined in the *Receiving a Grant* guidance, have been satisfied. The forms that you will need for requesting *Permission to Start*, requesting your *Grant*, reporting on your progress and providing your *Completion Report and Final Payment Request* form should be accessed and submitted via your online account, in the same way that you submitted your *Application*. You will need to submit your *Permission to Start* form within **six** months of the date of this letter.

For us to pay your *Grant* by bank transfer (BACS), we need to see a copy of a recent bank statement (within the last three months), or a cheque or paying-in slip for the relevant account, showing the bank's name and address.

Please note that your *Permission to Start* Form will be released to your online account within 5 working days of this letter. Please contact your Investment Officer, Jeremy Fenn, if you need to access the form any earlier than this.

Jeremy Fenn
Senior Investment Manager
Direct Line: 07972 638688
Email: Jeremy.fenn@heritagefund.org.uk

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We wish you every success with your *Project*. Please contact me if you have any queries arising from this letter.

Yours sincerely

A handwritten signature in black ink that reads "Jeremy Fenn". The signature is fluid and cursive, with a long horizontal stroke underlining the name.

Jeremy Fenn
Senior Investment Manager

Appendix 1 – Approved Project Costs

a) Delivery Phase costs

Capital costs

Cost Heading	Description	Cost £	Vat £	Total £
Preliminary works (e.g scaffolding, preliminaries, pre-construction archaeology)	12.5% of capital	44,470	0	44,470
Repair and conservation work	250m Stone footpaths repaired, steps, 200m drystone walls, Wishing Stone improvements	129,514	0	129,514
Other capital work	Interpretation, tool storage, arboricultural works including planting, flexipave footpaths, boardwalk, drainage, entrance archways, waymarkers, vehicular access barrier, seating and litter bins,	324,309	0	324,309
Digital outputs	Digital beacons including hardware and content	5,200	0	5,200
Professional fees relating to any of the above (capital)	Interpretation, CDM co-ordinator, ecologist	16,041	0	16,041
Total Costs		519,534	0	519,534

Activity costs

Cost Heading	Description	Cost £	Vat £	Total £
New staff costs	Project Manager (0.6FTE, 3.25 years); Landscape Architect (0.8FTE over 16 months); Green Estate Manager (0.5 FTE * £30,000 for 3 years); Community Ranger (3 years, £25,500)	269,678	0	269,678
Training for staff	Apprenticeships, Ranger skills training, volunteer management, Green Estate mentoring (£7,000)	10,195	0	10,195
Paid training placements	2x15month Apprenticeships	25,746	0	25,746
Training for volunteers	Woodland management plus volunteer-led elements of Activity Plan	30,290	0	30,290
Travel and expenses for staff	Offsite training expenses	900	0	900
Travel and expenses for volunteers	Childcare, refreshments, travel	5,840	0	5,840
Equipment and materials (activity)	PPE, tools, ICT equipment	9,438	0	9,438
Event costs	Activity Plan events programme	3,760	0	3,760
Other costs	Other Activity Plan proposals including community	74,750	0	74,750

Cost Heading	Description	Cost £	Vat £	Total £
(activity)	workshops, John Muir Award, Forest School			
Total Costs		430,597	0	430,597

Other costs

Cost Heading	Description	Cost £	Vat £	Total £
Recruitment	Recruitment, DBS checks	980	0	980
Publicity and promotion	Capital programme promotion, films, printed publicity, website, celebration	20,170	0	20,170
Evaluation	External evaluation	20,500	0	20,500
Other costs	Fit for Future membership	2,200	0	2,200
Contingency	15% for capital costs except i-Beacons, 10% all other costs (not including volunteering)	131,812	0	131,812
Inflation	8% of capital (not including fees); 5% on activities not including staff costs (already inflated) and evaluation	44,648	0	44,648
Volunteer time	Activities described in Activity Plan (499 unskilled days at £50, 183 skilled days at £150)	52,400	0	52,400
Total Costs		272,710	0	272,710

b) Delivery Phase income

Delivery income

Income Heading	Description	Secured	Total (£)
Local authority	DDDC funding: Project Manager; Landscape Architect; 2x15month Apprenticeships including training costs	Yes	161,441
Volunteer time	Volunteer programme described in Activity Plan (499 unskilled days at £50, 183 skilled days at £150)	No	52,400
Grant			1,009,000
Total Income			1,222,841

Appendix 2: Standard Terms of Grant

National Lottery Grants for Heritage

Standard Terms for Delivery Grants of £250,000 to £5 million

Definitions:

'we', 'us', 'our' – the Trustees of the National Heritage Memorial Fund (who administer the National Lottery Heritage Fund).

'you', 'your' – the organisation(s) awarded the *Grant* as set out in the *Grant Notification Letter* and any organisation which agrees to be a joint grantee and to comply with the *Grant Contract*.

Additional Grant Conditions – any additional grant conditions set out in the *Grant Notification Letter*.

Application – your completed *Application* form and any documents or information you send us to support your request for a *Delivery Phase* grant.

Approved Purposes – the *Approved Purposes* summarise the *Project* described in your *Application* which comprises the *Delivery Phase*.

Approved Usage – how you said you would use the *Property* in your *Application* (allowing for any changes that we may have agreed up to the release of any of the *Grant*).

Delivery Phase – the implementation of the capital and/or activity phase of the *Project*.

Digital Outputs – all material with heritage content created in or copied into a digital format by or for you in connection with the *Project*.

Evaluation Report – the report you must send us before we pay the last 10% of the *Grant* telling the story of the *Project*, its achievements and lessons learned.

Grant – the amount set out in the *Grant Notification Letter* for the *Delivery Phase*.

Grant Contract – made up of the

- *Grant Notification Letter*;
- *Standard Terms of Grant*;
- *Any Additional Grant Conditions*; and
- Signed *Permission to Start Form*.

Grant Expiry Date – the date by which you must achieve the *Approved Purposes* as

set out in the *Grant Notification Letter* and by which you will make the final drawdown of the *Grant*.

Grant Notification Letter – the letter confirming our *Grant* to you.

Other guidance – all other guidance relevant to the Project on our website including:

- Activity plan or Area action plan
- Conservation Plan Guidance
- Evaluation Guidance
- Good Practice Guidance
- Management and Maintenance Plan Guidance
- Procurement Guidance
- Understanding your Heritage
- Viability and Development Appraisal Guidance

Outcomes - we describe the difference we want to make with our funding through a set of nine Outcomes. Outcomes are changes, impacts or benefits that happen as a direct result of the Project. All of the projects we fund will achieve one or more of these Outcomes.

Permission to Start Form – the form you submit to us requesting permission to start the *Project*.

Permission to Start – our written confirmation that you may start the *Project*.

Programme Application Guidance – the document setting out the scope of the programme and how to apply.

Project – the purposes we have approved as set out in the *Application* (taking account of any changes we and you have agreed in writing up to the date of our decision to award you the *Grant* and any changes that we tell you about in the *Grant Notification Letter*). These purposes are sometimes described as *Approved Purposes* and include you getting and using partnership funding as set out in the *Application* and how you said you would use the *Property* (if any).

Project Completion Date – the date of the letter we send you letting you know that the *Project* is recorded as complete.

Property – any property that you buy, create, receive or restore, or property that is otherwise funded by the *Grant* including *Digital Outputs*, intellectual property rights and any documents that you produce or order as part of the *Project*.

Receiving a Grant – the guidance we publish to explain how we will pay the *Grant*, monitor the Project and agree changes to the *Grant*.

Standard Terms of Grant – the standard terms set out herein.

Term of the Grant Contract – the duration of the *Grant Contract* set out in the *Grant Notification Letter*.

Third Party – any owner of *Third Party Property*.

Third Party Property – any property identified in the *Application* that belongs to or is controlled by a *Third Party*.

Third Party Ownership Requirements – the requirements set out in the *Programme Application Guidance* and *Receiving a Grant* relating to the contractual arrangements we expect you to enter into with a *Third Party*.

Achieving the Approved Purposes

1. You must use the *Grant* only for the *Approved Purposes*, unless you get our approval beforehand.
2. You must not start work to achieve the *Approved Purposes* before *Permission to Start*.
3. You must achieve the *Approved Purposes* and make your final Grant drawdown by the *Grant Expiry Date*.
4. You must use the *Property*, or allow it to be used, only for the *Approved Usage* during the *Term of the Grant Contract*.
5. As well as these *Standard Terms of Grant*, you must follow the *Additional Grant Conditions* (if any) set out in the *Grant Notification Letter*, address any issues we identify in the course of monitoring, and meet the requirements set out in the *Programme Application Guidance*, *Receiving a Grant*, the guidance we have about acknowledging your grant on our website, and any other guidance published on our website which is relevant to the *Project*.
6. You must carry out the *Approved Purposes* in line with current best practice in your area of heritage and to a standard that is appropriate to a project of importance to the national heritage. You must follow all legislation and regulations that apply.
7. You acknowledge that the *Grant* comes from public funds. You must continue throughout the *Approved Purposes* to ensure the *Grant* is compatible with state aid and subsidy control law meaning:

- a. the law embodied in Articles 107-109 of section 2, Title VII of the Common Rules on Competition, Taxation and Approximation of Laws of the Treaty on the Functioning of the European Union; or
 - b. any domestic law which replaces such state aid law following the UK's exit from the European Union such as the principles set out in Chapter 3 (Subsidies) of Title XI (Level Playing Field) of the Trade and Cooperation Agreement, the World Trade Organisation Agreement on Subsidies & Countervailing Measures, the Northern Ireland Protocol and any other World Trade Organisation or Free Trade Agreement that applies to your project.
8. You must maintain appropriate records of compliance with the state aid and subsidy laws and must take all reasonable steps to assist us to comply with any requirements and respond to any subsidy control challenge or investigation(s) instigated by the European Commission (or its domestic successor) into the *Grant* or any equivalent regulatory body as the case may be.
9. In the event that the *Grant* is deemed to be unapprovable state aid or subsidy, this constitutes a breach of our *Standard Terms of Grant* and you will be required to repay the entire *Grant* without delay together with compound interest from the date on which the unlawful aid was at your disposal until the date of its recovery.

Project monitoring

10. You must give us any progress reports, financial or other information and records we may need from time to time on the *Grant*, the *Property*, the *Approved Purposes* (and achieving them) and the *Approved Usage*.
11. You must allow us (or anyone we authorise) to have any access we may need to:
- a. inspect the *Property* and any work to it;
 - b. monitor the conduct and progress of the *Approved Purposes*; and
 - c. monitor the *Approved Usage*.

In these cases we will give you notice. You will report on the progress of the *Project* at times agreed with us.

12. We may ask you to provide proof that you have taken action to reduce the risk of fraud. We may ask you to let us examine your accounting processes and procedures to check the effectiveness of anti-fraud measures.
13. We will monitor the progress of the *Project* and will carry out checks during, at and after the end of the *Project* to confirm that it is delivering the *Outcomes* expected. If we (or anyone we authorise) make any recommendations on the matters set out in paragraph 11, you must take those recommendations into account when meeting your obligations to us.
14. You must take appropriate steps to monitor your own success in achieving the *Approved Purposes* and in using the *Property* for the *Approved Usage*. On completing the *Project*, you must submit your *Evaluation Report* before we will release the final *Grant* payment.
15. You must provide us with the web address or addresses (URL/s) of the site or sites that will host your Digital Outputs for the specified length of time, and update these if materials are relocated. For projects where materials are located across a range of sites, the URL of an online index page is required.

Procurement

16. Before you start any phase of the work needed to achieve the *Approved Purposes*, you must put in place all necessary contracts with appropriately qualified contractors and professional advisers to allow you to finish that phase of the work. Building contracts must contain a clause which allows you to retain part of the contractors' fees on practical completion of the works. If you want any contracts to be on different terms, you must get our approval beforehand.
17. If the *Approved Purposes* involve buying goods or services or getting work done, you must carry out a tendering exercise in line with the requirements set out in the *Receiving a Grant* and Procurement Guidance available on our website.

Property

18. You must continue to own the *Property* and keep exclusive control over what happens to it. Other than as permitted under paragraph 28 (*Digital Outputs*), you

must not sell, let or otherwise part with it or any interest in it, or give any rights over it to anyone else (or take any steps to do so) without our approval beforehand. If we give you our approval, it may depend on any of the following requirements.

- a. that you pay us a share of the net proceeds of selling or letting the *Property* within one month of parting with the assets or other goods;
- b. that you sell or let the *Property* at its full market value;
- c. any other conditions we think fit.

We may claim from you an amount in the same proportion to the sale price as the *Grant* is to the original cost of the *Approved Purposes*, or the portion of the *Grant* spent on the assets or goods concerned, whichever is the greater. If you applied for the *Grant* in accordance with the Heritage Enterprise *Application Guidance* the share of the proceeds of share to be paid to us will be calculated in accordance with the formula set out in Part three: Receiving a grant. You must pay whatever we decide is appropriate in the circumstances. We may decide not to ask you to repay the *Grant* (or any part of it as we think fit) for any reason but it is for us to decide that.

19. You must maintain the *Property* in good repair and condition. If the *Approved Purposes* include creating, repairing or restoring property, you must maintain the *Property* in good repair and condition after the work has been done. If the *Approved Purposes* include the preparation of a maintenance and management plan or a conservation plan, you must maintain, manage or conserve the *Property* in accordance with the version of the relevant plan that we have approved.
20. You must insure the *Property* to the standard set out in (and use any proceeds of the insurance in line with) the *Programme Application Guidance* and *Receiving a Grant*.
21. You must keep any objects or fixtures that form part of the *Property* in a physically secure and appropriate environment.
22. You must tell us, in writing, within five working days about any significant loss or damage to the *Property*.
23. You must arrange for the general public to have appropriate access to the *Property*. You must make sure that no person is unreasonably denied access to

the *Property*.

24. If the *Approved Purposes* involve using part of the *Grant* to buy, receive, create, restore, conserve or otherwise fund *Third Party Property* you must comply with our *Third Party Ownership Requirements*.

Publicity and acknowledgement

25. We may make the purpose and amount of the *Grant* public in whatever way we think fit.
26. Once we have announced the *Grant*, you must acknowledge the *Grant* publicly in line with the requirements set out in the guidelines on our website. You must meet any other acknowledgement or publicity requirements we may tell you about from time to time. Before we make any public announcement of the *Grant*, you must not issue any public statement, press release or other publicity in relation to the *Grant* or which refers to us, other than in a form we have approved beforehand.
27. You must also provide us with digital images in electronic format of the *Project* or hard-copy photographs or transparencies. You give us the right to use those you provide us with at any time, including putting them into a digital format and altering them. You must get all the permissions required for you and us to make use of them before you use them or send them to us.

Digital outputs

28. You agree to:
- a. grant us a non-exclusive, royalty free licence to use, copy, keep and disseminate the Digital Outputs as we see fit and to grant sub-licences of the same kind for the Term of the Grant Contract;
 - b. apply a Creative Commons Attribution 4.0 International (CC BY 4.0) Open Licence or equivalent, to all grant funded Digital Outputs, with the exception of code and metadata, and not including public domain assets or non-original digital reproductions of public domain assets (see below).
 - c. clearly identify and apply Creative Commons 0 1.0 Universal (CC0 1.0) Public Domain Dedication, or equivalent to:

- i) code and metadata created in the course of the project; and
 - ii) Public domain assets or non-original digital reproductions of public domain assets
- d. obtain and maintain in force all authorisations of any kind required for you to apply the relevant Open Licence or Public Domain Dedication (CC BY 4.0 or CC0 1.0).
- e. contract to the effect that any creation by you or on your behalf of material which forms Digital Outputs is undertaken on terms that either the copyright in the digital material is assigned to you or that the copyright owner agrees that material may be shared under a CC BY 4.0 Open Licence or equivalent.;
- f. ensure that the Digital Outputs are kept up-to-date, function as intended and do not become obsolete before the twentieth anniversary of the Project Completion Date.
- g. comply with these Standard Terms of Grant in relation to the digital files that make up the Digital Outputs for the period agreed in the Grant Notification Letter. For the avoidance of doubt, this includes ensuring free and unfettered online access to the Digital Outputs. You must not release your project's Digital Outputs on other terms without our prior written consent.

Grant payment and repayment

29. We will, up to the *Grant Expiry Date*, pay you the *Grant* or any instalment of it in line with these *Standard Terms of Grant* and the procedures explained in *Receiving a Grant* as long as:

- a. the National Lottery continues to operate under the National Lottery etc. Act 1993 (as amended from time to time), and enough funds are made available to us under the Act; and
- b. we are satisfied that you are achieving (and will continue to achieve) or have achieved the *Approved Purposes* in line with these *Standard Terms of Grant* and that you are spending the *Grant* in proportion to any other funds you receive from other sources for the *Approved Purposes*.

30. You acknowledge that the *Grant* is the total amount of funds we will provide and

will not be increased as the result of you overspending or for any other reason.

31. You must repay to us immediately any *Grant* that we have paid you (and we will stop any future instalments of the *Grant*) if:
- a. you no longer operate, or you are declared bankrupt or placed into administration, receivership or liquidation;
 - b. you have, in our opinion, given us fraudulent, incorrect or misleading information;
 - c. you have acted negligently in any significant matter or fraudulently in connection with the *Approved Purposes* or the *Approved Usage*;
 - d. any competent authority directs the repayment of the *Grant*;
 - e. there is a significant change in your status;
 - f. you knowingly withhold information that is relevant to the content of your *Application*;
 - g. you do or fail to do anything that brings us or the National Lottery into disrepute, or which we consider for any reason puts public funds at risk, or we terminate or suspend any other grant we have given you;
 - h. you fail to make good progress with the *Project* or are unlikely in our view to complete the *Project* or achieve the *Outcomes* agreed with us; or
 - i. you fail to keep to any of these *Standard Terms of Grant*.
32. If you are a commercial organisation and applied for the *Grant* in accordance with the Heritage Enterprise *Application Guidance* you will be required at 5 and 9 years after the *Project Completion Date* to pay us a share of the *Project* net earnings in excess of the projected future income and expenditure which you used to establish the conservation deficit in your *Application*. Such share will be calculated in line with the relevant grant percentage set out in the Grant Notification Letter.
33. If you achieve the *Approved Purposes* without spending the full amount of the *Grant*, you must pay back the part of the *Grant* you have not spent. We will treat you as spending the *Grant* in proportion to other funds you were due to receive from other sources for the *Approved Purposes*.

34. If you sell or otherwise part with all or part of the *Property* without our permission under paragraph 18, or you receive money in some other way as a result of you not following these *Standard Terms of Grant*, you may have to pay us immediately a share of the net proceeds if that share is more than the amount we would otherwise be entitled to under paragraph 31.

General terms

35. You may not, and must not claim to, transfer the *Grant* or any rights under these *Standard Terms of Grant*.

36. You must take all steps and sign and date any documents as may be necessary to carry out your obligations under these *Standard Terms of Grant* and to give us the rights granted to us under them.

37. If there is more than one of you, any liability under these *Standard Terms of Grant* will apply to you all together and separately.

38. We may rely on any of our rights under these *Standard Terms of Grant* at any time, even if we do not always choose to do so immediately. If we decide not to rely on one right, we may still rely on any of our other rights under these *Standard Terms of Grant*.

39. If you need our approval for anything, you must write to us to ask for it. You may only rely on any approval needed under these *Standard Terms of Grant* if we (or anyone we authorise) give it to you in writing.

40. Any notice, request or other document we or you send to each other under these *Standard Terms of Grant* shall be in writing and shall be deemed to have been given if personally delivered by hand or post (first class postage pre-paid) to the address for service of the relevant party. If hand delivered all such communications shall be deemed to have been given when received (except that if received on a non-working day or after 5 pm on any working day they shall be deemed received on the next working day) and if posted all such communications shall be deemed to have been given and received on the second working day following such posting.

41. Any documents you need to send us under these *Standard Terms of Grant* are for our own purposes only. If we approve or accept any documents, this does not mean that we have approved or accepted them for any other purpose.

First Floor
Granby House
44 Friar Lane
Nottingham
NG1 6DQ

Telephone
0115 8576763
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heritagefund.org.uk



42. The *Term of the Grant Contract* will last for the period set out in the *Grant Notification Letter*.

43. These *Standard Terms of Grant* cannot be enforced by anybody other than you or us.

Agenda Item 13



**OPEN REPORT
COUNCIL**

Council – 24 November 2022

CAPITAL PROGRAMME BUDGET MONITORING 2022/23 & FURTHER CAPITAL PROJECTS PROPOSALS

Report of the Director of Resources

Report Author and Contact Details

Karen Henriksen, Director of Resources
01629 761284 or karen.henriksen@derbyshiredales.gov.uk

Wards Affected

District-wide

Report Summary

This report:

- presents the current financial position of spend against the 2022/23 Capital Programme as at 30th September 2022;
- seeks approval for an updated capital programme for 2022/23 to 2024/25 and associated financing.

Recommendations

1. That the Capital Programme spend to 30th September 2022 be noted.
2. That re-phasing of existing projects for completion over the next 3 years and the removal of projects not proceeding be approved.
3. That new projects and revisions set out in paragraph 3.1.1 of the report, totalling £1,723,312, be approved for inclusion in the Capital Programme.
4. That the updated capital programme for 2022/23 to 2024/25 set out in Appendix B to the report totalling £13,431,568 be approved.
5. That financing of the Capital Programme from the sources summarised at paragraph 3.3 be approved.

List of Appendices

Appendix A - Capital Monitoring Report as at 30th September 2022-23
Appendix B - Revised Capital Programme 2022/23 to 2024/25.
Appendix C - Movement in Reserves relating to the Capital Programme

Background Papers

Business Cases are available for each new scheme.

Council Approval Required

Yes

Exempt from Press or Public

No

CAPITAL PROGRAMME BUDGET MONITORING 2022/23 & FURTHER CAPITAL PROJECTS PROPOSALS

1. Background

- 1.1 The Revised Capital Programme for 2022/23 of £8,801,014 was approved at the Council meeting on 29th September 2022.
- 1.2 The programme for 2023/24 to 2024/25 was last updated at the Council meeting in July 2022.
- 1.3 The first part of this report presents the current financial position of spend against the 2022/23 Capital Programme as at 30th September 2022.
- 1.4 The remainder of this report describes new bids and other updates to the capital programme for 2022/23 to 2024/25 and associated financing

2. Capital Expenditure as at 30th September 2022

- 2.1 As at 30th September 2022 expenditure including commitments against budget was £1,387,013 (15.7% of the annual budget). As shown at Appendix A, the forecast out-turn expenditure against budget is £5,379,069 (61.1% of the annual budget). The end 2 columns provide further explanation of the variances on a project by project basis and a likely date for completion. In summary, just over half of the capital programme is forecast to be completed during the current financial year.
- 2.2 The key variances between budget and forecast spending in 2022/23 are as follows:-
 - a) The projects below are forecast to overspend by 31st March 2023 for which additional funding is being requested for 2022/23. Housing projects will require further contributions from S106 contributions reserve whilst the ICT projects will require further contribution from the IT Reserve.

Project Ref	Project	Total Budget (£)	Forecast Spend (£)	Variance (£)	Explanation
298	Housing – Empty Homes (Phase 1)	300,000	362,358	62,358	Inflation has increased works costs, unforeseen roof works and external wall insulation added to specification.
302	Housing – Henmore Gardens	42,000	46,492	4,492	Scheme now complete Increased costs due to additional items such as floor coverings and water butts

290	Housing – Social Housing Grant – Calver	43,000	51,516	8,576	Slight delay due to Planning approval but works should commence in Q4. Inflation has increased costs of retrofit technology,
641	Resources -(ICT) Network switch Replacement	30,000	65,000	35,000	Quotes based upon revised net-working traffic loads & changes in technology have resulted increased costs.
642	Resources -Disaster Recovery Storage	20,000	30,000	10,000	Hardware cost increases and component shortages are increasing costs.
	TOTAL			120,426	

b) The following projects are forecast to underspend. Disabled Facilities grants are funded by the Better Care Fund. Any unused funding will be retained to fund future requirements. The LAD (phase 2) is funded by government grant and capital receipts. Any unspent grant will be returned back to the government and it is proposed that any unspent capital receipts (disposal receipts) be transferred to contribute to the LAD3 scheme.

Project Ref	Project	Total Budget (£)	Forecast Spend (£)	Variance (£)	Explanation
270	Disabled Facilities Grant	601,736	350,000	-251,736	Based upon current demand for service. Funded by Better Care Fund. Underspent grant retained.
313	LAD scheme – phase 2			-232,339	Fewer properties eligible for work. Grant to be returned plus capital receipt contributions requested to fund LAD 3.

c) The forecast position indicates that there 17 projects which will require all or part of the budget to slip into the 2023/24 for completion. The budgets will be re-profiled as part of the production of the 2023/24 Capital Programme which will be submitted for approval in March 2023. By this time there shall be a more accurate forecast as to the out-turn position.

d) It is proposed that the following projects are removed from the capital programme

Project Ref	Project	Total Budget (£)	Forecast Spend (£)	Variance (£)	Explanation
305	Housing Acquisition – Tansley	841,000	0	-841,000	The Developer did not choose the Council's bid to purchase.
618	War memorials	14,955	0	-14,955	No further works planned.

e) The remaining 28 projects are on-track are either complete or on track to be completed within the current financial year.

3. Revisions to the Capital Programme for 2022/23 to 2024/25

Revisions to the Capital Programme

3.1 Proposed new bids and other revisions to the capital programme are set out in the following paragraphs. Business cases considered urgent for this update have been submitted to the Capital Working Group and collectively scored against a scoring matrix linked to the Council's objectives. The following bids were considered urgent for inclusion and were scored as follows:-

Project Name	Budget Required £	Score (out of 100)	Funded by:
Hurst Farm Heritage Trail	682,885	88	Heritage Lottery Grant (capital element)
Upgrading of play area and recreation facilities in Tansley	32,783	67	Requirement to spend as outlined in s106 agreement.
Wash-down Facility Darley Dale Depot	75,000	62	Capital Receipts Reserve
Fleet De-carbonisation – charging point Depot	50,000	60	Part grant funded but will need council contribution of £34,000 - Capital Programme Reserve.
Electric Vehicle Charging Infrastructure (car parks)	320,000	59.5	External grant funding of £256k. Balance of £64,000 from Capital Receipts Reserve

Resurfacing and lining at three car parks	68,000	Not scored	Capital Receipts Reserve
Rationalisation of Storage Facilities at Northwood Depot	15,000	58	Capital Receipts Reserve
Wi-Fi replacement	50,000	Not scored	Capital Receipts Reserve
Production SAN Storage	40,000	Not scored	Capital Receipts Reserve
Back-up Storage & Server licenses	30,000	Not scored	Capital Receipts Reserve
Revision – Project 292. Wirksworth Almshouse Trust Additional in 2023/24	115,615	61	Currently included at £280k. Funded by S106
Revision to 645 Server 2012 – Additional costs in 2023/24	20,000	Not scored	Capital Receipts Reserve
Revision to Project 620, 621, 622 Remove Energy Efficiency project for the Depot. Additional costs at Town Hall & ABC in 2023/24	223,929	Original business case scored. This is an update	Cap programme funding from 620 will be relocated to 621 - £17,114
	1,723,312		

The next section of the report provides the narrative in respect of each project.

Hurst Farm Heritage Trail

- 3.1.1 The Hurst Farm Heritage Trail project seeks to deliver a project for the creation of the Hurst Farm Heritage Trail costing £1,222,841 (£682,885 capital spending). A Heritage Lottery grant has been awarded to DDDC to the value of £1,009,000 (to fund £682,885 capital expenditure and £326,115 revenue expenditure). Funding will be for three years from October 2022-December 2025 and includes capital funding to build footpath infrastructure and undertake woodland management and revenue funding to deliver an activity program over 3 years. The exact start date is dependent on the permission to start being granted by the Heritage Lottery.

The Heritage Trail project is a key part of the wider Hurst Farm Regeneration Vision created in partnership with the Hurst Farm community and other

partners. Work started in Sept 2017 and the vision was launched in November 2019. The Hurst Farm Heritage Trail will restore 14.4 hectares of woodland adjacent to the Hurst Farm Estate (Matlock), using the natural and built heritage as a catalyst to improve the landscape, conserve nature, support the community, improve wellbeing and assist in regenerating the estate.

Upgrading of Recreation & Facilities in Tansley

- 3.1.2 The scheme involves the installation of new play equipment and upgrading of existing facilities funded through section 106 monies. The play area will offer play for a wider age range of children and create a safe environment for children of all ages to play.

Northwood Depot – New Vehicle Wash down Facility

- 3.1.3 Northwood Depot is the District Council's main depot and workshop facility where most of the Council's operational fleet are based and serviced. The depot was built in approximately 2005 and included a vehicle wash down area. This area was linked to surface water drainage via a petrol/oil interceptor. As part of a routine inspection by the Environment Agency (EA) in September 2022, an inspection of the vehicle wash down facility took place and it was found to be non-compliant with current legislation. As a result, the EA condemned the current method of washing down vehicles and served a notice prohibiting its continued use.
- 3.1.4 The Council's Clean & Green services require an operational wash-down facility in order to operate in accordance with best practice for vehicle maintenance. This requires frequent cleaning of all vehicles, plant and equipment to avoid grass and grit erosion and particularly cleaning of road sweepers to avoid damage to the internal fans and to preserve the operational life of the vehicles. Additionally, it is needed to continue best practice within waste carrier maintenance of cleaning waste vehicles to avoid the release of harmful bacteria and smells into the atmosphere. Best practice in fleet management is to ensure vehicles are clean so that registration plates and logos and warning notices are visible.
- 3.1.5 Accordingly, a new compliant wash down facility is required. Adaptation of the existing facility is not possible due to the position of drainage infrastructure so a totally new facility is required in a different location in the depot grounds. Quotations have been obtained for this work and a budget of £75,000 is required. This includes the £64,000 construction cost and a 15% contingency to cover fees and other matters. Failure to undertake these works would mean that the fleet could not be operated to best practice standards which could result in maintenance issues, potential road traffic fines and resultant reputational damage.

Fleet De-carbonisation Charging Points at Depot

- 3.1.6 This project comprises the installation of 8 x 7kW electric vehicle (EV) charging points at Northwood Depot, plus associated back office support. This will allow the trialling and adoption of EVs as part of the Council fleet.

The project will receive part funding through a successful bid to the Public Sector Charging Network (PSCN) phase 1 project, administered by Nottingham City Council (NCC). The aim of the PSCN is to provide public sector organisations with EV charge point infrastructure to support the uptake of EVs as part of their fleet and enable them to fulfil their operational responsibilities; addressing logistical and technical issues associated with EV charging for fleet users, home starters and employees frequently on the move. The project will create a network of public sector organisations (members) who agree to share EV charge points. Participation in the PSCN is subject to the terms of a Cooperation Agreement which have been agreed by Legal Services. The PSCN project is to June 2024. The total project value is likely to be in the region of £50,000.

Electric Vehicle Charging Infrastructure (car parks)

3.1.7 A high level local Electric Vehicle (EV) Strategy was approved at Full Council on 26th July, in which the concession model was recommended to help support incentives to local residents, taxi trade and future EVCPI installations. Having an approved strategy is key to enable an application to access funding to the Office of Zero Emission Vehicles On-Street Residential Chargepoint scheme (ORCS) in 2022/23. Local Authorities can receive a grant to part-fund up to a maximum of 60% of capital costs relating to the procurement and installation of residential electric vehicle charging point infrastructure. The remaining 40% must be met by a charge point operator (CPO) or the authority. Officers plan to submit the ORCS bid by end of 2022 for the following locations;

- Oddfellows road car park, Hathersage, S32 1DU
- Artist Corner car park, Matlock Bath, DE4 3PR
- Cattle Market car park, Ashbourne, DE6 1GQ
- Town Hall Front car park, Matlock, DE4 3NL
- Granby Road car park, Bakewell, DE45 1ES
- Canterbury road car park, Wirksworth, DE4 4GY
- Temple road car park, Matlock Bath, DE4 3NR
- Market Place car park, Cromford, DE4 3Q

These eight locations have been selected because of their geographical location and because they should meet the ORCS funding criteria which is specifically to increase the EV infrastructure for residents which do not have excess to off street parking

Car Parks relining and resurfacing

3.1.8 Granby Road, Bakewell, Parsons Field, Hartington and Pavilion, Matlock Bath car parks require more extensive repairs, which would fall outside of the general maintenance budget. The Council is currently conducting a procurement exercise with Derbyshire County Council for a services framework which, once completed, would provide an approved contractor who would carry out the works.

Rationalisation of Storage Facilities at Northwood Depot

- 3.1.9 This project comprises the rationalisation of external storage at Northwood Depot, to better meet the Council's operational requirements. The proposals would allow the relocation of the wheeled bins and associated storage to another site, freeing up space required for operational use and the addition of new containerised storage and a covered bay for dry storage of sand bags.

Wi-Fi replacement

- 3.1.10 The corporate Wi-fi at Matlock Town Hall was installed several years ago. Replacement had been planned in 2020 but the project was removed from the capital programme due to the building not being fully used during the pandemic. Since a return to hybrid working and council meetings in the Town Hall, wi-fi is used to connect to the corporate or members' wireless network in meeting rooms, from the Council Chamber or from corporate mobile phones. The Wireless access points are no longer supported by the vendors and could stop working as no further firmware updates are available. In order to replace the 16 wireless access points and the backend infrastructure we have been quoted approximately £50,000 which includes licencing and support for 3 years. This replacement would also provide access to the corporate network at faster speeds than currently available allowing more people to connect wirelessly from laptops. This would reduce the need to replace some of the Client Access switches and make office moves easier.

Production SAN Storage

- 3.1.11 Production SAN Storage is used for all server and data for the Authority. Manufacturer support ends in October 2023. The ICT Service is currently looking at replacement options to procure and install beforehand. Initial investigations show cost will be £40,000, which includes SAN switches, consultancy and 5 years support. Migration to the cloud is being evaluated as an alternative but currently would be a far more costly alternative. Hardware cost increases have been seen during 2022/23, possibly due to inflation and component shortages alongside everything else.

Back-up Storage & Server licenses

- 3.1.12 The current backup hardware and software will be 5 years old and replacement alternatives will need to be procured to maintain support. We often sweat the assets for longer and move the costs over to subsequent financial years, however this cannot be guaranteed as vendors or software providers can decide to reduce the lifespan. We have also found that extended maintenance for older equipment can work out more costly than replacing the equipment and impacts Revenues budgets. Cloud backups will also be evaluate, current indications due to the amount of data being backed up would make this far more costly. The costs provided is estimated in advance and subject to change up or down. Hardware cost increases have been seen during 2022/23 possibly due to inflation and component shortages alongside everything else.

Revision – Project 292. Wirksworth Almshouse Trust Additional costs in 2023/24

3.1.13 This scheme involves the renovation and retrofit of 4 properties that will improve the EPC energy rating from G to B, safeguarding these ancient protected buildings, significantly reducing CO2 emissions and reducing costs for tenants. The Council's corporate plan seeks to tackle climate change and support Almshouse charities to improve and maintain their stock. The original project estimate of £280,000 was a provisional figure based on the programme of works at the Harrison Almshouse Trust in Matlock. However the historic nature of the Wirksworth building and the internal works together with some inflationary pressures has increased the figure to £395,615.

Revision to Project 645. Replacement of Windows 2012 Server – Additional costs in 2023/24

3.1.14 The Windows 2012 server will no longer be supported as of October 2023. A replacement program is in place. Where possible all migrations and upgrades are completed internally via the Joint ICT Service, however there are several vendors who will not support their solutions if migrated in-house or will not provide the information required to migrate to newer versions of the operating system, Many of the vendors have requested large consultancy costs to upgrade and or migrate particular major business applications so putting an accurate estimate on this is very difficult. Latest forecasts indicate that an additional £20,000 will be required, taking the total estimated cost to £40,000.

