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Monday, 18 July 2022

To All Councillors:

As a Member of the **Council**, please treat this as your summons to attend an Extraordinary meeting on **Tuesday, 26 July 2022 at 6.00 pm** in the **Council Chamber, Town Hall, Matlock, DE4 3NN**

Yours sincerely,

James McLaughlin
Director of Corporate and Customer Services

This information is available free of charge in electronic, audio, Braille and large print versions, on request.

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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. 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.

3. PUBLIC PARTICIPATION

To enable members of the public to ask questions, express views or present petitions, **IF NOTICE HAS BEEN GIVEN**, (by telephone, in writing or by 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.

4. LAND AT BAKEWELL ROAD, MATLOCK - UPDATE ON PROPOSED CONVERSION OF FORMER MARKET HALL AND MODIFICATIONS TO EXTERNAL LAYOUT (Pages 5 - 28)

To receive an update on the programme for the conversion of the former Market Hall and consider proposed modifications to the external layout of the scheme with regard to bus, taxi and other provision.

5. UK SHARED PROSPERITY FUND: INVESTMENT PLAN SUBMISSION (Pages 29 - 66)

In the context of the approved Economic Recovery Plan, Corporate Plan and Economic Plan for the Derbyshire Dales, to approve for submission the District Council's Investment Plan for the Government's UK Shared Prosperity Fund by the closing date of 1 August.

6. COMMUNITY GOVERNANCE AND POLLING ARRANGEMENT REVIEWS (Pages 67 - 100)

This report provides details of feedback received during the first stage of a Community Governance Review of the Parishes of Darley Dale, Matlock and South carried as a result of the new district council warding and parish arrangements proposed by the Local Government Boundary Commission for England.

It proposes that as a result of initial feedback further consultation should take place on a proposal to amend the boundaries of the Parishes of Matlock and South Darley so that future housing developments in the Oker and Snitterton Ward of South Darley Parish Council are included in a new Cawdor Ward of Matlock Town Council.

The report also includes details of the review of Polling Districts, Polling Places and Polling Stations which took place to reflect the revised District Council electoral arrangements and puts forward a number of recommendations.

A summary of representations received can be found on the [Community Governance Review Pages on our Website](#)

7. HOUSEHOLD SUPPORT FUND (Pages 101 - 106)

To inform Members of the outcome of the initial Household Support Fund period 16th October 2021 to 31st March 2022 and the proposals for the Household Support Fund 2 for Period 1st April 2022 to 30th September 2022.

8. DEVELOPMENT OF SMALL SOLAR FARMS ON COUNCIL OWNED LAND (Pages 107 - 168)

To present the findings of a technical and financial feasibility study carried out on five Council owned sites, exploring the possibility of developing small solar PV farms and seek approval for the necessary next steps in order to move a single viable site, at Watery Lane, to 'phase two' with an ambition of completing the scheme towards the end of 2024.

9. INTERIM ELECTRIC VEHICLE STRATEGY (Pages 169 - 188)

This report presents an interim high level strategy setting out Council priorities and approach for encouraging the adoption of electric vehicles (EVs) and the installation of EV charging infrastructure in the Derbyshire Dales.

10. RECOMMENDATIONS FROM THE CONSTITUTION WORKING GROUP - PROPOSED AMENDMENTS TO THE ARTICLES OF THE CONSTITUTION, RESPONSIBILITY FOR FUNCTIONS AND PROCEDURE RULES (Pages 189 - 338)

To submit the recommendations of the Constitution Working Group in respect of proposed amendments to various parts of the Constitution and seek the Council's approval and adoption of the proposed revisions.

11. MEMBERSHIP OF POLITICAL GROUPS, POLITICAL BALANCE AND ENTITLEMENT TO SEATS ON COMMITTEES (Pages 339 - 342)

To report on the updated membership of political groups on the Council, the change to the political balance of the authority following Councillor Gamble's decision to become a member of the Independent Group and the revised entitlement of political groups to seats on committees for the remainder of the 2022/23 municipal year.

12. PERFORMANCE MANAGEMENT - KEY AND CORPORATE PERFORMANCE INDICATORS OUTTURN 2021/22 (Pages 343 - 366)

This report summarises the outturn performance against the District Council's Corporate Plan Targets and Key Performance Indicators for the full year 2021/22, which is the second year of the current Corporate Plan 2020-24, agreed at Council on 5th March 2020. The report highlights where services have performed strongly and where improvements can be made.

NOTE

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

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COUNCIL
26 JULY 2022

Report of the Director of Regeneration and Policy

LAND AT BAKEWELL ROAD, MATLOCK: UPDATE ON PROPOSED CONVERSION OF FORMER MARKET HALL AND MODIFICATIONS TO EXTERNAL LAYOUT

PURPOSE OF REPORT

To receive an update on the programme for the conversion of the former Market Hall and consider proposed modifications to the external layout of the scheme with regard to bus, taxi and other provision.

RECOMMENDATIONS

1. Note progress in moving the scheme forward since the last Committee update;
2. Note the updated RIBA Stage 4 programme for the scheme;
3. Note the additional work undertaken through engagement with the MCV Steering Group to facilitate provision of the phase 2 community space in the longer term (delivery subject to separate local fundraising);
4. Note the outcome of consultations with licensed taxi operators and taxi users regarding proposed changes to waiting arrangements within the site;
5. Note the proposed improvements to arrangements for bus passengers and pedestrians accessing the Market Hall development;
6. Note the proposed enhanced provision for disabled car users and for cyclists;
7. Note the proposed modifications to taxi waiting and passenger waiting arrangements within the site;
8. That the proposed modifications to the external layout included in Recommendation 5 - specifically the widening of the pedestrian footway – Recommendation 6; and Recommendation 7 - subject to preparation of a detailed layout / lining plan - are approved in principle as part of a package of public realm works to the north side of Bakewell Road for consideration within the Draft Derbyshire Dales *UK Shared Prosperity Fund* Investment Plan to be considered later on this Council meeting agenda.

WARDS AFFECTED

Matlock All Saints and Matlock St Giles and wards within the central area of the district.

STRATEGIC LINK

The development of the Bakewell Road site will positively contribute to the Corporate Plan priority of Prosperity, specifically: *'Promoting investment to stimulate the economy of our market towns'*. Initiating a development scheme for the Bakewell Road site on the edge of Matlock town centre has been identified by Members as a priority action in the 2020-2024 Corporate Plan and the COVID-19 Economic Recovery Plan.

1 BACKGROUND

- 1.1 The District Council owns the freehold interest in land at Bakewell Road, Matlock and occupies the former Market Hall building and covered bus bay area by way of a 99 year under-lease dated 17th May 1986. The head lease is held by London Metric who sublet the neighbouring property to M&S and Boyes.
- 1.2 The former Market Hall holds a prominent position at the entrance to the town centre from the west. The site is allocated for mixed use re-development within the Derbyshire Dales Local Plan 2017 and the proposed development is identified as a priority in the Derbyshire Dales COVID-19 Economic Recovery Plan 2020 and Corporate Plan 2020-2024.
- 1.3 Members will recall that the Updated Business Case for the proposed conversion of the former Market Hall (prepared by Thomas Lister Ltd. with support from Amion Consulting) enabling provision of a new indoor leisure attraction - two screen cinema - and enclosure of part of the adjacent covered bus bay area to provide an ancillary commercial use - food & beverage / retail unit - was approved at a special meeting of Community & Environment Committee held on 1 March 2022. The scheme received detailed planning consent at the Council's Planning Committee meeting of 8 February 2022.
- 1.4 This report updates on work undertaken to progress the scheme, the RIBA Stage 4 programme and identifies proposed modifications to the external layout of the scheme with regard to bus and taxi provision.

2. SCHEME UPDATE

- 2.1 Since the March update to Members, work has included:
 - progressing the technical design (RIBA Stage 4) with Lathams as lead architect for the shell works / building envelope (supported by a sub-consultant design team) and the proposed cinema operator's architect retaining internal design responsibility for the cinema. The programme from Lathams indicates the technical design pack will be submitted to the District Council for review by the end of July;

- further detailed engagement with the Matlock Community Vision (MCV) Steering Group on design matters including materials and Phase 2 community space (delivery subject to separate MCV / local fundraising);
- responding to issues raised by the County Council's Local Bus Team in relation to enhancing provision for bus passengers;
- undertaking various enabling works, including the stripping out of redundant heating equipment above the false ceiling and demolishing the three internal former Market Hall units;
- preparatory work on the tender pack for the shell works;
- progressing head leaseholder negotiations;
- an updating meeting with M&S's Management Surveyor and site meeting with Boyes;
- on site consultation with taxi drivers and users and access audit of proposed modifications to the external area;
- updates to Ward Members.

2.2 The technical design process has resulted in some necessary amendments to the design impacting on the programme and fee budget. These include the detailed design of the floor slab, addressing acoustics issues and detailed consideration of the interface between phases 1 and 2. Amendments with a potential impact on planning include: modifications to emergency exits; entrance to the community space; bin store; high level window design (based on manufacturer's availability / cost) and widening the footway on the north west elevation of the building to improve the experience for pedestrians / bus users accommodated by the proposed repositioning of the taxi queue within the site (see below). The proposed modifications to the development have been discussed with the Council's Development Management Team and are considered to be of a minor nature and will not change the planning impacts of the development or conflict with any of the planning conditions imposed. A (delegated) Section 96A application is to be submitted to deal with the proposed amendments.

2.3 To help facilitate provision of the phase 2 community space in the longer term (delivery subject to separate fundraising), additional work has been undertaken on the technical design by the Council's architect and wider design team to support the aims of MCV. This includes preparing the detailed shell design for this space and including this element of the scheme within the specification for tender to establish costs. In addition, external support is to be provided on designing the internal fit-out of this space and with preparing a business plan for its future operation. In order to manage the increasing fee requirements on the scheme and in line with the Committee's resolution to develop a pipeline of potential capital projects in Matlock (C&E Report of 6 April 2022 refers), fees associated with the phase 2 community space are to be funded via the District Council's *Levelling Up Fund* consultancy budget.

2.4 The RIBA Stage 4 programme has been updated by the Council's architect and is as follows:

- technical design pack due end of July
- tender pack ready for issue September

- tenders for the shell works due end of October
- tender assessment / value engineering / contract negotiation / contractor appointment November – December (subject to acceptable tender)
- proposed commencement of works January 2023 (subject to acceptable tender)

2.5 The updated programme has been agreed with the proposed cinema operator and discussed with M&S. The proposed start on site will help avoid disruption to M&S's busy trading period between November and December in the run up to Christmas, and takes account of the construction sector close down period.

2.6 As agreed at the 1 March C&E Committee, a report will be brought back to Committee for consideration should costs for the project exceed the agreed budget for the scheme.

3 PROVISION FOR BUSES, CYCLISTS, DISABLED CAR DRIVERS & TAXIS

3.1 As indicated in previous reports, the District Council has committed to ensuring that existing bus and taxi services will continue to operate from this town centre location following conversion of the former Market Hall. Officers have met with County Council colleagues on site, and with the Council's architect to review arrangements for the transport 'hub' serving this part of the town centre, with consideration given to the sustainable travel hierarchy and DfT Inclusive Mobility Guidance. In addition to the proposed revised arrangements for bus and taxi users, improvements include increasing the number of disabled parking bays in Spa Villas car park from 1 to 3 and provision of secure cycle parking provision, including provision for an e-bike charging facility.

3.2 To enable improvements for waiting bus passengers proposed by the County Council (Members will note from previous reports that the County Council has made provision within its capital programme to enable implementation of a new 3m footway, bus shelters and enhanced layby provision on Bakewell Road), the external layout has been revised with the inclusion of a 4.5m footway along the north-west elevation of the building. This will enable the provision of larger shelters located closer to the kerb edge. It is also proposed that the shelters will be reversed i.e. with the screen to the front providing greater protection from the elements. Services continuing to use the site include:

- Stagecoach X17
- Stagecoach M1
- Stagecoach M4
- Stagecoach 216
- Stagecoach 217
- Trent-Barton 6.1
- Hulley's 110
- Hulley's 111
- Hulley's 172

- Littles 140
 - Littles 141
 - High Peak Trans-peak (from 10th July)
- 3.3 With regard to taxi provision, it is proposed to utilise part of the under-utilised bus layover area within the site to create a dedicated taxi queue / waiting area positioned at the end of the existing taxi queue facing the former Market Hall service bay. The re-positioned / re-orientated taxi waiting area will be signposted off Bakewell Road - the first taxi in the queue will be visible from Bakewell Road - and served by a 1.5m wide raised footway adjacent to the running lane through the site with a dropped kerb at the end to end to enable access to taxis (a wider footway is not possible due to the need to maintain sufficient bus standing width and a running lane for buses and HGVs exiting the site).
- 3.4 On site consultation has been undertaken by officers with taxi drivers and users to seek views on the proposals (licensed taxi operators were notified via email of the proposed consultation and the opportunity to drop-in to the former Market Hall to view plans). This took place (in between pick-ups) on three dates at times advised by the Council's Licencing Manager: 30 June; 4 July and 7 July.
- 3.5 The feedback is attached as Annex 1. In summary, the views of taxi drivers consulted broadly fell into two camps:
- Several felt the proposals were reasonable, would provide a marked / dedicated space for taxis (some reported occasional conflict with buses reversing out of the existing bus bays) and noted the wider benefits of increased footfall from the proposed new leisure / food & beverage uses proposed within the development;
 - Some raised concerns regarding the increased distance for older people to walk to the first taxi; that the taxi queue would not be as visible as it is now and that taxi users would not be able to benefit from the shelter provided by the canopy of the building once the development is underway.
- 3.6 With regard to taxi users (whilst numbers are limited due to limited opportunity to discuss proposals with people waiting for a taxi to arrive an range of different users were spoken to):
- Most felt moving the location for taxis within the site was reasonable and whilst further from the existing pick up point, the proposed location was not too far. Comments made included the need for adequate signage and to consider shelter provision for waiting taxi users.
 - An older couple felt the further distance to walk was an issue, particularly with heavy shopping bags.
- 3.7 The proposed arrangements are shown in Figures 1 and 2 below. Please note these are indicative and subject to a detailed layout / lining plan to finalise proposals. As noted earlier, it is important to consider the package as a whole

i.e. the improved facilities for bus passengers, additional disabled parking provision within Spa Villas car park, proposed cycle parking provision and dedicated area for taxis close to the existing waiting area.

Figure 1 Indicative Layout:



Figure 2 Indicative Illustration:



- 3.8 It is proposed that the taxi waiting area / queue will be lined and protected from buses / HGVs delivering to the M&S / Boyes loading bay. In response to the consultation with taxi drivers and users it is proposed to include signage from Bakewell Road, a shelter (with flip-up seats to allow a wheelchair to pass) and lighting column to light this part of the site. The proposal retains combined access to public transport and taxis in this part of the town centre close to the development.
- 3.9 In addition to the consultation, Access for All UK were commissioned to undertake an access audit of the proposed modifications to the external layout. This has informed the Equality Impact Assessment undertaken (see Annex 2). The verbal feedback immediately following the site visit from Access for All was that the proposed modifications were considered reasonable within the constraints of the site and the proposed inclusion of the taxi waiting shelter and lighting column was welcomed. It was also suggested consideration be given to providing a marked taxi waiting area in a suitable location on the Council's upper deck car park for shoppers using the M&S lift access. Their report is awaited at the time of writing.
- 3.10 To support the additional costs of the new arrangements it is proposed to seek external funding as part of the package of public realm improvements to the north side of Bakewell Road included within the Draft Derbyshire Dales UK Shared Prosperity Fund Investment Plan for consideration later in the agenda (due for submission to Government on 1 August).
- 3.11 Based on the architect's indicative layout, a cost plan has been prepared by the same independent cost consultants advising on the Ashbourne LUF proposals (Bentley Project Management) which takes in three phases of proposed works including the enhanced frontage to the development, areas within the site as set out in this report and a further phase of footway enhancements to the north side of Bakewell Road to upgrade the footway between the proposed cinema and crown square to a similar specification to the 2009 Yorkstone paving scheme.
- 3.12 Subject to the proposals being agreed it is proposed to tender the public realm package as an additional lot to the shell works to the former Market Hall. No works will be committed until an Agreement to Lease is signed with the cinema operator.

4 RISK ASSESSMENT

4.1 Legal

The land involved in the specific proposals to modify the external layout within the Bakewell Road site is under the control of the District Council. Discussions have taken place with tenants of the head leaseholder regarding the proposed changes.

Consultation has been undertaken with taxi drivers and users and an access consultancy has visited the site to consider the proposed external modifications to the layout and considers the proposals reasonable.

The Legal risk has been assessed as low.

4.2 Financial

Funding to support the additional costs of the works outlined in the report, delivered as part of a wider public realm package for this part of Bakewell Road, is proposed from the Council's £1.954m *UK Shared Prosperity Fund* allocation.

The cost plan for the public realm package as a whole is based on current rates and provides a cost estimate for the works of £242,109. In addition, as per the Ashbourne LUF scheme proposals previously approved by Members, allowance has also been made for: contractor's prelims, overheads and profit; professional fees; construction risk / contingencies; and inflation (with a view to minimising the potential for unforeseen cost increases) increasing the total cost of the public realm package to an estimated £460,000. This figure has therefore been included within the Draft UKSPF Investment Plan for consideration under the next agenda item.

The additional spending is subject to the approval of external funding as part of the package of the Draft Derbyshire Dales *UK Shared Prosperity Fund* Investment Plan. Taking account of the additional costs, but also the allowances and contingencies built into the scheme (which mitigate the risks), the financial risk has been assessed as Medium.

4.3 Climate Change

The climate change impacts for the scheme as a whole have been considered in detail through the planning application, including completion of the Climate Change SPD checklist.

The proposals seek to enhance public transport infrastructure provision and retain taxi provision adjacent to the development and within the same town centre location. Due consideration has been given to the sustainable travel hierarchy and improvements made. Whilst moving the taxi location within the site, the proposals will provide a marked, dedicated area for both taxis and users.

4.4 Equality Impact Assessment

The EIA has been informed by the external access consultant's comments and consultation findings. The identified improvement actions to support different protected user groups have been incorporated into the scheme and the provisions made are considered reasonable within the constraints of the site.

5 OTHER CONSIDERATIONS

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

6 CONTACT INFORMATION

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7 ATTACHMENTS

ANNEX 1 – Taxi driver / Taxi user consultation findings - summary
ANNEX 2 – Equality Impact Assessment

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ANNEX 1 – Taxi Driver / Taxi User Consultation - Findings

On site consultation was undertaken by officers on 30 June; 4 July and 7 July.

Taxi Drivers:

Taxi Driver 1 – Further distance to walk for elderly shoppers. Needs to be properly signed. A (taxi) stopping point on Bakewell Road would be better. Keep arrangements as they are

Taxi Driver 2 – Footfall from new cinema will be welcome. Not too far to walk to new taxi waiting point. Better arrangement than pulling in and out in front of buses as now

Taxi Driver 3 – If adequate signage it will be fine. Looking forward to cinema opening. Not too far to walk

Taxi Driver 4 – People are lazy and won't walk further. Retain as is

Taxi Driver 5 – If properly signed and a footpath provided once people know where taxis are it will work ok.

Taxi driver 6 – U shape queuing arrangement OK but needs to be wide enough to exit queue if get a call for a pick-up elsewhere

Taxi Driver 7 – Taxis will be hidden. Council doesn't care about taxi drivers. Further to walk for older people. Shelter essential

Taxi Driver 8 – Proposals seem fine. Not too far to walk. Issues with private hire cars using Olde English Road rank

Taxi Driver 9 – Looks reasonable. A dedicated space will be better

Taxi Driver 10 – Further for people to walk e.g. older person with shopping trolley. U shape queueing arrangement OK

Taxi Driver 11 – Less visible from Bakewell Road. OK with U shape queueing but will people know we are there?

Taxi Users:

Taxi User 1: Mum & child – cinema will be great. Only a little further to walk

Taxi User 2: Older couple – further to walk with shopping

Taxi User 3: Adult female – reasonable to walk a bit further

Taxi User 4: Adult female – plan seems reasonable if footway and signed

Taxi User 5: Adult male – plan looks OK. Would need a shelter

Taxi User 6: Older couple – not too far to walk. As long as footway is level

Taxi User 7: Older couple – as long as taxis staying in this general location its fine

Taxi User 8: Adult male – having shelter is key. Not too far to walk

Taxi User 9: Adult female – with a new footpath plan seems reasonable. Not too far to walk

Taxi User 10: Parents & young family – with footpath and signage seems reasonable. Might be a bit far for older people?

Taxi User 11: Adult female – with footpath it would be fine. Better arrangement than now as avoids people crossing in between buses



**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	Land at Bakewell Road, Matlock: Proposed Conversion of the Former Market Hall and modifications to the external layout of the site impacting on bus passengers, cyclists, disabled car drivers & taxi users
b. Links to Service and/or Corporate Plan Ref/s	CP20/PR3 Promote investment to stimulate the economy of our market towns
c. Name and Role of Officers conducting assessment	Giles Dann Economic Development & Policy Manager, Elizabeth Wilson Corporate Policy Officer
d. Date of assessment	11/07/2022
e. Reason for assessment	Proposed changes to the external layout of the site surrounding the former Market Hall – proposed for a new leisure and food & beverage use - will result new bus and taxi arrangements within the site, cycle provision and disabled parking provision. The principal changes impact on taxi users / drivers following revisions to the proposed bus waiting area. The proposal involves moving the current taxi queue adjacent to the Market Hall / proposed development to a different location within the site. It is proposed to utilise part of the under-utilised bus layover area within the site to create a dedicated taxi queue / waiting area positioned at the end of the existing taxi queue facing the former Market Hall service

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Information required	Detail
	<p>bay. The distance from the front of the existing taxi queue to the proposed new location for taxis is 25-30m. Taxis currently benefit from using the first bus bay when available to pick up passengers which reduces the distance passengers have to walk. This bay is included within the development scheme so will no longer be available for use. The re-positioned / re-orientated taxi waiting area will be signposted off Bakewell Road - the first taxi in the queue will be visible from Bakewell Road - and served by a 1.5m wide raised footway adjacent to the running lane through the site with a dropped kerb at the end to end to enable access to taxis</p> <p>Provision for other site users is also proposed and assessed including widening the footway for bus passengers and increasing the size of shelters provided by DCC, increasing the number of disabled parking bays in the adjacent DDDC level access car park from 1 to 3 and a secure cycle and e-bike charging facility. These changes are considered positive additions to existing arrangements.</p> <p>The purpose of the EIA is to determine the equalities impacts from the proposed changes to this transport hub and to identify any appropriate mitigation measures</p>
f. What is the purpose of this policy, practice, service or function? (specify aims and objectives)	Ensuring that existing bus and taxi services will continue to operate effectively from this town centre location following conversion of the former Market Hall, and that adequate provision is made for other users
g. Are there any other organisations involved in its implementation?	<p>Derbyshire County Council (DCC)</p> <p>Wider project partners include: Cinema operator Matlock Community Vision Steering Group (MCV)</p>

Information required	Detail
h. Likely customer groups to be impacted	All members of the public wishing to access bus and taxi services, including residents and visitors, disabled car drivers and residents or visitors adopting active travel
i. Other stakeholders likely to be impacted	Licenced Taxi drivers
Which District Council departments are affected by the policy, practice, service or function?	Regeneration & Policy; Estates; Community Services
Do any of the objectives directly support or hinder another Council activity?	No

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	

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, 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>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 which is higher than averages for England</p> <p>The number of households has increased by 5.1%, from 30,744 to 32,300</p>
<p>Derbyshire Observatory https://observatory.derbyshire.gov.uk/wp-content/uploads/reports/documents/census/2021_census/Census2021_First_ReleaseDerbyshire.html#derbyshire-dales</p>	<p>Population figures by age, number of households, sex - Derbyshire Observatory; taken from Census 2011 - 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>Derbyshire Dales Equalities Profile 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 2011 - national survey of all households</p>	<p>19.7% of households are deprived in 2 or more areas</p> <p>18.5% have limiting long-term health problem or disability</p> <p>4.5% health is bad/very bad</p> <p>12.6% are unpaid carers; the majority providing 1 – 19 hours a week</p>
<p>DfT Inclusive Mobility Guidance</p>	<p>December 2021</p>	<p>Guidance considered with regard to:</p> <ul style="list-style-type: none"> • Recommended walking distance for people with different mobility issues • Footway widths to support accessibility • Bus stop widths and orientation

4. Consultation and engagement

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

No consultation or gathering of stakeholder views are necessary because...

N/A - Consultation has taken place with taxi drivers / users – see below for information

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
Taxi drivers operating from this location	Notification of the consultation via email then face to face consultation on site – two sessions - utilising plans illustrating proposals (considered the most appropriate method of engagement by officers)	<p>Several felt the proposals were reasonable, would provide a marked / dedicated space for taxis (some reported occasional conflict with buses reversing out of the existing bus bays) and noted the wider benefits of increased footfall from the proposed new leisure / food & beverage uses proposed within the development;</p> <p>Some raised concerns regarding the increased distance for older people to walk to the first taxi; that the</p>	Include signage from Bakewell Road and shelter

Members of the public using taxis from this location	Face to face consultation on site with plans illustrating proposals	<p>taxi queue would not be as visible as it is now and that taxi users would not be able to benefit from the shelter provided by the canopy of the building once the development is underway.</p> <p>Most felt moving the location for taxis within the site was reasonable and whilst further from the existing pick up point, the proposed location was not too far. Comments made included the need for level access, adequate signage and to consider shelter provision for waiting taxi users.</p> <p>An older couple felt the further distance to walk was an issue, particularly with heavy shopping bags.</p>	Include lighting and shelter, and dropped kerb for wheelchair / disabled access
DCC Local Bus Team	Site meetings	Improved bus passenger arrangements	
Access for All UK – Access audit (final report awaited)	Site visit and review of plans	Proposals, with some modifications for taxi users considered reasonable	<p>Wider footway and larger shelters providing better protection for passengers</p> <p>Shelter with flip-up seats to allow a wheelchair to pass</p>

			Consider taxi waiting area on upper deck car park
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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	<p>A shelter near the waiting area will provide protection from weather</p> <p>Improved signage will help older people [especially visitors], who may struggle to walk around looking for taxis to find the waiting area easily from Bakewell Road</p> <p>Larger bus shelters providing better protection from the elements</p>	<p>People with mobility issues and parents with young children will need to walk further to the taxi waiting area</p> <p>The proposed waiting area is in a more isolated area of the development which may be perceived as an unsafe place to walk and wait</p> <p>Currently people waiting for taxis use seating in the existing bus station, or outside near the bus station entrance</p>	<p>New footway proposed, accessed from Bakewell Road</p> <p>Lighting to ensure pathway and waiting area is well lit at all times</p> <p>Provide seating in the new waiting area</p>
Disability or long term ill heath	<p>A shelter near the waiting area will provide protection from weather</p>	<p>People with mobility issues will need to walk further to access taxis</p>	<p>Ensure pathway and waiting area is well lit at all times</p>

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Protected groups	Positive effects	Negative effects	Potential Improvement Actions
Physical disabilities, sensory impairments, limiting long-term illnesses, learning disabilities or mental health issues	<p>Dropped kerbs and other tactile pavements will improve access to taxis</p> <p>Improved signage will help people with disabilities to find the waiting area more easily from Bakewell Road</p> <p>Based on DfT Inclusive Mobility guidance a pavement width of 1500mm is sufficient for a wheelchair user, including larger mobility scooters where site constraints exist as they do in this case</p> <p>Larger bus shelters providing better protection from the elements</p> <p>Increased disabled parking provision in Spa Villas car park</p>	<p>The proposed waiting area is in a more isolated area of the development which may be perceived as an unsafe place to walk and wait</p> <p>Currently people waiting for taxis use seating in the current bus station, or outside near the bus station entrance</p> <p>A pavement width of 2000mm is recommended as this allows enough space for two wheelchair users to pass, even if they are using larger electric mobility scooters.</p>	<p>Provide flip up seating in the new waiting area which will allow a wheelchair user to pass</p> <p>Ensure adequate space at the end of the new footway to the taxis to allow two wheelchair users to pass safely</p>
Race / ethnic groups		The proposed waiting area is in a more isolated area of the development which may be perceived as an unsafe place to walk and wait	Lighting to ensure pathway and waiting area is well lit at all times

Protected groups	Positive effects	Negative effects	Potential Improvement Actions
Women or men	Larger bus shelters providing better protection from the elements Enhanced cycle provision proposed	The proposed waiting area is in a more isolated area of the development which may be perceived as an unsafe place to walk and wait	Lighting to ensure pathway and waiting area is well lit at all times
Sexual orientation		The proposed waiting area is in a more isolated area of the development which may be perceived as an unsafe place to walk and wait	Lighting to ensure pathway and waiting area is well lit at all times
Religion or belief (including non-belief)	/	/	/
Transgender (including people planning to or going through gender reassignment)		The proposed waiting area is in a more isolated area of the development which may be perceived as an unsafe place to walk and wait	Lighting to ensure pathway and waiting area is well lit at all times
Pregnancy and maternity (including maternity and paternity leave)	Dropped kerbs and other tactile pavements will improve access to taxis 1.5m wide pavements to the waiting area can accommodate wider buggies and parents with children by their side.	Pregnant women and parents with young children will need to walk further The proposed waiting area is in a more isolated area of the development which may be	New footway proposed, accessed from Bakewell Road Lighting to ensure pathway and waiting area is well lit at all times

Protected groups	Positive effects	Negative effects	Potential Improvement Actions
		<p>perceived as an unsafe place to walk and wait</p> <p>2m width pavement would allow individuals to walk past a person with a buggy/child walking next to them</p> <p>Currently people waiting for taxis use seating in the current bus station, or outside near the bus station entrance.</p>	Provide seating in the new waiting area
Marital status (including civil partnership & same sex marriage)	/	/	/

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

Other factors	Positive effects	Negative effects	Improvement actions
Rural areas	N/A		
Poverty / deprivation	N/A		

6. Commissioned / outsourced services

Is your policy, practice, service or function partly or wholly provided by any external organisation / agency?	No – range of parties
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 EIA has been informed by the external access audit and consultation findings. The identified improvement actions to support different protected user groups have been incorporated into the scheme and the provisions made are considered reasonable within the constraints of the site.

Consideration could also be given to the opportunity for a taxi waiting area close to the lift access on the upper deck car park.

8. Improvement Plan

Key issues identified	Actions
Included above	Improvement actions included above

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

Signed _____(Completing Officer)

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COUNCIL
26 JULY 2022

Report of the Director of Regeneration and Policy

UK SHARED PROSPERITY FUND: INVESTMENT PLAN SUBMISSION

PURPOSE OF REPORT

In the context of the approved Economic Recovery Plan, Corporate Plan and Economic Plan for the Derbyshire Dales, to approve for submission the District Council's Investment Plan for the Government's *UK Shared Prosperity Fund* by the closing date of 1 August.

RECOMMENDATION

1. The *UK Shared Prosperity Fund* Investment Plan Summary is approved for submission;
2. Subject to the approval of 1 above, that a supplementary revenue estimate of £1,043,517 and a capital programme estimate of £911,235 is approved to be spent over the next three financial years and funded from the UK Shared Prosperity Fund grant;
3. Authority is delegated to the Director of Regeneration and Policy to make detailed changes and finalise the plan with the S151 officer for submission;
4. The procurement of resources to support plan preparation is noted;
5. The proposed options for adopting *UK Shared Prosperity Fund* governance arrangements are approved and finalised by the Director of Regeneration and Policy prior to plan submission.
6. That a supplementary revenue estimate of £20,000 for plan preparation is approved retrospectively, to be funded by government grant upon sign-off of the Investment Plan.

WARDS AFFECTED

All

STRATEGIC LINK

'Prosperity' is highlighted in the Corporate Plan 2020-24 as a District Council priority due to low local wages and high local house prices. With regard to the recommendations in this report, the District Council specifically aims to: *Support businesses to encourage productivity, growth, and higher wage jobs in rural and urban locations*; and to: *Promote investment to stimulate the economy of our market towns*.

1 UK SHARED PROSPERITY FUND (UKSPF)

- 1.1 *UK Shared Prosperity Fund* (UKSPF) is a new Government fund, intended to be the replacement for EU economic development funding. Whilst a local funding allocation (rather than a bid-led process) is very much welcomed, the level of funding available is limited. Derbyshire Dales District Council is the Lead Local Authority (accountable body) for UKSPF funding for the Derbyshire Dales. UKSPF will comprise revenue and capital funding – min. 10% capital, max. 100% capital – and will operate over three financial years (to end of March 2025.) The Derbyshire Dales allocation is £1.95m with a minimum capital spend in year 1 of 10%, year 2 - 13% and year 3 - 20%:

	2022/23	2023/24	2024/25	Total
Derbyshire Dales	£237,227	£474,454	£1,243,071	£1,954,752

- 1.2 The focus of UKSPF is “pride in place” (Government expects to see visible, tangible results). There are three investment priorities; the first two are the focus in the Derbyshire Dales based on the investment priorities previously agreed by Members (see 2.2). The Government has made it clear that district councils are not required to fund all three investment priorities:

- **Communities and Place** – e.g. town centres, neighbourhoods
- **Supporting Local Businesses** – e.g. jobs and businesses; innovation, growth
- **People and Skills** – 2024/25 only. e.g. basic literacy and numeracy. Note that the County Council has a separate £3.76m *Multiply* allocation for people and skills. The County Council has very recently shared its Investment Plan submission to Government and linkages regarding activity involving employers will be set out where appropriate in the Dales Investment Plan.

- 1.3 To access the Fund, the District Council must submit an Investment Plan to include: proposed interventions (not detailed project proposals); measurable outputs and outcomes; state how projects/activities will be procured and delivered; and set out governance arrangements. As lead local authority for UKSPF, the District Council must put in place appropriate project assessment; contracting; programme management, monitoring and evaluation procedures.

- 1.4 The deadline for submission is 1 August 2022. Payments are expected from October 2022.

2 PROGRESS TO DATE

- 2.1 A chronology to date:

- 29 November 2020 – Council approved a post-COVID Economic Recovery Plan and Rural Economic Position Statement, both of which referenced the forthcoming *UK Shared Prosperity Fund* (see paras 5.1 and 5.3, and ‘Ask’ 2)
- 22 April 2021 – Council considered Economic Recovery Plan progress and in particular the Community Renewal Fund (CRF), which was described in the

report as “as a pilot for a future UK Shared Prosperity Fund”. A LEADER-type locally-determined small business grant scheme was part of the District Council’s subsequent CRF bid (see paras 4.16 and 4.25)

- 2 February 2022 – Government published pre-launch guidance for the *UK Shared Prosperity Fund*
- 23 February 2022 – Community and Environment Committee resolved to develop an Investment Plan drawn from existing Council economic plans and by engagement with local partners
- 13 April 2022 – Government published *UK Shared Prosperity Fund* prospectus
- May 2022 – quotations sought and Kada Research appointed to support development of Investment Plan, and Browne Jacobson appointed to provide Subsidy Control legal advice (the Government has committed £20,000 to each Lead Local Authority to provide additional resources to support plan preparation)
- 16 June 2022 – Partner workshop held at Agricultural Business Centre, Bakewell, to inform the Investment Plan drafting and development
- 21 June 2022 – Member workshop held to consider Investment Plan priorities on the basis of partner feedback, to review a potential core package of initiatives, and to consider governance arrangements
- 5 July 2022 – draft summary of proposed interventions / activities circulated to Members and partners for comment.

2.2 At its meeting on 23 February 2022, the Community and Environment Committee resolved in relation to the *UK Shared Prosperity Fund* that:

- The Derbyshire Dales Investment Plan priorities be drawn from the approved Economic Recovery Plan 2020-2033, the Rural Economy Position Statement approved in November 2020, supported by the Economic Plan 2019-2033
- Engagement with local partners takes place to draft an Investment Plan for future consideration and agreement.

2.3 Those priorities as communicated to partners are as follows. In doing so it was noted that the low level of UKSPF funding allocated by the Government means that some valuable schemes are unlikely to achieve funding under this UKSPF round. The overall sense of limited funds, and the general thrust of prioritisation, was of help in partnership discussions.

DERBYSHIRE DALES - Top priorities (Economic Recovery Plan)

1. Regenerating brownfield and other key housing/employment sites (unlock market failure): Ashbourne Airfield, Middleton Rd/Middlepeak, Cawdor, Halldale, Riverside
2. Bakewell Road Matlock

Key themes (Rural Economy Position Statement)

- small scale manufacturing and engineering (esp. advanced and green activities) + knowledge-based and CDIs
- a dedicated fund for rural economic growth (managed in and by rural areas themselves)
- ultrafast broadband in the most isolated rural areas

- better quality visitor attractions and accommodation are needed (sold together as single easy-to-book packages).

Supporting priorities (Economic Plan 2019)

- high quality, free, 1:1 business advice service to SMEs including practical assistance to help growth companies access external grants and loans
- DE-Carbonise

2.4 Kada Research have developed an updated evidence base which identified key challenges for the Derbyshire Dales as:

- Lowest weekly pay (£418) and highest house price to wage ratio (1:8) in the sub-region
- Low and declining productivity (GVA per hour worked)
- Town centre vacancy rates above national average (Ashbourne & Matlock)
- Low broadband speeds
- Constrained labour market / visitor economy resilience / recruitment issues
- Fluvial and surface water incidences and risks

2.5 On the plus side, however, the district has low unemployment, a strong manufacturing sector, characterful towns, high quality of life, high business density, and a highly skilled population.

2.6 A business survey has been carried out via the Council's business e-newsletter to identify key issues for industry. 101 responses were received and the key findings were as follows:

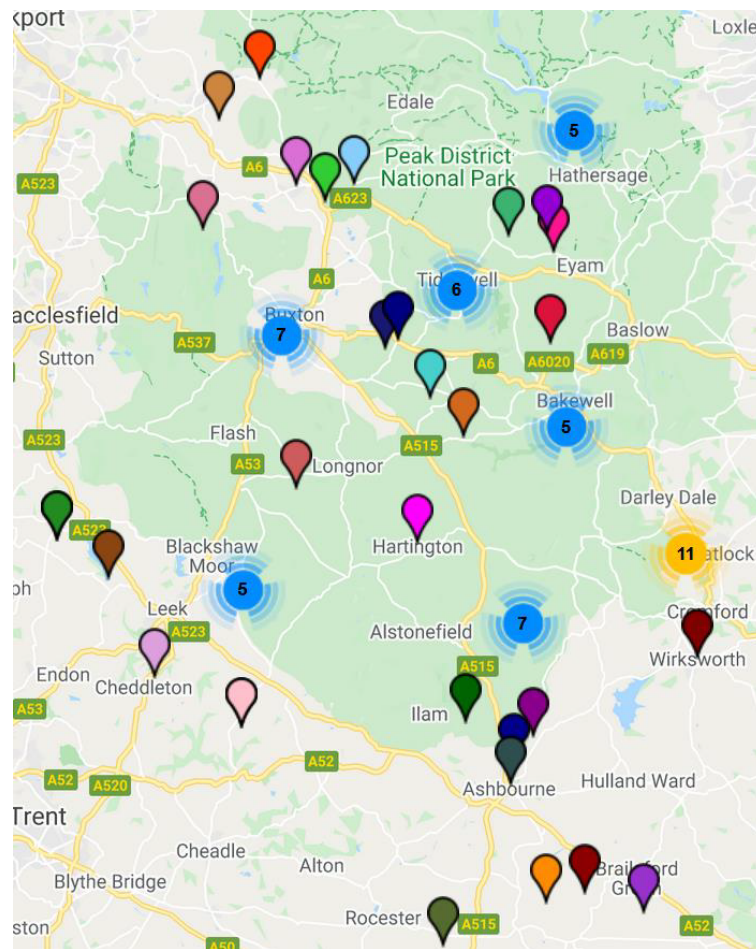
- the two main priorities for businesses over the next two years are reducing costs and increasing sales
- 92% stated that this would require further investment (mainly in the form of new equipment/technologies/seeking energy efficiencies)
- 55% believed that this investment would increase productivity and support job creation
- 40% of businesses anticipated recruiting new staff in the next 12 months
- 73% said that increased costs would be the biggest barrier to growth in the next 12 months, 30% staff recruitment and retention and 35% unsuitable premises/size
- 77% of businesses said that grant support is needed to support growth
- 32% said that advice on energy efficiency was required to support growth
- 28% said that digital advice was required to support growth.

2.7 Recent insights from the local commercial property market have the following highlights:

- High demand for industrial workspace for small and medium sized businesses (particularly for engineering/manufacturing)
- Demand mainly from existing businesses that require space for expansion close to existing location
- Limited supply of required industrial workspace (1000-2000 sq ft/small sub-dividable units)
- Low demand for commercial office space.

- 2.8 The partner workshop on 16 June was attended by Derbyshire County Council, Business Peak District, High Peak Borough Council, East Midlands Chamber, Peak District National Park Authority, Marketing Peak District & Derbyshire, Derbyshire Dales Council for Voluntary Services (CVS), NFU, Rural Action Derbyshire (RAD) and the University of Derby.
- 2.9 Key points to emerge from the partner workshop on 16 June included:
- Broad support for the proposed priority focus and emerging package of interventions, particularly revisiting the former LEADER approach within the plan
 - Value of cross-boundary working to minimise overheads
 - Industrial space is difficult to find
 - Businesses want quick, tailored advice and support with a local presence
 - Digital, net zero and marketing are needs common to many business sectors
 - Skills shortage in manufacturing, engineering and the visitor economy
 - Peak District experience in locally delivering successful LEADER, business advice and town centre regeneration
 - Focus on a small number of deliverable schemes.
- 2.10 Key points from the Member workshop on 21 June included:
- Support for a Peak wide approach to delivering and governing the plan
 - More information required on the bottom-up LEADER model (previous LEADER summary evaluations circulated since to all Members – see below)
 - Support for the proposed focus on manufacturing and engineering sectors under the Supporting Local Business priority
 - Different views on public realm proposals for Matlock but recognition of the Council's agreed corporate priority and commitment to support the regeneration of the town centre
 - Give further consideration to the People and Skills priority
 - Consider a community element
 - Provide more detail on the proposed interventions.
- 2.11 With regard to previous Peak LEADER programmes, as per the evaluations circulated, the benefits have been significant. Under the last programme (2014-2020), £1.6m of LEADER funding resulted in £2.1m of investment within the local economy with 69 of the 78 projects funded supporting micro-businesses. Figure 1 below shows the geographical spread of projects funded under the last programme (55% of projects in the National Park):

Figure 1:



- 2.11 Since both workshops, partners and Council Members have been provided with more detailed proposals and invited to comment further.
- 2.12 Partner comments have included general support from the County Council and NFU, in particular for the proposed Peak Rural Innovation programme (based on the previous LEADER delivery model). Business Peak District commented that the proposals appear sensible. Derbyshire Dales CVS supported the inclusion of a community grant element, adding to the Better Derbyshire Dales Fund offer. Marketing Peak District & Derbyshire welcomed inclusion of the visitor economy and potential to offer specialist business support across some areas of delivery but wished to see more focus on visitor economy businesses and a contribution towards destination marketing. East Midlands Chamber proposed inclusion of a digital high street support offer, continuation of the pilot Accelerator programme and support for the core D2N2 Growth Hub (EU funded to the end June 2023). To note, costed proposals were received towards the end of June and early July for consideration from Marketing Peak District & Derbyshire, East Midlands Chamber and the Growth Hub, and from the lead partners for the De-Carbonise initiative and Vision Derbyshire Business Start-up programme.
- 2.13 Comments from three Members were received, one raising concerns regarding the level of expenditure proposed on public realm and level of focus on market

towns, and, along with another Member comment received, querying the level of grant under the community grant proposals. Other points related to the allocation and assessment of business grants and whether it was appropriate for the District Council to continue to provide business advice services.

3 PROPOSED INTERVENTIONS

3.1 As a result of the above work, a summary plan has been prepared (see Annex 1 attached) setting out a deliverable package of UKSPF interventions based on identified priorities. It is anticipated that, in accordance with UKSPF guidance, there will be a mixed approach including in-house delivery, commissioned services and procured contracts. Members should note that potential outputs and outcomes are indicative at this stage and subject to finalisation of the plan prior to submission.

3.2 A summary of proposed interventions, activities and required funding is set out in Table 1 below:

UKSPF Priority	Primary UKSPF Interventions	Proposed Activity	UKSPF Allocation £
Communities & Place	E1: Improvements to town centres & high streets	1.1 Town centre public realm - Matlock Western Gateway, Bakewell Road including transport hub	460,000
	E14: Funding to support relevant feasibility studies	1.2 Site feasibility studies , site investigations and other assessments to inform the delivery of allocated strategic development sites, with a focus on sites on the edge of market towns	250,000
	E2: Funding for new or improvements to existing community and neighbourhood infrastructure projects E9: Funding for impactful volunteering and/or social actions projects E11: Investment in capacity building and infrastructure support for community groups	1.3 Community Resilience Fund available to local community and voluntary organisations, parish & town councils and social enterprises committed to strengthening their local community	100,000
Supporting Local Business AND People and Skills	E23: Strengthening local entrepreneurial ecosystems, and supporting businesses at all stages of their development to start, sustain, grow and innovate, including through local networks E17: Funding for the development and promotion of the visitor economy E26: Support for growing the local social economy E32: Investment in resilience infrastructure that protect local businesses and community areas from natural hazards including flooding	2.1 Peak Rural Innovation Programme providing grant assistance to small and micro businesses inc. social enterprises to assist business diversification, growth, adaptation and longer term resilience In addition to kit and equipment, grant support can also be used to buy-in bespoke training to upskill the workforce and address skills shortages	696,000

	E37: Tailored support to help people in employment not supported by mainstream provision to access training courses		
Supporting Local Business	E29: Supporting decarbonisation and improving the natural environment whilst growing the local economy	3.1 Energy audit and carbon reduction support for Derbyshire Dales SMEs	146,205
	E23: Strengthening local entrepreneurial ecosystems, and supporting businesses at all stages of their development to start, sustain, grow and innovate, including through local networks E24: Funding for new and improvements to existing training hubs, business support offers, and accelerators for local enterprise	3.2 Co-ordinated business support offer providing generic and specialist business advice services to support established SMEs	155,103
	E23: Strengthening local entrepreneurial ecosystems, and supporting businesses at all stages of their development to start, sustain, grow and innovate, including through local networks	3.3 Business Start-Up Programme providing free 1:1 advice and seed-corn grant support to new start businesses within the first year of trading	69,444
UKSPF Admin 4%			78,000
			£1,954,752

- 3.3 Proposed activities have been costed through a combination of methods including: independent cost assessment for the public realm works (see earlier report on the agenda); costs of delivering similar schemes in the past e.g. Peak Rural Innovation Programme and; using existing delivery costs as a basis for initiatives proposed for extension.
- 3.4 As indicated in 3.1, a mixed delivery approach is anticipated and some activities require to be specified further prior to being commissioned or procured. This will take place post submission of the Investment Plan.
- 3.5 Following recent discussions with district/borough and County Council colleagues regarding the delivery of business support, officers propose to work direct with Derbyshire County Council and High Peak Borough Council to deliver the Peak Rural Innovation Programme (previously developed as a Community Renewal Fund application by the three partners). In addition, subject to finalising costs, officers are minded to support
- the delivery of energy audit and carbon reduction support via the established De-carbonise programme (led by Derby City Council), and
 - business start-up programme via the Vision Derbyshire partnership (led by Derbyshire County Council with support from district partners).

As indicated in the summary Investment Plan, delivery of other business support measures will be informed by evaluations of existing partnership initiatives, including the ERDF funded D2N2 Growth Hub and CRF funded Accelerator scheme. Discussions are ongoing at the time of drafting this report and further information received may impact on the final allocations, annual funding profiles and final detail of the plan. Any updates will be reported verbally at the meeting and delegated authority for the Director of Regeneration and Policy to finalise the plan for submission in consultation with the S151 officer is sought.

- 3.6 Continuing successful cross-boundary schemes (where they can demonstrate successful outputs and outcomes) is certainly favoured. However, it is clear that the limited UKSPF funding available is insufficient to meet the level of funding sought for some schemes and cannot be used to subsidise organisations' administration costs or posts previously funded by external sources. The draft plan has been prepared on the basis of allocating the maximum funding available to priority interventions within the funding available. Should funding become available during the implementation period e.g. through underspend within different parts of the plan, the Local Partnership Board (see below) would determine the re-allocation of these funds.
- 3.7 With regard to the proposed Peak Rural Innovation Programme, at the time of writing, formal confirmation is awaited from High Peak Borough Council regarding the inclusion of this initiative within their respective Investment Plan (Staffordshire Moorlands District Council has also been part of previous LEADER programmes and may again wish to be involved). It is hoped that a response will be received before this report is considered and a verbal update will be provided at the meeting. Derbyshire County Council officers have confirmed their support in principle and are willing to provide the accountable body role for this specific programme subject to a Peak-wide approach being confirmed and adequate funding being agreed to meet costs associated with their role from within the programme allocation. Should High Peak determine not to participate in the Peak Rural Innovation Programme, Members will need to consider progressing a Derbyshire Dales-only programme. This would also have implications for proposed governance arrangements (which are considered below), and the costs of running the programme would need to reviewed.
- 3.8 Should Defra announce a further competitive round of LEADER funding in the future, the Peak Rural Innovation Programme would provide an established mechanism ready to deliver.

4 RESOURCES AND CAPACITY

- 4.1 Match funding is not a requirement to unlock UKSPF funding. However, as indicated in Annex 1, potential match funding has been identified and will be a requirement for the proposed grant schemes.
- 4.2 With reference to Table 1 above, item 1.1 (Matlock Bakewell Road public realm / paving – north side) would be a capital scheme. The proposal forms part of a planned town centre regeneration package comprising:

- Transformation of the vacant former Market Hall into a 2-screen cinema plus retail / food and beverage unit
- Improvement of the public realm around the new cinema and along Bakewell Road to transform this key gateway into Matlock
- Re-organisation of the bus / taxi arrangements in this town centre location, enhanced cycle provision and provision of increased disabled parking
- Longer term development of a new community space at the rear of the Market Hall for use by a range of community and voluntary groups.

These individual elements are in reality all parts of one scheme to enhance the Western Gateway to the town centre. However, due to funding constraints, they are being brought forward individually, drawing on different funding streams as they become available. This means that the case for each has to be made independently, whilst in practice the benefits are overlapping and each element is strengthened by the delivery of the others. The works proposed under UKSPF are a top priority due to linking to our own Capital Programme investment and Corporate Plan, and because this visible town centre scheme was not put forward for LUF funding.

- 4.3 Item 1.2 (site feasibility studies) would assist the District Council to progress work to unlock brownfield sites for housing and employment, hence being a top priority (Corporate Plan).
- 4.4 The District Council is able to utilise 4% of its UKSPF allocation for administration of the overall UKSPF programme, once agreed (e.g. contracting, programme management, monitoring etc.), which is up to £78,190 over three years. As indicated in Table 1, an allocation to support programme administration has been included. The approach to administration will be determined once a formal response has been received from High Peak Borough Council regarding a Peak-wide approach to programme oversight, or otherwise.
- 4.5 Finance staff support will be needed to support fund management as the District Council will be the Accountable Body for UKSPF. As lead local authority, the District Council has other legal and procurement responsibilities such as third party contracting which will involve Legal input.
- 4.6 External legal advice is being obtained on Subsidy Control matters. Initial advice on the proposed interventions / activities listed in Table 1 indicates that for some there is considered no/low risk of subsidy. For others e.g. 2.1 where grants are proposed and subsidy is present, it is proposed to rely on the Minimal Financial Assistance Allowance exemption. With regard to 1.2, the advice indicates the potential for subsidy to the private landowners of development sites. Each study will need to be considered on a case by case basis to determine whether a compliant subsidy can be provided under the Minimal Financial Assistance Allowance or it is necessary to undertake an analysis of the intervention against the seven Subsidy Principles to confirm compliance with the Subsidy Control Act 2022.

5 GOVERNANCE AND PARTNERSHIP

5.1 A partnership structure, including the MP, is required to oversee the development and delivery of the Investment Plan. This should include local business/employer bodies, the voluntary and community sector, other partners and local authorities. It is inherent in the guidance that lead local authorities must work closely with county councils to agree and commission any skills and employment activity. Partnership working across other districts is appropriate where investment packages seek to address common issues.

5.2 The proposed structure for the Derbyshire Dales UKSPF Investment Plan is:

1. UKSPF Peak Partnership Board providing strategic oversight, based on the former LEADER Local Action Group – rural-focused local group comprising business representation (including Business Peak District and a representative from the Derbyshire Dales & High Peak Manufacturing Network), local authorities, Peak District National Park, sector representatives and the VCS. As per joint working arrangements in the past, Peak District partners engaged in the workshop have agreed in principle to continue with the approach of a single governance structure for the wider Peak District area. This also makes sense from the perspective of partners operating countywide or beyond with regard to attendance at a number of local boards.

The Board would include Member representation from the partner local authorities – proposed as the Leader of the District Council - and the Derbyshire Dales MP has been asked to advise on whether she would wish to sit on the Board or be engaged in the implementation of the plan in a different way. A response is awaited at the time of writing.

2. UKSPF Peak Partnership Executive – a smaller officer working group with operational responsibility drawn from board partners.
- 5.3 As indicated in section 3.7, discussions are ongoing with High Peak Borough Council officers (noting the potential involvement of Staffordshire Moorlands too) to determine the extent of partnership working / potential shared governance across the wider Peak District. Should a single joint Peak District governance arrangement not prove possible, a Derbyshire Dales Partnership Board and Executive will be established based on a similar membership but without neighbouring district / borough councils.

6 RISK ASSESSMENT

6.1 Legal.

The Council is required to demonstrate a competitive process has been undertaken with regard to the selection of future projects to deliver Investment Plan interventions. Other than in those areas stated where a partnership approach is proposed with another authority it is proposed that activity would normally be commissioned or procured.

Grant Funding Agreements (or an agreement of a similar standing) will be required with third parties delivering projects on behalf of the Council.

External legal support has been obtained with regard to subsidy control and areas of risk have been outlined within the report.

The Legal risk has been assessed as medium.

6.2 Financial.

The Government has committed £20,000 towards plan preparation for each Lead Local Authority. However this won't be provided until after the Investment Plan has been accepted by the Government (probably October), so spend is 'at risk' until then utilising the Economic Development Reserve.

Lead Local Authorities will receive upfront payments each financial year. This will be subject to Lead Local Authorities demonstrating in the Investment Plans and subsequent performance reports that that full annual payments will be spent and accounted for in-year.

£78,000 has been ring fenced from within the UKSPF allocation to support overall programme administration.

Where relevant, costs directly associated with the delivery of individual interventions / activities will be drawn from the funding allocations identified within Table 1 to ensure efficient delivery. Should High Peak Borough Council not include the Peak Rural Innovation Programme within its Investment Plan, the District Council would take on contracting and monitoring responsibilities (in addition to project appraisal) and the costs for delivering this programme will be reviewed accordingly. Officers will re-assess the requirements for projects delivered in partnership with other councils when final arrangements are known.

Annual UKSPF expenditure profiles are fixed by Government. In year 2 the budget remains limited with a significant increase in the available budget at year 3. This will create budgetary challenges, particularly with regard to the proposed public realm works which, if included with the Plan, will require the Council to consider cash flow support for this element of the programme until the year 3 allocation is received through the Capital Programme. The limited grant budget for year 2 of the Peak Rural Innovation Programme will also present challenges for administering this part of the plan. Discussions will take place with Government to determine the potential to utilise underspend in other districts or secure an earlier draw down of year 3 funding.

