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Wednesday, 18 January 2023

To All Councillors:

As a Member of the **Council**, please treat this as your summons to attend a meeting on **Thursday, 26 January 2023 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. 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.

4. LEADERS' ANNOUNCEMENTS

Announcements of the Leader of the Council.

5. CHAIRMAN'S ANNOUNCEMENTS

Announcements of the Civic Chairman.

6. COMMITTEES

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

Non-exempt Minutes to be received:	Date
Ernest Bailey Committee	17/11/2022
Governance & Resources Committee	22/11/2022
Council	24/11/2022
Community & Environment Committee	07/12/2022
Planning Committee	13/12/2022

7. QUESTIONS (RULE OF PROCEDURE 15)

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

8. PROPOSAL OF A NOTICE OF MOTION (RULE OF PROCEDURE 16) (Pages 5 - 8)

The Council will debate a Motion, submitted by Councillor Matthew Buckler, in accordance with Rule of Procedure 16.

9. APPROVAL OF MINUTES OF PREVIOUS MEETING (Pages 9 - 22)

24 November 2022

10. APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN OF LICENSING AND APPEALS COMMITTEE

To vote on the nominations of Councillor Mark Wakeman as Chairman and Councillor Stuart Lees as Vice-Chairman of the Licensing and Appeals Committee for the remainder of the 22/23 Civic Year.

11. INDEPENDENT REMUNERATION PANEL - APPOINTMENT OF ADDITIONAL MEMBER (Pages 23 - 26)

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

12. CORPORATE PLAN 2020-24 - PERFORMANCE 2022/23 AND PRIORITIES 2023/24 (Pages 27 - 46)

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.

13. LOCAL COUNCIL TAX SUPPORT SCHEME FOR 2023/24 (Pages 47 - 56)

Members to receive a report providing information relating to proposed changes to, and seeking approval to adopt, the Local Council Tax Support Scheme for the financial year 2023/24.

14. REFUGEES AND DISPLACED PEOPLE (Pages 57 - 76)

The District Council has supported national requests to take part in various programmes supporting refugees and displaced people. Each programme has a separate set of processes and resources determined by government. Working with a range of partners the District Council has been able to respond to each programme in a proportionate way. We have been conscious of balancing the needs of people fleeing their own country with the needs of local people who are also vulnerable and often experiencing homelessness. Seeking approval to deliver the Homes for Ukraine scheme as set out in the report, deliver the Local Authority Housing Fund as set out in the report and continuation of wider refugee support as part of the UK Resettlement Scheme where opportunities allow.

15. RURAL AREA DESIGNATION (Pages 77 - 100)

Members to receive a report advising Members that those rural parishes outside the main built areas of Matlock, Ashbourne and Wirksworth have been designated as Rural Areas under s157 of the Housing Act 1985. The report recommends that the District Council adopts a revision to Policy HC4 in the adopted Derbyshire Dales Local Plan which reduces the threshold for which the District Council can seek to negotiate the provision of affordable housing from ten dwellings or more to five dwellings or more.

16. REVIEW OF MEMBERS ALLOWANCES SCHEME (Pages 101 - 142)

Members to receive a report setting out the recommendations of the Independent Remuneration Panel (IRP) in response to a request from the Council to conduct a full review of the Members' Allowance Scheme. The Council must have regard to the recommendations of the Panel when establishing a new Scheme of Allowances.

17. S.85 OF THE LOCAL GOVERNMENT ACT 1972 - VACATION OF OFFICE BY FAILURE TO ATTEND MEETINGS (Pages 143 - 146)

Members to note the statutory vacation of office by Councillor Claire Raw after not attending a meeting of the Council or its committees for a period of six months.

NOTE

For further information about this Agenda or on "Public Participation" call 01629 761133 or email committee@derbyshiredales.gov.uk

Derbyshire Dales District Council Agenda Item 8 Nature Recovery Declaration

This council acknowledges that:

1. We are experiencing a nature crisis and the UK Government has recently committed to the COP15 requirements to address this¹. We recognise that with 41 per cent of wild species in decline nationally, and 15 per cent facing extinction:

- a) Nature is in long term decline, and the requirement to take action to reverse this is urgent.
- b) Nature provides us with vital support systems ('ecosystem services'), and severe declines in biodiversity are undermining nature's productivity and adaptability, posing excessive uncertainty for our economies and wellbeing.
- c) A thriving natural environment underpins a healthy, happy, prosperous society.
- d) The nature crisis and the climate emergency are intrinsically linked. The impacts of the climate crisis are driving nature's decline, while restoring nature provides a wide variety of cost-effective benefits to mitigate and adapt to the impacts of climate change, such as through reducing the risk of flooding in our towns and villages.
- e) Many of our areas of work across the district have an impact on nature, and we have responsibilities to make decisions to protect and enhance it.

To support the recovery of nature across the Derbyshire Dales, this council commits to:

Nature and climate

1. Develop and implement a Derbyshire Dales Nature Recovery Strategy and ensure it underpins all planning, development, and land management decisions, including the Local Plan.

As part of this, the council will:

- a) Develop a Nature Recovery Network map to prioritise sites within the ecological network to provide a strategic base for the creation of a Nature Recovery Network.
- b) Increase space for wildlife and commit to the long-term maintenance and expansion of the Nature Recovery Network.
- c) Use the Nature Recovery Network map to inform the selection of Biodiversity Net Gain projects within the region.
- d) Maintain a commitment to achieve a net-gain to biodiversity across all development, meeting the Environment Act requirement of 10% biodiversity net-gain, ensuring compliance with the most up to date scheme from Defra.

e) Improve the landscape's resilience to climate change, employing nature-based solutions to mitigate and adapt to the impacts of climate change on the District, including carbon storage and sequestration, managing flood risk, improving water quality, and sustaining vital ecosystems.

f) After satisfying safety and visibility priorities, and building on the work of our Biodiversity Project, develop greenspace management regimes to maximise potential for biodiversity, carbon storage and sequestration.

g) Carry out a carbon audit of DDDC countryside and open space sites to establish how carbon storage/sequestration could be improved.

h) Adopt a peat-free policy for all council contracts and suppliers.

i) Aim to achieve favourable condition on all council-managed protected and designated nature sites (e.g., SSSIs (Site of Special Scientific Interest), LNRs (Local Nature Reserves), LWSs (Local Wildlife Sites)) by 2030.

People, health, and wellbeing

2. Improve access to nature by following the Natural England 'Nature Nearby' Accessible Natural Greenspace Guidance¹. Regard will be given to:

- Areas with high levels of physical health problems.
- Areas with high levels of mental health problems.
- Areas where the amount and quality of accessible natural greenspace is below Natural England's targets.

Strategic planning and development

3. Embed nature's recovery into all strategic plans, including the Local Plan, and all policy areas, not just those directly related to the environment. Ensure the LNRS is well understood across the authority and complements other relevant plans and strategies.

4. Integrate the targets, objectives, and outcomes of this motion, i.e. the biodiversity strategy and action plan, with those outlined in the Derbyshire Dales Carbon Reduction Plan, to ensure measures to tackle climate issues do not contravene the principles of enhancing biodiversity. Wherever possible, the council will invest in nature-based solutions to climate change to tackle the nature crisis and climate emergency together.

5. Provide training and resources for councillors and council employees about the ecological emergency.

Collaboration, monitoring, and accountability

- 6. Identify a council employee as the designated lead for coordinating council operations in relation to the ecological emergency.**

¹ 'COP15: Nations adopt four Goals, 23 Targets for 2030 in landmark UN biodiversity agreement', UN Convention on Biological Diversity:

<https://www.cbd.int/article/cop15-cbd-press-release-final-19dec2022>

² 'Nature Nearby' Accessible Natural Greenspace Guidance, Natural England:

http://www.ukmaburbanforum.co.uk/docunents/other/nature_nearby.pdf

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Council

Minutes of a Council meeting held at 6.00 pm on Thursday, 24th November, 2022 in the Council Chamber, Town Hall, Matlock, DE4 3NN.

PRESENT Councillor Andrew Shirley - In the Chair

Councillors: Jacqueline Allison, Jason Atkin, Richard Bright, Martin Burfoot, Neil Buttle, David Chapman, Paul Cruise, Tom Donnelly, Graham Elliott, Steve Flitter, Helen Froggatt, Chris Furness, Clare Gamble, Alyson Hill, Susan Hobson, David Hughes, Stuart Lees, Michele Morley, Tony Morley, Dermot Murphy, Peter O'Brien, Mike Ratcliffe, Janet Rose, Peter Slack, Andrew Statham, Alasdair Sutton, Steve Wain and Mark Wakeman

Paul Wilson (Chief Executive), James McLaughlin (Director of Corporate and Customer Services (Monitoring Officer)), Karen Henriksen (Director of Resources), Ashley Watts (Director of Community and Environmental Services), Robert Cogings (Director of Housing), Kerry France (Legal Services Manager), Samantha Grisman (Clean & Green Manager), Rebecca Cummins (Community Development Manager), Jeremy Rowe (Operations Director for Freedom Leisure), Alistair Gould (Area Manager for Freedom Leisure) and Lucy Harrison (Democratic Services Assistant)

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, Robert Archer, Matt Buckler, Sue Burfoot, Richard FitzHerbert, Dawn Greatorex, Garry Purdy, Claire Raw, Mark Salt and Colin Swindell.

208/22 - PUBLIC PARTICIPATION

Re: Agenda Item 15 – Establishment of Gypsy and Traveller Site Provision Working Group

In accordance with the procedure for public participation a statement was received from Northwood & Tinkersley Parish Council, John Youatt on behalf of the owners of the Woodyard and a letter from Rowsley Parish Council.

209/22 - APPROVAL OF MINUTES OF PREVIOUS MEETING

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

RESOLVED (unanimously)

That the minutes of a meeting of Council held on 29th September 2022 be approved as a correct record.

The Chairman declared the motion **CARRIED**.

210/22 - INTERESTS

Item 11 - Additional Funding for Freedom Leisure due to the Increased Cost of Energy

Councillor Alasdair Sutton declared a non-pecuniary interest in Item 11 due to a family member being a regular user of services provided by Freedom Leisure and left the room during consideration of this item.

Item 12 - Hurst Farm Heritage Trail Lottery Bid Approval

Councillor Steve Flitter declared a pecuniary interest in Item 12 due to being a trustee of the Friends of Hurst Farm and the beginning of the trail running adjacent to his property. Councillor Steve Flitter left the room during consideration of this item.

Councillor Paul Cruise declared a non-pecuniary interest in Item 12 due to being a trustee of the Friends of Hurst Farm.

211/22 - LEADERS' ANNOUNCEMENTS

Due to Councillor Garry Purdy's absence, Leaders' Announcements were not presented.

212/22 - CHAIRMAN'S ANNOUNCEMENTS

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

"My thanks to the town mayor Cllr Paul Cruise for the invite to attend the remembrance parade in Matlock on the 13th. The road was lined with onlookers as we marched from the Edgefold club into Crown Square. The Parkhead was packed and it was good to see so many younger people and children attending the event. I had the honour of laying the wreath on behalf of DDDC. A moving and Solemn occasion.

A quick thank you to fellow councillors Alyson Hill. Stuart Lees. Jason Atkin and Mike Ratcliffe who attended services and laid wreaths in their respective wards on behalf of this council.”

213/22 - COMMITTEES

Councillor O'Brien raised concerns regarding the recommendation included in minute 176/22 of Community and Environment Committee on the 1st November 2022. The Monitoring Officer confirmed that this recommendation would be considered at a future meeting of Council.

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

RESOLVED (unanimously)

That the non-exempt minutes of the Committees listed in the Minute Book for the period 13th September 2022 to 08th November 2022 be received.

The Chairman declared the motion **CARRIED**.

214/22 - QUESTIONS (RULE OF PROCEDURE 15)

Question from Councillor Mike Ratcliffe to Councillor Garry Purdy, Leader of the Council and Councillor Jason Atkin, Chair of Planning Committee:

“A number recent planning committee meetings have been in session for well over 4 hours. This inordinate length has a clear detrimental impact upon members, officers and the public who attend. Given that the regulatory and statutory function of the DDDC as a Planning Authority demands the highest standards of protocol and procedure, is it not now time for an urgent review into the governance process involved?”

In Councillor Garry Purdy's absence, Councillor Susan Hobson provided a verbal response:

Thanks for your question, Cllr Ratcliffe. Like you, I am becoming increasingly concerned at the length of Planning Committee meetings in recent months. I know that the Monitoring Officer has indicated a few months ago that he was keeping a close eye on the committee and the way it operates, so I expect that he will bring forward proposals for consideration in due course. Members can send their thoughts directly to him if there are specific issues they would wish to be considered.

However, the responsibility is not just with officers, but also with Members. It is not unreasonable to expect that Members prepare fully in advance of meetings so that the best use of time can be achieved for all attendees. In the recent training provided to members of the Planning Committee, there was a reminder that Members should approach case officers to put questions in advance of the meeting and not leave them until the night of the meeting. This is not only a better use of officer time to avoid lengthy questions in meetings but should also allow more focus on the contributions to debate that Members make to enable the Committee to reach a decision – which should influence the way in which the committee chooses to vote.

Questions from Councillor Martin Burfoot to Councillor Garry Purdy, Leader of the Council:

“From documents currently available it appears that over £3.5million collected from developers in lieu of affordable housing provision has been received, but not spent or yet allocated to any affordable housing project, as of March 2021.

Can Cllr Purdy confirm the above figure and provide a more up-to-date figure to show the current situation as regards S106 money held by the Council?

Does Cllr Purdy also agree with me that, given the Council’s Climate Change mitigation target, we should explore using some of this cash by championing energy efficient homes, with up to date insulation and renewable energy measures applied to all new build housing developments?”

In Councillor Garry Purdy’s absence, Councillor Susan Hobson provided a verbal response:

Part 1:

I can refer Cllr Burfoot to Appendix C of the Capital Programme report which provides the up to date forecast for all of the capital reserves. The projected opening balance for the Section 106 reserve at 1st April 2023 is £4,019,683.

Part 2:

The District Council has played a key role in both enabling access to funds to support the cost of retrofitting existing homes with energy efficiency measures in the social housing and private sector, as well as supporting the adoption of higher standards in new build social housing. S106 income can only be spent on affordable housing and so the council’s investment is vital to support the majority of affordable housing schemes either delivered directly by the council or through housing associations. In terms of the Council’s own housing stock, we are investing s106 funding to ensure the existing homes we buy reach a minimum of EPC B and we have achieved this on two homes already, one in Matlock and one in Darley Dale. In Ashbourne we are buying 3 homes from a private developer which will be finished to a higher energy efficiency standard, through solar pv and battery technology, than the private homes on the same site. In Monyash we are taking on 5 homes and investing in the renovation and retrofit of the properties to improve their energy efficiency.

Members will recall that previously the Council approved a substantial grant to Nottingham Community Housing Association that will see 33 new homes on Mayfield Road in Ashbourne. This will be the most energy efficient housing development in the district, with no gas boilers and instead be heated by air source heat pumps. The wooden frame homes will be highly energy efficient and include solar panels.

Working with our local Almshouse Trusts we are also delivering substantial energy efficiency improvements with challenging ‘hard to treat’ homes including those in Matlock, Wirksworth and Calver. Works include solar panels, air source heat pumps, internal wall insulation, insulated floors, battery technology and ‘power walls’ along with a range of other energy saving features. The Council’s progress in retrofit activity was highlighted when the Council was shortlisted in the national ‘Retrofit Academy Awards’ earlier this year.

In summary the Council is leading the way by directly providing our own new energy efficient homes and supporting our existing partners to go beyond the existing building regulations.

215/22 - PROPOSAL OF A NOTICE OF MOTION (RULE OF PROCEDURE 16)

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

It was moved by Councillor Peter Slack, seconded by Councillor Steve Wain and

RESOLVED

1. That the Councils for Fair Tax Declaration be approved and adopted.
2. That the Director of Corporate and Customer Services and Director of Resources prepare a report for a future meeting setting out the resource and legal implications associated with:
 - Leading by example and demonstrate good practice in our tax conduct, right across our activities
 - Ensuring IR35 is implemented robustly and contract workers pay a fair share of employment taxes.
 - Not using offshore vehicles for the purchase of land and property, especially where this leads to reduced payments of stamp duty.
 - Undertaking 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.
 - Demanding 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
 - Promoting Fair Tax Mark certification especially for any business in which we have a significant stake and where corporation tax is due
 - Supporting Fair Tax Week events in the area, and celebrating the tax contribution made by responsible businesses are proud to promote responsible tax conduct and pay their fair share of corporation tax.
 - Supporting 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.

Voting

28 For

01 Against

00 Abstentions

The Chairman declared the motion **CARRIED**.

216/22 - APPOINTMENT OF A CHAIR AND VICE-CHAIR TO SCRUTINY COMMITTEE

It was proposed by Councillor Susan Hobson and seconded by Councillor Tom Donnelly that Councillor Tony Morley be nominated as Chair of the Scrutiny Committee and Councillor Alyson Hill be nominated as Vice-Chair.

It was then proposed by Councillor Peter O'Brien and seconded by Councillor Neil Buttle that Councillor Clare Gamble be nominated as Vice-Chair of the Scrutiny Committee.

The nominations were then put to the vote as detailed below and

RESOLVED

That Councillor Tony Morley be elected as Chair and Councillor Alyson Hill be elected as Vice-Chair of Scrutiny Committee.

Voting

Councillor Tony Morley be elected as Chair:

28 For
00 Against
01 Abstention

Election of Vice-Chair:

18 Councillor Alyson Hill
12 Councillor Clare Gamble

The Chairman declared the motion **CARRIED**.

217/22 - ADDITIONAL FUNDING FOR FREEDOM LEISURE DUE TO THE INCREASED COST OF ENERGY

Councillor Alasdair Sutton left the room during the consideration of this Item due to previously declaring an interest.

The Director of Community & Environment Services introduced a report seeking approval for additional funding for Freedom Leisure to operate the four leisure centres across the district due to the increased cost of energy up to 31st March 2023.

Members were informed that following the government announcement of the Energy Bill Relief Scheme, Freedom Leisure could confirm that the total impact of the latest energy price increase was £272,397 this financial year and £578,693 for the next financial year, assuming the continuation of the central government support 'cap' after April 2023.

For this financial year Freedom Leisure forecasted a deficit after the utility increases of £325,000 and this was 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. When the additional utility costs were included in the projections for next year it was noted that Freedom Leisure predicted a deficit of £739K in the financial year 2023-24.

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

RESOLVED

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 support be ring-fenced to the Derbyshire Dales contract and 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 in January 2023, regarding options 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.

Voting

25 For

02 Against

01 Abstained

The Chairman declared the motion **CARRIED**.

218/22 - HURST FARM HERITAGE TRAIL LOTTERY BID APPROVAL

At 7:36pm, Councillors Steve Flitter and Neil Buttle left the meeting during consideration of this item.

The Director of Housing introduced a report giving an update on the Hurst Farm Regeneration project which had been in place since September 2017. It was noted that the project was delivering across several headings, the most recent being the award of a £1.2m Heritage Lottery Fund (HLF) grant that would deliver a new footpath around the estate, linking four key heritage assets.

It was also detailed in the report that the Hurst Farm Heritage Trail project would seek to deliver a £1,222,841 Heritage Lottery grant awarded to the Council for the creation of the Hurst Farm Heritage Trail. The HLF grant of £1,009,000 with the balance match funding from existing Council budgets and estimated value of volunteer time.

Members were also informed of how the Heritage Trail project would act as a key part of the wider Hurst Farm Regeneration Vision created in partnership with the Hurst Farm community and other partners. The trail planned to restore 14.4 hectares of woodland adjacent to the Hurst Farm Estate, using 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.

It was moved by Councillor David Chapman, seconded by Councillor Tom Donnelly and

RESOLVED (unanimously)

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.

The Chairman declared the motion **CARRIED**.

219/22 - CAPITAL PROGRAMME BUDGET MONITORING 2022/23 AND FURTHER CAPITAL PROJECTS PROPOSALS

The Director of Resources introduced a report presenting the current financial position of spend against the 2022/23 Capital Programme as at 30th September 2022 and sought approval for the updated 2022/23 to 2024/25 Capital Programme and associated financing.

Members were reminded that at the Council meeting on 29th September 2022, the revised Capital Programme for 2022/23 of £8,801,014 was approved.

The report sought to set more accurate budgets for projects based upon previous tendering experience, which in turn should minimise the risk of overspend. It was also noted that the risk had increased at the time of rapidly increasing inflation, however it had been mitigated somewhat with the inclusion of contingencies within the estimated costs.

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

RESOLVED

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.

Voting

27 For

00 Against

02 Abstained

The Chairman declared the motion **CARRIED**.

220/22 - AMENDED REVENUE OUTTURN 2021/22

At 7:49pm Councillor Janet Rose left the meeting, returning at 7:53pm prior to completion of the consideration of this item.

The Director of Resources introduced a report outlining the amended revenue outturn 2021/22. Members were reminded that in July 2022 the provisional outturn was calculated as £732,113. This was approved by Council on 28th July 2022. 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 had adjusted the overall surplus. The report described the impact of these corrections and sought approval for the additional surplus to be transferred to specific reserves.

As a consequence of the corrections to the 2021/22 revenue outturn, there had been a positive impact on the revenue account surplus with a further £1.66m, which would be available to fund one-off expenditure pressures and transition costs within the medium term financial plan. Notwithstanding the surplus in 2021/22, it was noted that the Council continued to face real terms budgetary pressures during a period of intense inflationary increases.

It was moved by Councillor Tom Donnelly, seconded by Councillor Mark Wakeman and

RESOLVED (unanimously)

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.

The Chairman declared the motion **CARRIED**.

221/22 - DURATION OF MEETING (MOTION TO CONTINUE)

At **8:23pm**, during the discussion of **Item 15 – Gypsy and Traveller Temporary Site Provision in the District**.

It was moved by Councillor Steve Flitter, seconded by Councillor Susan Hobson and

RESOLVED

That, in accordance with Rule of Procedure 13, the meeting continue to allow for the consideration of further Council business.

Voting:

26 For

03 Against

00 Abstention

The Chairman declared the motion **CARRIED**.

222/22 - GYPSY AND TRAVELLER TEMPORARY SITE PROVISION IN THE DISTRICT

Councillor Susan Hobson, Chair of the Gypsy and Traveller Site Provision Working Group introduced the report, 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. The report detailed the work and conclusions reached by the Members of the Working Group but should be viewed as a stepping stone that moves the Council forward in identifying potential temporary sites.

Whilst two sites had been recommended for designation as temporary sites, only one was noted as suitable for all-year round designation as a temporary site. No sites in the Council's ownership had been identified in the south of the District, although there were other options in the southern and central areas of the Derbyshire Dales which were 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.

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

The recommendations as set out in the report were moved by Councillor Tony Morley and seconded by Councillor Mike Ratcliffe.

During debate, an amendment to recommendation 1 was proposed by Councillor Peter O'Brien and seconded by Councillor David Hughes, this was detailed as follows:

"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 or until a suitable temporary or permanent site be identified"

In accordance with **Rule of procedure 19d**, a recorded vote was requested by Councillor Steve Wain and seconded by Councillor Paul Cruise. The amendment was put to the vote and the vote recorded as follows:

Voting:

For - 9 Councillors: Jacqueline Allison, Neil Buttle, Paul Cruise, Clare Gamble, David Hughes, Peter O'Brien, Mike Ratcliffe, Peter Slack and Steve Wain.