Revision to Energy Efficiency Projects 620,621 and 622 – Public Buildings

3.1.15 These projects comprise the planned installation of energy efficiency measures, renewable energy generation and low carbon heating at Northwood Depot (620), Town Hall (621) and ABC (622). The projects have received part funding through a successful bid to the Public Sector Decarbonisation Scheme phase 3 of £598,596 on the condition that all grant funded works must be complete by 31/3/2023.

3.1.16 The total project value was estimated at £911,952, pre procurement, and is allocated in the capital programme 2022/23 at £49,800 for Northwood Depot (620), £684,672 for the Town Hall (621) and £177,480 for the ABC (622). Now that full design work and specifications have completed for the project there are substantial cost increases which require a change to project scope to ensure that we meet the grant funding criteria and can deliver the works.

3.1.17 It is therefore recommended that the depot (620) is removed from the project and the 2022/23 funds are transferred to the Town Hall (621). Changing the scope of the project also reduces the grant amount by £36,071 leaving a total of £562,525. Based on the re-allocation of funds suggested and the reduced grant, it is requested that an increase of £130,000 is allocated to the Town Hall (621) and an increase of £130,000 is allocated to the ABC (622).

Summary of changes to the capital programme

3.2 If the proposed new bids and changes are accepted, the capital programme for 2022/23 to 2024/25 will be as follows:

		2022/23 £	2023/24 £	2024/25 £	Total £
Approved Capital Programme	Project Ref	8,801,014	2,076,660	1,566,211	12,443,885
Growth to existing projects in 2022/23					
Empty Homes (Phase 1)	298	62,358	-	-	62,358
Henmore Gardens	302	4,492	-	-	4,492
Social Housing Grant -Calver	290	8,576	-	-	8,576
Network Switch replacement	641	35,000	-	-	35,000
Disaster Recovery Storage	642	10,000	-	-	10,000
		120,426	-	-	120,426
Other amendments to existing projects					
Server 2012 Replacement Consultancy (renamed from Server 2016) additional costs	645	-	20,000	-	20,000
Windows 2019 replacement (renamed from Windows 2016)	646	- 20,000	20,000	-	-
VDI Server (bring forward to 2022/23)	643	30,000	- 30,000	-	-
Revision to Wirksworth Almhouse Turst	292	0	115,615	-	115,615
Revision to Energy Efficiency Project - Depot	620	- 49,800			49,800
Revision to Energy Efficiency Project - Town hall	621		143,729		143,729
Revision to Energy Efficiency Project - ABC	622		130,000		130,000
					-
New projects					
Hurst Farm Heritage Trail		682,885			682,885
Upgrading of play Area & Recreation Facilities in Tansley		32,783			32,783
Wash-Down Facility Darley Dale Depot		75,000			75,000
Fleet De-carbonisation Charging Point - Depot		50,000			50,000
EV Charging Infrastructure (car parks)		320,000			320,000
Car parks resurfacing		68,000			68,000
Rationalisation of Storage Facilities at depot		15,000			15,000
Wi-Fi Replacement			50,000		50,000
Production SAN Storage			40,000		40,000
Back-up Storage, Server licences				30,000	30,000
		1,203,868	489,344	30,000	1,723,212
Projects to be removed					
Housing Acquisition Tansley	305	- 841,000	-	-	841,000
War Memorials	618	- 14,955	-	-	14,955
		- 855,955	-	-	855,955
Revised capital programme for approval 24 November 2022		9,269,353	2,566,004	1,596,211	13,431,568

Financing Arrangements for the capital Programme

3.3 The table below sets out the proposed financing arrangements.

	2022/23	2023/24	2024/25	Totals
	£	£	£	£
Proposed Capital Programme (including New Bids)	9,269,353	2,566,004	1,596,211	13,431,568
Financed by:-				
Capital Receipts Reserve	638,733	485,479	30,000	1,154,212
Capital Programme Reserve	964,104	170,280	-	1,134,384
S106 Contributions	2,044,199	215,615	385,000	2,644,814
Grants	4,412,529	822,906	1,181,211	6,416,646
Economic Development Reserve	10,000	48,000	-	58,000
IT Reserve	166,152	70,000	-	236,152
Invest to Save Reserve	40,499	522,011	-	562,510
Corporate Plan Priority Reserve	201,471	-	-	201,471
Vehicle Reserve	791,666	231,713	-	1,023,379
Borrowing				-
	9,269,353	2,566,004	1,596,211	13,431,568

3.4 A summary of reserve movements and balances is provided in Appendix C. This demonstrates that sufficient resources are available to finance the proposed capital programme. However, it also shows that if the capital programme proposals set out in this report are accepted, sources of capital funding are forecast to reduce from £12m at 1 April 2022 to £5.3m by 31 March 2025. However, grants and contributions, section 106 contributions and the amounts in other strategic reserves are set aside for specific purposes; if these are excluded the amount available for new capital schemes reduces to £1.18m.

4 Options Considered and Recommended Proposal

4.1 An alternate option would be to NOT approve the recommended projects. This alternative option is rejected as this approach would not generate the benefits for each project, which are described above.

5 Consultation

5.1 In terms of the grant funded projects, the Council has consulted with the relevant grant funding body. For the decarbonisation projects, consultation has taken place with building users.

6 Timetable for Implementation

6.1 If approved, the budget will be updated shortly after notification of Council Approval.

- 6.2 Timetables for tendering and completion of all schemes has been established and incorporated into the programme.

7 Policy Implications

- 7.1 Capital investment in the Council's assets is necessary to continue to provide effective services.
- 7.2 It is important the Capital Programme contains the appropriate budget within which projects should be managed. Approval of this report will provide financial approval and enable projects to commence / continue.

8 Financial and Resource Implications

- 8.1 If the proposed changes are approved the overall Capital Programme for 2022/23 to 2024/25 will increase by £987,683 from £12,443,885 to £13,431,568, providing reduced contributions from Capital Receipts Reserve and increasing the resources available for other potential projects (new or increased costs).
- 8.2 While rising inflation presents a high financial risk to the overall capital programme, this report seeks to set more accurate budgets for projects based upon previous tendering experience, which in turn should minimise the risk of overspend. The risk of overspend cannot be completely eliminated therefore the risk remains at 'medium'.
- 8.3 There are no staffing implications.

9 Legal Advice and Implications

- 9.1 This report requests further changes to the 2022/23 Capital Programme to address urgent operational matters and recognises the impact of rising inflation is having on the estimated costs of existing projects.
- 9.2 There are 5 recommendations contained within the report, in brief (1) Informs Members of spend against budget in 2022/23 (2) Seeks approval to re-phase existing capital projects (3) Requests approval for new projects and revisions to the capital programme (4) Seeks approval for an updated capital programme totalling £13,431,568 (5) Requests approval for the financing of the updated capital programme.
- 9.3 Taking into account the above the legal risk associated to this report has been assessed as low.

10 Equalities Implications

- 10.1 There are no equalities implications for this report.

11 Climate Change Implications

The climate change implications of the new bids are set out below.

Hurst Farm Heritage Trail

- 11.1 The project includes an attenuation pond to manage water run off.

Upgrading of Recreation & Facilities in Tansley

- 11.2 No implications.

Northwood Depot – New Vehicle Wash down Facility

- 11.3 The project resolves improve facilities so that the release of harmful bacteria and smells into the atmosphere is avoided.

Fleet De-carbonisation Charging Points at Depot

- 11.4 Completion of this project accords with the aims of the Climate Change Strategy and Action plan which identified the following action in the pathway to net zero: Electrify vehicle fleet up to LGV size.

The Council is committed to becoming net zero in respect of its own operations by 2030. The proposed works would allow the Council to trial and test appropriate EV models, to determined suitability for replacement on a phased basis. A lack of charging infrastructure and back office support means that it is not currently possible for the Council to move forward to meet its aims.

Electric Vehicle Charging Infrastructure (car parks)

- 11.5 Completion of this project accords with the aims of the Climate Change Strategy and Action plan which identified the following action in the pathway to net zero.

Completing this project this will provide a possible eight more car parks which have EV Charge Points available for residents and general public to use. The eight locations have been selected because of their geographical location and because they should meet the ORCS funding criteria which is specifically to increase the EV infrastructure for residents which do not have excess to off street parking.

Car Parks relining and resurfacing

- 11.6 No direct climate change impacts resulting from this new bid.

Rationalisation of Storage Facilities at Northwood Depot

- 11.7 No direct climate change impacts resulting from this new bid.

Wi-Fi replacement, Production SAN Storage, Back-up Storage & Server licenses

- 11.8 No direct climate change impacts resulting from these 3 new bids.

Increased budgets for existing schemes

- 11.9 Failure to implement these changes puts the whole grant allocation at risk and would significantly impact the Council's ability to meet its future net zero targets.

12. Risk Management

- 12.1 This report seeks to set more accurate budgets for projects based upon previous tendering experience, which in turn should minimise the risk of overspend. The risk has increased at this time of rapidly increasing inflation, however it has been mitigated somewhat with the inclusion of contingencies within the estimated costs. The risk of overspend cannot be completely eliminated therefore the risk remains at 'medium'.

Report Authorisation

Approvals obtained from:-

	Named Officer	Date
Chief Executive		
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	18/11/2022
Monitoring Officer (or Legal Services Manager)	James McLaughlin	18/11/2022

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Appendix A
Capital Budget Monitoring Report for 2022-23 to 30th September

Service	Project Code	Project Code Description	Year to date Actual £	Committed Purchases £	Actual + Commitments £	Revised Budget for Year £	Variance to Date £	Forecast Outturn £	Forecast Variance At Year End £	Comment/ Explanation £
Regulatory	270	Disabled Facilities Grant	132,348	0	132,348	601,736	-469,388	350,000	-251,736	UNDERSPEND Current demand suggests spend of this order.
Community	126	Car Parks - Planned Improvements	0	15,800	15,800	35,000	-19,200	35,000	0	ON TRACK Scheme underway at ABC, new scheme at Arc and tarmac works at ABC planned
Housing	293	Retained House - Station House Matlock	0	0	0	104,000	-104,000	0	-104,000	SLIPPAGE WITH INCREASING COSTS FOR 2023/24 . Pre application works are continuing. Planning application will be due by Q4 2022/23. Likely that works will commence in 2023/24. Requesting additional budget of £69,446. Revised costs and works £173,446 due to inflation, Funded from s106
Housing	298	Empty Homes - Council Houses	97,247	0	97,247	65,640	31,607	128,000	62,360	OVERSPEND Inflation has increased works costs, unforeseen roof works and external wall insulation added to specification. Extra £63k budget required.
Housing	302	Henmore Gardens New Homes Acquisition	46,942	0	46,942	42,000	4,942	46,492	4,492	OVERSPEND Scheme now complete. Overspend funded from s106
Housing	303	Monyash Homes Renovation	382	0	382	275,000	-274,618	1,000	-274,000	SLIPPAGE WITH INCREASING COSTS FOR 2023/24 . Inflationary pressures are pushing up costs. Q4 start is likely at this stage. Requires further £25k increasing budget to £300k.
Housing	304	Over Haddon Bequeathed Improvements	0	0	0	60,000	-60,000	0	-60,000	SLIPPAGE Delayed whilst tenancy arrangements put in place.
Housing	305	Housing Acquisitions -Tansley	0	0	0	841,000	-841,000	0	-841,000	REMOVE FROM PROGRAMME . The developer did not choose the Council's bid to purchase
Housing	306	Empty Homes - Round 2 2022-23	0	0	0	320,000	-320,000	178,000	-142,000	SLIPPAGE One home has been identified so far and an offer of £137,000 accepted, projected works and fees cost £50,000
Housing	307	Housing Acquisitions - Derby Road Ashbourne	1,407	0	1,407	46,426	-45,019	46,426	0	ON TRACK Completion due end Q3 early Q4
Housing	308	Eyam/Wirksworth/Matlock Site Appraisals	8,895	8,401	17,296	60,000	-42,704	22,295	-37,705	SLIPPAGE Further investigations planned in this and next financial year
Community	324	Bakewell - Riverbank Erosion	0	0	0	13,749	-13,749	0	-13,749	SLIPPAGE - Awaiting Bakewell Town Council
Regulatory	370	Capital Salaries	0	0	0	50,000	-50,000	50,000	0	ON TRACK To complete at year end.
Community	386	Wirksworth Steeple Arch Landscaping and Footpath works	0	0	0	5,868	-5,868	5,868	0	ON TRACK The bollards were not approved by DCC so waiting on other designs before ordering and installing, still on track for completion before the end of March 2023.
Community	495	Public Conveniences - Condition surveys	0	0	0	7,000	-7,000	7,000	0	ON TRACK Works being planned for auto doors at Shawcroft/Hall Leys/Granby Road.
Community	527	Middleton Play Area	0	0	0	1,926	-1,926	1,926	0	ON TRACK Works to be carried out early 2023

Service	Project Code	Project Code Description	Year to date Actual £	Committed Purchases £	Actual + Commitments £	Revised Budget for Year £	Variance to Date £	Forecast Outturn £	Forecast Variance At Year End £	Comment/ Explanation £
Regulatory	564	Condition surveys - Parks & Pavilions	191	0	191	38,467	-38,276	38,400	-67	ON TRACK Works at Bakewell Sports Pavilion now complete. New scheme to redecorate HLP bandstand on site
Regeneration	572	Blenheim Road - Ashbourne	0	0	0	46,158	-46,158	30,000	-16,158	SLIPPAGE - Contractor gone into administration. DCC to terminate contract and complete works from remaining sums due. Confirmation of final account and completion date awaited.
Community	615	Ashbourne Pavilion Project	0	0	0	4,998	-4,998	5,000	2	ON TRACK Payable at 12m liability period end.
Regulatory	616	Hulland Ward Recreation Ground	0	0	0	22,000	-22,000	22,000	0	ON TRACK Awaiting legal completion.
Regulatory	617	Ashbourne Memorial Gardens and Bandstand	5,486	0	5,486	107,500	-102,015	107,500	0	ON TRACK Contract under preparation for start on site Jan 2023.
Regulatory	618	War Memorials	0	0	0	14,955	-14,955	0	-14,955	REMOVE FROM PROGRAMME No further works planned.
Regulatory	620	Climate Change: Energy Efficiency Measures- Depot	0	0	0	49,800	-49,800	17,440	-32,360	REVISED PROJECT BEING PROPOSED WITH PROJECT 621 & 622.
Regulatory	621	Climate Change: Energy Efficiency Town Hall	21,614	0	21,614	684,672	-663,058	684,672	0	REVISED PROJECT BEING PROPOSED WITH PROJECT 621 & 622.
Regulatory	622	Climate Change: Energy Efficiency ABC	0	0	0	177,480	-177,480	177,480	0	REVISED PROJECT BEING PROPOSED WITH PROJECT 621 & 622.
Regeneration	625	Bakewell Road, Matlock Development	20,163	0	20,163	477,840	-457,677	75,000	-402,840	SLIPPAGE Project due out to tender 02/11/22 with a tender return date of 12/12/22. Position re: Capital Programme expenditure subject to acceptable tender and agreed programme with contractor. 2022/23 expenditure estimate based on March start date. Remaining 2022/23 expenditure to be carried over into 2023/24 and added to 2023/24 profiled expenditure.
Community	627	Extensive structural & roof repairs required at Hall Leys Park Clock Tower	3,580	0	3,580	62,500	-58,920	62,500	0	ON-TRACK
Community	630	Ashbourne Recreation Ground Footbridge replacement	0	0	0	42,500	-42,500	10,000	-32,500	SLIPPAGE -Remainder to slip to 23/24
Community	631	Ashbourne Recreation Building Rationalisation	0	0	0	35,020	-35,020	35,000	-20	ON-TRACK Works due Spring 2023
Community	633	Bakewell ABC Various	0	0	0	40,000	-40,000	40,000	0	ON-TRACK Contract for roofing work under preparation. Works to take place Spring 2023
Community	634	Dimple Playing Fields, Matlock	29,751	0	29,751	30,000	-249	29,751	-249	COMPLETE
Community	637	Shrovetide Walk, Ashbourne	0	0	0	40,000	-40,000	40,000	0	SLIPPAGE Awaiting AshCom
Regulatory	647	Ashbourne Leisure Centre	55,509	0	55,509	65,296	-9,787	65,296	0	ON-TRACK Awaiting legal paperwork.
Regulatory	651	Matlock Hall Leys Park Footbridge Refurbishment	0	0	0	45,000	-45,000	0	-45,000	SLIPPAGE Will not to commence until 2023/24
Regulatory	652	Matlock Bath Lovers Walk Shelter Rebuild	2,970	0	2,970	47,500	-44,530	3,000	-44,500	SLIPPAGE Will not to commence until 2023/24

Service	Project Code	Project Code Description	Year to date Actual £	Committed Purchases £	Actual + Commitments £	Revised Budget for Year £	Variance to Date £	Forecast Outturn £	Forecast Variance At Year End £	Comment/ Explanation £
Community	653	Installation of CCTV at 6 District Council Toilet Blocks	17,490	-40	17,450	20,000	-2,550	20,000	0	ON-TRACK -Just waiting for the invoice from contractor, will be completed in this financial year.
Community	LCF	Leisure Centre Development - Freedom	16,410	10,278	26,688	35,348	-8,661	26,688	-8,660	SLIPPAGE
Resources	611	Aim Version 13 Upgrade	0	0	0	5,600	-5,600	5,600	0	ON TRACK
Resources	641	Network switch replacement	0	0	0	30,000	-30,000	65,000	35,000	OVERSPEND - ADDITIONAL BUDGET REQUEST 22/23
Resources	642	Disaster recovery Storage	0	0	0	20,000	-20,000	30,000	10,000	OVERSPEND ADDITIONAL BUDGET REQUEST 22/23
Resources	644	SQL 2012 Replacement	15,552	0	15,552	15,552	-0	15,552	0	COMPLETE
Resources	645	Server 2016 Replacement	3,148	0	3,148	20,000	-16,852	20,000	0	ADDITIONAL BUDGET REQUEST FOR OVERALL PROJECT 23/24
Resources	646	Windows 2016 Server consultancy	0	0	0	20,000	-20,000	0	-20,000	SLIPPAGE to 2023/24
Community	123	Car Parking Meters	-5,775	5,775	0	0	0	0	0	Project Moved to Revenue
Community	360	Vehicles	155,279	318,798	474,077	791,666	-317,589	791,666	0	ON-TRACK Some changes in the priority for the funds but this is due to be spent by end of March 2023.
Community	638	Hall Leys Park Play area - Plant Equipment	244	491	735	1,732	-997	735	-997	COMPLETE
Housing	281	Social Housing Grant - Tideswell	0	0	0	412,500	-412,500	0	-412,500	SLIPPAGE Planning committee delayed and decision expected in Q4, scheme should commence in 2023/24
Housing	282	Social Housing Grant - Rural Village	0	0	0	165,000	-165,000	0	-165,000	SLIPPAGE scheme of 3 homes in Bakewell through PDRHA. £90,000 in Q1 2023/24. Balance to be carried forward into 2023/24
Housing	290	Social Housing Grant - Calver	0	0	0	35,424	-35,424	44,000	8,576	OVERSPEND - Slight delay due to Planning approval but works should commence in Q4. inflation has increased costs of retrofit technology, funded from s106
Housing	292	Social Housing Grant - Wirksworth	0	0	0	280,000	-280,000	0	-280,000	SLIPPAGE & ADDITIONAL COSTS FOR 23/24. BUDGET REQUEST FOR 23/24. Additional costs associated with Almhouse improvements
Housing	309	Harrison Almhouse Trust Phase 2 (external works 2022-23)	0	0	0	70,000	-70,000	70,000	0	ON-TRACK on site in Q4 2022/23
Housing	313	LAD SCHEME (Phase 2) - Green Homes Work	138,703	0	138,703	619,638	-480,935	387,299	-232,339	UNDERSPEND -Part of this underspend will need to be returned to grant funded body - likely c£175k - to be confirmed post audit on 31/10.
Community	562	DDCVS	30,000	0	30,000	30,000	0	30,000	0	ON-TRACK
Housing	614	Non Traditional Homes improvement schemes	37,006	0	37,006	0	37,006	0	0	ON-TRACK -The Housing Association will issue a credit note in Q3 to offset this.
Regulatory	654	Energy Efficiency (Off Gas Grid Homes) HUG1	0	0	0	495,000	-495,000	495,000	0	ON-TRACK
Regulatory	655	Energy Efficient (On Gas Grid Homes) LAD3	192,969	0	192,969	412,500	-219,531	412,500	0	ON-TRACK
Community	656	Changing Places	0	0	0	69,450	-69,450	0	-69,450	SLIPPAGE 2023/24

Service	Project Code	Project Code Description	Year to date Actual £	Committed Purchases £	Actual + Commitments £	Revised Budget for Year £	Variance to Date £	Forecast Outturn £	Forecast Variance At Year End £	Comment/ Explanation £
Regeneration	657	UK Shared Prosperity Fund	0	0	0	110,590	-110,590	70,000	-40,590	SLIPPAGE Delay in Government response to Investment Plan submitted 30/07/22. One project has since been withdrawn by project sponsor. Expenditure will be impacted in 2022/23. Estimate of potential expenditure included. Carry over of remaining spend to be negotiated with Government based on committed expenditure
Housing	658	Social Housing Grant - Energy Efficient Homes at Former Dove Garage Site	0	0	0	534,983	-534,983	534,983	0	ON-TRACK Invoice due Q4 2022/23
Community	659	Longcliffe Waste Depot - Tipping Room Floor	0	0	0	25,000	-25,000	25,000	0	ON-TRACK Serco are currently trialling a resin repair to the tipping hall floor which is going well and they have a meeting with the supplier next month to progress a permanent solution.
Regulatory	670	Longford Flood Defence Grant	0	0	0	20,000	-20,000	20,000	0	ON-TRACK
		TOTAL	1,027,510	359,503	1,387,013	8,801,014	-7,414,001	5,379,069	-3,421,945	

APPENDIX B CAPITAL PROGRAMME 2022/23 - 2024/25 (FOR APPROVAL 24TH NOVEMBER 2022)								
Priority	Service	Project	Project Title	2022/23	2023/24	2024/25	Total capital programme	Financed by:-
Other	Community	126	Car Parks - Planned Improvements	35,000	-	-	35,000	Capital Receipts Reserve
Prosperity	Regulatory	270	Disabled Facilities Grant	601,736	601,736	601,736	1,805,208	Grant
Prosperity	Housing	280	Social Housing Grant - Housing Initiatives Cromford/Matlock Bath	-	100,000	-	100,000	S106 Contributions
Prosperity	Housing	281	Social Housing Grant - Tideswell	412,500	-	-	412,500	S106 Contributions
Prosperity	Housing	282	Social Housing Grant - Rural Village	165,000	-	-	165,000	S106 Contributions
Prosperity	Housing	286	Social Housing Grant - Wirksworth Community Land Trust	-	-	350,000	350,000	S106 Contributions
Prosperity	Housing	287	Social Housing Grant - Bakewell Almshouse Grant	-	-	35,000	35,000	S106 Contributions
Prosperity	Housing	290	Social Housing Grant - Calver	44,000	-	-	44,000	S106 Contributions
Prosperity	Housing	292	Social Housing Grant - Wirksworth	280,000	115,615	-	395,615	S106 Contributions
Prosperity	Housing	293	Retained House - Station House Matlock	104,000	-	-	104,000	S106 Contributions
Prosperity	Housing	298	Empty Homes - Council Houses	127,998	-	-	127,998	S106 Contributions
Prosperity	Housing	302	Henmore Gardens New Homes Acquisition	46,492	-	-	46,492	S106 Contributions
Prosperity	Housing	303	Monyash Homes Renovation	275,000	-	-	275,000	S106 Contributions
Prosperity	Housing	304	Over Hadden Bequeathed Improvements	60,000	-	-	60,000	S106 Contributions
Prosperity	Housing	306	Empty Homes - Round 2 2022-23	320,000	-	-	320,000	S106 Contributions
Prosperity	Housing	307	Housing Acquisitions - Derby Road Ashbourne	46,426	-	-	46,426	S106 Contributions
Prosperity	Housing	308	Eyam/Wirksworth/Matlock Site Appraisals	60,000	-	-	60,000	S106 Contributions
Prosperity	Housing	309	Harrison Almshouse Trust Phase 2 (external works 2022-23)	70,000	-	-	70,000	S106 Contributions
Prosperity	Housing	313	LADS SCHEME (PHASE 2)	619,638	-	-	619,638	Grant
Place	Community	324	Bakewell - Riverbank Erosion	13,749	-	-	13,749	Capital Programme Reserve
Other	Community	360	Vehicles	791,666	322,000	-	1,113,666	Vehicle Reserve £1,023,379 + Capital Programme Reserve £26,551, Capital Receipts Reserve £63,736
Other	Regulatory	370	Capital Salaries	50,000	25,000	-	75,000	Capital Receipts Reserve

Priority	Service	Project	Project Title	2022/23	2023/24	2024/25	Total capital programme	Financed by:-
Other	Community	386	Wirksworth Steeple Arch Landscaping and Footpath works	5,868	-	-	5,868	Capital Receipts Reserve
Other	Community	495	Public Conveniences - Condition surveys	7,000	-	-	7,000	Capital Programme Reserve
Place	Community	527	Middleton Play Park	1,926			1,926	Grant
Other	Community	562	DDCVS	30,000	30,000	-	60,000	Capital Receipts Reserve
Place	Regulatory	564	Condition surveys - Parks & Pavilions	38,467	-	-	38,467	Capital Programme Reserve
								Capital Programme Reserve +£10k
Prosperity	Regeneration	572	Blenheim Road - Ashbourne	46,158	-	-	46,158	Reserve
People	Resources	611	Aim Version 13 Upgrade	5,600	-	-	5,600	IT Reserve
Place	Community	615	Ashbourne Pavilion Project	4,998	-	-	4,998	Capital Programme Reserve
Other	Regulatory	616	Hulland Ward Recreation Ground	22,000	-	-	22,000	Capital Receipts Reserve
Place	Regulatory	617	Ashbourne Memorial Gardens and Bandstand	107,500	-	-	107,500	Capital Receipts Reserve
Place	Regulatory	621	Climate Change: Energy Efficiency -Town Hall	684,672	143,729	-	828,401	Grant £449,410, Cap Programme Reserve £378,991
Place	Regulatory	622	Climate Change: Energy Efficiency - Agricultural Business Centre	177,480	130,000	-	307,480	Grant £113,115, Capital Receipts Reserve £194,635
								Capital Programme Reserve £235,870 + Invest to Save Reserve £562,510+ Economic Development Reserve £48,000+ Corporate Priority Reserve £201,471+ Capital Receipts Reserve
Prosperity	Regeneration	625	Bakewell Road, Matlock Development	477,840	716,754	-	1,194,594	£146,743

Priority	Service	Project	Project Title	2022/23	2023/24	2024/25	Total capital programme	Financed by:-
Place	Community	627	Extensive structural & roof repairs required at Hall Leys Park Clock Tower	62,500	-	-	62,500	Capital Programme Reserve
Place	Community	630	Ashbourne Recreation Ground Footbridge replacement	42,500	-	-	42,500	Capital Programme Reserve
Place	Community	631	Ashbourne Recreation Building Rationalisation	35,020	-	-	35,020	Capital Programme Reserve
Other	Community	633	Bakewell ABC Various	40,000	-	-	40,000	Capital Programme Reserve
Place	Community	634	Dimple Playing Fields, Matlock	30,000	-	-	30,000	Capital Programme Reserve
Other	Community	637	Shrovetide Walk, Ashbourne	40,000	-	-	40,000	Capital Programme Reserve
Place	Community	638	Hall Leys Park Play area - Plant Equipment	1,732	-	-	1,732	Capital Programme Reserve
Other	Resources	640	Production Server (ESX) replacement	-	30,000	-	30,000	IT Reserve
Other	Resources	641	Network switch replacement	65,000	-	-	65,000	IT Reserve
Other	Resources	642	Disaster Recovery (SAN replacement)	30,000	-	-	30,000	IT Reserve
Other	Resources	643	VDI Server Replacement	30,000	-	-	30,000	IT Reserve
Other	Resources	644	SQL 2012 Replacement	15,552	-	-	15,552	IT Reserve
Other	Resources	645	Server 2016 Replacement	20,000	20,000	-	40,000	IT Reserve
Other	Resources	646	Windows 2016 Server consultancy	-	20,000	-	20,000	IT Reserve
Place	Regulatory	647	Ashbourne Leisure Centre	65,296	-	-	65,296	Grant
Place	Regulatory	651	Matlock Hall Leys Park Footbridge Refurbishment	45,000	-	-	45,000	Capital Receipts Reserve
Place	Regulatory	652	Matlock Bath Lovers Walk Shelter Rebuild	47,500	-	-	47,500	Capital Receipts Reserve
Other	Community	653	Installation of CCTV at 6 District Council Toilet Blocks	20,000	-	-	20,000	Capital Receipts Reserve
Prosperity	Housing	654	Energy Efficiency (off gas grid homes) HUG1	495,000	-	-	495,000	Grant
Prosperity	Housing	655	Energy Efficiency (on gas grid homes) LAD 3	412,500	-	-	412,500	Grant
Other	Community	LCF	Leisure Centre Development - Freedom	35,348	-	-	35,348	Capital Programme Reserve
Place	Community	656	Changing Places	69,450	-	-	69,450	Grant
Other	Regeneration	657	UK Shared Prosperity Fund	110,590	221,170	579,475	911,235	Grant
Prosperity	Housing	658	Social Housing Grant - Former Dove Garage Site	534,983	-	-	534,983	Grant

Priority	Service	Project	Project Title	2022/23	2023/24	2024/25	Total capital programme	Financed by:-
Place	Community	659	Longcliffe Waste Depot - Tipping Room Floor	25,000			25,000	Capital Receipts Reserve
Place	Regulatory	670	Longford Flood Defence	20,000			20,000	Capital Receipts Reserve
Place	Housing	NEW	Hurst Farm Heritage Trail	682,885	-	-	682,885	HLF Grant
Place	Community	NEW	Upgrading of play Area & Recreation Facilites in Tansley	32,783			32,783	S106 Contributions
Place	Community	NEW	Wash-Down Facility Darley Dale Depot	75,000			75,000	Capital Receipts Reserve
Place	Community	NEW	Fleet De-carbonisation Charging Point - Depot	50,000			50,000	Capital Receipts Reserve
Place	Community	NEW	EV Charging Infrastructure (car parks)	320,000			320,000	£256k funded, £64k Capital Receipts Reserve
Place	Community	NEW	Car parks resurfacing	68,000			68,000	Capital Receipts Reserve
Place	Community	NEW	Rationalisation of Storage Facilities at depot	15,000			15,000	Capital Receipts Reserve
Other	Resources	NEW	Wi-Fi Replacement	-	50,000		50,000	Capital Receipts Reserve
Other	Resources	NEW	Production SAN Storage	-	40,000		40,000	Capital Receipts Reserve
Other	Resources	NEW	Back-up Storage, Server licences	-	-	30,000	30,000	Capital Receipts Reserve
				9,269,353	2,566,004	1,596,211	13,431,568	

APPENDIX C

MOVEMENT IN RESERVES - RELATED TO CAPITAL EXPENDITURE 2022/23 to 2024/25

Where a '-' balance is given, this indicates funds are available

<u>Summary of balances</u>	<u>Capital Receipts</u> £	<u>Capital Programme Reserve</u> £	<u>S106</u> £	<u>Grants</u> £	<u>Carsington Grants</u> £	<u>Economic Dev Reserve</u> £	<u>IT Reserve</u> £	<u>Invest to save reserve</u> £	<u>Corp. Plan Priority Reserve</u> £	<u>Vehicle Reserve</u> £	<u>Total</u>
Opening Balance 1st April 2022	-1,921,674	-1,134,383	-6,063,882	-892,024	-33,451	-227,787	-307,991	-562,510	-201,471	-723,379	-12,068,552
Revenue Commitments & other adjustments						235,559	71,125				306,684
in-year Contributions	-100,000	-177,068		-4,355,059		-150,000				-300,000	-5,082,127
Capital Programme 22/23	638,733	964,104	2,044,199	4,412,529	0	10,000	166,152	40,499	201,471	791,666	9,269,353
Opening Balance 1st April 2023	-1,382,941	-347,347	-4,019,683	-834,554	-33,451	-132,228	-70,714	-522,011	0	-231,713	-7,574,642
Revenue Commitments & other adjustments						4,931					4,931
in-year Contributions	-50,000			-601,736						-300,000	-951,736
Capital Programme 23/24	485,479	170,280	215,615	822,906	0	48,000	70,000	522,011	0	231,713	2,566,004
Opening Balance 1st April 2024	-947,462	-177,067	-3,804,068	-613,384	-33,451	-79,297	-714	0	0	-300,000	-5,955,443
Revenue Commitments & other adjustments	0	0	0	0	0	0	0	0	0	0	0
in-year Contributions	-50,000			-601,736						-300,000	-951,736
Capital Programme 24/25	30,000	0	385,000	1,181,211	0	0	0	0	0	0	1,596,211
Opening Balance 1st April 2025	-967,462	-177,067	-3,419,068	-33,909	-33,451	-79,297	-714	0	0	-600,000	-5,310,968

** £131k of capital receipts are disposal receipts and can only be used for housing

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Agenda Item 14

**OPEN REPORT
COUNCIL**

Council – 24 November 2022

AMENDED REVENUE OUTTURN 2021/22

Report of the Director of Resources

Report Author and Contact Details

Karen Henriksen, Director of Resources

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Wards Affected

District-wide

Report Summary

In July 2022 the provisional outturn was calculated as £732,113. This was approved by Council on 28th July 2022. Following that report the production of the statutory Statement of Accounts continued. This process highlighted a number of errors which needed to be corrected, some of which have adjusted the overall surplus, and therefore transfer to general fund reserves.

These corrections are significant, increasing the surplus from £732,113 to £2,395,035. This report describes the impact of the corrections and seeks approval for the additional surplus to be transferred to specific reserves.

Recommendations

1. That the amended revenue outturn for 2021/22 and variance analysis be noted;
2. That an additional transfer of £1,610,572 to the General Reserve be approved;
3. That an additional transfer of £52,350 to Committed Expenditure Reserve be approved.

List of Appendices

Appendix 1 – Updated Outturn

Appendix 2 – Variance Analysis

Appendix 3 – Updated Reserves

Background Papers

Previous report to Council – 28 July 2022

Consideration of report by Council or other committee

No

Council Approval Required

Yes

Exempt from Press or Public

No

AMENDED REVENUE OUTTURN 2021/22

1. Background

- 1.1 In July 2022 the provisional outturn was calculated as £732,113. This was approved by Council on 28th July 2022. The surplus of £732,113 was transferred to Reserves as follows:
- (i) A transfer of £200,161 to General Reserve to top-up this reserve to £1.2m
 - (ii) A transfer of £108,392 to Committed Expenditure Reserve
 - (iii) A transfer of £200,000 to Customer Innovation Reserve
 - (iv) A transfer of £223,560 to General Reserve to fund inflationary pressures in 2022/23 onwards.
- 1.2 Following the July report, the production of the statutory Statement of Accounts continued. This process highlighted a number of errors which needed to be corrected, some of which have adjusted the overall surplus. This report describes the impact of the corrections and seeks approval for the additional surplus to be transferred to specific reserves.
- 1.3 The accounts for 2021/22 are still subject to external audit review. Should the audit process identify further errors, these will be reported to the Governance and Resources Committee or full Council, as appropriate.

2. Key Issues

- 2.1 As a consequence of the corrections to the 2021/22 revenue outturn, there is a positive impact on the revenue account surplus with a further £1.66m, which will be available to fund one-off expenditure pressures and transition costs within the medium term financial plan. Notwithstanding the surplus in 2021/22, the Council continues to face real terms budgetary pressures during a period of intense inflationary increases.
- 2.2 As explained above, there are a number of technical errors that contributed towards the increased surplus for 2021/22. These are set out in the table below.