The indicative Capital / Revenue split of UKSPF funding is shown in the total column of Annex 1. As part of the expenditure is proposed as grants, it is not possible to be precise on the actual profile prior to implementation. As shown in the table below and in Annex 1, the current assessment results in £1,043,517 additional revenue expenditure and £911,235 additional capital expenditure. Approval is sought for supplementary budgets (over 3 financial years).

	Revenue Expenditure £	Capital Expenditure £	Total £
Town Centre Public Realm (Matlock)	-	460,000	460,000
Site feasibility studies	250,000	-	250,000
Community Resilience Fund	64,000	36,000	100,000
Peak Rural Innovation Programme (PRIP)	369,000	327,000	696,000
Energy audit and carbon reduction support	57,970	88,235	146,205
Specialist business advice services to support established SMEs	155,103	-	155,103
Business Start-Up Programme	69,444	-	69,444
Administration	78,000	-	78,000
Total	1,043,517	911,235	1,954,752

For the Bakewell Road element of the Investment Plan in particular, allowance has been made for: contractor's prelims, overheads and profit; professional fees; construction risk / contingencies; and inflation (with a view to minimising the potential for unforeseen cost increases) increasing the total cost of the public realm package to an estimated £460,000. This figure has therefore been included within the Draft UKSPF Investment Plan for consideration as discussed elsewhere on the agenda.

With the exception of plan preparation, spending will not take place until approval of the plan has been received from government. Therefore, the financial risk is assessed as Medium.

6.3 Climate Change.

Government guidance indicates that: *Interventions supported by the UK Shared Prosperity Fund will need to take account of other local and national policies and priorities – including the government's commitment to reach Net Zero by 2050 and clean growth.*

Derbyshire County Council's Climate Change Strategy: Achieving Net Zero 2021-25 identifies the low carbon economy as a strategic priority and commits 'to drive forward the transition to a zero carbon economy, through low carbon recovery and good growth, creating more and better jobs in the low carbon and clean technology sectors, increasing skill levels and fostering innovation within the county...'

The District Council itself has an approved Climate Change Strategy and Action Plan, which acknowledges the authority's role in 'facilitating emissions reductions across the District' and identifies ways in which support could be provided to local businesses to understand and reduce their emissions.

While the details of the programme are still being finalised, each of the proposed broad interventions aligns with the above local policies. Each has been evaluated in terms of climate change benefits, impacts and adaptations – see Annex 2. The evaluation is based on the principles identified and does not

consider the delivery methods or attempt to quantify impacts.

It should also be noted that delivery of each of these interventions will have an impact on the direct emissions of the authority where activities are delivered direct through the requirement for resource (e.g. principally through energy and travel requirements).

6.4 Equality Impact Assessment.

The completed EIA is attached as Annex 3. Equalities impacts have been considered with regard to both the type of activities proposed and method of delivery. No significant equalities impacts are identified. Any improvement actions identified with regard to project delivery would be implemented at delivery stage.

7 OTHER CONSIDERATIONS

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

CONTACT INFORMATION

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8 ATTACHMENTS

ANNEX 1 – Summary Derbyshire Dales UK Shared Prosperity Fund Investment Plan
ANNEX 2 – Climate Change Assessment
ANNEX 3 – Equality Impact Assessment

Derbyshire Dales Draft UKSPF Summary Investment Plan – Proposed Interventions and Activities 15.07.22

UKSPF Investment Priority	DDDC Priorities	UKSPF Objectives	UKSPF Interventions	Proposed Activity	Indicative Outputs	Indicative Outcomes	Indicative UKSPF Funding Allocations			Totals (inc. Capital / Revenue forecast)
							2022/23	2023/24	2024/25	
Communities and Place	Corporate Plan Priority: Promote investment to stimulate the economy of our market towns / Action PR3	Building resilient and safe neighbourhoods, through investment in quality places that people want to live, work, play and learn in, through targeted improvements to the built environment and innovative approaches to crime prevention	E1: Funding for improvements to town centres and high streets, including better accessibility for disabled people, including capital spend and running costs E7: Support for active travel enhancements in the local area	<p>Town centre public realm - Matlock Western Gateway, Bakewell Road including transport hub.</p> <p>The District Council has committed capital funding alongside private sector investment to support the development of the vacant former Market Hall located at the western entrance to the town centre, enabling provision of a new indoor leisure attraction and ancillary commercial use on this prominent frontage. A new community space to the rear (subject to separate fundraising) is also proposed as a second phase of works and a capital funding contribution towards the cost of new bus infrastructure provision has also been secured. The development has planning consent and tender returns are programmed for October 2022.</p> <p>The complementary UKSPF funded elements will enhance this priority regeneration scheme and comprise:</p> <ul style="list-style-type: none"> - a phased programme of improvements on the north side of Bakewell Road, including surface treatment and signage, on land controlled by the District Council and Highway Authority - accessibility improvements and flood resilience measures in support of the overall scheme - transport hub including re-organisation of bus/taxi arrangements within the site, secure cycle provision and e-bike charging, and increased disabled parking provision <p><u>Proposed Match Funding:</u> DDDC, DCC and private sector investment in Market Hall / Bakewell Road site re-development</p> <p><u>Proposed Delivery Method:</u> Direct delivery: DDDC to advertise tender opportunity (as part of main works contract) and appoint contractor to deliver works. Cost estimate prepared by independent cost consultants inc. allowance for prelims, OHP, fees, contingency and inflation</p>	538sqm of public realm created or improved plus further works to deliver transport hub within the Bakewell Road site	<ul style="list-style-type: none"> • 10% increase in footfall • improved perception of facilities / amenities <p>Wider benefits identified:</p> <ul style="list-style-type: none"> - uplift in net expenditure over lifetime of new infrastructure - Improving the image / perception of Matlock - Improving confidence and expectations of future growth - Improving the experience for travellers 	£40,000	£95,000	£325,000	£460,000 <i>Capital</i>
	Economic Recovery Plan: Priority 2 Economic Plan: Priority 1 Sites & Infrastructure: <i>Action 3 - Secure market interest in the Bakewell Road town centre development site, Matlock to help drive up spend and footfall within the town centre</i>						Communities and Place	Corporate Plan: Priority: Invest resources in developing key employment sites / Action PR2 Economic Recovery Plan: Priority 1 Economic Plan:	E14: Funding to support relevant feasibility studies	<p>Site feasibility studies, site investigations and other assessments to inform the delivery of allocated strategic development sites, with a focus on sites on the edge of market towns yet to be brought forward by private landowners. Lack of delivery is impacting on the provision of new employment floorspace within the district and the Council's 5 year housing land supply.</p> <p><u>Proposed Match Funding:</u> Private sector partnership contributions to be sought to jointly fund site studies</p> <p><u>Proposed Delivery Method:</u> Partnership with private sector landowners: Professional consultants to be procured to undertake individual studies</p>

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	Priority 1 Sites & Infrastructure: <i>Action 4 - Continue to facilitate discussions between Homes England and landowners to accelerate delivery of strategic sites and investigate the feasibility of the Council pump-priming sites</i>	approaches to crime prevention								
Communities and Place	Corporate Plan Priority: Prosperity Climate Change Strategy & Action Plan: Priority 7.2	Strengthening our social fabric and fostering a sense of local pride and belonging, through investment in activities that enhance the physical, cultural and social ties, and access to local amenities	E2: Funding for new or improvements to existing community and neighbourhood infrastructure projects E9: Funding for impactful volunteering and/or social actions projects E11: Investment in capacity building and infrastructure support for civil society and community groups	<p>Community Resilience Fund available to local community and voluntary organisations, parish & town councils and social enterprises committed to strengthening their local community. The proposed grant fund would complement the Better Derbyshire Dales Fund and provide support to community projects which:</p> <ul style="list-style-type: none"> - maintain key rural services or facilities e.g. seed-corn funding to enable a new CIC to take on a village shop due to close - deliver projects which will boost community/volunteering capacity to tackle locally identified challenges, enhance social inclusion and support post-pandemic recovery - take local action on climate change to help reduce carbon emissions and promote behaviour change <p>Projects costing between £5,000 and £15,000. Grant intervention rate up to 80% (maximum grant £12,000). Average grant size £6,000</p> <p><u>Proposed Match Funding:</u> 20% contribution from local sources</p> <p><u>Proposed Delivery Method:</u> Competitive grant application process. Scheme to be administered by third party organisation on behalf of District Council. Grant criteria / exclusions to be agreed with provider. Grants awarded under the Minimal Financial Assistance Subsidy Allowance where subsidy present.</p>	15 organisations receiving grants 15 projects 3 facilities supported 5 neighbourhood improvements 7 p/t volunteering opportunities supported	<ul style="list-style-type: none"> • use of supported facilities / amenities increased by 25% • improved perception of local facilities / amenities • engagement numbers increased by 40% • minimum 7 p/t volunteering positions created as a result of support 	£10,000	£15,000	£75,000	£100,000 <i>R £64,000 C £36,000</i>
Supporting Local Business AND People & Skills	Economic Recovery Plan: Action 8 Economic Plan: Priority 2 Business Support: <i>Action 2 - Provide practical</i>	Increasing private sector investment in growth-enhancing activities, through targeted support for small and medium-sized businesses	E23: Strengthening local entrepreneurial ecosystems, and supporting businesses at all stages of their development to start, sustain,	<p>Peak Rural Innovation Programme (PRIP) - grant scheme targeted at <u>small and micro businesses inc. social enterprises</u> (applications from SMEs may be considered for the largest grant) to assist business diversification, growth, adaptation and longer term resilience. Priority to be given to businesses operating from business premises and employing staff.</p> <p>Key objectives of the programme include to:</p>	59 businesses receiving grants 3 commercial properties better protected from flooding 20 people in employment	<ul style="list-style-type: none"> • 50 jobs safeguarded / created • 30 businesses with improved productivity • 29 businesses adopting new to firm technologies / processes 	£131,727	£171,902	£392,371	£696,000 <i>R £369,000 C £327,000</i>

<p>assistance to help SMEs of all sizes to access external grant and loan support to deliver growth projects</p> <p>Action 3 - Broker specialist support to increase SME productivity, exporting, innovation and opportunities in the low carbon economy</p> <p>Priority 5 Skills & Workforce Development: Action 1 - Encourage employers to invest in workforce development and training and business strategy</p>	<p>to undertake new-to-firm innovation, adopt productivity-enhancing, energy efficient and low carbon technologies and techniques, and start or grow their exports</p> <p>Creating jobs and boosting community cohesion, through investments that build on existing industries and institutions, and range from support for starting businesses to visible improvements to local retail, hospitality and leisure sector facilities</p>	<p>grow and innovate, including through local networks</p> <p>E17: Funding for the development and promotion of the visitor economy</p> <p>E26: Support for growing the local social economy, including community businesses, cooperatives and social enterprises</p> <p>E32: Investment in resilience infrastructure that protect local businesses and community areas from natural hazards including flooding</p> <p>E37: Tailored support to help people in employment not supported by mainstream provision to access training courses</p>	<ul style="list-style-type: none"> - stimulate enterprise and innovation, and enable small and micro enterprises to access new markets - enhance business productivity - enhance business resilience - enable the creation of higher skilled / higher paid roles, particularly in manufacturing and engineering - encourage green business growth - develop the visitor offer, enhancing the quality, value, growth potential and resilience of the visitor economy <p>Building on the successful delivery of previous 'bottom-up' Peak LEADER programmes, it is proposed that the initiative will cover the Derbyshire Dales, High Peak and NE part of Staffordshire Moorlands district (TBC), an area which takes in the whole of the Peak District National Park designation within these districts.</p> <p>Three tiers of business grant are proposed N.B. costs = Derbyshire Dales contribution to Peak wide programme:</p> <ul style="list-style-type: none"> • Tier 1 Business Adaptation Grant (allocation £140,000 revenue / av. grant £4,000): Projects costing between £2,500 and £10,000 – <u>all sectors</u> inc. retail, visitor economy and farm diversification (core agricultural activity excluded). Grant intervention rate up to 80%. Eligible costs inc.: kit, equipment, new technology, digital adoption, flood resilience measures for commercial properties impacted by recent flooding events or buying-in specialist consultancy services / bespoke training to upskill the workforce and address skills shortages* • Tier 2 Business Development Grant (allocation £210,000 capital / revenue av. grant £15,000): Projects costing between £10,001 and £40,000 – <u>sector focus:</u> Manufacturing; Engineering; Knowledge Based and Creative and Digital Industries (CDI). Grant intervention rate up to 50%. Eligible costs: kit, equipment, new technology, digital adoption, capital expenditure to enable premise adaptations to support business expansion or buying-in specialist consultancy services / bespoke training to upskill the workforce and address skills shortages* • Tier 3 Business Growth Grant (allocation £230,000 capital / revenue av. grant £23,000): Projects costing over £40,000 up to £100,000 (should eligible expenditure exceed £100,000 maximum grant award to remain at £40,000) – <u>specific sectors:</u> Manufacturing (especially advanced manufacturing and food and drink manufacturing) and Engineering (especially green and environmental engineering). Grant intervention rate up to 40%. Eligible costs: kit, equipment, new technology, digital adoption, capital expenditure to enable business premise adaptations to support expansion and buying-in specialist consultancy services / bespoke training to upskill the workforce and address skills shortages* <p>Available support will be promoted via the newly established Derbyshire Dales and High Peak Manufacturing Network</p>	<p>engaging with the skills system</p>	<ul style="list-style-type: none"> • 20 people gaining qualifications, licences and skills • 6 businesses introducing new products 						
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				<p><i>*training either unavailable through other externally funded provision or cannot be obtained in a geographically close location. Specialist consultancy and/or training related grant assistance to be capped at a maximum of £8,000.</i></p> <p>A minimum of two quotations will be required for Tier 1 grants and three quotations for Tier 2 & 3 grants. <u>Grant exclusions will be identified within the detailed criteria.</u></p> <p>It is proposed that the PRIP programme will be managed by a joint Peak Partnership Board with Derbyshire County Council acting as accountable body for contracted PRIP grants and partner district/borough council's acting as managing agents for their respective areas to promote the programme and assess applications (agreed in principle). A Peak Executive Group will consider project appraisals for applications under Tiers 1 & 2 (on behalf of the Board) with Tier 3 applications considered by the full Board.</p> <p><u>Proposed Match Funding:</u> DDDC officer time to support project appraisal. Private sector contributions levered against business grants</p> <p><u>Proposed Delivery Method:</u> Direct delivery by LA partners (as per previous LEADER programmes) with competitive grant application process and grants awarded under the Minimal Financial Assistance Subsidy Allowance.</p> <p>Should Defra announce a further competitive round of LEADER in the future, the PRIP would provide an established mechanism ready to deliver more.</p>						
46	<p>Supporting Local Businesses</p> <p>Economic Plan: Priority 3 Sector Specific support <i>Action 3 - Promote SME take-up of the DE-Carbonise Project in the Derbyshire Dales</i></p> <p>Climate Change Strategy & Action Plan: Priority 7.2</p>	<p>Increasing private sector investment in growth-enhancing activities, through targeted support for small and medium-sized businesses to undertake new-to-the firm innovation, adopt productivity-enhancing, energy efficient and low carbon technologies and techniques, and start or grow their exports</p>	<p>E29: Supporting decarbonisation and improving the natural environment whilst growing the local economy</p>	<p>Energy audit and carbon reduction support for Derbyshire Dales SMEs delivered in partnership with Derby and Derbyshire Local Authorities</p> <p>UKSPF funding will support the costs of the advisor team (inc. management), consultancy, marketing and business grants at an intervention rate of 50%. The maximum grant will be £20,000. Average Grant approx. £8,800.</p> <p><u>Proposed Match Funding:</u> Private sector contributions levered against business grants</p> <p><u>Proposed Delivery Method:</u> Direct delivery by lead Local Authority partner (as per current programme) with competitive grant application process and grants awarded under the Minimal Financial Assistance Subsidy Allowance. Fund administration costs to be met from within funding allocation</p>	<p>20 decarbonisation plans developed</p> <p>10 businesses receiving grants</p>	<ul style="list-style-type: none"> • 20 businesses assisted with greenhouse gas reductions 	£27,500	£50,485	£68,220	<p>£146,205</p> <p><i>R £57,970</i></p> <p><i>C £88,235</i></p>
	<p>Supporting Local Businesses</p> <p>Economic Plan: Priority 2 Business Support: <i>Action 1 - Deliver, as part of the D2N2 Growth Hub, a</i></p>	<p>Increasing private sector investment in growth-enhancing activities, through targeted support for small</p>	<p>E23: Strengthening local entrepreneurial ecosystems, and supporting businesses at all stages of their</p>	<p>Co-ordinated business support offer providing generic and specialist business advice services to support established SMEs, developed with strategic partners - UKSPF funding will be used to support both the extension and joint commissioning of business support services with other local authorities to assist business diversification, growth and productivity.</p>	<p>150 businesses receiving non-financial support</p>	<ul style="list-style-type: none"> • 20 businesses adopting new to firm technologies / processes • 15 businesses with improved productivity 	£10,000	£65,000	£80,103	<p>£155,103</p> <p><i>Revenue</i></p>

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	<p><i>high quality, free, 1:1 business advice service to SMEs in the Derbyshire Dales with priority given to businesses with growth potential</i></p> <p>Priority 3 Sector specific support <i>Action 1 - Host workshops on specialist areas e.g. Patents, IP and R&D and encourage B2B networking</i></p>	<p>and medium-sized businesses to undertake new-to-firm innovation, adopt productivity-enhancing, energy efficient and low carbon technologies and techniques, and start or grow their exports</p> <p>Creating jobs and boosting community cohesion, through investments that build on existing industries and institutions, and range from support for starting businesses to visible improvements to local retail, hospitality and leisure sector facilities</p>	<p>development to start, sustain, grow and innovate, including through local networks</p> <p>E24: Funding for new and improvements to existing training hubs, business support offers, and accelerators for local enterprise</p>	<p>Delivery will be informed by evaluations of existing partnership initiatives, including the ERDF funded D2N2 Growth Hub and CRF funded Accelerator scheme.</p> <p>Priority will be given to:</p> <ul style="list-style-type: none"> - extension of the Council's established Derbyshire Dales Business Advice service (50% ESIF funded until 06/23 as part of the Growth Hub) providing free 1:1, face to face advice to established businesses, including supporting local companies to access finance and specialist support to enhance productivity and enable business growth - enquiry handling / signposting / referral / website - Business workshops and events programme, including sector specific provision - Digital business advice and support, including SEO; e-commerce; on-line booking and digital marketing support particularly targeted at independent retailers and visitor accommodation businesses but open to all sectors. <p><u>Proposed Match Funding:</u> 50% of Derbyshire Dales Business Advisor salary (inc. on-costs) to be funded by DDDC (as now) from Economic Development Reserve / other partner contributions to be agreed</p> <p><u>Proposed Delivery Method:</u> Direct delivery of local business advice service (currently delivered in-house) with additional services commissioned from / delivered by external partners</p>							
Supporting Local Business	<p>Economic Recovery Plan: Partner initiative 7: <i>Seek, via Vision Derbyshire, the provision of a 1:1 business start-up service and flexible grant scheme</i></p>	<p>Creating jobs and boosting community cohesion, through investments that build on existing industries and institutions, and range from support for starting businesses to visible improvements to local retail, hospitality and leisure sector facilities</p>	<p>E23: Strengthening local entrepreneurial ecosystems, and supporting businesses at all stages of their development to start, sustain, grow and innovate, including through local networks</p>	<p>Business Start-Up Programme (currently funded by Derbyshire LAs until 12/23 and delivered as part of the Vision Derbyshire initiative) providing free 1:1 advice and seed-corn grant support to new start businesses within the first year of trading.</p> <p>Developed with other Derbyshire authorities the current two year programme is funded via the countywide Business Rates Pooling Fund. The current funding available is sufficient to enable the scheme to continue until December 2023.</p> <p><u>Proposed Match Funding:</u> DDDC officer time (project steering group). LA partners have provided pooled business rates funding to support the first two years of the programme.</p> <p><u>Proposed Delivery Method:</u> Direct delivery by existing LA partners. Start-up grant applications considered on a competitive basis by LA officer panel and awarded under the Minimal Financial Assistance Subsidy Allowance.</p>	<p>35 potential entrepreneurs provided assistance to be business ready</p> <p>7 businesses receiving grants</p>	<ul style="list-style-type: none"> • 12 new businesses created • 12 jobs created 	0	£7,067	£62,377	£69,444 Revenue	
UKSPF INVESTMENT PLAN ADMINISTRATION (MAX 4%)								£18,000	£30,000	£30,000	£78,000 Revenue
UKSPF FUNDING TOTALS								£237,227	£474,454	£1,243,071	£1,954,752

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ANNEX 2 - Derbyshire Dales Draft UKSPF Summary Investment Plan – Proposed Interventions and Activities

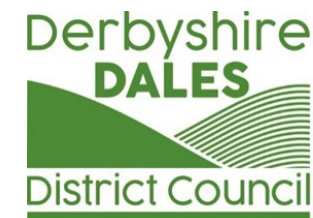
UKSPF Investment Priority	Indicative Activity	Climate change assessment
Communities and Place	Town Centre Public Realm - Matlock Western Gateway improvements	<p>Climate change impact of development covered through planning application</p> <p>Proposed transport hub aligns with the principles of sustainable travel – i.e. encouraging active travel and use of public transport</p>
Communities and Place	Development Site Feasibility Studies	<p>Building on brownfield land may directly reduce the amount of countryside that’s lost to development, reducing changes in land use and ensuring continuing space for nature to thrive. However, lots of brownfield sites themselves harbour ecologically important habitats, such as scrubby grassland, self-set trees and patchy pockets of water, providing nature connectivity in urban environments. Development would impact on this.</p> <p>There can be benefits to developing on brownfield land, infrastructure may already be available reducing the need for ‘carbon intensive’ upgrades and they’re often close to where people already live and work meaning active travel or use of public transport is easier making the site more sustainable. However, site clearance and remediation can have a high carbon cost in disposal of large amounts of concrete, removing contaminated soil etc.</p> <p>As with everything, balance is key, and decisions need to be made on a case-by-case basis managed at the delivery stage through the planning process.</p> <p>Undertaking these feasibility studies will seek to reduce some of the barriers to brownfield site development will would enable the District Council to be able to make a more detailed assessment of likely impacts versus benefits.</p>

Communities and Place	Communities Resilience Fund	<p>Grants could have clear climate change benefits in communities depending on the nature of the projects in question. Identification of local priorities e.g. development of community energy schemes and community climate education. A climate change strand to the community grant programme would be beneficial.</p> <p>Again, assessments will need to be undertaken on a project by project basis.</p>
Supporting local businesses and People and Skills	Peak Rural Innovation Programme	<p>Business grants supporting small and micro-businesses, including to deliver the objective of ‘encouraging green business growth’.</p> <p>Grants can potentially be used for kit and equipment to directly reduce emissions (where ineligible for support under the programme below)</p> <p>Tier three grants specifically focus on engineering (especially green and environmental engineering) as a sector for intervention.</p> <p>The projects enabled by the grants also have the potential to support innovation in the low carbon economy.</p>
Supporting local businesses	Energy audit and carbon reduction support for Derbyshire Dales SMEs	<p>Responding to identified needs with the local business community, proposed support includes energy audits to enable businesses to understand their baseline carbon footprint, developing decarbonisation plans and enhance energy efficiency/reduce carbon emissions, with capital grant assistance available to complement these assessments.</p> <p>The activity buildings on the successful countywide De-carbonise scheme and has the potential to continue to support local businesses in being able to understand the climate impacts of their businesses (improved measuring and reporting) and provides access to solutions.</p>

Supporting local businesses	Co-ordinated business support offer providing generic and specialist business advice services to support established SMEs	<p>The business advice service provides the opportunity for a continuing and improved connection with local businesses through 1:1, face to face advice. This is vital to spread the climate change 'message', to promote the grant initiatives and to signpost businesses to avenues of support for emissions reductions initiatives as well as encouraging growth in the 'green' sector.</p> <p>The workshops and events will include the 'low carbon' agenda and providing opportunities for sharing of best practice and networking.</p>
Supporting local businesses	Business Start-Up Programme	The provision of free 1:1 advice and seed-corn grant support to new start businesses within the first year of trading will help new businesses to be 'low carbon' from the outset.

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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	DRAFT Derbyshire Dales UKSPF investment plan. Summary information on the projects are shown in the following table
b. Links to Service and/or Corporate Plan Ref/s	CP20/PR4 Support businesses to encourage productivity, growth, and higher wage jobs in rural and urban locations. Also, supports DDDC actions around building safe neighbourhoods, climate change, business advice, and building community infrastructure/social business/CIC
c. Name and Role of Officers conducting assessment	Elizabeth Wilson [Corporate Policy Officer], Giles Dann [Economic Development Manager] Nancy Maitland [Economic Development & Tourism Officer] Gill Chapman [Economic Development & Tourism Officer]
d. Date of assessment	12 July 2022
e. Reason for assessment	Proposed new projects and investments
f. What is the purpose of this policy, practice, service or function? (specify aims and objectives)	Primarily to support businesses by giving advice and access to funding applications, and encourage business start-ups. Other purposes include improving Matlock town centre, employment site feasibility studies, improving community resilience by developing community infrastructure and businesses

Information required	Detail
g. Are there any other organisations involved in its implementation?	Derbyshire County Council, Derby City Council, High Peak Borough Council, Peak Local Partnership Group Board
h. Likely customer groups to be impacted	Businesses and residents and visitors to Matlock (improved public realm)
i. Other stakeholders likely to be impacted	Partners
Which District Council departments are affected by the policy, practice, service or function?	Regeneration & Policy, Estates, Community Services, legal and Finance
Do any of the objectives directly support or hinder another Council activity?	Support climate change actions and efforts to help businesses diversify and grow

UKSPF Investment Priority	Indicative Activity	Project/s Summary
Communities and Place	Town Centre Public Realm - Matlock Western Gateway improvements	Public realm enhancements (primarily paving) to complement Market Hall development, focused on north side of Bakewell Road at the gateway to the town centre, plus transport hub changes (see separate EIA)
Communities and Place	Development Site Feasibility Studies	Site investigations and other assessments to inform the delivery of strategic development sites yet to be brought forward by private landowners. Lack of delivery is impacting on the provision of new employment floor space within the district and Council's 5 year housing land supply.
Communities and Place	Communities Resilience Fund	Available to community and voluntary organisations, social enterprises and parish and town councils committed to strengthening their local community to help: <ul style="list-style-type: none"> • Maintain key rural services or facilities e.g. seed corn funding to enable a new CIC to take on a village shop due to close

		<ul style="list-style-type: none"> • Deliver projects which will boost community capacity to help tackle locally identified challenges and support post-pandemic recovery • take local action on climate change to help reduce carbon emissions and promote behaviour change
Supporting local businesses and People and Skills	Peak Rural Innovation Programme [PRIP]	Grant scheme targeted at small and micro businesses inc. social enterprises to assist business diversification, growth, adaptation and longer term resilience. Priority to be given to businesses operating from business premises and employing staff.
Supporting Local Business	Decarbonise support	Energy audit and carbon reduction support for Derbyshire Dales SMEs delivered in partnership with Derby and Derbyshire Local Authorities
Supporting local businesses	Business Advice	Co-ordinated business support offer providing generic and specialist business advice services to support established SMEs, developed with strategic partners - UKSPF funding will be used to support both the extension and joint commissioning of business support services with other local authorities to assist business diversification, growth and productivity.
Supporting local businesses	Business Start-Up Programme	Delivered as part of the Vision Derbyshire initiative, providing free 1:1 advice and seed-corn grant support to new start businesses within the first year of trading.

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 	✓

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 ✓
3. Foster good relations between different groups	

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, 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>Projections from https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationprojections/bulletins/nationalpopulationprojections/2020basedinterim#toc</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>England's population is projected to grow 3.5% between mid-2020 and mid-2030. This would result in 2, 502 more people in the Derbyshire Dales, making the total of 74, 002.</p>
<p>Derbyshire Observatory – business https://observatory.derbyshire.gov.uk/businesses/</p> <p>Derbyshire Dales Profile https://observatory.derbyshire.gov.uk/wp-content/uploads/reports/profiles/area_profiles/district/Derbyshire_Dales_Area_Profile.pdf</p>	<p>Statistics on business types, size, sector, number etc</p>	<p>The number of businesses in Derbyshire in 2021 is 29,935, this is a growth of 0.6% since 2020</p> <p>There are 4,585 businesses in the Derbyshire Dales and the total economic output [million £] in 2019 was 1577</p> <p>Small employers dominate the Derbyshire Dales economy with 90.2% employing less than 10 people</p> <p>In 2019/20 the number of active enterprises in the Derbyshire Dales have reduced by 1.8%</p>

<p>ONS Business Directory https://www.ons.gov.uk/businessindustryandtrade/business/activitysizeandlocation/datasets/businessdemographyreference/erenceable</p>	<p>Annual data on births, deaths and survivals of businesses in the UK, by geographical area and Standard Industrial Classification</p>	<p>In 2020 in the Derbyshire Dales;</p> <ul style="list-style-type: none"> • 300 businesses were born • 305 businesses died • there were 4055 active business enterprises • there were 15 high growth enterprises • 440 enterprises had 10+ employees
<p>Labour productivity https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/labourproductivity/datasets/subregionalproductivitylabourproductivityindicesbylocalauthoritydistrict</p>	<p>Annual labour productivity (gross value added (GVA) per hour worked and GVA per filled job) indices by local authority districts.</p>	<p>In 2020, the GVA per hour worked for the UK was 100, in the Derbyshire Dales it was much lower at 67.1</p> <p>In 2020 GVA per hour worked [in £s] in the UK was 37.7, in the Derbyshire Dales it was lower at 25.3</p>
<p>Derbyshire Dales Economic Plan 2019-2033 https://www.derbyshiredales.gov.uk/images/E/Economic_Development/Derbyshire_Dales_Economic_Plan_2019-2033.pdf</p>	<p>Derbyshire Dales Economic Plan</p>	<p>In common with other rural areas the Dales economy is characterised by a predominance of smaller businesses. The majority of firms (87%) employ less than 10 people, some 6% employ up to 20 and 3% employ 50+, including larger employers of strategic importance to the local economy.</p> <p>Sector strengths in manufacturing</p> <p>Significant visitor economy</p>
<p>Government statistics https://www.gov.uk/government/statistics/business-population-estimates-2019/business-population-estimates-for-the-uk-and-regions-2019-statistical-release-html</p>	<p>Business population estimates for the UK and regions: 2019 statistical release</p>	<p>SMEs (small and medium-sized enterprises) account for 99.9% of the business population (5.9 million businesses) in the UK</p> <p>76% of businesses did not employ anyone aside from the owner(s)</p>

<p>UK Business Counts 2019 https://www.nomisweb.co.uk/reports/mp/la/1946157136/report.aspx?#idbr</p>	<p>Inter Departmental Business Register (ONS)</p>	<p>Approx. 4,240 micro businesses and 400 small businesses in the Dales in 2019 registered for VAT or PAYE).</p>
<p>Women and Stem https://www.stemwomen.com/women-in-stem-percentages-of-women-in-stem-statistics</p>	<p>Women in STEM statistics</p>	<p>In 2019 24% of STEM roles were occupied by women, only 10% of engineering professionals were women, 25% of science and engineering technicians, 16% were IT professionals</p>
<p>Rose Report https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/784324/RoseReview_Digital_FINAL.PDF</p>	<p>Government review of female entrepreneurship (2019)</p>	<p>For every 10 male UK entrepreneurs, there are fewer than five female entrepreneurs</p> <p>Women are only half as likely as men to launch an enterprise</p> <p>Only 37% of businesses in Derbyshire are owned by women</p>
<p>Labour Market Profile https://www.nomisweb.co.uk/reports/mp/la/1946157136/report.aspx</p>	<p>Derbyshire Dales Labour Market Profile 2021</p>	<p>13.8% of population were self-employed, higher than the GB rate of 9.3%</p> <p>In the East Midlands almost double the amount of men [10.9%] are self-employed compared to women [5.9%]. [No figures available for Derbyshire Dales]</p> <p>3.4% of Derbyshire Dales residents are unemployed, lower than the GB figure is 4.4%</p> <p>Lowest workplace weekly pay and highest house price to wage ratio in sub-region</p>

D2N2 https://app.powerbi.com/view?r=eyJrljoiMDkxNGQwYWVlYzlwYy00MG15LTk4MDgtZDdlOGE4MWEzMmE1IiwidCI6ImFmMzZlZDZkLWlxZmMtNGEyMC1iNzgzLWEwMjk5YTE0OGZiZCJ9	Employment growth expectations	At 2022, quarter 2, the impact of Covid; <ul style="list-style-type: none"> • Employment - minus 2.3% • Sales - minus 3.2% • Investment – minus 3.1%
Derbyshire Dales Equalities Profile https://observatory.derbyshire.gov.uk/wp-content/uploads/reports/profiles/census_profiles/equalities_profile/district/Derbyshire_Dales.pdf	Derbyshire Observatory; taken from Census 2011 - national survey of all households	e.g. 19.7% of households are deprived in 2 or more areas

4. Consultation and engagement

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

Partner workshop held on 16 June and member workshop on 21 June. Evidence base: challenges and opportunities considered and views sought on potential interventions to help inform draft plan preparation. Draft Investment Plan shared for comment – See Council report 26 July 2022

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
See Council report 26.07.22	See Council report 26.07.22	See Council report 26.07.22	Comments considered in preparing draft plan

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.

Who will you consult with?	How and When	Results	Implications and amendments as a result of consultation
Further consultation will take place as appropriate and if necessary for individual projects, as the project plans develop			

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

The following table provides a summary of the key elements identified for each project at this stage of their development.

UKSPF Investment Priority	Indicative Activity	Equality Impact Assessment	Mitigating Actions
Communities and Place	Matlock Western Gateway improvements	<p>Age – better signage, street furniture and pavement surfaces will help young children and older people with mobility problems Walking further to access taxis may be problematic for some people; particularly as they will have to carry shopping bags further. The provision of a shelter will protect vulnerable people from the weather as they wait for taxis.</p> <p>Disability - better signage, street furniture and pavement surfaces will help young children and older people with mobility problems. Walking further to access taxis may be problematic for some people;</p>	<p>Ensure the taxi shelter is usable by all</p> <p>Ensure the taxi shelter provides sufficient protection from rain and wind, and includes seats</p> <p>Improve lighting</p>

		<p>particularly as they will have to carry shopping bags further. The provision of a shelter will protect vulnerable people for the weather as they wait for taxis.</p> <p>All protected groups – better lighting will support people feeling safe, particularly in the dark. The proposed new taxi waiting area will need more lighting as it is in a more isolated area</p> <p>Other – improved signage will help visitors who are unfamiliar with Matlock to locate the taxis</p>	
Communities and Place	Development Site Feasibility Studies	Sites need to be easily accessible by public transport for employees who do not own vehicles. To meet equality requirements sites should also be well-lit and fully accessible to wheelchair users and other people with mobility problems when developed	Consultation on development proposals emerging from studies
Communities and Place	Communities Resilience Fund	<p>Grant availability should be promoted using a range of media and communication channels to ensure hard to reach groups have knowledge of the opportunities. In rural areas, access to the reliable, stable internet is likely to be a challenge.</p> <p>To ensure grant applications are accessible it must be possible to complete the application process in other ways, not exclusively online.</p> <p>Criteria for the competitive grant approval process must not discriminate any person with a protected characteristic</p>	Work with Parish Councils to ensure opportunities are communicated to all voluntary organisations and social enterprises i.e. not solely online application
Supporting local businesses and People and Skills	Peak Rural Innovation Programme	It is recommended that grants be promoted using a range of media and communication channels to ensure under represented and hard to reach groups have knowledge of the opportunities. In rural areas, access to the reliable, stable internet is likely to be a challenge.	Work with partners and other agencies to ensure opportunities are communicated to all

		<p>To ensure grant applications are accessible it must be possible to complete the application process in a range of ways, not exclusively online.</p> <p>Criteria for grant approval must not discriminate any person with a protected characteristic</p> <p>Tier 2 and 3 grants focus on sectors not usually lead by/employing women</p>	<p>Provide telephone assistance to applicants to complete application forms if required</p> <p>Aim marketing and support offers at women via channels more likely to be seen by women</p>
Supporting Local Business	Decarbonise support	<p>It is recommended that grants be promoted using a range of media and communication channels to ensure under represented and hard to reach groups have knowledge of the opportunities. In rural areas, access to the reliable, stable internet is likely to be a challenge.</p> <p>To ensure grant applications are accessible it must be possible to complete the application process in a range of ways, not exclusively online.</p>	Promote offer widely to potential business beneficiaries
Supporting local businesses	Business Advice	<p>This Derbyshire Dales Business Advice service is a positive way of supporting businesses in accessing specialist support to improve productivity and growth.</p> <p>It is advised that promotion of the advice service uses a range of media and communication channels to ensure under represented and hard to reach groups have knowledge of the opportunities. In rural areas, access to the reliable, stable internet is likely to be a challenge requiring the continuation of face to face advice as appropriate</p> <p>Workshops and events will enable 1: many support open to all</p>	Ensure face to face workshops and events are held in accessible venues within the Derbyshire Dales
Supporting local businesses	Extension of Business Start-Up Programme	This free service is a positive way of supporting all new start businesses to access 1:1 advice and grants	Work with partners and other agencies to ensure opportunities are communicated to all hard to reach groups

		It is advised that promotion of the advice service uses a range of media and communication channels to ensure under represented and hard to reach groups have knowledge of the opportunities. In rural areas, access to the reliable, stable internet is likely to be a challenge	Aim more marketing and support offers at women via channels more likely to be seen by women
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5a. Are there any local priority groups / factors which should be considered?

Other factors	Positive effects	Negative effects	Improvement actions
Rural areas	Increased employment opportunities	Public transport may not be available for residents to access new jobs, or the improved facilities in Matlock	Ensure potential employment sites are accessible by public transport
Poverty / deprivation	Increased employment opportunities	Public transport may not be available for residents to access new jobs, or the improved facilities in Matlock Employment opportunities in the tourism sector are often low paid, part time and/or temporary	Ensure potential employment sites are accessible by public transport Ensure support for job creation is focussed in permanent roles with higher than living wage salary levels

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6. Commissioned / outsourced services

Is your policy, practice, service or function partly or wholly provided by any external organisation / agency?	Yes – projects are being developed and will be delivered with a range of partners
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>)	Contracts and arrangements to be agreed in due course, as projects are developed.

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.

No significant equalities impacts identified based on the interventions and activities proposed. Improvement actions identified with regard to project delivery to be implemented at delivery stage.

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8. Improvement Plan

Key issues identified	Actions
Included above	Improvement actions included above

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

Signed _____(Completing Officer)

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NOT CONFIDENTIAL – For Public Release

Council

26 July 2022

Report of Director of Corporate and Customer Services

COMMUNITY GOVERNANCE AND POLLING ARRANGEMENT REVIEWS

PURPOSE OF REPORT

This report provides details of feedback received during the first stage of a Community Governance Review of the Parishes of Darley Dale, Matlock and South carried as a result of the new district council warding and parish arrangements proposed by the Local Government Boundary Commission for England.

It proposes that as a result of initial feedback further consultation should take place on a proposal to amend the boundaries of the Parishes of Matlock and South Darley so that future housing developments in the Oker and Snitterton Ward of South Darley Parish Council are included in a new Cawdor Ward of Matlock Town Council.

The report also includes details of the review of Polling Districts, Polling Places and Polling Stations which took place to reflect the revised District Council electoral arrangements and puts forward a number of recommendations.

RECOMMENDATION(S)

1. That the recommended changes to Polling Places and Polling Stations as set out in paragraphs 1.2.7 to 1.2.13 of the report be approved.
2. That the Director of Corporate and Customer Services be authorised to carry out further consultation on a proposal to move the shaded area identified in Appendix 3 from the Parish of South Darley to the Parish of Matlock.
3. That any changes required as a result of this review be brought back to Council before 1 October 2022 to consider any proposed changes and any representations received before the arrangements are approved by Members.

WARDS AFFECTED

District-wide

STRATEGIC LINK

Establishing effective arrangements for the delivery of electoral events across the district underpins confidence from the citizens of the Derbyshire Dales in the democratic legitimacy of the Council and other public institutions.

1. BACKGROUND

1.1 Local Government Boundary Commission for England (LGBCE) Final Recommendations

1.2 On 26 May 2022, to progress implementation of the Council delegated authority to the Director of Corporate and Customer Services to carry out a review of polling districts, polling places and polling stations to make sure they reflect the revised warding arrangements and new residential developments constructed and occupied since the last reviews.

1.3 At the same meeting the Council delegated authority to the Director of Corporate and Customer Services to carry Community Governance Reviews arising from the Local Government Boundary Commission for England proposals and the impact of new residential developments.

1.4 This report provides an update on progress made on both reviews and seeks authority to go to consult on specific proposals.

1.5 The statutory instrument confirming the LGBCE has been made and will come into force on 15 October 2022.

2. REPORT

2.1 Polling districts, polling places and polling stations

2.1.1 To assist with the management of the electoral register and elections the District has been divided into 130 Polling Districts. On the whole these are based on parish boundaries or parish ward boundaries where a parish is warded.

2.1.2 Appendix 1 sets out details of where Polling Districts will need to be renamed to reflect the new ward structure. As a result of the implementation of the LGBCE recommendations it is suggested that 2 new Polling Districts are created. These will be PCK (To cover the new Matlock Cuckoostone Ward of Matlock Town Council) and QME (To cover the new Morledge Ward of Darley Dale Town Council). This would result in 132 polling districts overall.

2.1.3 As a result of changes to District Council Ward Boundaries there officers have reviewed the Polling Places and Polling Stations for electors in every Polling District. In most cases the polling places can remain the same, however if the current arrangements were to be maintained, electors in more than one Ward will vote at the following Polling Stations:

- Doveridge Village Hall
- Wyaston Village Hall
- Thorpe Village Hall
- South Darley Village Hall
- Kirk Ireton Village Hall
- Carsington Miners Arms
- The Community Room at Arc Leisure Centre

2.1.4 While there are some polling stations in the current arrangements where electors in more than one ward vote at the same Polling Station, it is best practice to try and avoid it where practicably possible. For example, there is a risk of a voter being issued the wrong ballot paper, particularly if the split between Wards is even. There are practicable steps that can be made to minimise the risk of it happening, but the risk cannot be eliminated completely. There is also a risk of ballot papers being placed in the wrong ballot box which would impact on the effective and efficient running of the Count. There are some cases where the instructions to electors would be different if, for example, electors from a three member ward vote in the same polling station as voters from a single member ward. This could increase the likelihood of electors misunderstanding the instructions and therefore increase the risk of spoilt papers or electors not using all the votes available to them.

2.1.5 In previous years mixed ward polling stations with a small electorate would have been a relatively low risk. However the likelihood of all these risks will increase in 2023 due to the introduction of voter ID, which is likely to cause more queues in Polling Stations and result in additional work for Presiding Officers in explaining the rules to voters. Therefore it will be essential in 2023 that we keep the activity in Polling Stations as simple as possible.

2.1.6 The issues for each Polling Place and options available are set out below:

It is proposed that the Parish Councils/Meetings in the relevant areas are consulted on the proposed changes. It should be noted that these arrangements would only apply for District Council Elections.

2.2 Doveridge Village Hall

2.2.1 Currently two polling districts are allocated to this polling station as follows:

Polling District	Parish	Ward (2023)	In person electors
EDO	Doveridge	Doveridge & Sudbury	1145
OSH	Somersal Herbert	Norbury	57

Options considered

- 1 Retain existing arrangement where OSH in person electors vote at Doveridge Village Hall.

2. Allocate electors in OSH to Marston Montgomery Coronation Hall which is located in the Norbury Ward. As this station currently has 297 electors, 57 additional electors would not have a detrimental impact on the operation of the Polling Station.

Recommendation

Option 2 - Allocate electors in Polling District OSH to Marston Montgomery Coronation Hall.

Reason – This change will reduce the risk of electors being issued with the wrong ballot papers. The distance between the centre of OSH and Doveridge Village Hall is 3.7 miles the distance between the centre of OSH and Marston Montgomery is also 3.7 miles.

2.3 Wyaston Village Hall

- 2.3.1 Currently three polling districts are allocated to this polling station as follows:

Polling District	Parish	Ward (2023)	In person electors
ORO	Rodsley	Norbury	70
OYE	Yeaveley	Norbury	206
GEW	Edlaston & Wyaston	Ashbourne South	133

Options considered

- 1 Retain existing arrangement where GEW in person electors vote at Wyaston Village Hall.
2. Allocate electors in ORO and OYE to Shirley Parish Church Community Hall located in the Norbury Ward.

Recommendation

Option 2 - Allocate electors in Polling District ORO and OYE to Shirley Parish Church Community Hall in Norbury Ward.

Reason - This change will reduce the risk of electors being issued with the wrong ballot papers. It will also minimise the risks arising from electors misunderstanding the voting instructions as electors in ORO and OYE will be able to vote for one candidate but electors in GEW will be able to vote for three. The centre of ORO to Wyaston is 3.4 miles and it is 2.8 miles to Shirley. The centre of OYE to Wyaston is 2.4 miles and it is 3.7 miles to Shirley.

2.4 Thorpe Village Hall

- 2.4.1 Currently three polling districts are allocated to this polling station as follows:

Polling District	Parish	Ward (2023)	In person electors
IMA	Mapleton	Ashbourne North	76
ITH	Thorpe	Dovedale, Parwich & Brassington	101

Options considered

- 1 Retain existing arrangement where IMA in person electors vote at Thorpe Village Hall.
2. Allocate electors in IMA to Ashbourne Town Hall

Recommendation

Option 2 - Allocate electors in IMA to Ashbourne Town Hall

Reason - This change will reduce the risk of electors being issued with the wrong ballot papers. It will also minimise the risks arising from electors misunderstanding the voting instructions as electors in ITH will be able to vote for one candidate but electors in IMA will be able to vote for three. The centre of IMA to Thorpe is 3.1 miles and it is 2.8 miles to Ashbourne.

2.5 Kirk Ireton Village Hall

2.5.1 Currently two polling districts are allocated to this polling station as follows:

Polling District	Parish	Ward (2023)	In person electors
LCA	Callow	Wirksworth	41
LKI	Kirk Ireton	Hulland	298

Options considered

- 1 Retain existing arrangement where LCA in person electors vote at Kirk Ireton Village Hall.
2. Allocate electors in LCA to Carsington and Hopton Primary School or Wirksworth Town Hall

Recommendation

Option 2 - Allocate electors in LCA to Carsington and Hopton Primary School.

Reason - This change will reduce the risk of electors being issued with the wrong ballot papers. It will also minimise the risks arising from electors misunderstanding the voting instructions as electors in LCA will be able to vote for three candidates but electors in LKI will only be able to vote for one. The

centre of LCA to Kirk Ireton is 2.4 miles, it is 2.9 miles to Carsington and 3.3 miles to Wirksworth.

2.6 Carsington & Hopton Primary School

2.6.1 Currently three polling districts are allocated to this polling station as follows:

Polling District	Parish	Ward (2023)	In person electors
MCA	Carsington	Wirksworth	85
MHP	Thorpe	Wirksworth	60
MIB	Ible	Bonsall & Winster	23

Options considered

- 1 Retain existing arrangement where MIB in person electors vote at Carsington & Hopton Primary School.
2. Allocate electors in MIB to The Burton Institute, Winster.

Recommendation

Option 2 - Allocate electors in MIB to The Burton Institute, Winster.

Reason - It will also minimise the risks arising from electors misunderstanding the voting instructions as electors in MCA and MHP will be able to vote for three candidates but electors in MIB will be able to vote for one. The centre of MIB to Carsington is 6 miles, it is 3.9 miles to Winster.

2.7 South Darley Village Hall

2.7.1 Currently three polling districts are allocated to this polling station as follows:

Polling District	Parish	Ward (2023)	In person electors
WSD	South Darley	Bonsall & Winster	250
WSW	South Darley (Wensley)	Bonsall & Winster	87
WSO	South Darley (Oker & Snitterton)	Matlock West	107

Options considered

- 1 Retain existing arrangement where WSO in person electors vote at South Darley Village Hall.
2. Allocate electors in WSO to Matlock Imperial Rooms.
- 3 Allocate electors in WSO to a new polling station at the Community Room in Arc Leisure Centre (See below)

Recommendation

Option 3 - Allocate electors in WSO to The Community Room in Arc Leisure Centre.

Reason - The Community Governance Review has shown that within the Polling District there is a likely to be a high level of support for continuing to vote at the Polling Station in South Darley. However it is believed that for the effective and efficient operation of the District Council elections the polling station for electors in WSO should change.

- 2.7.2 This change will reduce the risk of electors being issued with the wrong ballot papers. With a relatively small electorate, measures could be put in place to reduce the risk of issuing incorrect ballot papers however there is a high risk that electors in the two different wards could be confused by mixed messages to other electors and signage in the Polling Station. Instructions to electors in the Matlock West Ward will advise that they can vote for up to three candidates with electors in Bonsall and Winster instructed to vote for just one.
- 2.7.3 The centre of WSO to South Darley is 2.1 miles, it is 2.3 miles to the Arc Leisure Centre and 2.7 miles to Matlock.

2.8 The Community Room, The Arc Leisure Centre

- 2.8.1 Currently three polling districts are allocated to this polling station as follows:

Polling District	Parish	Ward (2023)	In person electors
SHE	Darley Dale - South	Darley Dale	527
SUH	Darley Dale - South	Darley Dale	281
QME	Darley Dale - Morledge	Matlock West	288

Options considered

- 1 Retain existing arrangement where QME in person electors vote at The Arc Leisure Centre
2. Create a second polling station at the same polling place specifically for electors in QME

Recommendation

Option 2 – Create a second polling station at the same polling place specifically for electors in QME

Reason - This change will reduce the risk of electors being issued with the wrong ballot papers

With 288 in person electors a new Polling Station would still be larger than many other Polling Stations in the District. With such a large electorate voting in person at this Polling District the risk of a voter being accidentally issued with a ballot paper for the wrong ward or placed in the wrong ballot box is higher particularly during busier periods. An earlier proposal also suggested that in person electors 107 in the South Darley Oker and Snitterton Ward vote at the Arc bringing the electorate at the new polling station up to 395.

In terms of resources the Arc polling station it would require the appointment of an additional Presiding Officer and Poll Clerk.

2.9 Parish Council Electoral Arrangements

- 2.9.1 The Local Government and Public Involvement in Health Act 2007 devolves the power to take decisions about matters such as the creation of parishes and their electoral arrangements to local government and local communities in England. These powers are exercised through carrying out a Community Governance Review as and when required.
- 2.9.2 As a result of a review a principal council may create a new parish or change the boundaries of existing parishes to reflect local circumstances. One example is the expansion of communities through new housing developments. These can lead to existing parish boundaries becoming anomalous as new houses are built across the boundaries resulting in people in different parishes from their neighbours.
- 2.9.3 While the Commission can make changes to the warding arrangements within a Parish it cannot make changes to the existing boundaries of that Parish. Therefore a Community Governance Review may be needed to respond to their recommendations.
- 2.9.4 In accordance with the delegation from Council the Director of Corporate and Customer Services prepared the terms of reference for a Community Governance Review to respond to issues in the parishes of Darley Dale, Matlock and South Darley arising from the District Council Boundary Review. A copy of the terms of reference are attached as appendix 2.
- 2.9.5 The terms of reference were framed in such a way that the District Council offered no recommendations in a genuine attempt to explore the views of the councils affected and residents within their Parish. To assist potential respondents to think about the issues involved the review document included a survey form but representations could be submitted in any format. The review was structured in such a way that once the initial consultation period ended feedback would be evaluated and if required a second round of consultation will take place on specific proposals. This report brings forward proposals for the next stage of consultation.
- 2.9.6 The consultation asked for feedback on the following questions:

- Do you think the existing warding arrangements for the parishes of Darley Dale, Matlock and South Darley should remain as they are?
- Do you think the existing warding arrangements for the parishes of Darley Dale, Matlock and South Darley should remain as they are?
- Do you think the number of Councillors elected to Darley Dale Town Council, Matlock Town Council and South Darley Parish Council should remain as they are?
- Are there any other issues relating to the governance of Darley Dale Town Council, Matlock Town Council and South Darley Parish Council that should be addressed as part of this review?

2.9.7 In terms of feedback at the time of writing the report 22 representations (all exclusively in relation to South Darley) have been received and can be summarised as follows:

2.10 Parish of Darley Dale.

2.10.1 The Council has not received any representations seeking changes to the arrangements in place for Darley Dale Town Council. It is therefore proposed that no further action be taken in respect of the number of councillors or the warding arrangements for the Town Council.

2.11 Parish of Matlock

2.11.1 The Council has not received any representations seeking changes to the arrangements in place for Matlock Town Council. It is therefore proposed that no further action be taken in respect of the number of councillors or the warding arrangements for the Town Council.

2.12 Parish of South Darley

2.12.1 The Council has received a number of representations regarding the boundaries for this Parish. A summary of these are set out in appendix 3. All of these submissions strongly object to moving the whole of the Oker and Snitterton ward in to the Parish of Matlock and provide clear and well-argued reasons for their view. However, some have suggested that the parish boundaries between South Darley and Matlock should be redrawn so that the new developments with the Parish on the Cawdor Quarry/Permanite site are moved into the Parish of Matlock. Details of the area concerned can be seen in appendix 4.

2.12.2 The effect of this arrangement would be that the electorate of the parish of South Darley would retain the existing domestic properties and the electorate would remain at current levels. All the projected increases in the electorate for the Oker and Snitterton ward are located in the shaded area.

2.12.3 In light of this feedback it is suggested that we carry out further consultation on this proposal. It is not proposed that any changes are made to the size of South Darley Parish Council or its warding arrangements.

2.12.4 Some of the respondents have raised objections on splitting the parish between two District Council Wards however the LGBCE has now made the statutory instrument that brings these into force it is outside the scope of this review. However, if as a result of the Community Governance Review the boundaries of the parishes of Matlock and South Darley change the District Council could make representations to the LGBCE to make changes to the relevant district council wards to reflect the changes made at the Parish level. The final decision on this would however rest with the Commission who will not offer an opinion until a formal request is received.

2.13 It was initially hoped that issues in other parts of the District would be considered as part of this view but in light of the timescales set by the LGBC and the resources available this will no longer be possible.

3. RISK ASSESSMENT

Legal

3.1 The issues considered in this report are within the powers and functions of the District Council. Such changes may be made by the District Council following the undertaking of a Community Governance Review (CGR). Legislation in the Local Government and Public Involvement in Health Act 2007 sets out the process which a CGR must follow.

3.2 Where a CGR is carried out, the legislation requires that the Council has regard to the need to secure that any community governance for the area under review:-

- reflects the identities and interests of the local community in that area; and
- that it is effective and convenient.

3.3 A CGR can be carried out at any time, either as a result of the Council deciding to do so of its own volition, or as a result of a request from a parish council or local residents. The relevant powers are contained within the body of the report. The legal risk is therefore low.

Financial

3.5 There are no significant financial implications as these reviews can be carried out in house and the costs covered by existing budgets. The financial risk is assessed as low.

4. OTHER CONSIDERATIONS

4.1 In preparation of this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities,

environmental, climate change, health, human rights, personnel and property.

- 4.2 The approved Climate Change Impact Assessment Tool has been completed for this report. There are no climate change implications associated with this report.