Against - 18 Councillors: Jason Atkin, Martin Burfoot, David Chapman, Tom Donnelly, Graham Elliott, Helen Froggatt, Chris Furness, Alyson Hill, Susan Hobson, Stuart Lees, Tony Morley, Michele Morley, Dermot Murphy, Janet Rose, Andrew Shirley, Andrew Statham, Alasdair Sutton and Mark Wakeman.

Abstention - 1 Councillor: Steve Flitter

The Chairman declared the amendment **Lost**.

In accordance with **Rule of procedure 19d**, a recorded vote was requested by Councillor Jason Atkin, seconded by Councillor Dermot Murphy. The substantive motion amendment was put to the vote and the votes recorded as follows:

Voting:

For - 16 Councillors: Jason Atkin, David Chapman, Tom Donnelly, Graham Elliott, Helen Froggatt, Alyson Hill, Susan Hobson, Stuart Lees, Tony Morley, Michele Morley, Dermot Murphy, Janet Rose, Andrew Shirley, Andrew Statham, Alasdair Sutton and Mark Wakeman.

Against - 10 Councillors: Jaqueline Allison, Martin Burfoot, Neil Buttle, Paul Cruise, Steve Flitter, Clare Gamble, David Hughes, Peter O'Brien, Peter Slack and Steve Wain.

Abstention - 1 Councillor: Mike Ratcliffe.

It was therefore

RESOLVED

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 land at the north of Derwent Way Car Park in Matlock be formally designated as a temporary site for use by a specific Traveller family with an accepted local connection to the Derbyshire Dales.
3. That 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, Hlland 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.

The Chairman declared the motion **CARRIED**.

Councillor Richard Bright left the meeting at 8:23pm during consideration of this item.

Councillor Chris Furness left the meeting at 8:52pm during consideration of this item.

Councillor Graham Elliott and Councillor David Chapman left the meeting at 8:58pm.

223/22 - EAST MIDLANDS DEVOLUTION DEAL AND MAYORAL COMBINED COUNTY AUTHORITY

At 8:58pm Councillor Michele Morley left the meeting, returning at 8:59pm prior to completion of the consideration of this item.

The Chief Executive introduced a report updating Members of the details contained within the East Midlands Devolution Deal along with the progress so far and the next steps. The report also sought Council agreement to participate in discussions related to the implementation of the deal.

Members were informed that 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.

As part of the Levelling Up White Paper, the Government announced that Derbyshire and Derby City were one of only nine areas invited to agree new county deals, extending devolution across England.

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 underfunding (when compared to other areas). 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.

It was moved by Councillor Peter O'Brien and seconded by Councillor Clare Gamble that recommendations 1,3 and 4 be agreed with the omission of recommendation 2. The motion was put to the vote as follows

1. Council formally acknowledges the content of the East Midlands Devolution Deal signed by the four upper tier authorities on 30th August 2022.
3. 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. Where formal decisions are required to be made on behalf of the District Council, future reports be presented to Members for consideration.

Voting

11 For

14 Against

00 Abstention

The Chairman declared the motion **Lost**.

It was then moved by Councillor Jason Atkin, seconded by Councillor Tony Morley and

RESOLVED

1. That the Council formally acknowledges the content of the East Midlands Devolution Deal signed by the four upper tier authorities on 30th August 2022.
2. That the Council endorses in principle support for the East Midlands Devolution Deal.

3. That the 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.

Voting

16 For

09 Against

00 Abstention

The Chairman declared the motion **CARRIED**.

Meeting Closed: 9.29 pm

Chairman

Agenda Item 11

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 12

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 accommodated 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 13



**OPEN REPORT
COUNCIL**

Council - 26 January 2023

LOCAL COUNCIL TAX SUPPORT SCHEME FOR 2023/24

Report of the Director of Resources

Report Author and Contact Details

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Wards Affected

District Wide

Report Summary

This report provides information relating to proposed changes to, and seeks approval to adopt, the Local Council Tax Support Scheme for the financial year 2023/24.

Recommendations

1. That the Council approves and adopts the scheme detailed in this report as the Local Council Tax Reduction Scheme for 2023/24.
2. That £20,000 be set as the budgeted amount for all Discretionary Hardship Fund applications under Schedule 11 of the scheme for 2023/24 (to be reviewed by a further report to Council during the year if it appears that this amount may be insufficient).
3. That the proposed delivery of the Council Tax Support Fund as set out in paragraph 2.15 of the report be approved and endorsed.

List of Appendices

None

Background Papers

Council Tax Reduction Scheme 2022/23

Letter & guidance from DLUHC 23/12/2022: Council Tax Support Fund

DWP HB A1/2023 DWP 'Housing Benefit uprating for the financial year ending March 2024'
The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2023 No.16

Consideration of report by Council or other committee

No

Council Approval Required

Yes

Exempt from Press or Public

No

Local Council Tax Support Scheme for 2023/24

1. Background

- 1.1 The government abolished the national social security Council Tax Benefit from April 2013 and replaced it with Local Council Tax Reduction Schemes, to be determined by each Council annually.
- 1.2 The Government did not give local authorities complete freedom in the design of their schemes, as pensioners were (and continue to be) protected from any losses under local schemes. Due to the fact that pensioners are protected, only those of working age are subject to any revised calculation in respect of their Council Tax Support awards.
- 1.3 The scheme approved and adopted for 2013/14 (and retained for all subsequent years) was based on the government's default scheme as set down in The Council Tax Reduction Schemes (Default Scheme) (England) Regulations 2012 (S.I. 2012 No 2886, as amended) which replicated the provisions for Council Tax Benefit but subject to the following amendments:
 - (a) The amount of any reduction for working age claimants is reduced by 8.5%;
 - (b) The period for extended payments is increased from four to eight weeks to assist claimants who move back into work;
 - (c) The full amount of income from war widow pensions etc. is disregarded in the calculation of income (instead of standard £10 disregard);
 - (d) Provision is made for additional awards in cases of hardship, with the budget available in 2022/23 being £18,000.
- 1.4 It should be noted that the local scheme originally adopted from 1st April 2013 and retained for subsequent years, continues to be well received and unlike similar schemes elsewhere has neither been subject to Judicial Review or criticism from the Valuation Tribunal Service (who hear appeals on council tax support calculations). It should also be noted that the Council has not been required to attend a VOA Appeal Tribunal to defend decision making on individual claims under the terms of its scheme. This has not been the case for some neighbouring councils.
- 1.5 The Council has previously consulted widely on this scheme that protected working age claimants from significant reductions with the remaining savings achieved from other changes to Council Tax discounts on empty properties and second homes.
- 1.6 It should be noted that the decision of the billing authority regarding the scheme to be adopted commits the major precepting bodies to the same scheme.

2. Key Issues for 2023/24

- 2.1 The local Council Tax Reduction Scheme must be reviewed annually and any changes made approved no later than 31st January in the financial year preceding that for which the changes are to have effect. **No significant technical changes are proposed to the scheme to be adopted for 2023/24 and so no new consultation with the public or with precepting authorities has been necessary.** The Benefits Manager is required to monitor expenditure in-year and is satisfied that based on projected caseload and relevant changes occurring that the costs of the 2022/23 scheme falls within budget
- 2.2 A regular in-year review continues monitoring the impact of Full Service Universal Credit on local resident's entitlements and their ability to budget for the payment of council tax. These findings will inform our decisions on changes to our future year's scheme. A small number of local authorities have replaced their income related means tested scheme with a 'banded scheme'; but no such change is proposed for the coming year.
- 2.3 The government makes annual changes to the prescribed elements of the scheme for pensioners by uprating the allowances, premiums and non-dependent deductions used in the calculation of a reduction.
- 2.4 Working age equivalent figures are also subject to annual uprating and so will increase by a set percentage during the coming financial year. Any changes to the allowances, premiums and non-dependent deductions for working age claimants remain at the discretion of the local authority but the practice has been to update these amounts in advance of next year's scheme by reference to the annual uprating circular published by the Department for Work & Pensions for housing benefit purposes. The DWP published Circular HB A1/2023 Housing Benefit uprating for the financial year ending March 2024 on 10th January 2023 and this does not contain any significant changes to the amounts used during 2022/23.
- 2.5 The amounts in the DWP circular are replicated in The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2023 No.16. The circular also contains the working age uprating's to be used for housing benefit calculations. These changes are reflected in the Council's scheme for 2023/24.
- 2.6 As part of the Government's ongoing Welfare Reform, some technical changes to the national Housing Benefit Scheme have occurred over successive years. The decision has previously been made not to mirror these changes within the Local Council Tax Reduction Scheme for working age households as the impacts concerned lead to individual families being affected disproportionately. The overall impact of this decision on the cost to the Council's scheme is minimal, but will again be subject to an ongoing review in planning subsequent years' schemes.
- 2.7 It is proposed, in the interests of clarity and equity, that all allowances, premiums and non-dependent deductions and any other associated amounts in the scheme be uprated for both pensioner and working age claimants in line with the 'Prescribed Requirements' regulations and the

DWP Uprating Circular mentioned in paragraphs 2.3 and 2.4. **No other changes to the local scheme for 2023/24 are proposed.** These documents provide changes to the financial amounts used in the means test adopted to calculate entitlements and are not significant and will be incorporated into the Council's scheme for 2023/24.

- 2.8 The anticipated costs of the Council Tax Support Scheme (including the discretionary scheme) in 2022/23 are £3.536 million, split between £1.785 million in respect of pension age claimants and £1.751 million for working age claimants. The cost of the Council Tax Support Scheme in 2023/24 will increase in line with council tax increases and will reflect changes in the numbers of eligible applications for CTS and the level of support required (not known at the time of writing the report). The cost of the scheme is shared with major precepting bodies, effectively reducing council tax income levels for each organisation relative to the value of precepts issued. It is taken into account in setting the tax base.
- 2.9 Approximately 3,155 Council Tax payers currently receive assistance towards their Council Tax Bills due to low household income. The protection given to pensioners has meant that since 2013 those of working age have received less help than those of pension age. Many working age claimants have also been affected by other welfare reforms which have reduced entitlement to Housing Benefit in some cases. Those making new claims for help with housing costs now need to claim Universal Credit, which has been problematic in some cases.
- 2.10 Full Service Universal Credit was introduced across Derbyshire Dales from 2018. Councils will still be administering Housing Benefit schemes until the migration of current Housing Benefit cases to Universal Credit takes place. The proposed Council Tax Support scheme would continue to largely mirror the current Housing Benefit scheme, as far as the calculation of entitlement is concerned, which would reduce complexity and confusion for those claiming and administering both awards. The amounts used in the calculation of awards in the scheme for 2023/24 will be uprated in the same manner as those up-ratings which apply to the Housing Benefit scheme.
- 2.11 Some council tax payers face difficulties in making payments. While there is a Revenues Debt Recovery Policy in place, officers judge each case on its merits. Payment arrangements can be put in place and the Council Tax Team and / or Benefits Manager has the flexibility to suspend recovery action, propose a write off (subject to approval by the Director of Resources) or reduce a debt based on the individual circumstances of the case. There is also the ability to award discretionary discounts to those suffering hardship if appropriate. As such processes are in place to assist those who may be experiencing financial difficulty, whether that is a result of welfare reform, the cost of living crisis or other financial constraints.
- 2.9 Alongside the 'main' Local Council Tax Support Scheme, the Council also has a Discretionary Hardship Fund (see below) to provide further financial support to CTS applicants facing undue financial hardship. This is intended to help those low income households that have council tax to pay after a main CTS reduction, giving them extra help to pay that balance. It is also

used to pay the 8.5% remaining council tax liability (after the CTS has been deducted from the council tax bill) for working age claimants who have other debts. Referrals are taken from Citizens Advice Bureau locally and from other similar partner agencies, who all insist how important this provision is in supporting low income households locally.

- 2.10 When setting the budget for 2022/23 a budget of £18,000 was approved for the Discretionary Hardship Fund.
- 2.11 While the Council does not have limitless financial resources, it is suggested that the Discretionary Hardship Fund budget be increased to £20,000 for 2023/24. Should the amount appear to be insufficient during 2023/24, the Director of Resources will present a further report to Council to explain the reasons and to request additional funding.
- 2.12 One set of Local Scheme Regulations are prepared comprising sections dealing with applications from pensioner claimants (formerly the prescribed regulations) and a separate section for working age customers. Due to their combined size (in excess of 100 pages), the complete proposed local Council Tax Reduction Scheme for 2023/24 is intended as a background paper to this report and will be available to Members on request. The final adopted scheme for 2023/24 will be published in full on the Council's website by 31st March 2023.
- 2.13 An Equality Impact Assessment (EIA) is in place for the LCTS scheme. A copy is available on the Council's website [here](#). The changes proposed in this report are not significant so do not necessitate an immediate refresh of the EIA.
- 2.14 It should also be noted that Derbyshire District Citizens Advice Bureau and Age UK continue to give positive feedback to the Council's Benefit Manager for its fairness of treatment of low-income households under the provisions of the Local Scheme compared to neighbouring schemes within the east midlands area.
- 2.15 Alongside the provisional Local Government Finance Settlement on 19th December 2022, the Government announced £100m of additional funding for a Council Tax Support Fund for local authorities to support the most vulnerable households in England. This funding will allow councils to deliver additional support to households already receiving council tax support, whilst also providing councils with the resources and flexibility to determine the local approaches to support other vulnerable households in their area.

On 23rd December 2022, the government published guidance and provisional allocations for the Council Tax Support Fund. Derbyshire Dales District Council's provisional funding allocation is £83,755. Final allocations will be confirmed at the final Local Government Finance Settlement.

The Government expects local authorities to use the majority of their funding allocations to reduce bills for current working age and pension age Local Council Tax Support (LCTS) claimants by up to £25. Councils can use their

remaining allocation as they see fit to support vulnerable households with council tax bills.

The discount should apply to current LCTS claimants that have an outstanding council tax liability for the 2023/24 financial year. Government expects councils to deliver this using their discretionary powers under s13A (1)(c) of the Local Government Finance Act 1992.

The guidance also says that there should be no need for any recipient of LCTS to make a separate claim for a reduction under this scheme. The billing authority should assess who is eligible for support and automatically apply the discount.

Officers are currently modelling the impact of the £25 payments. For any remaining funding, currently estimated at around £27,000, officers will develop a scheme to support vulnerable households with council tax bills, for example, by awarding discounts to offset arrears in cases where there is evidence of severe hardship.

3. Options Considered and Recommended Proposal

- 3.1 The District Council has no choice in adopting a new scheme from 1st April 2023; it remains the Council's legal responsibility. Given the existing scheme receives positive responses from support agencies locally it is proposed that the scheme from 1st April 2023 remains technically the same and only includes the uprating amounts for allowances, premiums and non-dependent deductions used in the calculation of a reduction suggested by Government. This also means that it is not necessary to undertake public consultation or to refresh the equality impact assessment.
- 3.2 It is proposed that the Council adopts the proposals included within this report concerning the technical changes due to be adopted and an increase in the discretionary hardship fund. The latter reflects the budgeting pressures felt by low income households due to the costs of living rises etc.
- 3.3 Aside from the additional amounts from the Council Tax Support Fund (see paragraph 2.15 above), the scheme proposed for year 2023/24 will maintain the amount of assistance given to working age claimants in receipt of Council Tax Support so that the calculation matches the calculation that was in place under the previous Council Tax Benefit scheme. This will mean that from 1 April 2023 working age claimants can receive full help towards their Council Tax if they are on a low income in the same way as pension age claimants.
- 3.4 If the current scheme is not maintained, based on current caseload, approximately 1,473 pension age claimants would be protected from reductions in their awards, whereas approximately around 1,682 working age claimants would receive less assistance towards their Council Tax payments than they would have received under the old Council Tax Benefit scheme. If the proposal to maintain the scheme from 1 April 2023 is agreed those 1,682 working age claimants would receive increased assistance.

3.5 A change to the scheme, to increase the amount that those in receipt of Council Tax Support are asked to pay, may jeopardise continued good performance in collection rates by placing an unrealistic burden on those affected by reductions to Council Tax Support.

3.6 A change in the scheme, to reduce the amount that those in receipt of Council Tax Support are asked to pay, would impact major preceptors (especially Derbyshire County Council) as the costs would be shared. Given the uncertainty relating to local authority finances at the current time, it is the view of officers that such a change is not affordable at the current time. If such an approach was to be considered, it would be necessary to consult with major preceptors.

4. Consultation

4.1 No consultation with the public or major precepting bodies is deemed necessary because no material changes to the current scheme are proposed.

5. Timetable for Implementation

5.1 Subject to approval at this meeting, the new scheme will be implemented before the budget and council tax are set for 2023/24 and will be reflected in the annual council tax billing for that year, due in March 2023.

6. Policy Implications

6.1 The adoption of a local Council Tax Reduction Scheme is a statutory requirement. It links to the Council's priorities of "people" and "prosperity" as it provides financial support to pensioners and working age people on low incomes. This benefits the recipients directly but also benefits the local economy if spent in the area.

6.2 One of the Council's Corporate Plan actions is to achieve a sustainable financial position. This relies upon effective budget management, of which Council Tax plays a significant part. The proposed scheme will help to achieve this objective at the same time as offering financial help to those who require some assistance in paying their Council Tax due to reduced means.

7. Financial and Resource Implications

7.1 There are no resource implications arising from this report, apart from the additional resources that will be required to deliver the new Council Tax Support Fund. It is expected that there will be a New Burdens government grant to fund this.

7.2 Decisions regarding the Council Tax Support scheme and changes to discounts and exemptions will affect the determination of the Council Tax base for each financial year. An accurate Council Tax base and achieving a high Council Tax collection rate benefits the Council's overall cash flow.

- 7.3 Expenditure on Council Tax Support (CTS) has increased during the current year, reflecting the fact that local families are financially worse off as a result of social security benefit changes and the detrimental impact financially for local people unable to work due to the ongoing adverse impacts caused by COVID-19 on local employment patterns. The council tax charge itself has been subject to general annual increases approved by the Council and precepting authorities, which acts again to increase the cost of the scheme.
- 7.4 Caseload itself (the numbers of households claiming CTS at any one time) is subject to unpredictable fluctuations prompted by variations in the local economy with current cost of living increases having an obvious adverse effect. The previous eighteen months/ two years introduced unforeseen factors which at times increased caseload and the cost of the scheme. The economic forecasts for the next two years suggest high levels inflation until at least mid-2023, cost of living increases and recession which will undoubtedly have impacts on low income households' ability to budget.
- 7.5 Expenditure on the Local Council Tax Support Scheme will be funded from a government grant, up to the allocation of £83,755.
- 7.6 All of the above has a direct impact on collection rates and the council tax base. Should there be future significant increases in claims for LCTS, over and above that already reflected in the council tax base, the financial risks may increase.
- 7.7 To reassure all, the cost of the scheme together with an analysis of case load size is routinely monitored by the Council's Benefit Manager to identify financial risks. No significant changes are proposed for the 2023/24 scheme; however were risks likely to occur in future years, changes could be expected. Any significant changes to LCTS for future years would require public consultation in order to meet Government guidelines for implementation of such changes.
- 7.8 As explained above, certain factors have increased the cost of the Local Scheme. With the exception of the level of its own council tax charge, these economic and social factors are generally outside the Council's control or direct influence. While careful monitoring does take place, it is impossible to mitigate fully against the risk of increased claims for assistance. The financial risk is therefore assessed as "high".

8. Legal Advice and Implications

- 8.1 Section 33 of the Welfare Reform Act 2012 abolished Council Tax Benefit from 1 April 2013.
- 8.2 Section 13A (1)(a) of the Local Government Finance Act 1992 requires Billing Authorities to adopt a Local Council Tax Support scheme.
- 8.3 Section 13A (1) (c) of the Local Government Finance Act 1992 (as amended by Section 10 of the Local Government Act 2012) allows the Council (in its capacity as billing authority) to reduce the amount of Council Tax payable to such extent as it thinks fit. This includes the power to award a discount such as for the delivery of the Council Tax Support Fund.

8.4 The District Council operates within the legislative framework provided by Government for the purposes of meeting its legal responsibilities. This should provide assurance to elected members that no legal action against the Council would occur. Essentially the same scheme implemented in year 1 (2013/14) persists for 2023/24 and, as already stated, no challenge has been made in previous years nor has there been a Judicial Review or criticism from the Valuation Tribunal Service (who hear appeals on council tax support calculations).

8.5 The legal risk is therefore assessed as low.

9. Equalities Implications

9.1 None, as no major or material changes are proposed that would impact on people with protected characteristics. Changes pertain to the adoption of the allowance, premiums and nondependent amounts proposed by Government which are used to calculate individual claim entitlements. Previous EIAs have assessed the scheme and no issues were identified.

10. Climate Change Implications

10.1 No detailed climate change impact assessment are required in relation to the recommendations of this report.

11. Risk Management

11.1 Financial and legal risks have been assessed above. There are no other significant risks arising from these proposals

Report Authorisation

Approvals obtained from:-

	Named Officer	Date
Chief Executive	Paul Wilson	17/01/2023
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	16/01/2023
Monitoring Officer (or Legal Services Manager)	James McLaughlin	17/01/2023

Agenda Item 14

Council – 26 January 2023

REFUGEES AND DISPLACED PEOPLE

Report of Director of Housing

Report Author and Contact Details

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Wards Affected

District wide

Report Summary

The District Council has supported national requests to take part in various programmes supporting refugees and displaced people. Each programme has a separate set of processes and resources determined by government. Working with a range of partners the District Council has been able to respond to the each programme in a proportionate way. We have been conscious of balancing the needs of people fleeing their own country with the needs of local people who are also vulnerable and often experiencing homelessness. The latest programme of support will aim to focus on purchasing existing private sector properties rather than making available social housing.

Recommendation

1. That the Council formally accepts the offer of £2,036,232 under the Local Authority Housing Fund Grant.
2. That the proposed delivery of the Local Authority Housing Fund as detailed within paragraph 3.2 of the report be approved and endorsed
3. That authority be delegated to the Director of Housing, in consultation with the Director of Resources, to allocate the Local Authority Housing Fund with a report to be submitted to Community and Environment Committee after March 2023.
4. That the Director of Housing be authorised to continue to deliver wider refugee support as part of the UK Resettlement Scheme, where opportunities allow.

5. That the Director of Housing be authorised to deliver the Homes for Ukraine Scheme grant from Derbyshire County Council and the impending Ukraine Support Grant from the Department for Levelling Up, Housing and Communities.
6. That the approach to working with Derbyshire County Council, East Midlands Councils and (where needed) Serco to provide accommodation under the Asylum Dispersal Scheme be noted.