Table 1 – Impact to the General Fund and Outturn position

	£
Surplus declared to Council in July	(732,114)
Add Transfer from revenue grant reserve to revenue omitted formula error	(14,000)
Add REFCUS correction (expenditure included in outturn but income excluded)	(1,861,529)
Add Collection Fund court costs	(77,839)
Less accumulated absence correction	114,108
Less duplicated debtors correction	54,161
Reversal of Capitalised Salaries	6,111
Accrual for VAT due for Ice Cream concessions	37,383
Additional Housing Accruals	80,860
Correction of error in 2020/21 surplus	13
Add back Payment In Advance omitted	(2,190)
Actual Surplus for 2021/22	<u><u>(2,395,035)</u></u>

- 2.3 Whilst some of the adjustments are due to the net effect of a number of reversals or additional accruals identified, the main correction is due to REFCUS expenditure (Revenue Expenditure Funding Capital Under Statute). REFCUS expenditure is a technical adjustment which should go “in and out” of the Council’s accounts. However, an error in the way the figures were produced for the July Council report meant that while REFCUS expenditure was picked up in the report, the corresponding credit was not.
- 2.4 A number of other revenue account items have been recoded which change the variance analysis but have no impact on the outturn or general fund reserves. These relate in the main to capital categorisation and the grossing up of accumulated depreciation and gross book value which appears to have been incorrectly removed in the last 2 years. A full reconciliation has now taken place between the Fixed Asset Register and the financial ledger in order to correct these figures. A few miscoded invoices have also been corrected in relation to income being coded as expenditure through the feeder system. This has now been corrected. The miscoded invoices and some of the budget variances might have been spotted earlier if more frequent budget monitoring and reconciliations had taken place throughout the year.

3. Options Considered and Recommended Proposals

- 3.1 An updated outturn position is presented in Appendix 1. For the additional surplus of £1,662,922 it is recommended that £52,350 be transferred to the Committed Expenditure Reserve and the remaining £1,610,572 be transferred to the General Reserve (to be available to ease inflationary pressures in the short / medium term).
- 3.2 A variance analysis demonstrating where the variance in the net cost of services for 2021/22 has been generated is presented in Appendix 2. An analysis of variances over £10,000 is underway to identify if they are one-off or ongoing. All ongoing variances will be incorporated into the Medium Term Financial Plan. However, so far it appears that the vast majority of the surplus relates to additional grant income, income and reduced expenditure in relation to the waste contract and staff vacancies and is therefore a one-off benefit.
- 3.3 An updated Summary of Reserves is presented in Appendix 3. This assumes that Members approve the transfers recommended in this report.
- 3.4 An improved budget monitoring process is being developed which should ensure that budget variances are identified much more promptly during the financial year to prevent a recurrence of significant variances only being identified following the reported out-turn. This will allow emerging budget pressures to be identified and action to be taken in a more timely manner.
- 3.5 Members will be aware from previous reports that throughout this period there have been numerous vacancies within the Financial Services Team that have been very difficult to recruit (one of the senior accountant roles has advertised

4 times with salary enhancements and has been vacant for over 12 months). As a consequence, the team have had to engage temporary accountants / interims who whilst being technically competent and proficient, are unfamiliar with the District Council's accounting processes and procedures. This has placed significant pressure upon the team and the wider organisation such that it has not been possible to carry out all functions to the usual standards, frequency and deadlines.

- 3.6 Regular budget monitoring is part of the Council's standard policies and procedures and such procedures have proven to be robust over a sustained period of time. However, the loss of corporate organisational knowledge and experience aligned to increased staff turnover, has resulted in some budget monitoring policies and procedures not being implemented as robustly as is required. However, the recent recruitment of a Financial Services Manager and the engagement of an Interim Financial Services Manager have provided objective views and brought new solutions to address some long standing problems (e.g. improvements to budget monitoring processes). A recruitment exercise is currently underway for a Principal Accountant and Senior Accountant. The new Financial Services Manager is also leading a review of the structure, roles and responsibilities of the Financial Services Team, as well as considering the internal controls and frameworks that should be in place (e.g. regular reconciliations). Should this identify a requirement for additional resources, a report will be presented to a future Council meeting.

4. Financial and Resource Implications

- 4.1 The report identifies an additional revenue account surplus of £1,662,922.
- 4.2 Given the current climate in relation to inflationary pressures, particularly in relation to pay, supplier contracts (e.g. waste) and fuel/energy, savings or additional income are likely to be required to ease pressures in the current financial year and to balance budgets in future financial years. The increase in General Reserves from £2m to £4m in this financial year will help to ease the transition by funding one-off expenditure in the short / medium term, while a more sustainable financial plan is developed.
- 4.3 The financial risk of this report is assessed as low.

5. Legal Advice and Implications

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

6. Equalities Implications

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

health, human rights, personnel and property. There are not perceived to be any equalities implications resulting from the recommendations in this report

7. Climate Change Implications

7.1 There are not perceived to be any direct climate change impacts resulting from the recommendations in this report.

8. Risk Management

8.1 The Council's financial position is taken into account in determining all the priorities in the Corporate Plan. The Council is expected to deliver significant savings or approve the use of reserves to balance the 2023/24 budget. "Financial Resilience" has been identified on the Council's Strategic Risk Register and has been assessed as High Risk, pending the delivery of the required savings and the outcome of the Local Government Finance Settlement for 2023/24. The consequences of failing to identify the required savings are shown as:

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

9. Report Authorisation

Approvals obtained from:-

	Named Officer	Date
Chief Executive	Paul Wilson	16/11/2022
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	16/11/2022
Monitoring Officer (or Legal Services Manager)	James McLaughlin	16/11/2022

Appendix 1 – Updated Outturn position 2021/22

	Actual 2021/22	Revised Budget 2021/22	Variance from Revised Budget 2021/22	Actual Previous Year (2020/21)	Variance between Financial Years
	£	£	£		
Chief Executive	348,893	381,707	(32,814)	361,253	(12,360)
Community and Environmental Services	2,283,280	3,421,712	(1,138,432)	4,778,361	(2,495,081)
Corporate Services	1,885,657	1,992,396	(106,739)	1,777,763	107,894
Housing Services	(139,949)	586,350	(726,299)	(355,184)	215,235
Regeneration and Policy	1,276,348	668,432	607,916	(160,831)	1,437,179
Regulatory Services	929,450	1,353,020	(423,570)	1,037,268	(107,817)
Resources	2,484,318	2,835,372	(351,054)	2,441,860	42,458
Net cost of Services	9,067,997	11,238,989	(2,170,992)	9,880,489	(812,492)
Non Service Items:					
Interest on Balances	(63,098)	(37,000) [▼]	(26,098)	(86,522) [▼]	23,424
Borrowing Interest Paid	223,450	225,150 [▼]	(1,700)	223,901	(451)
Statutory Debt Repayment	100,849	100,849	0	98,801	2,048
Loan Premium Due	110,924	110,924	0	110,924	0
Income from Investment Properties	(101,055)	(102,556)	1,501	(101,055)	0
Net Revenue Expenditure	9,339,067	11,536,356	(2,197,289)	10,126,537	(787,471)
Appropriations to / from Reserves	(1,980,156)	(4,782,817)	2,802,661	6,766,245	(8,746,401)
Funding Requirement	7,358,910	6,753,539	605,371	16,892,782	(9,533,872)
Funded by:					
External Funding					
Retained Business Rates including S31 Grant Payments to and from Pool	(5,542,586)	(2,868,832)	(2,673,754)	(6,838,194)	1,295,608
Business Rate Collection Fund (Surplus)/ Deficit	3,949,040	3,949,040	0	(130,596)	4,079,636
CT Collection Fund (Surplus)/ Deficit	99,271	80,418	18,853	(102,632)	201,903
Rural Services Delivery Grant	(420,990)	(420,990)	0	(401,179)	(19,811)
Lower Tier Services Grant	(71,358)	(71,358)	0	0	(71,358)
New Homes Bonus	(397,613)	(397,613)	0	(630,790)	233,177
New Burdens Grant	(597)	0	(597)	0	(597)
Other Government Grants	(796,141)	(419,083)	(377,058)	(2,398,000)	1,601,859
Total External Funding	(3,180,974)	(148,418)	(3,032,556)	(10,501,391)	7,320,417
District Council Tax Requirement	(6,572,971)	(6,572,971)	0	(6,391,391)	(181,580)
Total Funding	(9,753,945)	(6,721,389)	(3,032,556)	(16,892,782)	7,138,837
Outturn	(2,395,035)	32,150	(2,427,185)	0	(2,395,035)
Transfers to / (from) Reserves	2,395,035	(32,150)			
Total	0	0			
Previously agreed transfers to reserves					
General Fund Top-up to £1.2m	200,161				
Customer Innovation	200,000				
Committed Expenditure	108,392				
General Fund - to fund inflationary pressures 22/23	223,560				
	732,114				
Additional transfers to reserves					
Additional General Fund Transfer	1,610,572				
Additional Committed Expenditure Reserves Transfer	52,350				
	2,395,036				

Appendix 2 – Summary of Outturn Variances (Net Cost of Services)

Variances by Directorate

Directorate	Total Amount £	Revised Budget £	Variance £
Chief Executive	348,893	381,707	(32,814)
Community and Environmental Services	2,283,280	3,421,712	(1,138,432)
Corporate Services	1,885,657	1,992,396	(106,739)
Housing Services	(139,949)	586,350	(726,299)
Regeneration and Policy	1,276,348	668,432	607,916
Regulatory Services	929,450	1,353,020	(423,570)
Resources	2,484,318	2,835,372	(351,054)
Total	9,067,997	11,238,989	(2,170,992)

Variance by Spending Category

Area	Total Amount £	Revised Budget £	Variance £	Comments
Employees	7,815,262	7,996,397	(181,135)	Vacancy management and inability to recruit
Holding/Collection Accounts	727	0	727	
Income	(20,595,517)	(19,635,627)	(959,890)	Additional Grant income and Fees and Charges received including £0.5m in relation to the waste contract KPI breach
Other Financial Transactions	(76,228)	(20,000)	(56,228)	
Premises	1,479,062	1,784,020	(304,958)	Savings across utility and premises costs - some due to Covid-19 delays
Supplies & Services	5,969,798	5,069,299	900,499	Additional grants paid to individuals and business - covered by additional income above
Third Party Payments	4,850,932	4,978,339	(127,407)	Underspend on leisure centre management and Hathersage Pool (transferred to reserves for 22/23)
Transfer Payments	9,188,156	10,641,467	(1,453,312)	Reduction to Rent allowance costs. Income also reduced but masked above by additional grant income received
Transport Related	435,806	425,094	10,712	
Total	9,067,997	11,238,989	(2,170,992)	

Appendix 3 – Updated Summary of Reserves*

Reserves	Balance at 31 March 2021 £	Contribution in 2021/22 £	Used in 2021/22 £	Balance at 31 March 2022 £
Revenue Reserves	(1,999,853)	(2,034,293)	0	(4,034,146)
Capital Reserves	(3,817,629)	(1,829,030)	2,832,851	(2,813,808)
Earmarked Reserves	(20,970,179)	(4,884,532)	8,115,326	(17,739,385)
Total	(26,787,661)	(8,747,856)	10,948,177	(24,587,340)

*Assuming that Members approve the transfers recommended in this report.

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GYPSY AND TRAVELLER TEMPORARY SITE PROVISION IN THE DISTRICT
Agenda Item 15
REPORT OF THE GYPSY AND TRAVELLER SITE PROVISION WORKING
GROUP

COUNCIL MEETING – 24 NOVEMBER 2022

Foreword by Councillor Susan Hobson, Chair of the Working Group

I would like to introduce this report by reiterating that the District Council acknowledges its duty as the Housing Authority to provide accommodation to those specific Traveller families with an accepted local connection to the Derbyshire Dales. This Working Group was established to provide political leadership in identifying potential solutions to an issue that has gone unresolved for far too long.

The Council tasked this Working Group with developing proposals for temporary site provision for Gypsies and Travellers with a limited timeframe. This report details the work and conclusions reached by the Members of the Working Group. Whilst the recommendations contained within this report have not received the support of every Member of the Working Group, they are supported by a majority of those Members tasked with this review.

I would like to thank those Members who have committed a lot of time to undertaking site visits and reading various plans and documents to enhance their understanding of the issues and to inform the content of this report and its proposals. Thanks must also go to those officers from Regulatory Services and Corporate and Customer Services who have not only supported this review, but also for the work that they do to manage relationships with the specific Traveller families on behalf of the Council. This work is often unseen and underappreciated, but it has been important in ensuring that the Council has not neglected those families to whom it has a legal duty. The Working Group has also had full regard to the needs and views of settled communities and businesses who have been clear in their views and expectations of the Council in meeting its duties to all.

This report does not provide long term solutions, but should be viewed as a stepping stone that moves the Council forward in identifying potential temporary sites. Whilst two sites have been recommended for designation as temporary sites, only one is suitable for all-year round designation as a temporary site. No sites in the Council's ownership have been identified presently in the south of the District, although there are other options in the southern and central areas of the Derbyshire Dales which are not in the District Council's ownership that may be feasible and require further investigation and evaluation by the Working Group with the assistance of independent consultants.

I hope that the Council will receive these recommendations and support the determination of the Working Group to find solutions that meet our duties.

Councillor Susan Hobson
Chair of the Gypsy and Traveller Site Provision Working Group
November 2022

Recommendations

These recommendations were endorsed for submission to Council by 9 Members of the Working Group (Councillors Jacqui Allison and Steve Flitter were not present at the meeting where these proposals were agreed and have not indicated their consent).

1. That the Council formally endorse and support the Urgent Decision taken by the Director of Corporate and Customer Services, on the recommendation of the Working Group and with the consent of the Chairman of the Council and the Leader of the Council, to designate the land at Matlock Bath Station Yard Car Park as a temporary site for use by a specific Traveller family until 31 January 2023.
2. That the Council formally designate the land at north of Derwent Way Car Park in Matlock as a temporary site for use by a specific Traveller family with an accepted local connection to the Derbyshire Dales.
3. That, subject to the designation of the site at Derwent Way Car Park, officers be authorised to install appropriate utilities for use by the specific Traveller family at that site.
4. That the Chief Executive, Director of Corporate and Customer Services or Director of Regulatory Services, in consultation with the Chairman of the Council, be authorised to instruct specific Traveller families to vacate designated temporary sites and direct to alternative temporary sites (as identified and approved by the full Council) and that Ward Members be notified of any such instructions and directions.
5. That the Working Group be authorised to continue its work to investigate and evaluate other sites that have been identified in the southern and central areas of the Derbyshire Dales that are not in the ownership of the District Council, engage with the specific Traveller families and report its findings and recommendations to a meeting of the Council in January 2023.
6. That authority be delegated to officers to appoint consultants for the purpose of supporting the working group in determining whether other sites outside of the Council's ownership in the southern and central areas of the Derbyshire Dales are viable and suitable for recommendation to the Council for development as temporary sites for use by Gypsies and Travellers.
7. That the need for the Council to identify an additional temporary site to be utilised from 31 January 2023 and the legal implications of failing to designate an additional temporary site within that timeframe be noted.
8. That, having considered the views of Town/Parish Councils, local residents, businesses and Ward Members, the following sites not be considered as suitable for designation by the Council as potential temporary sites for Gypsies and Travellers with a local connection to the Derbyshire Dales:

- i. Auction Close Car Park, Ashbourne
- ii. Leisure Way Car Park, Ashbourne
- iii. Clifton Road Coach and Car Park, Ashbourne
- iv. Cokayne Avenue Recreation Ground, Ashbourne
- v. Cokayne Avenue Car Park
- vi. Shawcroft Car Park, Ashbourne
- vii. Fish Pond Meadow Overspill Car Park, Ashbourne
- viii. Fish Pond Meadows Playing Fields, Ashbourne
- ix. Playing Field, Ashes Avenue, Hulland Ward
- x. Old Station Close Car Park, Rowsley
- xi. Land north west of Middleton Cemetery, New Road, Middleton
- xii. Land adjacent to 26 Griggs Gardens, Wirksworth
- xiii. Land to South East of Hopton Works, Middleton Road, Wirksworth
- xiv. Arc Leisure Car Parks, Morledge
- xv. Temple Walk Car Park, Matlock Bath
- xvi. Artist Corner Car Park, Dale Road, Matlock Bath
- xvii. Huntsbridge Recreation Ground, Alfreton Road, Tansley
- xviii. Town Hall Rear Car Park, Edgefold Road, Matlock
- xix. High Tor, Matlock
- xx. Land at Harrison Way, Northwood
- xxi. Monsal Head Car Park, Ashford
- xxii. Land to the south of 59 Yeld Close, Bakewell
- xxiii. Car Park at Agricultural Way, Bakewell
- xxiv. Nether End Car Park, Baslow
- xxv. Hawkhill Road Car Park, Eyam
- xxvi. Parsons Croft Car Park, Mill Lane, Hartington
- xxvii. Land to the rear of Edge View, Stoney Middleton

*This would not preclude third parties from approaching the Council in respect of these sites or submitting planning applications for the development of these sites. This decision would not indicate predetermination in respect of any future deliberation in respect of these landholdings of the Council.

1. Introduction

- 1.1 This report has been prepared by a cross party, Member-led working group to make recommendations to the Council proposing the designation of locations in the District as being suitable for temporary occupation by Gypsy and Traveller families to whom the District Council has a statutory homelessness duty.
- 1.2 The working group was established by the Council at its meeting on 29 September 2022 with the following remit:
- (a) Considering the viability of options against the criteria established in Policy HC6 of the Derbyshire Dales Local Plan
 - (b) Undertaking site visits to any location under consideration to gain an appreciation of the issues associated
 - (c) Recommending proposals for the development of temporary sites to the Council for approval.
- 1.3 The Council also mandated the working group to report its conclusions and recommendations back to an extraordinary meeting of the Council before 24 November 2022.
- 1.4 The cross party working group was chaired by Councillor Susan Hobson and had the following membership representing all political groups:

Councillor Jacqueline Allison
Councillor Jason Atkin
Councillor Sue Burfoot
Councillor Tom Donnelly
Councillor Steve Flitter

Councillor Stuart Lees
Councillor Tony Morley
Councillor Mike Ratcliffe
Councillor Alasdair Sutton
Councillor Colin Swindell

1. Gypsies and Travellers

- 1.1 'Traveller' is a generic term used to describe groups of people whose lifestyle or culture is rooted in a nomadic way of life.
- 1.2 Gypsies and Travellers are a part of British life and have been so for many centuries. They make up a very small minority of the wider population. Some Gypsies and Travellers live in caravans or other vehicles and follow a lifestyle that is nomadic, or semi-nomadic, in that it involves travel for at least part of the year.
- 1.3 Gypsies of Romany origin (English, Welsh, Scottish and European Travellers) and Irish Travellers live in Derbyshire, or use many parts of Derbyshire as traditional stopping places and have done so for hundreds of years. Other Travellers are also found within the County.

- 1.4 Romany Gypsies are an indigenous ethnic minority group, which is thought to have originated in India. Their language is Romanes. Irish Travellers are an indigenous, nomadic ethnic minority group found in Ireland and Britain. Their language is Cant or Gammon, although they predominantly speak English.
- 1.5 New Travellers are former house-dwellers who now travel. They are not a recognised ethnic group. Many New Travellers have been travelling for a number of years and some have children who have only ever known a travelling lifestyle.
- 1.6 Travelling Show People are people who organise and run fairgrounds. A Show Person will often refer to him/herself as a Traveller. However, the term Show People is used to differentiate people who organise fairgrounds from other travelling communities

2. Statutory Duties on Local Authorities

- 2.1 Under section 175(2) of the Housing Act 1996, applicants are homeless if the accommodation available for their occupation is a caravan, a houseboat or other movable structure and they do not have a place where they are entitled, or permitted, to put it and live in it. These circumstances are particularly relevant in the case of Gypsies and Travellers. Where a duty to secure accommodation arises but an appropriate site is not immediately available, the Housing Authority may need to provide an alternative temporary solution until a suitable site, or some other suitable option, becomes available. Some members of the Gypsy and Travelling Community may have a cultural aversion to the prospect of 'bricks and mortar' accommodation and, in assessing such cases, the Housing Authority should seek to provide suitable accommodation which is suitable for the person to whom the duty is owed.
- 2.2 A Gypsy or Traveller can ask the Local Authority for help with housing if they live in a caravan or mobile home and there is nowhere they are legally allowed to park it. As with any resident, when Gypsies or Travellers approach the Council to make a homelessness application, there are 5 legal tests. These tests are:-
 - i. Homeless - a person will be considered legally homeless if he / she has no accommodation which is available and reasonable for him / her to live in or, for example, nowhere legal to park a caravan.
 - ii. Eligibility - certain people who arrive in this Country or who are returning from a period living abroad do not qualify for housing under homelessness law.
 - iii. Priority Need - homeless applicants are only entitled to housing assistance if they are in priority need. To be in priority need, an applicant will need to show (for example) that he / she is living with a

dependent child or vulnerable due to age, physical or mental illness or disability.

- iv. Intentionality - an applicant may be considered 'intentionally homeless' if he / she has deliberately done something which has resulted in the loss of their home. The definition of 'intentionally homeless' is complex and the Local Authority must look at each case individually, taking all circumstances into account.
- v. Local Connection - an applicant would usually be expected to have lived in the area for at least 6 months during the previous year, or for not less than 3 years during the previous 5 year period, work or have family links to have a local connection. If an applicant has no local connection to any area the duty to help secure accommodation lies with the housing authority that received the application.

2.3 If Gypsies or Travellers are legally homeless the Local Authority must offer them suitable accommodation. Suitable means suitable accommodation for the person to whom that duty is owed. Local Authorities must consider that there are cultural aversions to conventional bricks and mortar housing and that there is a positive obligation to act so as to facilitate the Gypsy and Traveller way of life, without being under a duty to guarantee it in any particular case. If a Gypsy or Traveller was offered conventional housing rather than a pitch or was offered a pitch when conventional housing was required he or she could seek to challenge this offer under homelessness law.

2.4 The National Planning Policy Framework (NPPF) establishes that local planning authorities, through their Local Plans, should identify and meet objectively assessed housing needs based upon adequate, up-to-date and relevant evidence. Furthermore, there is a requirement for local planning authorities to have a clear understanding of housing needs in their areas and to address the need for all types of housing, including Travellers' housing needs.

2.5 In August 2015, the then Department for Communities and Local Government (DCLG) revised the 'Planning Policy for Traveller Sites (PPTS)'. For the purposes of this planning policy, 'Gypsies and Travellers' means: 'Persons of nomadic habit of life whatever their race or origin, including such persons who, on grounds only of their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling show people or circus people travelling together as such'.

2.6 The Government's overarching aim is to ensure fair and equal treatment for Travellers, in a way that facilitates the traditional and nomadic way of life of Travellers while respecting the interests of the settled community. To help achieve this, Government's aims in respect of Traveller sites are:

- That Local Planning Authorities make their own assessment of need;

- That Local Planning Authorities working collaboratively, develop fair and effective strategies to meet need through the identification of land and sites;
- That Local Planning Authorities plan for sites over a reasonable timescale;
- To promote more private traveller site provision;
- That plan making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective;
- For Local Planning Authorities to ensure that their Local Plans include fair, realistic and inclusive policies;
- To increase the number of traveller sites in appropriate locations, to address under provision and maintain an appropriate level of supply;
- To reduce tensions between settled and Traveller communities in plan making and planning decisions;
- To enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure;
- For Local Planning Authorities to have due regard to the protection of local amenity and the local environment.

2.7 The Derbyshire and East Staffordshire Gypsy and Traveller Accommodation Assessment (GTAA) undertaken in 2014/2015 indicated that 9 pitches were required in Derbyshire Dales in order to meet the needs of the Gypsy and Traveller community over the Local Plan period. That requirement is broken down such that 6 pitches are required to be provided within the first 5 years and then 1 pitch every subsequent 5 years. The GTAA is being updated presently, although the document is yet to be published.

2.8 Therefore in order to comply with the requirements of Planning Policy for Travellers Sites the Derbyshire Dales Local Plan made provision for 6 pitches over the first 5 years of the Plan period of 2013-33, as well as identifying the approach to addressing the needs beyond that 5 year period. The first 5 years of the Plan period have passed and as yet no pitches have been provided.

3. Local Context

3.1 At its meeting on 29 September 2016, the Council formally accepted its duties and responsibilities towards Gypsies and Travellers under housing and planning legislation. In particular the Council recognised its duties under Homelessness legislation towards specific Traveller families, who have been resident within the district for many years, but who did not have a site(s) on which they could legally place their caravans.

3.2 Since that time in 2016 the Council has not designated either permanent or temporary sites within the District for use by these specific Traveller families. The working group has not concerned itself with the identification of a permanent site in accordance with the remit set by the Council on 29 September 2022.

- 3.3 Geographically the counts of unauthorised encampments consistently show the highest numbers of Traveller caravans on unauthorised sites in the Eastern, Southeast and Southwest regions of England. Very generally the patterns reflect traditional areas of resort for Gypsies and Travellers and work opportunities in various contracting (e.g. aspects of the building trade, garden and tree work), trading (e.g. carpets and furniture) and seasonal agricultural work. Within the Derbyshire Dales the number of encampments is generally low and this is a relevant consideration for Members in finding potential solutions and needs to be reiterated when engaging with settled communities and business.
- 3.4 The most recent attempt to reach a decision on potential temporary sites on 28 July 2022 did not result in a definitive way forward, but rather the Council made a request for officers to take on board the feedback provided during a debate on 133 sites across the district and bring forward developed proposals for consideration by the Council. The decision taken on 28 July 2022 did not rule in or rule out any of the 133 sites reported to that meeting. This position was confirmed by the Council's Monitoring Officer.
- 3.5 In establishing the working group, the Council recognised its previously stated commitment to meeting its statutory duty to two homeless Traveller families with a local connection to the Derbyshire Dales. One family has been located at Derwent Way Car Park in Matlock since 7 December 2020. Another Traveller family have occupied Council owned land in Doveridge earlier in 2022 and have been at Clifton Road Coach and Car Park in Ashbourne since 8 July 2022. At the time of writing the report both families remain in situ on Council owned land in Ashbourne and Matlock.
- 3.6 The particular circumstances of these families are such that they wish to access permanent sites within the District on which to live. At the present time no such site is available and as a consequence they also travel around the District, moving from site to site. Given their circumstances these families' encampments are often lengthier than those of Travellers who are 'passing through' and they often occur on land that is administered or owned by the District Council.
- 3.7 In the absence of currently available permanent sites the District Council has a legal duty to accommodate the homeless Travellers on one or more temporary sites. The term used to describe a site on which Travellers may be sited temporarily is a negotiated stopping place. At the present time Derbyshire Dales District Council has not identified any such sites.

4. Methodology

- 4.1 Following the establishment of the working group, officers used their professional insight to identify available and workable options within the Council's ownership from the 133 sites that were reported to the Council meeting held on 28 July 2022. These sites were:

Local Plan Site ID	Location
DDDC1	Auction Close Car Park, Ashbourne
DDDC2	Leisure Way Car Park, Ashbourne
DDDC3	Clifton Road Coach and Car Park, Ashbourne
DDDC4	Cokayne Avenue Recreation Ground, Ashbourne
DDDC5	Cokayne Avenue Car Park
DDDC6	Shawcroft Car Park, Ashbourne
DDDC7	Fish Pond Meadow Overspill Car Park, Ashbourne
DDDC8	Fish Pond Meadows Playing Fields, Ashbourne
DDDC9	Playing Field, Ashes Avenue, Hulland Ward
DDDC10	Old Station Close Car Park, Rowsley
DDDC11	Land north west of Middleton Cemetery, New Road, Middleton
DDDC12	Land adjacent to 26 Griggs Gardens, Wirksworth
DDDC13	Land to South East of Hopton Works, Middleton Road, Wirksworth
DDDC14	Arc Leisure Car Parks, Morledge
DDDC15	Temple Walk Car Park, Matlock Bath
DDDC16	Station Yard Car Park, Dale Road, Matlock Bath
DDDC17	Artist Corner Car Park, Dale Road, Matlock Bath
DDDC18	Huntsbridge Recreation Ground, Alfreton Road, Matlock
DDDC19	Derwent Way Car Park, Matlock
DDDC20	Town Hall Rear Car Park, Edgefold Road, Matlock
DDDC21	High Tor, Matlock
DDDC22	Land at Harrison Way, Northwood
PDNPA1	Monsal Head Car Park, Ashford
PDNPA2	Land to the south of 59 Yeld Close, Bakewell
PDNPA3	Car at Agricultural Way, Bakewell
PDNPA4	Nether End Car Park, Baslow
PDNPA5	Hawkhill Road Car Park, Eyam
PDNPA6	Parsons Croft Car Park, Mill Lane, Hartington
PDNPA7	Land to the rear of Edge View, Stoney Middleton

- 4.2 The suggested sites within the Derbyshire Dales Local Plan area have been considered against Policy HC6 Gypsy and Traveller Provision of the [Adopted Local Plan 2017](#). The policy indicates that the following considerations will be taken into account in the determination of applications for Gypsy and Traveller sites:
- a) the proposal will not have a significant detrimental impact on neighbouring residential amenity or other land uses;
 - b) the site has safe and satisfactory vehicular and pedestrian access to the surrounding principal highway network and would not result in a level of traffic generation which is inappropriate for roads in the area;
 - c) the site is situated in a suitable location in terms of local amenities and services including schools, shops, health services, and employment opportunities to allow access by sustainable means;
 - d) the site is capable of providing adequate on-site services for water supply, mains electricity, facilities for recycling and waste disposal and foul and surface water drainage;
 - e) the site will enable vehicle movements, parking and servicing to take place, having regard to the number of pitches/plots and their requirements as well as enabling access for service and emergency vehicles;
 - f) the site is not situated within an area at high risk of flooding;
 - g) the development is well planned and incorporates soft landscaping measures in order to mitigate the impact upon the character or appearance of the local area, the landscape or sites/areas of nature conservation value or heritage assets;
 - h) the site is capable of providing adequate levels of privacy and residential amenity for site occupiers;
 - i) the site is suitable taking account of ground conditions, land stability and other environmental risks and nuisances, with appropriate mitigation secured prior to occupation.
- 4.3 Site visits by Planning Policy officers were undertaken in September 2022. In order to assist the Working Group, an impact scale of red-amber- green was applied and the criteria can be found at Appendix 1 of this report.
- 4.4 The suggested sites that are situated within the Peak District National Park Plan Area (Site ID PDNPA 1 to 7) have for consistency, been assessed using the criteria in the Derbyshire Dales District Council Local Plan.
- 4.5 Members of the working group were clear that this review could not rely solely on the professional assessments of officers against policy criteria. It was therefore agreed that site visits would be undertaken by Members to understand the wider implications for each site, as well as being able to have regard to the local knowledge of ward councillors on the viability and suitability of sites and their potential impact on nearby settled communities or businesses.
- 4.6 It was initially agreed that Members would visit all sites that did not have a Red RAG rating within the officer assessment, but Members soon concluded

that it would be appropriate to visit all sites. Site visits took place during October 2022 in groups or on an individual basis.

- 4.7 Having undertaken site visits Members then sought the views of Ward Members on options that may have been considered viable according to policy HC6 and in their collective opinion. Significant weight has been attached to the views of ward Members in sharing their knowledge of the communities that they represent.
- 4.8 Members also sought to identify additional options, particularly in the south of the district to respond to the specific needs of one Traveller family with a local connection to the Derbyshire Dales. Five potential options have been identified which will require further work, assessment and potential negotiation with third parties before any recommendations can be made by the working group.

5. Assessment of Options

- 5.1 There are no perfect or easy solutions available to the District Council in identifying sites. If there had have been, they would have been identified and delivered a long time ago to ensure that the commitment of the authority in the Local Plan could be delivered and families that are accepted as homeless could be accommodated according to their needs.
- 5.2 The challenge to the working group was to identify what could be considered the “least worst” options from the sites within the authority’s ownership for determination by all Members of the Council. The assessment of the sites by officers against Policy HC6 was a helpful indicator of what may have potential. The breakdown of the officer analysis of the sites can be found at Appendix 2 of this report.
- 5.3 The assessment of sites by Members left two sites available for designation as being suitable for temporary occupation by Traveller families – Derwent Way Car Park in Matlock and Matlock Bath Station Yard Coach Park, albeit only during winter months until 31 January 2023. These sites were recommended on the basis of their current and previous occupations, the distance from residential properties and businesses and access to amenities for the Traveller families that will use the sites.

6. Consultation

- 6.1 Members recognised that there was a tight timeframe to undertake their assessment of sites and make recommendations back to the Council by 24 November 2022. They also recognised that some limited consultation would be necessary on sites that may have potential prior to reporting back to the Council.
- 6.2 This consultation took place with the Ward Members for those sites, providing the elected community leaders at district council level with the opportunity to share their thoughts on the suitability and viability of a site in

the context of existing use and relationships with the settled community and businesses.

- 6.2.1 Ward Members for Matlock All Saints and Matlock St. Giles were represented on the working group (Councillor Sue Burfoot and Councillor Steve Flitter) and regard was had to their views on the current occupation of **Derwent Way Car Park in Matlock**. They indicated that the settled community and businesses of Matlock had been caused inconvenience through the occupation of the site, although they did note that the use of the car park was reduced presently due to the closure of Derwent Way during the flood defence works on the River Derwent. They recognised that the Traveller family maintained the site to a good standard and considered that it may have potential to be designated as a formal temporary site with the installation of appropriate utilities.
- 6.2.2 Councillors Dawn Greatorex and Peter Slack were approached for their views on the viability of the **land on Middleton Road in Wirksworth and adjacent to the cemetery in Middleton**, which had previously been indicated as being a possibility for use on a temporary basis during the Council meeting held on 28 July 2022. Both ward councillors, along with Councillor Mike Ratcliffe who is a Member of the Working Group, considered that the sites would not be suitable for designation under any circumstances given their proximity to settled communities and businesses. In the case of the land adjacent to the cemetery at Middleton it was also noted that this site was particularly exposed to the elements and would not be suitable for occupation during winter months.
- 6.2.3 The views of Councillor Purdy in his role as a Ward Member for Masson were sought, especially in view of his comments at the Council meeting on 29 September 2022 concerning the feasibility of sites at Matlock Bath – namely **Temple Walk Car Park and Matlock Bath Station Yard Car Park**. Reservations were expressed in respect of the suitability of the Temple Walk Car Park given its proximity to a primary school. Whilst it was acknowledged that the site was otherwise sufficiently far away from settled communities, Councillor Purdy considered that this made the site unsuitable. With regard to the Station Yard Car Park off Dale Road in Matlock Bath, Councillor Purdy indicated that there was precedent for this site to be occupied by Travellers during winter months whilst the number of tourists and visitors to local attractions were reduced. He indicated that the working group should only consider this site to be suitable from the period beginning with the end of the Matlock Bath Illuminations at the beginning of November until the end of January.
- 6.3 The working group was already aware of the strength of feeling expressed by various town and parish councils in respect of any potential development of permanent or temporary sites for use by Gypsies and Travellers. These views have been expressed in written and oral representations to Council meetings in recent years and it is understood that the position of those local councils will not have changed.

- 6.4 Similarly, the views of the public are well documented in respect of the sites under consideration. Settled communities and businesses have previously written to the Council and made direct appeals to Members at meetings of the Council in respect of their objections to any options previously considered by the authority. The concerns of the public are valid and must be heard and taken into account in any decision making process. The Working Group has recommended that the Council attach weight to these views and representations by not further considering the remaining sites listed beyond those recommended by the Working Group.
- 6.5 At the same time significant weight needs to be attached to the views of the Traveller families with a local connection to the Derbyshire Dales. Whilst there is a duty to identify sites for them, there is little point in identifying sites and causing disruption where the sites are not suitable or unlikely to be occupied on the basis of legitimate concerns. The views of Traveller families and/or their representatives are important and will need to be heard as part of this process. At the time of preparing this report it has not be possible for representatives of the Working Group to meet with the Traveller families or their representatives. Whilst they will have the opportunity to make their views known to the Council meeting, the Working Group is clear in its commitment to meeting with them so that due regard can be had to their views.