5. CONTACT INFORMATION

- 5.1 James McLaughlin, Director of Corporate and Customer Services
Tel: 01629 761281
Email: james.mclaughlin@derbyshiredales.gov.uk

- 5.2 Jason Spencer, Electoral and Democratic Services Manager
Tel: 01629 761300
Email: jason.spencer@derbyshiredales.gov.uk

6. BACKGROUND PAPERS

- 6.1 None

7. ATTACHMENTS

Appendix 1: Summary of changes to Polling Districts to reflect new warding arrangements.

Appendix 2: Community Governance Review – Terms of Reference.

Appendix 3 - Plan showing the area affected by the proposals to move part of the Parish of South Darley to the Parish of Matlock.

Appendix 4 – Comments made in representations received.

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Changes to Polling Districts to reflect new warding arrangements

Current PD	Parish	Current Ward	New PD	New Ward
FCA	Calver	Calver	NCA	Calver & Longstone
FCU	Curbar	Calver	NCU	Calver & Longstone
FFR	Froggatt	Calver	NFR	Calver & Longstone
FSM	Stoney Middleton	Calver	JSM	Hathersage
GBR	Bradley	Clifton And Bradley	ABR	Ashbourne North
GCC	Clifton & Compton	Clifton And Bradley	BCC	Ashbourne South
GEW	Edlaston & Wyaston	Clifton And Bradley	BEW	Ashbourne South
GOS	Osmaston	Clifton And Bradley	BOS	Ashbourne South
GSH	Shirley	Clifton And Bradley	OSH	Norbury
GSN	Snelston	Clifton And Bradley	OSN	Norbury
GYE	Yeldersley	Clifton And Bradley	BYE	Ashbourne South
IBI	Hartington Nether Quarter	Dovedale & Parwich	TBI	Hartington & Taddington
IMA	Mappleton	Dovedale & Parwich	AMA	Ashbourne North
LCA	Callow	Hulland	ZCA	Wirksworth
MAL	Aldwark	Carsington Water	IAL	Dovedale, Parwich & Brassington
MAT	Atlow	Carsington Water	AAT	Ashbourne North
MBA	Ballidon	Carsington Water	IBA	Dovedale, Parwich & Brassington
MBD	Bradbourne	Carsington Water	IBD	Dovedale, Parwich & Brassington
MBS	Brassington	Carsington Water	IBS	Dovedale, Parwich & Brassington
MCA	Carsington	Carsington Water	ZCA	Wirksworth
MHG	Hognaston	Carsington Water	LHG	Hulland
MHP	Hopton	Carsington Water	ZHP	Wirksworth
MIB	Ible	Carsington Water	WIB	Bonsall & Winster
MIG	Ivonbrook Grange	Carsington Water	WIG	Bonsall & Winster
MKN	Kniveton	Carsington Water	TKN	Hartington & Taddington
NLC	Litton	Litton & Longstone	XLC	Tideswell
NLL	Litton	Litton & Longstone	XLL	Tideswell
NLM	Litton	Litton & Longstone	XLM	Tideswell
NWA	Wardlow	Litton & Longstone	KWA	Bradwell
QMC (part)	Matlock (Cuckoostone)	Matlock All Saints	PCK	Matlock East & Tansley
RBO	Bonsall	Masson	WBO	Bonsall & Winster
SHE (part)	Darley Dale (Morledge)	Darley Dale	QML	Matlock West
VBI	Birchover	Stanton	YBI	Youlgrave
VNT	Northwood & Tinkersley	Stanton	SNT	Darley Dale
VRO	Rowsley	Stanton	CRO	Chatsworth
VSL	Stanton-In-Peak	Stanton	YSL	Youlgrave
VSP	Stanton-In-Peak	Stanton	YSP	Youlgrave
VSW	Stanton-In-Peak	Stanton	YSW	Youlgrave
WSO	South Darley (Oker & Snitterton)	Winster & South Darley	QSO	Matlock West

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DERBYSHIRE DALES DISTRICT COUNCIL

COMMUNITY GOVERNANCE REVIEW

TERMS OF REFERENCE

What is a Community Governance Review?

Under the Local Government and Public Involvement in Health Act 2007, Derbyshire Dales District Council has the legal powers to conduct community governance reviews to effect changes to parish electoral arrangements.

A Community Governance Review can be a review of the whole, or part of the District to consider one or more of the following:

- Creating, merging, altering or abolishing parishes;
- The naming of parishes and the style of any new parishes
- The electoral arrangements for parishes such as the ordinary year of election, council size, the number of councillors to be elected and parish warding; and
- Grouping of parishes under a common parish council or de-grouping parishes.

A Community Governance Review must reflect the identities and interests of the communities of that area and be effective and convenient. Therefore a CGR must take into account;

- The impact of community governance arrangements on community cohesion;
- The size, population and boundaries of a local community or parish

Introduction

In January 2022 the Local Government Boundary Commission for England (LGBCE) published the results of its electoral review of the Derbyshire Dales.

The electoral review examined and proposed new electoral arrangements for the District by determining:

- How many councillors are needed.
- How many wards or electoral divisions there should be, where their boundaries are and what they should be called.
- How many councillors should represent each ward or division

When carrying out an electoral review the Commission has three main considerations:

- Improving electoral equality by equalising the number of electors that each councillor represents.
- Ensuring that the recommendations reflect community identity.
- Providing arrangements that support effective and convenient local government.

In their final report the LGBCE recommended that the Derbyshire Dales should be represented by 34 councillors, five fewer than there are now with 21 wards, four fewer than there are now. They also recommended that the boundaries of 17 wards should change, with just 3 remaining the same.

In most cases the proposed ward boundaries are conterminous with existing Parish/Town Council boundaries with the exception of Darley Dale and Matlock. To address this the LGBCE has made the following changes to the electoral arrangements in these parishes:

- Matlock Town Council – 11 Councillors representing 8 wards, reducing the number of Councillors for the Hurst Farm Ward to 1 and creating a new Cuckoostone Ward with 1 Councillor.
- Darley Dale Town Council – 12 Councillors representing 3 wards, reducing the number of Councillors for the Darley Dale South Ward to 4 and creating a Morledge Ward with 1 Councillor.
- The final report also splits the Parish of South Darley so that the parish ward of Oker and Snitterton Ward moves to the new District Council Ward of Matlock West while the remaining two wards remain together in the new District Council Ward of Bonsall and Winster.

Reasons for this Community Governance Review.

As part of an electoral review, the Commission are required to have regard to the statutory criteria set out in Schedule 2 to the Local Democracy, Economic Development and Construction Act 2009 (the 2009 Act). The Schedule provides that if a parish is to be divided between different district council wards it must also be divided into parish wards, so that each parish ward lies wholly within a single ward. This has resulted in the changes to the warding arrangements for the Town Councils of Matlock and Darley Dale set out in the introduction. The Parish of South Darley was already warded.

Under the 2009 Act the Commission only has the power to make changes to parish electoral arrangements where these are as a direct consequence of their recommendations for principal authority warding arrangements. They therefore cannot make changes to the external boundaries of parishes as part of an electoral review. However, Derbyshire Dales District Council has powers under the Local Government and Public Involvement in Health Act 2007 to conduct community governance reviews to effect changes to parish electoral arrangements.

The Council is therefore carrying out this Community Governance review to seek the views of local residents and stakeholders on whether there is support for a proposal to change the boundaries of the three Parish/Town Councils affected by the revised District Council warding arrangements for Matlock.

Terms of Reference for Community Governance Review of Matlock Town Council, Darley Dale Town Council and South Darley Parish Council.

To review the electoral arrangements for the Parishes of Matlock and Darley Dale and South Darley to establish:

- i) Should the Parish Boundaries remain the same or should they be changed to become coterminous with the new District Council Wards by, for example, moving wards from Darley Dale and South Darley into Matlock?
- ii) Do the existing ward arrangements for the Parishes of Matlock, Darley Dale and South Darley reflect the relevant communities? Do the relevant local councils need more/less Wards or none?
- iii) In terms of the size of the relevant Councils should there be more or fewer Councillors? Does the allocation of councillors to each ward need to be revisited to maintain equal levels of representation across the Parish?

Criteria

The review will take account of the following criteria:

- The identities and interests of the community
- The effective and convenient governance of the area
- What, if any the proposed community governance arrangements might have on community cohesion
- Whether the size (area), the population and boundaries proposed for local governance make sense on the ground and contribute to the above criteria.

Aim

The aim of the Review is to achieve

- Improved local democracy
- Greater community engagement
- Better local service delivery

Consultees

- Derbyshire County Council
- Darley Dale Town Council
- Matlock Town Council
- South Darley Parish Council
- Electors affected by the proposed changes
- Other interested bodies
- Political Groups
- Derbyshire Association of Local Councils

Proposals to be consulted on

The District Council is not putting forward any specific proposals but is seeking consultee's views on the following:

1. Maintaining the Morledge Ward in the Parish of Darley Dale and the Oker and Snitterton Ward of South Darley Parish Council as they are or moving them to the Parish of Matlock.

The new Matlock West District Ward will include parts of the area currently within Darley Dale and South Darley. There has been some discussion locally about whether the Parish Boundaries should be changed to reflect this change some of the arguments in support of this include:

- Greater community cohesion - residents of the Morledge Estate in Darley Dale consider themselves to live in Matlock as will the residents in new housing developments in the Oker and Snitterton Ward of the parish of South Darley. In the case of Morledge the nearest primary school is in Matlock which has strong connections to the Matlock Parish Church of All Saints. The school also has a gate directly into the estate.
- Improved local democracy – the councillors appointed to the new Matlock West ward would only need to engage with one local council rather than three.

If there is local support for this move further consideration would need to be given to the warding arrangements for all the affected Councils to make sure that the size of the council is right and representation levels are equal.

2. Revisiting the existing warding arrangements for all three Councils.

Even if the outcome of this review is to keep the Parish Boundaries as they we welcome feedback on the warding arrangements for Matlock, Darley Dale and South Darley.

Appendix 2 – shows that there is some variance between the ratio of electors to Councillors for example in Darley Dale under the current boundaries with 12 Councillors and a total projected electorate of 5,004 in 2026 the average number of Electors per Councillor should be 417. This means that all three wards come within a variance + or – 10%. Which the LGBCE has deemed to be acceptable. The same applies to South Darley, however for Matlock Town Council only 2 of the 8 current wards fall + or – 10% of the 777 elector average. Changing the warding arrangements or increasing the size of the Council may bring the ratios within tolerance.

In respect of Darley Dale and South Darley respondents may wish to consider whether the current arrangements meet the requirements of the review. For example in Darley Dale, with the addition of a new single member ward, is the multi member North Ward and South Ward split still appropriate? Should there be

more wards to reflect more distinct communities such as Hooleys, Two Dales or Church Town?

Implementation

Any changes arising from the review would be implemented at the next full election for Parish and Town Councils within the Derbyshire Dales which will take place in May 2023.

Who will undertake the Community Governance Review|?

As a principal council, Derbyshire Dales District Council is responsible for undertaking any Community Governance Review in its electoral area. Any proposals arising from this review will need to be approved at a meeting of the District Council before a Community Governance Order is made.

Who to contact in respect of the review?

Any representations on the proposals set out in the Community Governance Review should be addressed to

Director of Corporate & Customer Services
Derbyshire Dales District Council
Town Hall
Bank Road
Matlock
DE4 3NN

or by email to electoral@derbyshiredales.gov.uk

Consultation

The Council has drawn up and published this Terms of Reference document, which provides the aims of the review, the legislation that guides the process, and the points that the Council views as important in this process.

Before making any recommendations or publishing final proposals, the Council will take full account of the views of the local people and will comply with the statutory consultative requirements by:

- Consulting local government electors for the affected area
- Consulting any other person or body (including a local authority) which appears to the Council to have an interest in the review;
- Notifying and consulting with the County Council and the Town and Parish Councils affected by the review
- Taking into account any representations received in connection with the review
- Notifying consultees of the outcome of the review; and
- Publishing all decisions taken and the reasons for such decisions.

Information about each stage of the review will be published on the Council's website with key documents available to view at www.derbyshiredales.gov.uk and at Town Hall, Bank Road, Matlock DE4 3NN.

We will also publicise the review on our website and on our social media platforms to engage residents, community groups and stakeholders.

Review Timetable

A Community Governance Review must normally be completed within a 12 month period from the day on which it commences. It starts when the Council publishes the Terms of Reference and ends when it publishes the recommendations made in the review.

The timetable is attached as appendix 1.

Additional considerations

If you decide to respond this consultation you may also wish to consider making representations on:

(i) Parish Areas

You might have alternative suggestions regarding creation of a new or joint Parish Councils, alteration of existing Parish Boundaries or the abolition of existing parishes.

(ii) Names & Styles

You may have suggestions on the name of Parishes or their wards that reflect the area they cover.

In the 2007 Act there is provision for alternative parish styles to include Community Councils, Neighbourhood Councils and Village Councils as well as the more usual Parish or Town Council.

(iii) Electoral Arrangements

Electoral arrangements are the way in which a council is constituted for the parish they comprise:

- The ordinary year in which elections are held
- The number of councillors to be elected to the council
- The division (or not) of the parish into wards for the purposes of electing councillors
- The number, name and boundaries of any wards
- The number of councillors to be elected for each ward

(iv) Consequential Matters

A Reorganisation of Community Governance Order may cover any consequential matters that appear to the Council to be necessary or proper to give effect to the order including:

- The transfer and management or custody of property

- The setting of precepts for any new parishes
- Provision for the transfer of any functions, property, rights and liabilities; and
- Provision for the transfer of staff, compensation for loss of office, pensions and other staffing matters

APPENDIX 1 –TIMETABLE

Stage	Action	Timescale	Planned date
Commencement	Council approved delegation to Director of Corporate and Customer Services.		Thursday 26 May 2022
Stage 1	Terms of reference published and stakeholders notified with definition of remit of review and initial proposals.	Five weeks	Friday 17 June 2022
	Closing date for initial representations.		Sunday 24 July 2022
Stage 2	Consideration of initial responses and draft proposals considered by Council		Thursday 28 July 2022
Stage 3	Draft recommendations published and stakeholders notified. Further consultation with stakeholders.	Six weeks	Wednesday 3 August 2022
	Closing date for stage 3 representations		Sunday 18 September 2022
Stage 4	Final proposals considered by Council.		Thursday 29 September 2022
	Publication of Re-organisation Order according to statutory guidelines.		Monday 3 October 2022

APPENDIX 2 – CURRENT AND FORCAST ELECTORATE

The Council has used the Register of electors as at 1 June 2022 to provide existing parish and parish ward electorate as set out below. This also include the 2020 electorate used in the LGBCE forecast calculations. The figures are broken down into polling districts and provides the electorate and number of properties in the new wards for Darley Dale and Matlock Town Councils.

		Polling District	Cllrs Per elector in LGBCE report	2020	2022 Electors	2022 Properties	2026
Darley Dale	North Ward (7 Councillors)	SNG	412	1317	1270	778	1333
		SNW	-1.2%	1350	1355	936	1553
	South Ward (4 Councillors)	SDH	432 +3.5%	667	696	464	690
		SHE		1039	617	390	662
		SUH		372	375	225	376
	Morledge Ward (1 Councillor)	SML (New)	390 -7%	-	387	220	390
	Matlock	Chesterfield Road East (2 Councillors)	PMC	610 -21%	911	1020	558
Cuckoostone (1 Councillor)		QCK (New)	221 -28%	-	215	128	221
Hurst Farm (1 Councillor)		PMH	1102 +42%	1089	1100	669	1102
Matlock Green (1 Councillor)		PMG	863 +11%	815	796	630	863
Matlock Bank & Sheriff Fields (2 Councillors)		QMB	877 +13%	1598	1559	1037	1754
North of Jackson Road (1 Councillor)		QMC	1119 +44%	1324	1115	660	1119
Riber & Starkholmes (1 Councillor)		PMR	755	72	76	44	158
		PMS	-2.8%	590	582	340	597

	Smedley Street (2 Councillors)	QMA	757 -2.6%	1495	1461	1008	1513
South Darley	South Darley (4 Councillors)	WSD	78 +6%	306	311	172	310
	Oker & Snitterton (2 Councillors)	WSO	71 -2.7%	140	141	77	142
	Wensley (2 Councillors)	WSW	66 -9.6%	130	114	90	132

In considering the electoral arrangements of the parishes in the area, the Council must consider any likely future change in the number or distribution of electors within five years from the date the review commences.

APPENDIX 2 – PARISH ELECTORATE CURRENT & PROJECTED

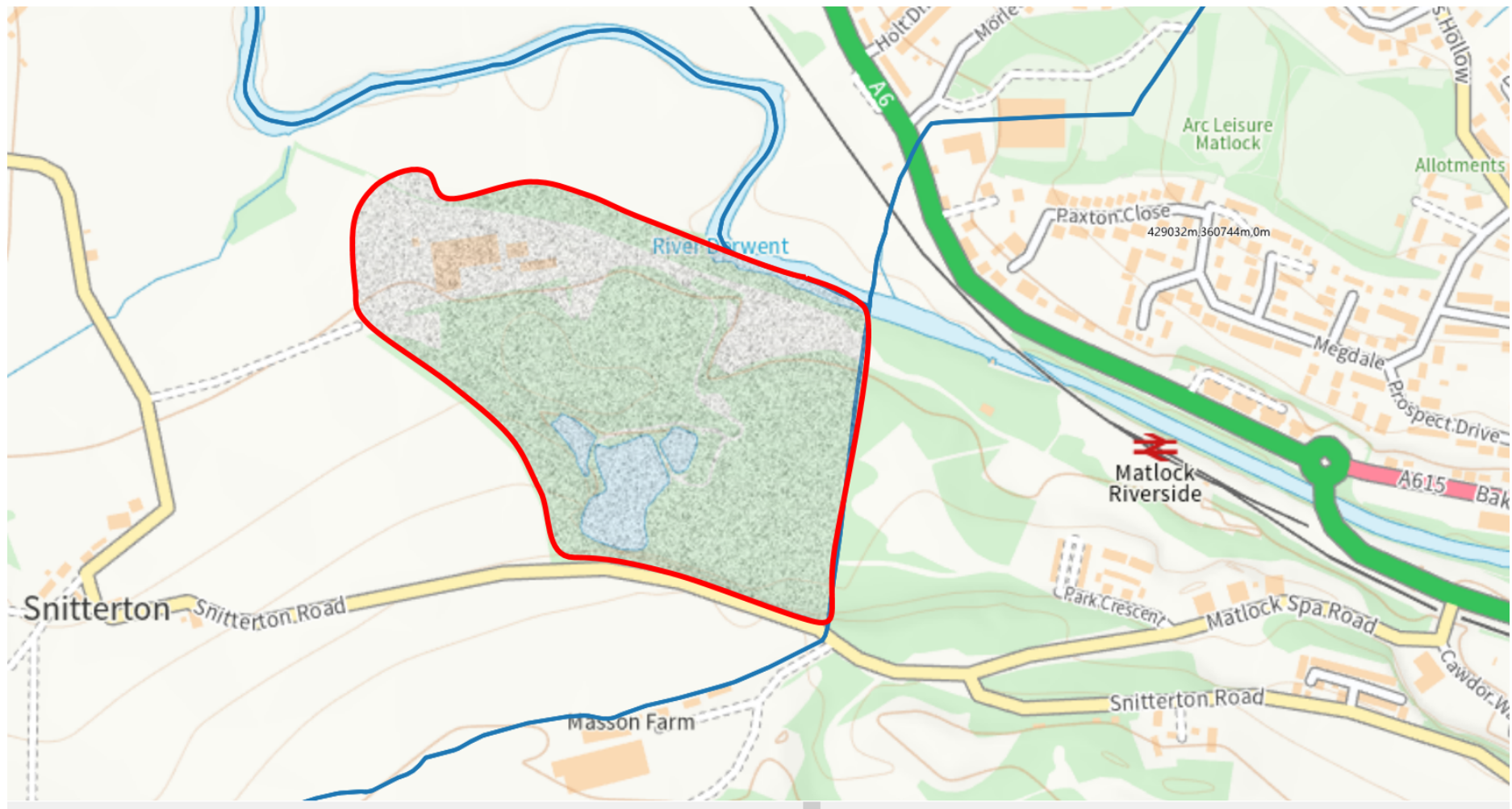
This table is provided as a guide to the potential financial implications of transferring wards into

	Band D Precept (2022/23)	Number of properties (May 2022)	Number of Properties if CGR moves wards to Matlock	Loss/gain	Estimated budget impact*
Darley Dale Town Council	£78.63	3013	2793	-220	-£17,298.60
Matlock Town Council	£92.41	5074	5371	+297	+£27,445.77
South Darley Parish Council	£42.24	339	262	-77	-£3,252.48

* These amounts are estimates based on an average based on the precept for Band D properties. The actual amounts may be less or more if the proposals involve moving properties on a lower/higher Council Tax Band. A more detailed analysis would be carried out if the first round of consultation suggests there is support for this option.

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APPENDIX 3



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Comments received.

As a resident of Oker in the Parish of South Darley, Derbyshire, I am opposed to the Boundary Commission Review proposal to move Oker and Snitterton into the Matlock West Ward and divide the historic parish of South Darley. I have lived in Oker for over 42 years and I consider Oker to be a rural hamlet, completely separate and different from the nearby town of Matlock.

My children attended South Darley Primary School, and went to Sunday school at St. Mary's church in Cross Green. Over the years the family have attended many events in South Darley Village Hall and Wensley Reading Rooms. I was a South Darley Parish Councillor for around 20 years and I was on the South Darley Village Hall Management Committee for several years over 2 separate periods of time so I know the area and its character very well.

Oker and Snitterton are hamlets that should be kept in the Parish of South Darley and be represented by a District Councillor together with similar communities, such as South Darley, Wensley and Winstler that have the same issues. Oker and Snitterton do not have so much in common with Matlock and would not be well represented by a District Councillor concerned with the issues affecting a town ward.

I would like the Local Government Boundary Commission to restore Oker and Snitterton to be represented by a District Councillor who understands, and can do their best for, the type of community that we live in and the issues of a rural area.

The villages of Oker and Snitterton are rural villages with common interests with other local villages including Darley Bridge, Wensley etc and need to be represented by someone who is a resident in one of these communities and have different requirements than the residents of Matlock. And as such would not get sufficient priority in the hands of a Matlock representative who, understandably would see the residents of the town as a higher priority. It follows that the village voices would be less well heard over sensitive issues such as planning where Matlock representatives would see the expansion of their area of influence giving them more freedom to expand housing beyond the present Town limits.

The DDDC document terms of reference assumes that the people in the new housing development will identify as living in Matlock. Then in the next paragraph claims improved local democracy. Both of these statements cannot be true. Therefore there is no point in making these changes until the people affected can be consulted.

We are a forgotten parish and it would only get a lot worse if we were integrated into Matlock

I am very strongly opposed to the villages of Oker and Snitterton becoming part of Matlock Town Parish; the two villages have far more in common with the other villages forming the parish of South Darley – being rural, forming part of the Peak District National Park – or being very close to the National Park, and forming part of the views into the National Park and out of the National Park.

We saw the importance of Oker and Snitterton being part of South Darley Parish when the last local plan was being developed by DDDC – when the initial allocation of land included not only the former Cawdor Quarry but also all the green fields lying between the quarry and the village of Snitterton. We were able to mobilise the entire community, including our District Councillor and the parish council in mounting concerted opposition to this, and were successful in removing all the green fields from the Local Plan. Similarly when the formal planning submissions were made for the building of houses in Cawdor Quarry, it was not just the residents of Oker and Snitterton who opposed that part of the planning application which extended into the green fields, it was the entire Parish. I am confident that had Oker and Snitterton been part of Matlock Town Parish, there would have been no successful opposition to either the Local Plan or the Cawdor Quarry planning application.

The needs and requirements of the two villages have far more in common with the rest of South Darley parish – in terms of local public transport, in terms of road maintenance, and in terms of planning matters – than they do with the urban setting of Matlock.

I also note that most of the houses in Snitterton lie within the Peak District National Park (as do some of the homes in Oker), along with many of the other settlements forming South Darley – whereas the National Park boundaries were drawn at inception to avoid the major settlement of Matlock. It is important that the links between the National Park and Snitterton are preserved, and this is best done by remaining part of South Darley Parish.

I can however see that the residents of homes built as part of the Cawdor Quarry development will see themselves as being part of Matlock, even as the development moves further into the quarry, into the former Permanite site, and the very small number of houses that have been granted planning permission to be built on the field beyond Permanite, and I can see an argument that the boundary between South Darley Parish and Matlock Town parish should be re-drawn from the current boundary that is roughly half-way through the quarry such that all the Cawdor Quarry development will form part of Matlock Town parish. I would not oppose such a re-drawing of the boundaries of the Parishes concerned. However, this boundary should not extend to include within Matlock Town Council the water meadow (which we understand is to be transferred to the ownership of Derbyshire Wildlife Trust) that lies to the East of the development and abuts the River Derwent, nor should it include any of the fields between the end of the development and the village of Snitterton.

It is true that residents of Snitterton and Oker will have as their district councillors the councillors for the new Matlock West ward, and therefore that the South Darley Parish Council will have to deal with two sets of district councillors, this is a manageable problem – and when the warding arrangements for the District Council are next reviewed, it will still be possible for Oker and Snitterton to be re-warded and grouped once move with the rest of South Darley Parish. Whereas if the two villages are also made part of Matlock Town Council, then I fear that the inclusion of Oker and Snitterton with Matlock will be irreversible.

I see no compelling case for change to the warding arrangements for South Darley Parish; they appear to have worked effectively since we moved to Snitterton fifteen years ago.

Having attended meetings of the Parish Council as a member of the public, the current number of Councillors seems to be large enough to provide for good debate. If we increased the number of councillors, it is hard to see the benefit – and there would perhaps be more councillors than the work load warrants; but if we reduced the number of councillors we would likely reduce representation of different groups amongst the residents,

The new developments are part of Matlock in their links etc. Oker and Snitterton historically have links with the country parish of South Darley

It seems to work OK

It works why change?

If it is reduced there is a danger that with absences a quorum may be difficult to achieve.

Local democracy works in South Darley. Why alter it drastically when it isn't broke. The hamlets of Snitterton and Oker are not part of Matlock. The new housing in the quarry can by all means be incorporated into a greater Matlock

We all live in South Darley, with our own school, church pub/pubs, allotments and village hall. The current arrangements works with good relations between the locals and incomers. All of this will be upended if the folk of Snitterton and Oker are dragged into Matlock where their rural outlook will be swamped. We all know who is who.

Yes [to no change in size] unless we cannot fill the roles, then a proportional reduction could then be considered. Until then it should be left alone.

South Darley is a historic Parish, which has always included Oker and Snitterton as part of a rural parish. They have never been part of Matlock before and should not be moved into Matlock West electoral ward. It makes sense for the new houses in Matlock Spa to be part of Matlock Town Council as they are in an urban development.

The wards of South Darley Parish reflect the different communities that make up the parish. The wards are part of the Parish that come together for local government purposes as they are similar rural communities. The residents come together for local events and use the community facilities of the school, church and public halls at Cross Green and Wensley.

I was on the Parish Council for about 20 years and the number and distribution of the Councillors in different wards ensured that the views of all the local residents in the communities of Darley Bridge, Cross Green, Wensley, Oker and Snitterton were represented by a person who knew the local area and issues well.

I was on the Parish Council for about 20 years and the number and distribution of the Councillors in different wards ensured that the views of all the local residents in the communities of Darley Bridge, Cross Green, Wensley, Oker and Snitterton were represented by a person who knew the local area and issues well.

All the amenities for Oker & Snitterton are in South Darley, Why change a parish boundary that has existed very successfully for many years. Changing the Wards was a mistake. Why compound the mistake. The developments in the quarries are adjacent to Oker & Snitterton and will have a major impact on the two hamlets. Moving them to Matlock remove any protection from further development.

Why change something that works

The residents of Oker and Snitterton form an integral part of South Darley and identify with this rural group of several small villages. The communities are linked by many local organisations, such as the parish church, the village school, village hall and numerous societies and groups. The residents do not regard themselves as being part of Matlock town and have no wish to become a small rural anomaly attached to a town. The needs and aspirations of the town are very different. This is apparent from the recent poll of residents' opinion of the Boundary Commission's last minute change to include Oker and Snitterton within the new Matlock West DDDC ward: of the 121 respondents, 118 strongly objected to the proposal. The inconvenience of South Darley being split between two District Council wards will be far less than the effects of subsuming Oker and Snitterton into Matlock Town. To include half of the Cawdor Quarry development within South Darley (following the existing parish boundary) would also be incorrect. To do so would make South Darley into a strange parish of two thirds rural villages and one third housing estate - with differing needs. The new houses will be an integral part of the new development and will have no direct vehicular access into South Darley - in accordance with the Local Plan. The residents of these houses will, no doubt, regard themselves as being part of the town, not the surrounding villages. The correct solution will be to redraw the boundary between South Darley Parish and Matlock Town to skirt around the Cawdor development so that, when built, the new houses will lie within Matlock Town. No existing properties would be affected.

Because South Darley consists of a group of small villages, it seems sensible to divide the parish into wards which approximate to these. I find it useful to have councillors who are particularly associated with our ward.

Eight councillors seems to be about the correct number for a parish of this size. There are sufficient councillors to provide a variety of skills, interests and enthusiasms.

The residents of Oker and Snitterton form an integral part of South Darley and identify with this rural group of several small villages. The communities are linked by many local organisations, such as the parish church, the village school, village hall and numerous societies and groups. The residents do not regard themselves as being part of Matlock town and have no wish to become a small rural anomaly attached to a town. The needs and aspirations of the town are very different. This is apparent from the recent poll of residents' opinion of the Boundary Commission's last minute change to include Oker and Snitterton within the new Matlock West DDDC ward: of the 121 respondents, 118 strongly objected to the proposal. The inconvenience of South Darley being split between two District Council wards will be far less than the effects of subsuming Oker and Snitterton into Matlock Town. To force Oker and Snitterton to be part of Matlock Town, against the wishes of the inhabitants, would be manifestly wrong and against the principles of local democracy. To include half of the Cawdor Quarry development within South Darley (following the existing parish boundary) would also be incorrect. To do so would make South Darley into a strange parish of two thirds rural villages and one third housing estate - with differing needs. The new houses will be an integral part of the new development and will have no direct vehicular access into South Darley - in accordance with the Local Plan. The residents of these houses will, no doubt, regard themselves as being part of the town, not the surrounding villages.

The correct solution will be to redraw the boundary between South Darley Parish and Matlock Town to skirt around the Cawdor development so that, when built, the new houses will lie within Matlock Town. No existing properties would be affected. A suggested revision of the boundary is attached.

With Oker and Snitterton transferred into Matlock West DDDC ward, it will be necessary for South Darley Parish to remain warded. Because South Darley consists of a group of small villages, it is logical to divide the parish into wards which approximate to these. The various councillors can, to a degree, concentrate on particular needs of their wards: they are likely to live within their wards and be well known to the residents. It also gives the residents the confidence that their part of the parish is not being neglected.

From my experience as a parish councillor, I consider eight councillors to be about the correct number for a parish of this size. There are sufficient councillors to provide a variety of skills, interests and enthusiasms to enable the council to function effectively and efficiently. With fewer councillors there would be the danger of too much falling onto one or two individuals. With many more, the discussions would be in danger of becoming too protracted and there would be the need to form numerous committees and sub-committees.

The Boundary Commission was quite wrong to include Oker and Snitterton in Matlock West, especially at such a late stage without the opportunity for anyone to comment. The final recommendations have not yet been passed by Parliament and all efforts should be made to stop them from being passed without amendment.

As residents of Oker we do not want to move out of South Darley Parish Council. We would prefer that the Parish boundaries are re-drawn so that Oker and Snitterton remain within South Darley parish, and the new housing developments in the former quarries are located in Matlock Town parish.

This is because Oker is a rural development with strong links to the church, school, village hall and pub in South Darley – all of which are within walking distance. We do not have the same links to Matlock which is an urban community and not within easy walking distance.

We do not wish to become part of Matlock Town Council, as we do not have any links to Matlock.

We are very happy with the present arrangement of three wards in South Darley Parish Council. This is because all areas are slightly different in make-up e.g. more houses and parking problems in Wensley, congestion with lorries over Darley Bridge in South Darley, and rural issues in Oker and Snitterton.

We believe that the current number of 8 parish councillors for South Darley is appropriate. This number allows for a Parish Councillor from each ward to be absent from the Parish Council meeting and still have that ward represented.

We are very happy with the actions of the Parish Council.

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Council

26 July 2022

Report of the Director of Housing

HOUSEHOLD SUPPORT FUND

PURPOSE OF REPORT

To inform Members of the outcome of the initial Household Support Fund period 16th October 2021 to 31 March 2022 and the proposals for the Household Support Fund 2 for period 1st April 2022 to 30th September 2022.

RECOMMENDATIONS

1. The outturn for the first round is noted.
2. That approval is given for the delivery of round 2 as set out in the report.
3. That approval is given to a supplementary revenue estimate of £100,000 in 2022/23 for expenditure associated with the Household Support Fund, to be funded by grants (£84,000 from the Household Support Fund allocation and £16,000 from homelessness prevention grant).

WARDS AFFECTED

District wide

STRATEGIC LINK

The Household Support Fund directly supports households experiencing financial difficulties relating to rent arrears, utility bills and other debts. Such issues can have a long lasting detrimental impact on the ability of residents to maintain rental payments and can lead to homelessness. The provision of the Fund therefore meets the Council's objective of reducing homelessness.

1 BACKGROUND

- 1.1 The government has made various grant awards to local authorities in order to deliver targeted financial support to business, communities and households as a result of covid and to support the post covid recovery. The Household Support Fund is one such grant and in October 2021 government announced a £421m fund for county councils and unitary authorities. The funding was to be spent between 6th October 2021 and 31st March 2022. Upper tier councils were encouraged to pass on a proportion of this fund to lower tier authorities. In Derbyshire this meant that the

County Council received approx. £5m and passed on £200,000 to each district and borough council.

- 1.2 This programme moved at some considerable pace, not least because of the tight timeframe to spend the grant but also because the exact details were not fully developed until mid November. Each district and borough council were asked to submit a brief bid showing how they would spend the grant against the grant criteria. The expectation was that it should primarily be used to support households in the most need with food, energy and water bills. It could also be used to support households with essential costs related to those items and with wider essential costs. In exceptional cases of genuine emergency it can additionally be used to support housing costs where existing housing support schemes do not meet this exceptional need. At least 50% of the total funding must be spent on families with children.
- 1.2 The District Council's bid to Derbyshire County Council for the Household Support Fund is attached at Appendix 1. In summary the proposal focused on expanding the Council's existing scheme of financial support including helping with rent arrears, utility costs, food, transport, council tax and housing benefit arrears. A small proportion of the fund was used to cover staff costs. There was no capacity in the Housing team to add the assessment work to the existing workload of staff. However two part time staff took on extra hours to deliver the scheme at their normal rate of pay.
- 1.3 The project delivered on the outcomes required by the fund with the following breakdown;
- Housing Benefit Support = £30,366.19 (85 households)
 - Council Tax Support = £20,671.98 (12 households)
 - Housing Support = £150,882.83 (253 households)

The tables below have been extracted from the final return to Derbyshire County Council. The figures reflect the delivery of a successful programme, including some additional grant that was recirculated from another council which had underspent their allocation. The case studies set out in Appendix 2 highlight the precarious financial position of some residents and the impact of the grant. A small number of households benefited from payments across more than one category.

Table 3: Total Value of Awards split by Household				
		a) Households with Children	b) Households without Children	c) Total (a+b)
Row 1	Spend (£s)	130428.5	71492.5	201921
Row 2	Volumes	215	135	350

Table 4: Total Value of Awards Split by Category							
		a) Food	b) Energy and Water	c) Essentials linked to Energy and	d) Wider Essentials	e) Housing Costs	e) Total (a+b+c+d+e)
Row 1	Spend (£s)	4013	1882	700	1425	193901	201921
Row 2	Volumes	134	5	2	8	209	358

- 1.4 The District Council's delivery of the project was aided by the willingness of staff to work extra hours and by corporate working with colleagues in Revenues and Benefits who picked up the additional work relating to Housing Benefit and Council Tax. The majority of the grant awards made through the Housing team supported social housing tenants in rent arrears and at risk of eviction.

2 HOUSEHOLD SUPPORT FUND ROUND 2

- 2.1 In the Spring Statement the Chancellor announced further HSF funds to cover the summer period up to 30 September. The additional £5.4m Household Support Fund will complement the existing financial support measures available, including those from the Derbyshire Discretionary Fund. All payments provided by the fund must be made by the end of September 2022. Local district and borough councils have been awarded funds to help with council tax and rent arrears, homelessness and temporary housing. Grants will be used to reduce expenditure so that rent and priority bills can be paid. Derbyshire Dales District Council has been awarded £84,000 for this funding period. One third of the total £5.4m must be spent on those of pensionable age. The County Council have therefore reduced the allocation to district and borough councils to reflect the different criteria for round 2.
- 2.1 The timetable for the delivery of the HSF is again challenging with only 3 months remaining to spend the Council's allocation. Although the allocation has been reduced, as with Round 1, it is proposed to focus on housing related costs. A proportion will also be available to colleagues in Revenues and Benefits. The primary aim being to reduce the threat of eviction and help vulnerable residents maintain their tenancy. In terms of delivery by the housing team, rather than rely on staff working additional hours, it is proposed to increase the working hours of one part time member of the team for a fixed period. The cost can be covered by the grant.
- 2.2 The District Council has received some additional grant funding direct from government to support homelessness prevention activities. It is proposed to direct a proportion of the funding available and add it to the HSF allocation increasing the total allocation to £100,000. Given the available time to deliver the grant and the extra staff hours secured within the Housing team, the total allocation of £100,000 should be delivered by the 30th September.
- 2.3 There may be further rounds of HSF announced later in the year. It is likely these will have similar spending windows which in turn will put pressure on the Housing team and the Revenues and Benefits team to deliver.

3 RISK ASSESSMENT

Legal

This report is to inform Members of the outcome of Household Support Fund period 16th October 2021 to 31 March 2022 and the proposals for the Household Support Fund 2 for period 1st April 2022 to 30th September 2022 and contains requests for authorisation for 3 recommendations. The Legal risk connected to this report has been assessed as low

Financial

- 3.1 There is no revenue budget for this expenditure so it is necessary to seek approval for a supplementary revenue estimate of £100,000 in 2022/23. However, as indicated in the report, the expenditure will be funded by grants (£84,000 from the Household Support Fund allocation and £16,000 from homelessness prevention grant). Expenditure will be monitored by officers to ensure that it does not exceed the grant available. The financial risk is therefore assessed as low.

4 OTHER CONSIDERATIONS

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

5 CONTACT INFORMATION

Director of Housing Robert.cogings@derbyshiredales.gov.uk Tel 01629 761354

6 ATTACHMENTS

Appendix 1 November 2021 Household Support Fund Bid

Appendix 1: November 2021 Household Support Fund Bid

Introduction

DDDC already have a homelessness prevention scheme in place. This scheme, which draws on the annual homelessness prevention grant allows us to help vulnerable households (families and singles) across the housing sector who are threatened with or experiencing homelessness. Expanding this scheme will remove the need to create any new processes. DDDC will not advertise the fund, instead staff from the Housing Team and Housing Benefit & Council Tax will review existing cases. We will also work with CAB, Age UK and Adullam HA who all provide support to vulnerable households experiencing financial hardship.

We are currently able to provide the following interventions in relation to preventing and relieving homelessness

1. Help with rent deposits and rent in advance payments
2. Help with utility costs
3. Help with food shopping costs and other essential spends
4. Transport costs to attend interviews for accommodation
5. Payments for rent arrears to help people being re housed

Current climate and future risks

Applications relating to rent arrears and threats of eviction from the private and social rented sectors remain high and we anticipate this to continue in to 2022/23. Rent arrears will be the number one issue and we are now seeing families who were furloughed needing help with rent arrears in order to prevent homelessness

Uses for the household support grant

The additional funding available will be utilised to further support households facing financial hardship and/or threatened with homelessness.

We would like to request £200,000 from the additional monies available to expand the homeless prevention services already in place. Our indicative proposal at this stage is;

- £25,000 for the discretionary housing benefit payment fund to alleviate financial hardship
- Top-up payments for people with council tax arrears who are facing legal action due to financial hardship £27,000
- Additional homeless prevention funds to assist those threatened with homelessness in social tenancies £45,940
- Clearing arrears for households experiencing financial hardship/threatened with homelessness £48,000
- Emergency welfare payments for those in temporary accommodation provided by the Authority or to establish tenancies/relieve homelessness £15,000
- Food payments, Energy and Water arrears £35,000
- Admin costs £4060

The Council have considered the use of these funds for administration. To ensure we deliver the proposals in a timely manner we propose offering some additional hours to two part time staff in the Homelessness Team at an estimated cost of £4060.

Any payments under this initiative will be authorised by Simon Beynon Homelessness lead, Carolyn Szadura, Council Tax Manager or Paul Radcliffe, Benefits Manager and recorded using the matrix already provided.

Appendix 2 Case Studies from HSF 1

1) Mr # & family received a notice of intention to begin proceeding for possession of their privately rented home due to accruing a high level of rent arrears. Due to job loss the family had started to claim UC but failed to include the housing element. With assistance from Derbyshire Law Centre (DLC) & DDDC Floating Support Team they were successful in claiming a large proportion of the rent with a backdated award from UC. This still however left a substantial amount outstanding.

Referrals came in from the supporting agencies for help from the Household Support Fund to assist with clearing the remaining amount of arrears and court costs. On awarding this money DLC were able to reach an agreement with the other side whereby proceedings were adjourned on the basis that Mr # pays his current rent moving forward. Therefore avoiding any possession order or suspended possession order at this time.

The success of joint agency working and payment from the HSF meant a great result, securing the accommodation for the family to remain and removing the threat of homelessness.

2) Miss # and her family were referred to the Household Support Fund as they were struggling financially and had unfortunately breached a court order that was imposed in February 2020. Miss # and her family were at severe risk of eviction.

Their landlord made the referral to the Household Support Fund to try and assist the family with their situation and to reduce or clear their rent arrears. On being able to award the full amount and clearing the arrears in full the landlord wrote to Miss # to inform her of the application outcome.

On receipt of the letter Miss # phoned the team at the Council directly to check that her arrears really had been cleared in full as she couldn't quite believe it and burst into tears on hearing it was true. She was so happy and truly grateful that we had assisted her and explained how much it meant to her and her family and the difference it would make to them financially now that the arrears were cleared.

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Council

Report of Director of Regulatory Services

DEVELOPMENT OF SMALL SOLAR FARMS ON COUNCIL OWNED LAND

PURPOSE OF REPORT

This report presents the findings of a technical and financial feasibility study carried out on five Council owned sites, exploring the possibility of developing small solar PV farms. It seeks approval for the necessary next steps in order to move a single viable site, at Watery Lane, to 'phase two' with an ambition of completing this scheme towards the end of 2024.

RECOMMENDATIONS

1. That the report attached in Appendix One and the associated business and financial cases in Appendix Two are received
2. That Council approves the recommendation in the attached report to move to 'phase two' of development work in respect of the Watery Lane, Ashbourne site
3. That approval is given to a supplementary revenue budget of £40,000 for consultancy relating to the next stage of work required, to be financed from the General Reserve.

WARDS AFFECTED

Ashbourne North

STRATEGIC LINK

The Corporate Plan 2020-24 identified climate change as a key strategic priority under the theme 'Place - keeping the Derbyshire Dales clean green & safe'. The recommendations in this report support the specific aim to 'Achieve net zero carbon emissions from District Council operations by 2030' The project should generate net revenue income for the Council from 2024/25, which will assist in meeting to Corporate Savings Target and the Council becoming more financially sustainable.

1 BACKGROUND

1.1 In May 2019 the Council declared a Climate Emergency and pledged to make the authority net zero by 2030. In October 2020 the Council unanimously approved a Climate Change Strategy and Action Plan which set out a potential pathway to achieving net zero in terms of direct emissions. The pathway to net zero, identified in the Strategy, is listed as:

- Energy efficiency improvements to existing facilities;
- Installation of biomass heating at Matlock Town Hall;
- Electrification of heating at 3 key facilities;

- Installation of roof mounted solar photovoltaics (PV) at 2 key facilities;
- Development of 2MW ground mounted solar PV;
- Electrification of the Council's vehicle fleet.

1.2 The plan outlined in broad terms the level of investment - around £2.7 million - that would be required to meet net zero and the period over which that investment would need to be made. Council noted the need to obtain funding to undertake the programme of works required.

1.3 On the 14th of October 2021 the Council approved a revenue budget of £30k to fund the engagement of a partner to carry out a detailed feasibility study into the technical and financial viability of ground mounted solar PV arrays. Actual expenditure incurred in 2021/22 was £14,589, an under-spend of £15,411.

2 REPORT

2.1 APSE Energy were commissioned to undertake the study - a local authority energy collaboration, part of APSE, a not for profit local government body who work with over 300 local authorities across the UK. The consultants engaged through APSE Energy have worked on many local authority solar farm projects and have a sound understanding of the relevant context, technology, financial and environmental considerations. They have undertaken many and varied consultancy projects which are similar in nature to the Council's brief.

2.2 The resulting report is attached in Appendix One and the Business and Financial cases for the Watery Lane site referred to on page 14 in Appendix Two.

2.3 The report concludes that while two of the five sites could be developed the Stoney Middleton site is not viable due the cost of grid connection and the sale of power.

2.4 The site at Watery Lane, Ashbourne is identified as being the single site with potential for development based on size, capacity, availability of land and cost. The report proposes that a small solar farm of at least 1MW installed capacity could be sited on the upper field (above the allotments) and the electricity sold to Severn Trent who occupy neighbouring land where they operate a sewage works.

2.5 Figure One below shows the location of the site.



Figure One: Map showing location of Watery Lane site

- 2.6 The report identifies a number of specific issues with the site which would need to be resolved as part of the next phase of work. These include access, an existing grazing licence and the restrictive covenant in place.
- 2.7 The site has three business cases (Appendix Two) based on building out the installation by the end of 2024. It is assumed that the project would be financed with 100% debt over a 20 year term at an interest rate of 3.63%, although the actual interest rate would depend on rates offered at the time the borrowing took place. The total build cost is estimated to be £1,037,529 assuming a construction cost of £650 per kW peak of installed capacity and with an estimated grid connection fee of £387,529. The recommendation is that the Council funds the project via available funds or borrowing from the Public Works Loans Board.
- 2.8 The business cases illustrate three different scenarios depending on the use of the electricity generated - in the first model (the base case), income is derived from the sale of electricity generated to a Licenced Electricity Supplier under a Power Purchase Agreement (PPA) at a revenue calculation of 5p/kWh for a term of 25 years.
- 2.9 The second business case includes the use of battery storage to store the power generated during the day, so that it can then be sold on for premium rates, using one of the mechanisms to do this.
- 2.10 The final business case outlines the option of a 'private wire' connection to sell electricity to the Severn Trent sewage works next door. It would be necessary to ascertain the energy requirements of the site before proceeding, to ensure that a large percentage of the energy generated could be sold to the plant. As an indication the predicted income generated by sale of power via private wire to Severn Trent, assuming 100% use at a nominal rate of 12p/kWh, is £109,296 in the first year. Ongoing operational and management costs are usually paid annually in advance and are estimated to be circa £12,600 with insurance at £3,000 per year. The payback period on the investment would be 10 years.
- 2.11 If this option were deemed viable the highest return of 10.4% is possible, and a projected surplus of c£3.5m from the Council's modest investment over the 30 year lifetime of the asset. This is why this site forms the main recommendation of this report.
- 2.12 Installation of a 1MW solar PV array at Watery Lane would generate approximately 910,800kWh of electricity annually. In 2019-20 (the baseline year) the Council purchased 851,729kWh of electricity. This is likely to rise with the shift from gas to electric heating in our buildings.
- 2.13 The Strategy and Action Plan recommended a renewable electricity generation installation equivalent to 2MW. This would represent a 'negative' carbon footprint by 2030 through the generation of more electricity that the Council would be likely to consume, effectively offsetting residual emissions (from remaining use of diesel, gas oil etc.) through investment in renewable technology within the organisations boundaries. Clearly the installation of a 1MW solar PV array would leave the Council short of the likely future requirement and so there would be a need to consider what next. Page 39 of the report outlines some possible future options including the

possibility of a joint venture, purchase of additional land and development of car park solar PV installations.

- 2.14 It therefore seems sensible to view the possible development of the Watery Lane site as a starting point for the Council, to help develop confidence in the process and to develop an appetite for more renewable energy. Commitment to this project would demonstrate clear local leadership around climate change.
- 2.15 The preliminary feasibility study makes it clear that there could be the opportunity for the Council to generate income from the development of a small solar farm on the site at Watery Lane. Whilst not the primary objective of the scheme, this should be noted and consideration given to the recommended use of such income – to fund other ‘green’ initiatives or enhancement of other services. This would be a future decision for Council but an important consideration of any communication strategy.
- 2.16 In summary whilst the report concludes that the site at Watery Lane is technically and financially viable for development there are a number of key outstanding issues, grouped together as ‘phase two’ which need to be resolved so that a final decision can be taken on moving the project into a delivery phase. The costs of the necessary consultancy support for these ‘phase two’ works, as detailed below, are estimated to be approximately £40k
- 2.17 The first part of the ‘phase two’ work is acceptance by the Council of a grid connection offer. As the grid connection situation changes regularly and capacity can be short, this is one of the early priorities for action. In simple terms a grid connection is not necessary where there is an offtaker, such as Severn Trent, who is willing to buy all of the generating asset’s output. However, if the offtaker’s business closes or relocates for any reason, the Council will be left with a ‘stranded asset’ i.e. a solar farm which cannot get its electricity to any buyers. For this reason, it is almost universal practice where public money is involved to go for a grid connection, even if it is considered unnecessary at the start. Then, if the situation changes, the Council would always have the option to switch to sales on the wholesale market via the grid.
- 2.18 The Council has already had a budgetary estimate from the distribution network operator (DNO) – Western Power Distribution – for a connection to the Watery Lane site which is included in the business case. The next step is to submit a formal application. As soon as a formal grid offer is received it needs to be accepted and a small deposit paid in relation to that offer but the capacity is then reserved. The approval of payment of any deposit will be brought back to a future Council or committee meeting as appropriate.
- 2.19 There is no financial risk with accepting a formal grid offer as under the rules, deposits paid to DNOs are refundable if the scheme does not go ahead, subject to any costs that the DNO has already incurred in dealing with the application. This means that the Council is not at financial risk if the scheme did not proceed.
- 2.20 Planning consent is the next priority, as this can often take some time to complete. Although the planning process is considerably easier for solar PV than it is for other renewable energy technologies considerable support will be required to prepare such an application. The Council’s Development Manager has met with the APSE Energy consultant and is comfortable with the issues raised by solar farms and appreciates that they are a legitimate use of land. However, given potential conflicts of interest and internal resource pressures it is recommended that the Council obtains external

assistance with the planning application, seeking pre application advice in the first instance.

- 2.21 Agreement with Severn Trent over a private wire connection is also of considerable importance, as this provides the best business case and use of the power locally. Severn Trent will need to be approached and the Council will need to prepare in advance its offer in relation to the sale of electricity, including determining the price at which the power will be offered. Before proceeding, the Council needs confirmation from Severn Trent that it will purchase the majority (if not all) of the power generated. This is also likely to take time, but can be done in tandem with the planning and grid work.
- 2.22 The report identifies a number of specific issues with the site which would need to be resolved as part of the next phase of work. These include access, an existing grazing licence and the restrictive covenant in place.
- 2.23 The site is adjacent to Ashbourne Cemetery. The latest Burials Review, undertaken in 2017, indicated that there were 11 years provision remaining in the existing cemetery. More recent informal evaluations suggest this is now 8-9 years. The review suggested that the site could be used to provide additional space if developed. It is worth highlighting that ground mounted solar is a temporary development and following its useful life can be removed if appropriate, and the land reverted to its previous use.
- 2.24 It is the advice of APSE Energy that the work required must be done in the correct order, to ensure that the Council does not expend any more money than is necessary whilst 'deal breaker' issues remain unresolved. Whilst consultants will be engaged to provide specialist support significant internal capacity will be required to progress – including from officers in legal services, estates and facilities and the finance teams.
- 2.25 The report also highlights the importance of developing a communications plan, which will detail all of the activity the Council intends to take to make people aware of the proposal. It recommends consulting widely and genuinely as a landowner in advance of any development in order to engender community support for the proposals. It will be of particular importance to work closely with the adjacent allotment holders.
- 2.26 The Stoney Middleton 'Edge Lane' site has also been included in a feasibility study commissioned by Hope Valley Renewables – a community energy group. Hope Valley Renewables are a community benefit society formed in 2021 with the objective of bringing forward low carbon projects that can primarily be funded by the community with project surpluses being invested in supporting further environmental improvement initiatives in the local area. Their study reached a similar conclusion to the APSE report – that the site is not currently viable for development due to high DNO grid connection costs. They have placed the project on hold to focus on other initiatives and will review the viability in May 2023 when DNO connection costs are expected to be reviewed.

3 RISK ASSESSMENT

Legal

- 3.1 As the recommendations propose that the Council gives approval to move to “phase two” of the development work relating to Watery Lane, this will allow for further

investigation into the suitability of the proposed project. On that basis the legal risk is assessed as low

- 3.2 There are a number of matters raised in the report that will be investigated further in the phase 2 works, including legal issues relating to the land. Legal risks will need be assessed during the phase 2 works. A full risk assessment will be needed before a final decision on the project is recommended.

Financial

- 3.3 The estimated cost of the necessary consultancy support for these 'phase two' works is £40,000. As this is a one-off revenue cost, the use of the General Reserve as a source of financing is consistent with the criteria set out in the Council's Medium Term Financial Strategy. The general reserve currently has a balance of £999,838. Therefore, the financial risk is assessed as low.

- 3.4 The financial risks for the delivery of the solar PV scheme will be higher. Whilst the report concludes that the site at Watery Lane is technically and financially viable for development there are a number of key outstanding issues, grouped together as 'phase two' which need to be resolved so that a final decision can be taken on moving the project into a delivery phase. Such risks include:

- Cost overruns, which can be mitigated by robust estimates, site surveys, due diligence during procurement and the inclusion of contingency sums;
- Increased cost of borrowing;
- Income risk – if Severn Trent Water do not agree to a 'private wire connection';
- Warranties.

- 3.5 All of these risks can be managed as part of the process. A good programme of preliminary work and a sound procurement exercise will assist in managing most of these risks. A full risk assessment will be undertaken before a final decision is recommended.

4 OTHER CONSIDERATIONS

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

5 CLIMATE CHANGE

- 5.1 The recommendation aligns with the Council's ambition to be net zero carbon in respect of emissions from its own operations by 2030 as detailed in 2.10. Production of locally generated renewable electricity on the Watery Lane site would have clear climate

change benefits, decentralising electricity production and reducing emissions associated with burning fossil fuels.

- 5.2 Moving the project into the next phase require significant time, resource and investment – all of which will have an indirect climate change impact. It is considered that this is outweighed by the future benefit.
- 5.3 Climate change impacts of the development itself will be evaluated in future phases, as appropriate. Quantification of benefits, in terms of emissions reductions will also be assessed.
- 5.4 The Government is legislating to place ever more stringent targets in relation to carbon emissions. The Climate Change Act 2008 (as amended) provides the current targets, which will be very challenging in themselves. It is not yet clear whether part of the burden of delivering them will fall on to local government.