List of Appendices

Appendix 1 Validation Form

Background Papers

None

Consideration of report by Council or other committee

No

Council Approval Required

Yes

Exempt from Press or Public

No

Refugees and Displaced People

1. Background

- 1.1 The Syrian refugee crisis in 2017 was the first major refugee programme the District Council has taken an active role in. The government made a commitment of supporting 20,000 families fleeing Syria and councils across the UK began to offer accommodation to support this commitment. Derbyshire Dales provided 13 properties over a 5 year period and families have been successfully settled. The Syrian Refugee Scheme later became the UK Resettlement Scheme with less emphasis on Syrians, instead adopting a wider geographic remit. Derbyshire County Council coordinate the processes involved working with district and borough councils. The regional organisation, East Midlands Councils, is the link between the government and the local county partnerships. The Syrian programme was very much a planned and relatively well thought out approach to supporting 20,000 households over 5 years.
- 1.2 Members will already know that following the Syrian crisis, further international issues in Afghanistan and Ukraine have resulted in further requests for assistance. The response to the Afghanistan crisis was very rapid with mass evacuations from the country to hotels in the UK. So, unlike the Syrian scheme, government and councils have faced a relatively large and instant number of people all needing move-on accommodation in a very short space of time. Councils have struggled to respond effectively to the crisis, largely due to the ongoing impact of covid-19 and the fact that the turnover of existing social homes barely meets local housing need in many parts of the country. Afghan families are also often much larger in number and there is a real mismatch in available 4 and 5 bed homes within the UK social housing stock. Working with a local community refugee group, the Council has been able to accommodate 1 Afghan family in one of the Council's own new properties.
- 1.3 The Homes for Ukraine scheme is very much driven by UK citizens who wish to offer space in their homes for refugees fleeing the war in Ukraine. The government has facilitated various ways of supporting the process but essentially potential hosts are making contact with families and agencies in Ukraine and bringing people to the UK. In Derbyshire, Derbyshire Dales has seen one of the highest levels of Ukrainian refugees coming to the district with around 120 so far arriving since the scheme began in March 2022. Most have stayed, some have returned and some moved elsewhere in the UK.
- 1.4 Almost immediately in a small number of cases the relationship between host families and the refugee family broke down. Host families committed to accommodate refugees for 6 months and received a goodwill payment from the government. Concerns were expressed about what happens at the end of the 6 month period. However government has now provided funds to upper tier councils to make local arrangements that will see the ongoing financial support for host families. This is particularly welcome as the cost of living crisis impacts host families. Derbyshire County Council has recognised the importance of supporting the local housing authorities with funding to expand their local offer of support for Ukrainian refugees

alongside the existing support already in place for local residents. District and Borough councils have been allocated funding to cover the cost of host property inspections, emergency accommodation and to expand their housing advice and support services. Derbyshire Dales has received £413,000.

Local Authority Housing Fund

- 1.5 At the end of December 2022 the government announced a new £500m capital fund for local authorities in England to provide accommodation to families who have arrived in the UK via the Ukrainian and Afghan resettlement and relocation schemes. The DLUHC 'Local Authority Housing Fund' (LAHF) reflects the challenges local authorities are facing in securing settled accommodation and to alleviate homelessness. The LAHF will help to address immediate pressures and build a sustainable stock of affordable homes for the future.
- 1.6 Derbyshire Dales DC has been offered an initial indicative allocation of £2,036,232 capital funding to acquire 18 homes through a broad and flexible range of approaches including acquiring empty homes, acquiring new build 'off the shelf', developing new build properties and helping other organisations such as housing associations to secure homes. The LAHF gives flexibility to councils to achieve the fund's objectives and bring on stream the accommodation as quickly as possible. The grant is paid in tranches based on progress with completion of the programme by March 31st 2024.
- 1.7 There are two elements to the LAHF:
 - A "main element" to provide general accommodation for refugees. This funding equates to 40% of total capital costs at an average of up to £86,000 per property, plus £20,000 per property for costs associated with legal fees etc. and repairs. Derbyshire Dales District Council has been allocated up to £1,802,000. With this funding the Council is expected to deliver a minimum of 17 "main element" homes.
 - A "bridging element" to provide larger 4 bed+ homes to help reduce the use of hotels for Afghan families. This equates to 50% of total capital costs at an average grant rate of up to £214,232, plus £20,000 per property for costs associated with legal fees etc. and repairs. Derbyshire Dales District Council has been allocated up to £234,232. With this funding the Council is expected to deliver 1 "bridging element" home.
- 1.8 The Council is expected to submit a proposal by 25 January 2023 to indicate how we would use the funding and to sign a Memorandum of Understanding (MoU) by early March. The MoU is the binding document. The expectation is that councils will acquire existing properties as this will be the quickest route to deliver the numbers required. Once the Council's proposal is accepted, the first 30% tranche will be paid before the end of March 2023. The 2nd tranche will be paid when 60% of the first tranche has been spent. The Council will be expected to provide updates on progress on a regular basis. In the event that some councils fail to deliver or decline the LAHF

offer, additional funding may be made available. Homes purchased will form part of the Council's growing portfolio of council housing, with Nottingham Community HA acting as both development and management agent. Ongoing maintenance and repairs will be included as part of the Council's contract with Nottingham Community HA.

- 1.9 The Council is in a fortunate position of having an existing programme of affordable housing delivery that provides the opportunity to take advantage of the LAHF allocation. The Housing Team have been working on a pipeline of schemes and properties already in or about to be added to the capital programme, subject to Member approval. We have already established a working method of acquiring empty and low cost homes with Nottingham Community HA working as our development agent. However the LAHF grant rate of 40% for main element homes is not attractive, leaving the Council to finance 60% of the acquisition costs. The Council's Empty Homes Officer is also working to identify suitable properties that could be acquired.
- 1.10 The Council's original housing programme is based on a mix of acquiring s106 properties, empty homes and new build. The LAHF programme is based on acquiring existing stock. New build is not an option given the timetable set by government. The government timetable and LAHF flexibility is suggesting that councils need to move quickly in order to progress this funding. As such the existing Council housing programme provides an approval process that seeks approval from the Chair and Vice Chair of the Community and Environment Committee with retrospective reporting to a future committee. This process is sufficient for the LAHF programme although at this stage, officers suggest that the Director of Housing is given approval to allocate the LAHF in the most appropriate way as opportunities arise. This will include either splitting or reallocating existing allocations in the capital programme and finding new acquisitions yet to be identified. The Council's S151 officer will need to sign off the LAHF proposal before submission to DLUHC.
- 1.11 As an example, the Housing Team are pursuing an opportunity to purchase a long term empty home in Darley Dale for £135,000. The allocation is already in the capital programme with 100% of the funding coming from DDDC. By using the LAHF, the Council can apply £54,000 towards the acquisition of the property and £20,000 towards the legal costs and improvement works. This effectively frees up £74,000 of the Council's resources to deliver another property elsewhere.
- 1.12 The purchase of homes will need to reflect the location of the current cohort of Ukrainian refugees within the Derbyshire Dales. The Housing Team have reviewed the address information and bedroom need for all of the refugees. The table below provides a summary of the district need. One of the key challenges in purchasing existing homes is the open market values suitable properties will be on the market for. The majority of homes in many of the district's villages will exceed the maximum property value set by the LAHF fund of £215,000. There is a further complication when buying flats which have a service charge attached to them. If the flat is charged at a social rent, the service charge falls on the tenant. If the flat is charged at an Affordable Rent, the service charge comes off the rent paid to the Council.

Flats purchased in the private sector typically have far higher service charges than the social sector and so this will impact on the viability of some opportunities. However flats can often have a lower value and therefore make the overall scheme more affordable.

Current Location and Household Type	Bedroom need					Total
	1	2	3	4	5	
Ashbourne	7	9	5	2	1	24
Bakewell	3	5	3	0	0	11
Northern villages	6	6	5	1	0	18
Central villages	3	4	2	0	0	9
Southern villages	0	4	0	0	0	4
Darley Dale	2	0	2	0	0	4
Matlock	8	15	7	2	1	33
Wirksworth	3	0	2	0	0	5
Total	32	43	26	5	2	108

- 1.13 Given the demand profile, grant rate and the availability of lower cost homes within the market towns it is proposed to focus on Matlock/Darley Dale, Ashbourne and Wirksworth. The LAHF programme will only support at most 16% of the current cohort and given the relative sustainability of the market towns, the potential to meet need will be more likely in those locations. However all locations will be considered if the business case is realistic.
- 1.14 The LAHF is challenging and the ability to deliver should not be underestimated. It is possible that the full allocation will not be taken up. If that is the case, any unspent grant can be returned to DLUHC
- 1.15 The funding prospectus produced by DLUHC suggests councils develop a local lettings plan to regulate the allocation of homes secured through the LAHF. This will reflect the overall scale of the provision relative to the potential need and help to manage expectations of potential tenants.
- 1.16 At the same time the LAHF was announced the government also confirmed an allocation of £150m additional funding for local authorities across the UK to help support Ukrainian guests in to their own homes and reduce the risk of homelessness. At the time of publication of this report, no further information has been provided by DLUHC. However officers are keen to ensure that when made, the grant is put to use quickly without the need to return to Council with a further report. Depending on the scale of grant, Officers propose to use the funding in the same way as the Homes for Ukraine scheme outlined in para.1.4 and 3.2, i.e. practical advice and assistance, additional staff resources and support of voluntary sector initiatives that lead to people moving in to a home and/or retaining a home.
- 1.17 The ongoing movement of people across Europe trying to reach the UK to claim asylum has also been significant and placed considerable pressure on government and the agencies involved in the asylum process. Accommodating people while their asylum claim is being processed is a

national challenge, though until recently largely fallen on urban authorities. The pressure on the asylum system has now become so great that every local authority in England is now considered an asylum dispersal area. The government has appointed contractors to operate at regional level to secure sufficient accommodation.

- 1.18 In the East Midlands the contractor is Serco. The processes and pace at which the accommodation providers work reflect the pressure the asylum system is under. Providers are actively looking for private rented accommodation to lease over a 7 year period around Local Housing Allowance rates, with a guaranteed rent to the landlord. Councils are consulted on properties that are being considered by the provider and have 3 days to respond. This reflects the pace at which properties are being snapped up by people desperate to secure a private tenancy. A figure of 39 asylum seekers are proposed by government to be accommodated in the Derbyshire Dales by December 2023. It is likely that the local private rented market and the rents that such homes can secure will make it challenging for Serco to find suitable affordable properties. At the time of writing this report, the consultation process with local authorities was under review and officers expect a revised approach to be imposed by government imminently.
- 1.19 There are other refugee schemes linked to Hong Kong Nationals and children etc. but these are largely taking place elsewhere or have less impact on the Dales. Local joint work between all the public agencies involved and community groups across the county is ongoing. Each of the refugee and asylum schemes mentioned is complex and comes with their own unique and varied differences. Derbyshire County Council have adopted a collaborative and partnership approach to these programmes and the District Council plays a full and ongoing role to support the process.
- 1.20 Local housing need remains challenging with a general reduction in available homes due to the ongoing impact of the covid pandemic, pent up demand from households impacted by changes in the housing sector and the inevitable impact of the cost of living crisis. All of this means that councils are facing a challenging time as staff on the frontline work hard to find sustainable solutions for residents in housing need. As demand grows from external pressures resulting from refugees and displaced persons, the Council has to balance the range of needs carefully.

2. Key Issues

- 2.1 The most clear and present housing issues facing the district currently are those from local residents in housing need and Ukrainian refugees who will for one reason or another, need to move on from their current host family imminently or at some point in the future. The available resources to support local people are already in place and despite the current pressure it is only the lack of available accommodation that is an issue. The range of support services and our access to funding to provide solutions are sufficient at present.

- 2.2 The allocation of £413,000 from the Homes for Ukraine programme provides scope for the Council to expand our existing staff resource on a temporary basis and also the available options necessary to help create additional tenancies.
- 2.3 The LAHF is a clear indication of the pressure building in the Refugee and Asylum system. There is an urgent need to provide additional settled accommodation in a very short space of time and the Council's role is central to delivery of the homes required. However the 40% grant rate coupled with the market conditions in the Dales make the LAHF a challenging proposition.
- 2.4 The UKRS remains active and the Council is part way through a commitment to provide 6 to 8 tenancies between 2021 and 2024. Typically the Council's support has focused on properties that would not normally mean local people are disadvantaged. We have focused on new build when larger schemes are completed, using properties repurposed from care and support contracts, hard to let properties or homes in areas where turnover is traditionally greater.
- 2.5 With the exception of the new LAHF funding, the Afghan schemes remain voluntary for local authorities to participate in. There is a distinct mismatch between the housing needs of Afghan refugees and the available accommodation in the Dales. For some refugees the Dales is perceived as a remote area with less opportunity for employment and access to established Afghan communities. The LAHF represents the first additional resources for district and borough councils to support the programme. Building on the work with Ashbourne Community Refugee Group, it is likely that the Council can secure a bridging home in the Ashbourne area.
- 2.6 The Asylum dispersal scheme is largely outside of local authority control and there is little district and borough councils are required to do. The government is the commissioner of this scheme and regional providers such as Serco are the delivery organisation.

3. Options Considered and Recommended Proposal

- 3.1 The options open to the District Council reflect the resourcing available and our ability to effect meaningful change for those likely to approach the council for assistance. The Council also has to work within the arrangements set by government. For much of the activity set out in this report there is little discretion to take an alternative approach.
- 3.2 For the Homes for Ukraine scheme and utilising the revenue grant from Derbyshire County Council and the DLUHC Ukrainian Support Grant, it is proposed to;
- Recruit an additional Home-Options Support Officer at £41,000/yr with full cost recovery
 - Develop and implement a new Private Rent access strategy. Many Ukrainian refugees have not been in the country long enough to establish a credit footprint which is a barrier to accessing private rented

accommodation. Therefore households without a credit footprint require someone to act as a guarantor – which is basically an insurance for landlords to mitigate any costs or damage. A scheme and parameters will be developed. It is proposed to deliver the Guarantor Scheme (rent/bond/guarantee) at a cost of £55,000 and expand our existing Rent in advance/bond at a cost of £36,000.

- Homelessness – there is the potential for breakdowns and the one case to date cost £4100 in B&B and therefore contingencies need to be in place for future placements. It is proposed to expand our existing B&B budget at a cost of £40,000
 - Voluntary Sector – part of the work of the housing team will be to identify voluntary support and services that we can engage to provide additional capacity
 - Contingency – the proposals set out above are very much best guess as these are circumstances we have never been required to meet previously. We also do not know how long we will need to provide support and services to this group. Ukrainian refugees continue to be accepted by hosts in the district and host arrangements are breaking down or guests want to move to live independently over time. We may need to fund additional posts to respond to increases in homelessness or extend the support role into a 3rd year. It is proposed at this stage to leave £152,600 as contingency, so we can respond to emerging issues.
 - For the LAHF scheme the options are:
 - As a registered provider of affordable housing the Council can take up the offer of the LAHF grant and purchase the required homes. The Council could also pass some or all of the grant on to another Registered Provider. Most housing associations are currently focussed on delivering their own established 4 year programme of mainstream government funded housing development. There is little appetite from the main housing associations to want to purchase individual properties. The District Council's affordable housing programme is well placed to deliver the LAHF scheme. However before the Council signs the Memorandum of Understanding with DLUHC, further work is needed to determine how much of the allocation can be taken up.
- 3.3 The asylum dispersal process has no additional resources for local authorities and is a government commissioned scheme. At this stage it is proposed to continue to work with Derbyshire County Council and East Midlands Councils. We will work with Serco and respond to any properties put forward within the required time period.
- 3.4 In relation to the UKRS, it is proposed that the District Council continues its support focusing on properties where the impact on local supply is minimal.
- 3.5 In relation to the Afghan scheme, the Council can most likely deliver a bridging home in the Ashbourne area by purchasing a home from the private

sector using the LAHF grant. Any other properties would need to come from the empty homes route.

4. Consultation

4.1 Consultation around the Council's involvement in these different programmes is not straightforward. There are few policy options to consult on and in the case of the Ukraine scheme local people have taken it upon themselves to engage in the process. Conversely the asylum dispersal system will most likely happen whatever residents have to say about it. This report is itself the main form of consulting residents on the issues and much of this has already been done through national media. The pace of delivery required by DLUHC also makes it very difficult to undertake a meaningful consultation process.

4.2 Consultation has taken place with the Ashbourne Community Refugee Group concerning the provision of a 'bringing house' in the Ashbourne area. The group remain committed to working with the district council and are keen to support a family that takes up the home purchased by the Council.

5. Timetable for Implementation

5.1 Clearly much of this work is already underway. Subject to Member approval the Homes for Ukraine elements can be taken forward and will last for at least 2 years. The local housing market across social, private and owner occupied sectors will change over time and this may further impact our approach. Future reports will come back to Members advising of changes and recommendations for policy changes.

5.2 The LAHF programme will run from March 2023 to the 31st March 2024, although DLUHC are very clear about their desire to start as soon as possible.

6. Policy Implications

6.1 Given all the challenges set out above, the single most important policy implication is the need to create both more social tenancies in the social sector and affordable tenancies in the private rented sector. The Council will need to respond to these issues through continued delivery of affordable housing, dedicated homelessness and housing advice services, engagement with the voluntary and community sector and the timely intervention in the housing market through capital expenditure to acquire homes and revenue funding, via grants, to support access to tenancies.

6.2 The LAHF scheme is an extension of the Council's existing social housing programme and will increase the Council's housing stock and the subsequent rental income that will result.

7. Financial and Resource Implications

7.1 Derbyshire Dales District Council has received funding of £413,000 to offset costs of the Homes for Ukraine scheme. The financial risk of this scheme is therefore assessed as low.

7.2 Derbyshire Dales District Council has been offered an initial indicative allocation of £2,036,232 capital funding under the Local Authority Housing Fund (LAHF). Paragraphs 1.5 to 1.8 of this report provide details of the fund.

7.3 Key points to note are:

- With the funding of £2,036,232, the Council is expected to deliver a minimum of 17 properties under the main elements of the scheme and 1 under the bridging element. This could be challenging;
- The LAHF will help to address immediate pressures and build a sustainable stock of affordable homes for the future. This means that the Council will have a future source of revenue income (as well as future expenditure to manage & maintain the properties), though it is not yet possible to quantify this;
- For the “main element” the funding of £1.802m only covers 40% of the total capital costs at an average of up to £86,000 per property, plus £20,000 per property for costs associated with legal fees etc. and repairs. The Council will, therefore, need to provide the remaining 60% (around £2.7m). It is possible that properties will be available at a lower value than the £215,000 on which the grant allocation is based; if so, this will reduce the Council’s contribution as well as the grant requirement;
- For the “bridging element” the funding equates to 50% of total capital costs at an average grant rate of up to £214,232, plus £20,000 per property for costs associated with legal fees etc. and repairs. The Council will, therefore, need to provide the remaining 50% (around £215,000). It is possible that properties will be available at a lower value than the £428k on which the grant allocation is based; if so, this will reduce the Council’s contribution as well as the grant requirement;
- As indicated in paragraph 1.12, one of the key challenges in purchasing existing homes within the district is the open market values suitable properties will be on the market for. The majority of homes in many of the district’s villages will exceed the maximum property value set by the LAHF fund of £215,000. This will make it very challenging to deliver the minimum numbers of properties required under the scheme within villages, which is why the focus will be on market towns.
- As indicated in paragraph 1.14, The LAHF is challenging and the ability to deliver should not be underestimated. It is possible that the full allocation will not be taken up.

7.4 The Council is expected to submit proposals for how we would use the funding by the 25th January 2023 and sign a Memorandum of Understanding (MoU) by early March. However, before the Council signs the Memorandum of Understanding with DLUHC, further work is needed to determine how much of the allocation can be taken up.

- 7.5 As indicated in paragraphs 1.9 to 1.11 of the report, the current capital programme already includes some projects that could meet the criteria for this scheme. However, there is still a significant amount of “match funding” that the Council will need to identify. This can be met from Section 106 contributions. At the time of writing the report, the value of section 106 contributions that is uncommitted and available for housing is forecast at £2,884,085, after allowing for new bids to the capital programme that are due to be considered by Council on 2 March. The Director of Housing and the Director of Resources will work together to assess the level of capital funding that is available for this scheme. This work will form the basis of the Council’s proposals. An update will be provided at the Council meeting on 26 January 2023.
- 7.6 Given the challenges outlined above, the financial risk of the LAHF is assessed as high.
- 7.7 Derbyshire Dales District Council is expecting to receive a grant allocation of additional funding to help support Ukrainian guests in to their own homes and reduce the risk of homelessness. If spending is within the funding level, the financial risk will be low.
- 7.8 The impact of the LAHF on the Council’s staff resources will not be significant. The acquisition, renovation and allocations work will be undertaken by Nottingham Community HA. There will be staff time taken up within the Housing Team, identifying opportunities and organising the signing of documents and adding properties to the Council’s insurance policy. The impact of the revenue funding will be positive, giving staff more resource to support the cohort of Ukrainian refugees and free up time to expand the Council’s housing advice and support services for residents.

8. Legal Advice and Implications

- 8.1 This report is in connection with the District Council support of national requests to take part in various programmes supporting refugees and displaced people. This latest programme of support will aim to focus on purchasing existing private sector properties rather than making available social housing.
- 8.2 The recommendations contained within this report includes formal acceptance of an offer of £2,036,232 under the Local Authority Housing Fund Grant, approval of the Local Authority Housing Fund be approved and endorsed, authority be delegated to allocate the Local Authority Housing Fund with a report to be submitted after March 2023, that the Director of Housing be authorised to continue to deliver wider refugee support as part of the UK Resettlement Scheme, where opportunities allow, that the Director of Housing be authorised to deliver the Homes for Ukraine Scheme grant from Derbyshire County Council and the impending Ukraine Support Grant from the Department for Levelling Up, Housing and Communities and lastly that the approach to working with Derbyshire County Council, East Midlands Councils and (where needed) Serco to provide accommodation under the Asylum Dispersal Scheme be noted.

8.3 There are a number of recommendation contained with this reports which will required a lot of resources to undertake, however on the assumption that all work/legal work is carried out in line with all the fund requirements, the Legal risk has been assessed as low

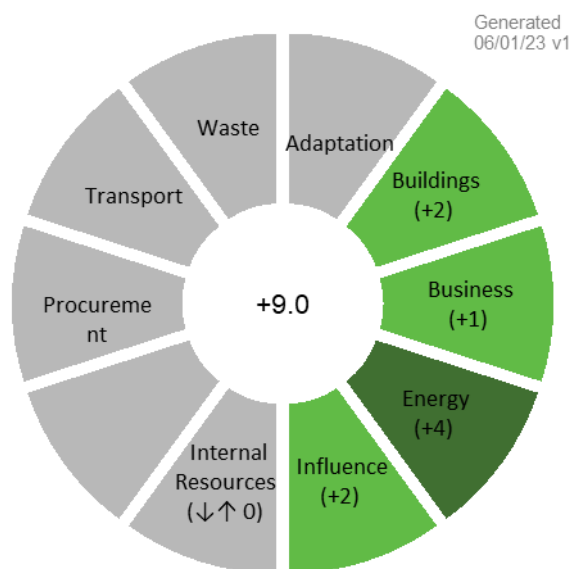
9. Equalities Implications

9.1 Homelessness services provide support for all residents. Certain priority groups are given additional support and these often overlap with protected groups and vulnerable households. The equalities implications are therefore positive.