7. Other Issues

- 7.1 Whilst this report confirms the Council's statutory duty to those Traveller families with an accepted local connection to the Derbyshire Dales, there are other matters which are relevant considerations and are raised with Members by their constituents on a regular basis. This part of the report seeks to address those concerns and dispel some myths.
- 7.2 The Council has already made allocations in its budget for the provision of services and utilities required by Travellers, which includes provision for portaloos and fencing. There is also a budget for other general works that are required for the establishment of sites for use by Travellers. For example, the Council has spent £10,500 on portaloos associated with Traveller sites in the current financial year to date. It has also spent £3,239 on general expenses, which would include fencing, during the current financial year. Until such a time as permanent sites with utilities are established there will continue to be a need for such provision in the Council's budgets in supporting the homeless families. Travellers are not charged for the use of these facilities. Managing unauthorised sites requires a lot of officer time from the District Council and it is estimated that it has taken up 10% of the time worked by four officers in Regulatory Services alone. Legal Services have also been engaged in supporting Members and officers and this has cost £710 in fees in total over the last three financial years. £9,150 has been spent in the same period hiring Enforcement Officers associated with the eviction of unauthorised encampments.

- 7.3 In the event that the Council establishes permanent sites or designates temporary sites with access to electric and water utilities, then all Gypsies and Travellers living on that site would be expected to pay council tax, rent, gas, electricity and other charges measured in the same way as other houses. Those who lives on unauthorised sites do not generally pay for utilities or council tax. The Derbyshire Gypsy Liaison Group has indicated that it would expect Travellers to pay for services if they were installed on sites. It is all worth noting that like all residents in the UK, Travellers pay tax on their purchases, petrol and road tax.
- 7.4 One issue that became a cause for concern for Members of the Working Group, which was echoed by Ward Members in Ashbourne, was the need to improve the quality of fencing provided at any temporary site designated for use by Travellers. The present encampment at Clifton Road Coach and Car Park is surrounded by heras fencing that does not fit well with the surrounding environment and is not effective in providing privacy to the Traveller family. The working group would recommend that the Council instruct officers to identify and install stronger fencing that provides greater privacy and reduces any noise impact from nearby roads or generated on the site itself. Such an approach will improve the quality of life of Traveller families and will also be appreciated by nearby settled communities and businesses. Furthermore it will go a long way to demonstrate that the Council is providing the best service it can. Whilst this report has yet to be considered by the Council, officers have sought quotes and feasibility assessments in respect of a contractor for the installation of fencing.
- 7.5 The Working Group has been restricted to reviewing sites within the Council's ownership to date. During the course of its work, Members identified other sites that may have some potential for development as temporary sites. Some of these sites are not in the Council's ownership and another site owned by the Council requires further assessment as to the operational requirements associated with it. On this basis, the working group would recommend to the Council that its remit be continued beyond the original timeframe of the end of November 2022 to enable it to continue to examine potential options for development as temporary sites.
- 7.6 At various meetings of the Council over the years where this matter has been discussed reference has been made to a ban on Gypsies and Travellers in the Peak District National Park Authority area, which forms part of the Derbyshire Dales District Council area. The Working Group has sought clarification on this and can confirm that there is no ban in the Peak District National Park Authority area. Members recognised that providing a permanent or temporary site in the Peak District National Park Authority area will not address the District Council's Gypsy and Traveller Accommodation Assessment (GTAA) or Local Plan requirement to provide a site(s). Officers have advised that discussions are continuing at the Derbyshire and East Staffordshire Gypsy and Traveller Accommodation Assessment Working Group which could share the responsibility for designating sites in local plans between the District Council and the Peak District National Park Authority. If this did occur, it would mean that the issue

can be better addressed through updated policies and potentially through site allocation to consider the entirety of the Derbyshire Dales from a planning policy perspective. However, the District Council's statutory responsibilities as the Housing Authority remain and it must address the homelessness of two specific Traveller families with an accepted local connection to the Derbyshire Dales.

8. Conclusions and Next Steps

- 8.1 The working group has undertaken the task it was allocated by the Council at pace and with determination to find temporary solutions to enable the authority to meet its statutory obligations to the two Traveller families with a local connection to the Derbyshire Dales. It has held meetings on a weekly basis during October and the first week of November, as well as undertaking site visits over a number of days, in order to prepare a report and recommendations for consideration by the Council.
- 8.2 The Working Group has had regard to the protected characteristics of Gypsies and Travellers in considering and evaluating sites. In addition, whilst they cannot be discussed in detail within this report, regard has been had to other protected characteristics for individuals within the specific families. The proposals emerging from the Working Group's deliberations acknowledge that certain sites are not suitable on this basis of equalities needs not being met. The Council should have full regard to its equality duty in considering these recommendations and the range of protected characteristics to be considered:
- The needs of disabled residents
 - The needs of different racial groups
 - Provision for children and young people
 - Consideration of the needs of the Traveller women – specifically related to their roles as parents and carers
 - The needs of the Traveller families as a group of religious believers
 - The importance of building community cohesion

The proposals of the working group are considered to not have any negative implications for those with protected characteristics. However, it is recognised that the need for additional sites will strengthen the authority in meeting its equalities duties. There are misconceptions about aspects of Gypsy and Traveller life that manifest in discriminatory behaviour towards them. Members recognise that work must be done to promote good relations between Gypsies and Travellers and the local settled communities. Members are clear that Gypsies and Travellers are welcome members of our community and all discrimination should be condemned.

- 8.3 Derbyshire Dales District Council does not own huge plots of land that immediately lend themselves to the development of permanent or temporary sites for use by Gypsies and Travellers. If this were the case, the working group would not have been tasked to identify suitable sites. Having reviewed the sites considered most suitable and viable by officers from 133 sites

reported to the Council meeting on 28 July 2022, Members feel that the majority of these sites are not appropriate for temporary occupation by Travellers.

8.4 There are two sites that are recommended for designation as temporary sites for use by specific Traveller families with an accepted local connection to the Derbyshire Dales:

- **Derwent Way Car Park, Matlock** – this site has been occupied by a specific Traveller family with a local connection to the district for over a year. The occupied site has limited impact on the local settled community and businesses and has clearly met the needs of the Traveller family to a point. The working group considers that the designation of this site as a temporary site should be accompanied by the installation of utilities, such as water and electricity, which will enable the site to be comfortable and meet the basic humanitarian standards that should be available to all.
- **Matlock Bath Station Yard Car Park, Matlock Bath** – this site scored the highest in the officer evaluation against Policy HC6 and Members recognised that there were clear advantages to this site which would make it suitable for designation as a temporary site for use by Travellers with an accepted local connection to the Derbyshire Dales. In making this recommendation to the Council, it is recommended that this designation is limited annually to the period from 1 November until 31 January so that the use of the car park is not limited during the peak periods for tourists and visitors to come to Matlock Bath. The working group considers that the designation of this site as a temporary site should be accompanied by the installation of high quality fencing to provide privacy to the specific Traveller family that is expected to be resident at the site, along with the provision of portaloos.

8.5 The Council has previously reserved all powers to itself in respect of the designation of sites for use by Gypsies and Travellers. Given the sensitivities around this issue, Members continue to hold the view that this should remain a function of the full Council until such a time as Members have identified and agreed permanent and further temporary sites. However, from a practical perspective, there is a need to consider the formal delegation of powers to officers to move Travellers with an accepted local connection to the Derbyshire Dales around designated temporary sites as required. This power should be delegated to the Chief Executive, Director of Corporate and Customer Services and Director of Regulatory Services and should be exercised in consultation with the Chairman of the Council, with Ward Members being notified of any proposed movement from one site to another. The use of this power is contingent on Members identifying a further temporary site(s).

8.6 Should the Council accept the recommendation to designate the land at Matlock Bath Station Yard Car Park until 31 January, there remains a need

to designate other sites that could potentially be occupied by the Traveller family that is anticipated to move from Ashbourne to Matlock Bath. The Working Group has alternative sites to consider, which are not in the ownership of the District Council and would seek to work with Independent Consultants to receive advice on the viability of developing those sites and making recommendations to the Council in respect of those sites as potential temporary sites. The sites are located in the southern and central areas of the Derbyshire Dales but cannot be named in this report for commercial reasons.

- 8.7 On this basis, the Council is recommended to authorise the Working Group to continue its work to identify alternative sites, which may or may not be in the Council's ownership, for occupation by the specific Traveller family after the end of January 2023. It is important to note that the Courts will not consent to an eviction order for a Traveller family to whom the Council has a statutory homelessness duty unless the authority has designated an alternative site to where they can relocate. Unless this work continues and the Council determines an alternative site, officers will not be able to progress an eviction from the recommended site at Matlock Bath so there is a burden on Members to continue to work at pace and with determination to find suitable alternatives. If the Council were to instruct officers to evict from the Matlock Bath site at the end of January 2023 without identifying a suitable site and adopting a reasonable approach in its decision making then there will be a high risk of legal challenge.
- 8.8 Having reviewed the other sites listed, there was a majority view that these locations would not be suitable for use as a temporary site by Travellers. Whilst some of the sites scored well from the policy perspective provided by officers, there were issues associated with those locations that local Ward Members were aware of and able to share with the Working Group. Members are also familiar with the views expressed by town/parish council, the public and businesses in respect of various sites that have previously been considered by the Council and due weight should be given to these representations. If the Working Group had been tasked with undertaking a mere technical exercise then it would be likely that a number of sites would be recommended to the Council that are not appropriate in the opinion of the majority of Members of the Working Group. The full Council may take a different view on this, but the majority of Members of the working group (9 out of 11 Members, not including Councillors Allison and Flitter) would recommend that the following sites be removed from any future consideration for use as sites for Gypsies and Travellers:

Local Plan Site ID	Location
DDDC1	Auction Close Car Park, Ashbourne
DDDC2	Leisure Way Car Park, Ashbourne
DDDC3	Clifton Road Coach and Car Park, Ashbourne

Local Plan Site ID	Location
DDDC4	Cokayne Avenue Recreation Ground, Ashbourne
DDDC5	Cokayne Avenue Car Park
DDDC6	Shawcroft Car Park, Ashbourne
DDDC7	Fish Pond Meadow Overspill Car Park, Ashbourne
DDDC8	Fish Pond Meadows Playing Fields, Ashbourne
DDDC9	Playing Field, Ashes Avenue, Hulland Ward
DDDC10	Old Station Close Car Park, Rowsley
DDDC11	Land north west of Middleton Cemetery, New Road, Middleton
DDDC12	Land adjacent to 26 Griggs Gardens, Wirksworth
DDDC13	Land to South East of Hopton Works, Middleton Road, Wirksworth
DDDC14	Arc Leisure Car Parks, Morledge
DDDC15	Temple Walk Car Park, Matlock Bath
DDDC17	Artist Corner Car Park, Dale Road, Matlock Bath
DDDC18	Huntsbridge Recreation Ground, Alfretton Road, Tansley
DDDC20	Town Hall Rear Car Park, Edgefold Road, Matlock
DDDC21	High Tor, Matlock
DDDC22	Land at Harrison Way, Northwood
PDNPA1	Monsal Head Car Park, Ashford
PDNPA2	Land to the south of 59 Yeld Close, Bakewell
PDNPA3	Car at Agricultural Way, Bakewell
PDNPA4	Nether End Car Park, Baslow
PDNPA5	Hawkhill Road Car Park, Eyam
PDNPA6	Parsons Croft Car Park, Mill Lane, Hartington
PDNPA7	Land to the rear of Edge View, Stoney Middleton

In making this recommendation, Council should formally rescind its decision to designate the land at Harrison Way, Northwood as a temporary site for a specific Traveller family. In doing so, the Council should acknowledge the anxiety that the designation of that site has caused to the specific Traveller family and to the local settled community and businesses in Northwood. There are lessons to be learned about the way in which the Council makes such decisions in future and the approach of this Working Group is one that is recommended to be followed.

- 8.9 Best practice guidance from other local authorities suggests that the local authority has a role in facilitating dialogue and addressing issues that may occur between Travellers and the settled community. Derbyshire Dales District Council has managed much of its work to support Travellers on an informal basis over the years. Whilst this has enabled the authority to undertake its duties, the future approach should incorporate a focus on building relationships and understanding between those Traveller families with a local connection to the Derbyshire Dales and those communities settled in houses across the District. Communities in Ashbourne, Bakewell and Matlock Bath over the years have interacted with Travellers who have been resident in those towns, but there has never been a formal means of developing and nurturing positive relations. This will be key to the success of any future temporary and permanent sites in the District and it is recommended that approaches to this be developed so as to engage settled communities, town/parish councils and other public services – the role of Ward Members as community leaders will be vital in making this a success.
- 8.10 This working group was established to make recommendations to the full Council in a transparent way regarding any potential sites for use by Travellers. Whilst the group has worked well to develop its recommendations it has not been able to agree these proposals on a unanimous basis. Councillors Jacqui Allison and Steve Flitter were not present at the meeting of the Working Group on 2 November 2022 where it was agreed to make these proposals. These Members will be able to state their own views on the proposals and other options to the Council meeting where this report is to be considered.
- 8.11 This report should be viewed as an interim report as the Working Group considers that there is more work to be done in identifying and evaluating potential sites. Should the Council consent to this request, the Working Group considers that it will be of value to hold further discussions with the specific Traveller families and representatives of the Derbyshire Gypsy Liaison Group, as well as with relevant Ward Members, in order to bring forward proposals that will enable the Council to agree longer term solutions in respect of temporary site provision in the Derbyshire Dales.

Appendix 1 – Methodology Matrix Policy HC6

HC6 Policy criteria		Source
a	<p>Green no adjacent residential land use, minimal impact on neighbouring land uses.</p> <p>Amber Potential impact on neighbouring residential amenity or neighbouring land use, mitigation measures may be possible.</p> <p>Red Significant impact on neighbouring residential amenity or neighbouring land use.</p>	Site assessment
b	<p>Green Safe and satisfactory vehicular and pedestrian access to the surrounding principal highway network can be achieved and would not result in a level of traffic generation which is inappropriate for roads in the area</p> <p>Amber Safe and satisfactory vehicular and pedestrian access to the surrounding principal highway network can be achieved however it would marginally increase the level of traffic generation.</p> <p>Red Safe and satisfactory vehicular and pedestrian access to the surrounding principal highway network cannot be achieved and would result in a level of traffic generation which is inappropriate for roads in the area</p>	Desk top mapping & site visit
c	<p>How far are local services and amenities?</p> <p>Green <10 mins walk (<800m)</p> <p>Amber 10- 20mins walk (800-1600m)</p> <p>Red >20mins walk (>1600m)</p>	Desk top mapping - standards in line with the Strategic Housing and Employment Land Availability Assessment

HC6 Policy criteria		Source
d	<p>Green the site is capable of providing adequate on site services for water supply, mains electricity, facilities for recycling and waste disposal and foul and surface water drainage;</p> <p>Amber the site may be capable with further works/mitigation of providing adequate on site services for water supply, mains electricity, facilities for recycling and waste disposal and foul and surface water drainage;</p> <p>Red Adequate on site services for water supply, mains electricity, facilities for recycling and water disposal and foul and surface water drainage cannot be achieved</p>	Not considered by Planning Policy, advice should be sought from Estates and Facilities Manager
e	<p>Green the site is currently used as a car park indicating that access can be achieved. The site has adequate access, for example; double gates with no obstruction.</p> <p>Amber access can be achieved with minimal adjustments</p> <p>Red the site is accessible but would be extremely difficult for the type, size and number of vehicles involved in the proposed temporary use</p>	Desk top mapping – site visit
f	<p>Green Zone 1: This zone comprises land having a less than 1 in 1,000 annual probability of river or sea flooding in any year.</p> <p>Amber Zone 2: This zone comprises land having between a 1 in 100 and 1 in 1,000 annual probability of river flooding or 1 in 200 and 1 in 1,000 annual probability of sea flooding in any year.</p>	THE SRFA (November 2021) determines the current and future risk from all sources of flooding, as well as the risks to and from surrounding areas; https://www.derbyshiredales.gov.uk/images/600728_DDC_Level1_SFRA_3.0.pdf

HC6 Policy criteria		Source
	<p>Amber Zone 3a: This zone comprises land assessed as having a greater than 1 in 100 annual probability of river flooding or a greater than 1 in 200 annual probability of flooding from sea in any year.</p> <p>Red Zone 3b: This zone comprises land where water has to flow or be stored in times of flood (the functional floodplain). The SFRA identified this Flood Zone as land which would flood with an annual probability of 1 in 20 years, where detailed modelling exists. In the absence of detailed hydraulic model information, a precautionary approach has been adopted with the assumption that the extent of Flood Zone 3b would be equal to Flood Zone 3a. For this reason, Flood Zone 3b may not be visible in some of the maps presented in this Appendix. Extents of detailed modelling are shown within the Level 1 SFRA report within Chapter 5. If development is shown to be in Flood Zone 3a, further work should be undertaken as part of a detailed site specific flood risk assessment to define the extent of Flood Zone 3b.</p>	

HC6 Policy criteria		Source
g	<p>Note: The temporary nature of the suggested sites means that this criteria cannot be fully assessed as the layout and soft landscaping is not known. This is therefore a partial assessment based on the scale of proposed occupancy within the context of the surrounding natural and built environment.</p> <p>Green Minimal impact on the appearance of the local area, the landscape, areas of nature conservation value or heritage asset.</p> <p>Amber Marginal impact on the appearance of the local area, the landscape, areas of nature conservation value or heritage asset that can be ameliorated with mitigation measures.</p> <p>Red Significant impact on the appearance of the local area, the landscape, areas of nature conservation value or heritage asset.</p>	<p>Desk top assessment using the Local Plan database of protected sites, conservation Areas, WHS, and heritage assets.</p> <p>Site visit to assess impact on the appearance of the local area and landscape.</p>
h	<p>The suggested site is to accommodate one family consisting of approximately five caravans and associated vehicles. No utility blocks and a portaloo.</p> <p>Green the site is capable of providing adequate levels of privacy and residential amenity for site occupiers</p> <p>Amber The site would require mitigation measures for example screening in order to provide adequate levels of privacy and residential amenity for site occupiers.</p> <p>Red The site is not capable of providing adequate level of privacy and residential amenity due to proximity and type of adjacent land uses.</p>	Desk top and site assessment

HC6 Policy criteria		Source
i	<p>Green no known contaminants, ground conditions and stability are fit for purpose</p> <p>Amber contaminants may be present but requiring further investigation, mitigation measures are possible, ground conditions and stability have known issues that can be overcome with minor works.</p> <p>Red contaminated land, ground conditions and stability are such that they cannot be overcome.</p>	Site visit.

Appendix 2: Officer Assessment against Policy HC6

Parish	Record No	Address	Land Type	Area	A. Significant detrimental impact on neighbouring residential amenity or other land uses	B. Safe and satisfactory vehicular and pedestrian access to the surrounding principal highway network and would not result in a level of traffic generation which is inappropriate for roads in the area	C. Suitable location in terms of local amenities and services including schools, shops, health services, and employment opportunities to allow access by sustainable means;	D. Site is capable of providing adequate on-site services for water supply, mains electricity, facilities for recycling and waste disposal and foul and surface water drainage;	E. Site will enable vehicle movements, parking and servicing to take place, having regard to the number of pitches/plots and their requirements as well as enabling access for service and emergency vehicles;	F. Site is not situated within an area at high risk of flooding;	G. the development is well planned and incorporates soft landscaping measures in order to mitigate the impact upon the character or appearance of the local area, the landscape or sites/areas of nature conservation value or heritage assets;	H. the site is capable of providing adequate levels of privacy and residential amenity for site occupiers;	I. the site is suitable taking account of ground conditions, land stability and other environmental risks and nuisances, with appropriate mitigation secured prior to occupation.
Ashbourne 121	DDDC1	Car Park, Auction Close, Ashbourne	Car Park	0.21	Red – Significant impact on neighbouring residential amenity, overlooked by properties to the W/NW	Green - Safe and satisfactory vehicular and pedestrian access to the surrounding principal highway network can be achieved and would not result in a level of traffic generation which is inappropriate for roads in the area	Green - <10 mins walk (<800m)	Not known	Green – the site is currently used as a car park indicating that access can be achieved.	Green - Zone 1: This zone comprises land having a less than 1 in 1,000 annual probability of river or sea flooding in any year.	Green - Minimal impact on the appearance of the local area due to current use as a car park in an urban setting.	Red - The site is not capable of providing adequate level of privacy and residential amenity due to proximity and type of adjacent land uses and slope.	Amber – contaminants may be present due to current use as a car park, requires further investigation.

Ashbourne	DDDC2	Car Park, Leisure Way, Ashbourne	Car Park	1.53	Amber – Potential impact on neighbouring use of the Leisure centre, and access to Tissington Trail. Mitigation measures may be possible.	Green - Safe and satisfactory vehicular and pedestrian access to the surrounding principal highway network can be achieved and would not result in a level of traffic generation which is inappropriate for roads in the area	Green - <10 mins walk (<800m)	Not known	Green – the site is currently used as a car park indicating that access can be achieved.	Amber - Zone 3a: This zone comprises land assessed as having a greater than 1in 100 annual probability of river flooding or a greater than 1 in 200 annual probability of flooding from sea in any year.	Amber – Marginal impact on the appearance of the local area, the landscape, areas of nature conservation value or heritage asset that can be ameliorated with mitigation measures. Wildlife site DD419 falls within western boundary.	Amber – The site would require mitigation measures for example screening in order to provide adequate levels of privacy and residential amenity for site occupiers.	Amber – contaminants may be present due to current use as a car park, requires further investigation.
Ashbourne	DDDC3	Clifton Road Coach and Car Park, Ashbourne	Car Park	0.36	Green – no adjacent residential land use, minimal impact on neighbouring residential amenity.	Green - Safe and satisfactory vehicular and pedestrian access to the surrounding principal highway network can be achieved and would not result in a level of traffic generation which is inappropriate for roads in the area	Green - <10 mins walk (<800m)	Not known	Green – the site is currently used as a car park indicating that access can be achieved.	Amber - Zone 3a: This zone comprises land assessed as having a greater than 1in 100 annual probability of river flooding or a greater than 1 in 200 annual probability of flooding from sea in any year.	Amber – Marginal impact on the appearance of the local area, the landscape, areas of nature conservation value or heritage asset that can be ameliorated with mitigation measures. Part of site lies in local wildlife site (DD419 Henmore Brook Complex)	Amber – The site would require mitigation measures for example screening in order to provide adequate levels of privacy and residential amenity for site occupiers.	Amber – contaminants may be present due to current use as a car park, requires further investigation.

Ashbourne	DDDC4	Recreation Ground, Cokayne Avenue, Ashbourne	Parks and Open Space	8.15	Amber – Potential impact on neighbouring residential amenity, and use of the recreation ground, mitigation measures may be possible. Dependant on the position of the site within this large open recreation space.	Amber - Safe and satisfactory vehicular and pedestrian access to the surrounding principal highway network may be achieved depending on the location within the recreation ground.	Green - <10 mins walk (<800m)	Not known	Amber – access can be achieved with minimal adjustments, however dependant on the location of the site within the Recreation Ground.	Amber - Zone 3a: This zone comprises land assessed as having a greater than 1 in 100 annual probability of river flooding or a greater than 1 in 200 annual probability of flooding from sea in any year.	Red – Significant impact on the appearance of the local area, the landscape. Monument Listed grade 2 Bust of Catherine Mumford, situated in War Memorial Park	Amber – Dependant on the siting of the site within the large open recreation ground, the site would require mitigation measures for example screening in order to provide adequate levels of privacy and residential amenity for site occupiers.	Amber - ground conditions and stability have known issues that can be overcome with minor works.
Ashbourne 123	DDDC5	Car Park, Cokayne Avenue, Ashbourne	Car Park	0.34	Red – The site is surrounded on all sides by recreational and education uses and accessed on all sides for these purposes, therefore significant impact on neighbouring residential amenity or neighbouring land use.	Green - Safe and satisfactory vehicular and pedestrian access to the surrounding principal highway network can be achieved and would not result in a level of traffic generation which is inappropriate for roads in the area	Green - <10 mins walk (<800m)	Not known	Green – the site is currently used as a car park indicating that access can be achieved.	Green - Zone 1: This zone comprises land having a less than 1 in 1,000 annual probability of river or sea flooding in any year	Green - Minimal impact on the appearance of the local area due to current use as a car park in an urban setting and screen provided by trees between adjacent land uses.	Red – The site is not capable of providing adequate level of privacy and residential amenity due to proximity and type of adjacent land uses and access required to them.	Amber – contaminants may be present due to current use as a car park, requires further investigation.

Ashbourne	DDDC6	Shawcroft Car Park, Park Road, Ashbourne	Car Park	0.71	Red – The site is surrounded on all sides by retail, commercial and residential uses and accessed on all sides for these purposes, therefore significant impact on neighbouring residential amenity or neighbouring land use.	Green - Safe and satisfactory vehicular and pedestrian access to the surrounding principal highway network can be achieved and would not result in a level of traffic generation which is inappropriate for roads in the area	Green - <10 mins walk (<800m)	Not known	Green – the site is currently used as a car park indicating that access can be achieved.	Amber - Zone 3a: This zone comprises land assessed as having a greater than 1in 100 annual probability of river flooding or a greater than 1 in 200 annual probability of flooding from sea in any year.	Red – Significant impact on the appearance of the local area, as the positioning in the large urban car park setting means that screening would be difficult to achieve.	Red – The site is not capable of providing adequate level of privacy and residential amenity due to proximity and type of adjacent land uses and access required to them.	Amber – contaminants may be present due to current use as a car park, requires further investigation.
Ashbourne	DDDC7	Fish Pond Meadow Car Park	Car Park	0.39	Amber – Potential impact on neighbouring residential amenity or neighbouring land use, mitigation measures may be possible.	Green - Safe and satisfactory vehicular and pedestrian access to the surrounding principal highway network can be achieved and would not result in a level of traffic generation which is inappropriate for roads in the area	Green - <10 mins walk (<800m)	Not known	Green – the site is currently used as a car park indicating that access can be achieved.	Amber - Zone 3a: This zone comprises land assessed as having a greater than 1in 100 annual probability of river flooding or a greater than 1 in 200 annual probability of flooding from sea in any year.	Green - Minimal impact on the appearance of the local area due to current use as a car park in an urban setting and screen provided by trees between adjacent land uses.	Amber – The site would require mitigation measures for example screening to the road boundary in order to provide adequate levels of privacy and residential amenity for site occupiers.	Amber – contaminants may be present due to current use as a car park, requires further investigation.

Ashbourne	DDDC8	Fish Pond Meadow Playing Fields, Ashbourne	Parks and Open Space	6.33	Amber – Potential impact on neighbouring residential amenity, and use of the Fishpond playing fields, mitigation measures may be possible. Dependant on the position of the site within this large open recreation space.	Red - Safe and satisfactory vehicular access to the surrounding principal highway network cannot be achieved without significant works being undertaken.	Green - <10 mins walk (<800m)	Not known	Red – the site is accessible for mowing and maintenance purposes but would be extremely difficult for the type, size and number of vehicles involved in the proposed temporary use.	Red - Zone 3b: This zone comprises land where water has to flow or be stored in times of flood (the functional floodplain). The SFRA identified this Flood Zone as land which would flood with an annual probability of 1 in 20 years, where detailed modelling exists. In the absence of detailed hydraulic model information, a precautionary approach has been adopted with the assumption that the extent of Flood Zone 3b would be equal to Flood Zone 3a. For this reason, Flood Zone 3b may not be visible in some of the maps presented in this Appendix. Extents of detailed modelling are shown within the Level 1 SFRA report within Chapter 5. If development is shown to be in Flood Zone 3a, further work should be undertaken as part of a detailed site specific flood risk assessment to define the extent of Flood Zone 3b.	Red – Significant impact on the appearance of the local area, the landscape.	Amber – Dependant on the siting of the site within the large open recreation area, the site would require mitigation measures for example screening in order to provide adequate levels of privacy and residential amenity for site occupiers.	Amber – no known contaminants present. Ground conditions and stability have known issues that can be overcome with minor works.
Hulland Ward	DDDC9	Playing Field, Ashes Avenue, Hulland Ward	Parks and Open Space	1.87	Amber – Potential impact on neighbouring residential amenity, and use of the playing fields depending on the location within the site, mitigation measures may be possible.	Green - Safe and satisfactory vehicular and pedestrian access to the surrounding principal highway network can be achieved and would not result in a level of traffic generation which is inappropriate for roads in the area	Green - <10 mins walk (<800m) note to limited village amenities	Not known	Amber – Access can be achieved with minimal adjustments.	Green - Zone 1: This zone comprises land having a less than 1 in 1,000 annual probability of river or sea flooding in any year	Amber – Marginal impact on the appearance of the local area, the landscape, depending on the location within the playing field that can be ameliorated with mitigation measures.	Amber – The site would require mitigation measures for example screening in order to provide adequate levels of privacy and residential amenity for site occupiers.	Amber – no known contaminants present. Ground conditions and stability have known issues, grassland maintained for recreational use that can be overcome with minor works.

Rowsley	DDDC10	Old Station Close, Rowsley	Land	2.92	Green – no adjacent residential land use.	Green - Safe and satisfactory vehicular and pedestrian access to the surrounding principal highway network can be achieved and would not result in a level of traffic generation which is inappropriate for roads in the area	Red - >20mins walk (>1600m) note there is a bus stop in close proximity.	Not known	Green – the site is currently used as a car park indicating that access can be achieved.	Green - Zone 1: The site is elevated from the adjacent river. This zone comprises land having a less than 1 in 1,000 annual probability of river or sea flooding in any year	Green - Minimal impact on the appearance of the local area due to current use as a car park in an urban setting and screen provided by trees between adjacent land uses.	Green - If the upper car park was used then the site is capable of providing adequate levels of privacy and residential amenity for site occupiers with limited screening at the access point.	Amber – no known contaminants present. Ground conditions and stability have known issues that can be overcome with minor works.
Middleton	DDDC11	Land to North West of Cemetery, New Road, Middleton	Land	0.86	Green – no adjacent residential land use.	Green - Safe and satisfactory vehicular and pedestrian access to the surrounding principal highway network can be achieved and would not result in a level of traffic generation which is inappropriate for roads in the area	Red - >20mins walk (>1600m) note there is a bus stop in close proximity.	Not known	Amber – Access can be achieved with minimal adjustments.	Green - Zone 1: This zone comprises land having a less than 1 in 1,000 annual probability of river or sea flooding in any year	Red – Significant impact on the appearance of the local area, the landscape due to the exposed nature of the site and field boundaries being low stone walls.	Red - The site is not capable of providing adequate level of privacy and residential amenity due to proximity and type of adjacent land uses. Surrounding land uses are agriculture and the site is mostly bounded by low stone walling.	Amber – no known contaminants present. Ground conditions and stability have known issues that can be overcome with minor works.

Wirksworth	DDDC12	Land Adjacent to 26 Griggs Gardens	Land	0.25	Amber – Potential impact on neighbouring residential amenity or neighbouring land use, mitigation measures may be possible.	Green - Safe and satisfactory vehicular and pedestrian access to the surrounding principal highway network can be achieved and would not result in a level of traffic generation which is inappropriate for roads in the area	Green - <10 mins walk (<800m) to GP surgery and school, potentially <20 minute walk to main Wirksworth shops.	Not known	Amber – Access can be achieved with minimal adjustments.	Green - Zone 1: This zone comprises land having a less than 1 in 1,000 annual probability of river or sea flooding in any year	Amber – Marginal impact on the appearance of the local area, the landscape that can be ameliorated with mitigation measures.	Amber – The site would require mitigation measures for example screening in order to provide adequate levels of privacy and residential amenity for site occupiers.	Amber – no known contaminants present. Ground conditions and stability have known issues that can be overcome with minor works.
Wirksworth	DDDC13	land to South East of Hopton Works, Middleton Road	Land	0.45	Amber – Potential impact on neighbouring residential amenity or neighbouring land use, mitigation measures may be possible.	Red - Safe and satisfactory vehicular and pedestrian access to the surrounding principal highway network cannot be achieved	Green - <10 mins walk (<800m) to GP surgery and school, potentially <20 minute walk to main Wirksworth shops.	Not known	Red – the site is accessible but would be extremely difficult for the type, size and number of vehicles involved in the proposed temporary use.	Green - Zone 1: This zone comprises land having a less than 1 in 1,000 annual probability of river or sea flooding in any year	Amber - Minimal impact on the appearance of the local area, in terms of the landscape. However, it lies within the RIGS Designation 88 – Middlepeak Quarry and Wildlife site- DD549 Stony wood partly falls in site and this will need to be considered in terms of whether mitigation can be achieved, if not Red .	Green - the site is capable of providing adequate levels of privacy and residential amenity for site occupiers	Amber – contaminants may be present requiring further investigation, ground conditions and stability have known issues that can be overcome with minor works.

Darley Dale	DDDC14	Arc Leisure Car Parks, Morledge	Car Park	0.84	Amber – no immediate adjacent residential land use visible from top car park, use of lower car park may impact on leisure centre users.	Green - Safe and satisfactory vehicular and pedestrian access to the surrounding principal highway network can be achieved and would not result in a level of traffic generation which is inappropriate for roads in the area	Amber - 10-20mins walk (800-1600m)	Not known	Green – the site is currently used as a car park indicating that access can be achieved.	Green - Zone 1: This zone comprises land having a less than 1 in 1,000 annual probability of river or sea flooding in any year	Green - Minimal impact on the appearance of the local area due to current use as a car park in an urban setting and screen provided by trees between adjacent land uses.	Green - If the upper car park was used then the site is capable of providing adequate levels of privacy and residential amenity for site occupiers with limited screening at the access point.	Amber – contaminants may be present due to current use as a car park, requires further investigation.
Matlock Bath	DDDC15	Temple Walk Car Park, Matlock Bath	Car Park	1.37	Amber – Potential impact on those accessing the school by foot (neighbouring land use), if located in the upper car park, or church (neighbouring land use) by car via the lower car park mitigation measures may be possible. No residential neighbouring uses noted.	Green - Safe and satisfactory vehicular and pedestrian access to the surrounding principal highway network can be achieved and would not result in a level of traffic generation which is inappropriate for roads in the area	Green - <10 mins walk (<800m)	Not known	Green – the site is currently used as a car park indicating that access can be achieved.	Green - Zone 1: This zone comprises land having a less than 1 in 1,000 annual probability of river or sea flooding in any year	Amber - Minimal impact on the appearance of the local area, the landscape due to mature trees surrounding the site. However designations RIGS (86 Matlock Tufa Deposits) DDCTPO/025/W15 & DDCTPO/025/W16 lie within the boundary. Situated within the Conservation Area (woodland and top car park) impact on the CA will need to be considered.	Green - If the upper car park was used then the site is capable of providing adequate levels of privacy and residential amenity for site occupiers with limited screening at the access point.	Amber – contaminants may be present due to current use as a car park, requires further investigation.

Matlock Bath	DDDC16	Station Yard Car Park, Dale Road, Matlock Bath	Car Park	1.11	Green – no adjacent residential land use, If the main car park was used then this would be amber due to the impact on the visitors using the station and accessing the Heights of Abraham.	Green - Safe and satisfactory vehicular and pedestrian access to the surrounding principal highway network can be achieved and would not result in a level of traffic generation which is inappropriate for roads in the area	Green - <10 mins walk (<800m)	Not known	Green – the site is currently used as a car park indicating that access can be achieved.	Green - Zone 1: This zone comprises land having a less than 1 in 1,000 annual probability of river or sea flooding in any year	Green - Minimal impact on the appearance of the local area due to current use as a car park in an urban setting and screen provided by trees between adjacent land uses. The main car park falls within the Conservation Area, use of this area would change the assessment to Amber .	Green - If the overflow car park or coach car park were used then the site is capable of providing adequate levels of privacy and residential amenity for site occupiers with limited screening at the access point. An assessment of the level of usage/disruption of the adjacent land use to the overspill car park -a rifle range should be undertaken and the findings may change this conclusion to amber .	Amber – contaminants may be present due to current use as a car park, requires further investigation.
Matlock Bath	DDDC18	Artist Corner Car Park, Dale Road, Matlock Bath	Land and Buildings	1.8	Amber – Potential impact on neighbouring residential amenity (opposite side of the road) or neighbouring land use, mitigation measures may be possible.	Green - Safe and satisfactory vehicular and pedestrian access to the surrounding principal highway network can be achieved and would not result in a level of traffic generation which is inappropriate for roads in the area	Green - <10 mins walk (<800m)	Not known	Green – the site is currently used as a car park indicating that access can be achieved.	Amber - Zone 3a: This zone comprises land assessed as having a greater than 1in 100 annual probability of river flooding or a greater than 1 in 200 annual probability of flooding from sea in any year.	Red – Significant impact on the appearance of the local area, due to the exposed site boundary with the main road through Matlock Bath, the site is situated in a Conservation Area and SSSI – Masson Hill falls in part of site (opposite 138 dale Road) .	Amber – Dependant on the siting of the site within the open car park, the site would require mitigation measures for example screening in order to provide adequate levels of privacy and residential amenity for site occupiers.	Amber – contaminants may be present due to current use as a car park, requires further investigation.