6 CONTACT INFORMATION

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7 BACKGROUND PAPERS

None

8 ATTACHMENTS

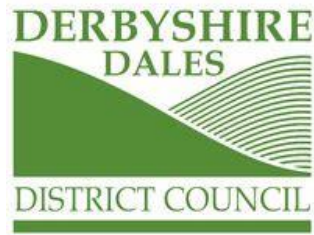
Appendix 1 – Report on proposals for a solar farm programme on Council owned land.

Appendix 2 – Financial cases for Watery Lane solar installation

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energy



Derbyshire Dales District Council

Consultancy support.

Report on proposals for a solar farm programme on Council owned land.

Report V2.

This report was completed on 12 April 2022



APSE (Association for Public Service Excellence) is a not for profit local government body working with over 300 councils throughout the UK. Promoting excellence in public services, APSE is the foremost specialist in local authority front line services, hosting a network for front line service providers in areas such as waste and refuse collection, parks and environmental services, leisure, school meals, cleaning, housing and building maintenance.

APSE Energy is APSE's local authority energy collaboration. The vision for the collaboration is to form an effective collaboration of a large number of local authorities to enable and facilitate the local municipalisation of energy services. By this we mean the public and community, as well as private, ownership and managerial control of local energy generation, distribution networks and delivery of energy efficiency works. Local authorities working together in this way would have great influence and would be able to deliver economies of scale in green energy to promote economic growth and combat fuel poverty.

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DERBYSHIRE DALES DISTRICT COUNCIL

REPORT ON PROPOSALS FOR A SOLAR FARM PROGRAMME ON COUNCIL OWNED LAND

REPORT BY APSE ENERGY

Executive Summary

The Council has commissioned APSE Energy to prepare a report on the viability of it developing one or more solar farms on land within its ownership.

The work was undertaken in the Spring of 2022 and concluded that it would be possible for the Council to develop two of the five sites put forward and to do so would be in tune with action by other local authorities across the wider UK. However, there are issues with both sites that will need to be resolved. One site is more appropriate for development than the other.

There are many advantages, both financial and non-financial, from undertaking a solar farm development. The Council has made clear that it would have to make a suitable financial return as a pre-requisite to embarking on any programme.

The timing of the development will depend on a number of factors that are discussed in the main body of the report in some detail. It is suggested that the Council should start with best project at Watery Lane and seek to complete this as a first scheme within a two year time frame, whereby it would be completed and energised towards the end of 2024.

Whilst there are different ways of undertaking such a development, the maximum gains come from the Council finding or borrowing the money and funding the development itself. Risk can be properly managed during this process and necessary expertise bought in.

The purpose of this report is to get the Council to the position whereby Members can consider a formal report and resolve to press ahead with a solar farm project. To do so will require a budget to be identified and responsibilities allocated in terms of officer leads and external assistance.

This report recommends that the Council proceed with the programme on this basis. Full details are provided in the body of the report.

1. INTRODUCTION

APSE Energy has been commissioned by Derbyshire Dales District Council to assist it to consider the potential for a solar farm project within its area. The Council has recently calculated its carbon footprint and will need to include some offsetting to reach a position of net zero.

It has undertaken a high level review of land within its ownership and identified five small sites for APSE Energy to consider. It hopes to be in a position to recommend to Members that the Council move towards a delivery strategy, if the results of this preliminary work were favourable. Fortunately, it has been confirmed that the Council does have one or more appropriate sites for development and so this report completes this preliminary work.

The Council had identified five areas as capable of hosting such a development. These sites were all briefly inspected and meetings have been held with a wide range of officers to discuss the Council's position.

The purpose of this commission is for the Council to be in a position to report to Members, indicating that the chosen area can be developed as a solar farm and to recommend that the project proceed, with a budget being allocated for this work. The time frame being adopted for the project is for it to be developed, without Government subsidy, within the next two years.

This report sets out why local authorities across the country are going down the green route, what action the Council needs to take to bring the project to fruition and the likely timescales that will apply. It also looks in detail at the business case for this development.

2. THE CURRENT POSITION ON CLIMATE CHANGE

The United Kingdom had passed the Climate Change Act in 2008. Its target, to reduce greenhouse gas emissions in the UK by 80% by 2050, against a 1990 baseline, was well known. However, in 2020 the government amended the 2008 Act to increase the targets to 100% reduction in greenhouse gases by 2050.

These changes were in response to the ongoing work by the international community to track global warming and to advise on climate change. In particular, the United Nations Intergovernmental Panel on Climate Change (IPCC) had continued to produce reports on the levels of greenhouse gases in the atmosphere and the changes that these were causing.

The need to reduce the impact that human activity is having on the environment is not a new concept. The impact greenhouse gas emissions are having on our climate and the risks this present have been well documented for over thirty years. So the starting position is that climate change is happening and is *anthropological* in nature i.e. caused by human activity.

Under the auspices of the United Nations Framework Convention on Climate Change (UNFCCC), international conferences are held periodically to review the position and seek intergovernmental agreement on the way forwards. At COP 21 in Paris on 12 December 2015, the so-called Paris Accord was signed. Under this, the international community reached a landmark consensus to accelerate and intensify the actions and investments needed for a sustainable low carbon future. However, progress was not moving fast enough.

The IPCC continued to produce reports on the worsening position but a watershed was reached in October 2018 when it published the most hard hitting report yet. According to this report, the target that the international community had hitherto been working to – namely that global warming must be restricted to no more than 2 degrees Celsius above pre industrial levels – was no longer sufficient and that a new target of 1.5 degrees C should be adopted. In short, the report indicated that the world had just 12 years to improve the situation or irreparable damage would be done to the ecosystems of the planet.

This report touched a nerve with the public and climate change had suddenly moved to the front of the public conscience. Urgent action was required and support was growing for its adoption at both central and local levels.

Many local authorities declared climate emergencies whilst also adopting exacting new standards to reach net zero carbon status, either for their own activities or their areas as a whole. This movement has grown in intensity and now most of the local authorities in the country have agreed to take action in one form or another.

In developing action plans to reach a net zero carbon target, local authorities are considering all sorts of action. Primarily, the aim is to reduce emissions by changing work practices and how services are delivered. This is particularly in relation to buildings, transport and heating.

Derbyshire Dales District Council declared a climate emergency on 30 May 2019, demonstrating the authority's understanding and commitment to playing its role in tackling the global challenge of sustainable development. As discussed below, it has put in place plans to achieve this.

However, in seeking to become carbon neutral, there will be a level below which emissions cannot be reduced. Here, the notion of offsetting comes into play, i.e. netting off the carbon benefits calculated from conversion factors in relation to renewable energy installations a Council owns and operates and thereby reaching net zero carbon overall.

So renewable energy is entering a new phase in local government, whereby its value has appreciated over and above the traditional areas covered by a climate change or sustainability strategy. Renewable energy has been under consideration by local authorities for the past ten years, but for a variety of different factors, has never reached the same levels as seen in the private sector. So the climate emergencies are offering a useful fillip for this type of activity.

A number of other wider points in relation to energy are now under discussion in local government, in particular on how the energy market in the UK is changing. APSE Energy has summarised this to the four D's: decentralisation, decarbonisation, digitalisation and democratisation. These will result in a very different landscape for energy in the UK over the next decade.

When considering the players in this market, the so called 'big six' energy companies who have been seen as dominant in this field for many years are starting to be dwarfed by the entry in to the market of the former oil and gas majors, such as Shell and BP, who are patiently buying up companies involved in the more innovative areas of decentralised renewable energy. They see prospects for a movement into 'energy as a service.' However, even they seem small against the technology giants of the United States, such as Apple, Google and Microsoft. These companies also want to enter the UK energy market, attracted by the potential to digitalise energy in this country.

It is also predicted that energy costs will continue to rise as the different elements in the cost stacks are identifiable and projected. This is a concern to every Council that is a large energy user.

The prospect of further ways to generate income from renewables are constantly being considered and it is clear that the key to this is to own and operate renewable energy assets. Only those in that space will be able to consider the newer forms of electricity trading, aggregation and demand side response. This project would put the Council in a good position not just to reduce its energy costs and make a good financial return, but also to start to engage in the more innovative elements of market development.

3. THE COUNCIL'S POLICY FRAMEWORK

As mentioned above, Derbyshire Dales District Council declared a climate emergency in May 2019, demonstrating the authority's understanding and commitment to playing its role in tackling the global challenge of sustainable development.

The Minute of the Council meeting reads:

"Climate change is an existential threat. Extreme weather events have caused damage and destruction in this country and have led to deaths and displacement of thousands of people worldwide. Natural habitats, wildlife and biodiversity are in peril, not only from climate change, but they are being adversely affected by human intervention, which in turn is enhancing the effects of climate change.

Scientists are warning that we have a little over a decade to implement urgent action to reduce greenhouse gas emissions before we reach a global tipping point.

Action is required at international, national, local and individual level to achieve the carbon reduction levels needed.

This Council pledges to:

- Declare a Climate Emergency*
- Make Derbyshire Dales District Council carbon neutral by 2030*
- Call on the UK Government to provide the powers and resources to make the 2030 target possible*
- Work with partners across the county and region to deliver this new goal through all relevant strategies*
- Report back to Council within six months with the actions the Council will take to address this emergency."*

The motion was passed by the Council and the 2030 target adopted. At this stage the subtlety of whether Scopes 1,2 and 3 had all been included had not been addressed. It has since been clarified that the target relates to Scope 1 and 2 emissions and the Council will address the Scope 3 issues at a later date.

Following the adoption of the climate emergency declaration external consultants (ClearLead) were appointed to calculate the Council's carbon footprint and also provide advice to reduce, avoid, mitigate and offset emissions over the next decade in order to reach the target.

ClearLead were also commissioned to prepare on behalf of the Council a Climate Change Strategy and Action Plan (2020 – 2030) which was subsequently published on 16 September 2020.

In setting a new goal to strive towards carbon neutrality for its direct activities, the Council recognises that there are a number of different ways in which this can be achieved. These include the reduction of energy consumption as far as possible across the corporate estate, the improvement of energy efficiency in the Council's buildings and the generation of renewable energy that can be used to run Council services.

However, it was also recognised that if the Council continued to provide services to the public it would never reach a position of pure zero emissions (i.e. there would still be a level of residual emissions) and would instead have to rely on a position of net zero, with carbon offsetting being necessary to reach its targets. The consultants calculated that 2 MW of renewable energy capacity would be needed to do this.

The Council also has in place a carbon reporting mechanism which runs from 1 April to 31 March each year. The last reported period is 1 April 2020 to 31 March 2021. The baseline year is 2019.

The reporting shows that the Council's own carbon footprint is not high at 807 tonnes CO₂(e) and this is commensurate with a small district council. Of that, a considerable amount is from use of buildings and also transport. However, this excludes Scope 3 emissions which are double this amount. In due course, the Council will need to focus on its outsourced activities and take active steps to reduce the Scope 3 emissions.

Looking at the wider Council area, the largest proportion of emissions comes from the industrial and commercial sector, followed by transport and then domestic emissions. As part of its wider Climate Change Strategy, the Council will also have to consider how it can support the private and community sectors in decarbonising their activities.

We are informed that the Council is very committed to the climate change agenda, both at Member and senior management team levels.

4. RENEWABLE ENERGY

As indicated above, local authorities across the country have been considering the development of renewable energy facilities on their land. Whilst this is more difficult in urban settings, for rural Councils the issue is normally not so much the availability of land, but the ability to secure a grid connection and achieve a planning consent. As it happens, Derbyshire Dales District Council does not own much land and what it has is already earmarked for different uses, particularly affordable housing.

When considering renewable energy, most local authorities have decided that it is normally best to undertake solar PV projects first. This is, quite simply, because they are the easiest and the quickest to complete. There is no reason why a solar PV project cannot be devised, planned, funded and constructed in 12 – 18 months if all things are in line (depending on size and capacity).

The benefit of having a project up and running cannot be underestimated on any front. It helps the Members in justifying the investment and also causes further support for other projects to emerge. It develops further confidence in the officers on the delivery side and this is usually helpful to encourage bigger and more complex projects that might come later. But it also helps with the public and wider support for the Council's overall renewable energy programme.

The Council has, of course, implemented some solar PV projects to date, but these have mainly been roof based systems, usually at small scale. The Town Hall has already had a small PV installation fitted and also one of the leisure centres. The Council has bid for and succeeded in securing monies under the Public Sector Decarbonisation Scheme and also the Green Homes Grant.

Solar PV is now mainstream in the UK. By Spring 2020 there were over 15 GW (i.e. 15,000 MW) of solar capacity in operation in the UK.

Prior to 2019, Government incentives were available to assist with the costs of solar farm development. These were predominantly the Feed in Tariff and the Renewables Obligation. Following their closure, the Contracts for Difference regime was introduced by the Government to assume the position of financial incentive. However, the Government decided to exclude solar PV from this process following the first CFD auction. This position has now changed when in early 2020 the Government indicated its intention to re-admit solar PV and onshore wind to the CFD scheme. Solar and onshore wind will both be able to compete in the next CFD auction which will take place in 2022.

The breakdown of solar PV installations is mainly between residential schemes, where there are now over a million houses with solar panels, and large farm scale developments on open land. These latter developments have gained traction in the last five years and are now the largest element. The roof based commercial solar PV market is less well developed but is now gaining traction.

On the local authority front, the first solar farm in the UK built, owned and operated by a local authority was in Cornwall, where Cornwall Council's farm near Newquay airport is an excellent example. This was built on Council owned land and provides a number of important functions, including income

generation, economic benefit generally and the use of renewable energy as a tool for economic regeneration. This is being followed by a host of other authorities across the country, that are in different stages of development. Telford and Wrekin Council completed its solar farm in 2014 and Wrexham in North Wales also completed its own facility in 2015. There are now around 20 local authority owned and operated solar farms across the country.

There is much that could be said about the technical basis of solar power, but that is beyond the realm of this strategic report. Suffice to say that PV cells are made of semi conductors (usually silicon), which become excited when exposed to light and release electrons. These electrons are collected by wires, attached to the semi conductors, and carried away as electricity (in its direct current form or DC). In order to convert the electricity to AC (on which the electricity system in the UK works) the power needs to pass through an inverter. It is of some comfort that this technology has been around for decades now and is one of the mature renewable energy technologies.

For land based installations, a well planned solar farm should obtain planning consent without a problem and there are various ways in which strong public support can be garnered. Key amongst these are the local authority choosing the right sites, consulting very early with the local inhabitants, preserving biodiversity and agricultural uses and providing a community benefit fund. Support is available from the National Farmers Union, the British Beekeepers Association and a variety of other environmental charities for solar farms in the right locations. It is very much about how the Council goes about it.

5. BENEFITS OF SOLAR PV INSTALLATIONS

There are many benefits of procuring a solar PV installation for a local authority. These include the following financial and non financial benefits:

- *Community Leadership*

Local authorities are encouraged to 'lead from the front' and to provide an example to their local areas. The Council has demonstrated this via its various carbon management work but this takes it to another level of delivery.

- *Energy Security*

The Government has already hinted that there may be power cuts over the next decade, as the electricity system adjusts to new ways of operation and any area that might be affected by such cuts will be in a stronger position if it has its own renewable energy sources.

- *Carbon Benefits*

The Government is legislating to place ever more stringent targets in relation to greenhouse gases. The Climate Change Act 2008 (as amended) provides the current targets, which will be very challenging of themselves and part of the burden of delivering them will fall on to local government.

The potential for offsetting renewable energy generation is mentioned above and is a new and powerful factor in this space.

- *Effectiveness and Efficiency*

Local authorities are always under the microscope over expenditure and whether it offers maximum value for money. The solar PV option gives it the chance to save money, by using the energy that is generated from its solar arrays, thereby meaning that external energy costs do not have to be incurred.

- *Income Generation*

Renewable energy offers local authorities an important way to generate further funds on the finance side, without legal question or Government disapproval. Such funds can be recycled back into other green agenda activities, or simply used to supplement the General Fund and enhance public services.

- *Economic Benefits*

The green agenda offers the best potential for growth in a difficult financial climate. It is possible to generate significant levels of income from renewable energy projects under the green agenda, but the benefits go wider than that, an example being new and sustainable jobs and a local supply chain boost.

Other local authorities that have gone down the solar PV route have a clear appreciation of the significant benefits that can be secured.

6. TYPES OF SOLAR PROJECTS

There are three types of solar PV projects, namely: ground mounted, buildings based and housing. The Council has opted to go for a ground mounted solar PV installation on this occasion, commonly known as a solar farm.

A land based solar PV project usually involves solar panels being ground mounted on either low-grade agricultural land or brownfield sites that have previously been developed or used for an industrial purpose.

The panels are fitted in long rows, with wiring connecting them together and then leading to the inverter cabinets, before being connected to the national grid via transformers and a substation.

The advantage of land based projects is that they can be larger in size and gain the benefits of economies of scale. However, smaller infill sites are also useful for this purpose, particularly if there is a use for the power nearby.

In order to undertake a commercial sized park, which would be at least 5 MW capacity, around 20 - 25 acres of land would be necessary. However, the 5 MW limit came from the Feed in Tariff regulation and now that Government incentive scheme has gone, local authorities are rightly considering larger capacity facilities where possible and appropriate. These would require more land and more finance to construct, but the rewards would be proportionately greater.

However, solar farms can be scaled in either direction and so there is no reason why small sites cannot succeed. Lancaster City Council (another district authority) had just completed a 1 MW solar farm in its area. This will be more relevant to the type of sites the Council has put forward.

7. THE COUNCIL'S SITES

Appendix 1 below reproduces a short Sites Report, prepared by APSE Energy following its inspection on 18 March 2022 of the five sites that had been forwarded by officers.

The site inspections were to determine whether it would be possible to fit a solar PV installation on any of the sites, whether this would be appropriate and, if so, what size of installation would be possible.

As the Sites Report reveals, some of the sites were not really appropriate or might be difficult or expensive to develop. However, there were two sites that could be developed, subject to grid and planning. These were Watery Lane and Stoney Middleton.

The Watery Lane site would be particularly useful if a grid connection could be secured and also a deal could be struck with Severn Trent Water to sell electricity to power the neighbouring sewage works. This would give an excellent financial return and provide local benefits.

The Stoney Middleton site was also suitable but more problematic in terms of a grid connection. This would need further work before a decision could be taken on this site. Despite this, there is a section below on whether the Council should consider direct community involvement in its renewable energy sites or not. If the Stoney Middleton site were to proceed, this issue would need to be addressed.

A number of issues are outlined in the Sites Report, including legal and ownership issues, topography, planning issues and the potential for offtakers to buy the generated electricity.

8. THE BUSINESS AND FINANCIAL CASES

The business case for solar PV is an important document and is comprised of:

- The costs to build it;
- Maintenance costs;
- Any financial incentive payments which might be relevant – sadly none are relevant here;
- The export value of the electricity to the grid;
- And / or the use of the electricity on site or its sale to a third party under a Power Purchase Agreement (PPA);
- The addition of battery storage (where relevant).

The best returns will be from a suitably sized land based installation. This is because the cost of fitting the panels has been reducing steadily over time and due to economies of scale.

As indicated above, from a preliminary inspection the Council has land at Watery Lane that appears to be suitable for at least 1 MW of solar PV capacity and provided that the business case works for the Council, it is suggested that this solar farm should be the one progressed.

Delivered to the Council prior to the delivery of this report are the industry standard business cases for the two sites indicated in the sites report by APSE Energy as being suitable for development. These have been provided by Peter Walker of the APSE Energy team.

However, in order to support reading of the full business case for that estate, the following is a note on the assumptions that have been used.

Financial Model for the Land at Watery Lane

This site has three business cases based on building out the installation by the end of the 2024.

The first model assumes that there is no Government subsidy at all at this time and that 100% of the power generated on the sites is exported via the notional grid connection.

It is also assumed that the project would be financed with 100% debt over a 20 year term at an interest rate of 3.63%. There is a discussion below about funding solar projects and it may well be that the Council does not need to borrow to build out this scheme. If this is the case, then the model can be amended to remove the borrowing costs.

The Base Case

In the first model, income is derived from the sale of electricity generated to a Licenced Electricity Supplier under a Power Purchase Agreement at a revenue calculation of 5 pence per kWh for a term of 25 years.

The model assumes a construction cost of £650 per kW peak of installed capacity, meaning that a 1 MW site would come to around £750,000 to develop (but only at this stage including a notional cost for the grid connection).

This gives a project return of just 2.3% and would require considerable early working capital to assist cashflow. This would counteract a total net profit of just over £450,000, tax free.

The Battery Storage Option

The second business case is included for the site on the basis of using battery storage to store the power generated during the day, so that it can then be sold on for premium rates, using one of the mechanisms to do this.

The assumptions here are that there is no Government subsidy in play and that 100% of the electricity generated is stored each day in the battery system before being discharged into the grid via the grid connection at the appropriate point.

Again, the model assumes a construction cost of £650 per kW peak of installed capacity, but this time there is an additional capital cost for the supply and fitting of a 1MW battery. This has been included at £500 per kW installed. Based on the 1MW capacity, the solar PV would come to £750,000 and the battery storage £500,000. Total costs would therefore be £1,550,000, including relatively substantial figure for grid connection costs of £387,000.

Extracting trading value from the solar + battery solutions revolves around capturing the arbitrage value of power prices in the various markets and will require an optimisation contract to achieve this. This trading value can be combined with participation in Frequency Response contracts with National Grid (although there is some cannibalisation between these two activities).

It can be seen from this that the inclusion of battery storage produces a different result, which is an internal rate of return of 6.78% and a profit over 25 years of just over £2.3m, tax free. As battery costs continue to fall, these returns are likely to increase.

A Private Wire Option

Finally, a private wire option needs to be considered. For the Watery Lane site, this would be sales of electricity to the Severn Trent sewage works next door, although it would be necessary to ascertain the energy requirements of the site before proceeding, to ensure that a large percentage of the energy generated could be sold to the plant.

Here, the cost of the solar PV is the same as above. A notional charge for the private wire connection has been added. There is no battery storage on this option, but the grid connection has been included (in case the Severn Trent facility does not use all of the power generated).

This change in circumstance means that for the Watery Lane site the highest return of 10.4% is possible, and a projected profit of over £3.5m from the Council's modest investment. This is why this site forms the main recommendation of this report.

Financial Model for the Land at Stoney Middleton

This site also has three business cases based on building out the installation by the end of the 2024.

The first model assumes that there is no Government subsidy at all at this time and that 100% of the power generated on the sites is exported via the grid connection.

It is also assumed that the project would be financed with 100% debt over a 20 year term at an interest rate of 3.63%. There is a discussion below about funding solar projects and it may well be that the Council does not need to borrow to build out this scheme. If this is the case, then the model can be amended to remove the borrowing costs.

The Base Case

In the first model, income is derived from the sale of electricity generated to a Licenced Electricity Supplier under a Power Purchase Agreement at a revenue calculation of 5 pence per kWh for a term of 25 years.

The model assumes a construction cost of £650 per kW peak of installed capacity, meaning that a 2 MW site would come to around £2.3m to develop (but only at this stage including a budget cost for the grid connection).

This gives a project return of only 1.43% and would require considerable early working capital to assist cashflow. As such, this project would not work on this basis.

The Battery Storage Option

The second business case is included for the site on the basis of using battery storage to store the power generated during the day, so that it can then be sold on for premium rates, using one of the mechanisms to do this.

The assumptions here are that there is no Government subsidy in play and that 100% of the electricity generated is stored each day in the battery system before being discharged into the grid via the grid connection at the appropriate point.

Again, the model assumes a construction cost of £650 per kW peak of installed capacity, but this time there is an additional capital cost for the supply and fitting of a 2MW battery. This has been included at £500 per kW installed. Based on the 2MW capacity, the solar PV would come to £2.3m and the battery storage £1m. Total costs would therefore be £3.3m, including a budget figure for grid connection costs.

Extracting trading value from the solar + battery solutions revolves around capturing the arbitrage value of power prices in the various markets and will require an optimisation contract to achieve this. This trading value can be combined with participation in Frequency Response contracts with National Grid (although there is some cannibalisation between these two activities).

It can be seen from this that the inclusion of battery storage produces a different result again, which is an internal rate of return of 4.74%, which although delivering a profit over 25 years of nearly £4m, tax free, requires early working capital to assist cash flow. As such, this business case does not work any better than the first.

A Private Wire Option

Finally, a private wire option needs to be considered. For the Watery Lane site, this worked really well, as we were able to assume that the Severn Trent sewage works next door would consume all of the energy generated. However, for the Stoney Middleton site, it would just be sales to the small industrial park on adjoining land and these units would not consume all of the power generated. As such, an assumption on maximum power required has had to be made at 50% of generated volume.

Here, the cost of the solar PV is the same as above. A charge for the private wire connection has been added. There is no battery storage on this option.

This change in circumstance means that for the Stoney Middleton site a return of 6.13% is possible, and a projected profit of over £4m from the Council's investment. However, the negative cashflow is likely to make this site unviable at this stage.

If the position in relation to this site were to change over time, then it might be reconsidered, but for now it is not viable for the Council to proceed with it.

9. KEY CONSIDERATIONS FOR SOLAR PV PROJECTS

There are five main steps to completing a solar farm development. In simple terms, these are five “boxes” that need to be ticked to be ready to develop. These are:

- Identifying sites and sorting out any issues that appertain in relation to them (such as any form of tenancy agreements);
- Obtaining planning consent;
- Obtaining a grid connection agreement from the DNO;
- Undertaking a procurement exercise, allowing a contractor to be appointed to do the construction and commissioning work;
- Completing a business case that gives an appropriate financial return for the Council.

There can be no doubt that the two biggest risks for any project are the granting of planning permission and the gaining of a grid connection from the Distribution Network Operator, but the other steps are also important. These and other areas are considered below.

The Sites

As noted above, three of the sites were unsuitable but Watery Lane and Stoney Middleton were capable of development as a solar farm.

The best site put forward by officers is the Watery Lane site, where a small solar farm could be sited on the upper field (above the allotments) and the electricity sold to Severn Trent who occupy neighbouring land where they operate a sewage works.

As the Sites Report reproduced in **Appendix 1** indicates, there are some access issues with this site (which the County Council might need to be involved with) and an existing grazing licence of some form. There will need to be an investigation of the title and in particular the position about the restrictive covenant with Nestle will need to be examined. It will also be necessary to verify the electricity use on the site by Severn Trent to ensure that a large percentage of any electricity generated can be sold to Severn Trent.

These will be the main urgent actions if the Council wishes to proceed. Generally, however, apart from ensuring that both the allotment holders and cemetery visitors are assuaged about impact on their sites, this site is ideal for development.

The issues mentioned above will also affect the timing of the project, as these can take considerable time to be resolved. The obvious advice should the Council wish to proceed is to look at the private wire and restrictive covenant issues as the early part of the first phase of the work.

The Stoney Middleton site is not viable at this stage for two principal reasons. Firstly, the grid connection costs are huge and also uncertain. This would destroy the business case. The Distribution Network Operator (Western Power Distribution) responded to a budget costs request and gave detailed information about how a grid connection could be accessed. This detail can be provided if necessary.

The second reason is to do with the sale of power, assuming that a grid connection could be achieved. If the industrial estate on the neighbouring site were larger and had a bigger electricity demand then a private wire option would have improved the business case. Without that such a small site would not achieve a level of financial return acceptable to the Council.

The Planning Process

It is fortunate that the planning process is considerably easier for solar PV than it is for other renewable energy technologies, such as wind energy, biomass or anaerobic digestion. Whereas an Environmental Impact Assessment will almost always be required for a wind project of any decent size, this is very unusual for a solar farm.

Fortunately, the Council is the planning authority for the Watery Lane site and so it will be in a good position to understand the local policies. The planning officer is comfortable with the issues raised by solar farms and appreciates that they are a legitimate use of land in any area.

For the Stoney Middleton site the Council is not the Planning Authority, a function which rests with the Peak District National Park. This is an added complication for this site, as whilst the position in the National Parks is that the planning process is the same, the policy framework under which they operate can, by its very nature, be restrictive of development. However, there is nothing further to be said on this issue at this stage as the site is not viable and does not feature in the recommendations below.

The main decision where the Council is the planning authority, is whether to prepare the planning application in house or to commission the services of an external planning consultant. It is, of course, necessary to counter any allegations of conflicts of interest or favouritism. Normally, there is some form of Chinese wall between those on the applicant side and the planning officer who is representative of the regulatory function.

It is preferable to have a planning officer on the applicant team too, so that the proposals can be tailored to meet the Council's policies as effectively as possible. However, in the Council current staff resources prohibit this. As such, the preferred route might be for the planning work to be undertaken externally.

Looking at the planning application, the argument that the Council as applicant will need to adopt will be that it has set exacting standards for net zero carbon (as discussed above) and is striving to reach the target of being net zero carbon by 2030. It will only do this by a combination of reductions in emissions from buildings and vehicles, together with an increase in the amount of renewable energy generation in the area.

Any Council resolution on development will therefore be in compliance with national legislation under the Climate Change Act 2008 (as amended) and significant weight should be given to these factors.

There are also links from the planning process to the communications process, mentioned below. This is the means by which the Council announces its intentions and engages with the public upon them. In other words, it is over and above the planning laws, which require a certain amount of consultation in relation to the development site itself.

One issue covering both planning and communications where there is sometimes a problem would be where the Council has previously determined other applications for solar farm developments in past years. Whilst not a legal issue, it is problematic if the Council's planning officer has turned down many other applications for solar farms and then the Council's own development plans are presented.

However, the Council's planning officer has indicated that around 10 other solar farms have been consented by Derbyshire Dales DC and only one other application for a solar farm development has been refused by the Planning Committee.

So far as the substance of any planning application is concerned, the starting point would be to seek a screening opinion from the planning officer to confirm whether an Environmental Impact Assessment is required or not. We would expect that this would not be necessary.

It might also be necessary to submit an ecological or habitats assessment of the site at the same time as the screening application to seek to demonstrate that the scheme would be unlikely to have any significant environmental effects. The planning officer will give guidance on what he or she believes is required.

The application itself would be relatively straightforward, with submission of plans and drawings, a planning statement and a design and access statement. Bearing in mind that one of the main issues will be landscape and visual impact, a separate assessment of that will probably need to be submitted. A flood risk assessment may also be required. Finally, other documents will cover areas such as maintenance, connection and decommissioning.

The fact that there is no Green Belt land or Areas of Outstanding Natural Beauty within the district is of considerable assistance in planning terms.

Grid Connections

The other major risk is securing a grid connection for the site, at an affordable price. Here, Western Power Distribution is the Distribution Network Operator and it will be necessary to make a formal application to it to arrange a grid connection for the Watery Lane site.

When considering whether to proceed with a certain site, it is normal practice to apply for a budget price, as opposed to submitting a full application. Budget costs are free of charge and will give an indication of whether a grid connection will be possible or not.

A budget estimate is not binding on the DNO and is only a preliminary estimate given by an engineer. The available grid capacity can only be secured once a formal application has been made by the Council to the DNO and it has issued a formal offer, which the Council has formally accepted. This is because the DNO undertakes a proper survey prior to issuing a formal grid offer. As such, the offer is binding on the DNO, subject to unforeseen circumstances arising. If the Council accepts the grid offer, the payment of a deposit is required at the same time, but this effectively reserves that grid space to the Council for up to five years.

The Council may be aware that grid offers are made up of 'contestable' and 'non-contestable' works. The DNO has to undertake the non-contestable works itself, but any applicant is able to invite tenders for the contestable works to see if a lower quote can be obtained. This might cover aspects of the project such as laying cables to the nearest substation.

On this basis, Northumberland County Council reduced a £1.5m estimated cost from Northern Powergrid for its site in Ashington a few years ago to a figure of about £800,000. So even where reasonable connection figures might have been suggested by the DNO, it is very likely that these can be reduced further. We have therefore found it prudent to reduce the DNO's estimate by around 10%, although a bigger saving might also be available when further detail has been obtained.

It is therefore essential that if the budget costs are favourable and the Council decides to proceed, it should make the grid application as soon as possible, as it is otherwise vulnerable to applications being made by others that will take that available capacity.

In fact there is no financial risk with making a formal grid offer as under the rules, deposits paid to Distribution Network Operators are refundable if the scheme does not go ahead, subject to any costs that the DNO has already incurred in dealing with the application. This means that the Council should not delay in submitting the application, as it is not at financial risk if the scheme did not proceed.

There is one final matter on grid that is rarely relevant to local authorities but might come into play here. In simple terms a grid connection is not necessary where there is an offtaker who is willing to buy all of the generating asset's output. As such, even large private sector solar farms have been built without grid connections. The point with such a strategy, however, is that if the offtaker's business closes or relocates for any reason, the generator will have a 'stranded asset' i.e. a solar farm which cannot get its electricity to any buyers.

For this reason, it is almost universal practice where public money is involved to go for a grid connection, even if it is considered unnecessary at the start. Then, if the situation changes, the Council would always have the option to switch to sales on the wholesale market via the grid.

But if Severn Trent was prepared to enter into a 20 or 25 year Power Purchase Agreement to buy the power from the Watery Lane site, the Council could legitimately take the decision not to proceed with the grid connection application. If the Council decides to proceed, then this issue will need to be addressed.

The Procurement Exercise

A Government procurement regime currently applies to any contract for consideration that involves works, supplies or services, where the local authority is the client and the contract value is over the relevant threshold. This was formerly the EU Public Procurement Regime, but that has lapsed now that the UK has left the European Union. The Government has taken the easiest route, in adopting the same regime at national level for now, with the potential to amend it in future. In simple terms, this means that the Council will need to have a tendering exercise to appoint a contractor to design, build and maintain its solar farm.

Normally, this procurement work would be undertaken in house, but there are options for external assistance and also framework arrangements.

Using a Framework Arrangement

One of the exceptions to the rule that a separate tendering exercise will always be required is where a framework arrangement has already been set up that is available to the Council. A framework is a select list of contractors which has been tendered at the start, but which can then work for up to four years thereafter. The framework is tendered as a contract and then each time a draw down is anticipated from the framework, the organisation that is a member runs a mini competition exercise to refresh prices.

There are a number of different potential frameworks that the Council could take advantage of but three will be mentioned here: Nottingham City Council, Public Power Solutions (owned by Swindon Borough Council) or Local Partnerships (owned by HM Treasury and the Local Government Association). However, only basic details are given here. Should the Council wish to proceed, then further details can be obtained.

Taking Nottingham City Council's framework as an example, this has been set up with every local authority in the UK in mind. Prices have been obtained and a suite of contract documentation prepared. There is no doubt that this would work for the Council in undertaking its procurement.

So if a framework is utilised by the Council, it can undertake a simple mini competition when the time is right to proceed with the development.

However, the problem is cost. On larger schemes, costs of frameworks can be prohibitive. As an example, the Nottingham framework costs 1% of the procurement value to use. If the Council was developing a

5 MW solar farm, with battery storage, at a cost of approximately £5m, then the cost to use the framework would be in excess of £50,000. This is unlikely to be acceptable to the Council.

However, Lancaster City Council used the PPS framework and negotiated a fixed fee of £12,000 for its use, which it considered acceptable.

If a framework is not favoured, the Council has time to undertake a tailored and specific procurement exercise, with external help if required, as part of its development cycle. Discussions with Caroline Leatherday, on behalf of the procurement team, suggested that this would be satisfactorily undertaken in house. The Council's procurement needs are partly met by a shared service arrangement with the County Council and, subject to agreement from the development team, this would be undertaken as part of those arrangements.

Undertaking a Separate Procurement Exercise

This section considers the Council undertaking its own procurement. Fortunately, this is not a complex procurement, simply a design, build and operate exercise, based on an output specification.

The reason that it is done in this manner is to make the process quicker and to fully utilise the experience and expertise of the solar development companies. They know best how to design a site to gain maximum output and how to build for minimum subsequent operational maintenance. This experience and expertise is harnessed in the exercise.

Looking at land based solar farms, the specification for the scheme should be output in nature, i.e. focus on what is achieved at the end rather than in the inputs that are needed to bring that about. This minimises cost and avoids the contractor blaming the Council for specifying something that was not workable.

Two contracts will be entered after the procurement exercise, namely one for the design and construction of the site and the other for the operation and maintenance work to the site, as discussed below.

The Council needs to undertake preliminary work prior to the contract for the construction work being entered. This includes an application for planning permission and a grid connection offer. All of the preliminary work needs to be undertaken before the procurement exercise is started.

As mentioned above, the procurement exercise is relatively straightforward. It is using the restricted procedure, which is a two stage process of expressing an interest and then only a limited number of companies being invited to bid. Crucially, it does not involve either negotiation or competitive dialogue with the companies. There are only a few timescales set down by law and the rest of the process is up to the Council.

The usual advice is to use the restricted procedure without a Prior Information Notice. This means that there is a two stage process, with applicants expressing an interest as the first stage and the Council inviting only a selected number to tender for the work.

The Council will need to prepare a suite of documentation for the process, including the following:

- A Contract Notice;
- A Pre Qualification Questionnaire;
- An invitation to tender;
- A contract.

Just as important as the documents above, will be the selection criteria and the evaluation criteria / model used. These will also need to be prepared.

Experience demonstrates that procurement officers need time to think about the implications of a renewable energy project, which means that an early start on the documentation is essential, as this all has to be completed before the initial Contract Notice is published in the new Government 'Find a Tender' system (which is the successor of the old European Union OJEU system).

Business Case

The business cases have already been prepared and are considered in **Section 7** above. The Watery Lane site is the recommended project to proceed with, where the business case for a private wire connection is high at over 13%.

Communications and Public Consultation

There are some other areas worthy of mention at this stage and communications is a key one.

The Council needs to prepare a communications plan, which will detail all of the activity that it intends to take to make people aware of these proposals. The main mantra here is to ensure that the public hear the proposals and every important aspect of them from the Council, and do not find out by reading it in the local paper or from local gossip. This is colloquially referred to as being on the 'front foot' rather than the 'back foot.'

The sort of issues that can be included here are briefing members, briefing senior officers, press releases, reports on the proposals, public meetings and so on. Again, the Council will be used to this type of activity.

The need to consult widely and genuinely as landowner, in advance of a development, is to be distinguished from the statutory requirements of the Town and Country Planning regime. Here, the

Council will want to show considerable community support for its proposals and will do this via an exemplar consultation process. This should take place before the statutory process under the planning legislation.

There are a variety of hooks that could be used to launch the communications strategy, such as the Council's climate emergency or the declaration of a climate emergency by the UK Government (i.e. emissions issues), energy policy generally under the Conservative Government, the hosting of COP 26 in Glasgow in the Autumn of 2021, this APSE Commission, the Council reviewing its land holdings, the need for further cuts in expenditure and so on.

The Legal Contracts

The other outstanding issue is the fact that the procurement exercise leads to two or three contracts being entered.

The first is the design and build contract, which is one of the most essential parts of the whole process, as if the solar farm does not work, the Council has put a large sum of money at risk. This contract is a complex document that needs to be put together by an expert on renewable energy contracts. In particular, the warranties element will be vital and any provisions dealing with economic loss, if the farm goes offline during the summer months. Moreover, as the contract documents have to be prepared in advance, it will be needed when the contract notice or advertisement is published (as indicated above in the procurement section above).

The other contract is the operation and maintenance contract. This can last for any time up to 20 years and will detail the routine maintenance of the site. It is important that this is also prepared by an expert, so that all the risk of non-performance rests wholly with the contractor. That party will then do any routine maintenance, as well as fault fixing and repairs. The Council will then have a counterparty to sue if this work is not properly completed and this leads to financial losses.

The main decision for the authority here is whether to commission the services of a commercial firm of lawyers or to undertake the work inhouse. Our recommendation is to obtain external assistance for the contractual work, bearing in mind its importance to the overall project and an increase in the legal risks with having a counterparty to sue if there is a subsequent problem. That said, there have only been a handful of Court cases in all of the 15,000 MW of solar installation in the UK and so this risk is manageable.

It is clear that the in house Legal Services team is well versed in land and tenancy issues and can therefore should be able to undertake the remaining legal work, which will principally be land based issues, but may include legal powers to act and other elements of local government law.

10. FUNDING RENEWABLES

If the Council is to go down the design, build and operate route to develop its solar farm, then it needs to identify where the money is coming from. This will need active involvement of finance colleagues.

Fortunately, the Council has a healthy financial position. This increases the flexibility available to it to fund the project.

There are various ways the money can be found for this scheme:

- Reserves. Very helpful if there are any and there is political will to use them. Discussions with the Finance Department have confirmed that it does have some reserves that might be relevant in this context;
- Savings on the capital programme or capital receipts from sales of assets. Other projects that are not going forwards now might provide some temporary assistance or, alternatively, capital receipts from the sale of land or property can be used for this purpose;
- Borrowing from the Public Works Loans Board. This is low cost public sector borrowing at a very good rate and without many conditions;
- Commercial borrowing. Unlikely to be of relevance if PWLB money is available to the Council, as that is usually less expensive;
- Joint ventures. Selling a stake in the development to someone else is another option;
- Crowd funding / public funding / community involvement. This is the one that is coming forwards strongly;
- Finally, the Municipal Bonds Agency has now issued its first bond, allegedly offering rates lower than the PWLB.

Of the above, the decision normally comes down to the question of whether the Council is acting alone or in joint venture with someone else? There may be a potential for acting in concert with other authorities that are on the same path or with the private sector over the longer term, and the Council should consider whether this is attractive.

However, this is a small site and so for now, it is considered that the Council will have its own programme of development. This means that it has to raise the money for the development and the decision is normally to go for reserves, capital receipts or PWLB loans to fund it. Most of the authorities that have built solar farms to date have gone down the developer route and decided to simply build and operate the facilities themselves.

The main exception to this has been Warrington Borough Council which has followed an investment route. The Council has indicated that it is interested in considering the investment route itself, including bonds and other financial instruments, in the future. This is not covered in this commission, but APSE Energy can assist with this as a separate matter at the conclusion of this work, should the Council wish to explore that avenue. As mentioned above, 99% of local authorities have followed the developer rather than the investor route.

The Council has confirmed that it is very familiar with the Public Works Loans Board approach and so nothing further needs to be said about that. It has also been confirmed that the Council is comfortable with borrowing money where a project is supported by a robust business case.

It is perhaps worth saying something about crowd funding, as this may be of interest to the Council. This has been successfully trialled by Swindon Borough Council and the public offering in relation to its solar farm was oversubscribed.

The basic proposition here is to fund a commercial project to develop a renewable energy installation by selling a stake in the project to members of the public. There is a fundamental difference between this and a community project trying to raise money to build something that will be run on a 'not for profit' basis. By contrast, the local authority proposition here is to develop a commercial scheme and to pass on some of the commercial gains from that project to those that provide the finance (here, members of the public).

This perhaps raises a question as to why a local authority would want to do this? The simple reason is often an authority does not want to have to find all of the money to make its solar PV programme a reality. However, there is another very strong reason for going down the crowd funding line: *engagement*. The publication of a prospectus offering shares in a civic solar farm, for example, will engage with the public far better than any normal consultation process.

So the crowd funding route gives the authority a good chance to explain its overriding strategy, what the underlying drivers are for the project and how it proposes to deliver them. This will inspire confidence and it is very likely that members of the public will offer to invest.

The best known crowd funding company in relation to renewable energy is Abundance (see abundanceinvestment.com). It has raised millions of pounds in relation to solar and wind schemes and is run similarly to an online bank account. To be able to do this, it had to register with the Financial Services Authority and be licenced. In view of the lack of experience in crowd funding, it would probably be better for a local authority to partner with another organisation experienced in this area if it was to go down this route.

The recommendation from APSE Energy for now is that the Council focuses on the Watery Lane project itself and funds the project via available funds or borrowing from the Public Works Loans Board.

11. EXTERNAL HELP ON THE PROGRAMME AND RESOURCES

The Council will need to consider whether other external help is needed to deliver these projects.

The following are the key areas where external help might be useful:

- Strategic advice;
- Communications;
- Planning;
- Business cases;
- Legal services;
- Grid consultancy.

Looking at communications, which is discussed above, some authorities undertake this in house and others put it out to an experienced agency, although this tends to be expensive. It is suggested that the in-house team undertake this work directly if they have the capacity to do so. As noted above, the messages will need to be carefully crafted, as public support cannot be taken for granted in relation to any renewable energy project.

Planning is also considered above and the Council has confirmed that it is likely to recruit an external planning specialist to undertake the planning work on this project. This needs to be a consultant experienced in renewable energy projects.

The strategic help and business cases to date have been organised by APSE Energy. However, should the Council wish to proceed to the development stage it is likely it will need to evaluate what further strategic support and business case development it will need under the next phase of the work.

Turning to legal services, the main contractual work under the procurement will need careful consideration. As indicated above, the preparation of the engineer, procure, construct (EPC) contract and operation and maintenance contracts is complex work and our recommendation is to commission an outside commercial firm of lawyers to assist with this. Aside from that, all other aspects of the legal work can normally be undertaken in house, in particular the land / title work, general advice and so on, although capacity for this has not yet been confirmed by the Legal Services department.

Finally, there is grid consultancy. Most solar farm developers will appoint a separate grid consultant to submit applications on its behalf. This is because these are complex technical documents. However, APSE Energy can assist with this process. The first stage is to submit a formal application to the DNO in relation to a grid connection offer for the chosen site. Thereafter, there will be issues with contestable works and other matters. As grid issues are inextricably linked to the overall strategy work, APSE Energy normally arranges grid consultancy assistance on behalf of its local authority members.

Having said that there are external parties available to assist with this process, the Council will still wish to consider its *internal* resource levels. If it is to build out a solar park, it will need to project manage the process and run the client side of the operation. This is something that APSE Energy can support the Council with externally, but the projects will have to enjoy sufficient priority internally to ensure that the client side work is undertaken.

In the experience of APSE Energy it is best to create a Project Team and to split the work evenly between the officers on that team. This would include key skills such as legal, finance, procurement, planning, assets, communications and so on. Whilst each person would have personal responsibility for one aspect of the scheme, the Project Team would have collective responsibility for its outcome.

This internal client side team would be supported by external expertise which can be bought in as appropriate. This system has worked well in other authorities; however, allocation of duties has to be sensible. It cannot be wise to allocate heavy extra workloads to staff who already have a full schedule of duties.

12. REVIEW OF THE OPTIONS FOR ENERGY SALES

The Council is anticipating developing a solar farm on Council owned land. To develop such a project will mean that the Council has a supply of electricity to use or sell in the market in future.

There are various ways that the Council can use or sell the power created from such a solar park. In many ways, these depend on the Council's wider plans for its renewable energy operations, for example the extent to which it hopes to realise social consequences from its work.

Each solution will also have a different impact on the business case that the Council develops. If the Council can sell the electricity through the retail market, it will reap a significantly higher price. Moreover, it can only really have a lasting social impact if it is in control of the retail supply of power to customers and residents of its area. In this regard, the Council has signed up to APSE Energy, which has as its vision the municipalisation of energy at local level and an involvement in supply of heat and power to local people and businesses.

Options for the Sale or Use of Power

The following are the main options available to the Council:

- *Sell the power wholesale, in a single block, via a power purchase agreement (PPA);*

This is the base level option and is very straightforward. A power purchase agreement is effectively just a contract to sell the electricity to a third party.

This could be for any term, from a short term of 1-3 years, right through to a longer term of 15 - 20 years. However, the price will be dependent on the length of the arrangement. Generally, the best prices will be available in relation to short-term deals and longer ones will offer a lower price, as there is less risk.

Generally, finance directors in local government have expressed a preference for longer term deals, offering price stability over a longer period and accepting a median price as a result. However, this does obviate the need to be selling power on a regular basis.

This will offer a stable return, with the modelling currently averaging around 4.5 pence per kWh, which is still at the lower end of the scale of what is possible. Wholesale prices are currently higher than this, but these higher prices will not in all likelihood be sustained over a long period.

- *The Council uses the power itself;*

Unless the solar facility is right next to another facility that will use this amount (in which case, see private wire below) the electricity will need to be put into the grid. However, there is still the possibility that the Council can supply itself. This will involve putting the electricity into the grid where it is

generated and then taking it out where it needs to be used, such as in the Council offices. This is often referred to as 'sleeving'.

The Council has indicated that it has current procurement arrangements in place and the price it is paying for its electricity averages 15-20 pence per kWh. By definition, if the Council could sleeve some of its own power to its own sites, this could possibly reduce its electricity bill.

Sleeving utilises the electricity grid and so the Council would be responsible for paying 'use of network charges.' Effectively, this means that the Council pays the supply company for transmitting its power to where it needs it. A number of authorities have looked into this and believed that the joint cost of use of network charges, together with the net cost of producing the power, should be substantially less than the retail cost of buying power, which is currently around 15 pence per kWh on a commercial level. However, it appears that it is not as simple as that.

Even where there are sleeving clauses in supply contracts, these have often not been used and it is difficult to find accurate advice on what the costs are. The 'Big 6' electricity companies are notoriously opaque about their pricing for energy.

Accordingly, when some authorities that APSE Energy has worked for have looked into this, they found out that the use of network charges were significantly more than they had anticipated and this made the potential cost of the power more than they could buy power for under normal purchasing arrangements. In general, the advice of APSE Energy on sleeving is that the financial benefit is neutral, i.e. there no mark up to be achieved from this avenue. If a Council did enter into a contract on that basis, then it would still be able to say that it is using its own power that it has generated from its own solar farm. However, the vast majority of local authorities have decided that it is not really worth the effort.

If the Council did want to consider this option, it would be worth entering into a dialogue with the Council's supply companies.

- *A private wire solution;*

This involves simply laying a cable between the generating station and a nearby user (often referred to as an 'offtaker'), whereby the user uses the power and pays the generator directly for it. This is particularly relevant to economic development, where nearby commercial users can be identified. The example given from APSE Energy's experience was Barnsley MBC, which intends to develop a 12 MW solar farm on a former spoil tip next to a large glass factory. The power generated by the solar farm could all be sold to the neighbouring user. For Derbyshire Dales, the prospect is the sewage works operated by Severn Trent Water which are on neighbouring land.

Where a private wire is in place, due to the fact that the power does not go through the network, no 'use of network charges' are payable and the normal regulatory system does not apply either. This means that the prices for the power can be freely negotiated and allows the Council to realise electricity prices nearer to the retail level.

- *Sell the power to retail customers;*

This is the 'holy grail', as retail electricity prices are substantially higher than wholesale prices. Whilst wholesale prices might be around 5 pence per kWh, retail prices are now at least 20 pence. In simple terms, there is another strand of profit to be realised here, if that proves possible.

The main disadvantage of this option is that to sell electricity to retail customers, a supplier normally needs to be regulated under the Electricity Act 1989 and this is a burdensome process only generally undertaken by professional and full time energy suppliers, as the regulatory codes are complex.

Two or three local authorities have gone down this route, the best known being Nottingham City Council (Robin Hood Energy) and Bristol City Council (Bristol Energy) but both of these companies have now been sold and the respective Councils have left the electricity supply market.

So whilst the option of establishing an energy services company (ESCO) needs to be on the menu, most authorities are not likely to go for this. If this is deemed relevant by the Council, specialist advice would need to be sought on this nearer the time.

However, it is important to emphasise that there is no right or wrong solution here. What is appropriate for the Council depends on what its aims are, what capacity it has to pursue different solutions and its attitude to risk.

13. A BATTERY STORAGE SOLUTION

When considering sales of power above, it was mentioned that there are various ways that income from a solar farm can be improved. One is to find an outlet for the electricity such as an adjoining factory that can be joined via private wire, another is to sleeve the electricity to the Council itself and finally the establishment of an Energy Services Company.

However, there is another way that the Council's return from its solar developments can be increased and that is by introducing battery storage in tandem with the development of a solar farm.

Storage has now become a mainstream solution, although still in its formative years. However, it is already clear that storage will play a big part in the energy mix in years to come and will be particularly important to intermittent forms of renewable energy such as wind and solar PV.

The principle behind storage is very simple: the energy generated is diverted into a storage device (for this example assume a battery) instead of being put directly into the grid. The electricity is then discharged from that storage device when it is needed, generally a few hours later. In simple terms, solar panels on a house generate power during daylight hours in the summer; the electricity is stored in a battery during the day and then discharged in the evening, thereby allowing the solar power to completely fuel the house without recourse to the grid. However, storage works on every level, from the utility level, through commercial and industrial uses down to the domestic level. This means that it will work with solar farms at a commercial level.

Advice published by the Renewable Energy Association explains all of the different types of electricity storage that are possible. However, for the purposes of this document, battery storage, particularly lithium ion (which is being driven down in cost rapidly by the motor industry for their electric vehicles), is the only solution that is likely to be relevant for the next few years and so this advice focuses on this area alone.

On a large scale solar farm, container sized batteries will be fitted and will sit on the site with the inverter cabinets and other equipment. These will collect power during daylight hours and then discharge it later in the day or evening. One significant advantage to battery storage is that batteries can be retrofitted to existing solar PV installations without difficulty. This means that storage does not need to be part of the solution at the time the facility is built. However, if the business case is improved, there would be every reason to do so.

The batteries gaining most attention are lithium ion in nature. Prices of lithium ion batteries fell by approximately a factor of ten from 1991 to 2005. These are the batteries that are used in laptops and phones and, latterly, electric vehicles such as the Nissan Leaf and Tesla models. Research has shown that the price of lithium ion batteries falls 15% per doubling of volume and the projected cost curve of such batteries bears a remarkable resemblance to the cost curve of solar cells themselves over the past fifteen years. In other words, batteries are projected to reduce in price in much the same way as solar panels, where huge decreases have accompanied greater volumes of deployment.

The key point in relation to battery storage is that the prices paid by commercial customers vary according to the time of day that the power is required. Prices during the day are relatively inexpensive, whilst prices at peak times are significantly higher.

This means that if a renewable energy facility operated by a local authority can store energy from the daytime in batteries and then discharge it at peak time, its business case can be greatly improved.

There are a number of ways that this can be done, but few local authorities have yet gone down this path. Warrington Borough Council has taken possession of a very large solar farm in East Riding that will do this. The best way that a local authority could enhance returns in this way is by bidding the solar plus storage asset into the Government's Capacity Market. Other opportunities for revenue are from National Grid contracts, such as Short Term Operating Reserve or some form of Frequency Response contract.

So if a deal can be done to discharge power at peak times, then a much greater value can be attached to that power, thereby improving the business case. However, it will not become clear until nearer the time of completion of the solar farm exactly what form this might take.

This means that battery storage should always be considered with solar PV. It will be a simple case of determining how much the relevant batteries cost and how much extra income can be generated from their use. These figures can then be factored into the business case, as has been done in the business cases prepared by APSE Energy and outlined in **Section 8 above**.

In respect of size, 1-2 MW of lithium ion batteries will generally fit into a 40 foot shipping container. However, the precise number of such units will depend on both the battery capacity and other switchgear and equipment needed on the site in question. It should be noted that this infrastructure will also need to be factored into the planning application.

Finally, this form of electricity trading will only be possible if the site can secure a sufficiently high export element to the grid connection it has secured. Here, a preferable option would be to sell the power via private wire.

The main recommendation of this report is to develop the Watery Lane site. Bearing in mind that a private wire connection may be on offer here, there would be little benefit in pursuing battery storage for such a small installation.

14. RISK

Any commercial contract involves risk and the Council will be familiar with this. However, how risk is quantified and managed is key to the delivery of any such project.

Here, there are a number of different types of risk that will occur during a solar PV project. The Council can protect itself against many of these by employing experts in the planning and construction of solar facilities.

The three most fundamental risks to a large scale solar PV project are:

- Getting a planning consent;
- Arranging a grid connection;
- Construction of the site.