10. Climate Change Implications

10.1 The LAHF programme will undoubtedly bring empty homes back in to use. Doing this supports our climate change objectives as it is in effect a form of recycling - putting back into use redundant properties which while vacant have no functional value. Providing additional, useable homes in this way is also far less energy intensive than building entirely new properties. Regarding on going use of these newly reoccupied homes, it is the Council's stated ambition to improve all acquired homes to EPC B and as such the LAHF will continue this theme.

10.2 The LAHF programme will fund the purchase of brand new homes from private developers, or older homes that are in need of modernisation. The majority of new build homes will achieve EPC B based on a fabric first approach. The area where the Council's investment will have greatest impact from a climate change perspective, concerns existing homes that require both substantial improvement in the building's fabric to prevent heat loss and renewable energy solutions to reduce demand for gas/oil and electricity. Bringing empty homes back in to use and leading by example are effective methods to influence and encourage other property owners to improve their homes.



DDDC has committed to being a carbon neutral organisation by 2030 (6 years and 11 months away).

11. Risk Management

- 11.1 There are inherent risks with development programmes that inevitably slow down the intended objectives. In the case of the LAHF, DLUHC have asked for a basic risk assessment to be provided as part of the Validation Form. The Validation form is attached at Appendix 1.

Report Authorisation

Approvals obtained from:-

	Named Officer	Date
Chief Executive	Paul Wilson	18/01/2023
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	18/01/2023
Monitoring Officer (or Legal Services Manager)	James McLaughlin	18/01/2023

APPENDIX 1

VALIDATION FORM

Validation form questions

1. Are you willing and able to participate in the Local Authority Housing Fund programme?
 - Yes (form proceeds to question 3) **Yes**
 - No (form proceeds to question 2)
2. Please provide further details of why you are not willing or able to participate in the programme (form proceeds to end).
3. Does the proposal you outline in this form meet the fund objectives outlined below? (Please note this is requirement of the fund and if not agreed you will not be able to participate in the fund.) **Yes**
4. For the "main element" of the fund, how many homes can you acquire by 30th November 2023 (this is a target date, payments will be honoured assuming delivery within financial years 2022/23 and 2023/24)? **17**

Note: if you can deliver fewer than your initial allocation, your funding will be scaled down proportionally to reflect the number of homes, based on the grant per property outlined in your allocation email. If you state you can deliver more homes at this grant rate than your initial allocation, we will progress with the MoU using your initial allocation and following reallocation process, we will confirm whether any additional funding is available to enable you to deliver more than your initial allocation. All delivery proposals in this section should be based on the policy in section 2.1 of the prospectus and the grant per property set out in your allocation email.

5. For the "bridging element" of the fund, how many 4+ bedroom homes can you acquire by 30th November 2023 (this is a target date, payments will be honoured assuming delivery within financial years 2022/23 and 2023/24)? **1**

Note: if you can deliver fewer than your initial allocation, your funding will be scaled down proportionally to reflect the number of homes, based on the grant per property outlined in your allocation email. If you state you can deliver more homes at this grant rate than your initial allocation, we will progress with the MoU using your initial allocation and following reallocation process, we will confirm whether any additional funding is available to enable you to deliver more than your initial allocation. All delivery proposals in this section should be based on the policy in section 2.1 of the prospectus and the grant per property set out in your allocation email.

6. Do you agree to provide progress reports every 2 months until delivery is completed including Management Information (MI) and reporting against Key Performance Indicators (KPIs) as detailed in the prospectus? **Yes**

(Please note this is requirement of the fund and if not agreed you will not be able to participate in the fund.)

7. Has your Section 151 Officer or Deputy S151 Officer approved this submission? **TBC**

(Please note this is requirement of the fund and if not agreed you will not be able to participate in the fund.)

Additional non-assessed questions

The next set of questions are not assessed and will be used by the department to aid policy development and evaluation design only.

1. If the number of “main element” properties you can deliver is fewer than your allocated number, please outline the reasons for this. **N/A**
2. If the number of 4+ bedroom “bridging element” properties you can deliver is fewer than your allocated number, please outline the reasons for this. **N/A**
3. How do you plan on delivering your proposed/target number of homes?

Derbyshire Dales DC is a Registered Provider of Affordable Homes and has a small but growing programme of affordable housing delivery. We work with Nottingham Community HA who act as our Development and Management Agent. We have an existing pipeline of schemes including the acquisition of empty homes, purchase of S106 homes on market sites and two small new build schemes on council owned land. One of our very first new council homes was made available to the Ashbourne Community Refugee Group. We subsequently accommodated an Afghan family from a bridging hotel through the Community Sponsorship route.

DDDC employ an Empty Homes Officer who was already working on the identification of potential purchases of existing private sector empty homes.

Please provide details of the type of stock you plan to acquire, noting the non-exhaustive list of examples provided in section 3 of the programme prospectus.

For main element homes we plan to expand our programme of purchasing low cost and empty homes in our main towns and s106 developments. We will also pursue ‘off the shelf’, 2 and 3 bed homes on private development. For the bridging element home we plan to work with the Ashbourne Community Refugee Group to provide a second community sponsorship home. A 4 bed house in Ashbourne can only be achieved by purchasing an existing private property currently for sale on the open market.

4. If your chosen delivery plan will add to existing housing in your area, please provide an estimate of the number of new homes. ***At this stage we will not be able to provide any net gain in new homes, given the timetable set by DLUHC. New build provision using LAHF would be***

welcome but DLUHC commitments must extend in to 2024/25/26 to be effective for DDDC.

5. Please provide your key milestones for delivery, including decision making timelines. **Derbyshire Dales DC will achieve corporate sign off of the LAHF programme at full Council on the 26th January 2023. The Director of Housing already has delegated authority to assess opportunities and make bids for properties and schemes in consultation with the Chair and Vice Chair of our Community and Environment Committee. Nottingham Community HA provide an appraisal of each opportunity to ensure each scheme is viable and within normal development programme limits.**

<i>January</i>	<i>Scheme Development and approval by DDDC and DLUHC</i>
<i>January/February/March</i>	<i>Review current pipeline of council schemes and identify new opportunities for inclusion in the LAHF programme, including empty homes, off the shelf purchase and properties on the open market</i>
<i>March</i>	<i>Offer made on 4 bed bridging element property, legal completion and minor void works completed by July 2023</i>
<i>April</i>	<i>First new homes at Tansley acquired and let by end of May 2023</i>
<i>May</i>	<i>Empty home at Darley Dale acquired – 2 months void works, available in July 2023</i>
<i>June/July/August</i>	<i>Progressing off the shelf completions and empty home purchases</i>
<i>September/October/November</i>	<i>Final round of completions</i>
<i>December/January/February/March</i>	<i>Final void works completed and properties occupied</i>

6. Based on the indicative approach(es) identified in your delivery plan above, please provide a brief overview that shows a financial projection of how and when the budget will be spent versus the timescales / number of homes to be acquired. **TBC**
7. How do you intend to fund your contributory share required to secure your proposed/target number of homes? (e.g. from capital receipts, revenue, borrowing or funded by a partner?) *DDDC already has capital allocations in place using s106 income which we will utilise for this programme.*
8. What are the key risks for delivery and how do you intend to mitigate them? **The key risks are**

Risk	Impact	Mitigation
Fail to acquire property	<p>S106 schemes are open to competitive bids by other RPs including 'For Profit' RPs.</p> <p>Empty Homes are usually empty for a specific reason. There may not be time to resolve such issues</p>	<p>We monitor S106 opportunities and make bids as appropriate</p> <p>Our Empty Homes Officer will carefully review any potential purchases and only bring forward suitable opportunities</p>
Delays in acquisition	Development always has some delays that come along at some point	NCHA are our Development Agent and they have a lot of experience in s106 and property acquisition. NCHA use external solicitors to progress all legal work and this has worked well on previous acquisitions for the Council
Extended void work time	If the programme relies on more empty home acquisitions, the void works could be significant	NCHA have an internal voids team and also go out to tender where necessary to increase capacity.
Take up by Ukrainian families	It is possible that some Ukrainian families will want to exercise more choice than we are able to offer through the LAHF. Those in rural villages may need to move to our market towns in order to obtain more secure and affordable accommodation	We have reviewed the current location of host families and the needs of Ukrainians on our housing register and who we have accepted a homeless duty to. We are using this information to support the areas we are looking to buy homes. Our Council housing programme is based on Social Rents so they remain truly affordable to local people and Ukrainians alike.
Take up by Afghan families in bridging hotels	Derbyshire Dales is a rural area that will be largely unknown to many refugees.	We will look to secure a property through joint work with the Ashbourne Community Refugee Group to ensure the best possible outcome for the family we anticipate accommodating.

Risk	Impact	Mitigation
Local reaction	Whilst the Derbyshire Dales has welcomed 13 Syrian and UKRS refugees since 2017, this has typically been at a much slower rate than the current demand from Ukrainian refugees. We have not previously been in a position where local people see themselves as being in competition with refugees. As we reshape our investment to support the LAHF there is a risk that some local people will experience a delay in securing a social rented home.	We aim to focus the scheme on existing properties that are currently in the private sector, either as off the shelf purchases or empty homes. We will also emphasise through our usual communication routes that the properties secured through the LAHF will be available to local people for many years after the Ukrainian conflict has ended. Government funding through LAHF also extends our own financial capacity, and while it could be more generous, does lead to a net gain in affordable homes, something we could not achieve at the same rate without the LAHF.
Financial capacity	We acknowledge the grant rates in the prospectus. However house prices in the Derbyshire Dales are some of the highest in the Midlands making the scheme challenging, particularly if the LAHF is extended in 2024/25	We will aim to secure schemes/homes we have already identified as part of our capital programme and target s106 schemes which are already discounted. However this will not help those families in villages where they have already put down roots in the community. DLUHC should consider a rural multiplier or greater flexibility in grant rates (up to 60% grant) if rural councils are to meet the needs of refugees that have settled in protected landscapes such as the Peak District National Park.

9. If this programme continued into future years using the same or a similar approach, (e.g. assuming launch in late 2023 and running for the following 12 months), how many homes could you deliver in this time period? **Up to 20 more homes depending on grant rates**

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Agenda Item 15



**OPEN REPORT
COUNCIL**

Council - 26 January 2023

SECTION 157 HOUSING ACT 1985 – RURAL AREA DESIGNATION: AFFORDABLE HOUSING POLICY IMPLICATIONS

Report of Director of Regeneration and Policy

Report Author and Contact Details

Mike Hase, Policy Manager

01629 761251 or mike.hase@derbyshiredales.gov.uk

Wards Affected

All Outside of the Peak District National Park

Report Summary

This report advises Members that those rural parishes outside the main built areas of Matlock, Ashbourne and Wirksworth have been designated as Rural Areas under s157 of the Housing Act 1985.

The report recommends that the District Council adopts a revision to Policy HC4 in the adopted Derbyshire Dales Local Plan which reduces the threshold for which the District Council can seek to negotiate the provision of affordable housing from ten dwellings or more to five dwellings or more.

Recommendations

1. That Rural Area designation under s157 Housing Act 1985 be noted
2. That the District Council approve the revisions to Policy HC4 in the adopted Derbyshire Dales Local Plan as set out in Para 2.7 of the report below.

List of Appendices

Appendix 1 Copy of Statutory Instrument No 1171 2022

Appendix 2 Equalities Impact Assessment

Background Papers

Report to Council 19th January 2022 & Minutes 242/21

Consideration of report by Council or other committee

None

Council Approval Required

Yes

Exempt from Press or Public

No

Section 157 Housing Act 1985 – Rural Area Designation: Affordable Housing Policy Implications

1. Background

- 1.1 Council on 19th January 2022 resolved to apply to the Secretary of State for Rural Area designation under s157 of the Housing Act 1985. (Minute 242/21)
- 1.2 The formal application was made to the Secretary of State on 13th May 2022. Following consideration of the application a [Statutory Instrument](#) was approved and laid before Parliament confirming the designation on 14th November 2022. Designation will come into force on 12th December 2022. A copy of the Statutory Instrument is set out in Appendix 1.

2. Key Issues

- 2.1 Confirmation of Rural Area designation has three consequences operationally for the District Council:
 - 1) Rural Safeguards from the Right to Buy – Rural designation provides two rural safeguards from the Right to Buy. Either, the Local Authority has the pre-emptive right to buy back a home that has been sold under Right to Buy when it comes onto the market, or, at resale the home bought under the Right to Buy must be sold to someone with a local connection. It should be noted that the cost of buy back via the District Council will be significant with the open market value far exceeding the limit set within the council housing business plan.
 - 2) Exemptions from the 10 dwelling threshold for securing affordable housing contributions - The National Planning Policy Framework (NPPF) and National Planning Policy Guidance (NPPG) use this definition to define designated rural areas. In these areas, the NPPF states Local Planning Authorities can seek an affordable housing contribution on sites of five units or fewer.
 - 3) To remove the ability of development to come forward through the First Homes Exception Sites route.
- 2.2 Bullet Points 1&3 above these can be implemented immediately without any need for a Council resolution.
- 2.3 At the current time the policy approach in the adopted Derbyshire Dales Local Plan mirrors that in National Guidance i.e. that the District Council can only seek to negotiate affordable housing on sites of ten or more dwellings. Rural Area designation allows the District Council as local planning authority to lower this threshold.
- 2.4 The National Planning Policy Framework sets out in Paragraph 64:

Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).

2.5 More detailed advice is set out in the Planning Practice Guidance:

In designated rural areas local planning authorities may instead choose to set their own lower threshold in plans and seek affordable housing contributions from developments above that threshold. Designated rural areas applies to rural areas described under section 157(1) of the Housing Act 1985, which includes National Parks and Areas of Outstanding Natural Beauty.

2.6 One possible interpretation of this advice would suggest that until a new policy is in place within the Derbyshire Dales Local Plan that a lower threshold when the District Council can seek the delivery of affordable housing should not apply. However, given the current timescales for the completion of the review of the Derbyshire Dales Local Plan such a new policy could be up to two years away from adoption.

2.7 In the interim housing affordability will remain a significant issue across the District Council. It is therefore considered that in order to maximise the opportunity that the designation provides and to avoid losing out on the delivery of much needed affordable housing that an interim policy position should be agreed that reduces the threshold upon which the District Council will negotiate to five units.

2.8 It is therefore recommended that the District Council adopt the following revision to Policy HC4 as set out in the adopted Derbyshire Dales Local Plan:

“The District Council will seek to maximise the delivery of affordable housing across the Plan area by working in partnership with the Homes and Community Agency, Registered Providers, Developers and Local Communities.

*In order to address the significant need for affordable housing across the Plan area, all residential developments of **5 dwellings** or more or with a combined floorspace of more than 1000 square metres should provide 30% of the net dwellings proposed as affordable housing*

The affordable housing provision should be in the form of 80% social and affordable rented accommodation with the balance being provided as intermediate housing or discount starter homes. These proportions may be varied in light of individual site circumstances and local considerations with the agreement of the District Council.

Where the proposed provision of affordable housing is below the requirements set out above, the District Council will require applicants to provide evidence by way of a financial appraisal to justify a reduced provision.

Affordable housing provision should normally be provided in the form of completed dwellings, designed as an integral part of the development site itself and in perpetuity. In exceptional cases, the Council may allow provision of affordable housing off-site or by means of a financial contribution of equivalent value or through the provision of serviced land or a combination thereof.”

3. Options Considered and Recommended Proposal

- 3.1 The only feasible alternative option considered was not to implement a reduced threshold until such times as the revised Derbyshire Dales Local Plan is adopted.
- 3.2 Such an approach would allow for the impact of such a policy to be tested in relation to the impact upon the viability of development and determine if a reduced threshold can be implemented without undue harm to delivery. However as set out above it is likely to be a further two years before a revised policy with reduced threshold could be legitimately brought into effect.
- 3.3 A number of factors, including national and local housing market conditions, will affect the extent to which the District Council would be able to benefit from a reduction in the threshold over which we would seek to negotiate the delivery of affordable housing. Given the current market conditions it is, however, not possible to exactly quantify how much additional affordable housing might be secured over the next two years.
- 3.4 Such a policy revision will, however, provide the District Council with the opportunity to secure more, much needed affordable housing, as part of its negotiations with developers on qualifying developments.

4. Consultation

- 4.1 The proposed revision to Policy HC4 in the adopted Derbyshire Dales Local Plan as set out above would be wholly consistent with the guidance set out in the NPPF and the Planning Practice Guidance. As it is recommended not to bring into force any new policy approach that would be inconsistent with National Policy and Guidance it is considered that no public consultation is required to enable the District Council to bring it into force.
- 4.2 Consultation on any further revisions to the policy would be undertaken as part of the review of the Derbyshire Dales Local Plan. Currently anticipated to be late 2023.

5. Timetable for Implementation

- 5.1 It is recommended that the introduction of a reduced threshold of five units to supersede the threshold set out in Policy HC4 in the adopted Derbyshire Dales Local Plan be brought into being with immediate effect.

6. Policy Implications

- 6.1 As set out in the report above.

7. Financial and Resource Implications

- 7.1 The proposed revision to Policy HC4 will be used in the determination relevant planning applications by Development Management staff. It is not anticipated that this will require any additional resources or costs.
- 7.2 The proposed revision to Policy HC4 may lead to some additional financial contributions being made under the auspices of Section 106 Obligations. It is however anticipated that this will be limited as the emphasis within the policy is on securing additional affordable housing on-site to meet local needs.
- 7.3 The financial risk is assessed as low.

8. Legal Advice and Implications

- 8.1 Should this motion be passed as recommended, there is a risk of challenge from those applications of between 5-8 dwellings which are caught by this threshold reduction.
- 8.2 The guidance in the NPPF infers that reduced thresholds should be introduced as part of the development of Local Plans. In legal terms the usage of the word “should” can be utilised to express a suggestion or a recommendation, while (in the alternative) “shall” can only be used to express a directive or a command. This however is a future argument and as there is some risk of challenge to the introduction of a reduced threshold of five dwellings, the legal risk has to be assessed as medium.

9. Equalities Implications

- 9.1 An Equalities Impact Assessment of the recommended changes to Policy HC4 in the adopted Derbyshire Dales Local Plan has been undertaken. A copy of which is attached at **Appendix 2**
- 9.2 The Equalities Impact Assessment identifies many benefits to adopting the proposed changes and no dis-benefits.

10. Climate Change Implications

- 10.1 At a strategic level it is considered that there are unlikely to be any direct climate change implications with the revisions to Policy HC4. However the specific climate change implications of new affordable housing secured by this policy revision will need to be determined on a case by case basis.

11. Risk Management

- 11.1 As the guidance in the NPPF infers that reduced thresholds should be introduced as part of the development of Local Plans there is some risk of challenge to the introduction of a reduced threshold of five dwellings. This could come in the form of a challenge on appeal in the circumstances where the use of the lower threshold has been a determining factor in the consideration of a qualifying planning application.

- 11.2 In such circumstances the impact of the interim policy, and the extent to which it is a material consideration will need to be carefully considered by Planning Committee in exercising their judgement over individual planning applications.
- 11.3 However in introducing an interim policy the District Council would be balancing any such risk against the continued need for affordable housing across the District Council and taking affirmative action to secure affordable housing for residents of the District Council area.

Report Authorisation

Approvals obtained from:-

	Named Officer	Date
Chief Executive	Paul Wilson	17/01/2023
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	11/01/2023
Monitoring Officer (or Legal Services Manager)	Kerry France	16/01/2023

APPENDIX 1 – STATUTORY INSTRUMENT SI1171/22

**The Housing (Right to Buy) (Designated Rural Areas and Designated
Regions) (England) Order 2022**

APPENDIX 2 – EQUALITIES IMPACT ASSESSMENT

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2022 No. 1171

HOUSING, ENGLAND

The Housing (Right to Buy) (Designated Rural Areas and Designated Regions) (England) Order 2022

<i>Made</i>	- - - -	<i>9th November 2022</i>
<i>Laid before Parliament</i>		<i>14th November 2022</i>
<i>Coming into force</i>	- -	<i>12th December 2022</i>

The Secretary of State makes this Order in exercise of the powers conferred by section 157(1)(c) and (3) of the Housing Act 1985(a).

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Housing (Right to Buy) (Designated Rural Areas and Designated Regions) (England) Order 2022 and comes into force on 12th December 2022.

(2) In this Order—

- (a) “the Act” means the Housing Act 1985; and
- (b) “the 2021 Order” means the Housing (Right to Buy) (Designated Rural Areas and Designated Regions) (England) Order 2021(b).

(3) This Order applies to England only.

Designated rural areas

2. The areas specified in the Schedule are designated as rural areas for the purposes of section 157 of the Act.

Designated regions

3. In relation to a dwelling-house which is situated in a rural area designated by article 2 and listed in—

- (a) paragraph 1 of the Schedule, the region designated (for the purposes of section 157(3) of the Act) is the district of Sevenoaks;
- (b) paragraph 2 of the Schedule, the region designated (for the purposes of section 157(3) of the Act) is the district of Derbyshire Dales.

(a) 1985. c. 68. Section 157(1) was amended by Part 4 of Schedule 18 to the Government of Wales Act 1998 (c. 38), paragraph 9 of Part 1 of Schedule 15 to the Countryside and Rights of Way Act 2000 (c. 37) and section 188(2)(a) of the Housing Act 2004 (c. 34). Section 157(3) was amended by section 126(3) of the Housing Act 1988 (c. 50). There are other amendments to section 157 which are not relevant to this Order.

(b) S.I. 2021/1222.

Amendment to the 2021 Order

4. In article 3(c) of and paragraph 3 of the Schedule to the 2021 Order, for “Wyre” in both places it occurs substitute “Wyre Forest”.

Signed by authority of the Secretary of State for Levelling Up, Housing and Communities

Lucy Frazer
Minister of State

9th November 2022

Department for Levelling Up, Housing and Communities

SCHEDULE

Article 2

Designation of rural areas

1. In the district of Sevenoaks the parishes of Badgers Mount, Brasted, Chiddingstone, Crockenhill, Eynsford, Farningham, Fawkham, Halstead, Hever, Knockholt, Leigh, Seal, Sevenoaks Weald and Shoreham.

2. In the district of Derbyshire Dales the parishes of Aldwark, Alkmonton, Atlow, Ballidon, Birchover, Bonsall, Boylestone, Bradbourne, Bradley, Brailsford, Brassington, Callow, Carsington, Clifton and Compton, Cromford, Cubley, Doveridge, Edlaston and Wyaston, Hognaston, Hollington, Hopton, Hulland, Hulland Ward, Kirk Ireton, Kniveton, Longford, Mapleton, Marston Montgomery, Mercaston, Middleton, Norbury and Roston, Northwood and Tinkersley, Offcote and Underwood, Osmaston, Rodsley, Rowsley, Shirley, Snelston, Somersal Herbert, South Darley, Stanton, Sudbury, Tansley, Yeaveley and Yeldersley.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order designates the parishes listed in the Schedule as rural areas under section 157(1)(c) of the Housing Act 1985 (“the Act”) and provides for the regions of Sevenoaks and Derbyshire Dales to be designated regions under section 157(3) of the Act in relation to dwelling-houses situated in the designated rural areas falling within those districts.