Matlock	DDDC19	Huntsbridge Recreation Ground, Alfreton Road, Matlock	Parks and Open Space	0.43	Amber – Potential impact on neighbouring land use, scout hut, mitigation measures may be possible.	Amber - Safe and satisfactory vehicular and pedestrian access to the surrounding principal highway network might be achieved depending on the location within the recreation ground and the agreement reached with the Scout car park.	Green - <10 mins walk (<800m)	Not known	Amber – Access can be achieved as the area is mowed and maintained, however through a constrained car park to the front of the adjacent scout hut.	Red - Zone 3b: This zone comprises land where water has to flow or be stored in times of flood (the functional floodplain). The SFRA identified this Flood Zone as land which would flood with an annual probability of 1 in 20 years, where detailed modelling exists. In the absence of detailed hydraulic model information, a precautionary approach has been adopted with the assumption that the extent of Flood Zone 3b would be equal to Flood Zone 3a. For this reason, Flood Zone 3b may not be visible in some of the maps presented in this Appendix. Extents of detailed modelling are shown within the Level 1 SFRA report within Chapter 5. If development is shown to be in Flood Zone 3a, further work should be undertaken as part of a detailed site specific flood risk assessment to define the extent of Flood Zone 3b.	Amber – Marginal impact on the appearance of the local area and landscape, depending on the location within the playing field that can be ameliorated with mitigation measures. Note. On the boundary of a Conservation Area.	Amber – The site would require mitigation measures for example screening in order to provide adequate levels of privacy and residential amenity for site occupiers, due to the adjacent land uses and the footpath.	Amber - ground conditions and stability have known issues that can be overcome with minor works.
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131	Matlock	DDDC20	Car Park, Derwent Way, Matlock	Land and Buildings	1.35	Green – no adjacent residential land use, If the main car park was used then this would be amber due to the impact on the visitors using the bus and train station...	Green - Safe and satisfactory vehicular and pedestrian access to the surrounding principal highway network can be achieved and would not result in a level of traffic generation which is inappropriate for roads in the area, this is subject to an agreement being reached with the railway as at present the gate is locked at 4:30	Green - <10 mins walk (<800m)	Not known	Green – the site is currently used as a car park indicating that access can be achieved.	Green - Zone 1: This zone comprises land having a less than 1 in 1,000 annual probability of river or sea flooding in any year	Green - Minimal impact on the appearance of the local area due to current use as a car park in an urban setting. Note Grade 2 listed building Former Station Masters House, Station Yard Conservation area (Station House) Any permanent siting would need to take the setting of the Listed Building into consideration.	Amber – Dependant on the siting of the site within the open car park, the site would require mitigation measures for example screening in order to provide adequate levels of privacy and residential amenity for site occupiers.	Amber – contaminants may be present due to current use as a car park, requires further investigation.
	Matlock	DDDC21	Town Hall Rear Car Park, Edgefold Road, Matlock	Car Park	0.2	Amber – Potential impact on neighbouring land use, mitigation measures may be possible.	Green - Safe and satisfactory vehicular and pedestrian access to the surrounding principal highway network can be achieved and would not result in a level of traffic generation which is inappropriate for roads in the area	Green - <10 mins walk (<800m)	Not known	Green – the site is currently used as a car park indicating that access can be achieved.	Green - Zone 1: This zone comprises land having a less than 1 in 1,000 annual probability of river or sea flooding in any year	Amber – Possible impact on the appearance of the Dale Road Conservation Area, this may be ameliorated with mitigation measures and will depend on scale and siting within the car park.	Amber – Dependant on the siting of the site within the open car park, the site would require mitigation measures for example screening in order to provide adequate levels of privacy and residential amenity for site occupiers.	Amber – contaminants may be present due to current use as a car park, requires further investigation.

Matlock	DDDC23	High Tor, Dale Road, Matlock	Parks and Open Space	13.2	Amber – Potential impact on land use as open access recreational space, mitigation measures may be possible.	Red - Safe and satisfactory vehicular and pedestrian access to the surrounding principal highway network cannot be achieved	Red - >20mins walk (>1600m) note there is a bus stop in close proximity.	Not known	Red – the site is accessible for mowing and maintenance purposes but would be extremely difficult for the type, size and number of vehicles involved in the proposed temporary use.	Green - Zone 1: This zone comprises land having a less than 1 in 1,000 annual probability of river or sea flooding in any year	Red – Significant impact on the appearance of the local area, the landscape due to the exposed nature of the only available site with the High Tor boundary, situated within the Matlock Dale Conservation area. Scheduled Monument Policy PD2.	Amber – Dependant on the siting of the site within the open car park, the site would require mitigation measures for example screening in order to provide adequate levels of privacy and residential amenity for site occupiers.	Amber - ground conditions and stability have known issues that can be overcome with minor works, however the sloping nature of the site may mean that this is impossible to achieve which would result in a red .
Northwood	DDDC24	Land at Harrison Way, Northwood	Land	4.58	Green – no adjacent residential land use.	Green - Safe and satisfactory vehicular and pedestrian access to the surrounding principal highway network can be achieved and would not result in a level of traffic generation which is inappropriate for roads in the area, this is subject to an agreement being reached with the railway as at present the gate is locked at 4:30	Amber - 10-20mins walk (800-1600m) to local services, red if consider access to Matlock necessary	Not known	Green – the site is currently used as a car park indicating that access can be achieved.	Amber - Zone 2: This zone comprises land having between a 1 in 100 and 1 in 1,000 annual probability of river flooding or 1 in 200 and 1 in 1,000 annual probability of sea flooding in any year.	Green - Minimal impact on the appearance of the local area due to current use as a car park in an urban setting.	Amber – The site would require mitigation measures for example screening in order to provide adequate levels of privacy and residential amenity for site occupiers, given the proximity of the railway sidings.	Amber – contaminants may be present due to current use as a car park, requires further investigation.

Ashford	PDNPA1	Monsal Head Car Park, Ashford	Car Park	0.53	Amber – Potential impact on neighbouring residential amenity or neighbouring land use, mitigation measures may be possible.	Green - Safe and satisfactory vehicular and pedestrian access to the surrounding principal highway network can be achieved and would not result in a level of traffic generation which is inappropriate for roads in the area	Red - >20mins walk (>1600m)	Not known	Green – the site is currently used as a car park indicating that access can be achieved.	Green - Zone 1: This zone comprises land having a less than 1 in 1,000 annual probability of river or sea flooding in any year	Amber – Marginal impact on the appearance of the local area, the landscape, depending on the location within the car park that can be ameliorated with mitigation measures.	Amber – The site would require mitigation measures for example screening in order to provide adequate levels of privacy and residential amenity for site occupiers.	Amber – contaminants may be present due to current use as a car park, requires further investigation.
Bakewell	PDNPA2	Land to South of 59 Yeld Close, Bakewell	Land	0.17	Red – Significant impact on neighbouring residential amenity, overlooked by properties	Green - Safe and satisfactory vehicular and pedestrian access to the surrounding principal highway network can be achieved and would not result in a level of traffic generation which is inappropriate for roads in the area	Amber - 10-20mins walk (800-1600m) to local services, red if consider access to Matlock necessary	Not known	Red – the site is accessible for maintenance purposes but is currently occupied and used with a variety of livestock on site.	Green - Zone 1: This zone comprises land having a less than 1 in 1,000 annual probability of river or sea flooding in any year	Amber – Marginal impact on the appearance of the local area, the landscape, depending on the location within the field that can be ameliorated with mitigation measures.	Amber – The site would require mitigation measures for example screening in order to provide adequate levels of privacy and residential amenity for site occupiers.	Amber – no known contaminants present. Ground conditions and stability have known issues, grassland maintained for recreational use that can be overcome with minor works.

134	Bakewell	PDNPA3	Car Park, Agricultural Way, Bakewell	Car Park	3.11	Amber – Potential impact on neighbouring residential amenity or neighbouring land use, mitigation measures may be possible.	Green - Safe and satisfactory vehicular and pedestrian access to the surrounding principal highway network can be achieved and would not result in a level of traffic generation which is inappropriate for roads in the area	Green - <10 mins walk (<800m)	Not known	Green – the site is currently used as a car park indicating that access can be achieved.	Red - Zone 3b: This zone comprises land where water has to flow or be stored in times of flood (the functional floodplain). The SFRA identified this Flood Zone as land which would flood with an annual probability of 1 in 20 years, where detailed modelling exists. In the absence of detailed hydraulic model information, a precautionary approach has been adopted with the assumption that the extent of Flood Zone 3b would be equal to Flood Zone 3a. For this reason, Flood Zone 3b may not be visible in some of the maps presented in this Appendix. Extents of detailed modelling are shown within the Level 1 SFRA report within Chapter 5. If development is shown to be in Flood Zone 3a, further work should be undertaken as part of a detailed site specific flood risk assessment to define the extent of Flood Zone 3b.	Amber – Marginal impact on the appearance of the local area, the landscape, depending on the location within the car park that can be ameliorated with mitigation measures.	Amber – The site would require mitigation measures for example screening in order to provide adequate levels of privacy and residential amenity for site occupiers.	Amber – contaminants may be present due to current use as a car park, requires further investigation.
	Baslow	PDNPA4	Nether End Car Park, Baslow	Car Park	0.36	Amber – Potential impact on neighbouring residential amenity or neighbouring land use, mitigation measures may be possible.	Green - Safe and satisfactory vehicular and pedestrian access to the surrounding principal highway network can be achieved and would not result in a level of traffic generation which is inappropriate for roads in the area	Green - <10 mins walk (<800m)	Not known	Green – the site is currently used as a car park indicating that access can be achieved.	Amber - Zone 2: This zone comprises land having between a 1 in 100 and 1 in 1,000 annual probability of river flooding or 1 in 200 and 1 in 1,000 annual probability of sea flooding in any year.	Amber – Marginal impact on the appearance of the local area, the landscape, depending on the location within the car park that can be ameliorated with mitigation measures.	Amber – The site would require mitigation measures for example screening in order to provide adequate levels of privacy and residential amenity for site occupiers.	Amber – contaminants may be present due to current use as a car park, requires further investigation.

Eyam	PDNPA5	Hawkhill Road Car Park, Eyam	Car Park	0.15	Amber – Potential impact on neighbouring residential amenity or neighbouring land use, mitigation measures may be possible.	Green - Safe and satisfactory vehicular and pedestrian access to the surrounding principal highway network can be achieved and would not result in a level of traffic generation which is inappropriate for roads in the area	Green - <10 mins walk (<800m)	Not known	Green – the site is currently used as a car park indicating that access can be achieved.	Green - Zone 1: This zone comprises land having a less than 1 in 1,000 annual probability of river or sea flooding in any year	Amber – Marginal impact on the appearance of the local area, the landscape, depending on the location within the car park that can be ameliorated with mitigation measures.	Amber – The site would require mitigation measures for example screening in order to provide adequate levels of privacy and residential amenity for site occupiers.	Amber – contaminants may be present due to current use as a car park, requires further investigation.
Hartington	PDNPA6	Parsons Croft Car Park, Mill Lane	Car Park	0.26	Amber – Potential impact on neighbouring residential amenity or neighbouring land use, mitigation measures may be possible.	Green - Safe and satisfactory vehicular and pedestrian access to the surrounding principal highway network can be achieved and would not result in a level of traffic generation which is inappropriate for roads in the area	Green - <10 mins walk (<800m)	Not known	Green – the site is currently used as a car park indicating that access can be achieved.	Green - Zone 1: This zone comprises land having a less than 1 in 1,000 annual probability of river or sea flooding in any year	Amber – Marginal impact on the appearance of the local area, the landscape, depending on the location within the car park that can be ameliorated with mitigation measures.	Amber – The site would require mitigation measures for example screening in order to provide adequate levels of privacy and residential amenity for site occupiers.	Amber – contaminants may be present due to current use as a car park, requires further investigation.

Stoney Middleton	PDNPA7	Land to Rear of Edge View, Stoney Middleton	Land	3.22	Amber – Potential impact on neighbouring residential amenity or neighbouring land use, mitigation measures may be possible.	Amber - Safe and satisfactory vehicular and pedestrian access to the surrounding principal highway network may be achieved depending on the location within the field.	Green - <10 mins walk (<800m)	Not known	Amber – Access can be achieved as the area is maintained, however through a constrained entrance and gateway with variable ground conditions on site.	Red - Zone 3b: This zone comprises land where water has to flow or be stored in times of flood (the functional floodplain). The SFRA identified this Flood Zone as land which would flood with an annual probability of 1 in 20 years, where detailed modelling exists. In the absence of detailed hydraulic model information, a precautionary approach has been adopted with the assumption that the extent of Flood Zone 3b would be equal to Flood Zone 3a. For this reason, Flood Zone 3b may not be visible in some of the maps presented in this Appendix. Extents of detailed modelling are shown within the Level 1 SFRA report within Chapter 5. If development is shown to be in Flood Zone 3a, further work should be undertaken as part of a detailed site specific flood risk assessment to define the extent of Flood Zone 3b.	Amber – Marginal impact on the appearance of the local area, the landscape, depending on the location within the field that can be ameliorated with mitigation measures.	Green - the site is capable of providing adequate levels of privacy and residential amenity for site occupiers	Amber – no known contaminants present. Ground conditions and stability have known issues that can be overcome with minor works.
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Agenda Item 16

Council - 24 November 2022

EAST MIDLANDS DEVOLUTION DEAL AND MAYORAL COMBINED COUNTY AUTHORITY

Report of the Chief Executive

Report Author and Contact Details

Paul Wilson, Chief Executive

01629 761126 or paul.wilson@derbyshiredales.gov.uk

Wards Affected

District-wide

Report Summary

The report updates members of the details contained within the East Midlands Devolution Deal along with the progress so far and next steps. The report also seeks Council agreement to participate in discussions related to the implementation of the deal.

Recommendations

1. That Council formally acknowledges the content of the East Midlands Devolution Deal signed by the four upper tier authorities on 30th August 2022
2. That Council endorses in principle support for the East Midlands Devolution Deal.
3. That Council delegates authority to the Leader of the Council and the Chief Executive, to continue to represent the interests of the district council in ongoing discussions with the upper tier authorities and other Derbyshire districts/boroughs.
4. That where formal decisions are required to be made on behalf of the District Council, future reports be presented to Members for consideration.

List of Appendices

Appendix 1 : East Midlands Devolution Deal Agreement.

Appendix 2 : East Midlands Devolution Deal Summary

Background Papers

East Midlands Devolution Deal Publication

Consideration of report by Council or other committee

N/A

Council Approval Required

Yes

Exempt from Press or Public

No

East Midlands Devolution Deal and Mayoral Combined County Authority

1. Background

- 1.1 In February 2022, the Government published its White Paper on [Levelling Up](#), a significant set of proposals which look to address geographical disparities in funding, productivity and growth across England.
- 1.2 As part of the Levelling Up White Paper, Government announced that Derbyshire and Derby City were one of only nine areas invited to agree new county deals, extending devolution across England. Invitations to apply for a County Deal were also extended to Nottinghamshire and Leicestershire which provided the opportunity to pursue a wider Combined Authority (CA) deal at a regional level.
- 1.3 Securing a devolution deal has been a long-standing ambition for leaders in Derbyshire, Derby, Nottinghamshire and Nottingham, in order to address the lasting impact caused through decades of under-funding (when compared to other areas). The deal also provides the chance to exploit strategic opportunities such as the East Midlands Freeport and Development Corporation as well as tackle persistent and systemic deprivation which drive significant inequalities in some parts.
- 1.4 The four upper tier councils therefore agreed to cooperate at pace on the creation of a new devolution deal that would cover the D2N2 LEP area by establishing a Mayoral Combined County Authority.
- 1.5 The Devolution Framework identified three levels/tiers that a 'deal' could be sought and agreed, each has a different requirement along with a different range of powers;
 - Level 1 – Local Authorities working together across a functional economic area (FEA) or whole county area e.g. through a joint committee
 - Level 2 – A single institution or County Council without a directly elected mayor (DEM) across a whole county area or FEA
 - Level 3 – A single institution or County Council with a DEM across a FEA or whole county area
- 1.6 To achieve the maximum powers provided through a Level 3 deal would require the need to progress governance through a Directly Elected Mayor and a Combined Authority model.
- 1.7 Although new legislation is underway for CA's, there are already a number in operation which provide some context – the legal basis for which is included in a number of Acts including; the Local Government Act 2000 (amended 2007), the Local Democracy, Economic Development and Construction Act 2009 and the Cities and Local Government Devolution Act 2016.
- 1.8 The proposed combined authority models are made up of upper tier local authorities only. It is expressly said however that this is not to exclude Districts and Boroughs, which are seen as vital partners. The Government

are clear that it expects involvement of as many District and Borough Councils as possible. Government also suggest that it is for local Leaders to determine the level and extent of such involvement, including decision making.

- 1.9 During early 2022, Derbyshire Dales along with other Districts and Boroughs took part in a series of meetings convened by DCC and Derby City at which they provided an update on the latest position. At those meetings it was very clearly set out that any application or submission for a deal needed to be executed imminently.
- 1.10 At the end of March 2022, following discussions with government, the four D2N2 upper tier authorities submitted initial proposals for the establishment of an East Midlands Mayoral County Combined Authority (EMCCA), with a target agreement date of April 2023.
- 1.11 Subsequently, during summer 2022, the upper tier authorities were asked by government to accelerate the negotiations with a view to an agreement being reached on an East Midlands MCCA by late August/early September 2022. A consequence of this, is that whilst the broad terms of the deal and governance arrangements would be agreed, further more detailed arrangements on specific areas of devolution and governance would need to follow.
- 1.12 During the accelerated negotiations, the district councils were represented by the Chief Executives of Chesterfield Borough Council and Newark and Sherwood District Council, who provided regular updates and sought opinions from district colleagues.
- 1.13 During the summer, a number of progress briefings were provided by the upper tier authorities, as well as meetings of chief executives from across D2N2. In addition, Derbyshire County Council arranged a number of on-line briefing sessions open to all elected Members from across the county and specifically from Districts and Boroughs.
- 1.14 Throughout July/August 2022, the four upper tier authorities with Derbyshire/Nottinghamshire Chief Executive representation, worked with Government representatives across all relevant departments, to formulate the basis of a Devolution Deal. The full content of the deal was not published in advance and individual district/borough Leaders and Chief Executives did not see the content of the deal until it was formally announced and signed by the government and upper tier authorities at Rolls Royce in Derby on 30 August 2022.

2 **Key Issues**

The Devolution Deal

- 2.1 Given the pace and accelerated negotiations during the summer, whilst broad terms of the deal and governance arrangements have been discussed, further more detailed arrangements on specific areas of devolution and governance would need to follow. The following provides an overview;

2.1.1 Governance

- The CCA will have up to 17 Members in total comprising:
 - The directly elected Mayor;
 - 8 Constituent Council Members (Members appointed by the constituent upper tier councils, with each Constituent Council appointing 2 Members);
 - Non-Constituent Members nominated by the District and Borough Councils within the Area (with 2 Non-Constituent Members to be nominated by Derbyshire District and Borough Councils, and 2 Non-Constituent Members to be nominated by Nottinghamshire District and Borough Councils);
 - A key area of focus for the CCA will be economy, industry and business, where Government are clear that the independent business voice for the Area must be given sufficient prominence in governance arrangements. As a result consideration is being given to appointing either a Non-Constituent or Associate Member who can represent the views of business on the CCA.
 - Up to three further Non-Constituent or Associate Members. These three further Memberships will not be nominated/appointed to initially. It will be for the CCA to determine whether the three additional Memberships will be used, and if so, what interests those Memberships should seek to represent on the CCA.
- Each member of the upper tier authorities will have one vote each (8 votes in total), and the Mayor will have one vote. The MCCA has the discretion to allow other members to vote.
- The MCCA can create committees which can include representatives from city, county, district, and borough councils, and other stakeholders.
- Audit and Scrutiny Committees will also be established.
- Some of the powers held by the MCCA and/or the mayor will be national government powers. Some will be powers already held by the city and county councils. There are no proposals to give the MCCA/mayor any district council powers.
- The D2N2 LEP will be integrated into the new MCCA.

2.1.2 Resources

- An East Midlands Fund, providing £38 million per year of capital/revenue funding over a 30-year period, totalling £1.14 billion.
- Capacity Funding of £500,000 in 2023/24 and £1 million in 2024/25 to support the MCCA in its early stages.
- Devolved Capital Funding of £16.8 million in 2024/5 to support the building of new homes on brownfield land, subject to sufficient projects being identified.
- Capacity funding of £918,000 across 2023/24 and 2024/25 to support the pipeline of housing sites.
- In year capital funding of up to £18 million to support the delivery of shorter-term housing and net zero priorities.
- Capacity funding to support the preparation of a Local Transport Plan.

- Responsible for devolved funding for projects within the Road Investment Strategy 2 (RIS2), Levelling-Up Fund (LUF) major capital programmes and UK Shared Prosperity Fund.
- Fully devolved Adult Education Budget.
- Power to borrow up to an agreed cap for non-transport functions.

2.1.3 New devolved functions and powers of the mayor and MCCA

- Designation of a Mayoral Development Area, with consent of relevant District and Borough Councils.
- Housing and land acquisition powers, housing supply, land development and regeneration, commercial space, and infrastructure, working closely with Homes England. Relevant District and Borough Council consent also needed where Homes England compulsory purchase powers are being exercised.
- Business rate supplement and option of a Council Tax precept to fund Mayoral functions are part of the framework, but no plans to use the precept as can be avoided by capacity funding.
- Power to draw up a local integrated transport plan and strategies, as well as bus franchising.
- Transport functions, including setting up and coordinating a Key Route Network, smart integrated ticketing, may run enhanced concessionary fares schemes.
- Work with national government and Great British Railways to ensure Integrated Rail Plan, including HS2, Midland Main Line electrification etc. maximise regeneration impacts.
- Economic development and regeneration.
- Adult education and skills. Supporting development of Local Skills Improvement Plans (LSIP).
- Retrofit measures, clean heat coordination, and local energy plan, generating new jobs.
- Duty to take action to improve public health given to MCCA as well as constituent authorities.
- Work closely with Police and Crime Commissioners on public safety.
- Work with local partners on long-term governance model for fire and rescue services.
- Working with national government to explore initiatives to address homelessness, domestic abuse, community safety, social mobility, and support for young people.

2.2 The Levelling-up and Regeneration Bill requires the upper tier members of the CA to develop a formal proposal to seek the establishment of a Mayoral County Combined Authority. This will then be consulted upon and updated to reflect the outcome of the consultation – if the upper tier councils agree and the legislation is passed, the proposal would be submitted to Government during March 2023 as the formal request for a Mayoral County Combined Authority.

Consultation

- 2.3 During early November 2022, the four upper tier authorities sought and gained approval of their respective Councils to proceed to consult on the proposal. The proposal document can be found at Appendix A. Consultation will take place over 8 weeks, from 14th November 2022 to 9th January 2023.
- 2.4 Participation is to be through an online survey, public and stakeholder events. Details can be found through www.eastmidlandsdevolution.co.uk/

Key dates and stages

- 2.5 The following sets out the stages so far and those yet to happen;
- March 2022 - the four D2N2 upper tier authorities submitted initial proposals for the establishment of an East Midlands Mayoral County Combined Authority (EMCCA)
 - August 2022 - formal agreement was signed by the government and upper tier authorities
 - October 2022 – Proposal document reviewed by the four upper tier leaders
 - November 2022 - Proposal document approved for consultation by the four upper tier Councils
 - November 2022 to January 2023 – Proposal goes out for consultation
 - January 2023 – Proposal updated to reflect the outcome of the consultation
 - March 2023 - four upper tier Councils approve submission to Government (around this time legislation expected to be in place)
 - April 2023 to May 2023 – detailed design of EMCCA operating model complete with shadow EMCCA being formed
 - July 2023 to May 2024 – shadow EMCCA operating including recruitment of operational team
 - May 2024 – Mayoral elections take place and transition from shadow to established EMCCA complete
- 2.6 The shadow EMCCA will not be a legally constituted body – individuals from existing bodies (largely constituent councils) will be selected. An ‘interim’ CEO will be appointed to oversee the creation of the EMCCA working with the political Leadership and CEO’s of the four constituent councils.

Derbyshire Dales Implications

- 2.7 The process which led to the drafting and formal agreement of the Devolution Deal was, from the outset heavily prescribed by Government. As such, whilst the upper tier authorities have sought to engage with district/borough representatives, their ability to engage fully with all districts/boroughs has been severely constrained through no fault or intention on their part. All parties agree that the lack of district/borough engagement in the process to date has been unsatisfactory and has not been helpful. However, it is now important to focus upon the future rather than dwell on the past.
- 2.8 Whilst the devolution of power and responsibilities will be to the two upper tier and two unitary authorities, the deal respects the importance of the continued role of the eight Derbyshire and seven Nottinghamshire district and borough

councils whose powers and functions remain intact and who will also have specified consenting rights in respect of the exercise of some powers by the CCA and/or Mayor.

- 2.9 Establishing a CCA is a formal, legal step, allowing upper tier councils across the region to work more closely together in a more structured way. A Combined County Authority with a directly elected mayor, would be a new statutory authority created to lead collaboration between councils and would act as the recipient of powers and funding from Government. Significantly, the creation of the CCA will not result in the merger or take-over of district/borough councils in the area nor will it require individual councils to give up their powers, except in the specific area of transportation, where some powers will be transferred from the upper tier authorities to the CCA.
- 2.10 Whilst the consent of individual District and Borough Council is not required to enable the formation of a CCA, it is critical that the voice of District and Borough Councils is heard. In this regard, the Constituent Councils have proposed that District and Borough Councils agree a system of nominations whereby agreed nominations will be affected through the use of joint committees (joint committees are a formal local authority committee formed by several Councils to work together on specific issues.) Two joint committees will be utilised. One which the Derbyshire District and Borough Councils will be voting members of and which will nominate two Non-Constituent Members, and one which the Nottinghamshire District and Borough Council will be voting members of and which will nominate two Non-Constituent Members. These joint committees will also be used as the mechanism for the District and Borough Councils to nominate additional individuals as substitutes and representatives on the Overview and Scrutiny Committee, and Audit Committee, who may come from different Councils than the nominated Non-Constituent Members. It is hoped that existing joint committees will be able to be utilised for these purposes, but if that is not possible, new joint committees will be established to fulfil this role. The inclusion of a mechanism by which the District and Borough Councils can have a key role on the CCA ensures that the identities and interests of all of our local communities are fully represented on the CCA.
- 2.11 Derbyshire Dales District Council therefore has a choice. We can either continue to participate at both Leader and Chief Executive level discussions which will help to shape and influence the district/borough input into the CCA or we can choose not to participate.
- 2.12 Whilst there can be no guarantee that it will be a Derbyshire Dales Member who will ultimately be nominated to represent Derbyshire districts on the CCA, it is considered that the best interests of Derbyshire Dales residents and businesses are best served by our elected member and officer representatives continuing to engage in and influence debate and discussions. It is therefore recommended that authority be delegated to the Leader and Chief Executive to continue to represent the interests of the District Council. Where formal decisions are required to be made on behalf of the District Council, future reports will be presented to Members for consideration.
- 2.13 At the time of writing, details of the online survey have not been published. Should the District Council wish to make a detailed response to specific aspects of the consultation beyond an expression of its in principle views, an appropriate mechanism would need to be agreed to facilitate this by the 9th January

deadline.

3 Options Considered and Recommended Proposal

- 3.1 To NOT authorise the Council leadership and senior officers to continue to engage with other Councils across Derbyshire on the issue of devolution and the East Midlands County Combined Authority. This alternative option is rejected as this approach would not allow Derbyshire Dales to have an input into shaping arrangements in this regard and in promoting and preserving the interests of Derbyshire Dales and its residents, businesses and communities.

4 Consultation

- 4.1 A formal process of consultation is to be undertaken from 14th November – 9th January 2023.

5 Timetable for Implementation

- 5.1 The transition to a formal CCA in May 2024 can be understood in three stages:
- Stage 1: Establishing a shadow authority – by April 2023
 - Stage 2: Operationalising the shadow authority – April 2023 to May 2024
 - Stage 3: Formal establishment of the CCA – May 2024 onwards.

6 Policy Implications

- 6.1 None directly arising from this report, however if approved, the creation of a CCA has the potential to significantly increase resources into Derbyshire and the Derbyshire Dales to benefit residents and businesses.

7 Financial and Resource Implications

- 7.1 The creation of the EMCCA will lead to substantial additional funding being made available to be spent within the combined county authority area on a range of different projects and schemes that will help promote economic growth and improve outcomes for residents.
- 7.2 The cost of officers' time associated with the report recommendations can be met from within existing budgets. The financial risk is, therefore, assessed as low.

8 Legal Advice and Implications

- 8.1 The Levelling Up and Regeneration Bill ("the Bill") seeks to establish a new type of combined county authority. This is distinct from a combined authority that can be created under the Local Democracy, Economic Development and Construction Act 2009. Whilst the County Council agreed a devolution deal with Government, the creation of a new combined county authority is subject to public consultation, the passage and coming into force of the combined county authority provisions in the Bill, the consent of the Constituent Councils affected to submit a formal Proposal to Government and approval of secondary legislation.

9 Equalities Implications

- 9.1 An Equality Impact Assessment has been undertaken by the four upper tier authorities. A copy of the assessment is published at www.derbyshire.gov.uk for the Extraordinary Council meeting held on 2nd November 2022.

10 Climate Change Implications

- 10.1 Consultation with the public and stakeholders about the establishment of an EMCCA will not in itself directly have climate change implications. If subsequently established, it is anticipated that the EMCCA will develop its own plans and strategies to address climate change issues subject to its own approval processes. Approaching the issues from a wider strategic and geographic position may beneficially impact the development of more consistent and measurable climate change measures.

11. Risk Management

- 11.1 There are no strategic risks arising directly from this report.

Report Authorisation

Approvals obtained from:-

	Named Officer	Date
Chief Executive	Paul Wilson	10/11/2022
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	13/11/2022
Monitoring Officer (or Legal Services Manager)	James McLaughlin	16/11/2022

East Midlands Devolution Deal

Subject to ratification of the deal by all partners and the statutory requirements referred to within this document, including, public consultation, the passage and coming into force of the combined county authority provisions in the Levelling Up and Regeneration Bill, the consent of the Constituent Councils affected, and parliamentary approval of the secondary legislation implementing the provisions of this Deal.



Department for Levelling Up,
Housing & Communities



Derby City Council



Nottingham

City Council



Signature Page

The Rt Hon Greg Clark MP

Secretary of State for Levelling Up, Housing and Communities

Cllr Chris Poulter

Leader, Derby City Council

Cllr Barry Lewis

Leader, Derbyshire County Council

Cllr David Mellen

Leader, Nottingham City Council

Cllr Ben Bradley MP

Leader, Nottinghamshire County Council

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Introduction

1. With a population of 2.2 million residents and a GVA of over £50.5 billion, the East Midlands area offers enormous potential. It has over 88,000 businesses providing over 930,000 jobs. It is a coherent economic area and has a number of significant sectors with potential for growth, including advanced manufacturing, engineering, clean energy, logistics, creative and digital, and health and pharmaceuticals, health and education, wholesale and retail trade.
2. Sizeable parts of the East Midlands area enjoy the benefits of having two cities, large towns and rural areas, and being home to gems of industry, such as Toyota UK, Rolls Royce, Alstom, and Boots, with expertise in aerospace, rail, life sciences and strong transport links. It contains three world class universities, which provide centres of research excellence. It is home to major tourist attractions such as the Peak District National Park, the National Forest, and Sherwood Forest. There are ambitions to maximise strategic opportunities presented through the East Midlands Freeport and the East Midlands Development Corporation, and to capitalise on announcements in the Integrated Rail Plan on HS2.
3. But the East Midlands area also faces challenges which impact on productivity levels and the ability to grow. Productivity lags behind the UK average, requiring a 14.6% increase to close the gap, and public spending per person has historically been below the UK average. There are places within the East Midlands area with high levels of poverty and poor social mobility. Greater local powers are needed to level up, to tackle the challenges facing the East Midlands, and to harness its huge economic opportunity for the benefit of the people in the East Midlands area and for the whole of the UK. In recognition of this, Government has already invested £107.5 million through the Levelling Up Fund, including the single largest award of £49.6 million for the South Derby Growth Zone. Local authorities across the East Midlands area have also been allocated a three-year total of over £55.1 million core UK Shared Prosperity Fund (over £66 million including Multiply programme funding).
4. The Government has set itself a mission that, by 2030, every part of England that wants a devolution deal will have one, with powers at or approaching the highest level of devolution, with a simplified, long-term funding settlement. The 2022 Levelling Up White Paper makes clear the case for devolution as the engine room of improved productivity and reduced regional disparities. Devolution will be critical to delivering our twelve headline Levelling Up missions, strengthening local leadership to act more flexibly and innovatively to respond to local need, whether on transport, skills or regeneration.
5. In the White Paper, Government published a devolution framework for the first time, setting out a clear menu of options for places in England that wish to unlock the benefits of devolution. This framework places a strong emphasis on the importance of high profile, directly elected local leadership, strong local

governance, and joint working across sensible and coherent economic geographies. The most comprehensive package is a Level 3 deal, for areas with a single institution over a sensible geography, with the strongest and most accountable leadership. These institutions include a Combined County Authority led by a mayor, referred to in this document as a Mayoral Combined County Authority (MCCA). A Combined County Authority is a new institutional model introduced by the Levelling Up and Regeneration Bill, that is currently progressing through Parliament. The four East Midlands authorities intend to use this new model, subject to the Combined County Authority provisions in the Bill receiving Royal Assent and coming into force. Devolution of power and responsibilities will be to the two upper tier and two unitary authorities but the deal respects the importance of the continued role of the eight Derbyshire and seven Nottinghamshire district and borough councils.

6. This document sets out the terms of a proposed agreement for such a Level 3 devolution deal between the Government and Derbyshire County Council, Derby City Council, Nottinghamshire County Council and Nottingham City Council (hereafter “the Constituent Councils”), together forming the East Midlands Mayoral Combined County Authority area covered in this deal (hereafter “the East Midlands MCCA” or “East Midlands area”). This document describes both the offer of powers and budgets from Government and the reforms and measures that the East Midlands will need to deliver. Central to this is the election of a directly elected mayor across the East Midlands area to champion its interests, deliver on local priorities and be accountable to local people. This agreement is subject to ratification by the Constituent Councils, provisions in the Levelling Up Bill receiving Royal Assent and coming into force, and to the statutory requirements for making the secondary legislation implementing the provisions of the deal. These statutory requirements include those Constituent Councils consenting to the legislation and Parliament approving it. Once this legislation is approved and made, the devolution deal will be confirmed.
7. The Constituent Councils of the proposed East Midlands MCCA and Government are hereby minded to agree a historic mayoral devolution deal which will provide powers and funding to enable the East Midlands area to unleash its full economic potential and in doing so level up, raise living standards for its communities and make a full contribution to the UK economy. The East Midlands devolution deal shows how levelling up can be done in practice – with clear alignment to the twelve headline Levelling Up missions and long-term, devolved funding underpinning it.
8. The East Midlands devolution deal will unlock significant long-term funding and give local leaders greater freedom to decide how best to meet local needs and create new opportunities for the people who live and work there. The Government recognises that devolution is a journey, not a one-off event. This agreement is the first step in a process of further devolution. As institutions mature, they can gain greater responsibility, and the East Midlands MCCA will be able to deepen their devolution arrangements over time on the same basis as existing Mayoral Combined Authorities (MCAs), subject to Government agreement.