Planning consent is considered above and is closely linked to public perception and the communications strategy (both internal and external). Pre-planning enquiries will assist in indicating if planning is likely to be a problem and getting consent will always be more difficult in the Green Belt.

Grid connections are to be explored further with the local Distribution Network Operator, Western Power Distribution, in due course. Once a surgery has been held, the Council will receive an indication of available capacity and its cost, in advance of a formal offer. As no grid connection offer has been made and accepted yet, this is the largest risk to the programme at this stage.

Procurement and construction risk is offset by the Council undertaking a well run procurement exercise, supported by external expertise and requiring appropriate experience and capability from applicants, or from a collaborative exercise, which is the case here.

There are a multiplicity of other risks, as is the case with any construction / engineering project. These include:

- Raising finance;
- Income risk / technical performance;
- Supply chain issues;
- Site based issues – flooding, access, topography etc.
- Contractor failure / insolvency etc;
- Weather damage / storms etc;
- Warranties.

All of these risks can be managed as part of the process. A good programme of preliminary work and a sound procurement exercise will assist in managing most of these risks.

There are also other risks relevant to local authorities, such as:

- Change in political control;
- Change in Government policy;
- Loss of key personnel internally;
- Leakage of corporate support, political or managerial.

These might be more sensitive but can be managed. If Members are properly briefed, they should retain support, even if the Council's membership changes in subsequent local elections. We are aware that there are Council elections in May 2023 and so it is important to try and secure cross party support for the solar PV programme to ensure that it is not at risk from change of political control. We are assured that all parties on the Council are fully in support of the climate change plans and so this appears very unlikely.

National policy risk has been mentioned above, with changes to both FITs and ROCs in the past. However, Government policy on the green agenda is strengthening, particularly following the COP 26 intergovernmental conference which was hosted by the UK in late 2021.

It would be normal practice for the Council to undertake a full risk analysis as part of its later work on this project. However, it would seem sensible to undertake much more preliminary work on the project before such detailed work is undertaken.

Once the Council has completed its preliminary work, launched its procurement process and given thought to the source of the funds, it would be worth having a specific and detailed session on risk. The way that this would normally work would be for the preparation of a report detailing all of the risks, set into categories. Each risk can then be explained and a discussion held upon it. Then a decision is made as to what ranking that risk should have and the risk is put in the Council's risk register.

15. RECOMMENDED TIMESCALES

It is always good practice for a single project to be identified which offers the easiest route to implementation, based on size, capacity, availability of land and cost. Here, the Watery Lane site has been identified as the best project.

Between one and two years is likely to be required for development here, bearing in mind the capacity of the facility and the level of preparatory work necessary.

This would suggest the earliest date for completion and energisation of the solar farm would be the end of 2023. This is entirely dependent, however, on key outstanding issues: the obtaining of planning consent, the acceptance by the Council of a satisfactory grid connection offer, agreement with Severn Trent over a private wire and possession of the land.

As the grid connection situation changes regularly and capacity can be short, this is one of the early priorities for action. Firstly, the Council has to decide if it does want to apply for a grid connection. Assuming it does, then as soon as the Council gets an indication from the DNO that a grid connection is possible and affordable, it needs to submit a formal application. As soon as it gets the grid offer for the site it should accept that offer formally. It will pay a small deposit in relation to that offer but the capacity is then reserved for it.

Planning consent is the next priority, as this can often take some time to complete. The Council has intimated that it will get external assistance with this, which should ensure that internal resource issues are avoided. Planning may well take some time to work through in this instance, particularly as there are reports required such as ecology and habitats. In the meantime, preliminary work such as a pre planning meeting should be undertaken as soon as possible.

The private wire issue is also of considerable importance here, as this provides the best business case and use of the power locally. Severn Trent will need to be approached and the Council will need to prepare in advance its offer in relation to the sale of electricity. This will need careful preparation in advance, including determining the price at which the power will be offered. Before proceeding, the Council needs confirmation from Severn Trent that it will purchase the majority (if not all) of the power generated. This is also likely to take time, but can be done in tandem with the planning and grid work.

There is a multiplicity of other work to be undertaken by the Council's officers in the meantime, such as the proposals will need to comply with the Council's Commercial Strategy and decisions taken on funding. As soon as the Council has taken the decision to proceed, a full work plan can be drawn up. However, the first part of the process would normally be taken up by planning and grid (if applicable). Once these have been completed, the scheme will be much closer to implementation.

It is the advice of APSE Energy that this work must be done in the correct order, to ensure that the Council does not expend any more money than is necessary whilst 'deal breaker' issues remain unresolved.

16. THE NEXT PHASE OF WORK

The purpose of this report is to get the Council to the point whereby it can report to Members on the prospects for a large solar farm on this site. It aims to give sufficient detail to evidence the basis on which this proposition is made. However, there is still much work to do if the Council does decide to proceed.

Assuming that the Members determine that they do want to proceed, the Council will need to establish a budget for the next phase of work. This will need to include the following elements:

- Grid connection offers – the Council may decide to make a formal application to the DNO which attracts a fee;
- Once a grid offer is accepted a deposit will need to be paid to the DNO in relation to that grid offer. It is not clear what their position will be on this yet as deposits vary but can be up to 10% of the grid cost;
- Planning fees. Generally, a fee will still be levied by the Council, even if the Council is the applicant to itself. External planning consultants preparing the application will charge fees for their work. In addition, some supporting reports will also be necessary such as an ecological assessment of the site and bird surveys which are likely to be undertaken externally;
- Further strategic level consultancy from external consultants.

The Council will need to determine what budget would be sensible for the work involved and include this as part of the resolution to proceed to delivery stage.

This report is a high level first stage report, allowing the Council to take an informed decision on whether to proceed to the development stage. If this is in the affirmative, then it is normally followed by a second phase of consultancy work, which will press ahead with many of the issues raised in this report.

The Phase 2 consultancy work would include steps such as:

- Making and then overseeing a grid application. This work will require a formal technical application and there are likely to be other complications, such as points of connection and contestable works for cabling;
- Developing a planning brief to appoint external advisers;
- Procuring a scheme layout drawing to support the planning process;
- Reviewing the position regarding private wire and possible offtaker organisations;
- Developing tactics to deal with the agricultural tenants or licensees and to ensure that they cannot frustrate the process;
- Developing the communications strategy and taking steps to put it into effect;
- Holding briefings for the Members and senior management of the Council;
- Undertaking a more detailed risk analysis, including a full risk meeting;
- Consideration of sleeving arrangements, if relevant;
- Continuing to advise on a strategic basis as the work progresses;
- Reporting back to the Project Team;

If the Council is disappointed with the fact that it can only develop one of the five sites put forwards (and then at only 1 MW of capacity) then there are other options that it can consider. These are not part of this commission but are referred to in passing for the sake of completeness:

- Purchase of land – the Council has legal powers to purchase land for appropriate purposes. The most obvious way to do this would be to contact estate agents and land agents and see what is for sale in the area. Prices will range from £7,000 - £12,000 per acre for agricultural land;
- Approach specific parties, such as the County Council to see if it has land in the district that it might be prepared to sell. Severn Trent Water or other utilities are also large land owners and may have suitable land that they are prepared to sell;
- The Council may also be aware of land that would be suitable for such development. One site mentioned was contaminated land in Darley Bridge, near Northwood. Due to the lead contamination, no other development is possible on such land, but it may be suitable for solar PV. As the Council knows the ownership of the land, enquiries could be made;
- Another alternative is to look for solar PV proposals that have not gone forward. The planning officer referred to an application at Doveridge Farm, where planning was granted but the proposal did not go forwards. It might be possible to negotiate a sale of land which is known to be suitable for a solar farm;
- Think more innovatively about where solar could be situated – a good example is car parks. Where there is a nearby use for the power, car park business cases work well;
- Finally, there is the Council's building stock. There are offices, depots and leisure centres that might be used to host solar PV or host more solar PV where they already have installations.

These are merely suggestions that demonstrate that there is always somewhere else to look for a suitable site in an area. All of these avenues if pursued would help develop more solar PV capacity suitable in size for a district council.

17. COMMUNITY PROPOSALS ON THE STONEY MIDDLETON SITE

As it turns out, the Stoney Middleton site is not viable due to the excessive costs of the grid connection. However, there is another issue to raise in this context and that is the potential for community involvement in solar PV in the District.

We are informed that the Council was approached by a local community group about the potential for a community solar farm on the Stoney Middleton site. The Council consented to an application being submitted to the Rural Community Energy Fund for feasibility report costs on the suitability of this site.

This report is just about to be published; however, it is apparent that the conclusion will be that the site is not viable for a solar farm due to the high grid connection costs.

This is mentioned as the principle is relevant to the Council's plans under its Climate Change Strategy. It appears that similar approaches have been made to the Council elsewhere, such as in relation to the Town Hall roof. The question for the Council is whether it wants to go down this route.

There is a difference between *civic energy*, where a local authority develops a solar farm and effectively runs it commercially, but on behalf of the community in its area, and a *community* facility, which is more than likely run on a not for profit and very local basis.

The arguments for community involvement are various but include community involvement, local benefit and the development of sites not of interest to commercial developers. In APSE Energy's view, all of these benefits can be given to the community via a civic energy project, which the Council controls.

As such it is difficult to see why the Council would hand over a viable commercial site to a community group, when it has insufficient land to meet its own targets under its Climate Change Strategy.

This would have given the Council a predicament if the Stoney Middleton site had been viable for a solar farm after all. By agreeing to the Rural Community Energy Fund application an expectation would have been created that the Council would provide the land for a community project, which in our view, it would have been difficult to resile from.

In the circumstances, it might be worth the Council considering the potential for community involvement – in principle – without any sites under active consideration.

If the community does develop an asset then the offer might be for the community to sell the power to the Council under a PPA for a discounted rate. However, the Council will still need to purchase the energy generated from its own site, when it could have generated that electricity itself at a lower cost. This is one reason why most Councils have prioritised their own renewable energy generation rather than focussing on community schemes.

18. CONCLUSIONS AND RECOMMENDATIONS

It is clear from this report that the Council has identified a site on which to build a small solar farm within its area. Whilst the best return will be obtainable from a private wire connection (and this has not yet been verified with Severn Trent) this should be achievable. At this stage it is not clear whether a grid connection will also be available, should the Council need a back up plan.

However, the finding that the site is suitable at this stage is only a preliminary finding, although one based on relevant evidence. Nonetheless, more work will be necessary once the Council has decided to proceed.

The following recommendations are therefore made by APSE Energy for further action by the Council:

1. *Consider the contents of this report and determine at the appropriate level that the opportunity to develop the Watery Lane site is worth the Council pursuing;*
2. *Take a report to Council as soon as possible, to seek a decision to move into the delivery phase on a programme of works;*
3. *Allocate a budget for the preliminary work that will need to be undertaken to progress this programme. Also allocate internal resource as necessary to ensure delivery;*
4. *Appoint external advisers as necessary. APSE Energy is appointed to assist with the strategic work and decisions will need to be taken on the planning work, communications, legal and other advisers;*
5. *As soon as budget figures for a grid connection have been received from the DNO make the formal grid application as soon as possible;*
6. *Move forwards to submit the planning application as soon as possible, following appointment of planning consultants;*
7. *Work with Legal Services to clarify the land issues relating to this site and confirmation that these will not be a problem;*
8. *Negotiate with the current grazing licensee for surrender of the field in question and agree a timetable for this which is mutually acceptable;*
9. *Prepare a plan for delivery of the project, setting down each task that is required to be delivered;*
10. *Agree a timetable for the work. This should be on the basis of a one to two year programme, culminating in energisation of the completed solar farm in 2023/4;*
11. *The Council should also arrange both Member and officer briefings and organise a visit to a completed and operational solar farm somewhere in the region.*

It is our view that the development of the Watery Lane would be a good start for the Council. For district councils with limited capacity, a small development will help develop confidence in the process and should lead to an appetite for more renewable energy. It is also the case that should the Council develop a solar farm, even one of modest capacity, then this would propel the Council into a select group of local authorities who own and operate such assets.

APPENDIX 1

DERBYSHIRE DALES DISTRICT COUNCIL - SOLAR FARM PROGRAMME

SITES REPORT

The Council has commissioned APSE Energy to advise it on the potential for one or more solar farms being developed within its area. Five sites had been proposed and these were inspected on Friday 18 March 2022 by Stephen Cirell, accompanied by Joanna Hill and Mike Galsworthy of the Council.

This report considers the factors relating to each of the sites inspected. The more general advice on developing solar farms will appear in the APSE Energy main report to follow.

The sites are considered below in the order in which they were visited, which is roughly South to North of the Council's area.

Land adjacent to allotments at Watery Lane, Ashbourne

This land is approximately 1.9 hectares and is the upper part of the field which hosts the allotments site on its lower part. It is in a rural part of Ashbourne, by the church and cemetery and next to a Severn Trent water treatment works.

The land is accessed off Watery Lane down a short lane, which is not made up but is made of some form of hardcore. Access issues will need to be considered regarding HGV vehicles if the site were to be developed. The turn into Watery Lane will be sharp in one direction, the track may need to be repaired and consideration given to other users of Watery Lane (principally Severn Trent Water). As Watery Lane is a highway, the County Council as Highway Authority will need to be involved.

However, there is a car park which could be used for unloading during construction work, although this would need to be agreed with the allotment holders (who would not then be able to use it).

Immediately turning into Watery Lane from Mayfield Road, the Council has earmarked the corner of the site for a vehicle parking area, where street sweeping and other vehicles were parked. This is fenced and surfaced and the Council is not proposing any change to this part of the land.

The allotments themselves are well established and there was steady visiting by allotment holders during the visit. As indicated in the main report, the Council will need to engage with the allotment holders to ensure that they are not in objection to the proposals. We are told that there is no proposal to extend the allotment land on to the proposed site, which might have caused a problem.

There is no other reason for their concern, save for inconvenience during construction, but this will only be a very short space of time (perhaps a month).

The proposed field is to the North of the allotments and is on a gently rising South facing slope. To its West is the sewage works and to its East is the cemetery. Any solar farm would not affect those visiting the cemetery (particularly as solar is silent) and so there should be no concern about objections from that direction.

The field is currently grassed and it is not clear whether it has an agricultural classification. This will be relevant and needs to be checked. There is currently some form of grazing agreement in place and this also needs to be verified as a licence or one of the other forms of agreement that can have higher levels of rights. If it is an annual licence, this should not be a problem.

At the top of the site there is a row of old trees, which are unlikely to be protected. However, this will also need to be checked. Some of these might need to be trimmed but as they are on the Northern boundary it should not be a bigger problem than this.

We are told that the area is not in the Green Belt or a Conservation Area and does not have any AONB or other similar designation. It was not possible to find out how the land has been zoned (if at all) in the Local Plan.

At the Southern end of the site there are some 11 kV cables just touching the SW corner of the site. This might provide a small shading issue but fortunately they only encroach slightly on to the field in question.

The Legal Services department will need to be canvassed about the title to the land. One particular matter that has arisen is the fact that the land was sold to the Council by Nestle when it left Ashbourne and apparently has a restrictive covenant of some form on it. It was not possible to find out what this says but it may be problematic if this is an overage clause of some form (i.e. the Council would have to pay Nestle if the site is developed). As this may be a 'deal breaker' this is an urgent matter, should the Council decide to proceed here.

We are also told that the land was originally taken on for expansion of the cemetery or the allotments. If this is an appropriation issue, this can be changed; of more concern would be if expectations were created with third parties that will need to be managed. It is also the case that the land has been discussed in the context of a potential travellers' site. Compared to the latter, some residents / citizens of the district may prefer a solar farm development, so this may help garner support for solar plans.

Generally, save for the sewage works and the cemetery, the land is not overlooked in any other direction. It is South facing and in a rural area and as such would be suitable for solar PV.

A grid connection might be an issue in this rural location, but there may be a possibility of a private wire connection to the sewage works, where a considerable amount of electricity will be used annually. There is a small solar PV installation at the sewage works already but this is less than 50 kW and will not provide all of the site's needs.

In order to see whether the private wire is viable, a dialogue will need to be opened with Severn Trent in the future. This would normally form part of the next phase of work. In the experience of APSE Energy, Severn Trent are well aware of the renewable energy position and it should be straightforward to discuss this with them.

The main disadvantage of this site (even assuming that it can get planning and a grid connection) is that it is small. It is only likely to host around [1 kW] of capacity which will not generate a large amount of power. That said, if what it does generate can be sold to Severn Trent under a PPA, this site would be worth developing.

Land Adjacent to Griggs Gardens, Wirksworth

This is a very small infill site in Wirksworth. It is approximately 0.2 hectares in size and is triangular in shape. It is on a gentle slope upwards from the houses on Griggs Gardens, whose back gardens look over the site.

The land is approached up a lane owned by the farm at the top of the land and over which the Council does not seem to have a right of way.

The land is currently grassed and has been let for grazing in the past. It was originally earmarked for housing but other parts were developed and this parcel of land left.

At the North Western elevation of the site are some trees that might provide shading.

There would be some planning issues, were the Council to seek to develop this site. However, a grid connection would be unlikely in its rural location and there is no prospect of a private wire.

Even if it was possible to private wire the power, the amount would not make this viable, due to the small size of the site.

This site is not suitable for this type of development and should be discounted.

Allen's Hill – Land off North Street, Cromford

This is another small site, measuring about 0.7 hectares. It derives its name from the topography of the land with a steep and high cliff on the Northern elevation and grassland leading up to that peak on the Southern elevation. The land is enclosed by housing and other development, with an access down North Street that would be problematic for larger vehicles.

The Council owns North Street and would be likely to have a right of way, although a bollard fitted by the hotel at the top of the road would need to be removed (this has not been authorised by the Council).

The most Northerly part of this site is at the bottom of the cliff and has a pub, toilets and other buildings situated on it. On the Southern part of the land there sits a recreation ground which it is not proposed to move (shaded darker on the plan). This leaves just the land in between, which rises steeply up to the cliff edge.

Part of this land is used as a well established smallholding, which the tenant may not wish to leave easily.

For a whole host of reasons, from topography, the site being overlooked, a number of competing interests and so on, this site is not suitable for this type of development and should be discounted.

Land Off Thorncliffe Avenue, Darley Dale

This parcel of land measures approximately 0.9 hectares and so is another relatively small site. It is on sloping land East to West in Northwood.

We are told that there are three competing uses for this site. One is the proposal for a solar farm, another is for affordable housing and finally there is also a proposal to use the land for some form of community gardens / biodiversity.

The land is not in the Green Belt or under designation and we are not aware if it has been classified agriculturally or how it is zoned in the Local Plan.

It is formed of three parts: a lower field which has goal posts fitted and is clearly used for football and other recreation; secondly on the southern elevation there is a made up children's play area; the most Westerly (and upper) field is therefore all that could be used for solar PV. This would leave only a very small area that would not really be viable.

There are other problems here too. The houses on Northwood Lane and the Avenue directly overlook the site and access down the Avenue (which the Council owns) would be difficult.

There would be planning issues due to the proximity of the houses, although the Southern and Eastern elevations have no problem in this regard.

A clear problem will also be the competing interests. In our experience, any land earmarked for housing is normally removed from consideration for solar PV and the potential for some form of community garden is an expectation that has already been raised.

For these reasons, it is the view of APSE Energy that this site is not worth considering further for this type of development and should be discounted.

Land at Stoney Middleton, Hope Valley

The final site visited is the most northerly of the five, having a Sheffield postmark. It is also the largest at 3 hectares and is situated in the Peak District National Park. The land is currently used for grazing horses.

The land is situated directly behind Meadow Close and there are 12 houses that directly overlook the fields in question. The land is currently grassed, although it has a watercourse running through it (this is marked on the plan) which is separately fenced off and cannot be built over. Water comes down from a quarry area on higher land and through pipes under the houses to enter into this channel for dispersal.

On the Eastern elevation is what looks like a small industrial estate with perhaps a dozen units. This will be relevant in planning terms but might also offer a private wire alternative. On the Western and Northern elevations there is an open aspect and nothing overlooks the site. The housing is on the Southern elevation. Bearing in mind that this is in the National Park, in planning terms the fact that the land already hosts houses and industry / commercial suggests that it would be difficult to argue a solar farm will encroach on to the National Park.

The land is flat and grassed and is currently used for grazing horses under some form of licence. This will need to be examined to check what potential there might be for possession. The current tenant is aware of the proposals, due to the community involvement discussed below.

The access to the land is via Meadow Close, a quiet crescent and a track leading between the houses on this street. Access for large vehicles might be an issue and this will need to be considered.

There are electrical cables on the Northern elevation but these appeared to be over the boundary on to the adjoining land. There are pylons for 11 kV electricity on the Western elevation too but as these are on the very edge of the site, this should not be a problem.

Solar farms are not normally built on land where there are adjoining houses but here there are only about a dozen properties and the impact would not be great. Whilst there is no screening currently in

place, most have sheds at the end of their gardens which would limit the view. It is interesting to note that if a community feasibility exercise has been undertaken (as discussed below) and if no objections have yet been made, this is a good sign.

As the Council is not the planning authority for the Peak District National Park, if it were to develop the site it would have to submit an application to the Park authority. A grid connection will also be necessary and there is evidence that this might be problematic in terms of cost. A private wire to the adjoining industrial estate would be possible, but this is only small. Nonetheless, a significant community benefit would appertain from such a connection.

We are told that there is community interest in this site as well. An application was submitted to the Government's Rural Communities Energy Fund to appoint consultants to advise on the feasibility of such a scheme. This was agreed by the Council and so an expectation of a community solar farm resulting has been created. At the time of writing this Sites Report we have not seen the conclusions of the community's consultants, but have been told that grid costs were prohibitive.

There is therefore an expectation that the Council would engage with the community group to allow it to develop the site if this were feasible. In the main APSE Energy report comments are made about the options here and how the Council might like to proceed should viability be proved.

It has been agreed that APSE Energy will review the consultant's report and provide the Council with a 'critical friend' view of the report. At this current time, a copy of this report is awaited.

From our standpoint, the land looks suitable for solar PV development, subject to planning and grid. However, despite the fact that it is the largest of the parcels of land considered, it is still a smallish site. We estimate that it would host [2 kW] of solar farm.

CONCLUSIONS

Of the five sites reviewed, three can be immediately discounted at this stage. Both Watery Lane and Stoney Middleton are potential development sites and are worthy of further consideration.

More information is provided on the Council's potential options for taking forward development in the APSE Energy main report.

**LOCAL SERVICES
LOCAL SOLUTIONS**

Owner of Solar Photovoltaic Power Plant

Name	1MWp Ground Mounted Project
Company:	0
Address	Watery Lane

Project Summary

Business Model:	Export Electricity	
Type of Installation	Ground Mounted	
Average Plant Size	1,000.00	kWh
Electricity Generated	910,800.00	kWh/p.a
Irradiation Per kWp	920	kWh/kWp
Radiation Database	Classic PVGIS	

Revenue Streams

None	0	£/kWh
Power Purchase Agreement	0.05	£/kWh

Project Financial Ratios

Project IRR	<u>2.03%</u>
Equity IRR	<u>2.0%</u>

Capital Structure

Costs	£	1,037,529.00
Development costs	£	-
Total Costs	£	<u>1,037,529.00</u>

Leveraging Options

Equity (Investment)	0%	£	-
Debt	100%	£	1,037,529.00
Nominal Debt Interest Rate		£	0.02

Financials

	1st 12 months	25 Years Total
Electricity Generated kWhrs	910,800.00	25,796,808.78
Incentive	£ -	£ -
Power Purchase Agreement	£ 45,540.00	£ 2,197,022.72
Offset Electricity Saving/Private wire benefit	£ -	£ -
Insurance (CBT) Per MW	£ 3,000.00	£ 131,708.11
	£ -	£ -
Gross Income	£ 45,540.00	£ 2,197,022.72

Leveraged

Investment	£	-
Net Profit	£	<u>193,591.61</u>

Unleveraged

Investment	£	1,037,529.00
Net Profit	£	<u>474,611.55</u>

This financial projection is non binding.

Positive equity IRR requires working capital see cash flow

Simple payback 23 yrs

Owner of Solar Photovoltaic Power Plant

Name	1MWp Ground Mounted Project + 1MW Battery
0	Grid export
Address	Watery Lane

Project Summary

Business Model:	Export Electricity	
Type of Installation	Ground Mounted	
Average Plant Size	1,000.00	kWh
Electricity Generated	910,800.00	kWh/p.a
Irradiation Per kWp	920	kWh/kWp
Radiation Database	Classic PVGIS	

Revenue Streams

None	0	£/kWh
PPA	0.05	£/kWh

Project Financial Ratios

Project IRR	<u>5.18%</u>
Equity IRR	<u>16.0%</u>

Capital Structure

Costs	£	1,548,646.00
Development costs	£	-
Total Costs	£	<u>1,548,646.00</u>

Leveraging Options

Equity (Investment)	0%	£	-
Debt	100%	£	1,548,646.00
Nominal Debt Interest Rate		£	0.02

Financials

		1st 12 months	25 Years Total
Electricity Generated	kWhrs	910,800.00	25,796,808.78
Incentive	£	-	£ -
PPA	£	45,540.00	£ 2,197,022.72
Offset Electricity Saving/Private wire benefit	£	-	£ -
FFR or trading Revenue	£	53,000.00	£ 2,289,673.87
(CBT) Per MW	£	-	£ -
Gross Income	£	<u>98,540.00</u>	<u>£ 4,486,696.59</u>

Leveraged

Investment	£	-
Net Profit	£	<u>1,639,515.31</u>

Unleveraged

Investment	£	1,548,646.00
Net Profit	£	<u>2,077,557.61</u>

This financial projection is non binding.

Simple payback is 16

Positive equity IRR indicates working capital required, see cash flow tab

Owner of Solar Photovoltaic Power Plant

Name	1MWp Ground Mounted Project
Company:	0
Address	Watery Lane

Project Summary

Business Model:	Export Electricity	
Type of Installation	Ground Mounted	
Average Plant Size	1,000.00	kWh
Electricity Generated	910,800.00	kWh/p.a
Irradiation Per kWp	920	kWh/kWp
Radiation Database	Classic PVGIS	

Revenue Streams

None	0	£/kWh
Power Purchase Agreement	0.05	£/kWh

Project Financial Ratios

Project IRR	<u>10.40%</u>
Equity IRR	<u>#NUM!</u>

Capital Structure

Costs	£	1,037,529.00
Development costs	£	-
Total Costs	£	<u>1,037,529.00</u>

Leveraging Options

Equity (Investment)	0%	£	-
Debt	100%	£	1,037,529.00
Nominal Debt Interest Rate		£	0.02

Financials

	1st 12 months	25 Years Total
Electricity Generated kWhrs	910,800.00	25,796,808.78
Incentive	£ -	£ -
Power Purchase Agreement	£ 45,540.00	£ 2,197,022.72
Offset Electricity Saving/Private wire benefit	£ 63,756.00	£ 3,291,255.41
Insurance	£ 3,000.00	£ 131,708.11
(CBT) Per MW	£ -	£ -
Gross Income	£ 109,296.00	£ 5,488,278.13

Leveraged

Investment	£	-
Net Profit	£	<u>3,484,847.03</u>

Unleveraged

Investment	£	1,037,529.00
Net Profit	£	<u>3,765,866.97</u>

This financial projection is non binding.

Positive equity IRR requires working capital see cash flow

Simple payback 10 yrs

NOT CONFIDENTIAL – For public release

Council

Report of Director of Regulatory Services

INTERIM ELECTRIC VEHICLE STRATEGY

PURPOSE OF REPORT

This report presents an interim high level strategy setting out Council priorities and approach for encouraging the adoption of electric vehicles (EVs) and the installation of EV charging infrastructure in the Derbyshire Dales.

RECOMMENDATIONS

1. That the interim strategy (Appendix One) is approved
2. That the Council continues to collaborate with partner local authorities on a more detailed strategic approach to charge point installation and plan for delivery

WARDS AFFECTED

All

STRATEGIC LINK

The Corporate Plan 2020-24 identified climate change as a key strategic priority under the theme 'Place - keeping the Derbyshire Dales clean green & safe'.

Corporate Plan target CP20/PL7 agreed to 'implement a programme of Electric Vehicle charging points in our car parks'

1 BACKGROUND

- 1.1 The Climate Change Act 2008 sets up a framework for the UK to achieve its long-term goals of reducing greenhouse gas emissions. The Act set the target reducing emissions by at least 80% by 2050, compared to 1990 levels. This target was made more ambitious in 2019 when the UK became the first major economy to commit to a 'net zero' target. The new target requires the UK to reduce greenhouse gas emissions to net zero by 2050 and by 78% compared to 1990 levels by 2035
- 1.2 Emissions from on road transport in the Derbyshire Dales were 199,774tCO₂e in 2019 (Scatter, 2019) – 22% of the total district 'carbon footprint' second only to emissions from livestock
- 1.3 Reducing car travel and a shift towards public transport and active travel will have a significant role in reducing these emissions but, for a disparate rural area such as the Derbyshire Dales with limited public transport provision, cars and vans currently remain one of the only viable means of transport. Replacing existing fossil fuel powered vehicles with EVs is one means by which district wide emissions could be reduced

2 REPORT

- 2.1 This interim strategy is intended to be directional, a high level vision rather than setting out a plan for delivery. It covers the period 2022-2024
- 2.2 This strategy is designed to be a stepping stone to a more detailed piece of wider future strategy work, developed in collaboration with partner local authorities following the conclusion of the DCC commissioned county wide assessment of demand for EV charging infrastructure
- 2.3 Having an approved strategy is key to enable a planned application to the Office of Zero Emission Vehicles On-Street Residential Chargepoint scheme (ORCS) grant fund in 2022/23. The ORCS scheme provides grant funding for local authorities to install residential chargepoints with 7kW capacity on-street or in public car parks so that residents without off-street parking can enjoy the convenience and value of charging their electric vehicles at home. The draft strategy has been reviewed by Energy Saving Trust who administer the ORCS scheme
- 2.4 Local authorities can receive a grant to part-fund up to a maximum of 60% of capital costs relating to the procurement and installation of residential electric vehicle charging point infrastructure. The remaining 40% must be met by a charge point operator (CPO) or the authority
- 2.5 Officers are currently reviewing car park locations for installation to bid for funding and undertaking soft market testing for possible CPO partners. Subject to successful procurement exercise it is intended that the 40% contribution will be met by the chosen CPO, however this may limit installations as some locations could be deemed commercially unviable due to low use or high grid connection costs
- 2.6 A further report may be brought to Council if the CPO is not willing to commit the full 40% of 'match' funding or if specific locations exceed the maximum supply/installation costs (determined by the terms of the grant funding). Options will be put to Council when full costs and detailed analysis of sites are available
- 2.7 Officers plan to submit the ORCS bid by end of 2022. The installations have to be completed by the end of March 2024 at the latest in order to meet objectives set in the Corporate Plan (CP20/PL7)
- 2.8 As outlined, while recognising the need for an ambitious approach the Council has limited internal resource and expertise to develop a more comprehensive strategy at this time
- 2.9 Officers will work in collaboration with DCC going forward, including a potential bid to the £450m LEVI (Low Emission Vehicle Infrastructure) fund. This will be launched later in 2022/23 including £50m of multi-year resource funding for local authorities, to enable them to have dedicated resource for the planning and delivery of local EV charging infrastructure in their areas. The funding will help provide the staff needed to deliver these projects, in all parts of the country. Details of the fund are not yet available but it is likely that a fully assessed and costed scheme, including investment from the private sector, would need to be developed prior to any application. The demands and needs assessment currently being undertaken by DCC is the first part of this scheme development. Indicative timings suggest that the LEVI bid will be submitted in Spring/Summer 2023 with mobilisation of contract and delivery of charging points from

late 2024 onwards.

- 2.10 Through this strategy the Council sets out its strategic intent, closely aligned with that of DCC, to ensure that strong collaboration is possible in the future

3 RISK ASSESSMENT

3.1 Legal

This report set outs 2 recommendations, 1 to request that the interim strategy is approved and 1 to request authorisation that the Council continues to collaborate. The legal risk therefore connected to this report has been assessed as low.

3.2 Financial

There are no direct financial implications arising from the recommendations of this report. As officers develop a detailed plan for delivery of the Electric Vehicle Strategy, the financial implications will be assessed and further reports will be presented to a policy committee or Council should an increase to revenue or capital budgets be required.

4 OTHER CONSIDERATIONS

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

5 CLIMATE CHANGE

- 5.1 As per 1.1 - 1.3, the transition from fossil fuel powered vehicles to EVs is one way in which district wide emissions could be reduced and aligns with current government policy and targets
- 5.2 The installation of the right EV charging infrastructure in the right place is a key component of ensuring a more rapid, successful transition

6 CONTACT INFORMATION

- 6.1 Jo Hill, Climate Change Officer, Tel: 01629 761243, Email: Joanna.hill@derbyshiredales.gov.uk
- 6.2 Vikki Hatfield, Neighbourhoods Manager, Tel: 01629 761377, Email: Vikki.hatfield@derbyshiredales.gov.uk

7 BACKGROUND PAPERS

- 7.1 None

8 ATTACHMENTS

Appendix 1 – Interim Electric Vehicle Strategy 2022-24

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Interim Electric Vehicle Strategy 2022-2024

This strategy clearly sets out Council priorities and approach for encouraging the adoption of electric vehicles (EVs) and the installation of public EV charging infrastructure in the Derbyshire Dales.

This interim strategy is intended to be directional, a high level vision rather than setting out a plan for delivery. It covers the period 2022-2024 and will be reviewed at the end of this period to align with County wide strategy development.

Relevant other policies:

Derbyshire County Council (DCC)

Low emission vehicle infrastructure (LEVI) Strategy (2019-2029)

Local Transport Plan 4 (2021-2033)

Air Quality Strategy (2020-2030)

Climate Change Strategy (2021-2025)

Derbyshire Dales District Council

Climate Change Strategy and Action Plan (2020-2030)

Corporate Plan (2021-2024)

Licensing Policy (from 2018)

Local Plan (2013-2033)

Core objectives

Strategy objectives:

1. To lead by example by creating plan for the electrification of the Council fleet and depot
2. To support the development of a local publically accessible EV charging network
3. To grow resident and business awareness of EVs and encourage adoption
4. To encourage the local taxi fleet to switch to EVs

These objectives will be aligned with those in the DCC LEVI strategy.

Context

The Climate Change Act 2008 sets up a framework for the UK to achieve its long-term goals of reducing greenhouse gas emissions. The Act set the target reducing emissions by at least 80% by 2050, compared to 1990 levels. This target was made more ambitious in 2019 when the UK became the first major economy to commit to a 'net zero' target. The new target requires the UK to reduce greenhouse gas emissions to net zero by 2050 and by 78% compared to 1990 levels by 2035.

Emissions from transport accounted for 27% of total UK emissions in 2019 (BEIS, 2019) due to the dependence on the combustion of fossil fuels. Emissions from transport have been broadly flat for the last 30 years while other sectors have fallen. Cars are by far the biggest contributor of transport emissions at 55%. Not only is transport a major contributor to carbon emissions it also has air quality and public health impacts.

Reducing car travel and a shift towards public transport and active travel will have a significant role in addressing these impacts. At the heart of this strategy is the sustainable travel hierarchy. The sustainable travel hierarchy is a useful visual tool to assist in the assessment of the impact of travel. The higher up the hierarchy, the fewer emissions associated with the travel option.

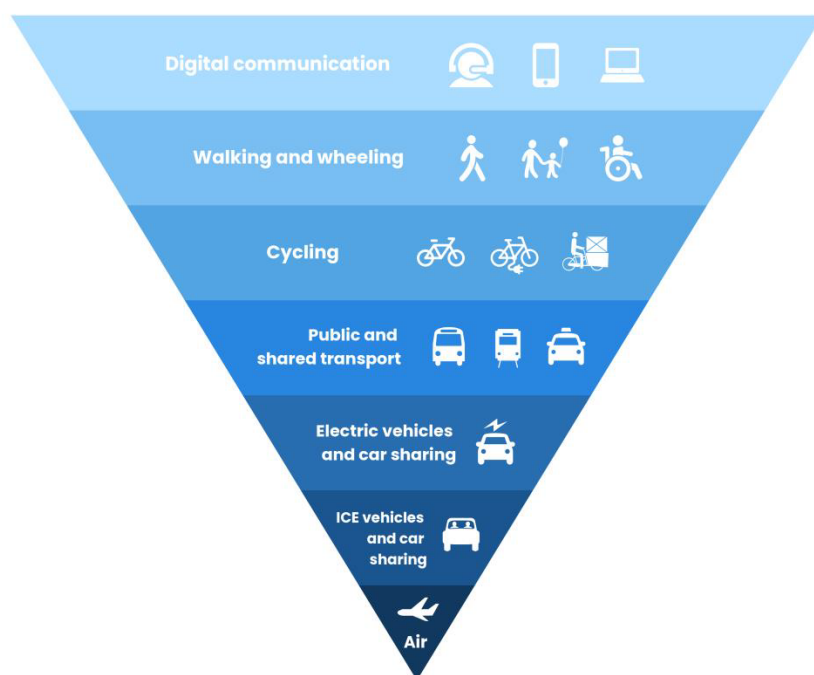


Figure One: Sustainable Travel hierarchy (Energy Saving Trust)

The Council commits to supporting the principles of the hierarchy, but for a rural area such as the Derbyshire Dales with limited public transport provision, acknowledges that cars and vans are often the most suitable means of transport. Replacing existing fossil fuel powered vehicles with EVs is one means by which these impacts can be lessened.

The UK Government has committed to phasing out the sales of new petrol and diesel cars and vans by 2030, and that all new cars and vans will be fully zero emissions at the tailpipe from 2035. In the last two years the total number of battery electric vehicles on the UK roads has more than tripled. One in four new cars sold in December 2021 were electric.

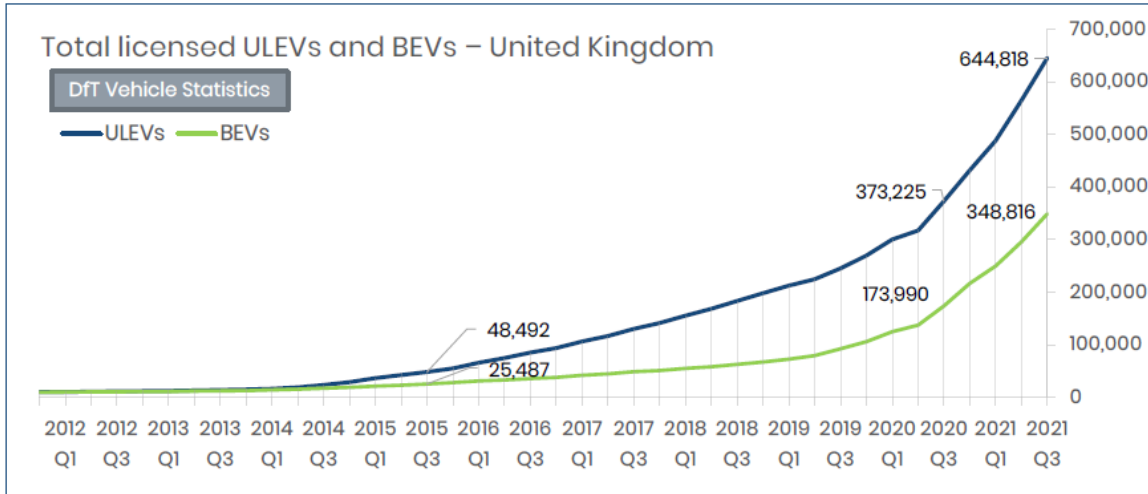


Figure Two: sales of new ULEVs and BEVs in the UK – to December 2021 (Department of Transport, 2021)

In March 2022 the Government set out their vision and action plan for the rollout of EV charging infrastructure in the UK, ahead of the phase out dates, through the Electric Vehicle Infrastructure Strategy. This recognised that ‘a world-class charging infrastructure is absolutely fundamental to delivering net zero road transport’. It identified that ‘the commercial landscape for charging infrastructure is also developing quickly. By 2030, we expect there to be around 300,000 public charge points as a minimum in the UK, but there could potentially be more than double that number’

The strategy also sets out the role of local authorities in delivering EV charging infrastructure ‘We expect the market to lead the majority of public chargepoint deployment. However, local government has a crucial role in ensuring that deployment reaches all areas, using sustainable commercial approaches (for example, procuring for expected high and low utilisation areas at the same time). Outside of combined authority areas, where there are two tiers of local government, we expect county councils to produce EV chargepoint strategies. They should do so in close collaboration with district level councils. Each chargepoint strategy should conform to wider plans for transport and energy for the local area. In England, chargepoint strategies should be aligned with the principles in existing Local Transport Plans, which local authorities have a statutory obligation to develop’

Through their Climate Change Strategy Derbyshire County Council has set a target to deliver 1000 EV charging points for public use by the end of 2025 in collaboration with partners. There are currently 249. And to support the installation of electric vehicle chargers at 144,000 properties across Derbyshire by 2035.

The local picture

In 2021 there were 594 EVs registered in the Derbyshire Dales. By 2024 there could be nearly 6,000 and 30,000 by 2030 according to future forecasts.

Table one illustrates some of these projected scenarios as modelled by the local Distribution Network Operator – Western Power Distribution.

Year	Scenario			
	Steady Progression	System Transformation	Consumer Transformation	Leading the Way
Baseline	863	863	863	863
2020	1153	1144	1311	1313
2021	1551	1544	2055	2016
2022	2081	2077	3128	2997
2023	2684	2741	4366	4333
2024	3444	3562	6030	5974
2025	4384	4604	8176	8123
2026	5506	5933	10845	10855
2027	6846	7565	14079	14267
2028	8448	9612	17941	18591
2029	10372	12126	22462	23835
2030	12607	15209	27564	29965
2040	53902	65863	74773	73818
2050	74588	71285	71140	56858

Table One: future EV ownership scenarios to 2050 (Western Power Distribution, 2022)

The right EV charging infrastructure in the right place is essential to meet this growing demand, encouraging local EV ownership and matching the needs of visitors to the district. It is projected, using the same modelling, that over 4,200 publically accessible charging points could be required in the Derbyshire Dales by 2024 with over 21,000 required by 2030 – see table two.

Year	Scenario			
	Steady Progression	System Transformation	Consumer Transformation	Leading the Way
Baseline	468	468	468	468
2020	553	556	853	786
2021	750	767	1466	1276
2022	1027	1068	2375	2002
2023	1298	1412	3404	3015
2024	1670	1849	4795	4255
2025	2136	2431	6566	5876
2026	2716	3190	8712	7928
2027	3428	4125	11237	10450
2028	4269	5309	14179	13651
2029	5297	6770	17520	17439
2030	6489	8521	21118	21683
2040	33193	44279	52146	52022
2050	48845	49981	52661	52263

Table Two: future publically accessible EV charging point scenarios to 2050 (Western Power Distribution, 2022)

The current picture in the Derbyshire Dales is mixed. As of May 2022 there were 38 publically accessible charging points in the Derbyshire Dales, 39 per 100,000 people putting the district in the top 20% nationally – Figure three (a) below. However, only two of these offered rapid charging, putting the district in the bottom 20% nationally – Figure three (b) below.

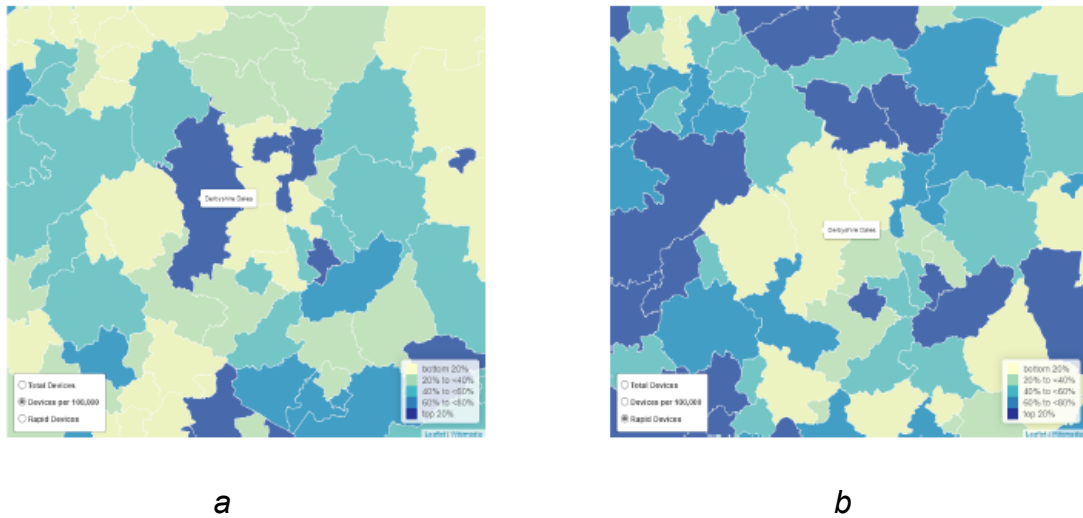


Figure Three: current publically accessible EV charging point provision (a – overall) (b – rapid) in the Derbyshire Dales (Department of Transport, 2022)

The Council currently provides 13 of these charging points across 26 spaces at 4 car park sites through a concessionary model– details provided on our website: <https://www.derbyshiredales.gov.uk/community-a-living/parking/ev-charging-points>

The Charge Point Operator (CPO) is BP Pulse and the contract is managed by Nottingham City Council - <https://network.bppulse.co.uk/d2n2/>. Derbyshire Dales District Council is one of several authorities across the D2N2 region providing ‘host sites’ through lease agreements for the infrastructure. Local drivers qualify for a discount on charging. All charge points operated by BP Pulse are powered by renewable energy from Utilita.

These 4 sites are:

Ashbourne – Shawcroft car park (4 x 7kw)

Bakewell – New Street car park (4 x 7kw)

Matlock – Edgefold Road (4 x 7kw)

Wirksworth – Market Place (1 x 22kW)

Current usage of these charging points is variable. The highest usage is consistently at the Edgefold Road site in Matlock (58% between August – October 2021), which likely reflects the high destination charging demand for the wider town and employees based at nearby offices. Utilisation rates across the current sites are modest, indicating that the number of charging points in existing locations are likely to be sufficient for the near term.

In the UK a third of households do not have access to off street parking compared to 27% in the Derbyshire Dales (Energy Saving Trust, 2022). The 73% of households with off street parking could, in theory, install their own charging point. If they can, it

is believed that most people will charge at home because it is cheaper and more convenient than using public charging infrastructure.

Latest data shows that since 2014/15 476 home charging points have been installed in the Derbyshire Dales, funded through the Electric Vehicle Homecharge Scheme (EVHS) which, until March 2022, encouraged homeowners to install charge points at their properties by offering up to £350 towards the cost. The scheme is now only open to those in rented properties and flats or apartments.

Table three illustrates how installations more than doubled between 2020 and 2021.

ONS LA Code	Local Authority	2014/15	2016	2017	2018	2019	2020	2021	2022	Grand Total
E07000035	Derbyshire Dales	34	25	30	32	52	80	178	45	476

Table Three: EVHS grant statistics (Department of Transport, June 2022)

Despite relatively low demand for public charging infrastructure from residents when compared to national averages consideration should be given to how the Council can ensure that residents dependent on this infrastructure are not left behind in the transition to EVs. They may be disadvantaged by higher charges when compared to lower residential electricity rates and unable to access charging close to home.

Ensuring the ‘right charging point in the right place’

The public charging infrastructure not only needs to be fit for purpose for residents without off street parking but also needs to be compatible with the charging requirements of employees, visitors, fleet drivers and taxis.

Tourism is a significant part of the local economy. As yet it is not known whether the Peak District National Park will follow the Lake District National Park as predominantly car free, provide EV hubs, or become somewhere in-between. Promotion of EV uptake through the installation of infrastructure must not take away from public transport, however this needs balancing against disincentivising visitors.

Different user types will have different requirements and it is important that this be considered when locations for installation of public accessible charging infrastructure are evaluated.

Different charging points are suitable for different locations. As Figure four illustrates dwell time is key, and the charging must match the needs of the user.

Slow (10-12hr)	Fast (4-6hr)	Rapid (<1hr)	Ultra Rapid (15 mins)
2.3 – 3.7 kW	7 - 22 kW	Up to 50 kW	120-350 kW









 <p>Home charging</p>	 <p>Destination</p>	 <p>En route</p>	 <p>Charging hub 150 kW</p>
 <p>Lamp-column</p>	 <p>On-street residential</p>	 <p>Destination</p>	 <p>'Electric forecourt' 350 kW</p>

Figure Four: type of EV charging point (Energy Saving Trust, 2022)

Slow and fast chargers suit destination charging patterns, whereby the driver will be leaving the car for a considerable period of time e.g. overnight or while working. Rapid chargers are important for on route charging or quick recharging at convenient destinations e.g. taxis and delivery/service vehicles which need to top up mid journey.

On-street residential charging is out of scope for this interim strategy, with the expectation that provision for this type of charging will be included in developing Derbyshire County Council strategies as the local highways authority.

As per strategy objective two, within this strategy period, the Council intends to focus its approach on installations in Council car parks.

The car parks currently being considered for this second phase of installations are:

Artists Corner – Matlock/Matlock Bath

Town Hall (front) – Matlock

Market Place – Cromford

Canterbury Road – Wirksworth

Oddfellows Road – Hathersage

Nether End – Baslow

Granby Road – Bakewell

Cattle Market – Ashbourne

Full details of the locations of these car parks can be found on the Councils website: <https://www.derbyshiredales.gov.uk/community-a-living/parking/car-park-locations>

These car parks have been selected based on improving geographical spread across the district area, and matching the application criteria of the OZEV On-Street Residential Charge Point scheme grant fund which requires charge points to be located in residential areas lacking off-street parking and accessible to local residents. To ensure accessibility and equity, the Council may need to consider funding additional works required e.g. changes to car park layouts.

Current locations of publically accessible charging points can be found on Zap Map <https://www.zap-map.com/live/>

The installation of charging points is dependent on viable grid connections, and there are clear limitations associated with the existing electrical infrastructure in many of our more rural car park locations. Infrastructure upgrades can be costly and put installations at risk.

The kind of infrastructure development required for the installation of ultra-rapid charging hubs is not covered by this interim strategy as this is determined to be a wider strategic regional/national rather than serving the local community. This need will likely be met by national or private organisations, such as Gridserve who operate larger scale EV forecourts. However, it is noted that there are lack of potential commercial sites in smaller towns and the wider rural district. It is likely that installations of charge points at forecourts will be focussed along key traffic routes which may lead to a deficit of ultra-rapid charging points in the district.

There are a number of delivery models available for delivering charge point infrastructure. A concessionary model is conventionally thought of as ‘middle ground’ as it limits risk and allow for flexibility. However, there is the option for greater public sector involvement using a public ownership delivery model and conversely fully funded options where all costs are borne by the charge point operator.

The risks and benefits of each model are set out below in table four:

Model	Benefits	Risks
<p>Concessionary model – charge points part funded by the public sector with a CPO also investing capital costs. The CPO operates and maintains the charge points.</p>	<p>Some income shared (higher levels of potential public sector income from higher initial public sector investment)</p> <p>CPO incentivised and responsible for maintenance of the network, leading to better end user experience</p> <p>Reduced risk for public sector</p>	<p>Reduced income share compared to full ownership</p> <p>Requires a greater understanding of what the market can offer, and tender process may be more complex than public ownership</p> <p>Risk that CPOs will not accept the agreement terms, leading to negotiation or a failed tender</p>

		Needs to be a relatively large number of sites
Public model - All charge point costs are paid for by the public sector, with capital and maintenance costs recouped from usage charges. Charge points are owned by the public sector, with back office and operation of charge points typically contracted to a private sector CPO for a fixed fee	Highest potential income Local authority can determine locations, irrespective of commercial viability ensuring equity of access	Requires significant grant funding which may not be available or may require local match funding Highest risk in terms of ongoing liability, stranded assets, and maintenance costs
Fully funded options - All costs are borne by the CPO, with a long-term lease/licence over which the CPO can recover their costs.	Lowest risk Rental agreements can provide guaranteed income over a number of years CPO heavily incentivised to provide good end user experience	Lowest potential income Least control and ability to incorporate wider goals Likely to involve long agreement periods or exclusion areas Many areas (e.g.rural) currently unlikely to be commercially viable without public investment

Table Four: Funding and delivery models (Midlands Connect, 2022)

The Council intends to continue to use a concessionary model for installations covered by this strategy to reduce risks and up-front costs and ensure that current limited resource can be used effectively. Pursuit of a public model requires significant resource and funding and is considered high risk in terms of ongoing liability, stranded assets, and maintenance costs. A fully funded model is likely to exclude many of the districts rural areas which would be unlikely to be commercially unviable without public investment thus leading to inequity. During this strategy period pursuing a concessionary model is considered a proportionate approach.

It is also worth noting that the current national EV Infrastructure Strategy highlights the benefits of having more than one charge point operator in an area to drive competitive pricing.

Ensuring accessibility and equity

All charging point installations planned through this or future strategies need to consider:

Safety

- Adequate lighting where necessary to create safe user access at all times of day
- Cables should not be run in such a way to cause an obstruction
- Equipment installation should be in accordance with the latest industry standards

Reliability

- 24-hour access to charging points
- Efficient maintenance and repair of the infrastructure to reduce downtime through effective contract specification and management

Equity

- Easy to use for disabled users – access to charging point as well as car park design layout (accessibility standards for EV charging point infrastructure due to be released Summer 2022)
- Easy to use interfaces and payment methods
- Access and size of bays for fleet/van drivers with no off-street parking
- Clear signage and direction
- Clear signage for length of stay/marked parking bays – may require review of enforcement procedures
- Ensuring interoperability – so that charging points can be used by all vehicle makes and models
- Ensuring drivers do not need to sign up to a specific network for membership in order to charge
- Supporting competitive pricing

Education and engagement

Resident survey

To inform the development of this strategy the Council undertook a resident's survey in early 2022.

The survey had almost 250 responses. 61% of respondents currently own a diesel or petrol vehicle, with nearly 60% of these planning to purchase an EV within the next 5 years.

The biggest barriers to EV purchasing were identified as:

1. Vehicles are expensive new
2. Not enough publically accessible charging points
3. Concerns about range

56% of respondents would prefer to charge an EV at home, with 30% preferring a mix of locations to include destinations (such as supermarkets) and rapid charging hubs. 4% of respondents would prefer to use Council car parks.

61% of respondents were aware of the location of current public charging infrastructure.

When asked for suggestions of suitable locations for charging infrastructure, most respondents focussed on on-street provision close to their own homes where off street parking was not an option.

Taxi driver survey

We also undertook a survey of local taxi (hackney carriage) and private hire drivers in September 2021.

15 responses were received, representing an estimated 14% of Derbyshire Dales' licensed taxi and private hire drivers.

Nearly nine in ten (87%) vehicles currently licensed with the council are either diesel or petrol. Diesel is by far the most common fuel type among taxis (93%), while for private hire vehicles, the split between diesel and petrol is more even (43% and 33% respectively). Across both licence types combined, hybrid vehicles represent just 12% of all vehicles. There are currently no pure EVs licensed in the district, indicating the scale of change required.