Where a dwelling-house in a designated rural area is sold under Part 5 of the Act (the right to buy), the vendor may—

- (a) impose a covenant requiring its consent to any further disposal which is not an exempted disposal under section 160 of the Act (but the vendor’s consent may not be withheld if the disposal is to a person who has throughout the preceding 3 years had their only or principal home or place of work in a designated region which, or part of which, is comprised in the designated rural area) (see section 157(1) to (3) of the Act); or
- (b) reserve a right of pre-emption if the Secretary of State or, if the vendor is a housing association, the Regulator of Social Housing, consents (see section 156A(8) of the Act).

Similar covenants as to consent or rights of pre-emption may be imposed in relation to dwelling-houses in the areas designated by this Order that are sold voluntarily under section 32 of the Act (see section 37 of the Act).

Article 4 of this Order amends the Housing (Right to Buy) (Designated Rural Areas and Designated Regions) (England) Order 2021 (SI 2021/1222) to correctly identify the district of Wyre Forest.

A full impact assessment has not been produced for this instrument as no significant impact on the private, voluntary or public sectors is foreseen.

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<http://www.legislation.gov.uk/id/uksi/2022/1171>

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Derbyshire Dales District Council Equality Impact Assessment



Please refer to the guidance whilst completing this form.

Contact Elizabeth Wilson [elizabeth.wilson@derbyshiredales.gov.uk, or 01269 761240] for support.

1. Outline

Information required	Detail
a. Title of policy, practice, service or function being assessed	Context: Rural Area designation under s157 Housing Act 1985 Policy HC4 in the adopted Derbyshire Dales Local Plan
b. Links to Service and/or Corporate Plan Ref/s	Links to Local Plan, Corporate plan priorities people and prosperity, CP20/PR16
c. Name and Role of Officers conducting assessment	Mike Hase/Elizabeth Wilson
d. Date of assessment	Dec 2022
e. Reason for assessment	Revisions to Policy HC4 in the adopted Derbyshire Dales Local Plan which reduces the threshold for which the District Council can seek to negotiate the provision of affordable housing from ten dwellings or more to five dwellings or more
f. What is the purpose of this policy, practice, service or function? (specify aims and objectives)	To set out details of when the District Council will seek to negotiate the delivery of affordable housing in areas outside the main urban areas as part of the determination of planning applications.
g. Are there any other organisations involved in its implementation?	No
h. Likely customer groups to be impacted	Residents in defined Parish Council areas.
i. Other stakeholders likely to be impacted	DDDC partners such as housing associations
Which District Council departments are affected by the policy, practice, service or function?	Regeneration and Policy, Housing,

Information required	Detail
Do any of the objectives directly support or hinder another Council activity?	Supports CP20/PR16 and CP20/PR8: Promote housing development that meets the needs of the present and future population of the District

2. Assessing Relevance to the General Equality Duty

The General Equality Duty has three aims which require the District Council to have due regard to the need to:	Tick those which are relevant ✓
1. Eliminate unlawful discrimination (both direct or indirect), harassment and victimisation	
2. Advance equality of opportunity between all persons by <ul style="list-style-type: none"> • removing or minimising disadvantages suffered by protected groups; • taking steps to meet the needs of people from protected groups where these are different from the needs of other people • encouraging people from protected groups to participate in public life or other activities where participation is disproportionately low 	✓
3. Foster good relations between different groups	

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3. What existing information / data do you have / monitor about different diverse groups in relation to this policy, practice, service or function?

For example: previous EIA's, reports, consultation, surveys, demographic data etc.

Information / Data	Data source and date	Information relevant to proposed policy/service/function
<p>Office National Statistics 2021 Census https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/datasets/populationandhouseholdestimatesenglandandwalescensus2021</p>	<p>Office National Statistics population datasets – age, sex, households etc</p>	<p>e.g. Derbyshire Dales population has increased by 0.5% from 71,116 to 71,500</p> <p>27.8% of the population in the Derbyshire Dales are over 65</p> <p>The number of households has increased by 5.1%, from 30,744 to 32,300</p>
<p>Derbyshire Observatory Infographic of data to electoral division https://observatory.derbyshire.gov.uk/wp-content/uploads/reports/profiles/area_profiles/district/Derbyshire_Dales_Area_Profile.pdf https://observatory.derbyshire.gov.uk/housing-house-prices/ https://observatory.derbyshire.gov.uk/wp-content/uploads/reports/documents/census/2021_census/2021%20Census%20Infographic%20v5_DDales%20V1.0.png</p>	<p>Population figures by age, number of households, sex - Derbyshire Observatory; taken from Census 2021 - national survey of all households</p>	<p>The Derbyshire Dales has less people aged under 35 than the average for England, in all 5 year age bands</p> <p>28% are over 65 years of age</p> <p>Median house price is very high at £245 000 [Derbyshire median is £165,000 and England is £221,000]</p> <p>Fuel poverty is higher [12.6] than the average for Derbyshire [10.6] and England [10.3]. Fuel poverty is linked to poor quality housing</p> <p>Population 72,422 and total number of households 32,300</p> <p>30% of households have dependent children, 5% households are lone parent</p>

<p>Derbyshire Dales Equalities Profile</p> <p>https://observatory.derbyshire.gov.uk/wp-content/uploads/reports/infographics/people_and_place/pp_equalities.pdf</p> <p>https://observatory.derbyshire.gov.uk/wp-content/uploads/reports/profiles/census_profiles/equalities_profile/district/Derbyshire_Dales.pdf</p>	<p>Derbyshire Observatory; taken from Census 2021 - national survey of all households</p> <p>Derbyshire Observatory; taken from Census 2011 - national survey of all households</p>	<p>19.7% of households are deprived in 2 or more areas</p> <p>The difference in pay between men and women resident in Derbyshire is 21% in favour of men, therefore women have even less chance of being able to afford a home</p> <p>19.7% of households deprived in two or more dimensions</p>
<p>Derbyshire Dales Profile</p> <p>https://www.nomisweb.co.uk/reports/localarea?compare=E07000035</p>	<p>NOMIS Official Labour Market Statistics Census 2011 - national survey of all households</p>	<p>25% of households are living in rented property [36% in England]. This potentially reflects the lack of available rental property in the district, due to the number of holiday lets and second homes.</p> <p>9.2% of residents provide 1 to 19 hours unpaid care a week</p>
<p>Derbyshire Dales Equality Information published on website:</p> <p>https://www.derbyshiredales.gov.uk/your-council/equalities/equality-information</p>	<p>DDDC Monitoring data collected by services (in-house and outsourced)</p>	<p>During 2020/21 the District Council received 831 applications for housing. Of these, 544 were made 'live' and eligible to bid for housing. Not all applicants were housed.</p>
<p>Population figures – estimated for 2020 by the ONS</p> <p>https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/datasets/populationestimatesforukenglandandwalescotlandandnorthernireland</p>	<p>Office of National Statistics</p>	<p>e.g. The UK median age is 40.4, in the Derbyshire Dales it is 51.5</p> <p>e.g. Total population of Derbyshire Dales is 72,422; made up of 36,777 women and 35,645 men</p>

4. Consultation and engagement

4a. If no consultation has taken place OR is unnecessary, please explain why.

The proposed revision to Policy HC4 in the adopted Derbyshire Dales Local Plan as set out above would be wholly consistent with the guidance set out in the NPPF and the Planning Practice Guidance. As it is recommended not to bring into force any new policy approach that would be inconsistent with National Policy and Guidance it is considered that no public consultation is required to enable the District Council to bring it into force.

Consultation on any further revisions to the policy would be undertaken as part of the review of the Derbyshire Dales Local Plan. Currently anticipated to be late 2023.

4b. Add the results of any completed consultation and how it has/will inform the development of the policy/service.

Who did you consult with?	How and when	Outcomes/Results	Implications and amendments as a result of consultation
N/A			

4c. Add consultation plans and results here

Think about who the stakeholders are? How will you gather their views? By when?

Remember to complete a Consultation Proposal form to access support and refer to the guides – everything you need is here

<X:\Partnerships and Projects\Consultation All Directorates\Strategies Guidance Resources>

Who will you consult with?	How and When	Results	Implications and amendments as a result of consultation
As set out in the legislation and the District Council's Statement of Community Involvement	Consultation on any further revisions to the policy would be undertaken as part of the review of the Derbyshire Dales Local Plan. Currently anticipated to be late 2023.	TBC	TBC

5. Based on the evidence above, does the policy, practice, service or function have a positive or negative impact on any protected group(s)?

Protected groups	Positive effects	Negative effects	Potential Improvement Actions
Age	The availability of affordable new built social housing that meets the needs of people of all ages is beneficial. Existing, market housing is often not suitable for the young or elderly and is often not easily adaptable. Property prices are inflated by external demand within the open market for both primary and second	N/A	

Protected groups	Positive effects	Negative effects	Potential Improvement Actions
	homes. The elderly, single parents and young families often have the least money available to purchase/rent a home		
Disability or long term ill heath Physical disabilities, sensory impairments, limiting long-term illnesses, learning disabilities or mental health issues	The availability of affordable new built social housing that meets all accessibility needs, in an area where existing housing tends not to be accessible or easily adapted to suit individual needs, is beneficial.	N/A	
Race / ethnic groups	No specific advantages	N/A	
Women or men	Women may benefit from affordable social housing as their salaries are 20% less than men in the district and property prices are inflated by tourism	N/A	
Sexual orientation	No specific advantages	N/A	
Religion or belief (including non-belief)	No specific advantages	N/A	
Transgender (including people planning to or going through gender reassignment)	No specific advantages	N/A	

Protected groups	Positive effects	Negative effects	Potential Improvement Actions
Pregnancy and maternity (including maternity and paternity leave)	The availability of affordable new built social housing that meets all accessibility needs, in an area where existing housing tends not to be accessible or easily adapted to suit individual needs, is beneficial. Single parents would benefit greatly as their incomes are often very low	N/A	
Marital status (including civil partnership & same sex marriage)	No specific advantages	N/A	

5a. Are there any local priority groups / factors which should be considered?

Other factors	Positive effects	Negative effects	Improvement actions
Rural areas	The availability of more affordable housing is likely to benefit people experiencing poverty and deprivation, particularly in rural areas where levels of housing stock are low and often unaffordable to most people due to tourism driving prices upwards – this is the case for rental properties as well as those for sale.	None	N/A
Poverty / deprivation	The availability of more affordable housing is likely to benefit people experiencing poverty and deprivation. Levels of affordable housing stock are low this is the case for rental properties as well as those for sale.	None	N/A

6. Commissioned / outsourced services

Is your policy, practice, service or function partly or wholly provided by any external organisation / agency?	No
If yes, please list any contractual or other arrangements which aim to ensure that the provider promotes equality and diversity (e.g. <i>monitoring data</i>)	

7. Summary

Use this space to summarise key data and its implications, the key issues to be addressed, potential actions to address them and any other points relevant to the Policy/service.

The increased availability of social housing to rent or buy will benefit residents; particularly in villages and tourist hotspots where house prices are very high and there is a lack of private rental property.

8. Improvement Plan

Key issues identified	Actions
There is a high level of need for a variety of affordable housing to suit the needs of residents in the District	Seek to increase the number and variety of affordable housing in the district via external funding

PLEASE FORWARD THE COMPLETED FORM TO THE POLICY MANAGER / POLICY OFFICER (Consultation & Equalities)

Signed _____(Completing Officer)

Agenda Item 16

Council - 26 January 2023

REVIEW OF MEMBERS ALLOWANCES SCHEME

Report of Director of Corporate & Customer Services and Monitoring Officer

Report Author and Contact Details

Jason Spencer, Electoral and Democratic Services Manager
01629 761300 or Jason.Spencer@derbyshiredales.gov.uk

Wards Affected

District Wide

Report Summary

This report sets out the recommendations of the Independent Remuneration Panel (IRP) in response to a request from the Council to conduct a full review of the Members' Allowance Scheme. The Council must have regard to the recommendations of the Panel when establishing a new Scheme of Allowances.

Recommendations

1. That the report of the Independent Remuneration Panel be noted.
2. That a new Scheme of Members' allowances be approved in accordance with the recommendations of the Independent Remuneration Panel.
3. That, subject to the approval of recommendation 2, the additional cost of £1,357 be included in the draft budget for 2023/24.

List of Appendices

Appendix 1 Report of the Independent Remuneration Panel

Background Papers

None

Consideration of report by Council or other committee

Not applicable

Council Approved Required

Yes

Exempt from Press or Public

No

Review of Members Allowances Scheme

1. Background

- 1.1 The Local Authorities (Members' Allowances) (England) Regulations 2003 require the Council to have a scheme for the payment of Members.
- 1.2 To meet the requirements of the Regulations the Council must approve a scheme which provides for the payment of a basic allowance to each member of that authority. The basic allowance (BA) must be the same for every member of the authority.

2. Key Issues

- 2.1 Before a relevant authority may make or amend a scheme of allowances it must have regard to recommendations made in relation to the scheme by an Independent Remuneration Panel (IRP). While the Council must have regard to recommendations made by an IRP it does not necessarily have to approve them.
- 2.2 The Regulations state that the Council may also provide for the payment of special responsibility allowances (SRAs) to such members as have special or additional responsibilities. The specified categories of special or additional responsibilities which may be included in a scheme of allowances include:
 - i. acting as leader or deputy leader of a political group within the authority;
 - ii. acting as a member of an executive where the authority is operating executive arrangements within the meaning of part 2 of the Local Government Act 2000;
 - iii. presiding at meetings of a committee or sub-committee of the authority;
 - iv. representing the authority at meetings of or arranged by any other body;
 - v. acting as a member of a committee or sub-committee of the authority which meets with exceptional frequency or for exceptionally long periods;
 - vi. acting as the spokesperson of a political group on a committee or sub-committee of the authority; and
 - vii. carrying out such other activities in relation to the discharge of the authority's functions as require of the member an amount of time and effort equal to or greater than would be required of him or her by any of the above-mentioned activities.
- 2.3 SRAs do not need to be the same and may reflect the different expectations, time and effort involved in particular roles.
- 2.4 Member allowance schemes may also provide for the payment of a carers' allowance and also for members' travelling and subsistence whilst acting in connection with their duties as a member of the authority.

The Independent Remuneration Panel (IRP)

- 2.5 The IRP has been reconvened in accordance with a decision of the full Council on 26th May 2022. In particular, the authority for the Council to continue the indexation of allowances lapsed at the end of 2020/21 as indexation had been in place for four years, the maximum time period permitted by the 2003 Regulations.
- 2.6 The Terms of Reference of the IRP were to make recommendations to the Council on:-
- I. The amount of basic allowance that should be payable to its elected members and the expenses that it is deemed to include
 - II. The responsibilities or duties which should lead to the payment of a special responsibility allowance and as to the amount of such an allowance
 - III. The duties for which a travelling and subsistence allowance can be paid and as to the amount of this allowance
 - IV. Whether the authority's allowances scheme should include an allowance in respect of the expenses of arranging for the care of children and dependants and if it does make such a recommendation, the amount of this allowance and the means by which it is determined
 - V. Whether annual adjustments of allowance levels may be made by reference to an index, and, if so, for how long such a measure should run
 - VI. The remuneration of the Independent Persons
 - VII. The level of the Civic Allowance paid to the Civic Head and Deputy Civic Head
- 2.7 The IRP convened in person at the Town Hall, Matlock on 16th-17th November 2022 meeting with a range of Members to discuss issues of concern and receiving factual briefings from relevant Officers to obtain an overview on any recent changes in Council structures and the challenges it faces.
- 2.8 All Members were invited to make written submissions to the IRP, with eight responses received. In addition, all Members who were not specifically invited to meet with the IRP were given the opportunity to request a meeting with the IRP if they so wished, no such requests were received.
- 2.9 In arriving at its recommendations, the IRP also took into account a wide range of information and evidence. The details of representations and evidence received and considered by the IRP are set out appendices to their report.
- 2.10 The final proposals can be summarised as follows:
- An increase in the basic allowance to £5,150.
 - A corresponding increase in Special Responsibilities Allowances (SRAs)

- Clarification on expenses covered by the basic allowance.
- Clarification on SRAs for Opposition Group Leaders.
- Payments to Independent Persons.
- Clarification on the rates for the Dependant Carers Allowance.
- Clarification on how approved duties are defined.
- Rates at which mileage allowances may be claimed
- Recommendations on Indexation for inflationary increases.

3. Options Considered and Recommended Proposal

3.1 Option 1 - To approve the recommendations of the Independent Remuneration. This is the preferred option as the recommendations have:

- been prepared having regard to benchmarking information from other similar organisations,
- drawn on the professional experience and expertise of the panel,
- been prepared in light of feedback received from Councillors during the review,
- given consideration to the budget pressures facing the Council.

3.2 Option 2 - To make no changes to the existing scheme. It is suggested that this option is not pursued for the following reasons:

- There is a need to revise the current scheme to provide greater clarity on what can be claimed and when.
- The basic allowance has not changed since the inflationary index expired in April 2021.
- The current scheme has not been the subject of a significant review since 2015.

3.3 Option 3 - To adopt some of the recommendations of the Panel but amend or delete others. It is suggested that this option is not pursued as in making their recommendations the Panel has carried out the review according to the terms of reference set by the Council. As such the proposed scheme has been developed as a whole so that the payments made reflect the expectations and responsibilities placed upon Councillors. If the Council is minded to amend the recommendations it is suggested that the IRP be asked to consider and comment on the proposed change before it is approved.

4. Consultation

4.1 A number of Councillors and Officers were consulted by the Independent Remuneration Panel while they carried out their review. Details of consultees are set out in the Panel's final report.

4.2 If the proposals are approved the Council must publish a statutory notice setting out details of the new scheme.

5. Timetable for Implementation

- 5.1 If the proposals are adopted it is recommended that they are introduced following the Annual meeting on 25 May 2023. It is proposed that the index is applied from 1 April 2023.

6. Financial Advice and Implications

- 6.1 In the 2022/23 budget the following allocations have been made for the payment of Members allowances:

Basic Allowances - £180,492

Special Responsibility Allowances - £47,882

Total - £228,374

- 6.2 If the proposals set out in the IRP report are approved the following provision would need to be made in the 2023/24 budget

Basic Allowances - £175,100

Special Responsibilities Allowances - £54,631

Total - £229,731

- 6.3 As a consequence there will need to be an additional commitment of £1,357 (plus any index linked increases) in 2023/24 and subsequent years.

Should Members approve the proposals, the additional commitment will be included in the draft budget for 2023/24 that is due to be considered by Members on 2nd March 2023.

- 6.4 The financial risk is assessed as low.

7. Legal Advice and Implications

- 7.1 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 proposals contained in this report comply with the requirements of the legislation so the legal risk is low.

8. Equalities Implications

- 8.1 The IRP proposals provides clarity on when Dependent Carers Allowances can be claimed and updates how much can be claimed.

9. Climate Change Implications

- 9.1 There are no significant climate change implications arising from the proposals in the report however the revised scheme clarifies the mileage rates for electric vehicles and bicycles.

10. Risk Management

10.1 There are no other significant risks arising from these proposals

Report Authorisation

Approvals obtained on behalf of:-

	Named Officer	Date
Chief Executive	Paul Wilson	17/01/2023
Director of Resources (S.151 Officer)	Karen Henriksen	11/01/2023
Monitoring Officer	James McLaughlin	13/01/2023

A Review

Of

Members' Allowances

For

Derbyshire Dales

District Council

A Report

By the

Independent

Remuneration Panel

Jackie Batchelor

Dr Declan Hall (Chair)

Barry Mellor

David Willis

Susan Whitfield

January 2023

The IRP recommends that the following allowances and indexation are paid and applicable for 2023/24

Derbyshire Dales Council IRP Executive Summary	BA & SRAs 2023/24 (recommended)¹					
REMUNERATED POSTS	Basic Allowance	Methodology	Nos. Paid	SRA per Post	Total per Member	Total per Category
All Members	£5,150	(91 days - 45% PSD) = 51 days X £103 p/day	34	-		£175,100
Leader of Council	£5,150	2.6 X BA	1	£13,390	£18,540	£13,390
Deputy Leader Council	£5,150	45% X Leader's SRA	1	£6,026	£11,176	£6,026
Chairman of Planning	£5,150	40% X Leader's SRA	1	£5,356	£10,506	£5,356
Vice-Chairman of Planning	£5,150	30% X Chair's SRA	1	£1,607	£6,757	£1,607
Chairman of Community & Environment	£5,150	35% X Leader's SRA	1	£4,687	£9,837	£4,687
Vice Chairman of Community & Environment	£5,150	30% X Chair's SRA	1	£1,406	£6,556	£1,406
Chairman of Governance & Resources	£5,150	35% X Leader's SRA	1	£4,687	£9,837	£4,687
Vice-Chairman of Governance & Resources	£5,150	30% X Chair's SRA	1	£1,406	£6,556	£1,406
Chairman of Council	£5,150	35% X Leader's SRA	1	£4,687	£9,837	£4,687
Vice-Chairman of Council	£5,150	30% X Chair's SRA	1	£1,406	£6,556	£1,406
Chairman of Licensing & Appeals	£5,150	20% X Leader's SRA	1	£2,678	£7,828	£2,678
Vice-Chairman of Licensing & Appeals	£5,150	30% X Chair's SRA	1	£803	£5,953	£803
Chairman of Scrutiny	£5,150	20% X Leader's SRA	1	£2,678	£7,828	£2,678
Vice-Chairman of Scrutiny	£5,150	30% X Chair's SRA	1	£803	£5,953	£803
Main Opposition Group Leader	£5,150	15% X Leader's SRA	1	£2,009	£7,159	£2,009
Minority Opposition Group Leader	£5,150	50% X Main Opposition Group Leader's SRA	1	£1,004	£6,154	£1,004
SUB TOTALS						
BA SUB TOTAL	£5,150		34			£175,100
SRAS SUB TOTAL			16			£54,631
TOTAL PAYABLE (BA + SRAs)						£229,731

¹ Note – all recommended SRAs and Basic Allowance for 2023/24 will be subject to the recommended indexation for that year

The IRP also recommends that

Expenses deemed to be covered by the recommended Basic Allowance

For clarification purposes that the allowances scheme is amended to state the Basic Allowance is deemed to cover such incidental costs as personal use of Members home lines, mobility phones, broadband and IT consumables.

Where there are two Main Opposition Groups of equal size

Where there are two Main Opposition Groups of equal size that the recommended SRA (£2,009) for the Leader of the Main Opposition Group and recommended SRA (£1,004) for the Leader of the Other Opposition Group is aggregated (£3,013) and divided by two (£1,607) and paid equally to each Main Opposition Group Leader.

Discontinuing the SRAs for Member Representatives

From 2023/24 the SRA (£675) for the role of Member Representative is discontinued.

Confirming the 'One SRA only' Rule

The One SRA only rule is maintained

The Independent Persons

The Independent Persons are paid at a flat rate of £300 per annum.

The Dependants' Carers' Allowance

The DCA is maintained but that two different categories of care are recognised and payable as follows:

- Childcare - maximum hourly rate at National Living Wage (£10.42 from 1 April 2023)
- Elderly/disabled care – maximum hourly rate at the median hourly rate charged by Derbyshire County Council Social Services Department for a Home Care Assistant

For clarification purposes, the IRP also recommends that it is inserted in the Members' Allowances Scheme that the duties for which the DCA may be claimed are defined by statute as set out in paragraph 7.1 of the 2003 Members' Allowances Regulations.