9. The Government commits to using the platform of this deal to work with the East Midlands MCCA in addressing key local challenges and opportunities, including the delivery of infrastructure and investment to build the transport network of the future, tackling productivity and skills gaps to support inclusive economic growth in towns, cities and rural areas, unlocking transformative regeneration and housing opportunities, and working together to tackle climate change, on our journey to 2030.

10. As a Mayoral Combined County Authority, the East Midlands will be a key partner of central government to drive regional growth and productivity, joining the existing MCAs in engagement with the Government from the date of this deal.

Summary of the Devolution Deal between the Government and four of the Local Authorities of the East Midlands comprising Derby, Derbyshire, Nottingham & Nottinghamshire.

The Government and the Constituent Councils are minded to agree a devolution deal which will provide the East Midlands area with new powers and funding to increase opportunities and living standards through inclusive growth and productivity improvements.

A devolution agreement is contingent upon the Constituent Councils proceeding through the steps necessary to meet the governance criteria required for a Level 3 devolution deal.

This devolution agreement includes:

- The formation of the East Midlands Mayoral Combined County Authority (MCCA), (subject to the Levelling Up and Regeneration Bill receiving Parliamentary approval and Royal Assent), and the election of a directly elected mayor to provide overall vision and leadership, seek the best value for taxpayer's money, be directly accountable to the area's electorate and to receive new powers on transport, housing and skills.
- Control of a £38 million per year allocation of investment funding over 30 years (50% capital, 50% revenue), to be invested by East Midlands MCCA to drive growth and take forward its priorities over the longer term.
- New powers to improve and better integrate local transport, including the ability to introduce bus franchising, control of appropriate local transport functions, e.g. local transport plans, and control of a Key Route Network.
- An integrated transport settlement starting in 2024/25.
- A commitment to explore a local partnership with Great British Railways so that the East Midlands MCCA mayor can help to shape and improve the local rail offer.
- New powers to better shape local skills provision to meet the needs of the local economy, including devolution of the core Adult Education Budget, as well as input into the new Local Skills Improvement Plans.
- New powers to drive the regeneration of the area and to build more affordable homes including compulsory purchase powers and the ability to establish Mayoral Development Corporations.
- Over £17 million for the building of new homes on brownfield land in 2024/25, subject to sufficient eligible projects for funding being identified.
- £18 million capital funding in this Spending Review period to support the delivery of housing priorities and drive Net Zero ambitions in the East Midlands area. This investment is subject to agreement of the relevant business cases.
- The East Midlands MCCA will plan and deliver the East Midlands area allocation of the UK Shared Prosperity Fund (UKSPF) from 2025/26.
- The integration of D2N2 Local Enterprise Partnership into the East Midlands MCCA will ensure there continues to be a strong and independent local

business voice which informs local decision making and strategic economic planning. In absorbing the role and functions of D2N2 LEP, the East Midlands MCCA will deliver a number of functions on behalf of central government departments.

- A commitment to developing, in partnership with the Government, an arrangement which ensures close cooperation with the Police and Crime Commissioners (PCCs).
- A key leadership role for the mayor in local resilience and civil contingency planning, preparation and delivery.

More detail on these commitments is given in the main body of the document below.

Building on this framework, Government and the Constituent Councils commit to working together in the coming months and years to embed the MCCA in the East Midlands, deepen devolution, strengthen ties between local areas and government partners, and work collaboratively to deliver the Levelling Up missions across the East Midlands area. In particular, East Midlands MCCA will seek to work jointly with Government and other relevant partners to:

- Deliver transformative regeneration and new high-quality housing.
- Tackle local housing challenges including homelessness and rough sleeping.
- Tackle domestic abuse through an improved and system wide holistic approach.
- Develop strong links between the MCCA and PCCs to help join up public service delivery and strategies in relation to community safety.
- Develop an ambitious, long term mayoral social mobility strategy, supporting young people through their journey to adulthood.
- Strengthen the local visitor economy, creating an attractive and vibrant cultural and creative sector.
- Strengthen transport connectivity, building on the potential offered by HS2 and the consolidation of the existing core local transport funding into a multi-year integrated settlement.
- Capitalise on the East Midlands area's economic potential as part of the Midlands Engine.

Once the MCCA has been established, further devolved powers and consolidated funding settlements may be agreed over time and included in future legislation.

Governance

11. The Constituent Councils have a history of working well together. They have made very rapid progress since they joined forces in February 2022 to work together on a single devolution deal across all four local authorities, demonstrating effective partnership working.
12. The Constituent Councils have set out eight principles for the governance framework to be applied to the delivery of this devolution deal. The first four principles apply the devolution framework set out in the Levelling Up White Paper:
 - Principle one: Effective leadership with a directly elected mayor across the area.
 - Principle two: Sensible geography - the East Midlands area covered by this devolution deal has one of the most functional, self-contained economic geographies in the country – 92% of workers live in the area and 87% of residents work in the area.
 - Principle three: Flexibility - this deal recognises the unique needs and ambitions of the area in its governance and programme.
 - Principle four: Appropriate accountability – the Constituent Councils have committed to developing a Constitution and Assurance Framework that will confirm, clarify and formalise the intention of institutions and local leaders to continue to be transparent and accountable, work closely with local businesses, seek the best value for taxpayers' money and maintain strong ethical standards.

With a further four local principles:

- Principle five: Inclusivity - The East Midlands Constituent Councils have committed to creating as inclusive a model of governance as possible, in pursuit of agreed outcomes. Devolution of power and responsibilities will be to the Constituent Councils, however, the importance of the continued role of the eight Derbyshire and seven Nottinghamshire district and borough councils will be respected.
- Principle six: Subsidiarity - The East Midlands MCCA will perform a role that adds value to existing governance arrangements – primarily focused on strategic place shaping functions such as plan making and strategic commissioning. The East Midlands MCCA will not create an additional layer of governance, but instead will bring the governance that currently sits at national government level down into the East Midlands, much closer to businesses and communities. Place *making* functions will be delivered through the existing local planning authority arrangements that are better placed to deliver functions for which they are statutorily responsible and as close to communities as is practicable.
- Principle seven: Commissioning - The East Midlands MCCA will develop strategy across the geography, dealing with issues as diverse as economic growth and nature recovery. Programmes of interventions will be developed against these strategies.
- Principle eight: Choice - The preferred governance model for the East Midlands MCCA will identify a mechanism for including district and borough councils in the geography. This model will respect the existing sovereignty of these lower tier local authorities. Individual councils will also be able to

continue to exercise choice about participation at sub-CCA tiers of partnership working.

These principles will be reflected in full in the constitution of the East Midlands MCCA, key aspects of the framework are set out below.

Mayoral Combined County Authority (subject to Royal Assent and coming into force of the relevant provisions in the Levelling Up and Regeneration Bill)

13. As part of this deal the Constituent Councils intend to adopt the Mayoral Combined County Authority (MCCA) model which is provided for in the Levelling Up and Regeneration Bill 2022 (LURB). Proceeding to establish the MCCA is dependent on Parliamentary approval of the relevant enabling provisions in the LURB. The target date for the first mayoral election is May 2024; mayoral terms will last four years. The timetable for establishing an MCCA and election of a mayor is dependent on if and when the LURB, which is currently progressing through Parliament, achieves Parliamentary approval and Royal Assent.
14. A key advantage of the MCCA model is its capacity for joint governance arrangements for key growth levers such as transport, skills, economic development, and regeneration, which allow for strategic prioritisation across its area and integrated policy development. In addition, a directly elected mayor provides greater local accountability and decision-making power, working in partnership with the MCCA and its Constituent Councils, and more widely with other public service providers including district and borough councils.
15. The MCCA institutional model includes upper tier authorities only. Both the Government and the East Midlands Constituent Councils place high importance on the MCCA working collaboratively with the 15 district and borough councils across Derbyshire and Nottinghamshire (“the district and borough councils”) and ensuring that they have a voice in the MCCA. The East Midlands Constituent Councils will work with the district and borough councils in the area to develop the detail of the arrangements for appropriate district council input to the MCCA for inclusion in the detailed proposal which will be subject to consultation across the area, prior to formal submission to the Secretary of State. These arrangements will include a mechanism for appointment of representative non-constituent members from the district and borough councils to the MCCA, representatives of the district and borough councils on the Overview and Scrutiny Committee and the Audit Committee, and may involve the establishment of advisory boards. These arrangements are for local choice and will not be expected to be specified in any implementing secondary legislation.
16. The proposed East Midlands MCCA will comprise the following members:
 - Voting Members:
 - The elected Mayor.
 - Eight elected members, consisting of a Lead Member for each Constituent Council and one further member appointed by each of the

four Constituent Councils. Constituent Councils may nominate two named substitutes for each of their MCCA members.

17. In addition, the MCCA will be able to appoint non-constituent and associate members. The maximum number of non-constituent or associate members is not to exceed the number of constituent members. Non-constituent members are to be non-voting unless the MCCA resolves to give them a vote on any issue. It will be up to the MCCA to set out further constitutional arrangements, including delegation to committees to support its operation, which may include members from district and borough councils who are not members of the authority.
18. It will be for the MCCA to decide on the nominating bodies for non-constituent members. The mechanism by which district and borough councils can nominate members to the MCCA will be developed in consultation with the district and borough councils and set out in the proposal which will be subject to consultation. The Constituent Councils currently consider that the mechanism could either be using existing joint committees or creating another committee or board comprised of the district and borough councils to nominate up to four representative non-constituent members. As well as district and borough council representation within the non-constituent or associate members on the MCCA, the Constituent Councils will consider how best to ensure that the blue light services, health and business voice are represented effectively on the MCCA.
19. Functions contained in this deal document will be devolved to the East Midlands MCCA by the Government subject to Parliamentary approval. Some of these functions will be exercisable by the mayor and some by the MCCA. Where these functions are local authority functions, they will be held concurrently with the local authorities in the area to ensure joined up decision making. Arrangements for the concurrent exercise of local authority functions will be a matter for agreement between the MCCA, its Constituent Councils and the district and borough councils, as appropriate.
20. The East Midlands MCCA will be given powers in relation to:
 - Economic development and regeneration functions.
 - Adult education and skills functions.
 - Transport functions including to set up and coordinate a Key Route Network (KRN) on behalf of the mayor.
 - Housing supply, regeneration and placemaking functions) plus provision of housing and land, land acquisition and disposal, and development and regeneration of land functions.
 - Power to borrow up to an agreed cap for non-transport functions.
21. The directly elected mayor for the East Midlands MCCA will autonomously exercise the functions set out below with personal accountability to the electorate, devolved from central government and set out in legislation. These functions will be:
 - Functional power of competence.
 - Housing and regeneration:

- Power to designate a Mayoral Development Area and then set up a Mayoral Development Corporation (see consent requirements at paragraph 60 below).
 - Housing and land acquisition powers (see consent requirements at paragraph 27 below) to support housing, regeneration, infrastructure and community development and wellbeing.
 - Finance:
 - Power for the mayor to set a precept on council tax to fund mayoral functions (resulting from the setting of the mayoral budget as set out at paragraph 25 and 26 below).
 - Power to charge business rate supplement (subject to ballot).
 - Transport:
 - Power to draw up a local transport plan and strategies (subject to the consent requirements at paragraph 26 below.)
 - Bus franchising powers.
22. No local authority functions are being removed from any local authority in the area, excluding transport functions as agreed with the Constituent Councils.
23. Where existing functions or resources currently held by Constituent Councils are to be shared with the mayor and the MCCA, this must be agreed by the Constituent Council(s). Additionally, the Government intends to legislate so that the mayor will have a power of direction allowing them to direct highway authorities on exercising their highway powers with regard to the Key Route Network. The MCCA, including the mayor, may exercise functions in relation to its area, including exercising functions outside its area, subject to and in accordance with statutory provisions.
24. Proposals for decisions by the MCCA may be put forward by the mayor or any MCCA constituent member. The mayor will have one vote as will other voting members of the MCCA. Any questions that are to be decided by the MCCA are to be decided by a simple majority of the members present and voting, unless otherwise provided for in legislation, and that majority must include the vote of the mayor.
25. In addition, for the following decisions the majority of members must include the lead member from each Constituent Council:
- Approving the combined county authority's budget (excluding decisions which relate to the mayor's budget).
 - Setting a levy.
26. The mayor will be required to consult the MCCA on their strategies, and this will be subject to the following conditions:
- The MCCA will be able to amend the mayor's budget if a two thirds majority of the voting members agree to do so.
 - The MCCA will be able to amend the mayor's transport strategy if a two thirds majority of the voting members agree to do so.

27. The following decisions will require the consent of the lead member of the relevant Constituent Council, or substitute members acting in their place, in whose area the decision will apply:
- Designation by the Mayor of any area of land as a Mayoral Development Area leading to the establishment (by Order) of a Corporation (the consent of the relevant planning authority in whose area the decision will apply is also required as included in paragraph 60).
 - Compulsory purchase of land or buildings by the mayor or the MCCA
 - In addition, the exercise of Homes England compulsory purchase powers will also require the consent of the relevant planning authority.
 - Any decision by the Mayor that could lead to a financial liability falling directly upon that Constituent Council.
 - Such other matters as may be contained in the MCCA constitution and agreed with the mayor.
28. The mayor and the MCCA will be scrutinised and held to account by the MCCA's Overview and Scrutiny Committee(s) and Audit Committee.
29. For the Overview and Scrutiny Committee(s) and Audit Committee, at least one member will be nominated from each Constituent Council for each committee. In addition, there will be non-constituent council representatives on each Overview and Scrutiny Committee and the Audit Committee. Further detail on the approach to nomination of those representatives will be developed in consultation with the district and borough councils in the area and included in the proposal to be consulted on. The Constituent Councils will also consider whether and how best to ensure that the blue light services, health and business voice are represented effectively on the Overview and Scrutiny and/or the Audit Committees. The Audit Committee will also include at least one independent person.
30. The chair and vice-chair of each Overview and Scrutiny Committee will be appointed by the MCCA, following a proposal put to them by the Overview and Scrutiny Committee in question. The chair and vice-chair shall not be a member of a registered political party of which the mayor is also a member. The mayor and the MCCA may also seek to enhance scrutiny and develop wider conference with all elected members in the combined county authority's area to engage on key issues.
31. The Levelling Up White Paper committed to a reformed accountability framework for all areas with devolution deals in England. Government, the East Midlands MCCA and other areas with devolution deals will work together to determine how this can best work in practice, streamlining our approach to focus on clear and transparent outcomes and ensure the right mechanisms are in place to promote good practice, as well as address serious concerns. This is to ensure that local people have confidence that devolution is leading to improvements in their area. This framework will apply to the East Midlands MCCA as well as all existing areas

that have agreed devolution deals and all future areas. The framework will be published later in 2022.

32. The proposals in this devolution deal are subject to ratification by each Constituent Council. This will include the development of a proposal, consultation on that proposal with local communities and business, and the submission of the outcomes of the consultation to the Government. Implementation of the deal is subject to the devolution measure in the Levelling Up and Regeneration Bill receiving Royal Assent and coming into force, the Secretary of State being satisfied that the required statutory requirements have been met, the consent of each Constituent Council has been provided and parliamentary approval of the required secondary legislation has been provided.

LEP Integration

33. The Levelling Up White Paper announced the Government's intention to support the integration of Local Enterprise Partnership functions and roles into local democratic institutions. Further guidance on integration was published on 31 March 2022. This deal confirms the integration of LEP functions into the East Midlands MCCA, subject to government endorsement of an integration plan and the agreement of the East Midlands MCCA and D2N2 LEP.
34. The East Midlands MCCA will be supported to take on the functions and roles of D2N2 LEP in line with the published guidance. In doing so all parties will work together to ensure the independence of local business voice is maintained, with business voice represented on the MCCA, and advisory boards representative of the geographies and composition of their local communities. The East Midlands MCCA will ensure that any business advisory board or equivalent structure is meaningfully involved in local decision making, maintaining a culture of constructive challenge and scrutiny.
35. Government funding for integrated LEP functions will be subject to future spending decisions by individual departments and business planning. The Government reserves the right to modify the functions and roles set out in section 10 of the published guidance on LEP integration.

Finance and Investment

36. The Constituent Councils will create a fully devolved funding programme covering all budgets for devolved functions (the “East Midlands Investment Fund”), accountable to the East Midlands MCCA.
37. The East Midlands MCCA will use the East Midland Investment Fund to deliver a programme of transformational long-term investment. The Government agrees to allocate £38 million per annum for 30 years, (50% capital and 50% revenue,), which will form part of the East Midlands Investment Fund. This will be subject to five-yearly gateway review assessments to confirm that the investment has contributed to economic growth and levelling up. Once the East Midland MCCA Assurance Framework is confirmed with Government, and the Order is made establishing the MCCA, the East Midlands MCCA may have access to the Investment Fund prior to mayoral elections, subject to the agreement with the Government of suitable caps.
38. The East Midlands MCCA will have the flexibility to secure private and public sector leverage. As per local government guidance, the East Midlands MCCA will also be able to use capital receipts from asset sales as revenue funding for public service transformational initiatives.
39. The East Midlands MCCA will be given powers to borrow for its new functions, which will allow it to invest in economically productive infrastructure, subject to an agreed cap with HM Treasury. The East Midlands MCCA will agree overall debt limits with HM Treasury, and update HM Treasury about any deviation from its underlying borrowing plans in order to support HM Treasury in its duty to monitor and forecast changes in the fiscal aggregates. The East Midlands MCCA will also provide information, explanation and assistance to support the Office for Budget Responsibility in its duty to produce economic and fiscal forecasts for the UK economy.
40. The costs of establishing the MCCA will be met from the overall resources of the MCCA. To support the East Midlands MCCA in its early stages, the Government will provide £500,000 Mayoral Capacity Funding in 2023/24 - once the establishing legislation is made and the Assurance Framework confirmed with the Government - and £1 million in 2024/25. Any future capacity funding will be subject to Spending Review, in line with arrangements for other devolution deals. Additional activities or capital allocations from government will be supported by revenue allocated to the MCCA in line with practice for areas with existing devolution deals.
41. The mayor will have the power to issue a precept on local council tax bills to help pay for the mayor’s work. This precept can only be raised for mayoral functions.

42. The mayor will have the power to introduce a supplement on business rates for expenditure on a project or projects that will promote economic development in the area, subject to a ballot of affected businesses.
43. The East Midlands MCCA will be the lead local authority for the planning and delivery of the United Kingdom Shared Prosperity Fund (UKSPF) from 2025/26 if there is a continuation of the Fund and the delivery geographies remains the same. The East Midlands area's core UKSPF allocation will be subject to a future Spending Review and reconfirmation of overall UKSPF policy and delivery arrangements from 2025/26. If the delivery model remains the same as the previous Spending Review period, it is anticipated that the East Midlands MCCA will have overall accountability for the funding and how the Fund operates in the area, with wide flexibility to invest and deliver according to local needs. In carrying out this role, it will need to engage Constituent Councils, district and borough councils and other local partners to ensure that the needs of residents can be effectively addressed.

Skills and Education

Adult Education

44. Whilst the numbers of people in the East Midlands qualified to Levels 2 and 3 are above the England average, those qualified to Level 4+ are below the national average. Graduate retention is a challenge, with 35% to 39% of graduates from the area's three universities remaining in the East Midlands following graduation. There are significant place-based variations in skills and productivity across the East Midlands districts.
45. The East Midlands workforce is more concentrated in lower skilled occupations than the national average. Over the next 10-15 years, slower growth in the working age population and significant technology-driven changes are likely to require increased adaptability and re-skilling by people who are already working as well as maximising the potential of young people entering the labour market. Despite unemployment being low, there are still communities and places where unemployment and economic inactivity remains high with a growing number identified as having significant barriers to work.
46. The Government will fully devolve the Adult Education Budget (AEB) to the East Midlands MCCA from academic year 2025/26, subject to readiness conditions and parliamentary approval of the required secondary legislation conferring the appropriate functions. These arrangements do not cover apprenticeships or traineeships, even though the latter is funded through the AEB.
47. Prior to full devolution of AEB, the Government will work with East Midlands MCCA to support their preparations for taking on the relevant functions, including offering implementation funding on a 'matched-funded' basis and awarded through a business case process.
48. Upon devolution of AEB, East Midlands MCCA will be responsible for making allocations to providers and the outcomes to be achieved, consistent with statutory entitlements. The Government will not seek to second guess these decisions, but it will set proportionate requirements about outcome information to be collected in order to allow students to make informed choices.
49. The Government will consult with East Midlands MCCA on a funding formula for calculating the size of the grant to be paid to the East Midlands MCCA for the purpose of exercising these devolved functions.
50. In order to proceed with devolution, the Government needs to be assured of the following readiness conditions:
 - a. The Secretary of State for Education and appropriate accounting officer are assured that East Midlands MCCA is operationally ready to administer AEB and is satisfied the required statutory tests have been met.

- b. Parliament has legislated to enable transfer to the East Midlands MCCA of the current statutory duties on the Secretary of State to secure appropriate facilities for further education for adults from this budget and for provision to be free in certain circumstances.
- c. Agreement to a memorandum of understanding between the Department for Education and East Midlands MCCA that provides appropriate assurance that the named parties will work together to ensure the future financial stability of the provider base, including for sharing financial risk and managing provider failure.
- d. Learner protection arrangements are agreed between parties.

Skills and Employment

51. Local Skills Improvement Plans (LSIPs) will set out the current and future skills needs of the area and how local provision needs to change to help people develop the skills they need to get good jobs and increase their prospects. They will build a stronger and more dynamic partnership between employers and providers and allow provision to be more responsive to the skills needs of employers in local labour markets.
52. Working with the designated Employer Representative Body, utilising and sharing the local labour market intelligence and analysis it has developed,¹ East Midlands MCCA will support and provide input into the LSIP for the area.
53. The East Midlands MCCA will be considered alongside existing MCAs at future Spending Reviews with regard to the devolution of skills funding.
54. The Government and the region will also work together to better target employment support by understanding and utilising publicly available local labour market intelligence and analysis.² As part of the development of the economic framework, the Government is committed to working together on the region's strategic priorities and supporting the development of the region's economic framework.
55. The Department for Work and Pensions and the East Midlands MCCA will work together on its strategic priorities for employment through enhanced engagement by way of:
 - Membership of the joint Department for Work and Pensions and Department for Education Mayoral Combined Authority Advisory Group.
 - Regular engagement with the regional Employer and Partnership team in Jobcentre Plus, and strategic labour market partnership teams.

^{1,2} This includes analysis produced previously by the LEP and its Skills Advisory Panel (funded by a Department for Education grant up until March 2023).

56. The Department for Work and Pension will also consider what role East Midlands MCCA could have in the design and delivery of future contracted employment programmes.

Housing and Land

57. The relevant authorities in the East Midlands area have set out their local housing priorities around brownfield remediation, housing quality and decarbonisation, and systems improvement to support local supported and specialised housing needs. Government will work collaboratively with the East Midlands MCCA to address these challenges through devolved capital funding and upfront investment in housing and Net Zero projects.
58. The East Midlands MCCA will have broad powers to acquire and dispose of land to build houses, commercial space and infrastructure, for growth and regeneration. They will be able to invest to deliver housing for the area.
59. The East Midlands MCCA will have land assembly and compulsory purchase powers for housing purposes, subject to the agreement of the Constituent Councils and, where applicable, the district/borough council(s) where the relevant land is located, and to the consent of the Secretary of State for Levelling Up, Housing and Communities.
60. The Mayor will have the power to designate Mayoral Development Areas and to create Mayoral Development Corporations, which will support delivery on strategic sites across the East Midlands area and may draw on existing work, subject to the agreement of local partners. Where relevant, this power may be exercised only with the consent of all members of the combined county authority appointed by the Constituent Councils, or substitute members acting in place of those members, whose local government area contains any part to be designated as a mayoral development area and the consent of the relevant planning authority, including national park planning authority if their area contains any part to be designated as a mayoral development area.

Working with Homes England

61. The East Midlands MCCA and Homes England will work together to identify key opportunities for developing a housing delivery pipeline across the East Midlands area. This will include exploring transformational regeneration opportunities at strategic locations across the area. Homes England and DLUHC will consider investment in housing propositions that emerge from the development of the pipeline, including through the Affordable Homes Programme and future funding streams, and explore the potential for developing a Strategic Place Partnership in time.

Funding

62. The Government will support this commitment to deeper partnership working with £16.8 million of devolved capital funding in 2024/25 to support the building of new

homes on brownfield land, subject to sufficient eligible projects for funding being identified.

63. Further to this, the Government will, subject to annual reporting, provide £918,000 of capacity funding to the East Midlands MCCA across 2023/24 and 2024/25 to support development of a pipeline of housing sites across the MCCA area, supported by Homes England.
64. The Government will also provide up to a £9 million housing capital funding pot in this Spending Review period to support the delivery of housing priorities in the East Midlands area, subject to final business cases.

Transport

65. The Government recognises that the East Midlands approaches this devolution deal from a different position to many devolution deal areas, where local transport services were already managed across the devolution area. The Government and the constituent councils of East Midlands MCCA will therefore work together to agree a transition plan and future arrangements that deliver improved local transport services across the East Midlands area.
66. Subject to the agreement and implementation of that transition plan, a new, directly elected East Midlands Mayor and the East Midlands MCCA will become responsible for setting and delivering a transport strategy for the area, including for bus and tram services. Working with the Constituent Councils in the East Midlands, the Government will establish suitable arrangements for delivering this strategy, including in relation to the Nottingham tram (Nottingham Express Transit). Subject to these arrangements, and to the Levelling Up and Regeneration Bill receiving parliamentary approval and Royal Assent, the Mayor and East Midlands MCCA will be responsible for the following powers and functions.

Transport plans

67. Responsibility for an area-wide local transport plan will be conferred to the East Midlands MCCA and exercised by the Mayor.
68. In line with best practice as set out in new local transport plan guidance planned for early 2023, the East Midlands Constituent Councils will develop a provisional area-wide local transport plan by March 2024 to be finalised by the Mayor and East Midlands MCCA once these are established. The Government recognises the significant changes to transport governance brought about by this deal which will require some additional capacity. The Constituent Councils or the East Midlands MCCA (as appropriate) will collectively be provided with an additional £500,000 of revenue funding in both 2023/24 and 2024/25 to accelerate this work and implement quantifiable carbon reductions to the higher standard recommended in related guidance.

Integrated Ticketing

69. In exercising its transport powers, East Midlands MCCA will seek, within available resources, to facilitate the accelerated delivery of smart, integrated ticketing across all local modes of transport in the area. East Midlands MCCA will continue to work with relevant partners – bus, tram, rail and other local transport operators, Midlands Connect, Great British Railways and the Department for Transport – to realise this ambition.

Consolidated transport budget

70. The Mayor will be responsible for a devolved and consolidated integrated local transport budget for the area of the East Midlands, consisting initially of the local highways maintenance funding (both the Pothole Fund and the Highways Maintenance Block) and the Integrated Transport Block. The integrated transport settlement will be available to the East Midlands MCCA following the first mayoral election which we expect to be in May 2024, for the final year (2024/25) of the current Spending Review period. The Government recognises the importance of transport in East Midlands and its importance in driving growth and productivity, levelling up and decarbonisation. The Government acknowledges that the Constituent Councils desire longer-term certainty that the integrated transport settlement will continue beyond 2025 and will therefore work with the East Midlands MCCA to agree an integrated multi-year transport settlement at the next Spending Review. At this point, following the example of other comparable Combined Authorities, opportunities for expanding the integrated transport settlement offer will be explored.

71. In addition, there may be further funds relating to transport for which the East Midlands Combined County Authority is eligible.

Roads

72. The East Midlands MCCA will set up and coordinate a Key Route Network on behalf of the Mayor, allowing the Mayor and the MCCA to take on highway powers for the Key Route Network. The Mayor and MCCA will take on the necessary highways powers to undertake this, to be exercised concurrently with the highways authorities, as agreed locally and set out in the proposal. Additionally, the Government intends to legislate to enable the conferral of a power of direction on the mayor, allowing them to direct highway authorities on exercising their highway powers with regard to the Key Route Network.

73. In partnership with Constituent Councils, the East Midlands MCCA and the Mayor will develop a single strategic asset management plan, and where practical, work towards streamlining contractual and delivery arrangements across the region. Unless otherwise agreed locally, all operational responsibility for highways will remain with the Constituent Councils.

74. The East Midlands MCCA will also be able to enter into agreements with the Government, other local authorities, combined authorities and National Highways, including to determine shared priorities for its strategic and Key Route Networks.

75. The Government is introducing a new £450 million local electric vehicle infrastructure (LEVI) scheme for local authorities to support local EV infrastructure delivery and will work with East Midlands MCCA to ensure the area is well placed to respond once funding arrangements are announced.

76. The MCCA will take on the powers held by their local authorities relating to moving traffic offences, to be shared concurrently with constituent highway authorities in line with the provisions of Part 6 of the Traffic Management Act 2004 for authorities outside London.
77. The MCCA will take on powers to issue permits as part of permit schemes to manage disruption. By taking on these powers over local roads, held concurrently with Constituent Councils, the MCCA will also be able to issue permits to manage disruption and will be able to seek agreement from the Secretary of State to run a lane rental scheme seeking contributions from utility companies and for highway works.
78. The Government will provide £50 million for the South Derby Growth Zone / A50 junction, subject to business case approval. The Government will consider the business case for proposals on the Chesterfield Staveley Regeneration Route.

Buses

79. Each Constituent Council in the MCCA, alongside bus operators, is responsible for managing and delivering bus services. The local authorities have created Bus Service Improvement Plans and will continue to implement these plans, supported by a total indicative allocation of £84 million from Government for the region.
80. Buses are a vital part of the overall transport network and the Mayor's transport strategy will set out a plan for buses across the MCCA area in conjunction with the Constituent Councils. The Government and East Midlands Constituent Councils recognise the opportunity created by this devolution deal to improve bus services across the area and the benefits of integrating bus functions with the MCCA.
81. Subject to the Levelling Up and Regeneration Bill receiving Parliamentary approval and Royal Assent, East Midlands MCCA will be empowered to exercise franchising powers in the Transport Act 2000, including the power to consult on franchising without permission from the Secretary of State.
82. In any Enhanced Partnership or franchising arrangements, the MCCA will seek, within available resources, to facilitate: bus priority; real time information; incentivised ticket schemes; asset improvements; and the accelerated delivery of smart, integrated ticketing.
83. As per the commitment in the National Bus Strategy, the Government is working on the reform of the Bus Service Operators Grant (BSOG). Following the reform of BSOG should the East Midlands MCCA request BSOG be devolved to them, the Department for Transport will work with East Midlands MCCA to devolve BSOG to them in line with the consultation outcome.

84. The MCCA will have powers to run travel concession schemes. The East Midlands MCCA will explore enhanced concessionary fares schemes, including elements for rail and young persons.

Mass Transit

85. The East Midlands MCCA will explore mass transit opportunities, including integrating and potentially expanding the NET tram system, in support of the emerging East Midlands HS2 Growth Strategy, and will work with Government to deliver this.

Rail

86. Government will support the East Midlands MCCA in seeking a new rail partnership with Great British Railways, once established, so that their priorities can be taken into consideration in future decisions regarding their local network. The East Midlands MCCA will be considered a priority for these agreements, similarly to Mayoral Combined Authority areas, which will provide the ability to influence the local rail offer. Local priorities will need to be coordinated and compatible with surrounding areas and the needs of the national network.

87. Devolution of transport responsibilities to the East Midlands MCCA offers an opportunity to build on the Integrated Rail Plan for the North and Midlands (IRP), which set out the largest-ever single Government investment in rail. The East Midlands MCCA and the Constituent Councils will work with the Government to support the effective implementation of the IRP - including HS2 East and Midland Main Line (MML) electrification which will provide direct HS2 connectivity for Nottingham, Derby & Chesterfield. The Government has committed to accelerate transport improvements at Toton, such as a station for local/regional services, with delivery subject to significant private sector investment – on a 50:50 match-funded basis with the taxpayer. The East Midlands will work with the Government on the study and identify the required match funding for any potential intervention at Toton.

88. The MCCA will be the key local government point of contact for Network Rail on the Restoring Your Railway and station projects within the area and any equivalent future programmes.

Active Travel

89. The East Midlands MCCA to be responsible for preparation of Local Cycling and Walking Infrastructure Plan and the East Midlands MCCA will work with Active Travel England on any future walking and cycling schemes to ensure schemes are delivered to high standards, including compliance with Local Transport Note 1/20

(LTN 1/20). All cycling and walking schemes must be approved by ATE as complying with LTN 1/20.

Future Transport

90. The Derby and Nottingham area has already done significant pioneering work on their Government-funded Future Transport Zone. The MCCA will become the key contact for the Government on low carbon transport solutions and the challenge of 'first and last mile travel' in the area. The Government will continue to work closely with the area, alongside Midlands Connect, to support future aspirations.
91. The Government and Ofgem will work with the MCCA to deliver clean fuel infrastructure that will accelerate the establishment of a Net Zero transport network. This will include initiatives to ensure that sub-national actors, including Distribution Network Operators (DNOs), local government and other actors co-operate effectively when planning our future energy system.

Net Zero, Energy and Environment

Net Zero

92. The Government recognises the ambition of the East Midlands to be a leader in pioneering new forms of clean energy generation, and to act as an exemplar for climate change adaptation, with Derbyshire leading the way on local nature recovery and natural capital strategies in collaboration with the Peak District National Park. An ambition to adopt a shared endeavours approach to tackling climate change adaptation and Net Zero targets is clear, and can build on existing ambitious strategies, such as the leading core city response to carbon reduction in Nottingham, including working on energy, climate change adaptation, waste and local nature recovery and biodiversity strategies. In recognition, the government will make an investment in the East Midlands area of up to £9 million via a Net Zero capital funding pot this Spending Review that will enable the East Midlands area to drive their Net Zero ambitions. This investment is subject to agreement of a business case from the area.

93. As part of its Net Zero Strategy, the Government recognises that devolved and local government can play an essential role in meeting national Net Zero ambitions. Local leaders in the East Midlands area and elsewhere are well placed to engage with all parts of their communities and to understand local policy, political, social, and economic nuances relevant to climate action. This is why the devolution framework grants places the opportunity to adopt innovative local proposals to deliver action on climate change and the UK's Net Zero targets.

94. The Local Net Zero Forum, chaired by the Department for Business, Energy and Industrial Strategy, is cross-Government and brings together national and local government senior officials. Through representative organisations on the forum – the Local Government Association (LGA), Association for Public Service Excellence (APSE), Core Cities and the Association of Directors of Environment, Economy, Planning & Transport (ADEPT) – East Midlands MCCA will get the opportunity to discuss local Net Zero policy and delivery issues in the round.

Networks

95. The Government recognises the need to increase the East Midlands' electricity network capacity to meet future electricity demand. We are committed to ensuring that areas with a devolution deal, including East Midlands MCCA, have a meaningful role in planning our future energy system for net zero, alongside other local areas as appropriate.

Buildings

96. The Government commits to explore the potential benefits of and design options for a place-based approach to delivering retrofit measures, as part of the

government's commitment in the Net Zero Strategy to explore how we could simplify and consolidate funds which target Net Zero initiatives at the local level where this provides the best approach to tackling climate change. This work will involve inviting East Midlands MCCA to work with the Government through the relevant representative organisations to consider if such an approach could accelerate the meeting of Net Zero goals and provide better value for money.