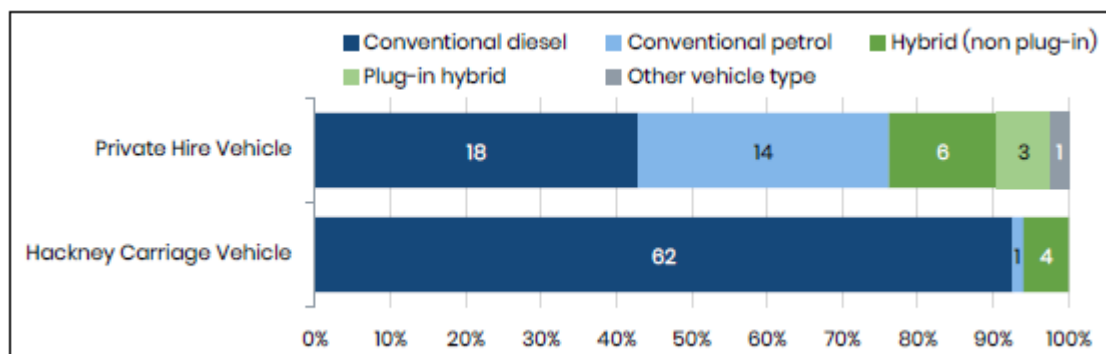


Figure Five - Breakdown of fuel type by licence type for all vehicles licensed with Derbyshire Dales District (Energy Saving Trust, 2021)

Most drivers who responded have access to off-street parking at home. 60% of drivers who responded to the survey park their vehicle overnight in a private location, either on a driveway or in a garage, which would allow many of them to use a dedicated home charging point. The remaining 40% park their vehicle in public on-street locations and would benefit from access to on-street residential charging points and other public charging point provision.

The majority of drivers are unlikely to need to charge an EV during their shift. Nearly nine in ten (86%) drivers who responded to the survey travelled 200 miles or less on a typical day (prior to the COVID pandemic).

Half the drivers (53%) said they take a fare of 50 miles (one-way) or more at least once a week. This would suggest that longer journeys are common in Derbyshire Dales, which may present a barrier to EV uptake, depending on the frequency, length and location of their breaks and state of charge of battery) mid-shift.

The most popular locations drivers suggested for charging points were fuels stations or garages, car parks, and airports. Charging points close to the two most popular ranks, the Bus Station and Olde English Road (both in Matlock) may benefit taxi drivers.

Two in five drivers are considering switching to an EV within 1–10 years. Of these, most are planning to make the switch within the next 2 years. Nearly nine in ten drivers felt that suitable EVs being too expensive was a major concern. More than half of drivers felt that a lack of range was the biggest barrier to switching to an EV. The belief that EVs cannot drive far enough on a single charge was selected as the biggest barrier by all drivers who previously stated they were unsure whether they would switch to an EV.

As part of the survey work, drivers were given an opportunity to attend a ‘try before you buy’ course with EV experts from the Energy Saving Trust in order to dispel some of the identified concerns around range and charging requirements.

Key actions and alignment with DCC LEVI Strategy

Objective	Actions
<p>1. To lead by example by creating plan for the electrification of the Council fleet and depot</p>	<p>Review the current fleet, developing a programme for the decarbonisation of LGVs to 2030 in line with the approved Climate Change Strategy and Action Plan. Set interim targets for % replacement by end 2023.</p> <p>Review opportunities to decarbonise the HGVs including consideration of alternative fuels</p> <p>To put in place the required infrastructure to ensure that EVs can be safely charged and maintained at the Council depot (and other sites as appropriate)</p> <p>Participate in the Public Sector Charging Network scheme, allowing wider public sector access to charging infrastructure at the Council’s depot</p>
<p><i>LEVI 7 DCC will deploy LEV's within its pool fleet</i> <i>LEVI 8 DCC will work with partners to support private industry and public sector organisations to deploy LEV's within fleets</i></p>	
<p>2. To support the development of a local publically accessible charging network</p>	<p>Promotion of existing publically accessible EV charging infrastructure to residents and businesses</p> <p>Monitor and report on current Council charge point usage and performance</p> <p>Assess the technical and financial feasibility of installing publically accessible EV charging points on Council owned land including exploring opportunities</p>

	<p>to bid for third-party funding – focussing on the right charge point in the right location (in line with the Corporate Plan objective to implement a programme of EV charging points in our car parks)</p> <p>Review internal resource to</p> <ul style="list-style-type: none"> - enable access to current and future funding opportunities - ensure efficient monitoring of any new contract <p>Engage with partners to apply for available funding to expand EV charging point provision, including the lead Highway Authority where on-street charging is considered</p>
<p><i>LEVI 1 DCC will work with partners on the provision and delivery of low emission vehicle infrastructure across the county</i></p>	
<p>3. To grow resident and business awareness of EVs and encourage adoption</p>	<p>Through the Local Plan review, consider how relevant policies ensure EV charging infrastructure can be integrated into revised policy (considering alignment with the sustainable travel hierarchy) - providing minimum future standards for installations, including flats and non-allocated parking. Consider active vs passive provision and providing clear technical specifications</p> <p>In line with current Building Regulations work with private developers and landowners to provide charging infrastructure in accordance with the requirements of the current local plan</p> <p>Share information around EVs and available grant schemes with residents and businesses in the District including the EV charge point grant scheme and Workplace Charging Scheme</p>
<p><i>LEVI 3 DCC will work through the planning system and with private developers and landowners to provide LEVI</i> <i>LEVI 5 DCC will work with partners to raise awareness of low emission travel</i></p>	
<p>4. To encourage the local taxi fleet to switch to EVs</p>	<p>Support the installation of EV charging points for drivers at key sites as identified through the recent survey</p> <p>Review of the current Licencing Policy to encourage the transition EVs</p> <p>Provide support to local taxi drivers through appropriate courses and information</p> <p>Install the necessary testing infrastructure at the depot so that EV taxis can be tested</p>

	Ensure that Council staff have the relevant training to enable them to undertake MOTs on EV taxis
<i>LEVI 9 DCC will work in partnership to support public transport and taxi operators embrace alternative fuel technologies and infrastructure</i>	

Future work

This strategy is designed to be a stepping stone to a more detailed piece of wider future strategy work, developed in collaboration with partner local authorities following the outcome of the DCC commissioned county wide assessment of demand for electric vehicle charging infrastructure.

Historically Councils have been focussed on encouraging ‘early adopters’ of EVs, by installing charging infrastructure ahead of demand and commercial viability. The Council continues to progress this approach through a planned applications to the OZEV On-Street Residential Charge Point scheme grant fund in 2022/23. We are currently shortlisting locations for installation to bid for funding. We hope to use the funding to ensure charging points are installed in our car parks increasing the geographical coverage of charging beyond the four market towns. At the time of publication, we anticipate this being four - eight additional car parks. The development of this strategy is a key component of the application for funding.

The future focus will be on increasing private sector investment and addressing market gaps/failures e.g. improved rural provision, on-street charging. This shift in focus requires partnership working. It could bring the opportunity to develop a more attractive commercial offer which would be of interest to CPOs considering working in the district. This would ensure more complete geographical coverage and that rural areas are not left behind in the transition to EVs.

While recognising the need for an ambitious approach the Council has limited internal resource and expertise to develop a more comprehensive approach at this time. The Governments EV Infrastructure Strategy recognises the importance of local authorities’ leadership and action to meet these ambitions. It acknowledges that *‘it is likely that putting in place charge point provision in a local area will...involve strong collaboration between the different layers of local government in that area. In addition, there will be occurrences where combining delivery approaches across different local government bodies would increase the commercial attractiveness of a proposition’*

A £450m LEVI Fund will be launched later in 2022/23 including £50m of multi-year resource funding for local authorities, to enable them to have dedicated resource for the planning and delivery of local EV charging infrastructure in their areas. The funding will help provide the staff needed to deliver these projects, in all parts of the country. Details of the fund are not yet available but it is likely that a fully assessed and costed scheme, including investment from the private sector, would need to be

developed prior to any application. The demands and needs assessment currently being undertaken by DCC is the first part of this scheme development.

Through this strategy the Council sets out its strategic intent, closely aligned with the current DCC strategy, to ensure that strong collaboration is possible in the future.

Appendix One

Glossary of terms

BEV - Battery Electric Vehicle – 100% electric battery

CPO – Charge Point Operator – entities that manage, maintain, and operate charge points and the wider charging stations (both technical and administrative)

PHEV – Plug-in Electric Vehicle – it has a small electric battery that can do 30-60 miles on an electric battery but has an ICE petrol or diesel engine

ICE – Internal Combustion Engine – fuelled by fossil fuels

OZEV - Office Zero Emission Vehicles

ULEV - Ultra Low Emission Vehicle – A vehicle that produces less than 75g/km of CO₂. For most Plug-in vehicle grants (manly vans or heavy vehicles) the definition is 50g/km of CO₂.

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NOT CONFIDENTIAL – For public release

Council

26 July 2022

Report of Director of Corporate and Customer Services & Monitoring Officer

RECOMMENDATIONS FROM THE CONSTITUTION WORKING GROUP – PROPOSED AMENDMENTS TO THE ARTICLES OF THE CONSTITUTION, RESPONSIBILITY FOR FUNCTIONS AND PROCEDURE RULES

PURPOSE OF REPORT

To submit the recommendations of the Constitution Working Group in respect of proposed amendments to various parts of the Constitution and to seek the Council's approval and adoption of the proposed revisions.

RECOMMENDATIONS

1. That the functions of the Council be confirmed as all new strategies and policies, those matters reserved by the law and any matters that the Council resolves to reserve to itself; as well as responsibility for the approval of the following specific strategies and policies:-
 - a) Revenue and Capital Budgets, including determination of the Council Tax and the Local Council Tax Support Scheme
 - b) The Corporate Plan
 - c) The Performance Plan
 - d) The Crime and Disorder Reduction Strategy
 - e) The Development Plan documents and the plans and alterations which together comprise the Development Plan, known as the Local Plan
 - f) The Licensing Authority Policy Statement under the Licensing Act 2003 and Gambling Act 2005
 - g) The Medium Term Financial Strategy
 - h) The plan or strategy for the control of the Council's borrowing, investments or capital expenditure or for determining the Council's minimum revenue provision.
2. That the Policy Committees be authorised to review and approve amendments to existing policy matters that are not reserved to Council or delegated to officers relating to the functions within service areas listed in their respective terms of reference at Part 3 of the Constitution.
3. That the term of reference of the Policy Committees be amended to include the following:

- a) The formulation, development and implementation of the Council's overall budget and policy framework, including recommending to Council where such matters are required in respect of new strategies or policies
 - b) The coordination of the implementation of policy and strategic objectives across the Council.
 - c) The implementation of Council approved strategies for the social, economic and environmental well-being of citizens in respect of functions and services not otherwise the responsibility of the full Council.
 - d) The promotion and maintenance of excellent services for citizens in line with the Council's corporate priorities.
 - e) Functions relating to personnel and health and safety to the extent that those functions are discharged in the Council's capacity as an employer.
 - f) The establishment of working groups, subject to available resources and to consultation with the Chief Executive, to develop or review policy in accordance with agreed priorities in the Corporate Plan or Budget and make recommendations back to Policy Committees for determination
4. That, subject to the approval of recommendations 1, 2 and 3, the Council Procedure Rules be amended to allow for questions to be put to officers at meetings of Policy Committees and for multiple contributions from Members during debate at the discretion of the Chairman of the Policy Committee meeting.
 5. That reports for information no longer be submitted to Council or its Committees unless there is a statutory requirement for the matter to be considered formally.
 6. That a regular information briefing be issued to Members covering matters previously subject to information reports to Council or Committees.
 7. That a Scrutiny Committee be established, with terms of reference to be inserted in Part 3 of the Constitution (Responsibility for Functions) and procedure rules to be inserted in Part 4 of the Constitution (Rules of Procedure), as set out in Appendices 2 and 3.
 8. That the Independent Remuneration Panel be asked to review the role and remit of the Chairman and Vice-Chairman of the Scrutiny Committee and recommend at its earliest convenience a special responsibility allowance to be paid for the roles to the Council.
 9. That General Delegations to Officers, set out in Appendix 1, be inserted in Part 3 of the Constitution and the principle be approved that functions are to be discharged by officers unless expressly reserved to the Council or its committees within the Constitution or by way of resolution.

WARDS AFFECTED

District wide

STRATEGIC LINK

The effective operation of the Council's democratic processes underpins all the Council's aims and objectives. The Constitution is also an important tool in setting and monitoring the Council's governance framework.

1 BACKGROUND

- 1.1 The Constitution is the cornerstone of the Council which enables decision making and sets out responsibilities for the discharge of functions, as well as the rights of Members and the public in engaging with and participating in the governance of the authority.
- 1.2 At the Council meeting on 22 April 2021, it was resolved that a Constitution Working Group be established to support the Monitoring Officer in reviewing key parts of the overall Constitution and make recommendations to Council for changes in decision making procedures. The role and function of the group is to provide a mechanism by which Council can carry out focused cross-party reviews of the Constitution, of both a general and specific nature to ensure the constitution remains fit for purpose. It undertakes this role by:
- a) Considering any constitutional or procedural matter concerning the Council;
 - b) Undertaking health checks of the Constitution to ensure that the detail of the text remains fit for purpose and put forward appropriate changes;
 - c) Reviewing areas in the Constitution to ensure that it is kept in line with current legislation, local decisions made by the Council and best practice;
 - d) Recommending any proposed changes to the Constitution arising from the above to Council for approval.
- 1.3 The Constitution is a living document and changes can be made (on recommendation from other Council bodies or the Monitoring Officer) where circumstances or the Council's priorities have changed, where the Council wishes to change the way it carries out its services and functions.
- 1.4 The Working Group has met on several occasions to consider the current operation of decision making bodies and identify where improvements can be made.

2 ISSUES

- 2.1 The overriding priority for the Constitution Working Group has been to consider the mechanics of the decision making processes of the Council in the context of what has been a challenging period through the COVID-19 pandemic. As this work has been prioritised, the working group has not reviewed procedures or the rules of debate.
- 2.2 The changes to the Constitution that were approved in July 2020 were intended to ensure that the Council had full oversight and decision making capacity in relation to strategy, policy and resources without the duplication of workload of debate. The assumed benefits that were listed in the previous Monitoring Officer's report to Council have been partially realised with all Members certainly determining all new policy or amendments to existing policy. As such, Council has effectively become a committee of 39 Members living on a diet of reports prepared by officers. There is little opportunity to debate issues of public interest, save for extraordinary meetings or delaying business to later meetings which creates a delay in officers being able to implement policy or other service related decisions. Members have clearly indicated

a willingness and desire to debate motions coming from political groups and exercise accountability through the use of questions on notice.

- 2.3 In the two years since the Council reserved decision making responsibility to itself for all new or proposed amendments to policies there have been 27 meetings of the Council. By way of comparison, most local authorities meet 8 times in a municipal year on average. The current model of decision making places greater demands on all Members through increased attendance at meetings in Matlock Town Hall, as well as having to read through more reports on increasingly lengthy agendas. Meetings have regularly exceeded the two and a half hour guillotine and Members are frequently attending meetings that last a minimum of three hours without necessarily completing the business detailed. This observation is not a criticism of the way in which business is conducted, but is highlighted as recognition that the current arrangements are far from effective in expediting business in a timely way.
- 2.4 The Constitution Working Group recognised that the Council has considered challenging issues in the last two years where consensus between political groups has not always been reached and has contributed difficult debates on specific issues. By way of contrast, committees and working groups have continued to work in a largely homogenous way throughout the same period and it was noted that these were more effective vehicles for decision making. Having reflected on this, the working group was minded to recommend that the Council reverse the changes made in July 2020. It is important to note that Council will retain decision making powers in respect of any new policies or strategies brought forward, whereas changes to or reviews of existing policy will be considered by the Policy Committees, unless the Council specifically reserves specific policy or strategy matters to itself.
- 2.5 Beyond structural changes to the discharge of Council functions, some consideration was given to the need to provide sufficient space in Council meetings to exercise accountability and opportunities for debate on issues that were not confined to business prepared by officers. Since the Local Government Act 2000 was enacted many local authorities have seen their Council meetings become an opportunity for political debate and challenge, as well as providing a platform for political accountability. The debate of motions has always been a key part of Council meetings. The volume of business taken through Council at present may have deterred Members from submitting motions, and in one case had led to the withdrawal of a motion. It should be noted that where Members have given notice of questions or motions these will continue to have precedence in the order of business unless the Chairman determines otherwise in the meeting.
- 2.6 With Policy Committees proposed to have powers in line with practice that was in place prior to July 2020, it was also proposed that the remit of policy making for Council be confirmed as all new policies and strategies, including those specifically reserved to the Council in Article 4. The Council may also resolve to reserve specific decisions to itself on matters that Members determine to be strategically or politically significant and warrant input and determination from the full membership of the authority. From previous experience Members will be aware that the result of this proposal will be to increase the workload of the Policy Committees and these will need to meet more frequently, which has been reflected in the agreed Calendar of Meetings for the 2022/23 municipal year. With a current membership of 17 Members per Policy Committee, this ensures a broad involvement and representation of all of the political groups on the Council. The existing rules in respect of substitute Members mean that there is little reason for concern that Members will not be able to

have influence through their group colleagues on policies that are reviewed, implemented or amended through the Policy Committees.

- 2.7 The proposed terms of reference for the Policy Committees would also introduce a power to establish working groups for specific pieces of work where it was considered appropriate to do so. There has been recognition from every political group of the benefit of working groups in areas like climate change, and the Constitution Working Group considered that this way of working should not be inhibited by any constitutional shift to Policy Committees. It was also noted that officers were supportive of the use of working groups as a means to have detailed discussions on complex issues or corporate priorities before presenting formal reports to a committee. The reservation of this power for Policy Committees would not prevent the Council from also establishing working groups if it voted to do so. The Constitution Working Group has recommended that the Chief Executive be consulted in respect of resource implications associated with supporting a working group prior to its establishment.
- 2.8 The Constitution Working Group has recommended that reports submitted for information presently to Council or committees should not be reported formally unless there is a statutory requirement to do so. It was anticipated that this would reduce debate on matters where no decision is required. To enable this, it is recommended that a regular briefing digest be circulated to Members covering information that would previously have been reported for information to meetings. Members can continue to request that such information be formally reported to the relevant committee, but the intention of the working group's proposal was to reduce the frequency of such reports being presented which often resulted in questions or debate which did not lead to a decision.
- 2.9 The Constitution Working Group has recommended the establishment of a Scrutiny Committee. The group has prepared draft terms of reference and procedure rules for the operation of the Scrutiny Committee, but the functions can be summarised as:
- Holding Policy Committees to account for decisions taken – either through call-in prior to a decision being implemented or through post implementation review of a policy, procedure or service change
 - Developing or reviewing an existing policy, procedure or way of working within the Council
 - Monitoring and reviewing the performance indicators in respect of service provision
 - Scrutiny of external bodies
- 2.10 The introduction of a Scrutiny Committee will provide a platform for challenge and learning within the Council's political framework. Such committees exist to provide opportunities to examine and question decision makers and officers. This committee is not proposed to be established to review every decision taken or delay the implementation of decisions, but to provide a final check and challenge where there are concerns in respect of a proposed decision. As such, this is not a decision making committee, with those powers being reserved to the Policy Committees and/or the Council.
- 2.11 With regard to call-in, the Scrutiny Committee will be able to consider requests for decisions of the policy committees to be reviewed. The proposed procedures contain provision for up to 4 Members of the Council to call-in a decision for scrutiny. The

call-in process would require a reason for the call-in and an alternative proposal for the Scrutiny Committee to consider.

- 2.12 Concerns were expressed during the working group's discussions about the potential conflict of interest which would arise more frequently for Members of smaller political groups, who may not have sufficient numbers within their group to substitute for them to prevent the same Member being involved in a policy decision and then scrutinising the same decision. It is a principle of good governance that decision makers should not also exercise accountability and challenge on matters where they have made a decision. To address this situation, substitutions will be available to political groups for the Scrutiny Committee to avoid such situations and the Monitoring Officer will be given the discretion to consider potential dispensations to enable a Member to participate in scrutiny activity where the political balance of the committee is affected in a way that prevents the overall balance of the authority being reflected on the Scrutiny Committee when considering a call-in.
- 2.13 In the event that the Council approves the establishment of a Scrutiny Committee, training and development activity will take place for both Members and officers to ensure that there is a collective understanding of the role and working practices of this new committee and how it fits into the broader governance framework of the Council.
- 2.14 As the current Member Allowances Scheme has not been reviewed for more than four years, the Council must seek the recommendation of the Independent Remuneration Panel before determining the special responsibility allowance payable to the Chairman and Vice-Chairman of the Scrutiny Committee. It is recommended that the Panel be requested to prioritise making a recommendation on the special responsibility allowance to be paid to the Chairman and Vice-Chairman of the Scrutiny Committee.
- 2.15 The Council has previously been advised of the need to introduce General Delegations to Officers as part of the recommendations arising from the Black's Head Investigation in October 2020. At the present time there are very specific delegated powers related to statutory provisions that are clearly set out in Part 3 of the Constitution (Responsibility for Functions). The Constitution presently does not articulate that the Council has delegated authority to officers to manage and deliver functions associated with service delivery. It is for this reason that the Constitution Working Group has recommended a number of provisions that provide general delegated authority to officers. The constitutions of local authorities across England have established a clear principle that where functions are not specifically reserved to Council or a committee (or Executive) then officers have responsibility for such functions. The present practice at this Council is for functions to be determined by Council if they are not explicitly reserved to a committee or officers. It is therefore recommended that the Council establish the principle that a function is to be determined by an officer, unless it is specifically reserved to a committee or Council. The caveat to this is that an officer will seek to undertake consultation with the relevant Committee Chairman, and where appropriate with Ward Member(s), where there is likely to be significant public interest in a decision, which may result in the matter being referred to a committee or Council for decision.
- 2.16 A key component of a successful political framework is how transparent it is and how transparent it is perceived to be. Whilst much debate has taken place in meetings about the way in which questions are put to report authors, there has not been a focus

on understanding why the volume of questions are put by Members to officers. Anecdotal feedback shared with the Monitoring Officer, along with discussions in the Constitution Working Group, suggests that the absence of an evaluation of alternative options and why they have been discounted as the recommended approach in reports is the primary reason for the number of questions put to report authors in meetings. As referred to in paragraph 2.9 above, there are no provisions for questions from Members to officers at Council or Policy Committee meetings and these have been permitted at the discretion of the Chairman. There is no recommendation to change this practice at present for Council meetings, as the Rules of Debate require further review by the Constitution Working Group, but it is recommended that the Council Procedure Rules be amended to allow for questions to be put to officers during meetings of Policy Committees. In addition to this, there is recognition from the Monitoring Officer that the report template for Council and committees needs to be amended to require an evaluation of the options considered and not recommended, as well as further detail on the implications of recommendations. Such improvements are anticipated to improve the quality and transparency of decision making from the perspective of Members and the public, as well as potentially removing the need for as many questions and allowing Members to focus on debating the merits of proposals submitted for decision by Council and its committees.

- 2.17 In addition to the above, the Council approved the purchase of a committee management system earlier this year. The Modern.gov software is currently being implemented, which will increase the transparency of Council decision making and make it easier to search for previous decisions, as well as the publication of delegated decision records. Members will receive automatic notifications on the publication of documents and citizens can also register to receive notifications in respect of matters of interest to them.

3 PROPOSED CHANGES

Articles of the Constitution (Part 2)

- 3.1 Article 4 – The Full Council is recommended to be amended to:

- remove from 4.01(a)(i) the Community Strategy from the Policy Framework, as there is no longer a statutory requirement for local authorities to prepare this document.
- remove from 4.01(a)(ii) the Food Law Enforcement Service Plan, as there is no longer a statutory requirement for local authorities to prepare this document.

- 3.2 Article 6 – The Council's Committees is recommended to be amended to:

- insert at 6.04 –

Scrutiny Committee

The Council will appoint a Scrutiny Committee which will hold decision makers to account, review performance and designated projects and make recommendations to Policy Committees and officers

The functions of the Committee are set out in Part 3 of this Constitution entitled “Responsibility for Functions”.

Responsibility for Functions (Part 3)

3.3 The functions of the Council are recommended to be amended to:

- Insert at a) the words “,arising from Council decisions, changes in the Management Structure or new or amended legislation”
- Delete at b) the words “Corporate Plan” and insert the words “set out in Article 4 of the Constitution.”
- Delete at c) the words “or which seek to propose a significant departure from existing policy.”
- Insert at i) the words “or dismissal of”
- Delete at n) the words “Making decisions about any functions that by law, or as a result of local choice are not the responsibility of the Council and have not been delegated to a committee or officer;”
- Insert at q) the words “management structures within the organisation” and delete the words “organisational review and resources”

3.4 The functions of the Policy Committees are recommended to be amended to:

- Insert the words “All policy committees, other than where specified, will comply with the proportionality rules, as set out in the Local Government and Housing Act 1989. The Council appoints standing policy committees. Their purpose is to examine in detail specific issues or aspects of policy, procedure or service and make decisions on those matters within their specific remit, other than those that are specifically reserved to the Council. The membership will comprise councillors from each political group, subject to the political balance of the Council.”
- Delete the words “A significant area of work in relation to policy and strategic development is undertaken on behalf of the Council by the two Policy Committees. The Committees each meet every 6 weeks, or at such other periods as business may demand and report to meetings of the Council. One of the aims of the Constitution is to speed up decision making and so provision has been made for each Committee to make a decision in relation to the other's business where an urgent matter needs attention.”
- Insert the following table:

Community and Environment Committee	<p>To consider specific issues or aspects of policy, procedure or service relating to:</p> <ul style="list-style-type: none"> • Affordable Housing • Anti-Social Behaviour and Community Safety • Car Parking • Climate Change • Community Development • Conservation and Design • Countryside Management • Disabled Facility Grants • Dog Warden Service
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	<ul style="list-style-type: none"> • Economic Development • Economic and Strategic Partnerships • Environmental Crime • Environmental Health • Estate Regeneration • Events • Flooding • Homelessness • Home Options • Housing Strategy • Leisure Services • Markets • Matlock Bath Illuminations • Neighbourhood Plans • Planning Policy • Private Sector Housing • Public Conveniences • Public Health and Safety • Sports Development • Supplementary Planning Guidance • Transport Operations • Tree Protection • Waste Collection and Recycling
<p>Governance and Resources Committee</p>	<p>To consider specific issues or aspects of policy, procedure or service relating to:</p> <ul style="list-style-type: none"> • Asset Management • Central Support Services • Communications and Marketing • Consultation and Engagement • Customer Access and Complaints • Data Protection and Information Governance • Digital Transformation and Business Process Improvement • Electoral Administration and Registration • Equalities and Diversity • Financial Governance • Internal and External Audit • Human Resources • Legal and Corporate Governance • Member Support and Development • Procurement and Contract Management • Revenues and Benefits

- 3.5 The wording in respect of the Community and Environment Committee and Governance and Resources Committee be deleted.
- 3.6 The wording in Appendix 1 in respect of General Delegations to Officers is recommended be inserted in Part 3 of the Constitution.
- 3.7 The wording in Appendix 2 in respect of the proposed Terms of Reference for the Scrutiny Committee be inserted in Part 3 of the Constitution.

Rules of Procedure

- 3.8 The following wording is recommended to be inserted within Council Procedure Rule 3 in respect of the business to be conducted at the Annual Meeting of the Council “Elect a Leader of the Council and Deputy Leader of the Council”
- 3.9 The following wording is recommended to be inserted within Council Procedure Rule 3.01 (Terms of Appointment), “including the offices of Leader of the Council and Deputy Leader of the Council”
- 3.10 That the following wording be inserted as a new Procedure Rule 18.5:

Content and Length of Speeches at Policy Committees

Speeches must be directed to the question under discussion or to a personal explanation or point of order. Members may also ask questions and receive a response to their questions from either the Chairman of the Committee or officers.

Members will not be restricted by these rules in the number of times that they may participate in a debate at a Policy Committee meeting, other than at the discretion of the Chairman of the Committee in seeking to secure the efficient management of debate on matters under consideration.

- 3.11 The wording in Appendix 3 in respect of the Scrutiny Procedure Rules be inserted in Part 4 of the Constitution.

4 OPTIONS CONSIDERED

- 4.1 In making the recommendations to the Council, the Constitution Working Group considered a broad discussion paper from the Monitoring Officer which reflected on the way in which the Council’s governance arrangements currently operate. This focused discussions on structures and functions initially, rather than on procedural matters. The recommendations have been made on the basis that the alternative, which is the current arrangement of Council having full authority to determine all policy, has not worked as well as had been envisaged in July 2020. Limited consideration has been given to the possibility of changes to the Rules of Procedure for Council meetings to enable a more effective discharge of functions as this would not have addressed the fundamental issue of the volume of decision making functions reserved to Council.
- 4.2 Some discussion took place in respect of a potential move to an executive arrangements model of decision making. This is an option available to the Council, which operates “alternative arrangements” under the Local Government Act 2000. There was no enthusiasm to consider this given that the model of governance was not considered to be the issue, but rather the distribution of functions within the

current model. If there were a recommendation to move to executive arrangements, the Council would be required to establish a Scrutiny Committee as a statutory requirement, as part of a suite of changes that would require either an Elected Mayor or a “Strong Leader” model.

- 4.3 The establishment of the Scrutiny Committee has been recommended by Members as an alternative to the current practice of questions to officers at Council meetings. The alternative to the recommendation would be to review the Rules of Procedure for Council and committee meetings to introduce provisions for questions to be asked within the Rules of Debate. This option was not recommended and the establishment of the Scrutiny Committee had been proposed to add value to the wider governance arrangements, as well as providing a forum for questioning and challenging of senior officers.
- 4.4 The adoption of general delegations for officers was recommended to the Council over 18 months ago and the proposed delegations are considered to be a necessary step forward in safeguarding the Council from legal challenge in respect of the discharge of functions. The alternative to the principle proposed in this report would be to provide a detail list of all functions currently required to be discharged by the District Council and set out whether the Council, Committees or Officers were authorised to discharge those functions. This would be a significant undertaking at a time when resources are required to deliver other priorities set by Members. Therefore the principle of delegating authority to officers to discharge functions other than where it is specifically reserved to the Council or its committees is expected to achieve the same ends, without incurring a lot of work and debate. As the Constitution is a living document, specific functions that Members would wish to reserve to the Council and Committee can be identified and the Constitution changed accordingly.

5 RISK ASSESSMENT

Legal

- 5.1 It is a statutory duty for the Council to maintain and keep under review a Constitution which must comply with the provisions of the Local Government Act 2000, regulations made under it and Directions issued by the Secretary of State as to its contents. It is also a requirement of our existing Constitution that its provisions be reviewed by the Monitoring Officer.
- 5.2 The proposal to establish a Scrutiny Committee is consistent with the requirements of The Local Authorities (Committee System) (England) Regulations 2012. Where a local authority operating a committee system determines to operate a scrutiny committee there are specific provisions in relation to whom that committee can make reports and recommendations. The proposed terms of reference are consistent with the provisions of the regulations.
- 5.3 Amendments to the Council’s Constitution by law is a matter for full Council. The Council’s Constitution provides for the Constitution Working Party to advise the full Council in matters relating to the operation of the Constitution and any necessary

amendments. As this process has been followed and the proposals are consistent with the law, the legal risk is considered to be low.

Financial

- 5.4 There are no financial implications directly associated with this report. The proposals are consistent with the Members' Allowances Scheme, although it is noted that the establishment of special responsibility allowances for the Chairman and Vice-Chairman of the Scrutiny Committee will be subject to a recommendation from the Independent Remuneration Panel and backdated to the date of appointment at the Annual Meeting. At such time as the Council determines the special responsibility allowance for those offices, a recommendation will be made to amend the revenue budget to reflect the additional budget requirement for the 2022/23 financial year. The financial risk is therefore considered to be low.

6 OTHER CONSIDERATIONS

- 6.1 In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.
- 6.2 There are no particular implications arising from the amendments. Members are reminded of their duties under the Equality Act 2010 when exercising their functions to have regard to the need to eliminate discrimination against and promote equality for persons with a protected characteristic. When decisions are made in accordance with the Constitution such implications will be referred to as necessary.
- 6.3 A Climate Change Impact Assessment has been undertaken and has indicated a neutral impact associated with the recommendations in this report.

7 CONTACT INFORMATION

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8 ATTACHMENTS

Appendix 1 – Part 3 of the Constitution – Responsibility for Functions

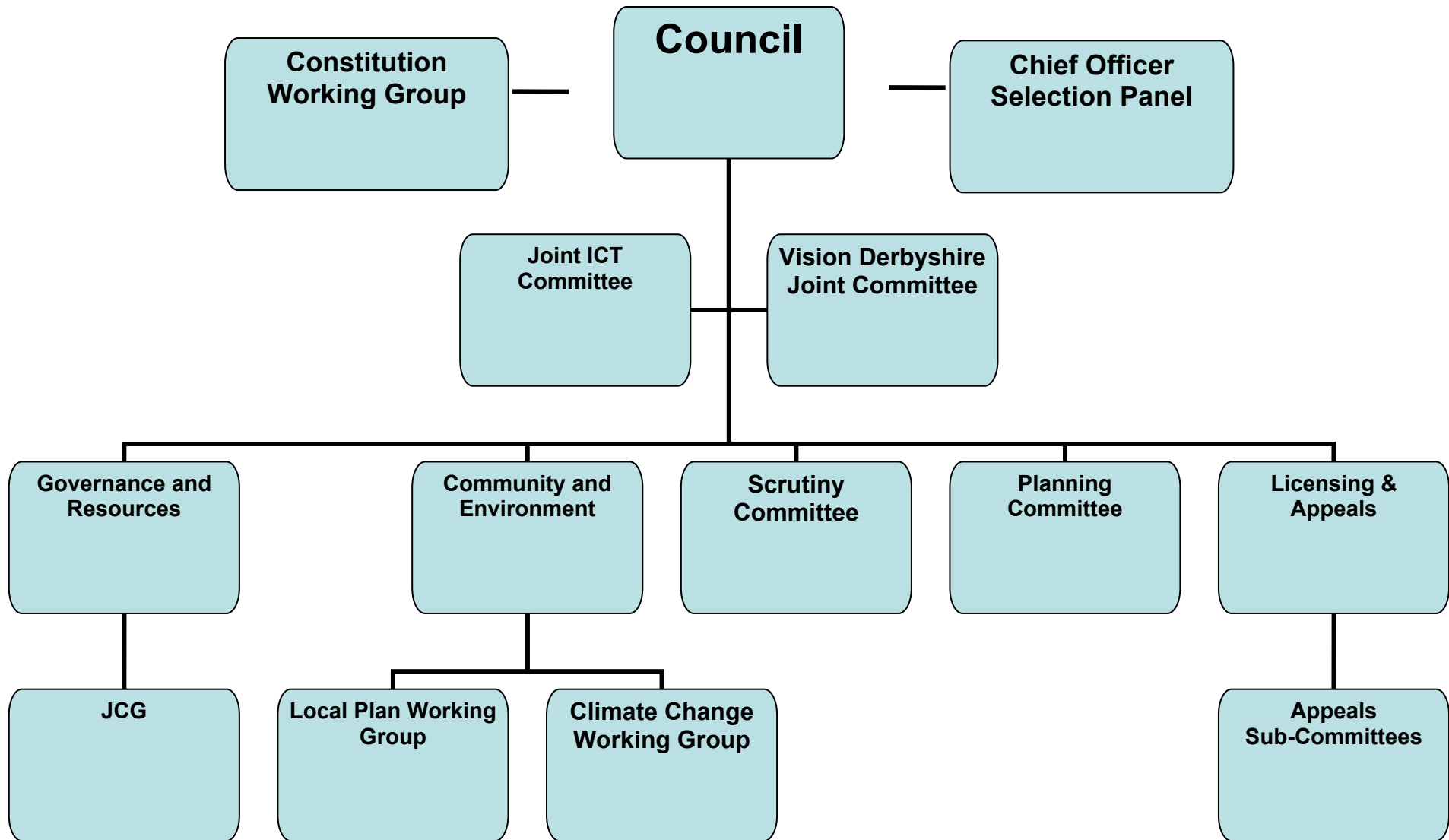
Appendix 2 – Part 4 of the Constitution – Rules of Procedure

RESPONSIBILITIES FOR FUNCTIONS

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DECISION MAKING STRUCTURE OF THE COUNCIL



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COUNCIL – TERMS OF REFERENCE

The Council is responsible for all functions and services administered or delivered in its name.

Some of the Council's functions may only be exercised by meetings of the full assembly of Councillors, whilst authority to deal with others may be delegated to Committees or Officers.

The following table demonstrates how the Council operates in relation to its Committees and the remaining part of this Section describes the functions Council has delegated to its Committees. Such arrangements do not in any way prevent the Council from exercising all or any of the delegated functions provided that the right to withdraw delegations must be subject to any third party rights consequent upon a Committee's or Sub-Committee's decision.

Council reserves to itself the following powers:

- a) Adopting and changing the Council Constitution, subject to the delegation to the Monitoring Officer to make consequential changes arising from Council decisions, changes in the Management Structure or new or amended legislation;
- b) Approving and adopting the policy framework and strategies set out in Article 4 of the Constitution;
- c) Considering all proposals which seek to establish new strategy or policy, matters which the Council has resolved to itself or any matter which seeks to propose a significant departure from existing policy.
- d) Approving the revenue budget capital programme, supplementary estimates and revised revenue budget, setting the council tax and authorising the treatment of reserves and balances;
- e) Approving or adopting a plan or strategy for the control of borrowing, investments or capital expenditure, or for determining the authority's minimum revenue provision;
- f) Agreeing and/or amending terms of reference for committees, sub-committees and forums, deciding on their composition and making appointments to them including the appointment of Chairs and Vice-Chairs;
- g) Approving Membership of, and appointing representatives to, outside bodies and approved conferences
- h) Adopting a scheme for members allowances, following receipt of recommendations from the Independent Remuneration Panel;
- i) Confirming the appointment or dismissal of the Head of Paid Service, Corporate Director, Monitoring Officer or Chief Financial Officer
- j) Making arrangements for the discharge of any of the Council's functions by another local authority or a joint committee with other authorities;
- k) Making, amending revoking, re-enacting or adopting bylaws and promoting or petitioning against any bills in parliament
- l) Approving any proposals relating to local government areas and the transfer, conferment or withdrawal of powers of local authorities;
- m) Matters relating to the variation of parliamentary and local government electoral areas and representation;
- n) Considering petitions where this is required under the Petitions Scheme.
- o) Considering reports of statutory Officers i.e. from the Chief Financial Officer or Monitoring Officer.
- p) Considering the reports of the Head of Paid Service in relation to organisational review and resources

q) Adopting the District Council's Code of Conduct for elected Members

TERMS OF REFERENCE – POLICY COMMITTEES

All policy committees, other than where specified, will comply with the proportionality rules, as set out in the Local Government and Housing Act 1989.

The Council appoints standing policy committees. Their purpose is to examine in detail specific issues or aspects of policy, procedure or service and make decisions on those matters within their specific remit, other than those that are specifically reserved to the Council. The membership will comprise councillors from each political group, subject to the political balance of the Council.

Each Committee shall be comprised of 17 members based on the principles of political proportionality.

The Access to Information Act also provides for urgent business to be considered by the Council or any Committee within the legal definition of the Act.

Details of the Policy Committees are set out below:

Community and Environment Committee	<p>To consider specific issues or aspects of policy, procedure or service relating to:</p> <ul style="list-style-type: none"> • Affordable Housing • Anti-Social Behaviour and Community Safety • Car Parking • Climate Change • Community Development • Conservation and Design • Countryside Management • Disabled Facility Grants • Dog Warden Service • Economic Development • Economic and Strategic Partnerships • Environmental Crime • Environmental Health • Estate Regeneration • Events • Flooding • Homelessness • Home Options • Housing Strategy • Leisure Services • Markets • Matlock Bath Illuminations • Neighbourhood Plans • Planning Policy • Private Sector Housing • Public Conveniences • Public Health and Safety
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	<ul style="list-style-type: none"> • Sports Development • Supplementary Planning Guidance • Transport Operations • Tree Protection • Waste Collection and Recycling
Governance and Resources Committee	<p>To consider specific issues or aspects of policy, procedure or service relating to:</p> <ul style="list-style-type: none"> • Asset Management • Central Support Services • Communications and Marketing • Consultation and Engagement • Customer Access and Complaints • Data Protection and Information Governance • Digital Transformation and Business Process Improvement • Electoral Administration and Registration • Equalities and Diversity • Financial Governance • Internal and External Audit • Human Resources • Legal and Corporate Governance • Member Support and Development • Procurement and Contract Management • Revenues and Benefits

Provision for urgent business

In the following circumstances, any Policy Committee may make any decision delegated to any other Policy Committee, relating to urgent business.

Urgent business is defined as:-

1. The decision cannot reasonably be deferred until it would be possible to convene a meeting of the decision making body.
2. In considering the above the following factors should be taken into account:
 - the need to respond to adverse naturally occurring events e.g. flood, fire etc;
 - the need to respond to peace-time emergency situations under the Emergency Planning arrangements;
 - the need to respond to or embark upon, a course of action with an externally set deadline which would result in significant or lesser but substantial economic social or environmental benefits or disadvantage accruing to the District.

3. Where urgent business cannot be deferred until a Policy Committee meets, urgent decisions will be taken by the Chief Executive or Director of Corporate and Customer Services in consultation with:-
- the Chairman of the relevant decision making body;
 - in his/her absence, the Vice-Chairman;
 - advice should be obtained on vires from the Monitoring Officer;

Affected ward members will be given notification of urgent business decisions to be taken and the method of determination

OFFICER DELEGATIONS

1. All matters which have not been reserved to Council or a Committee are delegated to Officers. Delegated decisions are to be taken by Chief Officers or Directors of Service. Each Directorate must develop and maintain their own internal scheme of management which will be published on the Council's website, as required by section 100G of The Local Government (Access to Information) Act 1985. Delegated decisions are to be taken in accordance with the relevant internal scheme of management. Officers may take decisions within the responsibilities of their directorate as determined by the Chief Executive.
2. Chief Officers and Directors of Service are authorised to take the necessary action to implement decisions taken by Committees of the Council.
3. The Council may use provisions of the Local Government Act 1972 and the Localism Act 2011 to commission and monitor work for and on behalf of the Council. When services remain the responsibility of the Council, but are delivered by people who are not officers of the authority, Chief Officers and Directors of Service may authorise non-Council employees to take delegated decisions, such people will be bound by the Constitution, this scheme, and the obligations contained in it, at all times when engaged on Council business.
4. Under this scheme officers must keep Members properly informed of action arising within the scope of these delegations. Officers must liaise closely with the relevant Chairman when the matter falls within the remit of that committee or the Council. Officers shall inform the local Ward Members when they exercise delegated powers specifically affecting their ward and when the matter is likely to be politically sensitive or contentious unless legal reasons prevent this.
5. The Openness of Local Government Bodies Regulations 2014 require every local authority to publish details of certain decisions taken by Officers under delegated authority as soon as practicable. Chief Officers and Directors of Service are responsible for ensuring that decisions taken within their areas of responsibility are recorded in accordance with these regulations.
6. In exercising their delegated powers, Chief Officers and Directors of Service must act within the law and the Council's Procedures, Contract Standing Orders and Financial Regulations, and must follow Council policy and the instructions of Council committees. If, exceptionally, it is necessary to depart from Council policy or Committee instructions, a full report must be submitted to Committee as soon as is practicable.
7. The Chief Executive, subject to the concurrence of the Leader or, in his/her absence, the Deputy Leader together with the Chairman or, in his/her absence, the Vice-Chairman of the relevant committee, may authorise Chief Officers or Directors of Service to perform all functions within the Powers and Duties of that Committee in any case of urgency in which the prompt performance of any of the Council's functions is desirable and necessary.
8. Where an officer has delegated powers, the Council or relevant Committee can still exercise that power in a particular case if it considers it appropriate to do so.

Equally it is always open to an Officer not to exercise delegated powers but to refer the matter up as appropriate.

9. Subject to any matters being expressly reserved to the Council or its Committees, Chief Officers are authorised to take decisions and to act:
 - (a) To discharge the functions allocated to them or dealt with by them or their staff
 - (b) In all matters in which they have managerial or professional authority unless there is a legal or professional impediment

10. Subject to any matters being expressly reserved to the Council or its Committees, Chief Officers or Directors of Service may exercise discretion and use whatever means they consider appropriate to discharge those functions and implement those decisions and to exercise general, specific or special delegated powers, including:
 - (a) Incurring expenditure, collecting income and writing off debts
 - (b) Determining use of land and premises and all other resources within their control
 - (c) Placing contracts and procuring other resources within or outside of the Council
 - (d) Settling claims and disputes
 - (e) Making statutory determinations and orders, granting and refusing permissions, licences and consents, and certificates of all kinds
 - (f) Signing and authenticating documents of all kinds
 - (g) To make representations in respect of applications under the Licensing Act 2003 and Gambling Act 2005
 - (h) To appoint “authorised officers / persons”, “approved officers / persons”, “inspectors” etc to carry out duties and exercise powers within that individual’s area of responsibility, including but not limited to:
 - (i) Entering and inspecting premises;
 - (ii) Taking action under the Scheme of Delegation from Council and committees
(Chief Officers must keep lists of who they have authorised, for what purpose and what limitations apply.)
 - (i) To authorise the Director of Corporate and Customer Services and the Legal Services Manager to issue and pursue legal proceedings and serve notices in respect of functions
 - (k) To serve statutory notices, issue cautions and take enforcement action (including but not limited to the issue of fixed penalty notices)
 - (l) Submitting a planning application for development linked to their area of responsibility
 - (m) To make decisions in relation to the spend of grant funding received in connection with approved projects or government initiatives
 - (n) To make decisions in relation to the spend of monies allocated to Council approved specific reserves

11. Subject to Officer Employment Procedure Rules, the delegated powers of Chief Officers and Directors of Service include:
 - (a) Power to determine staffing arrangements and structures within approved budgets subject to:
 - (i) Agreement on grading following Job Evaluation
 - (ii) Conformance with approved Council policies and procedures; and

- (iii) Chief Executive approval for structural changes establishing or affecting posts beyond the approved budget for the service
- (b) Power to recruit, appoint, agree conditions of service, appraise, develop, manage and reward employees subject to compliance with Council policies and procedures
- (c) Power to suspend, dismiss or take other disciplinary action and to deal with grievance, capability and sickness matters in accordance with the Council's policies and procedures

12. Chief Officers or Directors of Service may enter into contracts, make payments, write off debts etc in accordance with the financial levels of authority set out in Contract Standing Orders and Financial Regulations.

The following table sets out the specific delegations made to officers in accordance with functions of the District Council in law or specific decisions:

Subject	Act	Functions Delegated	Officer
Article 8 – The Redress Schemes for Lettings Agency Work and Property Management Work	Requirement to Belong to a Scheme etc (England) Order 2014	Issue of notice, issue of final notice and imposition of monetary penalty of £5,000	Director of Regulatory Services, Principal Officer – Environmental Health, all Environmental Health Officer, Environmental Health Manager
Abandoned Vehicles and Refuse	Refuse Disposal (Amenity) Act 1978	To carry out the duties of the Council in accordance with the Act.	Director of Regulatory Services/ Principal Officer – Environmental Health/ Environmental Health Officers/Environmental Health Technician/Environmental Health Manager
	Clean Neighbourhoods & Environment Act 2005 Section 10 & Refuse Disposal (Amenity) Act 1978 Section 2B	Issue of fixed penalty notices for abandoning a vehicle	Environmental Health Officers/Environmental Health Technicians

Subject	Act	Functions Delegated	Officer
	Clean Neighbourhoods & Environment Act 2005 Section 10 & Refuse Disposal (Amenity) Act 1978 Section 2B	Power to require the name and address of a person to whom a fixed penalty notice is to be issued	Environmental Health Officers/Environmental Health Technicians
Abseiling Licences – Council Owned Land	-	That delegated authority be granted to the Director of Corporate and Customer Services, following consultation with appropriate governing bodies and organisations, to agree the detailed wording and subsequent issue of abseiling licences for land in Council's ownership.	Director of Corporate and Customer Services
Access to Information	Local Government (Access to Information) Act 1985	Proper Officer provision <ul style="list-style-type: none"> • Identification and retention of background papers and reports • Identification of exempt information and reasoning of public interest test 	Chief Executive and Directors of Service Monitoring Officer and Chief Financial Officer in relation to their statutory roles Estates and Facilities Manager in relation to role as the Council's valuer.
		To increase charges for the production of background papers, agendas, reports and minutes annually, in line with inflation	Director of Corporate and Customer Services
		In relation to staffing matters	Chief Executive, Director of Corporate and Customer Services, and Human Resources Manager

Subject	Act	Functions Delegated	Officer
Anti-Social Behaviour	Anti-Social Behaviour, Crime and Policing Act 2014 Section 22	To apply for a Criminal Behaviour Order on conviction	Solicitor and/or Legal Assistant in Consultation with the Director of Corporate and Customer Services and/or Legal Services Manager
	Anti-Social Behaviour, Crime and Policing Act 2014 Part I	To apply for a Civil Injunction	Solicitor, Legal Assistant, Revenue Services Manager and/or Community Safety Officer in consultation with the Director of Corporate and Customer Services and/or Legal Services Manager
	Anti-Social Behaviour, Crime and Policing Act 2014 Section 43	To issue a Community Protection Notice	Environmental Health Officers, Community Safety Officer, Clean & Green Manager and Neighbourhoods Manager
	Anti-Social Behaviour, Crime and Policing Act 2014 Section 52	To issue a Fixed Penalty Notice for failing to comply with a Community Protection Notice	Environmental Health Officer, Neighbourhoods Manager Community Safety Officer Any other enforcement officers employed by DDDC
	Anti-Social Behaviour, Crime and Policing Act 2014 Section 48	To instigate legal proceedings for failing to comply with a Community Protection Notice	Solicitor and/or Legal Assistant in consultation Director of Corporate and Customer Services and/or Legal Services Manager
Anti-Social Behaviour	Anti-Social Behaviour, Crime and Policing Act 2014 Section 68	To issue a Fixed Penalty Notice for failing to comply with a Public Spaces Protection Order	Environmental Health Officers, Director of Regulatory Services / Director of Community & Environmental Services, Neighbourhoods and Clean & Green staff and any other enforcement officers employed by DDDC.