Approved duties for claiming Travel and Subsistence Allowances

The right of Members to claim Subsistence Allowances for attending approved duties within the area of Derbyshire District Council is removed and that amendment is inserted into the scheme of allowances.

The IRP also recommends that the current restriction on claiming travel allowances for journeys of over three miles only is removed. It also recommends that the approved duties for claiming travel allowances are amended to clarify that:

- Members are able to claim travel allowances for attending Parish Council meetings within their ward
- Members are not able to claim travel allowance for attending duties regarding constituent issues

Rates at which Subsistence Allowances may be claimed

The current Subsistence rates which may be claimed by Members for attending an approved outside the Council area are maintained.

Rates at which Mileage Allowances may be claimed

The allowances scheme is amended to set out the current HMRC Mileages rates applicable for the following modes of transport:

- **Travel by cars and vans:** 45p per mile
- **Travel by motorcycle:** 24p per mile
- **Travel by bicycle:** 20p per mile
- **Passenger supplement rate:** 5p per passenger (maximum of 4)

The Passenger Supplement allowance should only be claimed for carrying fellow elected Members to an approved duty who would also be eligible for claiming the mileage allowance if travelling in their own vehicle.

To future the proof the travel allowances the IRP also recommends that the scheme is clarified and amended to expressly state that where a Member claims the mileage allowance by travel in a hybrid/electric vehicle that the HMRC rate of 45p per mile is applicable.

The Civic Allowances

There is no change to the annual civic allowance of £3,250 and £950 paid to the Civic Head and Deputy Civic Head respectively.

Issues arising – Remuneration and Member performance

The RP is not making any recommendations in this regards.

Indexation

The Derbyshire Dales District Council Members Allowances are indexed as follows:

- **Basic Allowance, SRAs, Independent Persons remuneration and Civic Allowances:**
 - Indexed to the annual percentage salary increase for local government staff set at SCP 43 to be applied for the same year that applies to staff
- **Travel Allowance – Mileage Rates:**
 - Indexed to HMRC approved mileage rates for motor, hybrid and electric vehicles, motor cycles and bicycles

- **Subsistence Allowances:**
 - Indexed to the same rates that apply to Officers

- **Dependants' Carers' Allowance – Maximum Rates:**
 - Childcare element:
 - indexed to the 'national living wage' hourly rate
 - Elderly or Other Dependant Relatives element:
 - indexed to median hourly rate charged for a Home Care Assistant by Derbyshire County Council Social Services Department

The IRP also recommends that the indices apply for the maximum length permitted by the 2003 Regulations namely four years and to run from 1 April 2023 until 31 March 2027.

Implementation of Recommendations

All the recommendations contained in this report should be implemented from the date of the Council's Annual Meeting on 25th May 2023 with the exception of the recommendations on indexation which for continuity purposes should be implemented from 1st April 2023.

A Review of Members' Allowances

For

Derbyshire Dales District Council

By the

Independent Remuneration Panel

January 2023

The Regulatory Context

1. This report is a synopsis of the deliberations and recommendations made by the Independent Remuneration Panel (the IRP) for Derbyshire Dales District Council to advise the Council on its Members' Allowances scheme. The IRP is established under *The Local Authorities' (Members' Allowances) (England) Regulations 2003 (SI 1021)* (the 2003 Regulations). These regulations, which arise out of the relevant provisions contained in the Local Government Act 2000, require all local authorities to establish and maintain an advisory Independent [Members] Remuneration Panel to review and provide advice on Members' allowances on a periodic basis. All Councils are required to convene their IRP and seek its advice before they make any changes or amendments to their members' allowances scheme. They must 'pay regard' to their IRP's recommendations before setting a new or amended Members' Allowances Scheme.
2. On this particular occasion, the IRP has been reconvened in accordance with a decision of the full Council on 26th May 2022. In particular, the authority for the Council to continue the indexation of allowances lapsed at the end of 2020/21 as indexation had been in place for four years, the maximum time period permitted by the 2033 Regulations (10. (5)). This is known as the 4-year rule and is the mechanism by which IRPs are convened at least every four years so as to ensure that a Council's Members' Allowances Scheme is subject to periodic scrutiny in a context whereby the Council retains the right to determine its own allowances but only after receiving advice from its IRP. Moreover, the review was also prompted by the forthcoming changes in the size of the Council from May 2023. As such the IRP has also been asked to

review the whole scheme of allowances as it has not been fully reviewed since 2016.

Terms of Reference

3. The Terms of Reference of the IRP are to make recommendations to the Council on:-
 - I. The amount of basic allowance that should be payable to its elected members and the expenses that it is deemed to include
 - II. The responsibilities or duties which should lead to the payment of a special responsibility allowance and as to the amount of such an allowance
 - III. The duties for which a travelling and subsistence allowance can be paid and as to the amount of this allowance
 - IV. Whether the authority's allowances scheme should include an allowance in respect of the expenses of arranging for the care of children and dependants and if it does make such a recommendation, the amount of this allowance and the means by which it is determined
 - V. Whether annual adjustments of allowance levels may be made by reference to an index, and, if so, for how long such a measure should run
 - VI. The remuneration of the Independent Persons
 - VII. The level of the Civic Allowance paid to the Civic Head and Deputy Civic Head

The IRP

4. Derbyshire Dales District Council reconvened its Independent Remuneration Panel and the following IRP Members were appointed to carry out its independent review; namely:

<u>Jackie Batchelor:</u>	Formerly a Town Planner in Local Government and Head of Environmental Services for two Hampshire District Councils. Currently Chair of a local Community Group
<u>Declan Hall PhD (Chair)</u>	A former academic at the Institute of Local Government, The University of Birmingham, now an independent consultant specialising in Members' allowances and support.
<u>Barry Mellor:</u>	A former Chief Executive in the NHS, Commercial Director at Sheffield City Council and

Non-Executive Director on the Board of two NHS Trusts. Currently, on the Joint Audit Committee for the Derbyshire Police & Derbyshire Police and Crime Commissioner

David Willis: Previously worked in IT at a global strategic level. Currently runs own consultancy on business strategy

Susan Whitfield: Formerly a paramedic. Sits on Patient Forums for two hospitals and is an independent businesswomen working on disability awareness and inclusion

5. The IRP was supported by Jason Spencer, Electoral and Democratic Services Manager at Derbyshire Dales District Council and whose role was to take the organisational lead in facilitating the work of the IRP.

Process and Methodology

6. The IRP convened in person² at the Town Hall, Matlock on 16th-17th November 2022 to meet with a range of Members to discuss issues of concern and receive factual briefings from relevant Officers to obtain an overview on any recent changes in Council structures and the challenges it faces.
7. All Members were invited to make written submissions to the IRP, with eight responses received. In addition, all Members who were not specifically invited to meet with the IRP were given the opportunity to request a meeting with the IRP if they so wished, no such requests were received.
8. In arriving at its recommendations, the IRP also took into account a wide range of information and evidence. The details of representations and evidence received and considered by the IRP are set out in the following appendices:
 - Appendix 1: Written evidence and data reviewed by the IRP
 - Appendix 2: Members who met with and Officers who briefed the IRP
 - Appendix 3: Benchmarking data – summary of allowances paid in the seven other Derbyshire District Councils and the Councils six Nearest Neighbours as defined by the Chartered Institute of Public and Accountancy (CIPFA - 2014 model)

Key Messages – Allowances do require revision

9. It became clear during the course of the review that the current allowances, and in particular the Basic Allowance, were no longer fit for purpose. They have been frozen since 2021 and the allowances scheme has not been fully

² David Willis joined the IRP virtually

reviewed since 2015, with the current framework not revisited since 2008. This review was an opportune time to fully revisit the basis of the whole scheme and the levels payable.

Allowances as an enabler

10. The function of allowances is to enable most people to be an elected Member rather than attract people to being an elected Member. There was a near universal agreement in the representation received that this principle should underline the allowances paid in Derbyshire Dales District Council. Generally in the representation received the view was that the Basic Allowance in particular was so low as to be a barrier to serving on Council. While there was a general agreement that financial recompense should not be a driver in being an elected Member the majority view in the representation received that the current level of the Basic Allowance and some of the SRAs in particular undervalued the work of Members.
11. The IRP notes that the elected Members are not representative of the residents of Derbyshire Dales District Council, in particular regarding younger working people and women. A similar point was raised in the representation received. However, Derbyshire Dales District Council is not unique in that respect; it is a fact across all of UK local government, which in turns suggests other factors may be in play when it comes to widening access. Moreover, to increase representation from traditionally underrepresented groups would require such a boost in allowances that they would have to reflect commercial market rates and thus become an attraction rather than enabler – a principle that had limited support. Indeed, the legislative underpinning of the current framework of allowances in England is that they should be an enabler rather than an attraction.

Recognising the economic context

12. Nonetheless, even though the general view in the representation received that the allowances needed revisiting there was also the concomitant view that the IRP had to have an eye to the economic context when arriving at recommendations. It continues to be an economically tough climate for both the Council and its residents. In particular it was stressed that as the Council continues to grapple with austerity it is unlikely to accept any recommendations that result in no more than a marginal increase in the current spend on allowances at this moment. In fact, if the recommendations are accepted it will result in only an additional spend of £1,588, which is accounted for by the addition of SRAs for the Chair and Vice-Chair of Scrutiny.
13. Regardless, the IRP cannot ignore the current economic context or the realities faced by Members. There is little point in the IRP making recommendations that bear no relationship to economic constraints within which the Council has to operate; otherwise, the review would simply make aspirational recommendations for a future date rather than supporting Members in the present.

Prime function of this review – seeking a balance

14. Ideally, the purpose of any review is to make recommendations based on knowledge of the current governance structures, an analysis of the evidence and representations and the levels and scope of allowances paid in comparator councils - thus arriving at an evidenced-based judgement on the monetary worth of the roles under consideration. On the other hand, the logic of having an IRP is *inter alia* to ensure public accountability vis-à-vis allowances.³ In turn this means being cognisant of the current economic climate. Bearing in mind the requirement to balance these two competing imperatives the IRP concluded in conjunction with looking at the wider evidence such as the benchmarking that at this stage the main task is to address the fact that the current allowances are out dated while balancing that fact against fiscal realities.

Recommendations - the Basic Allowance

The starting point for the arriving at the Basic Allowance

15. The IRP began its deliberations on the Basic Allowance by noting that it had been frozen since 2021. It was supposed to be indexed but the Covid pandemic put paid to the IRP meeting to remedy that situation. If the Basic Allowance for 2021/22 and 2022/23 had been indexed to the traditional index, namely the same percentage uplift in staff salaries then it would have now be at the following level
- 2021/22 - £4,628 + 1.75 per cent = £4,709
 - 2022/23 - £4,709 + 4.04 per cent = £4,899
16. Thus, just to stand still the Basic Allowance should be at least £4,899.
17. The IRP noted that from the May 2023 elections the number of Members will be reduced from 39 to 34 which produce a savings on the Basic Allowance payable. The IRP further noted that the current spend on the Basic Allowance with 39 Members is £180,492. By dividing that figure by 34 Members from May 2023 it arrives at a tentative Basic Allowance of £5,309. The IRP considered whether an argument can be made that as 34 Members will be doing the work of 39 Members then the Basic Allowance should be £5,309? However, the logic is not so linear. While fewer Members will have a greater corporate responsibility and for most Members their workloads will increase it will not be increased to such an extent as to recommend a Basic Allowance at £5,309.
18. Nonetheless, by going through the deliberations set out above it did provide the IRP with an indicative range of what the recommended Basic Allowance might be.

³ See 2006 Statutory Guidance paragraph 4

Recalibrating the Basic Allowance in line with the 2006 Statutory Guidance

19. As a checking mechanism the IRP recalibrated the Basic Allowance in line with the methodology set out in the 2006 Statutory Guidance. The IRP is required to pay regard to the 2006 Statutory Guidance when arriving at recommended levels of allowances. In considering the Basic Allowance the Guidance (paragraph 67) states:

Having established what local councillors do, and the hours which are devoted to these tasks the local authorities will need to take a view on the rate at which, and the number of hours for which, councillors ought to be remunerated.

20. The Statutory Guidance (paragraphs 68-69) expands on the above statement by breaking it down to three variables - time, public service and worth of remunerated time.

Time to fulfil duties for which the Basic Allowance is paid

21. The Basic Allowance is primarily a time-based payment (see 2006 Statutory Guidance paragraph 10). It is paid to compensate for workload, plus an element of minor expenses. Obviously, Members work in different ways and have varying commitments and the time spent on council duties varies. Yet, the Basic Allowance is a flat rate allowance that must be paid equally to all Members. As such, the time assessment is typically the average time required to carry out all those duties for which the Basic Allowance is paid. These duties included preparing for and attending meetings of the Council and its Committees, Sub-Committees and panels (formal and informal), addressing constituents' concerns, representing and engaging with local communities, external appointments and other associated work including telephone calls, emails and meetings with Officers.
22. The IRP was unable to ascertain the time basis of the current Basic Allowance. However, in data supplied to the Chair of the IRP from the Local Government Association, it shows that Councillors in district councils who held "no positions" of responsibility put in on average 14.3 hours per week "on council business"⁴.
23. For the purposes of recalibrating the Basic Allowance in line with the 2006 Statutory Guidance, the IRP rounded down the 14.3 hours per week from the 2018 Councillors Census and adopted 14 hours per week, or 728 hours, 91 days on an eight hour day, per year, as the expected time input from Members for their Basic Allowance.
24. The IRP recognises that some Members who hold no positions may well put in more than the average of 14 hours per week as set out in the LGA Councillors Census (2018). However, the IRP has opted for 14 hours as it has a basis in the hard data and that to adopt a higher figure would be recognising those Members who have the capacity to put in more time than 14 hours per week.

⁴ Information based on National Census of Local Authority Councillors 2018 (LGA), breakdown of weekly hours by councillors by number of positions held and type of council, in email from S. Richards, LGA 21 October 2019.

The Public Service Discount (PSD)

25. The Public Service Discount (PSD) recognises the principle that not all of what an elected Member does should be remunerated – there is an element of public service. Typically, this voluntary principle is realised by discounting an element of the expected time inputs associated with the Basic Allowance. It is often conceptualised as the proportion of time frontline Members spend dealing with constituents, surgeries, general enquiries from citizens and working with local community groups.
26. The normal range for this public service discount is between 33%-40% in counties, unitary and metropolitan councils whereas for district councils the normal range for this public service discount is between 40%-50%. The public service discount tends to be higher at district councils as there is a closer relationship between elected Members and their constituents at the district level, thus more time is spent dealing with constituent and local issues due to the nature of the services they are responsible for.
27. For the purposes of recalibrating the Basic Allowance the IRP has opted for the mid-point between 40%-50% and chosen a public service discount of 45%. Thus, of the expected time input of 91 days per year, 45% of that time, or 41 days per year are deemed public service and not paid, leaving 50 remunerated days per year.

The rate for remuneration

28. ASHE (Annual Survey of Hours and Earnings) 2021 Table 7.2a shows that the median hourly earnings (excluding overtime) for all full time employees in the area of Derbyshire Dales District Council was £103 per day.⁵ For the purposes of recalibrating the Basic Allowance the IRP has adopted this daily rate of £103 per day as it is related to the median hourly earnings of those Members represent. It is the most commonly rate of remuneration utilised by IRPs as it is robust and defensible vis-à-vis the public and cannot be attacked for being excessive. It relates to the median earnings of the constituents that Members represent.
29. If the IRP updated the variables to arrive at a recalibrated Basic Allowance by the methodology as set out in the 2006 Statutory Guidance to take into account the most recent data available it gives the following values:
 - Time required to fulfil duties: 91 days per year
 - Public Service Discount: 45% (41 days)
 - Rate for Remuneration: £103 per day
30. By following the methodology as set out in the 2006 Statutory Guidance with the updated variables it produces the following recalibrated Basic Allowance:

⁵ The actual weekly median figures was £515.40, which divided by five working days equals £103.08 per day which the IRP rounded down to £103

- 91 annual hours input minus 45% PSD = 50 remunerated days multiplied by £103 per day = £5,150.

31. This figure had an attraction for the IRP as it falls within the fully indexed Basic Allowance (£4,899) and the Basic Allowance was arrived at by dividing total 2022/23 spend on the Basic Allowance for 39 Members by 34 Members for 2023/24 (£5,309).

Benchmarking the Basic Allowance

32. As a further checking mechanism the IRP considered how the Derbyshire Dales District Council Basic Allowance benchmarked against the Basic Allowance paid in the comparator group of Councils. Benchmarking shows that the current Basic Allowance paid in Derbyshire Dales is below with that paid in the comparator group:

- Mean Basic Allowance in benchmarking group: £5,240
- Derbyshire Dales BC Basic Allowance: £4,628

33. Moreover, the recalibrated Basic Allowance (£5,150) would still be less than the mean Basic Allowance paid across peer Councils.

34. Consequently, the IRP is recommending that the recalibrated Basic Allowance (£5,150) should be adopted for the following reasons:

- It reflects the weight of the representation received
- It is based on the recalibrated Basic Allowance arrived at by following the methodology laid out in the 2006 Statutory Guidance
- It is still below the mean Basic Allowance paid in the benchmarking group of Councils

35. **The IRP recommends that the Basic Allowance to be set at £5,150 for 2023/24, subject to any indexation that may be applicable for that year.**

Expenses deemed to be covered by the recommended Basic Allowance

36. The 2006 Statutory Guidance (paragraph 10) points out that the Basic Allowance, in addition to being primarily a time based allowance “is also intended to cover incidental costs.” Currently there is lack of clarity in the Derbyshire Dales District Council allowances scheme over what those incidental expenses include and just as importantly what additional costs should be provided to Members. In the representation received there was not a great deal of feedback on additional costs faced by Members that the IRP should take into account. An issue that was raised was for security reasons Members should be provided or given the financial support for a dedicated mobile phone and number for constituents to contact them but not on their private personal phone number. However, the IRP was informed that all Members receive an iPad and the Council was looking into purchasing

software to enable all Members to have a dedicated telephone line and number on that piece of IT.

37. It is the common practice for the Basic Allowance to be deemed to cover such incidental costs as personal use of Members home lines, mobility phones, broadband and IT consumables. By and large these costs for most Members most of the time are marginal.
38. **As such, the IRP for clarification purposes recommends that the allowances scheme is amended to state the Basic Allowance is deemed to cover such incidental costs as personal use of Members home lines, mobility phones, broadband and IT consumables.**

Special Responsibility Allowances – Leader of the Council

39. In consideration of the Leader's SRA (currently £12,024) the IRP explored the extent to which the Leader's role has changed. It was noted that the relative value of the Leader's SRA (based on a standard element of £6,942 plus £2312 per Member) has not been fundamentally revisited since 2008. Yet, the nature of the role has changed. While it is not a necessary requirement for the Leader of Derbyshire Dales District Council to be a full time role it does require a substantial time requirement that rules out full time employment in the normally accepted sense of the term
40. In particular there are greater external demands on the role regarding working with other stakeholders and partners, including outside appointments such as Derbyshire Economic Partnership and the Vision Derbyshire Joint Committee that at present is particularly working on the proposed East Midlands Combined Authority. The Council is also a non-constituent member of the South Yorkshire Combined Authority (SYCA). Duties of this nature were largely absent since the Leader's SRA was last fundamentally reviewed in 2008.
41. Finally, the IRP noted that in the representation received the majority view was the current Leader's SRA did not recognise the demands on the role and was a potential barrier to future Members becoming Leader of the Council.

Recalibrating the Leader's SRA – the factor approach

42. As noted the Leader's current SRA (£12,024) is arrived at by taking into account two variables as follows:
- Standard element – 1.5 X Basic Allowance (£4,628) = £6,942
 - Variable element - £231 per Member X 22 Members = £5,082
43. It is noted that it is highly unusual to have this hybrid approach in arriving at a Leader's SRA; in fact no other Council in the benchmarking group adopts a similar methodology. The IRP could see no logic in this methodology. By definition the Leader will inevitably be the Leader of the largest group on the Council. Moreover, the prime purpose of the Leader's SRA is to recognise the

workload and responsibility of the role regardless of group size. In the representation received the current methodology in arriving at the Leader's SRA was also questioned.

44. The most common way of arriving at a Leader's SRA is through what is known as the factor approach. This approach is set out in the 2006 Statutory Guidance (paragraph 76) which states

One way of calculating special responsibility allowances may be to take the agreed level of basic allowance and recommend a multiple of this allowance as an appropriate special responsibility allowance for either the elected mayor or the leader.

45. The normal range of a multiple of the Basic Allowance to arrive at a Leader's SRA is 2.6-3.0. Benchmarking shows that the Leaders' mean SRA (£15,840) is just over 3 times the mean Basic Allowance (£5,240). However, most of the Leaders in the benchmarking group have executive powers which are not the case in Derbyshire Dales District Council.
46. As such, for recalibration (purposes the IRP decided that in this context a more appropriate factor is 2.6 times the recommended Basic Allowance, which is at the lower end of the typical range of multiples to arrive at a Leader's SRA. This factor has been chosen to recognise the fact the Derbyshire Dales District Council does not have an executive Leader. It was also partly driven by the IRP having an eye to the financial impacts of its recommendations. Thus, by multiplying the recommended Basic Allowance (£5,150) by 2.6 it equates to a recalibrated Leader's SRA of £13,390.

Benchmarking the Leader's SRA

47. As a further checking mechanism the IRP considered how the SRA for the Leader of Derbyshire Dales District Council benchmarked against the Leaders SRA paid in the comparator group of Councils. Benchmarking shows that the Leader's current and recalibrated SRA paid in Derbyshire Dales is in both cases below with that paid in the comparator group:

- Mean Leaders SRA in benchmarking group: £15,840
- Derbyshire Dales DC Leader's current SRA: £12,024
- IRP recalibrated Leader's SRA: £13,390

48. Benchmarking against the current Leader's SRA (£12,024) shows that it is significantly below that paid to peers even when taking into account that most the Leaders in the benchmarking group have executive powers. To an extent it is logical that a Leader of a 4th Option Council, i.e., where there is no executive Leader, is paid less than executive Leaders yet the current SRA for the Leader of Derbyshire Dales District Council significantly undervalues the role. As such, the IRP concluded that the recalibrated SRA (£13,390) arrived at by following the factor approach is more appropriate.

49. **The IRP recommends that the Leader's SRA is reset at £13,290 for 2023/24, subject to any indexation that may be applicable for that year.**

Changing the methodology to arrive at other SRAs – the pro rata approach

50. The IRP notes that in the main most of the other SRAs are arrived at by setting it at multiple of the current Basic Allowance, except in the case of the Deputy Leader and Vice-Chairman of the Licensing and Appeals Committee which are set in relation to the Leader's and the Licensing and Appeals Committee Chair's SRA. There appears to be no logic in this mix and match methodology in setting SRAs.
51. Moreover, the IRP was cognisant of the advice set out in the 2006 Statutory Guidance (paragraph 76) which states:
- Having determined which duties should be acknowledged as significant additional responsibilities, the local authority will need to consider the levels of special responsibility allowance which are attached to each post. A good starting point in determining special responsibility allowances may be to agree the allowance which should be attached to the most time consuming post on the Council (this maybe the elected mayor or the leader) and pro rata downwards for the other roles which it has agreed ought to receive an extra allowance.
52. This is known as the 'pro rata' approach. It is transparent, simple to understand and allows for greater flexibility in setting SRAs when compared to setting them as a multiple of the Basic Allowance. Moreover, it is the most common methodology adopted by English IRPs. The IRP has decided to follow this approach in setting the other SRAs.