Clean heat

97. The Government has confirmed its intention to establish heat network zoning in England and, on 6th July 2022, introduced the Energy Security Bill to Parliament to legislate for zoning and regulation of the heat network sector. Under the zoning proposals, Zoning Coordinators within local government will be able to designate areas as heat network zones where heat networks are going to be the most cost-effective way to decarbonise heating and hot water within the zone. This will enable the East Midlands MCCA to assume the role of heat network Zoning Coordinator for its locality and play a key role in the delivery of heat decarbonisation infrastructure. This includes requiring certain buildings to connect to heat networks within the zones. The Government is committed to have heat network zoning in place by 2025.

Net Zero infrastructure

98. The UK Infrastructure Bank ("the Bank") will increase infrastructure investment across the UK by partnering with the private sector and local government to help tackle climate change and support regional and local economic growth. The Bank's advisory service, when launched, could offer advice and support to local actors, including the East Midlands MCCA, to help deliver on their objectives, including driving investment into Net Zero infrastructure and innovative local projects. It can also act as a convenor, bringing together local actors for collaborative projects, and where appropriate identifying where projects can be aggregated to achieve greater impacts.

Green jobs

99. Through the Green Jobs Delivery Group, we are working to ensure that workers, businesses and local areas, including East Midlands, are supported through the Net Zero transition. The East Midlands MCCA now has the opportunity to deliver green skills interventions at a local level through having a greater role in delivering the Adult Education Budget and UKSPF.

100. In order to facilitate a complete view of the energy infrastructure requirements across the East Midlands area, the East Midlands MCCA will fund the commissioning of a local area energy plan (LAEP) to enable long term planning on a regional basis.

Energy from Waste

101. Through its role in coordinating the delivery of heat network infrastructure, as set out in paragraph 96 we will give the East Midlands MCCA the tools it needs to evolve waste management in the region and exploit opportunities to re-use waste heat. The Energy Bill currently passing through Parliament includes powers for local Zoning Coordinators to ensure that waste-heat sources are used in heat networks and we expect this to be possible for the East Midlands MCCA to develop the potential transformation of power sites such as those at Ratcliffe, Drakelow, and any future expansion of the Nottingham City District Heat Network.

Environment

102. The East Midlands MCCA commits to producing an MCCA area Flood Alleviation Strategy, working with Environment Agency, Internal Drainage Boards and other key partners, that will help build community and economic resilience. This will support a comprehensive approach to tackling local nature recovery with a focus on green and blue infrastructure and maximising benefits for people, wildlife and our economy. It will not change the roles and responsibilities of Lead Local Flood Authorities.

103. Derbyshire County Council and Nottinghamshire County Council have provisionally agreed to act as the responsible authorities for the preparation of the Local Nature Recovery Strategies (LNRSs) for the Derby City and Derbyshire County, and Nottingham City and Nottinghamshire County LNRS respectively. Formal appointment of responsible authorities will be made following publication of relevant regulations and guidance and confirmation of funding. The Strategies will, for the area that they cover: map the most valuable existing habitat for nature; map proposals for creating or improving habitat for nature and wider environmental goals, and; agree priorities for nature's recovery. Defra will consider the role of East Midlands Combined County Authority in due course. In the meantime, both areas will work to ensure join up where possible across the two LNRS areas.

Innovation, Trade and Investment

104. Through the deeper devolution trailblazer deals announced in the Levelling Up White Paper, Government will bring together a holistic package of powers, roles, functions and strategic relationships to grow the private sector at a local level.

105. The trailblazers are designed as a blueprint for other devolution settlements, and Government will draw lessons from this approach to make a similarly broad and holistic offer to the East Midlands MCCA in due course. This offer aims to build the resilience of businesses and households in the East Midlands area to cost of living pressures, strengthen the East Midlands area's global competitiveness and empower local entrepreneurs.

106. This offer will explore the following, and potentially other, options to:

- Empower the East Midlands area to be able to secure greater private investment in local priorities, looking at the opportunities presented by the visitor economy.
- Strengthen the East Midlands area's local innovation capacity to help realise the potential of local innovation assets and the innovation potential of small and medium enterprises, with a particular focus on the area's advanced manufacturing centre and research institutions.
- Help to realise the global export potential of local businesses in the East Midlands area and maximise the local benefits of international trade.
- See the East Midlands area play a greater role in the delivery of support to local businesses.
- Engage the area on the delivery of digital infrastructure and potential economic and public service applications of data and data science.

Public Service Reform

107. Government supports the East Midlands area in its ambition for public service reform. Government commits to working with the region to explore initiatives to improve delivery of public services jointly with its Constituent Councils, such as how best to support residents with multiple complex needs through effective strategic and coordinated approaches to issues such as homelessness and rough sleeping, domestic abuse and community safety, social mobility and support for young people. Where appropriate, and as part of its Levelling Up agenda, Government will also consider devolving further powers to East Midlands MCCA to support public service reform in relation to the statutory duties held by its Constituent Councils.
108. The Government is committed to relocating roles out of Greater London and closer to the policy issues they are addressing, as set out in its Places for Growth programme. The relocation of policy and senior roles will benefit communities across the UK, enabling more diversity of thought into policy making leading to better-informed policy, built on an understanding of the impacts across the UK and drawing on a more diverse range of experiences, skills and backgrounds. The Government will continue to work with departments on the potential for any future relocations of Civil Service roles to the East Midlands area as part of the Levelling Up agenda. Since March 2020, over 80 roles have already relocated to the area.
109. To complement and support action by the Constituent Councils, the East Midlands MCCA will take on a local authority duty to take action to improve the public's health concurrent with the Constituent Councils. This will allow health to be considered throughout the East Midlands MCCA's activities as well as enable work on local issues where health plays a key role, for example tackling homelessness and rough sleeping.

Public Safety

110. The East Midlands MCCA, in partnership with the Government, will work with the Derbyshire and Nottinghamshire Police and Crime Commissioners to agree an appropriate arrangement to ensure close collaboration and productive joint working on public safety.
111. The East Midlands MCCA will work with local partners, including the FRAs, PCCs and the Home Office to identify the appropriate long term governance model for fire and rescue services in its area, which meet the principles of good governance set out in the Fire Reform White Paper.
112. The East Midlands MCCA will have a clear role in local resilience, following Government's full consideration of the role and responsibilities of Local Resilience Forums. This may include an opportunity for the East Midlands MCCA to participate in future testing and piloting of potential new roles and responsibilities prior to any fuller national roll out.

East Midlands' commitments underpinning the Deal

113. The East Midlands Constituent Councils will work with the Government to develop a full implementation plan, covering each policy agreed in this Deal, to be completed ahead of implementation. This plan must be approved by the Government prior to delivery. Any issues of concern with the subsequent delivery of this deal will be escalated to ministers and leaders to resolve, in keeping with the letter and spirit of devolution.
114. The East Midlands MCCA will be required to evaluate the impact of the East Midlands Investment Fund. The East Midlands MCCA and the Government will jointly commission an independent assessment of the economic benefits and economic impact of the investments made under the scheme, including: whether the projects have been delivered on time and to budget. This assessment will be funded by the East Midlands MCCA, but agreed at the outset with DLUHC and HM Treasury, and will take place every five years. The next five-year tranche of funding will be unlocked if the Government is satisfied that the independent assessment shows the investment to have met the objectives and contributed to economic growth. The gateway assessment (as set out in paragraph 37) should be consistent with the HM Treasury Green Book, which sets out the framework for evaluation of all policies and programmes. The assessment should also take into account the latest developments in economic evaluation methodology. The Government would expect the assessment to show that the activity funded through the scheme represents better value for money than comparable projects, defined in terms of a benefit-to-cost ratio and considered in the strategic context of local ambitions for inclusive growth across the whole geography.
115. As part of the implementation of the deal, the East Midlands MCCA and the Government will agree a process to manage local financial risk relating to the deal provisions.
116. Prior to the first mayoral election, the Government will work with the East Midlands area to give the public and stakeholders – including Parliament – a clear understanding of: the powers and funding that are being devolved to East Midlands MCCA; where accountability sits as a result of this deal; and how decisions are made.
117. The Government will continue to work with the Constituent Councils of East Midlands to meet their objectives for the East Midlands area, including in relation to transport, regeneration, economic growth, and tackling local challenges.
118. The East Midlands MCCA and its members will continue to adhere to their public sector equality duties, for both existing and newly devolved responsibilities.

THE END

Devolution proposal summary

Please note: This document contains a summary of the draft proposal for the creation of a Combined County Authority by Derbyshire County Council, Derby City Council, Nottinghamshire County Council, and Nottingham City Council. It does not contain all details of the draft proposal and should be read in conjunction with the full draft proposal, which can be accessed here: [Full proposals](#)

Organisations involved

Devolution would cover Derbyshire, Derby, Nottinghamshire, and Nottingham.

The four councils leading on devolution in our area are Derbyshire County Council, Derby City Council, Nottinghamshire County Council, and Nottingham City Council.



District and borough councils in the area include:

- Amber Valley Borough Council
- Bolsover District Council
- Chesterfield Borough Council
- Derbyshire Dales District Council
- Erewash Borough Council
- North East Derbyshire District Council
- High Peak Borough Council
- South Derbyshire District Council
- Ashfield District Council
- Bassetlaw District Council
- Broxtowe Borough Council
- Gedling Borough Council
- Newark and Sherwood District Council
- Mansfield District Council
- Rushcliffe Borough Council

Those supporting devolution include local leaders across the political spectrum, the Chamber of Commerce, the East Midlands D2N2 Local Enterprise Partnership (LEP), the University of Derby, Nottingham Trent University, the University of Nottingham, and Nottingham College.

What would devolution mean for our area?

Devolution would mean a new guaranteed funding stream of £1.14 billion, or £38 million a year over the next 30 years for Derbyshire, Derby, Nottinghamshire, and Nottingham, as well as an extra £16.8 million for new homes.

It would give us much more control over our own area. Rather than many major decisions being made for us in London, as happens now, local people would have more say in the region's priorities.

Devolution also provides opportunities for us to improve the economic, social, and environmental wellbeing of people who live and work in our area. For example:

- Local control over a range of budgets like the Adult Education Budget, so we can use the money to better meet the needs of local people and the needs of local employers.
- Local powers to tackle challenges that are specific to our area and harness its true economic potential, for the benefit of everyone who lives and works here
- Working more effectively on a larger scale across council boundaries, further strengthening partnership working across and between our counties and cities.

Devolution has seen real improvements in other parts of the country where it has been successfully adopted. Plus, other areas with devolution deals have been able to make their funding go even further by offering loans to businesses so they can invest and grow, with devolved areas making money from the interest – so the true financial benefit is likely to be greater still.

A new combined county authority and a new mayor, from 2024

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

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

Rather than a brand-new level of government, devolution would move existing funding and powers from London, directly to us in the East Midlands, which means that local voices would play a greater role in decision making. Devolution would not mean scrapping or merging any local councils.

The new combined county authority would include representatives from existing county, city, borough, and district councils and it would be led by a new regional mayor. There would also be opportunities for private, public, and voluntary sector organisations to contribute and have their voices heard.

A new regional mayor would:

- Give us a bigger voice
- Give us more influence,
- Give us a higher profile across the country
- Create a single point of contact for businesses and other organisations looking to move into our region or expand.
- Help us speak with one voice
- Help us to make a strong case to the Government for more investment in our area.

The mayor would be directly elected by residents in Derbyshire, Nottinghamshire, Derby, and Nottingham, giving them more influence over issues which affect them. The first election for a regional mayor would be in spring 2024.

The benefits of devolution

Devolution is an opportunity to bring decisions closer to where they have an impact, and to get a fairer share to help close the gap in public investment in our area, so we can see more economic growth and new and better jobs.

We can build on our region's existing knowledge and expertise, for example in transport and green technology, promoting the growth of a future low carbon economy by investing in related skills training at colleges and other training facilities.

By playing to our strengths and tailoring our approach to the needs of our area, we can encourage economic growth and make sure local people benefit. Devolution also means we can take advantage of economies of scale by using combined and devolved budgets to deliver more value for taxpayers and more cost-efficient services.

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

The priority areas for achieving this are:

- Our homes
- Our skills
- Our transport infrastructure
- Our carbon reduction / net zero ambition

More and better housing

Devolution would mean that the new combined county authority and mayor could work with local councils, landowners, developers, and housing providers to create affordable, good quality housing, and to retrofit existing homes to be more environmentally sustainable.

- New powers held by the new combined county authority and mayor could be used to buy land and housing, with the consent of district and borough councils.
- It would mean that new and better standards for homes could be introduced, low carbon measures put in place, and improvements to existing housing could be made.
- It would mean £16.8 million a year would be available for building new homes, subject to suitable areas being identified.

£9 million would also be available to support local housing priorities, and new powers would allow the new combined county authority and mayor to buy land to build houses, commercial space, and infrastructure, to grow our local economy and regenerate our area.

More and better jobs

The new combined county authority and mayor would work with employers, skill providers (like universities and colleges) and local councils to make sure people here have opportunities to develop key skills and access opportunities to work well and build fulfilling careers. This will also help the creation of a strong and sustainable local economy.

Devolution means that more decisions about our area would be made in our area. For example, a fully devolved adult skills budget means we'd no longer be constrained by rules set nationally on what we can use adult education funding for – only on specific age groups, for instance – and could instead tailor this to the needs of people in our communities.

This funding could be made available to the people who need it, so they can fulfil their potential and get the jobs they want. It would also mean employers could hire people with the skills they need, addressing the skills gap, and removing barriers to better paid work.

By playing to our strengths in research and industry, including aerospace, life sciences, advanced manufacturing, and energy, and making the most of opportunities in the future associated with the East Midlands Freeport, HS2 and rail, and the East Midlands Development Corporation, we can maximise employment opportunities in our area.

Better connected transport

By working with transport providers inside and outside our area we can develop our transport infrastructure to create the best possible public transport system for our residents.

Devolution would give us the opportunity to:

- Combine local transport plans together, so we have one single plan
- Develop new smart integrated ticketing on public transport
- Create new concessionary fare schemes

It would also mean we could set up and coordinate a Key Route Network, which would be made up of some of the busiest and most important roads in our area, so we could better manage our highways.

A greener environment

Devolution would mean we could work across our area to lead the way in moving from fossil fuel to fusion and play our part in achieving our national ambition of net zero by 2050.

Our goal is that our area will be a leader in pioneering new forms of generating clean energy, acting as a model for other areas to follow, when it comes to climate change adaption.

Devolution means we could work more effectively on a larger scale so we can all benefit from cleaner air, lower heating costs, and so we can move towards being carbon neutral, with:

- New low carbon homes
- Retrofitting existing homes with external wall insulation
- Promoting the use of renewable energy
- Protecting and enhancing our green spaces
- Exploration of areas where heat network zoning may work locally, to decarbonise heating and hot water
- Opportunities to increase the capacity of our area's electricity network

Devolution would also make £18 million available to support housing and net zero ambitions in our area.

What powers and duties would the new mayor and combined county authority have?

The new combined county authority will:

- Be expected to set a budget for itself.
- Have the power to borrow.
- Have a duty to prepare an economic assessment of Derbyshire, Derby, Nottinghamshire, and Nottingham.
- Have adult education and training functions, which will be transferred from the Secretary of State.
- Have compulsory purchase, land acquisition and disposal and development of land powers. The exercise of compulsory purchase functions is subject to the consent of all the local planning authorities affected.
- Have housing supply and regeneration functions.
- Have a duty to review air quality plans and propose and undertake steps to support the delivery of those plans by district, borough, city, and county councils in the area.
- Have incidental powers in relation to its functions (the power to do anything which it needs to, to carry out its functions).

The mayor will:

- Lead the new combined county authority.
- Have the power to designate a Mayoral Development Area and then set up a Mayoral Development Corporation, taking responsibility for planning functions (subject to consent of all the local planning authorities affected).
- Have housing and land buying powers to support housing, regeneration, infrastructure and community development and wellbeing (subject to consent of all the local planning authorities affected).
- Have the power to draw up a local transport plan and strategies.
- Have bus franchising powers.
- Have the duty to set a Mayoral budget.
- Have the option to set a precept on Council Tax to fund mayoral functions.
- Have the option to charge a business rate supplement, subject to a ballot of local businesses.
- Have the power to provide relief from non-domestic rates in areas covered by a Mayoral Development Corporation.
- Have the 'functional power of competence' - the power to do anything reasonably related to the exercise of the mayor's functions.

Devolution will help us to build on our strengths...

- Derbyshire, Nottinghamshire, Derby, and Nottingham have a combined population of 2.2 million people and contribute £50.5 billion to the UK economy in terms of GVA (Gross Value Added).
- The area has more than 88,000 businesses providing over 930,000 jobs in sectors with potential for growth, including advanced manufacturing, engineering, clean energy, logistics, creative and digital, education, health, pharmaceuticals, and wholesale and retail trade.
- The region is home to Toyota UK, Rolls Royce, Alstom, and Boots, as well as the University of Derby, Nottingham Trent University, and the University of Nottingham, which provide centres of research excellence with expertise in aerospace, rail, life sciences, and strong transport links.
- The area is home to major tourist attractions including the Peak District National Park, the National Forest, Nottingham Castle, Derby's Silk Mill and Sherwood Forest.
- There are major strategic opportunities presented through the East Midlands Freeport, the East Midlands Development Corporation, and the announcements in the Integrated Rail Plan on HS2.
- The two cities and counties are geographically close and already work closely together on many collaborative large-scale initiatives.

...and help us to overcome the challenges we face.

- Productivity in the East Midlands is behind the UK average - we need an increase of 14.6% to close the gap.
- Public spending per person has historically been below the UK average.
- There are areas within our region with high levels of poverty and poor social mobility, with 219,600 people living within the most deprived 10% of areas across England.
- Our area has seen a shortage in housing supply. An estimated 9,200 homes a year are needed to meet local need and we are likely to see a shortfall of over 6,500 homes over the next 10 years.
- More local powers will help us tackle these challenges and harness the true economic potential of our area, for the benefit of everyone who lives here, and which would also benefit the whole country.
- Devolution for our area would give us more control and the flexibility to respond to local needs, including transport, skills training, regenerating our villages, towns, and cities, and more.

A devolution deal is the beginning of the journey, not the end. There would be opportunities to build and enhance on it over time, as has happened in other areas.

There is still a lot to do before devolution becomes a reality. Locally, we will have to work hard to make devolution work for us, and to ensure it results in the improvements we want to see. But we are convinced it would mean a significant step forward for the region, addressing years of historical low investment in the area whilst providing a platform for accelerated growth.

Agenda Item 17

Council - 24 November 2022

CLEAN & GREEN REVIEW – UPDATE REPORT

Report of Director of Community & Environmental Services

Report Author and Contact Details

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Wards Affected

District-wide

Report Summary

The report outlines the work to date on the strategic review of Council's Clean & Green service. This includes the review of the service by the Association of Public Service Excellence (APSE) and the involvement of staff, management and unions in that review.

Recommendations

1. That Council notes the progress of the review to date and supports the ongoing work on the review
2. That Council supports Officers in the ongoing discussions with Derbyshire County Council to increase the level of biodiversity and rewilding areas across the district, and ultimately enhancing its work on climate change
3. That Council receives a detailed report, including actions and reference to resources required (where possible) by no later than March 2023.

List of Appendices

Appendix 1 Development of Clean & Green Team Values and Identification of Complementary Behaviours by Chrissie Symons, Interim HR Manager

Background Papers

None

Consideration of report by Council or other committee

None

Council Approval Required

N/A

Exempt from Press or Public

No

CLEAN & GREEN REVIEW – UPDATE REPORT

1. Background

1.1 On 26 November 2020 the Council approved a strategic review of its Clean & Green service, including the outlined scope and formation of Project Team and an Elected Member Sub-Group.

1.2 In addition to the Project Team and Elected Members Sub-Group, the Council approved the use of external consultants to bring wider industry knowledge to the review and help with benchmarking the performance of the service.

1.3 The project team is made up of the following:

- Ashley Watts, Director of Community & Environmental Services
- Samantha Grisman, Clean & Green Manager
- Helen Bowmer, Senior Accountant (*no longer an employee of the Council*)
- Richard Joskowski, Clean and Green Supervisor (Reactive)
- David Martin, Clean and Green Supervisor (North)
- Chrissie Symons, Human Resources Officer
- Dave Turvey, as a member of the Council's Senior Management Team (via expression of interest)
- Dave Henrys and Ian Jones from the Association for Public Service Excellence (APSE)

1.4 The purpose of the sub-group is to support the core Project Team and provide feedback on its proposals and recommendations, whilst constructively inputting their own suggestions. The cross party Member sub-group consists of:

- Cllr Buckler
- Cllr Flitter
- Cllr Lees
- Cllr Slack

1.5 The scope of the review includes the following:

- Analysis of current performance (and against peers)
- Analysis of resource and utilisation
- Assess the service's costs and value for money
- Expansion of biodiversity and use of clean energy
- Explore current strengths and weaknesses
- Explore customer base and engagement opportunities
- Explore staff training and development opportunities
- Identify best practice and benchmarking opportunities
- Identify opportunities for developing commercial services
- Identify potential for service development
- Improved communication and promotion
- Introduction of improved performance management systems
- Review key processes, working patterns, structure, roles and deployment of teams
- Review the frequency and standards of work

- Review working practices, equipment and vehicles (greater environmental consideration)
 - Transformation of the service (greater level of technology)
- 1.6 Due to the COVID-19 pandemic and the subsequent independent review of the waste collection service, several members of the Project Team were reassigned to leading on the Council's response to these issues, resulting in delays in the completion of this review.
- 1.7 A significant amount of work continues to take place on this review, with final report expected in January 2023.

2. Key Issues

- 2.1 The first draft of the APSE report on the service standards and performance was received in July this year but, following a review of information, the Project Team felt there were a number of areas which needed further clarification and context.
- 2.2 It was agreed that members of the Project Team would work with the APSE consultants to address these points, in an attempt to provide greater clarity on the overall performance of the service and the possible options for improvement. Whilst the majority of this work has since been completed, and a second draft of the report issued, more work is required in some areas.

Performance Management

- 2.3 A key piece of work required by the Director of Community & Environmental Services was the development and adoption of a performance management system to help monitor and manage standards and frequencies of work.
- 2.4 Whilst standards of work are inspected by the Clean & Green Supervisory team, there is currently no agreed or consistent method of monitoring and recording the performance of the work delivered or provision of management information to help drive improvement.
- 2.5 The introduction of benchmarking was also required to work in conjunction with internal monitoring by reviewing the performance of the service against our peers. It will also help to identify the areas of best practice and areas for improvement.
- 2.6 However, one of the main areas for concern in the report is the benchmarking data and its relationship to the services provided. There have been significant challenges in collating and applying accurate data, due to some of this information being held by other agencies or not being collated in a compatible or meaningful format. This work is ongoing and will be presented to Members in due course.

Staff, Structure and Resources

- 2.7 Concerns relating to capacity and consistency have been a theme throughout the Project Team's meetings with the management team, the consultants and the workforce.
- 2.8 As a result of the feedback, the Project Group have developed a proposed new structure for the service, which will provide greater resilience and efficiency of the teams.
- 2.9 In addition to the concerns regarding capacity, there has been clear and consistent feedback from the Clean & Green team regarding the limitations presented by last restructure and the multi skilling of the workforce, as a result of the 2012 review.
- 2.10 The Project Group have been keen to explore options to address this and restore pride in the service and reintroduce development opportunities within the team.
- 2.11 A proposed new structure of the service, along with new job descriptions and person specifications, have since been developed and are currently being discussed with relevant staff and unions.
- 2.12 In addition to the amendments to current job roles and responsibilities, APSE have identified a need for additional support with the management team, both in the form of administration support and in the operational management of the service. These adjustments to the structure will be costed in the coming weeks – prior to the presentation to Members in 2023.

Technology

- 2.13 The introduction of better technology to the service, such as mobile devices linking the technology to the Council's Customer Relationship Management System, will enable residents and Elected Members to report issues online directly to the relevant team, and in real time. This will also support the management team in monitoring and reviewing performance and the allocation of resources.
- 2.14 Further work is being undertaken to provide information on schedules via Council's website. This work, along with the necessary training requirements for the team, is currently being developed and costed.

Environmental

- 2.15 As agreed with the Elected Members Sub-Group, the use of glyphosate was to be considered as part of the review. Clean and Green Manager, along with the consultants from APSE, have reviewed the use of glyphosate and also compared its performance to alternative options. The outcome of this review will be presented as part of the full report in 2023.
- 2.16 Throughout this year Officers have been engaging with colleagues at Derbyshire County Council to explore options to further develop the levels of biodiversity across the district. These discussions have so far been

extremely positive, and a fuller update will be presented to Members as part of the main report.

Communication

- 2.17 Throughout the review process the Clean & Green team have been kept up-to-date by the Project Team via a series of emails, in-person briefings and workshops.
- 2.18 Representation from both GMB and Unison has been encouraged throughout, with the relevant union representatives being provided regular updates and invitations to briefings and workshops.
- 2.19 Mick Coppin, the Regional Representative for GMB, has attended a number of the workshops and briefings, including the most recent one held at the Agricultural Business Centre in Bakewell on Monday 9 September.
- 2.20 Mr Coppin also attended several of the staff 1:1 and group consultation sessions hosted by APSE.
- 2.21 After a recent staff briefing Mr Coppin remarked upon the commitment of the District Council and its employees in respect to the levels of positive interactions and engagements that have been fostered throughout the project to date.

Current Work Streams

- 2.22 Areas of work currently being undertaken include:
 - Developing new standards and frequencies of work to encourage a more consistent approach to service delivery
 - Reviewing current working patterns, include the suitability of seasonal working arrangements for the workforce
 - Creating a more inclusive and positive culture within the workforce by understanding and supporting shared values and beliefs (Appendix One)
 - Working with Derbyshire County Council to encourage greater levels of biodiversity across the district and county
 - Developing a vehicle replacement programme, with a focus on the greater use of electric vehicles
 - Reviewing the allocation and suitability of equipment, in line with the proposed restructuring of the service and climate change agenda
 - Developing an improved approach to communicating and promoting the service, including the introduction of a annual survey to gain a greater understanding of customer need
 - Developing a new Personal Development Scheme process more aligned to the requirements of the Clean & Green service
 - Assessing the feasibility of a service specific Sickness Policy to address the levels of sickness related absences
 - Reviewing the level of staff support over the weekend and Bank Holidays

2.23 Finally, the purpose of this report is to provide Elected Members with an update on the work undertaken to date, current work streams and an appreciation of the breadth of the work involved.

2.24 Unfortunately, the progress of the review has at times been delayed, due to the points noted above and several of the Project Team members being reassigned to key roles in the Council response to the COVID-19 pandemic. That being said, there has been a significant amount of work taking place on the review throughout this year and the final report will be presented to Member before March 2023.

3. Options Considered and Recommended Proposal

3.1 Not applicable

4. Consultation

4.1 The whole Clean & Green Team have been invited to two rounds of project briefings which took place on 1st April 2021 and 12th September 2022. In addition, various members of the Clean & Green Team have been involved in workshops and consultations with APSE in the preparation of the report.

4.2 An FAQ document has been generated and updates have been made and circulated on 1st April 2021, 12th April 2021, 23rd July 2021, 2nd September 2021 and 27th January 2022.

5. Timetable for Implementation

5.1 Final report, including an implementation plan, to be presented at Council in January 2023

5.2 If approved, phased implementation will start prior to April 2023

6. Policy Implications

6.1 None at this stage

7. Financial and Resource Implications

7.1 None at this stage. Financial risks and resource implications will be fully assessed when the final report is presented to Council no later than March 2023.

8. Legal Advice and Implications

8.1 None at this stage

9. Equalities Implications

9.1 None at this stage

10. Climate Change Implications

10.1 None at this stage

11. Risk Management

11.1 None at this stage

Report Authorisation

Approvals obtained from:-

	Named Officer	Date
Chief Executive	Paul Wilson	16/11/2022
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	15/11/2022
Monitoring Officer (or Legal Services Manager)	James McLaughlin	16/11/2022

Briefing: Development of Clean & Green Team Values and Identification of Complementary Behaviours

Briefing by: Chrissie Symons, Interim HR Manager

Date: 21st September 2022

Overview

As part of the Clean & Green Review process, we decided to spend some time thinking about the team culture and the influence this will have upon imbedding future ways of working, maximising the benefits of change.

Culture affects perception, and perceptions drive behaviour. As a result the culture we belong to has a direct impact on our behaviour. It is important that we identify the positive team culture we wish to establish and nurture and identify the underlying complementary behaviours that will support it.

On Monday 12th September 2022 we arranged three workshops at the Agricultural Business Centre, Bakewell. All members of the Clean & Green Team were invited to attend one of the three workshops. The following team members were also present:

Ashley Watts, Director of Community & Environment
Mick Copping, Trade Union Representative GMB
Samantha Grisman, Clean & Green Manager
David Turvey, Events Manager
Chrissie Symons, Interim HR Manager

The workshop commenced with a brief update on the current Clean & Green Review, a question and answers session followed by an interactive group session designed to get the team thinking about what motivates them at work.

Staff worked in small groups with a table facilitator to elicit a list of their top 6 values, prioritised in order of importance. Approximately 40 printed cards were available on the tables to help the team identify values that are deemed to be important, less important and unimportant. For example: trust, relationships, teamwork etc.

The Results

We were all really encouraged by the results. The majority of staff fully engaged in the session and seemed to value the opportunity to express their values, exchange views on the meaning of words, identify links and develop group awareness of the importance of team culture.

Values were very similar between all nine individual groups. All individuals seemed to be able to draw clear associations and commonality between each of the groups.

All values have been drawn together and a list of 9 of the most commonly repeated and ranked values have been identified. The highest scoring values were Quality, Respect, Relationships/Friendships followed by Learning & Development. Please refer to table one for the full list of values.

Overall there was a common held perception that the Council is different to other employers. Employees were clear that working for the council is a lot more than a transactional relationship based upon money. A wonderful comment from one of the team “let’s face it, if it was only about the money we would probably work for someone else, we obviously keep coming for more than that”.

The Next Steps

We plan to share the results with the team in a round of follow up workshops. We will move the team focus onto the positive behaviours we exhibit which underpin each value.

The Future

Once we have identified team values and behaviours we plan to embed the new behaviours. To do this the following ideas are currently being considered:

- Share the team values and underpinning behaviours when inducting new members of staff into the team.
- Develop a new PDR process and supporting documentation unique to the needs of the Clean & Green Team.
- The management and supervisory team to identify new ways to encourage and recognise individual and team exemplary behaviours. Examples may include:
 - One to one supervisor feedback and support
 - Submission of monthly achievement awards
 - Concentration of a key value in rotation at team meetings. This could involve talking to the team about the behaviours they have identified from individuals and teams since the last meeting and identify how this behaviour underpins the corresponding value.

Table One

Times Mentioned	Value	Descriptive words used
6	Quality	Recognition of Quality, Self-Respect, Doing a good job, Pride, Impact Accountability, Autonomy, Responsibility Ownership, Fit for purpose
6	Relationships & Friendships	Friendly & Supportive, Interacting, Helping, Participation, Humour, Fun Empathy, Loyalty, Diversity, Kindness, Popularity, Acceptance, Respect, Compassion, Peace, Team Work
6	Respect	Respect for each other, equipment, vehicles and the public. Valued, Trusted, Transparency, Reliability, Empathy, Understanding, Appreciation, Loyalty.
5	Learning & Development, Career and Opportunities	Helping, Development, Succession, Try new Things/Roles, Creativity, Innovation, Money, Training, Progression, Service Development, Growth
3	Flexibility	Different types of work Priorities change Flexibility in working day T&C of Employment Supportive Teamwork, helping each other Moving to alternative roles when required
3	Reliability	Arriving on time Creating trust Dependability, Willing, Capable
3	Recognition	Reputation, Acknowledgement
3	Making a Difference/Impact	Pride, Seeing Improvements, Quality, Accountability, Responsibility
3	Transparency	Clear Instructions Clarity Being honest – Internal and Public Honest – Treated right Simplicity, Reliability, Dependability

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Agenda Item 18

Council – 24 November 2022

INDEPENDENT REMUNERATION PANEL – APPOINTMENT OF ADDITIONAL MEMBER

Report of Director of Corporate and Customer Services

Report Author and Contact Details

James McLaughlin, Director of Corporate and Customer Services
01629 761281 or james.mclaughlin@derbyshiredales.gov.uk

Wards Affected

District-wide

Report Summary

This report recommends the appointment of an additional person as a member of the Independent Remuneration Panel to review Members' Allowances for a four year period.

Recommendations

1. That Mr Barry Mellor is formally appointed as a member of the Independent Remuneration with a four year term of office ending in November 2026.

List of Appendices

None

Background Papers

Report to Council – Review of Members' Allowances Scheme (26 May 2022)
Report to Council – Appointment of Independent Person and Additional Members of Independent Remuneration Panel (29 September 2022)

Consideration of report by Council or other committee

No

Council Approval Required

Yes

Exempt from Press or Public

No

Independent Remuneration Panel – Appointment of Additional Member

1. Background

- 1.1 Section 99 of the Local Government Act 2000 makes provision in relation to allowances for Members of local authorities. Regulations made under this Section require local authorities to establish and maintain a panel to make recommendations about the Scheme. The Panel last met in 2016 and is due to conduct a full review of Members Allowances to report back to the Council shortly.

2. Key Issues

- 2.1 Members will recall that the Council appointed Dr Declan Hall to lead and chair the Independent Remuneration Panel for a period up to May 2023. At the same meeting, the Council extended the term of office for Mr. David Willis to May 2026. Mrs Susan Whitfield was previously appointed with her term of office due to cease in October 2023.
- 2.2 On 29 September 2022 the Council appointed Mrs Jackie Batchelor to serve on the Independent Remuneration Panel for a four year period until 30 September 2026.
- 2.3 With Dr. Hall and Mrs Whitfield scheduled to cease being members of the Independent Remuneration Panel in May and October 2023 respectively, there is a need to appoint a further individual to the Panel to ensure that it remains legally constituted in accordance with statutory regulations.
- 2.4 Following the conclusion of a recruitment process, it is recommended that Mr. Barry Mellor be appointed as a member of the Independent Remuneration Panel for a four year period until 30 November 2026. Mr. Mellor has a strong background in marketing, information technology, communications and commercial strategy at senior director and chief executive level.

3. Options Considered and Recommended Proposal

- 3.1 Consideration was given to not recruiting presently and waiting until 2023 when Dr. Hall and Mrs Whitfield's terms of office are due to expire. However as a full review of the Members Allowances Scheme is due to take place imminently, it was considered timely to make an appointment to give experience to another Panel Member who will be in office for a longer period. In addition this provides more resilience in case of panel Members not being available to respond to urgent requests.
- 3.2 The appointment of Mr. Barry Mellor as a member of the Independent Remuneration Panel until November 2026 is the recommended proposal.

4. Consultation

- 4.1 The Chair of the Governance and Resources Committee, Councillor Tom Donnelly, was involved in the interview process and has indicated his support for the recommended appointment.

5. Timetable for Implementation

- 5.1 Subject to the Council's approval, the appointment will take immediate effect and Mr's Mellor's term of office will continue until November 2026.

6. Policy Implications

- 6.1 There are no specific policy implications associated with this report but the proposed appointment to the Independent Remuneration Panel will contribute to independence and transparency in considering remuneration for elected representatives. In this sense, this proposal underpins all of the Council's corporate priorities.

7. Financial and Resource Implications

- 7.1 Members of the Panel are entitled to an allowance whilst undertaking work as members of the IRP. The cost can be met from existing budgets, therefore the financial risk is low.

8. Legal Advice and Implications

- 8.1 The scheme of Member's Allowances is made in accordance with section 99 of the Local Government Act 2000 and the Local Authority (Members Allowances) (England) Regulations 2003. The proposal contained in this report complies with the requirements of the legislation so the legal risk is considered to be low.