Subject	Act	Functions Delegated	Officer
Anti-Social Behaviour	Anti-Social Behaviour, Crime and Policing Act 2014 Section 67	To instigate legal proceedings for failure to comply with a Public Spaces Protection Order	Director of Corporate and Customer Services and/or Legal Services Manager in conjunction with Director of relevant service
	Anti-Social Behaviour, Crime and Policing Act 2014 Section 76	To issue a Closure Notice – 24 Hours	Licensing Manger, Principal Environmental Health Officer Community Safety Officer/Environmental Health Manager
	Anti-Social Behaviour, Crime and Policing Act 2014 Section 76	To issue a Closure Notice – 48 Hours	Director of Regulatory Services Director of Community & Environmental Services
	Anti-Social Behaviour, Crime and Policing Act 2014 Section 80	To apply for a Closure Order	Director of Corporate and Customer Services and/or Legal Services Manager in conjunction with Director of relevant service
Approval of Disabled Facilities Grants	Housing Grants, Construction and Regeneration Act 1996	Approve grant assistance	Director of Regulatory Services / Principal Officer – Environmental Health/Environmental Health Manager
	Regulatory Reform (Housing Assistance) (England and Wales) Order 2002	Refuse grant assistance	
Arts Development Scheme	-	To determine the distribution of the Arts Development in Derbyshire Dales Fund	

Subject	Act	Functions Delegated	Officer
Assets of Community Value	Localism Act 2011	To determine all nominations for inclusion on the list of Assets of Community Value and initial applications for compensation.	Director of Regulatory Services/ Director of Community and Environmental Services (where primary contact has a conflict of interest)
		To determine requests to review the listing of a Community Asset and compensation decisions	Director of Corporate and Customer Services/ Legal Services Manager (where primary contact has a conflict of interest)
Atmospheric Pollution	Clean Air Act 1993	Determine applications regarding arrestment plant.	Director of Regulatory Services / Principal Officer – Environmental Health/Environmental Health Manager
Atmospheric Pollution	Clean Air Act 1993	Institute proceedings.	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
Audible Intruder Alarms	Clean Neighbourhoods & Environment Act 2005 Section 70	Withdrawal of alarm notification area designation.	Director of Regulatory Services
Audible Intruder Alarms	Neighbourhoods & Environment Act 2005 Part 7 Chapter 1	Institute proceedings for offences under this Chapter.	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
Audible Intruder Alarms	Clean Neighbourhoods & Environment Act 2005 Section 73	Issue of fixed penalty notices for offences under this Chapter.	Environmental Health Officers
Audible Intruder Alarms	Clean Neighbourhoods & Environment Act 2005 Section 76	Power to require the name and address of a person to whom a fixed penalty notice is to be issued.	Environmental Health Officers

Subject	Act	Functions Delegated	Officer
Audible Intruder Alarms	Clean Neighbourhoods & Environment Act 2005 Section 77	Power of entry.	Environmental Health Officers
Audible Intruder Alarms	Clean Neighbourhoods & Environment Act 2005 Section 78	Authority to obtain warrant.	Environmental Health Officers
Audible Intruder Alarms	Clean Neighbourhoods & Environment Act 2005 Section 79	Power of Entry: Supplementary	Environmental Health Officers
Authority to Enter Land and Premises		Authority to issue Authority to Enter Premises Notifications for the purposes of pursuing official duties where such provisions exist in law	Chief Executive/ Director of Corporate and Customer Services
Banking		To approve changes to the bank mandate	Chief Financial Officer
Budget Virements		To approve virements between budget heads of £25,000 or less	Chief Financial Officer
Building Control	Building Regulations 2010, Building (Approved Inspectors etc) Regulations 2010, Building Act 1984	To exercise the powers, including Proper Officer provisions under the relevant legislation	Director of Regulatory Services
Building Regulations	Building Act 1984 S32 and S66	To serve notice that plans have no effect where work to which the plans relate has not commenced within 3 years from their deposit	Director of Regulatory Services

Subject	Act	Functions Delegated	Officer
Building Regulations – Charges	Building Regulations (Local Authority Charges) Regulations 2010	To vary the adopted Scheme of Charges where competition for the Building Control service prevails	Director of Regulatory Services
Building Regulations – Contraventions	Public Health Act 1936 S287(1)(a)	Authorisation of Officers to enter premises and to institute proceedings against any person who wilfully obstructs any officer in pursuit of their duties	Director of Regulatory Services
Burial/ Cremation (Assisted Burials)	Public Health (Control of Disease) Act 1984	To make such arrangements as are necessary for the burial or cremation of deceased persons where no suitable arrangements have been or are being made	Director of Regulatory Services/ Principal Officer – Environmental Health, Environmental Health Officers/ Environmental Health Manager
Byelaws	Local Government Act 1972 S328	Proper Officer – to certify printed copies of byelaws	Director of Corporate and Customer Services
Capital Scheme as part of pre-contract mobilisation works of Leisure Service	-	To agree/authorise expenditure of the £1.2m capital sum	Estates and Facilities Manager
Car Boot Sales	-	To take action to prevent the establishment of a permanent car boot sale on a commercial basis	Director of Regulatory Services, following consultation with the Chairman of the appropriate Committee
Car Parking Enforcement	Road Traffic Regulations Act 1984 S35A and 112	To carry out prosecutions	Director of Community and Environmental Services/ Director of Corporate and Customer Services/ Legal Services Manager

Subject	Act	Functions Delegated	Officer
Car Parking Consent to site Third Party Electric Vehicle Charge Points on District Council land	-	To negotiate and enter into formal agreement for the provision of third party EV charging points on District Council owned car parks	Director of Community and Environmental Services
Carsington Reservoir Fund	-	To approve applications for grant aid	Director of Community and Environmental Services, in consultation with the Ward Member
CCTV	Data Protection Act 2018	Authority to sanction third parties for the usage of public space CCTV, CCTV systems and recordings	Director of Community and Environmental Services
	Data Protection Act 2018 and Local Government Act 2003 S93(1)	Authority to set fees for the usage of public space CCTV, CCTV systems and recordings	Director of Community and Environmental Services
	Data Protection Act 2018	To act as data controller for CCTV systems; and to appoint and train responsible officers; and to make decisions in compliance with legislation relating to CCTV	CCTV Manager
Cheque Signatories		To sign cheques on behalf of the Council	Director of Resources/ Director of Corporate and Customer Services/ Financial Services Manager
Chief Financial Officer	Local Government Finance Act 1988 S. 112 and Local Government Act 1972 S. 151	Statutory designation	Director of Resources (Deputy – Financial Services Manager)

Subject	Act	Functions Delegated	Officer
Churchyards not closed by statute	-	To increase grant levels annually in line with inflation	Director of Corporate and Customer Services
Civil Emergencies		To take any urgent action necessary in the event of a civil emergency and deal with matters relating to civil protection/emergency planning arising from the Council's powers and duties under the appropriate legislation.	Chief Executive
Code of Conduct (Elected members)	Local Government Act 2000	Consequential changes required to Code of Conduct required by legislation	Monitoring Officer
Complaints under the Member Code of Conduct	Localism Act 2011	Proper Officer to receive complaints of failure to comply with Code of Conduct	Monitoring Officer
Complaints under the Member Code of Conduct – selection of Hearing Panel		To select Members of the Governance and Resources Committee to serve as a Sub-Committee in relation to Hearings required under the procedure for the consideration of complaints	Monitoring Officer, in consultation with the Chairman of the Governance and Resources Committee
Conservation Area and Historic Buildings Grants	-	To approve grants under the Historic Buildings and Conservation Area Enhancement Grants Scheme up to £500 per application	Director of Regulatory Services/ Development Manager

Subject	Act	Functions Delegated	Officer
Contaminated Land	Environment Act 1995	Powers to enter premises	Director of Corporate and Customer Services/ Director of Regulatory Services/ Principal Officer – Environmental Health/ Environmental Health Officers/ Environmental Health Technicians/ Environmental Health Manager
	Environmental Protection Act 1990 Part IIA	To determine that land is contaminated; service of urgent remediation notices; authorise urgent remediation work and recover costs; service of remediation notices; publish remediation declarations	Director of Regulatory Services/ Principal Officer – Environmental Health/ Environmental Health Manager
	Environmental Protection Act 1990 Part IIA	Maintain Remediation Register	Director of Regulatory Services/ Principal Officer – Environmental Health/ Environmental Health Manager
	Environmental Protection Act 1990 Part IIA	Institute proceedings	Director of Regulatory Services in consultation with the Director of Corporate and Customer Services
Contracts		Authority to accept alternative tenders in respect of any contract in the event of a withdrawal before the contract is complete.	Chief Executive and Directors of Service
Control of Disease	Public Health (Control of Disease) Act 1984	To appoint authorised officers	Chief Executive/ Director of Regulatory Services
		To act as authorised officers	Environmental Health Officers/ Environmental Health Technicians

Subject	Act	Functions Delegated	Officer
Control of Disease	Public Health (Control of Disease) Act 1984	To institute legal proceedings	Director of Regulatory Services, in consultation with the Director of Corporate and Customer Services
		To have power of entry	Environmental Health Officers/ Environmental Health Technicians
		To nominate a GP in respect of infectious persons	Director of Regulatory Services
		Authority to authorise staff to issue fixed penalty notices for offences under this section	Director of Regulatory Services
Council Tax Base	Local Government Finance Act 1992 – S.67	To determine the Council Tax Base	Director of Resources
Council Tax Local Discounts	Local Government Finance Act 1992 S. 13A(1)(c)	To determine applications for such reliefs	Chief Financial Officer
Council Tax and Non-Domestic Rates	Local Government Finance Act 1992 S.14	To institute committal proceedings and to execute warrants of arrest with bail as necessary	Director of Resources
Council Tax Support Scheme	Local Government Finance Act 1992	The administration of the Council Tax Support Scheme (including decisions on the backdating of claims and determining amounts of Hardship Relief to be awarded under the scheme)	Director of Resources Benefits Manager (Chesterfield BC) Benefits Technical Officer (Chesterfield BC)

Subject	Act	Functions Delegated	Officer
Councillors	Local Government Act 1972 S83 (1-3)	Proper Officer to witness and receive declarations of acceptance of office made by the Civic Chair of the District and Councillors	Chief Executive or Director of Corporate and Customer Services
	Local Government Act 1972 S84	To receive written notice of resignation from the office of Civic Chair of the District or Councillors	Chief Executive or Director of Corporate and Customer Services
	Local Government Act 1972 S88(2)	To convene a meeting of the Council to fill casual vacancy in the office of Civic Chair of the District	Director of Corporate and Customer Services/ Chief Executive
	Local Government Act 1972 Schedule 12 (4,3)	To receive written notice of a councillor's address	Director of Corporate and Customer Services/ Chief Executive
	Local Government Act 1972 Schedule 12 (42b)	To sign a summons to attend meetings of the Council and its committees	Director of Corporate and Customer Services/ Chief Executive
Councillors – Dispensations	Localism Act	To grant dispensations from the requirement to withdraw from a meeting in circumstances where so many of the councillors on that decision making body have Disclosable Pecuniary Interests (DPI) in a matter that would impede transaction of business	Monitoring Officer

Subject	Act	Functions Delegated	Officer
County Court Proceedings	-	Authority to represent the Council in hearings at County Court	Head of Revenues/ Business Rates Technical Officer/ Recovery Team Leader/ Operational Revenues Manager/ Senior Legal Assistant (all at Chesterfield BC)
Customer Complaints		To determine restrictions to be applied to complaints in accordance with the Persistent and Unreasonable Complaints Policy	Director of Corporate and Customer Services/ Chief Executive (where primary contact has a conflict of interest)
Dangerous Structures	Building Act 1984 S78	Authority to take emergency steps to secure remedial action to remove danger in consultation with Chairman or Vice-Chairman of relevant Committee	Director of Regulatory Services
	-	Recovery of expenses via the courts following Committee approval	Director of Corporate and Customer Services/ Director of Regulatory Services/ Senior Building Control Surveyor
Data Protection	Data Protection Act 2018 General Data Protection Regulations	To ensure compliance with the Data Protection Act and the General Data Protection Regulations and to respond to specific requests for information and the issuing of decision notices	Director of Resources
		To investigate data protection security breaches and report to the ICO where appropriate	Director of Resources

Subject	Act	Functions Delegated	Officer
Data Protection	Data Protection Act 2018 General Data Protection Regulations	To deal with complaints and appeals arising from matters relating to information requests.	Director of Corporate and Customer Services/ Chief Executive
		Data Protection Officer	Director of Resources (when absent: Chief Executive)
Defective Premises	Building Act 1984 S76	Service of notices, authority to authorise works in default	Director of Regulatory Services/ Principal Officer – Environmental Health/ Environmental Health Officers/ Environmental Health Technicians/ Environmental Health Manager
Drainage	Local Government (Miscellaneous Provisions) Act 1976 S35 and Public Health Act 1961 S17	To issue Notices and carry out necessary works in default.	Director of Regulatory Services/Principal Officer – Environmental Health/Environmental Health Officers/Environmental Health Manager
Drainage	Public Health Act 1936	Power to enter premises	Director of Regulatory Services/Principal Officer – Environmental Health/ Environmental Health Officers/Environmental/ Environmental Health Technicians/Environmental Health Manager
Drainage	Building Act 1984	Institute proceedings	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
Drains, Sewers and Culverts	Public Health Act 1936 S.50, S.275 and S.290 Building Act 1984 S59/60	Serving of Statutory Notices indicating nature of remedial work to be completed. Execute works in default and re-claim all necessary expenses.	Director of Regulatory Services/Principal Officer – Environmental Health/ Environmental Health Officers/Environmental Health Manager

Subject	Act	Functions Delegated	Officer
Elections	Local Government Act 1972 (S.41)	Proper Officer to act as Returning Officer for District and Parish Council elections	Chief Executive
	Local Government Act 1972 S89(1B)	Proper Officer for the receipt of written notice of a casual vacancy of Councillor for the District Council	Chief Executive
	Representation of the People Act 1983 S75, 81, 82 and 89	Receipt of returns of election expenses	Chief Executive Deputy – Director of Corporate and Customer Services
	Representation of the People Act 1983 S12B	Publication of Election Petition	Chief Executive Deputy – Director of Corporate and Customer Services
Electoral Registration	Representation of the People Act 1983 S8(2)	Electoral Registration Officer (automatically Acting Returning Officer for UK Parliamentary elections)	Director of Corporate and Customer Services Deputy: Chief Executive
Environmental Damage	Environment Act 1995	Environmental Damage (Prevention and Remediation)(England) Regulations 2015	Director of Regulatory Services/Principal Officer – Environmental Health/Environmental Health Officers/Environmental Health Manager
Environmental Damage	Environmental Damage (Prevention and Remediation) (England) Regulations 2015	To act as authorised officers	Director of Regulatory Services/Principal Officer – Environmental Health/Environmental Health Officers/Environmental Health Manager

Subject	Act	Functions Delegated	Officer
Environmental Damage	Environmental Damage (Prevention and Remediation) (England) Regulations 2015	Service of notices	Director of Regulatory Services/Principal Officer – Environmental Health/Environmental Health Officers/Environmental Health Manager
Environmental Damage	Environmental Damage (Prevention and Remediation) (England) Regulations 2015	To authorise works in default and recover costs.	Director of Regulatory Services/Principal Officer – Environmental Health/Environmental Health Manager
Environmental Damage	Environmental Damage (Prevention and Remediation) (England) Regulations 2015	Institute proceedings	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
Events	-	Authority to approve applications for events on Council owned land in accordance with the Events Strategy and approved schedule of fees	Director of Community and Environmental Services/ Chief Executive (in the absence of the primary contact or in the event of a conflict of interest)
Fly Tipping	Environmental Protection Act 1990 Section 33 and 33ZA	Service of Fixed Penalty Notices	Environmental Health Officers
Fly Tipping	Environmental Protection Act 1990 Section 33	Institute proceedings for the offence of depositing controlled waste on land	Director of Regulatory Services, in consultation with Director of Corporate and Customer Services

Subject	Act	Functions Delegated	Officer
Food	Food Safety Act 1990 (as amended) and all subordinate legislation.	Authority to appoint Authorised Officers as defined by Section 5(6) of the Act and all subordinate legislation and in accordance with current Codes of Practice. To appoint a Public Analyst	Chief Executive/Director of Regulatory Services Chief Executive/Director of Regulatory Services
	Food Safety Act 1990 (as amended) and all subordinate legislation	To act as Authorised Officers as defined by Section 5(6) of Act and all subordinate legislation under the Food Safety Act 1990. To issue Improvement and Emergency Prohibition Notices	Environmental Health Officers/Environmental Health Technicians/ Agency Staff
	Food Safety Act 1990 (as amended) and all associated/sub-ordinate legislation	To institute legal proceeding	Director of Regulatory Services, in consultation with Director of Corporate and Customer Services
	Contaminants in Food (England) Regulations 2013	To appoint authorised officers	Director of Regulatory Services
		To act as authorised officers	Environmental Health Officers/Environmental Health Technicians
		To institute proceedings	Director of Regulatory Services ,in consultation with Director of Corporate and Customer Services
	Food	Meat (Enhanced Enforcements Powers (England) Regulations 2000	To appoint authorised officers
To act as authorised officers			Environmental Health Officers/Environmental Health Technicians

Subject	Act	Functions Delegated	Officer
Food	Meat (Enhanced Enforcements Powers (England) Regulations 2000	To institute legal proceedings	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
	Transmissible Spongiform Encephalopathies (England) Regulations 2018	To appoint authorised officers	Chief Executive/Director of Regulatory Services
		To act as authorised officers	Environmental Health Officers/Environmental Health Technicians
		To institute legal proceedings	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
	European Union (Withdrawal) Act 2018 s.1A and s.1B and all subordinate legislation under the European Communities Act 1972	To fulfil the requirements of the Act and of all subordinate legislation	Director of Regulatory Services/ Environmental Health Officers/ Environmental Health Technicians/ Agency staff
	Trade in Animals and Related Product Regulations 2011	To appoint authorised officers	Chief Executive/Director of Regulatory Services
		To act as authorised officers	Environmental Health Officers/Environmental Health Technicians
		To institute legal proceedings	Director of Regulatory Services in consultation with Director of Corporate and Customer Services

Subject	Act	Functions Delegated	Officer
Food	Food Safety Act 1990 (as amended) and all associated/ subordinate legislation Food and Environment Protection Act 1985	Institute legal proceedings	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
	Food Safety and Hygiene (England) Regulations 2013	Authority to appoint Authorised Officers	Director of Regulatory Services
		To act as Authorised Officer	Environmental Health Officers/Environmental Health Technicians/Agency Staff
		Regulation 6 – Service of Hygiene Improvement Notice	Environmental Health Officers/Environmental Health Technicians/Agency Staff
		Regulation 8 – Hygiene Emergency Prohibition Notices and Orders	Environmental Health Officers/Environmental Health Technicians/Agency Staff
		Regulation 9 – Remedial Action Notices and Detention Notices	Environmental Health Officers/Environmental Health Technicians/Agency Staff
		To institute legal proceedings	Director of Regulatory Services, in consultation with Director of Corporate and Customer Services
	The Official Feed and Food Controls (England) Regulations 2009	Authority to appoint Authorised Officers under Regulation 3(3)	Chief Executive/ Director of Regulatory Services
		Regulation 30: Notices in pursuance to Article 19 of Regulation 882/2004	Environmental Health Officers/Environmental Health Technicians/Agency Staff

Subject	Act	Functions Delegated	Officer
Food		To institute legal proceedings	Director of Regulatory Services, in consultation with Director of Corporate and Customer Services
Former Council Owned Properties in the Peak District National Park (Derbyshire Clause Policy)	Housing Act 1985 S37 and 157	To determine applications for proposed transactions according to the Derbyshire Clause Policy and Procedure	Director of Housing
		To refer applications to a hearing panel made up of Members of the Licensing and Appeals Committee	Director of Housing
		To make minor amendments to the Derbyshire Clause Policy and Procedure in line with any clarification provided by Members of a hearing panel of the Licensing and Appeals Committee	Director of Housing
Freedom of Information	Freedom of Information Act 2000	<p>To ensure compliance with the Freedom of Information Act including:</p> <ul style="list-style-type: none"> • Developing, implementing, monitoring and correcting minor errors to the publication scheme required by the Freedom of Information Act 2000 • Responding to specific requests for information and issuing decision notices 	Business Support Manager

Subject	Act	Functions Delegated	Officer
		To deal with complaints and appeals arising from matters to information requests	Legal Services Manager/ Director of Corporate and Customer Services
Graffiti and Fly-Posting	Anti-Social Behaviour Act 2003	Institute proceedings	Director of Community and Environmental Services, in consultation with the Director of Corporate and Customer Services
		Authority to authorise officers for the purpose of Section 43 of the Act (Fixed Penalty Notices)	Director of Community and Environmental Services/ Neighbourhoods Manager
Head of Paid Service	Local Government and Housing Act 1989 S4	Statutory designation	Chief Executive
Health Protection	Public Health (Control of Disease) Act 1984	To have powers to enter premises to carry out local authority health protection functions	Director of Regulatory Services/Principal Officer – Environmental Health/All Environmental Health Officers/Environmental Health Technicians/Environmental Health Manager
		Application for a warrant to enter premises	Director of Corporate and Customer Services /Director of Regulatory Services/ Principal Officer Environmental Health/Environmental Health Manager
		To nominate a GP in respect of infectious persons.	Director of Regulatory Services
		The authority to authorise staff to issue Fixed Penalty Notices.	Director of Regulatory Services / Environmental Health Manager

Subject	Act	Functions Delegated	Officer
Health Protection	Health Protection (Local Authority Powers) Regulations 2010 Regulation 2	Service of notice requiring that a child be kept away from school	Director of Corporate and Customer Services /Director of Regulatory Services/ Principal Officer Environmental Health/Environmental Health Manager
	Health Protection (Local Authority Powers) Regulations 2010 regulation 3	Service of notice requiring a Head Teacher to provide contact details of children attending school	Director of Corporate and Customer Services/Director of Regulatory Services/ Principal Officer Environmental Health/Environmental Health Manager
	Health Protection (Local Authority Powers) Regulations 2010 regulation 8	Service of notice requesting co-operation for health protection purposes	Director of Corporate and Customer Services/Director of Regulatory Services/ Principal Officer Environmental Health/Environmental Health Manager
	Health Protection (Local Authority Powers) Regulations 2010 regulation 9	Service of notice prohibiting contact with a dead body	Director of Regulatory Services/Principal Officer Environmental Health/Environmental Health Manager
	Health Protection (Local Authority Powers) Regulations 2010 regulation 10	Service of notice prohibiting any person from entering a room in which a dead body is located	Director of Regulatory Services/ Principal Officer Environmental Health/Environmental Health Manager
	Health Protection (Local Authority Powers) Regulations 2010 regulation 11	Service of notice requiring the relocation of a dead body	Director of Regulatory Services/ Principal Officer Environmental Health/Environmental Health Manager
	Health Protection (Local Authority Powers) Regulations 2010	Institute proceedings for failing to comply with a notice served under the Regulations	Director of Regulatory Services/Director of Corporate and Customer Services

Subject	Act	Functions Delegated	Officer
Health Protection	Public Health (Control of Disease) Act 1984	Make application to a Justice of the Peace for a Part 2A Order	Director of Regulatory Services/Director of Corporate and Customer Services
		Make application for the variation or revocation of a Part 2A Order	Director of Regulatory Services/Director of Corporate and Customer Services
	Health Protection (Part 2A Orders) Regulations 2010 regulation 3	Service of notice informing of the application for a Part 2A Order	Director of Regulatory Services
		Recovery of costs	Director of Regulatory Services
	Public Health (Control of Disease) Act 1984	Institute proceedings for failing to comply with a Part 2A Order	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
Health and Safety	Health and Safety at Work Act 1974 S19	To authorise such officers or technicians or agency staff as deemed appropriate with enforcement powers	Chief Executive/ Director of Regulatory Services
		To authorise persons to enter premises in the company of an inspector	Chief Executive/ Director of Regulatory Services
	To act as inspectors in accordance with the Act	Environmental Health Officers/ Environmental Health Technicians/ Agency Staff	
	To indemnify inspectors against any action brought against them arising from carrying out their inspectorial duties	Chief Executive/ Director of Regulatory Services	
	To serve improvement/ prohibition notices	All Officers, Technicians and Agency Staff authorised under the Act	

Subject	Act	Functions Delegated	Officer
Health and Safety	Health and Safety at Work Act 1974 S28(3)(i)	To act as a proper recipient of information	Chief Executive/ Director of Regulatory Services
	Health and Safety at Work Act 1974 S25	Power to deal with cause of imminent danger	Environmental Health Officers
	Health and Safety at Work Act 1974 and all associated regulations	Institute legal proceedings	All Officers, Technicians and Agency Staff authorised, in consultation with the Director of Corporate and Customer Services
	The Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013	To act as the enforcing authority in those premises detailed in the Regulations	All Officers, Technicians and Agency Staff authorised under the main Act.
		To institute legal proceedings for an offence contravening the Regulations	All Officers, Technicians and Agency Staff authorised, in consultation with the Director of Corporate and Customer Services
	The Notification of Cooling Towers and Evaporative Condensers Regulations 1992	To institute legal proceedings	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
High Hedges	Anti-Social Behaviour Act 2003	To determine high hedge complaints, including the issue, modification or relaxation of remedial notices	Director of Regulatory Services/ Development Manager/ Principal Planning Officer/ Environmental Health Manager
Highways – Speed limit amendments and temporary closing and de-trunking	-	To respond to proposals from the Highways Authority	Director of Corporate and Customer Services, following consultation with Ward Member(s)

Subject	Act	Functions Delegated	Officer
Homelessness	Housing Act 1996 Homelessness Reduction Act 2018	To make any determination and notify as appropriate	Director of Housing, Housing Strategy Officer/ Home Options Officers
Housing Benefit First Tier Tribunals	The Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001 Tribunals, Courts & Enforcement Act 2007	Authority to represent the Council in appeal hearings at First Tier Tribunals convened by the Department of Justice	Benefits Manager (Chesterfield BC) Benefits Technical Officer (Chesterfield BC)
Human Resources – Disciplinary Procedure – Formal Warnings	-	To issue formal warnings to employees in accordance with the Disciplinary Procedure	Chief Executive and Directors of Service
Human Resources – Disciplinary Procedure – Dismissal	-	To dismiss employees in accordance with the Disciplinary Procedure	Chief Executive and Directors of Service
Human Resources – Recruitment	-	To fill vacant posts on current establishment with the prior consent of the Chief Executive	Directors of Service
		Authority to sign employment contracts	Human Resources Manager
Interest in Land	Local Government (Miscellaneous Provisions) Act 1976 S16	To issue Notices requiring information as to a person's interest in land	Director of Corporate and Customer Services/ Licensing Manager/ Director of Regulatory Services/ Principal Officer – Environmental Health/ All Environmental Health Officers/ Environmental Health Technicians

Subject	Act	Functions Delegated	Officer
Internal Audit	Accounts and Audit Regulations 2015 & Local Government Finance Act 1982 S23	Responsibility for the maintenance of effective and adequate systems of internal audit	Director of Resources
Land – permission to use for ancillary purposes	-	To determine, in consultation with Ward Member(s), applications to temporarily occupy Council land for ancillary purposes i.e. fairs, circuses, promotional vans and trailers and to set appropriate rental	Director of Resources/ Director of Community and Environmental Services
Land Charges	Local Land Charges Act 1975 S3(3 and S9(4)	Proper Officer to maintain register of Local Land Charges and to issue the certificate of a result of a search	Director of Corporate and Customer Services/ Chief Executive/ Legal Services Manager
Land Drainage	Land Drainage Act 1991	Powers to enter premises to carry out local authority land drainage functions	Director of Regulatory Services/ Principal Officer – Environmental Health/ All Environmental Health Officers/ Environmental Health Technicians/ Environmental Health Manager
Land Transactions	-	To approve the contractual revision of rents, where new rent of £25,000 per annum or less, and licence fees; to approve lease and licence renewals and amendments to their terms	Estates and Facilities Manager

Subject	Act	Functions Delegated	Officer
Land Transactions	-	To grant or enter into licences, periodic tenancies and leases (for less than 10 years) at a fee/rental not exceeding £25,000 per annum	Estates and Facilities Manager
		To grant or obtain or enter into easements, rights of way, rights of light and wayleaves; to consent assignments, sub-lettings and surrenders	Estates and Facilities Manager
		To approve the sale or purchase of land where the estimated value is less than £25,000	Estates and Facilities Manager, in accordance with consultation provisions contained in the Policy for Disposal of Land
Legal Proceedings	All relevant	To authorise the institution, defence or participation in any legal proceedings in any case where such action is necessary to give effect to decisions where such action is necessary to protect the Council's interests	Director of Corporate and Customer Services or Legal Services Manager
Litter	Clean Neighbourhoods and Environment Act 2005 S19 & 24 and Environmental Protection Act 1990 S88	Authority to authorise members of staff to issue fixed penalty notices for dropping litter	Director of Community and Environmental Services/ Neighbourhoods Manager
	Environmental Protection Act 1990 S87 and S88	Institute legal proceedings and institute legal proceedings for failing to provide name and address	Director of Community and Environmental Services, in consultation with the Director of Corporate and Customer Services

Subject	Act	Functions Delegated	Officer
	Environmental Protection Act 1990 S88A	Issue of Fixed Penalty Notices for the offence of littering from a motor vehicle	Principal Officer – Environmental Health, all Environmental Health Officers, all Environmental Health Technicians, Environmental Health Manager
	Environmental Protection Act 1990 S93 & 94	Services of street litter control notices	Director of Community and Environmental Services/ Environmental Health Officers/ Neighbourhoods Manager
	Clean Neighbourhoods and Environment Act 2005 S23 and Environmental Protection Act 1990 S94B and Schedule 3A	Issue of consents for the distribution of free printed material	Director of Community and Environmental Services
		Seizure of material where an offence is committed	Director of Community and Environmental Services/ Neighbourhoods Manager
		Authority to authorise members of staff to issue fixed penalty notices for offences under this section	Director of Community and Environmental Services
		Institute legal proceedings under Part 3	Director of Community and Environmental Services, in consultation with the Director of Corporate and Customer Services
Local Authority Waste Collection and Disposal	Environmental Protection Act 1990 S47ZA	Issue of fixed penalty notices under S46 and 47	Waste and Recycling Manager/ Waste and Recycling Officer
	Environmental Protection Act 1990 S59 and 59ZA	Service of notices	Environmental Health Officers
	Environmental Protection Act 1990 S33	Institute proceedings for the offence of depositing controlled waste on land	Director of Regulatory Services, in consultation with the Director of Corporate and Customer Services

Subject	Act	Functions Delegated	Officer
Magistrates Court	Local Government Act 1972 S223 S1	Proper Officer to prosecute or defend on behalf of the Council in proceedings before Magistrates Courts	Legal Services Manager, Principal Solicitor, Solicitor and Trainee Solicitor Head of Revenues/ Business Rates Technical Officer/ Recovery Team Leader/ Operational Revenues Manager/ Senior Legal Assistant (Chesterfield BC)
Matlock Bath Illuminations	-	The event organiser is given delegated authority to make operational decisions in relation to the staging of the event	Event Organiser, in consultation with the Working Group and the Director of Community and Environmental Services
Means of Escape	Building Act 1984 S72	Service of Notices, authority to authorise works in default	Director of Regulatory Services/ Principal Officer – Environmental Health/ Environmental Health Officers/ Environmental Health Manager
	Building Act 1984 S72	Institute proceedings	Director of Regulatory Services, in consultation with the Director of Corporate and Customer Services
Money Laundering	Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017	Money Laundering Reporting Officer	Director of Resources
Mortgages – Local Average Rate	Housing Act 1985 S438 (1)(a),(b) and (c)	To declare a rate applicable to advances and transfers under the Act	Chief Financial Officer
National Non-Domestic Rates	Local Government Finance Act 1988 S49	Determination of applications for hardship relief	Chief Financial Officer

Subject	Act	Functions Delegated	Officer
National Non-Domestic Rates	Local Government Finance Act 1988 S47	Determination of applications for discretionary rate relief	Chief Financial Officer
		Determination of applications for rate relief under the temporary revaluation relief scheme for business rate revaluation in 2017	Chief Financial Officer
Neighbourhood Planning	Localism Act 2011, Town and Country Planning Act 1990, Planning and Compulsory Purchase Act 2004, and Neighbourhood Planning (General) Regulations 2012	Designation of an area as a Neighbourhood Area following statutory publicity of the application for Neighbourhood Area designation and where no representations of objection are received during the publicity period.	Planning Policy Manager/ Director of Corporate and Customer Services or Director of Regeneration and Policy in the absence of the Planning Policy Manager
Night Time Noise	Noise Act 1996	Service of warning notices and fixed penalty notices	All Environmental Health Officers
		Institute proceedings	Director of Regulatory Services, in consultation with the Director of Corporate and Customer Services
Noise	Noise Act 1996 S8B	Power to require the name and address of a person to whom a fixed penalty notice is to be issued	Environmental Health Officers
Noise – Construction Sites	Control of Pollution Act 1974	Power to enter premises	Director of Regulatory Services/ Environmental Health Officers/ Principal Officer – Environmental Health

Subject	Act	Functions Delegated	Officer
Noise – Construction Sites	Control of Pollution Act 1974	To determine applications for prior consent	Director of Regulatory Services/ Environmental Health Officers/ Principal Officer – Environmental Health
		Service of notices	Director of Regulatory Services/ Environmental Health Officers/ Principal Officer – Environmental Health
		Institute proceedings	Director of Regulatory Services, in consultation with the Director of Corporate and Customer Services
Non Domestic Rates	Local Government Finance Act 1988 The Non Domestic Rating (Rates Retention) Regulations 2013	The calculation and notification of non-domestic rating income and other amounts	Chief Financial Officer
Nuisance and Abandoned Vehicles	Clean Neighbourhoods and Environment Act 2005 S4 & 6	Issue of fixed penalty notices for repairing vehicles on a road	Environmental Health Officers/ Environmental Health Technicians
	Clean Neighbourhoods and Environment Act 2005 S7	Power to require the name and address of a person to whom a fixed penalty notice for the above mentioned offences is to be issued	Environmental Health Officers/ Environmental Health Technicians
	Clean Neighbourhoods and Environment Act 2005 Part 2	Institute legal proceedings under Part 2	Director of Regulatory Services, in consultation with the Director of Corporate and Customer Services

Subject	Act	Functions Delegated	Officer
Parish Councils – Appointment of Members	Local Government Act 1972 S91(1)	To appoint, following consultation with Ward Member(s), temporary Members to serve on inquorate parish councils in the district	Director of Corporate and Customer Services
Parish Councils – Reimbursable Expenditure		To determine if a parish will not be eligible for reimbursable expenditure where it has three years precept in its balances, or £50,000, whichever is the lower, unless there are exceptional reasons	Director of Resources
Performing Animals	Performing Animals (Regulations) Act 1925	Authority to enter premises and examine certificates	Director of Regulatory Services/ Principal Officer – Environmental Health, Environmental Health Officers
Pests – Rats and Mice	Prevention of Damage by Pests Act 1949	Service of Notices on owners or occupiers to secure action to rid premises of pests	All Environmental Health Officers
		Authority to authorise works in default	All Environmental Health Officers
Petitions	-	Petitions Officer	Director of Corporate and Customer Services
Petitions	-	Decisions on ordinary petitions	Chief Executive or Directors of Service, following consultation with the relevant Committee Chairman and relevant Ward Member(s)
Petitions	-	Decisions on whether a petition is vexatious, abusive or otherwise inappropriate	Director of Corporate and Customer Services/Chief Executive

Subject	Act	Functions Delegated	Officer
Petitions	-	Authority to make minor amendments to the Council's Petitions Policy	Director of Corporate and Customer Services
Planning Applications – Land Acquisition	Town and Country Planning Act 1990	To submit planning applications in relation to the development of Council owned land.	Director of Resources/ Director of Community and Environmental Services
Pollution Prevention and Control	Environment Act 1995	Powers to enter premises	Director of Regulatory Services/ Principal Officer – Environmental Health/ Environmental Health Officers/ Environmental Health Technicians/ Environmental Health Manager
Pollution Prevention and Control	Environmental Permitting (England and Wales) Regulations 2016	Granting of Permits Variation of Permits Transfer of Permits Determine applications to surrender permits Service of request for information notices Maintain the Public Register Exclude information from the Public Register	Director of Regulatory Services/Principal Officer – Environmental Health/ Environmental Health Officers/ Environmental Health Manager

Subject	Act	Functions Delegated	Officer
Pollution Prevention and Control	Environmental Permitting (England and Wales) Regulations 2016	Refusal of Permits Revocation of Permits Service of enforcement notices Service of suspension notices Exercise power to prevent or remedy pollution	Director of Regulatory Services/Principal Officer – Environmental Health/Environmental Health Officers/Environmental Health Manager
Pollution Prevention and Control	Environmental Permitting (England and Wales) Regulations 2016	Institute Proceedings	Director of Regulatory Services in consultation with Director of Corporate and Customer Services.
Pollution Prevention and Control	Environmental Protection Act 1990 – section 13	Service of enforcement notices	Environmental Health Officers
Pollution Prevention and Control	Environmental Protection Act 1990 – Section 14	Service of prohibition notices	Environmental Health Officers
Pollution Prevention and Control	Environmental Protection Act 1990 – section 117	Power to deal with cause of imminent danger of damage to the environment	Environmental Health Officers
Private Sector Housing	Housing Act 1985	Institute proceedings.	Director of Regulatory Services in consultation with the Director of Corporate and Customer Services
	Housing Act 1985	Authority to authorise works in default.	Director of Regulatory Services

Subject	Act	Functions Delegated	Officer
Private Sector Housing	Housing Act 1985 and Housing Act 2004	Services of Demolition Orders, Overcrowding Notices	Director of Regulatory Services/ Environmental Health Officers
	Housing Act 1985	Powers to enter premises for the purpose of survey and examination.	Director of Regulatory Services/ Environmental Health Officers/Environmental Health Technicians
	Housing Act 2004, Sections 11 & 12	Service of improvement notices.	All Environmental Health Officers
	Housing Act 2004, Section 14	Suspension of improvement notices.	Director of Regulatory Services / Principal Officer – Environmental Health/Environmental Health Manager
	Housing Act 2004, Section 16	Revocation and variation of improvement notices.	Director of Regulatory Services / Principal Officer – Environmental Health/Environmental Health Manager
	Housing Act 2004, Section 17	Review of suspended improvement notices.	Director of Regulatory Services / Principal Officer – Environmental Health/Environmental Health Manager
	Housing Act 2004, Sections 20 & 21	Making of prohibition orders.	All Environmental Health Officers
	Housing Act 2004, Section 23	Suspension of prohibition orders.	Director of Regulatory Services / Principal Officer – Environmental Health/Environmental Health Manager
	Housing Act 2004, Section 67	Imposition of conditions on licences.	Director of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Manager

Subject	Act	Functions Delegated	Officer
Private Sector Housing	Housing Act 2004, Section 69	Variation of licences.	Director of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Manager
	Housing Act 2004, Section 70	Revocation of licences.	Director of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Manager
	Housing Act 2004	Institute legal proceedings under Part II.	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
	Housing Act 2004, Section 73	Application for rent repayment order.	Director of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Manager
	Housing Act 2004, Section 88	Grant and refusal of licence.	Director of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Manager
	Housing Act 2004, Section 90	Imposition of conditions on licences.	Director of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Manager
	Housing Act 2004, Section 92	Variation of licences.	Director of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Manager
	Housing Act 2004, Section 93	Revocation of licences	Director of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Manager

Subject	Act	Functions Delegated	Officer
Private Sector Housing	Housing Act 2004	Institute legal proceedings under Part III.	Director of Regulatory Services in consultation with Director of Corporate and Customer Services /Environmental Health Manager
	Housing Act 2004, Section 96	Application for rent repayment order.	Director of Regulatory Services/ Principal Officer – Environmental Health
	Housing Act 2004, Section 102	Application for Interim Management Orders.	Director of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Manager
	Housing Act 2004, Section 103	Application for special Interim Management Orders.	Director of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Manager
	Housing Act 2004, Section 111	Variation of Interim Management Orders.	Director of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Manager
	Housing Act 2004, Section 112	Revocation of Interim Management Orders.	Director of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Manager
	Housing Act 2004, Section 113	Making of Final Management Orders.	Director of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Manager
	Housing Act 2004, Section 121	Variation of Final Management Orders.	Director of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Manager

Subject	Act	Functions Delegated	Officer
Private Sector Housing	Housing Act 2004, Section 122	Revocation of Final Management Orders.	Director of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Manager
	Housing Act 2004, Section 131	Power of entry to carry out works.	All Environmental Health Officers and Environmental Health Technicians
	Housing Act 2004, Section 133	Application for Interim Empty Dwelling Management Order.	Director of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Manager
	Housing Act 2004, Section 136	Making of Final Empty Dwelling Management Order.	Director of Regulatory Services
	Housing Act 2004, Section 139	Service of overcrowding notices.	All Environmental Health Officers
	Housing Act 2004, Section 144	Revocation and variation of overcrowding notices.	Director of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Manager
	Housing Act 2004, Section 235	Power to require information	All Environmental Health Officers
	Housing Act 2004, Section 239	Power of entry.	All Environmental Health Officers and Environmental Health Technicians
	Housing Act 2004, Section 240	Application for warrant.	All Environmental Health Officers
	Housing Act 2004, Section 241	Institution of legal proceedings for obstruction.	Director of Regulatory Services in consultation with the Director of Corporate and Customer Services

Subject	Act	Functions Delegated	Officer
Procurement	-	To approve the procurement of goods and services in accordance with Contract Standing Orders and Financial Regulations	Chief Executive and Directors of Service
Protection of Buildings	Local Government (Misc Provisions) Act 1982	Powers to enter premises.	Director of Regulatory Services/Environmental Health Officers/ Environmental Health Technicians
Protection of Buildings	Local Government (Misc Provisions) Act 1982 Sections 29-32	Service of Notices, authority to authorise works in default.	Director of Regulatory Services/Principal Officer-Environmental Health/All Environmental Health Officers/Environmental Health Manager
Protection of Trees	Town & Country Planning Act 1990	<p>To make and sign provisional Tree Preservation Orders and to confirm or vary unopposed orders.</p> <p>To approve or refuse applications to lop or fell trees protected by a Tree Preservation Order.</p> <p>To respond to notifications relating to the felling or pruning of trees in Conservation Areas.</p>	Director of Regulatory Services /Planning Policy Manager/ Development Manager

Subject	Act	Functions Delegated	Officer
Provision of sanitary conveniences at places of entertainment etc.	Local Government (Miscellaneous Provisions) Act 1976	<p>Authority to appoint authorised officers</p> <p>To act as Authorised Officers</p> <p>To serve occasional or continuous notice</p> <p>To institute legal proceedings</p>	<p>Director of Regulatory Services</p> <p>All Environmental Health Officers/ Environmental Health Technicians</p> <p>Director of Regulatory Services</p> <p>Director of Regulatory Services in consultation with Director of Corporate and Customer Services</p>
Public Health – Filthy and Verminous premises and articles	Public Health Act 1936 Sections 84 and 85	<p>Authority to appoint a proper officer</p> <p>To exercise the powers under Sections 84 and 85 of the Act as amended by an enactment.</p>	<p>Chief Executive/Director of Corporate and Customer Services/ Director of Regulatory Services</p> <p>Director of Regulatory Services/ all Environmental Health Officers and Environmental Health Technicians</p>
Public Health – Disinfestations of verminous articles offered for sale	Public Health Act 1961 Section 37	Authority to appoint a proper officer.	Chief Executive/Director of Corporate and Customer Services/ Director of Regulatory Services
Public Health Inspector	Any enactment passed before or during the 1971/72 session of Parliament other than the Local Government Act 1972	Proper Officer – role of Public Health Inspector	Director of Regulatory Services
Public Space Protection Orders	Public Space Protection Orders 2018	To authorise Officers to undertake associated enforcement duties.	Director of Community & Environmental Services
Register of Members Interests	Localism Act S29 and 30	To establish and maintain a Register of Members' Interests	Monitoring Officer

Subject	Act	Functions Delegated	Officer
Re-possession and Rent Arrears	-	To initiate proceedings for re-possession of properties and the recovery of rent arrears, following consultation with the Chairman and Vice-Chairman of the appropriate Committee	Director of Corporate and Customer Services/ Legal Services Manager
Reserves	-	Approval of supplementary estimates (revenue or capital) and use of the general reserve or strategic reserves up to £25,000 per event to deal with emergencies or unforeseen events	Director of Resources
Review Procedure	Housing Act 1996	To carry out requests for reviews either from people who have applied for Council accommodation or appeals against homelessness decisions	Director of Housing/ Housing Strategy Officer
Rights of Way	Town and Country Planning Act 1990 S259 Highways Act 1980 S118 & 119	To promote and confirm Orders to create, divert or close footpaths following consultation with Ward Members	Director of Corporate and Customer Services/ Director of Regulatory Services
RIPA	Regulation of Investigatory Powers Act 2000	To be designated persons for the granting of authorisations	Director of Community and Environmental Services/ Director of Corporate and Customer Services/ Director of Housing/ Director of Regeneration and Policy/ Director of Regulatory Services
		To act as RIPA Monitoring Officer	Legal Services Manager

Subject	Act	Functions Delegated	Officer
RIPA	Regulation of Investigatory Powers Act 2000	To suspend authority to grant authorisations if training not undertaken	Legal Services Manager
		Authority to appear in the Magistrates Court on behalf of the Council to apply for judicial approval for authorisation to obtain or disclose communications data, to use a covert intelligence source or to conduct directed surveillance	Senior Investigations Officer Investigations Officer
Road Closures	Town Police Clauses Act 1847	To take appropriate steps to temporarily close roads, following consultation with emergency services, Derbyshire County Council and Ward Member	Licensing Manager/ Director of Regulatory services
Ruinous and Dilapidated Buildings	Building Act 1984 S79	Service of notices, authority to authorise works in default	Director of Regulatory Services/ All Environment Health Officers
Rural Rate Relief	Local Government and Rating Act 1997 S1	Authority to grant the extended provisions of the rural rate relief regulations	Chief Financial Officer
		Annual Review of the Rural Settlement List	Chief Financial Officer
Sealing of Documents		Proper Officer responsible for the recording and signing documents under the Council's Common Seal	Director of Corporate and Customer Services/ Chief Executive/ Legal Services Manager

Subject	Act	Functions Delegated	Officer
Smoke Free Regulations	Health Act 2006 S10	To act as authorised officers	All Environmental Health Officers/ Principal Officer – Environmental Health/ Environmental Health Technicians/ Licensing Manager/ Environmental Health Manager
	Health Act 2006 S9	Issue of penalty notices under Sections 6(5) and 7(2)	All Environmental Health Officers/ Principal Officer – Environmental Health/ Environmental Health Technicians/ Licensing Manager/ Environmental Health Manager
	Health Act 2006	Institute legal proceedings for offences under Part 1 of the Health Act 2006	Director of Regulatory Services in consultation with Director of Corporate and Customer services
Stall Markets	Local Government (Miscellaneous Provisions) Act 1982	To approve Stall Market Licences	Director of Community and Environmental Services/ Community Events Manager
Statutory Nuisances	Environmental Protection Act 1990 Part III	Power to enter premises	Director of Regulatory Services/ All Environmental Health Officers/ Environmental Health Technicians
		To serve Abatement Notices	Director of Regulatory Services/ All Environmental Health Officers
Statutory Nuisances	Environmental Protection Act 1990 Part III	To authorise works in default, serve notices of intention to recover	Director of Regulatory Services
Statutory Nuisances	Environmental Protection Act 1990 Part III	Institute proceedings	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
Stray Dogs	Environmental Protection Act 1990 S149	Authorised officer with powers to seize and detain stray dogs	Director of Community and Environmental Services

Subject	Act	Functions Delegated	Officer
Stray Dogs	Environmental Protection Act 1990 S149	To approve an increase in kennelling fees where	Director of Community and Environmental Services
Street Naming & Numbering	Public Health Act 1925 S17 and S18	To name or rename streets and impose numbering schemes in consultation with Ward Members	Director of Corporate and Customer Services/ Director of Regulatory Services
Street Trading	Local Government (Miscellaneous Provisions) Act 1982	Authority to approve trading on Consent Streets	Director of Regulatory Services/ Licensing Manager
Street Trading Orders		To authorise prosecutions for contraventions of Orders following an unheeded warning letter	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
Sunday Trading	Sunday Trading Act 1994	To institute legal proceedings	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
Sunday Trading	Sunday Trading Act 1994	To designate area "a loading control area"	Director of Regulatory Services/ Principal Officer – Environmental Health/ Environmental Health Manager
		Authority to appoint inspectors as detailed in schedule 2 part 1 paragraph 2	Chief Executive/ Director of Regulatory Services
Surveyor/ Engineer	Any enactment passed before or during the 1971/72 session of Parliament, other than the Local Government Act 1972	Proper Officer – role of Surveyor or Engineer	Estates and Facilities Manager

Subject	Act	Functions Delegated	Officer
Temporary Road Closures for Events on the Highway	Town Police Clauses Act 1847	To make Road Closure Orders	Licensing Manager/ Director of Regulatory Services
Transport of Waste	Control of Pollution (Amendment) Act 1989 S5	Authority to stop, search and seize vehicles	Director of Regulatory Services/ Principal Officer – Environmental Health/ Environmental Health Manager
		Power to require the name	Director of Regulatory Services/ Principal Officer – Environmental Health/ Environmental Health Manager
		Issue of fixed penalty notices for offences under this section	Director of Regulatory Services/ Principal Officer – Environmental Health/ Environmental Health Manager
		Institute proceedings	Director of Regulatory Services, in consultation with Director of Corporate and Customer Services
Travellers/ Unauthorised Campers	Civil Procedures Rules Part S5	Applications for Possession Orders	Director of Regulatory Services, in consultation with Director of Corporate and Customer Services
Treasurer	Any enactment passed before or during the 1971/72 session of Parliament other than the Local Government Act 1972	Proper Officer – role of Treasurer	Chief Financial Officer
Valuation Office Agency Hearings	Local Government Finance Act 1992	Authority to represent the Council in hearings at the Valuation Office Agency	Benefits Manager/ Benefits Technical Officer/ Business Rates Technical Officer/ Council Tax Technical Officer/ Revenues Manager (Chesterfield BC)

Subject	Act	Functions Delegated	Officer
Valuation Tribunal Hearings	Local Government Finance Act 1992	Authority to represent the Council at hearings of the Valuation Tribunal Service	Benefits Manager/ Benefits Technical Officer/ Business Rates Technical Officer/ Council Tax Technical Officer/ Revenues Manager (Chesterfield BC)
Waste – Commercial	Environmental Protection Act 1990 Section 34A	Issue of fixed penalty notices for offences under Sections 34 & 34A	Director of Community & Environmental Services / Waste & Recycling Manager/ Waste & Recycling Officer
Waste - Deposit and Disposal	Environmental Protection Act 1990 Section 34A	Issue of fixed penalty notices for offences under this section	Environmental Health Officers
	Environmental Protection Act 1990 Section 34B	Authority to stop, search and seize vehicles	Director of Regulatory Services/Principal Officer – Environmental Health/ Environmental Health Officers/Environmental Health Manager
		Power to require the name and address of a person whose vehicle has been stopped	Director of Regulatory Services/Principal Officer – Environmental Health/ Environmental Health Officers/Environmental Health Technicians
		Institute proceedings	Director of Community & Environmental Services t in consultation with Director of Corporate and Customer Services and the Director of Regulatory Services

Subject	Act	Functions Delegated	Officer
Waste and Litter	Environment Act 1995	Power to enter premises	Director of Regulatory Services/Principal Officer – Environmental Health/Environmental Health Officers/ Environmental Health Technicians/Environmental Health Manager
Waste and Litter	Environmental Protection Act 1990, Section 59	Service of notices, authorisation of works in default, emergency removal of waste	Director of Regulatory Services/Principal Officer – Environmental Health/Environmental Health Officers/Environmental Health Manager
Waste and Litter	Control of Pollution (Amendment) Act 1989	Powers to stop and search vehicles	Director of Regulatory Services/Principal Officer – Environmental Health/ Environmental Health Officers/Environmental Health Manager
Waste Contract	-	Authority to appoint consultancy support in procurement of waste contract	Director of Community & Environmental Services in consultation with S151 Officer/Chair & Vice Chair Community & Environment Committee
Water Supplies	Public Health Act 1936	Authority to apply for Court Orders to close a water supply and to implement the Order	Director of Regulatory Services / Principal Officer – Environmental Health/Environmental Health Manager
	Water Industry Act 1991 Section 77 and 78	To exercise the local authority's duties in relation to public water supplies	Director of Regulatory Services / Principal Officer – Environmental Health/Environmental Health Manager

Subject	Act	Functions Delegated	Officer
Water Supplies	Water Industry Act 1991 section 84	Powers to enter premises, to carry out such inspections, measurements and tests as appropriate	Director of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Officers/ Environmental Health Technicians/Environmental Health Manager
	Water Industry Act 1991 section 80	Service of notices requiring the improvement of private water supplies	Director of Regulatory Services/Principal Officer – Environmental Health/ Environmental Health Officers/ Environmental Health Technicians/Environmental Health Manager
	Water Industry Act 1991 section 82	Authorisation of works in default	Director of Regulatory Services / Principal Officer – Environmental Health/Environmental Health Manager
	Water Industry Act 1991 section 85	Service of notices requiring the provision of information	Director of Regulatory Services/Principal Officer – Environmental Health/Environmental Health Officers/ Environmental Health Technicians/Environmental Health Manager
	Private Water Supplies (England) Regulations 2016	Granting of authorisations if different standards	Director of Regulatory Services / Principal Officer – Environmental Health/Environmental Health Manager
	Private Water Supplies (England) Regulations 2016	Service of notices in respect of supplies that constitute a potential risk to human health	Director of Regulatory Services/ Principal Officer – Environmental Health/Environmental Health Officers/ Environmental Health Technicians/Environmental Health Manager

Subject	Act	Functions Delegated	Officer
Water Supplies	Private Water Supplies (England) Regulations 2016	Institute proceedings	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
Write off of Debts		Write off debts of up to £10,000 after due consideration of the circumstances, unless the debt is due to officer error, in which case there shall be no limit	Director of Resources

TERMS OF REFERENCE – SCRUTINY COMMITTEE

A requirement of the Localism Act 2011 (Schedule 2, Chapter 5) is to include a statement to say whether the authority had resolved to have a Scrutiny Committee. Where the authority has so resolved, the Scrutiny Committee must have the powers set out in the 2012 Local Authorities (Committee system) (England) Regulations.

“Committee” means the Scrutiny Committee.

“Sub-committee” means a sub-committee of the Committee.

1. Purpose of the Scrutiny Committee

1.1 The purpose of the Committee is to carry out the Council’s responsibilities for scrutiny as stated in the Police and Justice Act 2006, the Local Government Act 2000 as amended, the Localism Act 2011 and the subsequent Local Authority (Committee System) (England) Regulations 2012. In particular, its primary purpose is:

- a) To provide an independent review of Council decisions either before or after they have been made;
- b) To provide an independent review of decisions made by certain partner authorities;
- c) To make recommendations regarding the decisions made

1.2 The Scrutiny Committee is not an alternative or additional mechanism to appeals procedures in respect of the decisions of the Council’s regulatory committees.

2. Powers

The Committee has the following powers:

2.1 Under the 2012 Local Authorities (Committee System) (England) Regulations:

- (a) to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions of the Council;
- (b) to make reports or recommendations to:
 - (i) the Council itself;
 - (ii) any committee or sub-committee of the Council;
 - (iii) any officer of the Council; or
 - (iv) any joint committee on which the Council is represented or any sub-committee of such a committee, with respect to the discharge of any functions of the Council; and
- (c) on matters which affect the Council’s area or the inhabitants of that area, to make reports or recommendations to:
 - (i) the Council;
 - (ii) any committee or sub-committee of the Council;
 - (iii) any officer of the Council; or
 - (iv) any joint committee on which the local authority is represented or any sub-committee of such a committee, on matters which affect the authority’s area or the inhabitants of that area.
- (d) on decisions made but not yet implemented by the Council:
 - (i) to recommend that the decision is reconsidered by the person who has made it,
 - (ii) to arrange for its function under (a) above to be undertaken by Council
 - (iii) to carry out the actions under (b) above.

2.2 Under the Police and Justice Act 2006 - to carry out the crime and disorder function contained in the Police and Justice Act 2006, the Scrutiny Committee has the following powers:

- (a) to review or scrutinise decisions made or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions; (This means that the Council has the power to scrutinise the activities of those responsible for crime and disorder strategies namely the Council and the police)
- (b) to carry out scrutiny reviews on behalf of Standing and Local Committees, the priorities for review to be agreed by the Scrutiny Committee following an annual meeting between the Scrutiny Committee and Policy Committee Chairs and other key partners. Committees will also be able to refer matters for review and investigation to the Scrutiny Committee during the year, which will be considered as resources allow.
- (c) to make reports or recommendations to the local authority with respect to the discharge of those functions.

3. Powers in relation to relevant partner authorities

3.1 A report or recommendations may relate to the functions of a relevant partner authority so far as is exercisable in relation to:

- (a) the authority's area; or
- (b) inhabitants of that area.

3.2 The Committee may, by notice in writing, require that relevant partner authority to have regard to the report or recommendations in the exercise of its functions. The notice must be accompanied by a copy of the report or recommendations. A relevant partner authority must provide to the Committee such information as that Committee may reasonably require to discharge its functions.

3.3 A relevant partner authority may not provide to the Committee:

- (a) information that was obtained by the authority from any other person where the provision of that information to the Committee by the authority would constitute a breach of confidence actionable by any person;
- (b) information the disclosure of which would, or would be likely to, prejudice the exercise of the functions of the authority or the legitimate interests of any person (including the authority holding it);
- (c) personal information within the meaning of the Data Protection Act 1998(9), unless the disclosure is permitted by or under that Act; or
- (d) other information the disclosure of which is prohibited by or under any enactment.

3.4 Where, the disclosure of information would be prohibited by the above, the relevant partner authority must:

- (a) revise it so that the individual concerned cannot be identified; and
- (b) if satisfied that disclosure of the information in that revised form is permitted by or under the Data Protection Act 1998, and is not otherwise prohibited, disclose it.

4. Duties

4.1 The Committee will issue reports and recommendations concerning the matters referred to it in accordance with a reasonable timescale.

4.2 The Committee will respond to requests for reports on the progress in reviewing or scrutinising matters referred to it.

- 4.3 If the committee decides not to exercise its powers in relation to a matter referred to it by a member of the Council, it must notify the member of its decision and the reasons for it
- 4.4 If the Committee decides to exercise its powers in relation to a matter referred to it by a member of the Council, the committee must provide the member with a copy of any report or recommendations which it makes.
- 4.5 The Committee will produce an annual report to Council on its work and outcomes during the year.

5. Scope of matters relevant to the Committee

- 5.1 The following matters are excluded matters not to be reviewed or scrutinised by the Committee:
- (a) a local crime and disorder matter within the meaning of section 19 of the 2006 Act; or
 - (b) any matter excluded by guidance issued by the Secretary of State ¹that is current at the time or
 - (c) Planning matters or
 - (d) Licensing and Appeals matters

6. Reference of matters to the Committee

- 6.1 Reference of a matter to the Committee or a Sub-committee, means that the matter is included in the agenda for, and discussed at, a meeting of the Committee or the Sub-committee.
- 6.2 The following may refer a matter to the Committee or a Sub-committee:
- (a) any member of the Committee may refer any matter which is relevant to the functions of the Committee;
 - (b) any member of a Sub-committee may refer any matter which is relevant to the functions of the Sub-committee; and
 - (c) any member of the Council who is not a member of the Committee may refer any matter which is relevant to the functions of the Committee and is not an excluded matter.
- 6.3 When a matter is referred under (c) above, the Committee may have regard to:
- (a) any powers which the member may exercise in relation to the matter by virtue of section 236 of the 2007 Act (exercise of functions by local councillors in England); and
 - (b) any representations made by the member as to why it would be appropriate for the committee to exercise any of its powers in relation to the matter.

7. Form and Composition

- 7.1 Full Council will appoint at its Annual Meeting a Scrutiny Committee, which will comply with the political proportionality requirements of the Housing and Local Government Act (1989).
- 7.2 Full Council will also appoint at its Annual Meeting a Chair of the Scrutiny Committee.

¹ Issued under section 9FC of the Local Government Act 2000

- 7.3 The Scrutiny Committee will comprise at least one Member and one substitute member from each Group.
- 7.4 A member may not sit as a member of the Scrutiny Committee where that Committee is due to consider, or is likely to consider, something that has been determined by a committee of which the Councillor is a member.
- 7.5 The Committee may appoint persons to the Committee or a Sub-committee who are not members of the Council but such co-opted members are not entitled to vote at any meeting of the Committee or Sub-committee.
- 7.6 Procedure Rules for meetings of the Scrutiny Committee are set out in Section 4 of the Constitution.
- 7.7 The Committee may appoint one or more Sub-committees and may arrange for the discharge of any of its functions by any such Sub-committee.