The Deputy Leader's SRA

53. Currently the Deputy Leader's SRA is £6,012 and is arrived at by setting it 50 per cent of the Leader's SRA. It is an active role that requires generally supporting the Leader and standing in when necessary. Benchmarking shows that the mean Deputy Leader's SRA (£8,905) is paid at 56 per cent of the mean Leaders SRA (£15,840). However, most of the Deputy Leaders in the comparator group of Councils will also have a portfolio with executive powers which is not the case in Derbyshire Dales District Council. As such, the IRP has not been guided by the benchmarking regarding both the ratio to mean Leaders SRA and the level of mean Deputy Leaders SRA payable.
54. The IRP received no evidence that the role of the Deputy Leader had altered to the same extent that the Leader's role had and that the current SRA was broadly appropriate. In line the with the pro rata approach the IRP has decided to reset the Deputy Leader's SRA at 45 per cent of the recommended SRA (£13,390), which equates to £6,026.
55. **It is recommended at the Deputy Leader's SRA is reset at 45 per of the Leader's recommended SRA (£13,390), which equates to £6,026 for 2023/24, subject to any indexation that may be applicable for that year.**

The SRA for the Chairman of the Planning Committee

56. Currently, the Chairmen of the two policy committees (Community and Environment and Governance and Resources) and the Planning Committee and the Council all receive an equal SRA of £4,628, which has been set at one times the current Basic Allowance or 38 per cent of the Leader's SRA when converted to the pro rata approach. Yet, the Planning Committee meets more often than the Policy Committees/Council; on a monthly cycle as opposed to a normal bi-monthly cycle for the Policy Committees/Council.
57. On a simply workload basis chairing the Planning Committee is clearly a larger role. Moreover, it is a statutory committee that exercises quasi-judicial functions and the Chairman has to be able to chair what are often highly visible meetings dealing with contentious issues and is subject to lobbying more than any other Chairman. In the representation received it was also generally agreed that the role of the Chairman of the Planning Committee is a larger role than chairing the policy committees/Council.
58. Benchmarking shows that the mean SRA (£5,587) paid to planning chairmen is 35% of the mean SRA paid to Leaders. The IRP notes that the mean ratio leads to a substantially higher mean SRA for Planning Chairmen as the mean Leaders SRA is boosted by having the benchmarking group dominated by executive Leaders. Nonetheless, the role of Planning Chairman does not vary significantly regardless of governance model in operation and the mean SRA payable in the benchmarking group has provided an approximate guide for the IRP.
59. The IRP has decided to reset the SRA for the Chairman of the Planning Committee at 40 per cent of the recommended SRA for the Leader, which equates to £5,356.
60. **The IRP recommends that the SRA for the Chairman of the Planning Committee is reset at 40 per cent of the recommended SRA for the Leader, which is £5,356 for 2023/24, subject to any indexation that may be applicable for that year.**

The SRAs for the two Policy Committee (Governance and Resources and Community & Environment) and Council Chairmen

61. Currently the Chairmen of the two Policy Committees and the Council each receive an equal SRA of £4,628, which has been set at one times the current Basic Allowance or 38 per cent of the Leader's SRA when converted to the pro rata approach. In the representation received it was agreed that this was appropriate, largely on the grounds that their workloads (including meetings schedule) and responsibilities were broadly equal.
62. In considering their current SRA (£4,628) the IRP received next to no representation that it needed revision. Their roles have not changed that much since they were largely set in 2008.

63. Benchmarking the SRA paid to the Chairmen of the Governance and Resources and Community & Environment Committees is difficult as only four out of the 14 Councils in the benchmarking group have a similar governance model. Nonetheless, the mean SRA paid to equivalent posts in the group of four is £5,842, with a mean ratio against the mean Leaders SRA being 37 per cent. However, the IRP has not been guided by this very small benchmarking sample as the mean is skewed by a very high SRA paid in South Derbyshire where equivalent roles are paid an SRA of £9,815 (higher than many Executive Members in the benchmarking group) but then South Derbyshire has a completely different remuneration model to that of Derbyshire Dales.
64. Equally benchmarking the SRA for the Chairman of the Council is difficult. Only seven out of the 14 Councils in the benchmarking group pay such an SRA, with a mean figure of £3,685. Moreover, unlike in Derbyshire Dales most if not all of those Council Chairmen will be their respective Council's Civic Head for which they will also receive a Civic Allowance. This Civic Allowance, which is not required to be published in a Members' Allowances Scheme, is often paid directly. While it is designed to help meet the costs of holding the post of Civic Head in many cases it can in effect be a supplemental remuneration depending on costs incurred.
65. Nonetheless, the IRP received no evidence that the current SRA paid to the Chairmen of the two policy committees and Council required revision. It remains broadly appropriate at the current level. In line with the pro rata approach the IRP has decided to reset the SRA for the two policy committee and Council Chairmen at 35 per cent of the recommended SRA (£13,390), which equates to £4,687.
66. **The IRP recommends that the SRA (£4,628) for the Chairmen of the Planning & Development, Resources and Community & Environment Boards remains unaltered for 2022/23 subject to any indexation that may be applicable for that year.**

The SRAs for Vice-Chairmen of the Committees (Planning, Governance and Resources, Resources, Community and Environment) and Council

67. Currently the Vice-Chairmen of Planning and two Policy Committees and the Council each receive an SRA of £1,620. This has been set at 0.35 times the current Basic Allowance or 35 per cent of their respective Chairs' SRA when converted to the pro rata approach.⁶
68. In exploring the workload and responsibility of the respective Vice-Chairman the IRP noted that it is a fairly limited role. They are expected to attend relevant pre-meetings and briefings with Officers alongside their Chairmen, although not all do so assiduously. They are also expected to support their Chairman during meetings and stand in when required, although this happens infrequently. In no particular instance do they have a discrete additional tasks assigned to them which can be the case elsewhere.

⁶ In the pro rata approach Vice-Chairmen's SRAs are typically set in relation to the SRA of their respective Chairman's SRA rather than that of the Leader, as the more relevant reference point.

69. Benchmarking the SRA paid to the Vice-Chairmen of the two Policy Committees suffers from the same problem in benchmarking the SRA for the two Policy Committee Chairmen; there are only four Councils in the benchmarking group, with a mean SRA of £1,215. Regarding benchmarking the SRA for the Vice-Chairmen of Planning Committees all but two of the comparator Councils pays the role, with a mean SRA of £2,086. For Council Vice-Chairmen only five out of the 14 Councils in the comparator group pay an SRA for this role with a mean SRA of £1,428. Again this does not take into account where Councils also pay their Council Vice-Chairmen a Civic Allowance paid directly to them and which cannot be known from a reading of their respective allowances schemes.
70. Nonetheless, the IRP concluded that an SRA for Vice-Chairmen set at a ratio of 35 per cent of their Chairmen's SRA was somewhat on the high side, taking into account the relatively limited nature of the role. As such, the IRP has decided to reset the ratio for arriving at the SRA for Vice-Chairmen at 30 per cent of their recommended SRA for their respective Chairmen.
71. **The IRP recommends that for 2023/24 the SRA paid to the Vice-Chairmen of the Planning, Governance and Resources and Community and Environment Committees and the Council is reset as follows:**

Vice Chairmen's recommended SRA (subject to any indexation that may be applicable for 2023/24):

- **Planning: 30% X Chairman's recommended SRA (£5,356) = £1,607**
- **Governance & Resources: 30% X Chairman's recommended SRA (£4,687) = £1,406**
- **Community & Environment: 30% X Chairman's recommended SRA (£4,687) = £1,406**
- **Council: 30% X Chairman's recommended SRA (£4,687) = £1,406**

SRAs for Vice-Chairmen once they chair their full committee for three months

72. It was brought to the IRPs attention that there had been a situation recently where a Chairman was not able to chair due to long term illness and the Vice-Chairman had chaired the respective meetings for a prolonged period without any further remuneration.
73. The IRP considered this type of situation inequitable. Consequently, it concluded that it was only reasonable that when a Vice-Chairman had to chair meetings for three months that they should be paid their Chairman's SRA on a pro rata basis.
74. **The IRP recommends that when a Vice-Chairman has chaired their full committee for a period of three months in the absence of their respective Chairman then from that point on they are paid their Chairman's SRA on a pro rata basis for the further length of time they are required to chair their committee.**

The SRA for Chairman of the Licensing and Appeals Committee

75. Currently the Chairman of the Licensing and Appeals Committee is paid an SRA of £1,388, which has been set at 30 per cent of the current Basic Allowance, This equates to 12 per cent of the Leader's current SRA when converted to the pro rata approach.
76. In exploring the nature of the role the IRP noted that the full Licensing and Appeals Committee meets less than the other committees, once a quarter and at full committee the agendas are comparatively shorter although there are occasional taxi licensing appeals at this level that can extend their meeting time substantially. Moreover, there is an additional tier of work for Licensing, namely through the Appeals Sub-Committees. These are three Member Sub-Committees, with the membership drawn from the full committee, that meet as and when required to deal with applications where representations have been received under the terms of the Licensing Act 2003 and Gambling Act 2005. This mostly involves dealing with applications to vary licensing hours where an objection has been made. They also deal with Employment Appeals. Typically there are four-five of these Appeals Sub-Committees each year. More importantly, it is the expectation that the Chairman and Vice-Chairman of the Licensing and Appeals Committee sit on the Appeals Sub-Committee when they are able to. The Chairman is also expected to chair the Appeals Sub-Committee and in their absence the Vice-Chairman. The decisions they make are also quasi-judicial in nature.
77. Taking this evidence into the account the IRP concluded that there was little logic in paying the Chairman of the Licensing and Appeals Committee a lower SRA than Vice-Chairmen of the Committees and Council.
78. Benchmarking shows that the mean SRA paid to Chairman of equivalent committees is £2,813, with a mean ratio of 18 per cent in relation to the mean Leader's SRAs. As such the IRP has reset the SRA for the Chairman of the Licensing and Appeals Committee at 20 per cent of the recommended SRA (£13,390) for the Leader, which equates to £2,678.
79. **The IRP recommends that the SRA (2023/24) for the Chairman of the Licensing and Appeals Committee is set at 20 per cent of the recommended SRA (£13,390) for the Leader, which equates to £2,678, subject to any indexation that may be applicable for that year.**

The SRA for the Vice-Chairman of the Licensing and Appeals Committee

80. Currently the SRA paid to the Vice-Chairman of the Licensing and Appeals Committee is £694, which was set using the pro rata approach, at 50 per cent of the Chairman's SRA. Benchmarking shows that the mean SRA paid to equivalent posts is £817.
81. The IRP received no evidence that the SRA for the Vice-Chairman of the Licensing and Appeals Committee should not be reset at the standard ratio

now utilised to arrive at the other Vice-Chairmen's SRA, namely 30 per cent of their Chairmen's SRA, which in this case equates to £803.

82. **The IRP recommends that the SRA (2023/24) for the Vice-Chairman of the Licensing and Appeals Committee at is set at 30 per cent of the recommended SRA (£2,678) for the Chairman of the Licensing and Appeals Committee Leader, which equates to £803, subject to any indexation that may be applicable for that year.**

SRA for Chairman of the Scrutiny Committee

83. Derbyshire Dales District Council has recently established a Scrutiny Committee. It is not a statutory requirement for a 4th Option governance model Council to establish a Scrutiny Committee however it is regarded as good practice. The aim is involve more Members in policy reviews and development. There will be six scheduled meetings per year and it is expected to have a few additional meetings each year to help facilitate reviews.
84. In the representation received it was felt that the Scrutiny Chairman (and Vice-Chairman) merited an SRA. Benchmarking shows that in Councils with a main or single Scrutiny Committee pay a mean SRA of £3,552 to their Scrutiny Chairmen. The IRP has not been guided by this benchmarking figure as there has been no experience of how Scrutiny will operate in reality. As such in the absence of experience the IRP has taken a relatively cautious approach and concluded at this stage that the SRA for the Chairman of the Scrutiny Committee should be set on a par with the recommended SRA for the Chairman of the Licensing and Appeals Committee, which is at 20 per cent of the recommended SRA (£13,390) for the Leader, which equates to £2,678.
85. **The IRP recommends that the Chairman of the Scrutiny Committee is paid an SRA from 2023/24 set at 20 per cent of the recommended SRA (£13,390) for the Leader, which equates to £2,678, subject to any indexation that may be applicable for that year..**

SRA for Vice-Chairman of the Scrutiny Committee

86. Similarly, it was felt equitable that the Vice-Chairman of Scrutiny should receive an SRA. Again; the IRP was faced with having no experience of the role, in particular whether there would be role for the Vice-Chairman of Scrutiny in the policy reviews. Benchmarking shows that in Councils with a main or single Scrutiny Committee pay their Vice-Chairmen a mean SRA of £1,438. Once again, The IRP has not been guided by this benchmarking figure as there has been no experience of how Scrutiny will operate in reality. The IRP decided to set the SRA for the Vice-Chairman of Scrutiny at the standard ratio utilised for set the SRA for other Vice-Chairmen, namely 30 per cent of their Chairman's recommended SRA (in this case £2,678), which equates to £803.
87. **The IRP recommends that for 2023/24 that the Vice-Chairman of Scrutiny is paid an SRA set at 30 per cent of their Chairman's SRA (£2,678), which**

equates to £803, subject to any indexation that may be applicable for that year.

Leader of the Main Opposition Group

88. Currently the Leader of the Main Opposition Group receives an SRA based on the number of Members in the group at £232 per Member. Presently, with seven group Members in the Main (Liberal Democrat) Opposition Group this equates to £1,617, which equates to 13 per cent of the Leader's current SRA when converted to the pro rata approach. The IRP noted that it is general practice to pay an SRA for Opposition Leaders on a fixed basis. Consequently, the IRP has decided to reset the SRA for the Opposition Leaders on a pro rata basis.
89. Benchmarking shows that the mean SRA paid to Leaders of the Main Opposition Groups in the comparator group of Councils is £3,828. However, the IRP has decided not to be guided by this figure as mean figure is skewed by two Councils, Chesterfield and South Derbyshire, who pay their Main Opposition Leaders an SRA of £9,105 and £9,249 respectively.
90. The IRP has decided to set the fixed SRA for the Leader of the Main Opposition Group by applying a marginal uplift on the current ratio of 13 per cent and reset it at 15 per cent of the recommended SRA (£13,390) for the Leader, which equates to £2,009.
91. **The IRP recommends that for 2023/24 that the SRA for the Leader of the Main Opposition Group is fixed at 15 per cent of the recommended SRA (£13,390) for the Leader, which equates to £2,009, subject to any indexation that may be applicable for that year.**

SRA for Leaders of Other Opposition Groups

92. Currently the Leaders of Other Opposition Groups only receive an SRA, set at £231 per group Member, when their group meet qualifying criteria of having four Members. This qualifying criterion is fairly common. Under the 1989 Local Government Act it only needs two Members to form a group and many IRPs have taken the view that two Members is not a critical mass. The IRP concurs that this qualifying criterion of having four Members to be paid an SRA for a Leader of another Opposition Group should be maintained.
93. Currently the only Opposition Group that meets this criteria is the Leader of the Green/Independent Opposition Group with four Members who receives an SRA of £924, which is 57 per cent of the Main Opposition Leader's SRA when converted to the pro rata approach. Benchmarking shows that the mean SRA paid to Leaders of Other Opposition Groups in the comparator Councils is £1,013. It is further noted that such posts are only paid in six out of the 14 comparator councils but this is often due to the fact there may not be another Opposition Group in some of the other comparator councils or that the Other Opposition Group does not reach the qualifying criteria where one is in place.

94. Nonetheless, the IRP has decided that the benchmarked SRA for the Leaders of Other Opposition provides a suitable rough guide and has decided to set the SRA for the Leaders of Other Opposition Groups at 50 per cent of the recommended SRA (£2,009) for the Leader of the Main Opposition Group, which equates to £1,004.
95. **The IRP recommends that the SRA for Leader of the Other Opposition Groups are only paid an SRA if they have at least four Group Members and for 2023/24 it is set at 50 per cent of the recommended SRA (£2,009) for the Leader of the Main Opposition Group, which equates to £1,004, subject to any indexation that may be applicable for that year.**
96. Where there is only one Opposition Group with less than four Members, i.e., they are the Main albeit small Opposition Group then the qualifying criteria should not apply, the Leader should continue to be paid the full SRA for the Leader of the Main Opposition Group of £2,009.

Where there two Main Opposition Groups of equal size

97. **The IRP also recommends that where there are two Main Opposition Groups of equal size that the recommended SRA (£2,009) for the Leader of the Main Opposition Group and recommended SRA (£1,004) for the Leader of the Other Opposition Group is aggregated (£3,013) and divided by two (£1,607) and paid equally to each Main Opposition Group Leader.**

Discontinuing the SRAs for Member Representatives

98. Currently, the allowances scheme provides for an SRA of £675 for the role of Member Representatives. These posts are no longer appointed therefore the provision is redundant and should be discontinued.
99. **The IRP recommends that from 2023/24 the SRA (£675) for the role of Member Representative is discontinued.**

Confirming the 'One SRA only' Rule

100. The 2003 Members' Allowances Regulations do not limit the number of SRAs a Member may receive. Nevertheless, it is common for authorities to have a 'One SRA only' rule set out in their allowances scheme. In other words, regardless of the number of remunerated posts a Member may hold they can only receive one SRA. The prime reason for this rule is that it can create a lack of transparency in the allowances scheme. If a Member receives more than one SRA, the public are unable to ascertain their true level of remuneration by a reading of the Members' Allowances scheme. It can also lead to (and in some councils has led to) a situation whereby the highest remunerated Member is not necessarily the Leader, an anomalous situation which does not meet the 'feel fit and fair' test.

101. The 'One SRA only' rule has always been accepted by Derbyshire Dales District Council and no reasons were presented the IRP to alter this situation.
102. **The IRP recommends the continuation of the One SRA only rule.**

The Independent Persons

103. Under the provisions of the 2011 Localism Act the Council is required to appoint Independent Persons. Their role is to provide advice to the Monitoring Officer when a complaint is received against a Member and when a complaint has been deemed to have merit to provide advice to the Hearings Panel. Although the remuneration of the Independent Persons falls outside the remit of the 2003 Regulations the IRP has been asked to provide advice in the absence of any other external validation.
104. Currently the three Independent Persons appointed by the Council are paid on a per case basis as follows:
- Consultation on a complaint: £25 per case
 - Consultation on a hearing: £100 per case
105. The IRP considered that a flat rate retainer was more appropriate as it captures the wider work that an Independent Person may undertake beyond a case by case basis, such as relevant wider reading and being asked to be involved on Member training on the Code of Conduct.
106. Benchmarking was of little utility in guiding the IRP in reaching the appropriate flat rate remuneration for the Independent Persons. As the remuneration of the Independent Persons is outside the remit of the 2003 Regulations most Councils do not publish their remuneration of their Independent Persons. However, the IRP noted that it was not unreasonable for an Independent Person to be consulted up to eight times per year on a complaint against a Member (which would equate to £200) and consulted on one formal complaint hearing per year (which would equate to £100). As such the IRP concluded that an annual flat rate remuneration of £300 per year would be appropriate.
107. **The IRP recommends that the Independent Persons are paid at a flat rate of £300 per annum.**

The Dependants' Carers' Allowance

108. While the Dependants' Carers' Allowance (DCA) is rarely claimed there was universal support in the representation received to maintain this allowance as it helps to reduce a barrier to serving on Council for those with caring responsibilities. There may be an issue around awareness of the DCA and its availability and there may well be a case for the Council to promote this allowance where it knows an elected Member has caring responsibilities.
109. It is noted that the DCA is an allowance given statutory recognition in the 2003 Regulations and as such is now almost universally adopted by English

councils. Currently, the allowances scheme provides for a DCA paid at the national living wage upon the production of receipts regardless on the type of care required. There was some representation received that the DCA did not necessarily cover all costs associated with care for a Members' dependents. The IRP considered whether the scheme should be amended to simply state that the DCA would reimburse actual costs incurred. However, it decided against this approach on the grounds that it would be an open ended recommendation and was also cognisant of the potential costs.

110. However, the IRP did note that a number of Councils differentiate between two types of care – for childcare and elderly/disabled care with the latter type of care claimable at a higher hourly rate to recognise the higher level of care typically required; a distinction that the IRP concluded that Derbyshire Dales District Council should adopt.
111. **The IRP recommends that the DCA is maintained but that two different categories of care are recognised and payable as follows:**
- **Childcare - maximum hourly rate at National Living Wage (£10.42 from 1 April 2023)**
 - **Elderly/disabled care – maximum hourly rate at the median hourly rate charged by Derbyshire County Council Social Services Department for a Home Care Assistant**
112. It is noted that unlike Travel and Subsistence Allowances (see below) that the duties for which the DCA may be claimed are defined by the 2003 Regulations (paragraph 7.1). As such, for clarification purposes, **the IRP recommends that it is inserted in the Members' Allowances Scheme that the duties for which the DCA may be claimed are defined by statute as set out in paragraph 7.1 of the 2003 Members' Allowances Regulations.**

Approved duties for claiming Travel and Subsistence Allowances

113. Currently, the scheme enables Members to claim both Travel and Subsistence Allowances for attending approved duties within the District of Derbyshire Dales Councils although it is rarely claimed in the case of Subsistence Allowances and only somewhat more so in the case of the Travel Allowances. It is noted that these days most Councils no longer permit Members to claim Subsistence Allowances for attending approved duties within their Council area; it is an outmoded allowance now that the Basic Allowance and SRAs are beyond nominal sums. As such **the IRP recommends that the right of Members to claim Subsistence Allowances for attending approved duties within the area of Derbyshire District Council is removed and that amendment is inserted into the scheme of allowances.**
114. The IRP also received representation on what other duties the Travel Allowance could be claimed, namely attending Parish Council meetings and attending duties concerning constituent issues. The IRP considered that Members should be able to claim attendance allowances for attending Parish Council meetings within their ward as it could be recorded and there are only so many Parish Council meetings a Member could attend.