9. Equalities Implications

- 9.1 Public authorities are required to have due regard to the aims of the Public Sector Equality Duty (Equality Act 2010) when making decisions and setting policies. While there are no specific equalities implications arising from this report, the recruitment process has sought to find a variety of candidates that whilst meeting the profile, offer a variety of different backgrounds and experiences.

10. Climate Change Implications

- 10.1 Whilst an impact assessment has not been undertaken, it is considered that there are no climate change implications associated with this report.

11. Risk Management

- 11.1 This report seeks to address a future risk of having insufficient members of the Independent Remuneration Panel. The recommended individual has been assessed meeting the knowledge, skills and behaviours expected of such a position. It is therefore considered that the risks associated with this proposal are low.

Report Authorisation

Approvals obtained from:-

	Named Officer	Date
Chief Executive	Paul Wilson	16/11/2022
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	16/11/2022
Monitoring Officer (or Legal Services Manager)	James McLaughlin	16/11/2022



**OPEN REPORT
COUNCIL**

Agenda Item 19

Council – 24 November 2022

CORPORATE PLAN 2020-24 – PERFORMANCE 2022/23 AND PRIORITIES 2023/24

Report of the Director of Regeneration and Policy

Report Author and Contact Details

Elizabeth Wilson, Corporate Policy Officer

01629 761240 or elizabeth.wilson@derbyshiredales.gov.uk

Wards Affected

District Wide

Report Summary

The report advises Members of performance against the District Council's Corporate Plan targets during the first six months of 2022/23. The report also sets out for Members consideration a proposed set of Corporate Plan priority target areas for 2023/24, which if adopted will enable service planning and budget preparation to take place in good time for March 2023. Work on the future Corporate Plan post-2024 is noted.

Recommendations

1. That progress during Quarter 1 and Quarter 2 against the Corporate Plan targets and actions for 2022/23 be noted.
2. That the Corporate Plan priority target areas set out in Appendix 2 to this report be adopted for 2023/24.
3. That a further report be presented to the Council budget setting meeting in March 2023 with specific targets for each of the priority areas set out in Appendix 2, with the acknowledgement that these may need to be scaled back if the Local Government Finance Settlement for the District Council is poor.
4. That initial steps taken to prepare for a future Corporate Plan post-2024 are noted.

List of Appendices

Appendix 1 Quarter 1 and Quarter 2 progress: Corporate Plan actions 2022/23

Appendix 2 Proposed Corporate Plan target/action areas 2023/24

Background Papers

Outturn performance against the District Council's Corporate Plan Targets and Key Performance Indicators for the full year 2021/22

[Agenda for Council on Tuesday, 26th July, 2022, 6.00 pm - Derbyshire Dales District Council \(moderngov.co.uk\)](https://www.moderngov.co.uk/Agenda-for-Council-on-Tuesday-26th-July-2022-6.00-pm-Derbyshire-Dales-District-Council)

Consideration of report by Council or other committee

N/A

Council Approval Required

Yes

Exempt from Press or Public

No

Corporate Plan 2020-24 – Performance 2022/23 and Priorities 2023/24

1. Background

1.1 Following extensive public consultation and discussions with Members, the District Council’s Corporate Plan 2020-2024 was adopted at a meeting of Council on 5th March 2020. It sets out the District Council’s top priorities for the Derbyshire Dales, and is the key strategy from which the District Council’s Budget and Service Plans cascade.

1.2 The adopted Corporate Plan 2020-24 identified three themes, and for each a number of priority target areas and actions that the District Council would seek to implement to achieve them. The three themes are:

- ‘People’ – **Providing You with a High Quality Customer Experience**
- ‘Place’ – **Keeping the Derbyshire Dales Clean, Green and Safe**
- ‘Prosperity’ – **Supporting Better Homes and Jobs for You**

1.3 The traffic light system referred to in this report reflects the following criteria.

Green	Target is on course to be met by the target date set
Amber	Uncertainty that Target will be met by the target date set
Red	Target will not be met by target date set, but may be met later than planned.

2. Corporate Plan 2022/23 Performance – mid year [Q1 and Q2]

2.1 At the end of the second quarter of 2022/23, 18 of the 26 targets are on track for achievement by the target date set; and 8 of the indicators are at risk of not being achieved by the target date set.

2.2 In respect of each of the three priority areas, performance has been as follows:

Priority Area	No.	Green	Amber	Red
People	2	1	1	0
Place	10	10	0	0
Prosperity	14	7	7	0
TOTAL	26	18	8	0

2.3 There are no targets that will not be met, if performance continues at this level.

2.4 Some highlights from the quarterly updates include;

- A successful ‘green exhibition’ to showcase solutions to the climate crisis took place in Hall Leys Park, Matlock, in September 2022

- The development of educational programme promoting recycling is complete. All primary and junior schools within the district were contacted. 11 schools have now confirmed, and the first visit took place in October 2022 at Rowsley
- Forty businesses have been supported so far through signposting, referral or assistance with grant funding, from a target of 75
- The Clean and Green review is progressing with a report containing an action plan targeted at Council in January 2023. Once approved, the actions are planned for implementation from March 2023

2.5 Areas where progress has been made, but achievement of the action by the target date may not be achieved, include:

- We are still awaiting the Government's announcement of the outcome of the Local Government Finance Settlement for 2023/24
- Thus far there are 116 social media followers of Invest in Derbyshire Dales and the target is a minimum of 400. Further approaches to increase follower numbers are being considered
- The recruitment of the Empty Homes Officer was delayed. However, an appointment was made in November 2022

3. Proposed Corporate Plan priorities for 2023/24

- 3.1 In November each year the District Council considers the Corporate Plan actions to be included in the following year [2023/24]. The annual actions stem from the priorities already determined by the Council for the Corporate Plan period 2020-2024. From these actions, targets are developed and agreed. These are developed after a consideration of the previous year's outturn [2021/22] and the progress thus far on current actions [2022/2023], future needs, opportunities and other local and national drivers.
- 3.2 It is important that as far as practicable, services have the opportunity to plan actions and budgets between November 2022 and March 2023, as the Council has a statutory duty to set a balanced budget at its March 2023 meeting.
- 3.3 With this in mind the Corporate Leadership Team have undertaken a review of actions for the Corporate Plan 2023/24. The priority target areas recommended in Appendix 2 have been compiled based on Members' existing priorities, and include actions already in progress as they were started in 2021/22 but continue over two or more years. So, for instance, Climate Change actions feature strongly, alongside economic recovery.
- 3.4 As a result, it is recommended to Council that the **Corporate Plan target areas prioritised for the year 2023/24 are as set out in the final column of the Table in Appendix 2.** To be clear, Members are not adopting new Corporate Plan priorities. They are simply choosing which elements of their existing Corporate Plan (adopted in March 2020) that they wish to prioritise for activity in the next financial year, which is the final year of the current Corporate Plan.

- 3.5 Members should note that by doing so, they will be choosing those areas for which they want Officers to work up detailed action plans prior to March 2023.
- 3.6 By prioritising these activities recommended in Appendix 2, it will enable the District Council to continue to support a sustainable recovery for Derbyshire Dales, continue to progress other Corporate Plan priorities where resources allow, and at the same time maintain resources to deliver day to day services to residents. It is important to acknowledge, however, that the Council's budget may constrain the scale of ambitions in 2023/24, and that proposals are subject to the Local Government Finance Settlement which has yet to be announced by central government.
- 3.7 Specific targets for each of the above priority areas will be developed as individual Service Plans are drafted for 2023/24. These will be subject to a report to Council for approval on 3rd March 2023 as part of the statutory budget setting process – so it is at the March Council meeting where numbers will be finalised for, for example, adaptations to the homes of disabled people.

4. Corporate Plan 2024-28

- 4.1 Initial work has begun with a view to the preparation of a new Corporate Plan for 2024-28, with a target of adoption at Council in November 2023. Looking ahead, operational pressures post-Covid, together with increasing financial uncertainties, will likely be considerations as a new Corporate Plan is developed. Maintaining focus and channelling finite resources to agreed priorities will test the Council. At this time it is suggested that Members will be supported through the process of developing the new Corporate Plan by consideration of, inter alia, the following:
- analysis of social, economic and environmental data (a 'hard' evidence base)
 - consultation with residents, both through a large-scale survey and face-to-face discussions to refine specific priorities. Analysis of consultation results.
 - consultation with and amongst Members, before and after May 2023
 - consultation with staff, businesses and partners/stakeholders
 - the tough economic outlook for residents, businesses and local authorities
 - human and financial resources
 - on-going advice and support from officers to assist sound decision making.
- 4.2 With regard to the statistical 'hard' evidence base, consultants are being sought to collate and analyse social, economic and environmental data on the District, in order that decisions can be informed by up-to-date factual information.
- 4.3 Procurement is taking place for suitably experienced and expert researchers to carry out a Residents' Survey in the first half of 2023, the results of which will also help inform the development of the next Corporate Plan. Draft questions have been prepared that seek residents' views on satisfaction with District Council services, and on which services they consider are most important. Views on budget priorities will also be sought. The survey will

ask a common set of questions to a statistically representative random sample of residents (seeking to achieve a highly valid 1500 responses, with additional emphasis on recruiting younger people) as well as to our existing online panel of 985 self-selecting residents.

- 4.4 An informal ‘sounding board’ of Members is involved in the development of survey questions. Moreover, it is proposed that a member Corporate Plan Working Group be constituted in May 2023 to steer the process of developing a new Corporate Plan. It is also proposed that all-Member workshops are held in summer/autumn 2023 to give all Members of the new Council an opportunity to be involved.

5. Options Considered and Recommended Proposal

- 5.1 The first part of this report is reporting past actions, thus no other options were considered.
- 5.2 The second part of the report includes proposed priorities for Corporate Plan actions for 2023/24. The actions stem from the priorities already determined by the Council for the Corporate Plan period 2020-2024.

6. Consultation

- 6.1 The need for consultation on each action will be considered as actions are addressed by the relevant teams.

7. Timetable for Implementation

Task	Council
Draft Corporate Plan actions areas for 2023/24 financial year agreed	24/11/2022
Corporate Plan targets approved for 2023/24 financial year	3/3/2023

8. Policy Implications

- 8.1 The Corporate Plan is put into effect by the Budget, which in turn is supplemented by service plans, policies and strategies. Through the Performance and Development Review scheme (PDR), employees’ activities and appraisals are linked to the Corporate Plan.

9. Finance and Resource Implications

- 9.1 The Council has a statutory duty to set a balanced budget at its March 2023 meeting so targets and plans must be affordable and sustainable.
- 9.2 With regard to Corporate Plan target areas for 2023/24, Members are being asked to choose which elements of their existing Corporate Plan (adopted in March 2020) that they wish to prioritise for activity in the next financial year. By prioritising these activities recommended in Appendix 2, it will enable the District Council to continue to support a sustainable recovery for Derbyshire Dales, continue to progress other Corporate Plan priorities where resources allow, and at the same time maintain resources to deliver day to day services to residents.

9.3 Service and financial planning is an integrated process. The budget and service plans are prepared simultaneously and proposed actions for 2023/24 will be funded from within revenue budgetary provision for 2023/24 and the capital programme to be agreed by Council at the same meeting in March 2023.

9.4 The financial risk is therefore considered to be low at this stage.

10. Legal Advice and Implications

10.1 The Corporate Plan is compliant with relevant legislation. This report is to give Member an update as to the Council's Performance for the current period and to request priority steering. The legal risk at this time connected to this report has been assessed as low

11. Equalities Implications

11.1 Equality Impact Assessments [EIA] were carried for individual actions that have been completed or are ongoing, by the relevant teams in Directorates. Proposed actions will be assessed as they begin to be actioned by relevant teams in Directorates.

12. Climate Change Implications

12.1 The targets proposed in Appendix Two accord with the priorities already determined by the Council for the Corporate Plan period 2020-2024. The plan includes a strong commitment to climate change. They also support the delivery of the approved Climate Change Strategy and Action Plan.

12.2 The specific targets will be further developed and climate change impact assessments will be carried out at a target or project level as appropriate

13. Risk Management

13.1 There is a risk that Corporate Plan targets may not be achieved. Progress is monitored regularly by Service Managers and by Corporate Leadership Team. Whilst priority actions will be developed with managers as part of the combined service planning and budget setting process, given the continuing resourcing pressures on the District Council, the risk of not achieving all targets on time is classified as high for 2023/24.

Approvals obtained from:

	Named Officer	Date
Chief Executive	Paul Wilson	16/11/2022
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	07/11/2022
Monitoring Officer (or Legal Services Manager)	James McLaughlin	16/11/2022

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Corporate Plan Actions 2022 – 23: Quarterly Report

Priority	Reference	Service Area	TARGET 2022/23	Q1 Results	Q2 Results	Comments
'People' – Providing You with a High Quality Customer Experience	CP20/PE7	Regeneration and Policy	Complete an annual online survey of residents to establish customer satisfaction and priorities by Oct 2022 and report to Council by Jan 2023	Action amended to report in April/May 2023, following further consultation to inform new Corporate Plan 24-28	Specification and associated documents to recruit consultants in development	On track to produce report in June 2023
	CP20/PE12	Resources	Following the Government's announcement of the outcome of the Local Government Finance Settlement for 2023/24, the Fair Funding Review and the Business Rates Retention Review, to develop a sustainable Medium Term Financial Plan by 31 March 2023.	Not progressed	Not progressed	Still awaiting government announcements
'Place' –	CP20/PL15	Regulatory Services	Implement energy efficiency and heat decarbonisation	Work in progress	Work in progress	Design, detailed costing and tender process

Priority	Reference	Service Area	TARGET 2022/23	Q1 Results	Q2 Results	Comments
Keeping the Derbyshire Dales Clean, Green and Safe			measures at Matlock Town Hall, Northwood Depot and ABC by March 2023			under way. LED light replacement complete at Town Hall.
	CP20/PL19	Regulatory Services	Complete feasibility studies for the installation of ground mounted solar PV arrays on Derbyshire Dales District Council land by June 2022	Work in progress	Work in progress	APSE Energy engaged - grid connection application made and under consideration, planning brief and private wire strategy in development
	CP20/PL20	Regulatory Services	Undertake community engagement and provide advice to rural communities through the use of 4 'Fantastic Homes' exhibitions by March 2023	One visit complete, two further planned	One visit complete, two further planned	14 th September – Hall Leys Park and Hurst Farm, Matlock 24 th September – Doveridge Village Hall 5 th November – Wirksworth 'The Maltings'
	CP20/PL21	Regulatory Services	Deliver 1 'green exhibition' to showcase solutions to the climate crisis by September 2022	Complete – July 2022	Complete – July 2022	Event took place in Hall Leys Park – 30 th July 2022
	CP20/PL7	Community and Environmental Services/N	To provide options and any associated costs for Members to make a decision on the way forward with a view to introduce more publicly accessible EV	Research and plan report for members	If approved by Council this will be complete in November 22	Report due to go to Council in November which includes capital funding for £64,000 to be used to help facilitate the installation of EV charge

Priority	Reference	Service Area	TARGET 2022/23	Q1 Results	Q2 Results	Comments
		neighbourhoods	charging points within Public Car Parks by March 2023			points in a possible 8 locations (dependent on the outcome of the feasibility study which has yet to take place)
	CP20/PL8	Community and Environmental Services/Waste & Recycling	Develop and implement a recycling education and promotional programme and identify further opportunities by March 2023.	Work in Progress	Ongoing	Development of recycling education and promotional programme complete, All Primary and Junior Schools contacted within the Derbyshire District. 11 schools now confirmed to receive Programme from October 22 onwards. 1 st Visit took place 11/10/22 at Rowsley Primary. Successful feedback.
	CP20/PL9	Community and Environmental Services/Clean and Green	Develop a COVID-19 remembrance tree planting scheme by March 2023	Work in Progress	Ongoing	Plans for a community tree planting scheme in Ashbourne on Fishpond Meadow Feb/March 2023
	CP20/PL12	Community and Environment	Commence implementation of Clean and Green Review action plan by March 2023	Work in progress	Update to council on 24 th Nov	Report containing an action plan is going to Council in Jan 2023.

Priority	Reference	Service Area	TARGET 2022/23	Q1 Results	Q2 Results	Comments
		ntal Services/Clean and Green	[specific elements to be approved at Council June 22]			Once approved, the actions are planned for implementation from March 2023
	CP20/PL18	Regulatory Services/Community Development	Complete work and submit Green Flag application for Ashbourne Recreation Ground by March 2023 [winners announced Nov 22]	Work in Progress	Work in Progress	Application for Green Flag will be submitted in January 2023
	CP20/PL14	Regulatory Services	Work with partners to adopt an Air Quality action plan and start to implement the measures identified therein by March 2023	Worked with partners to help further identify and discuss measures capable of consideration within an AQAP	AQAP template document populated with DCC shortlist of proposed measures (draft 1) and shared with DEFRA plus working group partners for comment	Draft plan considered at Nov Community & Environment Committee with a view to wider public consultation
'Prosperity' – Supporting	CP20/PR1	Regeneration and Policy	Finalise the masterplan for the Phase 1 site and promote the initial development of Ashbourne	Employment element of the masterplan agreed with landowner	Lathams appointed to carry out an urban design review of	Negotiations continuing with landowner

Priority	Reference	Service Area	TARGET 2022/23	Q1 Results	Q2 Results	Comments
Better Homes and Jobs for You			Business Park by March 2023		current planning application proposals focused on the housing land and links to the phase 2	
	CP20/PR19	Regeneration and Policy	Implement Regeneration Services restructure by July 2022 to drive investment in brownfield and other key strategic housing/employment sites	Manager post advertised	Regeneration and Place Manager appointed from existing team	Additional resource requirements scoped and subject to Job Evaluation
	CP20/PR21	Regeneration and Policy [SC]	Prepare a Levelling Up Fund bid and submit to the Government by the Round 2 deadline of 6 th July 2022	Bid preparation work in progress	LUF Rnd 2 Bid for Ashbourne town centre submitted to Government 30 July (deadline extended by Government)	Response awaited from Government
	CP20/PR3	Regeneration and Policy [GD]	Complete the shell construction for the redevelopment of the Bakewell Road town centre site, Matlock, by March 2023	Sub-consultant design information delayed.	Detailed technical design completed and	Tenders invited November 2022

Priority	Reference	Service Area	TARGET 2022/23	Q1 Results	Q2 Results	Comments
				Modifications required to external layout with regard to bus, taxi and pedestrian provision (in consultation with DCC)	tender pack being finalised	
	CP20/PR6	Regeneration and Policy	Minimum of 400 social media followers of Invest in Derbyshire Dales by March 2023	Social media campaign agreed inc. boosting posts on Facebook	116	Further approaches to increase follower numbers are being considered
	CP20/PR4	Regeneration and Policy	Assist 75 small and medium sized businesses by March 2023	/	40 businesses supported through signposting, referral or assistance with grant funding	On track
	CP20/PR8	Housing	The Council will acquire 10 additional homes and provide a further 33 affordable homes with our housing association partners in 2022/23 [note, likely to be mix of rented,	7 homes acquired in Q1 at Henmore Gardens in Ashbourne	0	3 are due in Q3 in Ashbourne.

Priority	Reference	Service Area	TARGET 2022/23	Q1 Results	Q2 Results	Comments
			shared ownership, new build or acquisitions]			
	CP20/PR10	Regulatory Services	Provide adaptations to the homes of 70 disabled people by March 2023	12 grants completed by end Q1		Monthly monitoring of DFG approvals and completions continues
	CP20/PR12	Housing	The Council will adopt the higher empty homes premiums in April 2022. From May 2022 the Empty Homes Officer will be in post and will contact all owners of empty homes vacant for more than 6 months			The recruitment of the Empty Homes Officer was delayed. An appointment was made in November 2022.
	CP20/PR13	Regeneration and Policy	Deliver a permanent site to meet identified Traveller needs by March 2023	Work in Progress	Work in Progress	Work being led by Director of Housing – Understood to be Work in Progress
	CP20/PR21	Housing	The district will accommodate 4 new refugee families by March 2023	2 families have been accommodated in Q1	1 family accommodate in Q2	3 families thus far, awaiting further referrals
	CP20/PR15	Corporate and Customer Services	Amend our Contract Standing Orders and adopt social value principles within our new Sustainable Procurement Strategy by June 2022	Not achieved	Achieved	The delay in reviewing Financial Regulations led to the Contract Standing Orders not being considered by Council by June. These were

Priority	Reference	Service Area	TARGET 2022/23	Q1 Results	Q2 Results	Comments
						considered by the Council on 29 September 2022.
	CP20/PR16	Regeneration and Policy	Commission consultants to undertake a more detailed assessment of options for delivery of a sustainable Derbyshire Dales by May 2023. Complete detailed assessment of options by May 2023 and submit Local Plan modifications to Secretary of State and Commence by April 2024	Work in Progress	Work in Progress	Currently on target to meet deadline of assessment of options by May 2023
	CP20/PR18	Housing	The Council will enable and provide debt and welfare advice to 300 vulnerable households by March 2023	CAB worked with 23 new cases in Q2 managing £372,374kk in debt and tackling 393 debt issues Age UK supported 10 new cases and reopened 17 cases,	CAB worked with 25 new cases in Q2 managing £156,590 in debt and tackling 137 debt issues Age UK supported 20 new cases and reopened 30 cases,	Information from the Home-Options Support Team not yet available

Priority	Reference	Service Area	TARGET 2022/23	Q1 Results	Q2 Results	Comments
				generating £9745 in one off payments and £45,629 in weekly payments	generating £40718 in one off payments and £131,131 in weekly payments	

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CORPORATE PLAN 2020-24: PROPOSED TARGETS 2023/24

Priority	Reference	Target Area	Service Area	Pledge	PROPOSED ACTION 2023/24	
'People' – Providing You with a High Quality Customer Experience	CP20/PE7	Maintain high customer satisfaction about the quality of services we deliver	Regeneration and Policy	Undertaking an annual online survey of residents to establish customer satisfaction and priorities	Undertake a survey of residents to establish customer satisfaction and priorities by June 2023	
	CP20/PE12		Resources	Achieve a sustainable financial position by prudent management of resources and reviewing services	Continue to explore opportunities to deliver efficiency savings and/or additional income in order to achieve a sustainable medium term financial plan and to ensure that the Council can set a balanced budget for 2024/25 in March 2024	
'Place' – Keeping the Derbyshire Dales Clean, Green and Safe	CP20/PL15	Achieve net zero carbon emissions from District Council operations by 2030	Regulatory Services	Implement our Climate Change Strategy action plan	Assess energy use and emissions at Arc Leisure Matlock and Wirksworth Leisure Centre and develop future decarbonisation plans by March 2024	
	CP20/PL19	Work with partners across the county and region to deliver this goal through all relevant strategies	Regulatory Services	Implement our Climate Change Strategy action plan	Conclude the phase 2 feasibility study into a solar PV farm at Watery Lane Ashbourne by March 2024	
	CP20/PL20		Regulatory Services	Implement our Climate Change Strategy action plan	Undertake 4 more community outreach visits and an additional 'Green Event' by March 2024	
	tbd		Housing or Regulatory Services	Implement our Climate Change Strategy action plan	Maximise opportunities to support residents to reduce home energy use and emissions through grant funded fuel poverty schemes	
	tbd		Community and Environmental Services/Clean and Green	Implement our Climate Change Strategy action plan	Trial the use of 4 types of EV at the depot to inform a programme of fleet transition	
	CP20/PL7		Community and Environmental Services/Neighbourhoods	Implement a programme of Electric Vehicle charging points in our car parks	Subject to supplier tender and a successful bid for funding, to install EV chargers in up to eight District Council car parks by March 2024	
	CP20/PL8		Community and Environmental Services/Waste & Recycling	Promote greater recycling	Undertake a social media campaign to increase recycling awareness	
	CP20/PL12		Review our clean and green service commitments to better target existing resources	Community and Environmental Services/Clean and Green	Review and implement revised core standards for Clean and Green by April 2021	Seek Member approval by February 2023 to start phased implementation and adjustments to service from April 2023
	CP20/PL14			Regulatory Services	Publish an annual report on air quality in the District and identify any appropriate mitigation measures for areas of lower air quality	Review and report on the progress of the Ashbourne air quality action plan and publish the annual report on air quality in the District, identifying any appropriate mitigation measures for areas of lower air quality
'Prosperity' – Supporting Better Homes and Jobs for You	CP20/PR1	Invest resources in developing key employment sites	Regeneration and Policy	Facilitating the development of Ashbourne Business Park and Phase 1 housing at Ashbourne Airfield	Enable commencement of the Phase 1 employment and housing development and promote Ashbourne Business Park to potential occupiers	
	CP20/PR19	Promote housing development that meets the needs of the	Regeneration and Policy	Prioritising regenerating housing and employment sites	Progress further feasibility work to support the delivery of strategic development sites	

CORPORATE PLAN 2020-24: PROPOSED TARGETS 2023/24

Priority	Reference	Target Area	Service Area	Pledge	PROPOSED ACTION 2023/24
		present and future population of the District			within the central area of the district by March 2024
	CP20/PR21		Regeneration and Policy	Prioritising regenerating housing and employment sites	Commence development of a project pipeline for future external capital infrastructure funds <u>OR</u> Complete the detailed design and procurement of works for the Ashbourne Reborn town centre scheme {TBC – awaiting outcome of LUF2 bid}
	CP20/PR3	Promote investment to stimulate the economy of our market towns	Regeneration and Policy	Initiating a development scheme for the Bakewell Road site, Matlock town centre	Deliver the Phase 1 re-development of the Bakewell Road town centre site, Matlock by September 2023 {TBC - currently out to tender}
	CP20/PR4	Support businesses to encourage productivity, growth, and higher wage jobs in rural and urban locations	Regeneration and Policy	Continuing to provide a high quality, free, 1:1 business advice service to small and medium sized businesses	Continue to provide a high quality, free, 1:1 business advice service to small and medium sized businesses
	CP20/PR8	Promote housing development that meets the needs of the present and future population of the District	Housing	Building new Council homes to rent and continuing to build social rented homes in partnership with Housing Associations	Continue the provision of Council housing by taking forward the first new build project. Enable new homes with local housing associations.
	CP20/PR10		Regulatory Services	Helping disabled people adapt their homes so they can continue to live there	Provide adaptations to the homes of 60 disabled people by March 2024
	CP20/PR12		Housing	Reduce the number of empty homes	Contact all owners where their property has been empty for more than 6 months, develop policy options and update Committee with progress by the end of Q2
	CP20/PR13		Housing	Delivering a permanent site to meet identified Traveller needs	Continue works to deliver a permanent traveller site in 2023/24
	CP20/PR21		Housing	Participate in the Afghan relocation scheme	Continue our effort to support the UK Resettlement Scheme, Afghan resettlement schemes and work with the Asylum Dispersal Scheme
	tbd		Housing	Hurst Farm Heritage Lottery Fund	To deliver the Year 1 programme of the HLF Action Plan, linking the heritage sites located around Hurst Farm
	CP20/PR16		Regeneration and Policy	Complete a review of the Derbyshire Dales Local Plan	Complete a review of more detailed assessment options for delivery of a sustainable Derbyshire Dales by May 2023
	CP20/PR18		All	Continue to provide debt and welfare advice to vulnerable households	Continue to develop advice and support on cost of living either directly or delivered via partners

Agenda Item 20

Council - 24 November 2022

ORGANISATIONAL HEALTH – KEY PERFORMANCE INDICATORS – MID-YEAR 2022/23

Report of Director of Regeneration & Policy

Report Author and Contact Details

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Wards Affected

District-wide

Report Summary

This report summarises performance against the District Council's 12 Key Performance Indicators for the first half of 2022/23. The report highlights where the organisation is performing strongly and areas for improvements.

Recommendations

1. That the Quarter 1 and 2 performance report for the Key Performance Indicators for 2022/23 is received.

List of Appendices

Appendix 1 Table of KPI Q1 and Q2 2022/23 results

Background Papers

None

Consideration of report by Council or other committee

N/A

Council Approval Required

N/A

Exempt from Press or Public

No

Organisational Health – Key Performance Indicators – Mid-Year 2022/23

1. Background

- 1.1 The District Council's Performance Management process is the means by which we understand how well our services are performing. It demonstrates whether or not we are on course to meeting our targets, and highlights good performance. Where improvements are required, it helps achieve this by setting out and monitoring actions required. Performance management is good management.
- 1.2 Key Performance Indicators (KPIs) measure how well we maintain basic service standards. They indicate the overall organisational health of the District Council. Within individual Service Plans there a small number of key targets for achievement within those service areas that are monitored corporately – these are the District Council's KPIs. The District Council monitors progress against these Key Performance Indicators and identifies areas for improvement at 6 monthly intervals.
- 1.3 The District Council's Performance Management Handbook sets out how progress against Key Performance Indicators is measured and continually reviewed using a 'traffic light' system, where the following classification and interpretation is used:

- **Annual improvement trend** i.e. is performance improving, stable or worsening compared to the previous year?
- **Performance relative to the target** i.e. is it on track to achieve target or at risk of not achieving target?

Green = If an indicator is on track to achieve the current year's target.

Amber = If achievement of the current year's target is uncertain.

Red = If an indicator is at risk of not achieving the current year's target.

- 1.4 For 2022/23, there are 12 Key Performance Indicators, covering areas including the determination of planning applications in good time, paying bills on time, collecting Council Tax efficiently, and paying benefits claims promptly. These are reported to Members at Council to highlight progress, demonstrate good performance and address areas for improvement that emerge during the year.

2. Key Issues

- 2.1 Table 1 below sets out a summary of the District Council's organisational health to the mid-year point of 2022/23, as at the end of September 2022:

Service Area	No. Targets	Green	Amber	Red
Corporate (Council overall)	3	2	1	0
Housing	1	1	0	0
Planning	4	2	2	0
Revenues and Benefits	4	3	1	0
TOTAL	12	8	4	0

Table 1 - KPI Data Q1/Q2 2022-2023

- 2.2 The figures for the first half of 2022/2023 indicates that 8 out of the 12 [67%] targets for which data is available are on track to be achieved during the current financial year. Four KPIs [33%] may not reach the target by year end.
- 2.3 The detailed position for each of the other key performance indicators for the first half of the financial year 2022/23 are set out in APPENDIX 1.
- 2.4 Key Performance Indicators that are performing particularly strongly include:
- There was improvement in the percentage of household waste being recycled, with the figures for Q1 now being only 3.7% below the target of 58.5%. The key factor that has contributed to the improvement include improvements in service delivery.
 - The target speed for processing new claims for housing benefit and Council Tax support is 24 days or less. Currently claims are processed in just over 11 days. The speed of processing notifications of changes in circumstances has a target of 8 days or less and currently we are processing claims in 6.55 days
 - The 75% target of homeless households seeking assistance from the Council, for whom this intervention helped resolve their situation, has been achieved. The average for the year so far is 81.5%
- 2.5 The following indicators may not achieve the target by year end:
- The target of <30% of appeals allowed against the LAs decision to refuse planning permission has not yet been met. This is because there has been a low number of appeals [6] over the first half of 2022/23, with 50% of these appeals having been allowed.
 - The Council Tax collection rate is 61.2%, which is just under target for this point in the year. The overall target of 98.4% is expected to be met by year end
 - Sickness absence. The Q2 out turn is 2.56 days (over target but less than Q2 last year) compared with 2.43 in Q1. During Q2 we have supported (and managed where appropriate) 7 employees with serious long term absence; these impact the overall figure.

3. Options Considered and Recommended Proposal

- 3.1 In view of the overall good performance, with no KPIs currently graded Red, it is recommended that Quarter 1 and 2 performance against the Key Performance Indicators for 2022/23 is noted and received.

4. Consultation

- 4.1 No consultation is necessary as the report provides information on the results of actions previously agreed by Council.

5. Timetable for Implementation

5.1 None

6. Policy Implications

6.1 None

7. Financial and Resource Implications

7.1 There are no financial considerations arising from the performance management report. Where KPI improvement actions have resource implications, these have been accounted for in existing budgets.

8. Legal Advice and Implications

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

9. Equalities Implications

9.1 The sickness absence KPI reflects an ageing workforce and is monitored continually by the HR team.

10. Climate Change Implications

10.1 Improved recycling rates support lower global CO2 emissions from manufacturing otherwise new products.

11. Risk Management

11.1 There is a risk that Key Performance Indicators may not be achieved, with possible service and reputational consequences for the District Council. To mitigate this, progress is monitored quarterly by Senior Managers and by Corporate Leadership Team.

Report Authorisation

Approvals obtained from:-

	Named Officer	Date
Chief Executive	Paul Wilson	16/11/2022
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	07/11/2022
Monitoring Officer (or Legal Services Manager)	James McLaughlin	16/11/2022

KPI Reporting 2022 to 2023

Service Area/CMT Lead	Reference	Description	Lead	2022/23 target	Q1 Result and comment	Q2 Result and comment
Organisational Health	BV8 [AE15]	% of undisputed invoices paid on time	David Kay	99%	99.37% A good start	99.07% On track to meet the target
	NI192	% of household waste which has been sent for reuse, recycling, composting or anaerobic digestion	Antonia Griffiths / Claire Orford	58.5%	54.8% A good improvement on the previous 3 quarters	Not yet available
	HRKP1/Quarterly LG Inform Metric 4	Average no. working days lost due to sickness absence per FTE employee per annum is targeted at 9 days; per quarter the target is 2.25 days	Deborah Unwin/Christie Symons	2.25 per quarter	2.437	2.56 If Q1 & Q2 sickness levels continue throughout the rest of the financial year, we would not achieve the year-end target. However, in the first quarter of the last financial year (2021/22) we reported a quarterly figure of 2.475 days. In the second quarter of the last financial year

Service Area/CMT Lead	Reference	Description	Lead	2022/23 target	Q1 Result and comment	Q2 Result and comment
						(2021/22) we reported a quarterly figure of 3.70 days.
Housing	Revised BV 213	The % of homeless households seeking assistance from the Council, for whom this intervention helped resolve their situation	External organisations via Rob Cogings	75%	82%	81%
Planning	NI 157i	% major planning application determined in 13 weeks or agreed extension of time period	Tim Braund/Chris Whitmore	>75%	100% - (5 major applications determined – 1 within 13 weeks and 4 within agreed extension of time period)	80% - (5 major application determined – 1 within 13 weeks and 3 within agreed extension of time period.
	NI 157ii	% of minor planning application determined in 8 weeks or agreed extension of time period	Tim Braund/Chris Whitmore	>77%	79% (57 total applications – 26 determined within 8 weeks and 19 within extension of time period)	82% (65 total applications – 36 determined within 8 weeks and 17 within extension of time period)
	NI 157iii	% of other planning applications determined in 8	Tim Braund/	>90%	91% (96 total applications – 79 determined	89% (108 total applications – 89 determined within 8

Service Area/CMT Lead	Reference	Description	Lead	2022/23 target	Q1 Result and comment	Q2 Result and comment
		weeks or agreed extension of time period	Chris Whitmore		within 8 weeks and 8 within extension of time period)	weeks and 7 within extension of time period)
	BV 204	% of appeals allowed against the LAs decision to refuse planning permission	Tim Braund/ Chris Whitmore	<30%	50% - low number of appeal decisions (4) made over the quarter.	50% - low number of appeal decisions (2) made over the quarter.
Revenues & Benefits	BV 9 [ARB 1]	% Council Tax collected within the year	Karen Henriksen	98.4%	The collection rate at 30 June 2022 is 33.3%, which is just under target.	The collection rate at 30 Sept 2022 is 61.2%, which is just under target.
	BV10 [ARB 2]	% of Non-Domestic Rates collected within the year	Karen Henriksen	97.3%	The collection rate at 30 June 2022 is 29.4%, which exceeds the target.	The collection rate at 30 Sept 2022 is 61.2%, which is on track to meet the target.
	BV 78a [ARB 3]	Speed of processing new claims for housing benefit and Council Tax support	Karen Henriksen/ Paul Radcliffe	24 days	11.12 days	11.46 days
	BV 78b [ARB 4]	Speed of processing: notifications of changes in circumstances	Karen Henriksen/ Paul Radcliffe	8 days	10.34 days	6.55 days

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