115. However, the IRP has decided that for Members attending duties concerning constituent issues claiming a Travel Allowance should not be permitted as this is an open ended commitment as attendance at such duties cannot be verified. The IRP also notes that the allowances scheme currently restricts claiming travel allowances to journeys greater than three miles, the IRP considered this over restrictive.
116. **The IRP recommends that the current restriction on claiming travel allowances for journeys of over three miles only is removed. It also recommends that the approved duties for claiming travel allowances is amended to clarify that:**
- **Members are able to claim travel allowances for attending Parish Council meetings within their ward**
 - **Members are not able to claim travel allowance for attending duties regarding constituent issues**

Rates at which Subsistence Allowances may be claimed

117. The IRP notes that the subsistence allowances rates that Members can claim are relatively low. However, when a Member is attending an approved duty outside the Council area it is expected that it is booked in advance where most of the costs are paid directly. Moreover, the Subsistence rates are the same that apply to Officers. The IRP received no evidence to revisit the Subsistence rates.
118. **The IRP is recommending that the current Subsistence rates which may be claimed by Members for attending an approved outside the Council area are maintained.**

Rates at which Mileage Allowances may be claimed

119. The IRP did receive some representation that the current mileage rates, which largely reflect HMRC rates, for which Members can claim for attending approved duties no longer reflect cost with the soaring cost of vehicle fuel. The IRP had some sympathy with this view particularly considering that the HMRC rates had not changed since 2012. However, it is also noted that it is almost universal practice for the public sector to pay mileage rates at the current HMRC rates. Moreover, if the mileage rates were increased even above 1p over the HMRC rates then the whole rate becomes subject to tax and national insurance. As such the IRP is not minded to increase the mileage rates.
120. The IRP did note however that the mileage rates claimable do not fully reflect the actual HMRC rates payable, particular in relation to claiming by bicycle and motorcycle. As such the IRP recommends that the allowances scheme is amended to set out the current HMRC Mileages rates applicable for the following modes of transport:

- **Travel by cars and vans: 45p per mile**

- **Travel by motorcycle: 24p per mile**
 - **Travel by bicycle: 20p per mile**
 - **Passenger supplement rate: 5p per passenger (maximum of 4)**
121. **The Passenger Supplement allowance should only be claimed for carrying fellow elected Members to an approved duty who would also be eligible for claiming the mileage allowance if travelling in their own vehicle.**
122. While the issue was not raised with the IRP there is no express provision in the allowances scheme for when a Member claims a mileage allowance if undertaking an approved duty when travelling by a hybrid/electric vehicle. The IRP notes that the Office of Low Emission Vehicles clarifies that when claiming business mileage by travel in an hybrid/electric vehicle that the normal HMRC rates apply with no tax or national insurance implications.
123. Thus to future the proof the travel allowances **the IRP recommends that the scheme is clarified and amended to expressly state that where a Member claims the mileage allowance by travel in a hybrid/electric vehicle that the HMRC rate of 45p per mile is applicable.**

The Civic Allowances

124. The Council appoints a Civic and Deputy Civic Head separate from the Chairman and Vice-Chairman of the Council to carry out civic leadership roles on the behalf of the Council. In accordance with the Local Government Act 1972 a principal council may pay the Civic and Deputy Civic Head an allowance which it thinks reasonable for the purpose of meeting the expenses of those offices (s3(5), and s5(4), of the Local Government Act 1972. This is often known as 'civic dignitaries' allowance'.
125. Currently the Civic Head has a sum of £3,250 per annum and the Deputy Civic Head a sum of £950 per annum that they can draw against to meet the expenses of holding their offices.
126. Again while the Civic Allowance is outwith the remit of the 2003 Regulations IRPs are often asked to provide advice on it in the absence of any other means of external validation. The Council has asked the IRP to consider and make recommendations on the Civic Allowance for this review.
127. The IRP did not receive any representation that the Civic Allowance required revising. Moreover, the IRP was informed that in most years the maximum levels claimable (£3,250 and £950) have not been fully claimed.
128. **The IRP is not recommending any changes to the annual civic allowance of £3,250 and £950 paid to the Civic Head and Deputy Civic Head respectively.**

Issues arising – Remuneration and Member performance

129. One issue raised with the IRP was the perceived inequity of paying all Members an equal Basic Allowance when it was felt that not all Members were putting in the same amount of effort or work into their role. This was not a perceived issue for SRAs as post holders who were not performing could be readily pulled from their post whereas the Basic Allowance is paid by virtue of being a Councillor, as a long as an individual remains an elected Member they are paid the Basic Allowance by right.
130. It was an issue that was raised strongly with the IRP but was raised nonetheless and as such the IRP has addressed it. As noted the Basic Allowance is required to be paid equally to all Members, it cannot be varied according to such metrics as attendance at meetings. Moreover, attendance at meetings is not necessarily the most meaningful metric. A Member may attend meetings assiduously but not have a great deal of input, alternatively a Member may be very active in their ward as that is where they feel they can make their best contribution and that activity may not be observed by other Members.
131. There is nothing the IRP can do about this issue, the legislation is not in place to vary the Basic Allowance and ultimately the final arbiters on the effectiveness of individual Members are the local parties and voters. As such the IRP is not making any recommendations in this regards.

Indexation

132. Until the end of March 2021 all allowances were indexed. Under the 4-year rule the authority to index allowances lapsed and the Council requires a further view from the IRP if it wishes to continue with the indexation of allowances. In the representation received the principle of indexation had almost universal support. Moreover, the IRP notes that indexation of allowances is common practice. The IRP received no evidence to not recommend that the allowances continue to be indexed. To do otherwise would only lead to allowances decreasing in relative value over time leading to the IRP having to recommend periodic substantial increases simply to maintain their relative value.
133. The IRP points out that if there is no provision in the allowances scheme to index allowances then the Council is not able to apply an annual cost of living increase without coming back to the IRP for advice. However, where a Council has adopted indices they are under no obligation to apply them each year. Councils retain the right choose whether or not to apply an index to their allowances even though the provision has been adopted.
134. In settling on the appropriate index for the Basic Allowance and SRAs the IRP has continued to adopt what is known as the 'NJC' index. This is the annual percentage increase in local government staff salaries as agreed each year by the National Joint Council (NJC) for local government staff. For instance if staff salaries increase by 1% next year then the Basic Allowance and SRAs would also be increased by the same amount. By using the NJC index it ensures Members and Officers are treated equally in the indexation of their salaries and allowances. If another index was utilised, such as CPI currently around

10%, it creates an inequity between the annual cost of living increase between staff and Members.

135. The IRP recommends that the Derbyshire Dales District Council Members Allowances are indexed as follows:

- **Basic Allowance, SRAs, Independent Persons remuneration and Civic Allowances:**
 - Indexed to the annual percentage salary increase for local government staff set at SCP 43 to be applied for the same year that applies to staff
- **Travel Allowance – Mileage Rates:**
 - Indexed to HMRC approved mileage rates for motor, hybrid and electric vehicles, motor cycles and bicycles
- **Subsistence Allowances:**
 - Indexed to the same rates that apply to Officers
- **Dependants’ Carers’ Allowance – Maximum Rates:**
 - Childcare element:
 - indexed to the ‘national living wage’ hourly rate
 - Elderly or Other Dependant Relatives element:
 - indexed to median hourly rate charged for a Home Care Assistant by Derbyshire County Council Social Services Department

136. The IRP also recommends that the indices apply for the maximum length permitted by the 2003 Regulations namely four years and to run from 1 April 2023 until 31 March 2027.

Implementation of Recommendations

137. The IRP recommends that all the recommendations contained in this report should be implemented from the date of the Council’s Annual Meeting on 25th May 2023 with the exception of the recommendations on indexation which for continuity purposes should be implemented from 1st April 2023.

Appendix One

Information considered for Derbyshire Dales District Council – Member’s Allowances Review December 2022

1. IRP Terms of Reference
2. Record of Council decision to hold review 26th May 2022
3. Review of Members’ Allowances for Derbyshire Dales District Council, IRP Report November 2015
4. Extract of Council minutes recording Council decision on IRP Report November 2015, 11th November 2016
5. Review of Members’ Allowances for Derbyshire Dales District Council, IRP Report February 2017
6. Extract of Council minutes recording Council decision on IRP Report February 2017, 6th April 2017
7. Derbyshire Dales District Council Members’ Allowances Scheme 2022/23, including SRAs paid to Group Leaders and Councillors Guidance Note
8. Derbyshire Dales District Council statutory publication of Members’ allowances and expenses received, including sub-totals 2020/21
9. Briefing paper for the IRP outlining changes in Council and potential issues for consideration since last review
10. Diagram/flowchart showing Derbyshire Dales District Council committee structure
11. Schedule of Council and Committee meetings 2022/23
12. Terms of Reference for Council, Committees, Panels, etc. Part 3 of Council Constitution
13. Derbyshire Dales District Council, 2022/23 membership of Cabinet, Committees, Panels and setting out the Chairmen and Vice-Chairmen and political makeup of the Council
14. Role Profile for Members of the Council, Article 2 of Constitution
15. Record of number of times a Vice-Chairman has stood in for their Chairman in the past two years
16. Record of number of times the Appeals Sub-Committee has met in past two years and who has chaired them

17. Consultation of elected Members on Derbyshire Dales Members' Allowances Scheme – written feedback from Members based on short questionnaire sent out to all Members
18. New Council Constitutions: Guidance on Regulation for Local Authority Allowances, Department for Communities and Local Government, 5th May 2006 (extract)
19. Benchmarking data BM1-3 - Members' Allowances Schemes from the seven other Derbyshire shire District Councils and six CIPFA Nearest Neighbours (2022/23) – see Appendix three for summary
20. Hard copies of Allowances Schemes from the Councils included in the benchmarking group
21. Derbyshire Dales District Council CIPFA Near Neighbours Model 2014
22. Statutory Instrument 2003 No. 1021, The Local Authorities (Members' Allowances) (England) Regulations 2003
23. National Joint Council for Local Government Services, Local Government Pay Agreement 2021-22, 28th February 2022
24. National Employers for Local Government Services, Local Government Services Pay Offer, 2022-23, 25th July 2022
25. Power point IRP training presentation by IRP Chair (Dr Declan Hall), "Reviewing Members' Allowances: the Derbyshire Dales District Council Model, Patterns, Approaches and Issues to consider"
26. Office for Low Emissions Vehicles, Ultra Low Emission Vehicles Tax Benefits , 2018
27. National Census of Local Authority Councillors 2018 (LGA), breakdown of weekly hours by councillors by number of positions held and type of council, in email from S. Richards, LGA 21 October 2019.
28. Annual Survey of Hours and Earnings (ASHE), Table 7.2a, weekly pay (excluding overtime) - all full time employee jobs in area of Derbyshire Dales District Council, Office of National Statistics (Work Geography), 2021
 - Showing median DDDC earnings of £103 per day

Appendix Two

Members and Officers who met with the IRP

Members

Cllr J. Atkin	Chairman of Planning Committee (Conservative)
Cllr N. Buttle ⁷	Leader of 2 nd (Green/Independent) Opposition Group
Cllr T. Donnelly	Chairman of Governance Resources Committee (Conservative)
Steve Dunning ⁸	Independent Person
Cllr R. FitzHerbert	Vice-Chairman of Planning Committee (Conservative)
Cllr H. Froggatt	Chairman of Community & Environment Committee (Conservative)
Cllr C. Furness	Vice-Chairman of Community & Environment Committee (Conservative)
Cllr S. Hobson	Deputy Leader of the Council (Conservative)
Cllr G. Purdy	Leader of the Council (Conservative)
Cllr A. Shirley	Deputy Chairman of the Council (Conservative)

Written Submissions:

Cllr J. Atkin	Chairman of Planning Committee (Conservative)
Cllr R. FitzHerbert	Vice-Chairman of Planning Committee (Conservative)
Cllr D. Greatorex	Conservative Member
Cllr S. Hobson	Deputy Leader of the Council (Conservative)
Cllr G. Purdy	Leader of the Council (Conservative)
Cllr A. Stratham	Chairman of Licensing & Appeals Committee (Conservative)

Plus two written submission that were anonymous

⁷ Interviewed via Zoom

⁸ Ditto

Officers

Jason Spencer Electoral & Democratic Services Manager

Paul Wilson Chief Executive of the Council

Appendix Three: Benchmarking

BM1 Derbyshire Dales DC Comparator Group: BA & Exec & Scrutiny SRAs 2022/23 (unless indicated)										
Authority	Basic Allowance	Leader	Leader Total	Deputy Leader	Policy Committee Chairs	Policy Committee Vice Chairs	Chair Main O&S	Vice Chair Main O&S	Chairs of Scrutiny	Vice Chairs of Scrutiny
Ryedale (20/21)	£3,958	£3,998	£7,956	£592	£3,198	£591	£3,198	£591		
Hambleton	£6,958	£34,790	£41,748	£17,395	Executive Governance Model		£1,740			
Craven (20/21)	£4,690	£8,910	£13,600	£4,690	Leader & Deputy Leader Chair Policy Committee		£2,350	£470		
Cotswold	£5,228	£15,684	£20,912	£10,456	Executive Governance Model		£5,228	£2,764		
Eden (20/21)	£3,972	£11,916	£15,888	£4,965	Executive Governance Model		£1,986		£1,986	
Ribble Valley (21/22)	£3,818	£15,272	£19,090	£9,545	£5,727	£546				
Amber Valley	£4,210	£12,632	£16,842	£6,316	Executive Governance Model		£1,882			
Bolsover (20/21)	£9,902	£14,672	£24,574	£9,781	Executive Governance Model				£3,260	£1,630
Chesterfield (21/22)	£6,286	£29,122	£35,408	£16,021	Executive Governance Model				£4,885	£1,629
Erewash (21/22)	£4,321	£14,320	£18,641	£8,592	Executive Governance Model		£3,792	£1,262		
High Peak	£3,002	£9,905	£12,907	£5,942	Executive Governance Model		£1,980		£1,485	
NE Derbyshire (21/22)	£5,488	£18,867	£24,355	£13,557	Executive Governance Model				£4,128	£1,373
S Derbyshire (20/21)	£6,900	£19,653	£24,693	£10,809	£9,815	£2,103	£9,815	£2,103		
Derbyshire Dales	£4,628	£12,024	£16,652	£6,012	£4,628	£1,620	NA		NA	
Mean	£5,240	£15,840	£20,948	£8,905	£5,842	£1,215	£3,552	£1,438	£3,149	£1,544
Highest	£9,902	£34,790	£41,748	£17,395	£9,815	£2,103	£9,815	£2,764	£4,885	£1,630
Lowest	£3,002	£3,998	£7,956	£592	£3,198	£546	£1,740	£470	£1,485	£1,373
Mean Ratios	3.0	100%		56%	37%	21%	22%	40%	20%	49%

BM2: Derbyshire Dales DC Comparator Group: Regulatory & Other SRAs 2022/23 (unless indicated)										
Authority	Chair Planning	V/Chair of Planning	Members Planning	Chair Licensing (inc Regulatory)	V/Chair Licensing	Chair Licensing Appeals inc Taxi	Chair of Audit &/or Governance	Vice Chair Audit &/or Governance	Chair HR or Employ'mt	Chair Standards
Ryedale (20/21)	£3,198	£591								
Hambleton	£10,437	£6,958	£1,740	£1,740			£1,740			
Craven (20/21)	£2,350	£470		£2,350	£470		£2,350	£470		£2,350
Cotswold	£7,842	£2,764		Inc in Planning			£2,764			
Eden (20/21)	£3,972			£663			£1,986		£1,324	
Ribble Valley (21/22)	£7,636	£1,092		£5,727	£546		£5,727	£546	£5,727	
Amber Valley	£2,526		£632	£1,674			£1,674			£1,674
Bolsover (20/21)	£4,890	£2,445		£3,260	£1,630		£1,467			£1,222
Chesterfield (21/22)	£5,912	£2,956		£4,885		£5,912	£4,885		£3,663	
Erewash (21/22)	£3,792	£1,262		£3,792	£1,262	£3,792	£3,792	£1,262	£3,792	£3,792
High Peak	£2,970	£1,485		£600	£300		£1,980			£989
NE Derbyshire (21/22)	£8,256	£1,373		NA						£4,128
S Derbyshire (21/22)	£9,815	£2,013		£4,865			£4,865			
Derbyshire Dales	£4,628	£1,620		£1,388	£694					
Mean	£5,587	£2,086		£2,813	£817		£3,021	£759	£3,627	£2,359
Highest	£10,437	£6,958		£5,727	£1,630		£5,727	£1,262	£5,727	£4,128
Lowest	£2,350	£470		£600	£300		£1,467	£470	£1,324	£989
Mean Ratios	35%	37%		18%	29%		19%	25%	23%	15%

BM3: Derbyshire Dales DC Comparator Group, Opposition & Other SRAs & Comments 2022/23 (unless indicated)						
Authority	Main Opposition Leader	Main Opposition Deputy Leader	2nd Opposition Group Leader	Council Chair	Council Vice Chair	Other SRAs/Comments
Ryedale (20/21)	£400		£400	£847	£591	More than 1 SRA payable
Hambleton	£1,740		£1,740	£5,219		
Craven (20/21)	£940		£940			Vice Chair Standards £470, Lead Members £1,170
Cotswold	£1,743		£1,743	£5,228	£2,764	Opposition SRA pot = £5,228 & paid equally between Group Leaders, Green Leader £1,743
Eden (20/21)	£330		£330	£663		
Ribble Valley (21/22)	£7,636					Vice Chair Personel £546
Amber Valley	£3,158					Deputy Cabinet Members (x3) £1,566
Bolsover (20/21)	£4,891	£1,694				
Chesterfield (21/22)	£9,105					Vice Chair Appeals £2,956, Assistant Cabinet Members £3,996
Erewash (21/22)	£5,580	£824		£3,992	£1,329	Vice Chair GP (HR) + Vice Chair Appeals (Taxi) £1,262, Shadow Executive Members (x5) £549
High Peak	£1,980					
NE Derbyshire (21/22)	£5,216			£5,216	£834	Vice Chair Standards £1,373
S Derbyshire (21/22)	£9,249	£4,630				
Derbyshire Dales	£1,617		£924	£4,628	£1,620	Opposition Group Leaders SRA based on £232 per member (4 to qualify), Member Representatives £675
Mean	£3,828	£2,383	£1,013	£3,685	£1,428	
Highest	£9,249	£4,630	£1,743	£5,228	£2,764	
Lowest	£330	£824	£330	£663	£591	
Mean Ratios	24%	62%	26%	23%	39%	



Agenda Item 17

**OPEN REPORT
COUNCIL**

Council – 26 January 2023

S.85 OF THE LOCAL GOVERNMENT ACT 1972 – VACATION OF OFFICE BY FAILURE TO ATTEND MEETINGS

Report of the Director of Corporate and Customer Services & Monitoring Officer

Report Author and Contact Details

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

Wards Affected

Hathersage and Eyam

Report Summary

To note the statutory vacation of office by Councillor Claire Raw after not attending a meeting of the Council or its committees for a period of six months

Recommendations

1. That the vacation of office under S.85 of the Local Government Act 1972 be noted.

List of Appendices

N/A

Background Papers

None

Consideration of report by Council or other committee

No

Council Approval Required

No approval required, but Council is required to be notified

Exempt from Press or Public

No

S.85 of the Local Government Act 1972 – Vacation of Office by failure to attend meetings

1. Background

1.1 Section 85 of the Local Government Act 1972 provides:

- (1) Subject to subsections (2) and (3) below if a member of a local authority fails throughout a period of six consecutive months from the date of his/her last attendance to attend any meeting of the authority, he/she shall, unless the failure was due to some reason approved by the authority before the expiry of that period, cease to be a member of the authority.
- (2) Attendance as a member at a meeting of any committee or sub-committee of the authority, or at a meeting of any joint committee, joint board or other body by whom for the time being any of the functions of the authority are being discharged, or who were appointed to advise the authority on any matter relating to the discharge of their functions and attendance as a representative of the authority at a meeting of any body of persons shall be deemed for the purposes of subsection (1) above to be attendance at a meeting of the authority.
- (3) [Provides relief from disqualification to members of the armed forces engaged in war or an emergency].

1.2 There is no definitive legal authority upon whether 'attendance as a member' for the purposes of subsection (2) requires a councillor to be appointed to the committee, sub-committee or body in order for attendance at a meeting to be a qualifying attendance or whether attendance as a member of the local authority regardless of whether or not the councillor is appointed to the committee, sub-committee or body, is sufficient. Some local authorities take the narrow view and others the wider view.

1.3 In order to give members the maximum opportunity to preserve their qualification as a councillor, the District Council takes a wide interpretation of the law thereby acknowledging attendance at a qualifying meeting as a qualifying attendance whether or not the member has been appointed to the committee, sub-committee or body.

1.4 The authority has the ability to approve a reason for absence and to extend the time period. This may occur when a member is ill and requires a longer period than the six consecutive months in order to recover and be fit to resume their duties. It could also arise for work, family or caring related reasons such as a work secondment abroad, maternity/paternity leave or caring for a relative in another part of the country. Before the six consecutive months expire a report will be submitted to the Council stating the reasons for approval of the absence and seeking an extension to the time limit. In genuine circumstances the Council is likely to approve the absence and allow an extension of the time limit usually up to another six months.

1.5 Vacation of office is not discretionary and occurs by operation of law upon the expiry of the time period. Once a Member has been rendered to have

vacated the office of councillor they must not attend any meeting or participate in any decision-making. To do so would raise questions as to the legality of any decision which could be declared null and void by a court.

2. Key Issues

2.1 Councillor Claire Raw was elected in May 2019 to represent the Hathersage and Eyam ward on a four-year term office due to end in May 2023. Most recently Councillor Raw served as a Member of the Green and Independent Group.

2.2 Councillor Raw's last recorded attendance at a meeting of the Council or its committees was on 14 July 2022. As six months have now passed since her last attendance at a meeting, the provisions of S.85 of the Local Government Act 1972 took effect on 15 January 2023 and Councillor Raw formally vacated the office of councillor for the district of the Derbyshire Dales. This was confirmed in writing by the Monitoring Officer on 16 January 2023.

2.3 There are just over three months until the whole Council election scheduled to be held on 4 May 2023 and as such the law does not require the vacant seat for the Hathersage and Eyam ward to be filled. This seat will therefore remain vacant until the election to the new Hathersage ward takes place in May 2023.

2.4 The political balance of the Council is now:

Conservatives and Councillors Bright, Elliott, Salt and Statham Group – 22
Liberal Democrat Group – 7
Green and Independent Group – 3
Independent Group – 3
Labour Group – 3

It is not proposed that the seat entitlement of groups be reviewed given the proximity of the local elections in May 2023.

3. Options Considered and Recommended Proposal

3.1 There are no options to consider as this report is submitted for information.

4. Consultation

4.1 As the subject of this report is the direct operation of the law to vacate the seat previously held by former Councillor Raw there has been no requirement for consultation.

5. Timetable for Implementation

5.1 The vacation of office is already effective from 15 January 2023.

6. Policy Implications

6.1 There are no direct policy implications associated with this report.

7. Financial and Resource Implications

- 7.1 As the Council has now reduced from 39 to 38 Members there will be small saving of £1.1k arising from the basic allowance that would have been payable to former Councillor Raw. As this report is for information, the financial risk is assessed as low.

8. Legal Advice and Implications

- 8.1 The main body of this report details the legal implications associated with the vacation of office of councillor under S 85 of the Local Government Act 1972.

9. Equalities Implications

- 9.1 There are no equalities implications directly associated with this report.

10. Climate Change Implications

- 10.1 There are no climate change implications directly associated with this report.

11. Risk Management

- 11.1 As this report is for information, it is considered that there are no risks that Members need to have regard to in order to note the paper.

Report Authorisation

Approvals obtained from:-

	Named Officer	Date
Chief Executive	Paul Wilson	17/01/2023
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	17/01/2023
Monitoring Officer (or Legal Services Manager)	James McLaughlin	17/01/2023