8. Voting rights

- 8.1 Each member, other than a co-opted member, is entitled to vote on matters brought before the Committee or a sub-committee under xxx of the Constitution.

9. Attendance

- 9.1 The Scrutiny Committee may require Council members and officers and other persons to attend meetings of the Committee as reasonably required. It is a duty of any Council member or officer to comply with such a request.
- 9.2 A person is not obliged to answer any question which that person would be entitled to refuse to answer in or for the purposes of proceedings in a court in England and Wales.

10. Duty of local authority to respond to overview and scrutiny committee

- 10.1 The Committee may publish a report or recommendations regarding a matter referred to it.
- 10.2 The Committee must by notice in writing require the Council:
- (a) to consider the report or recommendations;
 - (b) to respond to the Committee indicating what (if any) action the Council proposes to take; and
 - (c) if the Committee has published a report or recommendations, to publish the response.
- 10.3 The notice served on the Council must require compliance within two months beginning with the date on which the Council received the report or recommendations or (if later) the notice. It is the duty of the Council to comply with the requirements specified in the notice.

11. Confidential and exempt information

- 11.1 The Committee has obligations regarding confidential and exempt information which are specified in the Annex.

12. Annex: Confidential and Exempt Information

- 12.1 This annex applies to the publication a report or recommendations of the Committee and any response of a local authority to such a report or recommendations; and the provision of a copy of such a document to a member of the Council; or to a relevant partner authority by the Committee or a local authority.
- 12.2 The Committee or the Council, in publishing the document or providing a copy of the document to a relevant partner authority:
- (a) must exclude any confidential information; and
 - (b) may exclude any relevant exempt information.
- 12.3 The Committee or the Council, in providing a copy of a document to a member of the Council, may exclude any confidential information or relevant exempt information.
- 12.4 Where information is excluded, the Committee or the Council, in publishing, or providing a copy of, the document:
- (a) may replace so much of the document as discloses the information with a summary which does not disclose that information; and
 - (b) must do so if, in consequence of excluding the information, the document published, or copy provided, would be misleading or not reasonably comprehensible.
- 12.5 “confidential information” has the meaning given by section 100A(3) of the 1972 Act (6)(admission to meetings of principal councils);“exempt information” has the meaning given by section 100I of that Act(7); and “relevant exempt information” means:
- (a) in relation to a report or recommendations of the Committee, exempt information of a description specified in a resolution of the overview and scrutiny committee under section 100A(4) of the 1972 Act which applied to the proceedings, or part of the proceedings, at any meeting of the overview and scrutiny committee at which the report was, or recommendations were, considered; and
 - (b) in relation to a response of the authority, exempt information of a description specified in such a resolution of the authority which applied to the proceedings, or part of the proceedings, at any meeting of the authority at which the report or response was, or recommendations were, considered.

JOINT CONSULTATIVE GROUP

- To provide a forum for consultation and negotiation on matters relating to the workforce that are not reserved for negotiation at national, provincial or other agreed local levels in accordance with the Group's Constitution.
- To consider reports and recommendations of the Employee Group
- To consider the findings of the biannual employee survey and resulting draft action plan
- To have an overview of the make-up of the Council's workforce in terms of its demographics in relation to the Council's duty as an equal opportunities employer.

PLANNING COMMITTEE

The Planning Committee implements planning policy, the development of which is carried out by the Council. It does this through dealing with regulatory business i.e. determining all planning applications.

Meetings are held every four weeks in order to meet the Council's targets for determinations within a set timetable.

1. To act on behalf of the District Council as the Local Planning Authority as prescribed in statute.
2. To determine applications for planning permission and other consents unless delegated to an appropriate officer.
3. To determine applications where development would be a departure from the agreed Local Plan or Local Development Framework.
4. To determine applications where the application is to be referred to the Secretary of State on direction.
5. To determine applications for major development where the District Council is the applicant.
6. To determine applications where the applicant is an employee of the District Council or a member of their household.
7. To determine applications where the applicant is an Elected Member or a member of their household.
8. To comment on planning applications submitted to or by other local Planning Authorities and statutory undertakers.
9. To evoke or modify planning permissions.
10. To designate and amend Conservation Areas.
11. To declare areas of Special Advertisement Control.
12. To authorise agreements under S. 106 of the Town and Country Planning Act 1990.
13. To receive reports relating to action instigated by the local Planning Authority in relation to enforcement action.

OFFICER DELEGATIONS - PLANNING

Routine business is delegated to officers as shown on the following table.

Local Members are reminded that they will be able to override the power of delegation should they wish a particular planning application (with the exception of prior approval applications as required by the Town and Country Planning (General Permitted Development) Order 1995) or a particular application for a variation to or the recession of an existing planning obligation deed or unilateral undertaking, to go to the Planning Committee for determination.

Notification to the Development Manager, or Case Officer should be made in writing (including email) within 21 days of the relevant weekly list of applications. Such notification should include the reason for the call in. No response by the relevant Ward Member within that 21 day period will constitute agreement to delegation.

The following scheme of delegation is based on the principle that all applications are delegated for approval or refusal by officers with the exception of the following:

- Any application which receives 5 or more unresolved objections.
- Any Environmental Impact Assessment application made under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.
- The provision of dwelling houses where
 - (a) The number of dwelling houses to be provided is 10 or more in the settlements of Matlock, Ashbourne, Wirksworth and Darley Dale
 - (b) The number of dwelling houses to be provided is 3 or more in all other locations
 - (c) The development is to be carried out on a site having an area of 0.5 hectares or more and it is known whether the development falls within the above bullet)
- The provision of a building or buildings where the floor space to be created by the development is 1000sq metres or more other than buildings provided for agricultural purposes where the decision is delegated to officers
- Development carried out on a site having an area or 1 hectare or more
- Any application which is recommended for approval but amounts to a departure from the development plan
- Any application that the Development Manager considers sensitive and requires Committee consideration
- Any application submitted by or on behalf of the Council for its own development

- Any application (but excluding prior approval applications/notifications as required by the Town and Country Planning (General Permitted Development) Order 1995) which is known to be made by or on behalf of a District Councillor or officer of the Council or a member of their immediate family.

Subject	Act	Functions Delegated	Officer
Advertisements	Town and Country Planning Act 1990 S. 224 and 225	<p>To remove, obliterate or discontinue the display of advertisements displayed in contravention of the Town and Country Planning (Control of Advertisements) Regulations 2007</p> <p>To initiate proceedings up to and including prosecution</p>	<p>Development Manager/ Principal Planner</p> <p>Development Manager in consultation with Ward Member</p>
Dangerous Trees	Local Gov (Misc Provisions) Act 1976 S23(3)	To serve notice requiring owners or occupiers of land on which there is a dangerous tree to make it safe in cases of imminent danger to carry out remedial works and to recover reasonable costs.	Director of Regulatory Services/Development Manager/ Principal Planner
Development Control	Town & Country Planning Act 1990 Planning (Listed Buildings and Conservation Areas) Act 1990	<p>To determine applications of the following types:</p> <ul style="list-style-type: none"> ■ Full and Outline planning applications. ■ Applications for Approval of Reserved Matters ■ Advertisement Consent Applications. ■ Listed Building Applications. ■ Certificates of Lawful Proposed use or Development. ■ Certificate of Lawful Existing Use or Development Prior to Approval ■ Agricultural prior 	Development Manager/ Director of Regulatory Services/ Principal Planner

Subject	Act	Functions Delegated	Officer
		<p>Notifications.</p> <ul style="list-style-type: none"> ■ Circular 18/84 Notifications (development by Government Departments). ■ Notifications Under the Electricity Act 1989 (Overhead Lines). ■ Hedgerow Notifications. ■ Applications for Hazardous Substance Consent. ■ Discharge of Condition applications. ■ Certificates of Appropriate Alternative Development. ■ Ecclesiastical Notifications ■ Minor Material Amendments (S.73) ■ Extension of Time Limits. ■ Where an application has been previously refused and the reasons for refusal have not been satisfactory addressed ■ Agricultural Buildings ■ Any minor variation or revision to an approved application 	
Development Control	Town & Country Planning Act 1990	<p>In consultation with the appropriate Ward Member(s), to respond to consultations on all types of applications determined by other Planning Authorities.</p> <p>Power to decline to determine applications</p>	Development Manager/ Director of Regulatory Services/Principal Planner

Subject	Act	Functions Delegated	Officer
Development Control	Town and Country Planning (General Permitted Development) (England) Order 2015, Part 5 Town and Country Planning Act 1990	To respond to consultations from exempted organisations relating to the use of land as a caravan site.	Development Manager/ Director of Regulatory Services/Principal Planner
	Town and Country Planning Act 1990	Power to decline to determine applications	Development Manager/ Director of Regulatory Services/Principal Planner
Development Control	Town and Country Planning Act 1990	Demolition Prior Notifications	Development Manager/ Director of Regulatory Services/Principal Planner
Enforcement	Town & Country Planning Act 1990	<p>To determine applications for non-material amendments (S. 96A) and/or additional details in respect of proposals previously granted planning permission.</p> <p>To lodge objections to the granting of Vehicle Operators' Licences.</p> <p>To remove or obliterate illegally displayed advertisement material.</p> <p>To issue Planning Contravention Notices.</p> <p>To withdraw Planning Contravention Notices.</p> <p>To issue Breach of Condition Notices.</p> <p>To issue Stop Notices.</p> <p>To withdraw Breach of Condition Notices.</p> <p>To withdraw Stop Notices.</p> <p>To issue Enforcement</p>	Development Manager/ Director of Regulatory Services/Principal Planner

Subject	Act	Functions Delegated	Officer
		<p>Notices</p> <p>To withdraw Enforcement Notices</p>	
Enforcement	S.215	<p>To act as appointed Officer for receiving offers to carry out measures under a Planning Contraventions Notice.</p> <p>To serve Notices requiring the proper maintenance of land.</p> <p>To withdraw Notices requiring the proper maintenance of land.</p>	Development Manager/ Director of Regulatory Services/Principal Planner
	Town and Country Planning Act 1990 And Planning and Compulsory Purchase Act 2004	<p>To issue Temporary Stop Notices</p> <p>To withdraw Temporary Stop Notices</p>	Development Manager/ Director of Regulatory Services/Principal Planner
	Town & Country Planning Act 1990 Planning (Listed Building and Conservation Areas) Act 1990	To initiate proceedings up to and including prosecution	Development Manager/ Principal Planner
	Section 196A and 196B Town & Country Planning Act 1990	To authorise persons to enter any land.	Director of Regulatory Services/Development Manager/Principal Planner
	Section 196A and 196B Town and Country Planning Act 1990	To authorise persons to enter land.	Director of Corporate and Customer Services / Legal Services Manager /Solicitor

Subject	Act	Functions Delegated	Officer
Enforcement	Town & Country Planning Act 1990 and associated legislation	To authorise any person to exercise powers granted under the Town & Country Planning Act 1990 and associated legislation where such powers are necessary in order to give effect to a decision of the Authority or ensure compliance with the legislation.	Development Manager in consultation with the Director of Corporate and Customer Services
Environmental Statements	Town & Country Planning Act 1990	To determine the need for an environmental statement in respect of any planning application to which Schedule 2 of the Town & Country Planning (Environmental Impact, etc) Regulations 1999 applies.	Development Manager/ Director of Regulatory Services / Principal Planner
General	All Acts	That, in circumstances where Ward Members have a personal and prejudicial interest in a matter or where they cannot be contacted, they either nominate a spokesperson to act on their behalf.	Development Manager/ Director of Regulatory Services
Historic Buildings	Local Gov Act 1972 Schedule 16(28)	Proper Officer to receive lists of buildings of special architectural or historic interest.	Director of Regulatory Services
Legal Proceedings	All relevant	To institute, defend or participate in any legal proceedings in any case where such action is necessary to give effect to decisions of the Planning Committees or in any case where the Director of Corporate and Customer Services considers that such action is necessary to protect the Council's interests.	Director of Regulatory Services/Director of Corporate and Customer Services

Subject	Act	Functions Delegated	Officer
Planning	Any enactment passed before or during the 1971/72 session of Parliament other than the Local Government Act 1972.	Proper Officer - any reference to the Chief Officer responsible for the Council's function as local planning authority which may be construed as a reference to "the Proper Officer".	Development Manager
	Town and Country Planning Acts and subordinate legislation	Proper Officer to issue decision/ enforcement Notices	Development Manager/ Director of Regulatory Services/Principal Planner
Section 106 Obligations	Town & Country Planning Act 1990 S.106A	To determine requests/applications for the modification or discharge of planning obligations.	Development Manager/ Principal Planner
Section 52 Agreements	Town & Country Planning Act 1971 and 1990 S 106A	To determine requests for the modification or discharge of Planning Agreements	Development Manager/ Principal Planner
Self & Custom Build Register	Self-Build & Custom House Building Regulations 2016	To make decisions for applications for the Self & Custom Build Register.	Director of Regeneration & Policy/Policy Manager
	Self-Build & Custom House Building Regulations 2016	To make decisions for appeal applications for the Self & Custom Build Register.	Director of Corporate and Customer Services
	Self-Build & Custom House Building Regulations 2016	To prepare and publish detailed assessment criteria for the financial resources test on the District Council's website.	Director of Regeneration & Policy

LICENSING AND APPEALS COMMITTEE

Service Areas within the Committee's remit:

- Animal Welfare Licensing
- Taxi and Private Hire Licensing
- Regulated activities under the Licensing Act 2003 and the Gambling Act 2005
- Determination of quasi-judicial matters in relation to the Committee's wide remit as a service provider and licensing authority.
- Determination of quasi-judicial matters in relation to the Council's role as employer.
- Miscellaneous Licenses and Registrations
- Tree Preservation Orders
- Street Cafes
- Appeals in respect of decisions made under the Derbyshire Clause Policy and Procedure

Terms of Reference

1. To monitor and review the effectiveness of the Council's Licensing Policies and procedures.
2. To consider applications for licences, and registration covering persons, vehicles, businesses, activities and gambling.
3. To determine whether to revoke, suspend or refuse to renew any licence or registration in accordance with the appropriate statutory provisions.
4. To consider and determine objections made against Tree Preservation orders where it has not been possible to reach agreement between an objector and/or objectors and the authority.
5. To conduct hearings to determine quasi-judicial matters in relation to the Council's role as employer in connection with a dismissal, request for re-grading or complaint under the Council's Grievance Procedure.
6. To determine appeals for National Non Domestic Rates discretionary relief.
7. In relation to Discretionary Housing Payments and in accordance with the provisions of the appropriate statutes, to hear appeals against determinations made by the local authority, and to adjudicate thereon.
8. To determine applications for revocation of certificates of lawful use or development.
9. In terms of the Licensing Act 2003 and the Gambling Act 2005.
 - To determine all applications in the following categories where representations have been received, or where objections from the Police/Commission have been made:

- Personal Licence
 - Premises Licence/Club Premises Certificate
 - Provisional Statement
 - Variation of designated personal licence holder
 - Transfer of Premises Licence
 - Application for interim authority
 - Variation of a Premises Licence
- To determine all matters in the following categories:
 - Personal Licence with unspent convictions
 - Review Premises Licence/Club Premises Certificate
 - Decision to object when Local Authority is a consultee and not the relevant Authority considering the application
 - Police or Environmental Health objection to a temporary event notice
 - Cancellation of club gaming/club machine permits
 - Counter notice to a temporary use notice

OFFICER DELEGATIONS – LICENSING & APPEALS

Subject	Act	Functions Delegated	Officer
Animal Welfare Licences	Dangerous Wild Animals Act 1976	To authorise Officers, Technicians and other competent persons. To institute legal proceedings.	Chief Executive/ Director of Regulatory Services
	Dangerous Wild Animals Act 1976	To issue or refuse licences.	Licensing Manager/ Director of Regulatory Services
To seize, restrain, destroy or dispose of any dangerous wild animal which is being kept without the benefit of a licence.		Director of Regulatory Services/ Licensing Manager/ Principal Officer – Environmental Health	
	Zoo Licensing Act 1981	To institute legal proceedings.	Director of Corporate and Customer Services Services in consultation with Director of Regulatory Services
		To issue, refuse, renew, transfer and alter licences.	Director of Regulatory Services/ Licensing Manager
		To institute legal proceedings.	Director of Corporate and Customer Services Services in consultation with Director of Regulatory Services
		Power to enter premises	Director of Regulatory Services/ Environmental Health Officers/ Environmental Health Technicians

Subject	Act	Functions Delegated	Officer
Animal Welfare Licences The Animal Welfare Regulations (Licensing of Activities Involving Animals) (England) Regulations 2018	Sections 23, 25, 26, 27, 53 and Schedule 2 Animal Welfare Act 2006	Powers of entry	Director of Regulatory Services/Licensing Manager/Principal Environmental Health Officer/ Environmental Health Officers/ Environmental Health Technicians/ Licensing Manager
Animal Welfare Licences The Animal Welfare Regulations (Licensing of Activities Involving Animals) (England) Regulations 2018	Regulation 4(2)(a) Animal Welfare Regulations (Licensing of Activities Involving Animals) (England) Regulations 2018	Authorised officers to inspect establishments	Licensing Manager/Principal Environmental Health Officer/ Environmental Health Officers/ Environmental Health Technicians
	Regulation 4(2)(b) Animal Welfare Regulations (Licensing of Activities Involving Animals) (England) Regulations 2018	Grant of licences	Director of Regulatory Services/Licensing Manager
	Regulation 4(4), 4(5) and 8 Animal Welfare Regulations (Licensing of Activities Involving Animals) (England) Regulations 2018	Authority to authorise veterinary surgeons to inspect establishments	Director of Regulatory Services/Licensing Manager

Subject	Act	Functions Delegated	Officer
Animal Welfare Licences The Animal Welfare Regulations (Licensing of Activities Involving Animals) (England) Regulations 2018	Regulation 4(8) Animal Welfare Regulations (Licensing of Activities Involving Animals) (England) Regulations 2018	Refusal of licences	Director of Regulatory Services/Licensing Manager
	Regulation 5 Animal Welfare Regulations (Licensing of Activities Involving Animals) (England) Regulations 2018	Authority to determine licence period	Director of Regulatory Services/Licensing Manager/ Principal Officer Environmental Health
	Regulation 5 Animal Welfare Regulations (Licensing of Activities Involving Animals) (England) Regulations 2018	Determine appeals against licence period and/or star rating	Chief Executive/Director of Regulatory Services
	Regulation 6 Animal Welfare Regulations (Licensing of Activities Involving Animals) (England) Regulations 2018	Take samples	Director of Regulatory Services/ Licensing Manager, Principal Environmental Health Officer/ Environmental Health Officers/ Environmental Health Technicians

Subject	Act	Functions Delegated	Officer
Animal Welfare Licences The Animal Welfare Regulations (Licensing of Activities Involving Animals) (England) Regulations 2018	Regulation 9 Animal Welfare Regulations (Licensing of Activities Involving Animals) (England) Regulations 2018	Vary licences	Director of Regulatory Services/Licensing Manager
	Regulation 12 Animal Welfare Regulations (Licensing of Activities Involving Animals) (England) Regulations 2018	Extend licence period	Director of Regulatory Services/Licensing Manager
	Regulation 15 Animal Welfare Regulations (Licensing of Activities Involving Animals) (England) Regulations 2018	Suspend, vary and revoke licences	Director of Regulatory Services/Licensing Manager
	Regulation 16 Animal Welfare Regulations (Licensing of Activities Involving Animals) (England) Regulations 2018	Consider and determine representations in respect of suspensions and variations	Chief Executive/Director of Regulatory Services

Subject	Act	Functions Delegated	Officer
Animal Welfare Licences The Animal Welfare Regulations (Licensing of Activities Involving Animals) (England) Regulations 2018	Regulation 16(11) Animal Welfare Regulations (Licensing of Activities Involving Animals) (England) Regulations 2018	Reinstate, vary and reinstate, revoke licences	Chief Executive/Director of Regulatory Services
	Regulation 17 Animal Welfare Regulations (Licensing of Activities Involving Animals) (England) Regulations 2018	Reinstate licences	Chief Executive/Director of Regulatory Services
	Regulation 20 Animal Welfare Regulations (Licensing of Activities Involving Animals) (England) Regulations 2018	Institute proceedings	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
	Schedule 1 Animal Welfare Regulations (Licensing of Activities Involving Animals) (England) Regulations 2018	Determine whether an operator meets the 'business test'	Director of Regulatory Services/Licensing Manager
Appeals Committees		To select Members to serve on Sub-Committees to determine matters within the Committee's remit	Director of Corporate and Customer Services

Subject	Act	Functions Delegated	Officer
Application for a Provisional Statement	Gambling Act 2005	Where no representations received/representations have been withdrawn	Director of Regulatory Services/ Licensing Manager
Application for club gaming/club machine permits	Gambling Act 2005	Where no objections have been made/objections have been withdrawn	Director of Regulatory Services/ Licensing Manager
Application for other Permits	Gambling Act 2005	To determine applications for other permits under the Gambling Act 2005	Director of Regulatory Services/ Licensing Manager
Application for Interim Authority	Licensing Act 2003, Sections 47, 48 and 49	Determine application if no police objections are raised	Director of Regulatory Services/ Licensing Manager
Application for Personal Licence	Licensing Act 2003, Section 120	Determine application if no police objections are raised	Director of Regulatory Services/ Licensing Manager
Application for Premises Licence/Club Premises Certificate	Licensing Act 2003, Sections 18 and 72	Determine application if no relevant representations made.	Director of Regulatory Services/ Licensing Manager
Application for Provisional Statement	Licensing Act 2003, Section 31	Determine application if no relevant representations made.	Director of Regulatory Services/ Licensing Manager
Application for transfer of Premises Licence	Licensing Act 2003, Section 44	Determine application if no police objections are raised	Director of Regulatory Services/ Licensing Manager
Application to be removed as Designated "Premises Supervisor"	Licensing Act 2003, Section 41	Determine application	Director of Regulatory Services/ Licensing Manager
Application to transfer a Premises Licence	Gambling Act 2005	Where no representations have been received from the Commission	Director of Regulatory Services/ Licensing Manager
Application to vary a Premises Licence	Gambling Act 2005	Where no representations received/representations have been withdrawn	Director of Regulatory Services/ Licensing Manager

Subject	Act	Functions Delegated	Officer
Application to vary Designated Personal Licence Holder	Licensing Act 2003, Section 39	Determine application if no police objections are raised	Director of Regulatory Services/ Licensing Manager
Application to vary Premises Licence/Club Premises Certificate	Licensing Act 2003, Sections 35 and 85	Determine application if no relevant representations made.	Director of Regulatory Services/ Licensing Manager
Applications for Premises Licences	Gambling Act 2005	Where no representations received/representations have been withdrawn	Director of Regulatory Services/ Licensing Manager
Cancellation of licensed premises gaming machine permits	Gambling Act 2005	Cancellation of licensed premises gaming machine permits	Director of Regulatory Services/ Licensing Manager
Representation	Licensing Act 2003, Sections 18, 52, 72 and 88	Determine whether a representation is irrelevant, frivolous, vexatious or repetitious	Director of Regulatory Services/ Licensing Manager
Caravan Site Licences	Caravan Sites and Control of Development Act 1960 as amended by Local Government (Miscellaneous Provisions) Act 1982	To instigate legal proceedings To authorise Officers and Technicians To issue or refuse licences	Director of Corporate and Customer Services in consultation with Director of Regulatory Services Director of Regulatory Services Licensing Manager/ Director of Regulatory Services
Camp Site Licence	Public Health Act 1936 Section 269 (as amended by the Caravan Sites and Control of Development Act 1960)	To issue or refuse licences with or without conditions To institute legal proceedings	Licensing Manager /Director of Regulatory Services Director of Corporate and Customer Services in consultation with Director of Regulatory Services

Subject	Act	Functions Delegated	Officer
Closure of Licensed Premises	Anti-Social Behaviour, Crime and Policing Act 2014 Pt.4 Ch.3	Institute proceedings	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
Consideration of temporary use notice	Gambling Act 2005	Consideration of temporary use notice	Licensing Manager / Director of Regulatory Services
Game	Game Act 1980	To issue licences and to initiate enforcement procedures	Director of Regulatory Services / Licensing Manager
Game	Game Act 1831 S.41	To authorise proceedings for illegal gaming on Council owned land.	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
Gaming Machine Licences	Gambling Act 2005	Issue of licences for maximum of two machines per establishment	Licensing Manager/Licensing Officer / Director of Regulatory Services
Horse Drawn Vehicles	Town Police Clauses Act 1847	To issue and renew licences. The right to refuse, suspend or revoke being reserved to the Licensing and Appeals Sub-Committee.	Licensing Manager / Director of Regulatory Services
House to House Collections	House to House Collection Act. 1939	To approve applications for house to house collections.	Director of Regulatory Services/Licensing Manager
Initiation of a Review by the Licensing Authority	Gambling Act 2005 (section 200)	To initiate a review of a premises licence under the Gambling Act 2005.	Licensing Manager / Director of Regulatory Services

Subject	Act	Functions Delegated	Officer
Legal Proceedings	All relevant	To authorise the institution, defence or participation in any legal proceedings in any case where such action is necessary to give effect to decisions of the Licensing and Appeals Committee where such action is necessary to protect the Council's interests.	Director of Corporate and Customer Services
Licensing	Licensing Act 2003	Institute proceedings	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
Making application for reviews of Club Premises Certificates	Licensing Act 2003 Section 5	To act as Responsible Authority on behalf of the Licensing Authority.	Director of Regulatory Services/Licensing Manager
Making application for reviews of Premises Licences	Licensing Act 2003 Section 51	To act as Responsible Authority on behalf of the Licensing Authority.	Director of Regulatory Services/ Licensing Manager
Making representations in respect of Club Premises Certificates	Licensing Act 2003 Section 69	To act as Responsible Authority on behalf of the Licensing Authority.	Director of Regulatory Services/ Licensing Manager
Making representations in respect of Premises Licences	Licensing Act 2003 Section 13	To act as Responsible Authority on behalf of the Licensing Authority.	Director of Regulatory Services/ Licensing Manager
Making representation on behalf of Licensing Authority	Gambling Act 2005 (section 161)	To determine whether the Licensing Authority should make a representation, and the content of it, under the Gambling Act 2005.	Director of Regulatory Services/ Licensing Manager
Minor variation to Club Premises Certificates	Licensing Act 2003 Section 86B	To determine applications for minor variations.	Director of Regulatory Services/ Licensing Manager

Subject	Act	Functions Delegated	Officer
Minor variation to Premises Licences	Licensing Act 2003 Section 41B	To determine applications for minor variations.	Director of Regulatory Services/ Licensing Manager
Pleasure Boats	Public Health Acts Amendment Act 1907	To approve and issue licences to operate Pleasure Boats and Vessel Licences with or without variations to standard conditions where no objections have been received.	Licensing Manager/ Director of Regulatory Services.
Private Hire & Hackney Carriages	Local Government (Miscellaneous Provisions) Act 1976, as amended, all relevant sections.	To suspend a driver or operator licence	Licensing Manager/Director of Regulatory Services
Private Hire & Hackney Carriages	Local Government (Miscellaneous Provisions) Act 1976, all relevant sections.	To suspend vehicle licences forthwith if the vehicle is unfit for use	Licensing Manager/Clean & Green Manager/Director of Regulatory Services
Private Hire & Hackney Carriages	Town Police Clauses Act 1847, sections 37 & 46, and Local Government (Miscellaneous Provisions) Act 1976, as amended, all relevant sections	To issue and renew licences in accordance with the Council's Hackney Carriage and Private Hire Vehicle Licensing Policy. The right to refuse being reserved to the Licensing and Appeals Sub-Committee	Licensing Manager / Director of Regulatory Services
Private Hire & Hackney Carriages	Town Police Clauses Act 1847, sections 37 & 46, and Local Government	To authorise the institution of proceedings for breach of licence conditions.	Director of Regulatory Services in consultation with the Director of Corporate and Customer Services.

Subject	Act	Functions Delegated	Officer
Private Hire & Hackney Carriages	Town Police Clauses Act 1847, Local Government Miscellaneous Provisions) Act 1976, as amended, all relevant sections	To enforce, and authorise others to enforce, under any of the relevant provisions of both Acts.	Director of Regulatory Services/Licensing Manager
Application for Site or Collector's Licence	Scrap Metal Dealers Act 2013	Approval, Renewal and/or Variation	Director of Regulatory Services / Licensing Manager
Application for Site or Collector's Licence	Scrap Metal Dealers Act 2013	Refusal to grant where applicant has not made representation	Director of Regulatory Services / Licensing Manager
Application for Site or Collector's Licence	Scrap Metal Dealers Act 2013	Refusal (where applicant has made representation) revocation and/or imposition of conditions	Licensing & Appeals Sub-Committee
Powers of Entry and Inspection	Scrap Metal Dealers Act 2013	Powers to enter and inspect premises under Section 16 of the Act	Licensing Manager /All Environmental Health Officers / Environmental Health Technicians
Closure of Unlicensed Sites	Scrap Metal Dealers Act 2013	Service of Closure Notice Section 9 and Schedule 2	Licensing Manager / Director of Regulatory Services / Principal Officer – Environmental Health
Closure of Unlicensed Sites	Scrap Metal Dealers Act 2013	Application to Magistrates' Court for Closure Order	Licensing Manager / Director of Regulatory Services / Principal Officer – Environmental Health / Director of Corporate and Customer Services
Closure of Unlicensed Sites	Scrap Metal Dealers Act 2013	Issue Certificate to terminate Closure Order	Licensing Manager / Director of Regulatory Services / Principal Officer – Environmental Health

Subject	Act	Functions Delegated	Officer
Institute Proceedings	Scrap Metal Dealers Act 2013	Institute proceedings of Offences under the Act	Director of Regulatory Services / Director of Corporate and Customer Services.
Sex Establishments, Acupuncture, Tattooing, Semi Permanent Skin Colouring, Cosmetic Piercing and Electrolysis	Local Government (Miscellaneous Provisions) Act 1982 as amended by the Local Government Act 2003 Section 17 and Schedule 3, Paragraph 25 of the Act	Determination of non-contentious applications for licences or registration Power to enter premises with a Magistrates Court warrant	Licensing Manager/Director of Regulatory Services Director of Regulatory Services /Environmental Health Officers/ Licensing Manager
Small Society Lotteries	Gambling Act 2005 (sch 11 pt 5)	Authority to grant/cancel registration of a small society lottery. (refusal/revocations – Licensing and Appeals Sub-Committee)	Director of Regulatory Services/Licensing Manager
Street Collections	Police, Factories and Miscellaneous Provisions Act 1916	Issue of permit in accordance with recommendations of Parish Councils	Director of Regulatory Services/Licensing Manager
Suspension of Club Premises Certificates	Licensing Act 2003 Section 92A	To suspend Club Premises Certificates for failing to pay annual fee	Director of Regulatory Services/Licensing Manager
Suspension of Premises Licences	Licensing Act 2003 Section 55A	To suspend Premises Licence for failing to pay annual fee	Director of Regulatory Services/ Licensing Manager
Temporary Use Notice – issue of counter notice	Gambling Act 2005 (Section 218)	Issue of counter notice when criteria for Temporary Use Notice not met	Director of Regulatory Services/ Licensing Manager

Subject	Act	Functions Delegated	Officer
To decide whether a representation is irrelevant, or falls within the categories defined within the Act – eg frivolous, vexatious etc	Gambling Act 2005	To decide whether a representation is irrelevant, or falls within the categories defined within the Act – eg frivolous, vexatious etc	Licensing Manager / Director of Regulatory Services
To determine whether a change in premises is	Licensing Act 2003, Section 36 (6)	To determine whether a change in premises is substantial	Director of Regulatory Services/ Licensing Manager
To determine whether a late relevant representation should be allowed to be heard by a Sub-Committee	No specific authority	To determine whether a late relevant representation should be allowed to be heard by a Sub-Committee	Director of Regulatory Services/ Licensing Manager
To determine whether a person is likely to be affected by a licensing application.	Licensing Act 2003, Section 13 (3)	To determine whether a person is likely to be affected by a licensing application.	Director of Regulatory Services/ Licensing Manager
Variation of Premises Licences for Village Halls/Community premises.	Licensing Act 2003, Section 41D	To determine applications for the removal of the requirement for a DPS.	Director of Regulatory Services/ Licensing Manager

LICENSING AND APPEALS SUB-COMMITTEE

Terms of Reference

1. In Terms of the Licensing Act 2003 and the Gambling Act 2005 to determine all applications in the following categories where representations have been received, or where objections from the Police/Commission have been made:
 - Personal Licence
 - Premises Licence/Club Premises Certificate
 - Provisional Statement
 - Variation of designated personal licence holder
 - Transfer of Premises Licence
 - Application for interim authority
 - Variation of a Premises Licence

2. To determine all matters in the following categories
 - Personal Licence with unspent convictions
 - Review Premises Licence/Club Premises Certificate
 - Decision to object when Local Authority is a consultee and not the relevant Authority considering the application
 - Police or Environmental Health objection to a temporary event notice
 - Cancellation of club gaming/club machine permits
 - Counter notice to a temporary use notice

3. Employment Appeals
 - To consider appeals against dismissal and as the Final Stage in the District Council's Grievance Policy.
 - To consider initial reports concerning allegations against a Statutory Chief Officer brought on the designated Receiving Officer
 - To agree having received the initial report of the Receiving Officer whether suspension, working from home and some other arrangement is appropriate
 - To agree other appropriate action in relation to the matters raised by the Receiving Officer to include mediation, reconciliation or mutual termination of conduct – subject to Council's satisfaction.

4. TPO and Miscellaneous Appeals
 - Determination of Appeals.

CHIEF OFFICER SELECTION PANEL

Terms of Reference

To make recommendations to the Council on to appointment of the Head of Paid Service and Chief Officer positions within the Chief Officer Salary grade.

LOCAL PLAN WORKING GROUP

Terms of Reference

To undertake work as instructed by Council on policies and proposals as part of the Local Plan Review and to prepare options for Council to consider.

The Local Plan Working Group will comprise 11 members, with the support of such officers as required and is not a formal decision making body.

CONSTITUTION WORKING GROUP

Terms of Reference

1. Role and Function

- 1.1 The Constitution Working Group provides a mechanism by which Council can carry out focused cross-party reviews of the Constitution, of both a general and specific nature to ensure the constitution remains fit for purpose. It will undertake this role by:
- a) Considering any constitutional or procedural matter concerning the Council;
 - b) Undertaking health checks of the Constitution to ensure that the detail of the text remains fit for purpose and put forward appropriate changes;
 - c) Reviewing areas in the Constitution to ensure that it is kept in line with current legislation, local decisions made by the Council and best practice;
 - d) Recommending any proposed changes to the Constitution arising from the above to Council for approval.
- 1.2 The following may request that the Constitution Working Group considers a particular item of work:
- a) Council
 - b) Governance and Resources Committee
 - c) Monitoring Officer
- 1.3 The Group will have no decision making powers other than in advising in relation to the Monitoring Officer's delegated powers in relation to minor or consequential amendments. The group will report to the Council for approval of changes to the Constitution.

2. Composition and Membership

- 2.1 The Constitution Working Group shall comprise of seven Members with cross party representation on a proportional basis.
- 2.2 Members will be appointed to the Constitution Review Working Group at the Annual Council Meeting.
- 2.3 The Chairman of the Constitution Working Group will be elected by the Members of the Group
- 2.4 Meetings will be supported by the Monitoring Officer, Democratic and Electoral Services Manager and any other officer as required.

CLIMATE CHANGE WORKING GROUP

Terms of Reference

To make recommendations to Council addressing the issue of climate change, with the aim of addressing the climate change actions set out in the Corporate Plan 2020-24.

ERNEST BAILEY CHARITY COMMITTEE

Terms of Reference

To discharge on behalf of the Council, its function as Trustee of the Ernest Bailey Charity, Council and the Governing Body.

JOINT ICT COMMITTEE

Terms of Reference

1. To oversee the management and future development of the Shared Service initiative between the Service Host and Client authorities.
2. To receive periodic reports of the Shared Service Joint Management Team.
3. To undertake dispute resolution between the constituent authorities in accordance with the Partnership Agreement.
4. To agree the cost structure and manage the financial resources of the shared service(s).
5. To consider any requests to increase funding for the Joint Committee in response to any unforeseen increase in costs.
6. To explore any associated development of joint working between the constituent authorities to other areas of work/service delivery.
7. To consider and formally approve any amendments to the Service Level Agreement and Partnership Agreement.
8. To oversee the management of the joint contracting relationship of the shared service partnership.

VISION DERBYSHIRE JOINT COMMITTEE TERMS OF REFERENCE

ARTICLES

1. Context

- 1.1 Vision Derbyshire is a collaborative working model between local authorities across Derbyshire which seeks to improve outcomes for people and place through closer working between those authorities without formal, top-down reorganisation from central government.
- 1.2 These governance arrangements provide a framework to reach the intended outcome of a model that will enable local authorities in Derbyshire to work collaboratively to deliver efficient and effective services with improved economies as an alternative to a government led reorganisation of local government in the county.
- 1.3 A joint committee, to be known as the **Vision Derbyshire Joint Committee**, will:-
- Provide collective leadership for Derbyshire
 - Progress shared ambitions for the area
 - Work together to tackle the issues and challenges outlined in the case for change.
 - Enable agile, timely and effective decision making
- 1.4 The Vision Derbyshire model allows local authorities to blend working at a hyper-local level with a large strategic level. Authorities will collaborate at three levels:
- regional/national
 - county-wide or
 - local place level,
- depending on the nature of the outcome that the authorities are looking to improve. In adopting this way of working, Derbyshire can blend strategic, county-wide and local approaches to tackle outcomes in a multi-faceted way, and maintain focus on people and places, not organisational boundaries.
- 1.5 To enable the delivery of the above, the Joint Committee will act as the enabling body, through the political leadership of councillors from the participating authorities. Councils within Derbyshire may choose to appoint members to the Joint Committee, but not to delegate any functions. Should any council choose to do this, then they will still be required to agree to the Terms of Reference for the Committee and contribute towards the cost of funding the Committee.

1.6 The authorities in the Vision Derbyshire working model are committed to the provision of improved services. It is considered that this will, in certain instances, be best achieved by the joint provision of services, joint working and / or the development of common standards and protocols. All proposals for the setting up of any new services or the discharge of functions are in the first instance to be subject to an investigation into the suitability of providing such services or discharging such functions, as a joint service for all participating Councils. All participating Councils agree to operate all reviews in an open and transparent manner to support the aims and objectives of Vision Derbyshire. This will include the sharing of all information.

2. Membership of the Joint Committee

2.1 *[named local authorities who are delegating functions]* shall appoint one of their Elected Members to be a member of the Joint Committee and one Member to be a substitute Member.

2.2 All other councils within Derbyshire, whether or not delegating functions to the Joint Committee, will be permitted to appoint one member to the Joint Committee and to nominate one member as a substitute.

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

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

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

2.6 A Member or Substitute Member of the Joint Committee who ceases (for whatever reason) to be an Elected Member of the Council that appointed them shall immediately cease to be a Member or Substitute Member of the Joint Committee, and the relevant Council shall as soon as practicable give written notice of this to the Monitoring Officer responsible for the Joint Committee and appoint another of its Elected Members in that person's place.

2.7 A person may resign as a Member or Substitute Member of the Joint Committee by written notice served on the Proper Officer of the Council that

appointed them and the resignation shall take effect on receipt of the notice by the Proper Officer. The relevant Council shall as soon as practicable give written notice of this to the Monitoring Officer responsible for the Joint Committee and appoint another of its Elected Members in that person's place.

- 2.8 Where an appointing Council operates executive arrangements (within the meaning of the Local Government Act 2000), the appointment, removal and replacement of Members and Substitute Members of the Joint Committee shall be decided in accordance with the constitutional requirements of that Council, but it is anticipated that all Members and Substitute Members appointed by it shall be Members of its executive and will include its executive leader or elected mayor.
- 2.9 All appointments, removals and replacements of Members and Substitute Members of the Joint Committee by Councils shall be made by notice in writing addressed to the Monitoring Officer responsible for the Joint Committee. Any such notice shall be deemed to have been given when received by the Monitoring Officer.
- 2.10 Any individual council that does not operate executive arrangements and which wishes to co-opt an additional member or members can only do so following consultation with and a majority vote of all voting members of the Joint Committee being supportive of that authority exercising powers of co-option. Such co-optees shall not be Members of the Joint Committee and shall have no voting rights. They shall, however, observe the Code of Conduct for Members set out from whichever authority they serve on. An individual's co-option shall terminate as soon as his/her involvement with the organisation that gave rise to the co-option ceases; and such co-option shall be endorsed annually by the Joint Committee and subsequently confirmed formally by the appointing authority.
- 2.11 All Members of the Joint Committee (including any Substitute Members acting in place of Members of the Joint Committee) will:-
- (a) (subject to the Joint Committee's voting arrangements) collectively be the ultimate policy makers of the Joint Committee;
 - (b) bring views of their communities into the Joint Committee's decision making process; and
 - (c) maintain the highest standards of conduct and ethics.
- 2.12 Members will at all times observe the Code of Conduct for Members which is in force in their own Council and any breaches will be reported to the Monitoring Officer of their own Council.
- 2.13 No remuneration shall be payable to Joint Committee Members other than allowances for travel and subsistence in accordance with the Members' Allowances Schemes in operation at the participating Councils and non-participating Councils. (It is acknowledged that a participating Council or a non-participating Council may, in accordance with its own procedures, pay a special responsibility allowance to any Elected Member appointed by it to the

Joint Committee in respect of duties and responsibilities undertaken as a Member or Substitute Member of the Joint Committee.)

3 Chairing the Joint Committee

- 3.1 The Chair of the Joint Committee will be appointed by the Committee. The Joint Committee can only be chaired by a Member of the Joint Committee appointed by a Council which has delegated functions to the Joint Committee for the duration of a municipal year.
- 3.2 In the event that there are more than two Members nominated for the role of Chair, and there is not a clear majority of votes in favour of one Member, then the name of the Member with the least number of votes will be eliminated and that process will continue until a Chair is elected with a majority of votes.
- 3.3 The Joint Committee will appoint a Vice-Chair to deputise for the Chair when they are not present or available. The Vice-Chair must also be from a Council which has delegated functions to the Joint Committee and will be appointed for the duration of a municipal year.
- 3.4 In the event that there are more than two Members nominated for the role of Vice-Chair, and there is not a clear majority of votes in favour of one Member, then the name of the Member with the least number of votes will be eliminated and that process will continue until a Vice-Chair is elected with a majority of votes.
- 3.5 The Chair or Vice-Chair of the Joint Committee will cease to hold such office when they cease to be a Member of the Joint Committee, in accordance with the provisions set out at paragraph 3.5 above.

4. Procedural Arrangements

- 4.1 The Joint Committee shall meet in accordance with its agreed calendar of meetings throughout a municipal year, but additional meetings may take place should the need arise.
- 4.2 Each Member of the Joint Committee appointed by councils which have delegated functions to the Joint Committee shall have one vote.
- 4.3 Members of the Joint Committee appointed by councils which have not delegated functions to the Joint Committee will not have the right to vote
- 4.4 The proceedings of the Joint Committee shall not be invalidated by any vacancy among its Members or Substitute Members or by any defect in the appointment or qualifications of any Member or Substitute Member.

5. Records of Proceedings

- 5.1 The Joint Committee shall make arrangements for the names of Members and Substitute Members present at any meeting to be recorded.
- 5.2 Minutes of the proceedings of a meeting of the Joint Committee, or any sub-committee, shall be kept in such form as the Joint Committee may determine.
- 5.3 Any such minutes are to be agreed as a true record and signed at the same or next suitable meeting of the Joint Committee or sub-committee by the Member chairing that meeting.
- 5.4 A Member of the Joint Committee, or any sub-committee, has the right to have their vote on any matter recorded in the minutes of the meeting at which the vote was cast.

6. Sub-Committees

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

7. Officers

- 7.1 The Head of Paid Service (appointed under Section 4 of the Local Government and Housing Act 1989), Section 151 Officer (appointed under Section 73 of the Local Government Act 1975) and Monitoring Officer (appointed under section 5 of the Local Government and Housing Act 1989) of the host authority for the Joint Committee will serve as the statutory officers in support of the Joint Committee.
- 7.2 The Joint Committee may call upon any officer of any of the local authorities who have members on the Joint Committee for advice and assistance, as it considers necessary to carry out its functions.

8. Scrutiny of decisions

- 8.1 Each constituent authority which operates executive arrangements will be able to scrutinise the decisions of the Joint Committee in accordance with that constituent authority's overview and scrutiny arrangements. Any authority that operates a committee system model of governance will have the discretion to scrutinise decisions of the Joint Committee according to its own specific governance arrangements.

9 Winding up of the Joint Committee and Cessation of Membership

- 9.1 The Joint Committee may be wound up immediately by a unanimous vote of all constituent authorities.
- 9.2 Where an authority determines through its own governance arrangements that it no longer wishes to be a member of the Joint Committee, that authority may cease its membership with effect from the date of its decision. However authorities will remain liable for any previously agreed

financial contributions to fund Vision Derbyshire until the end of the financial year for which those contributions have been agreed regardless of any decision to cease membership. Where long term liabilities, such as any Pension Fund shortfall, exists they will be calculated at the point membership ceases and any council exiting the arrangement will pay the host authority an amount to cover their share of that liability.

FUNCTIONS AND RESPONSIBILITIES

- a. The Joint Committee is established pursuant to Section 101(5) of the Local Government Act 1972, which permits local authorities to make arrangements for two or more authorities to discharge functions jointly, so long as it is a function that the law reserves to a specified committee. The Joint Committee is established with the following aims:
- Provide collective leadership for Derbyshire
 - Progress shared ambitions for the area
 - Work together to tackle the issues and challenges outlined in the case for change.
 - Enable agile, timely and effective decision making
- b. The Joint Committee, on behalf of the participating authorities, will be responsible for improving the delivery of functions already within the remit of local authorities through statute or through specific collaborative work to improve the economic, environmental or social wellbeing of the areas within Derbyshire from the following broad definitions:-
- Shared service arrangements
 - Incorporating existing partnership arrangements within the Vision Derbyshire model
 - Areas for collaborative system changes across authorities
 - Specific thematic projects and priorities
- c. Within those broad definitions, the Joint Committee will:-
- (i) Oversee the Vision Derbyshire Delivery Programme
 - (ii) Determine the programme of projects and work streams, how those will be managed and communicated to stakeholders and the public
 - (iii) Monitor and review performance in respect of services delivered through the Vision Derbyshire Joint Committee and authorise the publication of an annual report of performance and outcomes
 - (iv) Commission strategic outline and full business cases for individual councils to consider opportunities for more collaborative working in respect of shared services
 - (v) Approve annual business plans for the delivery of shared services
 - (vi) Provide or assume democratic oversight for existing joint committee and partnership arrangements
 - (vii) Provide a platform for the devolution of powers from Government to authorities in Derbyshire
 - (viii) Determine requests from individual authorities or groups of authorities to work collaboratively on specific projects or work streams
 - (ix) Provide a forum for councils and their representatives to provide challenge to each other with the aim of increasing collaboration to deliver efficient, effective and economic services, which equally improve the offer and outcomes to residents and businesses
Delegate functions and responsibilities to sub-committees or officers as the Committee deems appropriate.

- d. The functions of the Joint Committee conferred or imposed upon it by any Orders from the Secretary of State and / or the functions of the Joint Committee delegated to it by Orders approved by participating authorities will be set out within these terms of reference.
- e. The Joint Committee will exercise all its powers and duties in accordance with the law and these terms of reference and procedure rules.
- f. The authorities appointing to the Joint Committee are:
- Chesterfield Borough Council
 - Derbyshire County Council
 - Derbyshire Dales District Council
 - High Peak Borough Council
- g. It is a matter for each individual Council to determine which functions and responsibilities it chooses to delegate to the Joint Committee according to its own individual governance arrangements.

Part 4

RULES OF PROCEDURE

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RULES OF PROCEDURE

MEETINGS OF COUNCIL AND COMMITTEES

Notes

The following Rules of Procedure apply to all meetings of the Council. Those rules set out in italics also apply to Committees and Sub-Committees unless specifically excluded.

The term 'Chairman' refers to the Chairman of the Council. All other positions of authority are referred to by their full title.

1. DATES OF MEETINGS

The day for holding the annual meeting and any ordinary meetings of the Council, shall be fixed by the Council at the previous annual meeting at which the Council shall approve the Programme of Meetings of the Council.

2. PLACE AND TIME OF MEETINGS

All meetings of the Council shall commence at 6.00 p.m. at the Town Hall, Matlock or at such other time and place as the Chairman shall consider necessary for the satisfactory transaction of business.

3. THE ANNUAL MEETING

At its Annual Meeting, the Council will:

- Elect a Chairman to preside at all future meetings of the Council
- Appoint a Vice-Chairman to deputise in the Chairman's absence
- Elect a Civic Chairman to act as the Council's civic and ceremonial representative
- Appoint a Deputy Civic Chairman to deputise in the Civic Chairman's absence
- Elect a Leader of the Council and Deputy Leader of the Council
- Receive the announcements of the Leader of the Council
- Approve the Minutes of the last meeting as a correct record
- Establish the structure of Committees and Sub-Committees and review the allocation of seats on Committees with regard to the rules of political proportionality to deal with matters set out in Part 3 of this Constitution
- Appoint Councillors and Substitutes, where appropriate, to Committees
- Elect Councillors to the positions of Chairman and Vice-Chairman of Committees
- Approve a programme of ordinary meetings of the Council and Committees for the year
- Receive and decide upon nominations of councillors to serve on outside bodies
- Receive an Annual report of the Area Community Forums
- Such other business that may be specified in the summons

3.1 **Term of Appointment**

All appointments to Committees and positions of authority, including the offices of Leader of the Council and Deputy Leader of the Council, made at the Annual Meeting will be for a term of one year.

3.2 **Allocation of seats on Committees**

In addition to allocating seats on Committees and Sub-Committees according to political balance (in accordance with the Local Government and Housing Act 1989) the Council shall also allocate seats in the same manner for Substitute Councillors, where applicable.

For each Committee or Sub-Committee, the Council will appoint substitutes equal to 50% of the number of ordinary seats on that a group holds on Committee or Sub-Committee with a minimum of one Substitute per Group.

3.3 **Substitution**

The rules of substitute Members apply to the Council's committees, other than the Licensing and Appeal Committee. Substitutes may attend meetings, to which this rule applies, in that capacity only:

- a) To take the place of the ordinary Councillor for whom they are the designated substitute;
- b) After notifying the Director of Corporate and Customer Services,
 - (i) In the case of a Policy Committee, by no later than 4.00pm on the day of the meeting, the name of the absent Councillor and the name of the intended Substitute Councillor
 - (ii) In the case of Planning Committee, by 12noon, two working days prior to the day of the meeting, the name of the absent Councillor and the name of the intended Substitute Councillor
- c) Absence and substitution shall be the whole duration of the whole meeting

Substitute Councillors will have all the powers and duties of any ordinary Councillor of the Committee but will not be able to exercise any special powers or duties exercisable by the person they are substituting.

4. **BUDGET MEETING**

A meeting of the Council will be held annually to deal solely with items relating to the Council's budget i.e. the Council's Revenue Spending Plans, the Capital Programme and Corporate Plan. The Order of business will be to:

- choose a person to preside if the Chairman and Vice-Chairman are absent
- Allow public participation in the form of Public Participation, as detailed in Rule of Procedure 14, on the subject matter(s) identified in the summons.
- receive the minutes of the last meeting as a correct record

- deal with any outstanding business from the last meeting of the Council
- Consider any other business specified in the summons of the meeting that relate to the setting of the forthcoming year's budget and associated corporate plan.

5. ORDINARY MEETINGS

Ordinary meetings of the Council will take place in accordance with the Programme of Meetings decided at the Annual Meeting. The order of business will be to:

- a. choose a person to preside if the Chairman and Vice-Chairman are absent
- b. deal with any business required by statute to be done before any other business of the Council
- c. Allow public participation in the form of Public Participation as detailed in paragraph 14.
- d. Consider petitions received
- e. receive the minutes of the last meeting as a correct record
- f. Members to declare any interests relating to the business to be conducted.
- g. receive the announcements of the Leader of the Council
- h. receive any announcements from the Chairman of the District of Derbyshire Dales
- i. Receive the maiden speech of newly elected Councillors to last no more than 3 minutes per Councillor, subject to a limit of no more than 3 such speeches per ordinary meeting.
- j. deal with any outstanding business from the last meeting of the Council
- k. receive and consider reports and recommendations of the Council's Committees
- l. receive questions asked by Councillors under paragraph 15.2
- m. Consider and debate propositions posed by Councillors under paragraph 16
- n. Consider any other business specified in the summons of the meeting

6. VARIATION IN ORDER OF BUSINESS

The order of business at any meeting of the Council (other than business falling at paragraphs 5 a, b and c above) may be varied either at the discretion of the Chairman or by a resolution.

7. EXTRAORDINARY MEETINGS

In addition to Ordinary meetings of the Council, those listed below may request the Director of Corporate & Customer Services to call a meeting of the Council:

- (a) The Council by resolution
- (b) The Chairman of the Council
- (c) The Monitoring Officer
- (d) Any five Councillors if they have signed a requisition. The requisition must specify the reasons for calling a meeting.

The summons to the Extraordinary Meeting shall set out the business to be considered and no other business, other than set out in the summons, shall be considered at that meeting, other than Question Time on any item on that agenda.

8. SPECIAL MEETINGS OF COMMITTEES

In addition to Ordinary meetings of Committees those listed below may request the Director of Corporate & Customer Services to call a Special Meeting:

- The Chairman of a Committee
- Any three Councillors if they have signed a requisition. The requisition must specify the reasons for calling a meeting

The summons to the Special Meeting shall set out the business to be considered and no business other than that set out in the summons shall be considered at that meeting.

9. NOTICE AND SUMMONS TO MEETINGS

The Director of Corporate and Customer Services will send a signed summons to every Councillor, at least five clear days before a meeting. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available. A notice to inform the public of the time, date, place and business of each meeting will be placed on the notice board at the Town Hall, Matlock and on the Council's website (www.derbyshiredales.gov.uk) within a similar timescale.

10. CHAIRMAN OF THE COUNCIL

The role of the Chairman (or Vice-Chairman in his/her absence) will be to:

10.1 In meetings

- (i) preserve order at Council meetings
- (ii) take care that the proceedings are conducted in a proper manner
- (iii) Have the discretion to exercise a casting vote in the case of an equality of votes at the Council meeting.
- (iv) preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community

10.2 Generally

- (i) uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary
- (ii) ensure that the Council meeting is a forum for the debate of matters of concern to the local community and the place at which Councillors are able to hold the policy committees and committee Chairmen to account
- (iii) promote public involvement in the Council's activities
- (iv) be the conscience of the Council

11. CIVIC CHAIRMAN

The role of the Civic Chairman:

- (i) As a symbol of the authority
- (ii) To be the Council's 'ambassador' and to represent the Council at civic functions
- (iii) As a symbol of open society
- (iv) To promote inclusiveness and equality
- (v) As an expression of social cohesion
- (vi) To act as a link between the Council and the various community bodies and organisations

The Civic Chairman (or his/her Deputy) will act in accordance with the Protocol on the Management of the Civic Office.

12. **QUORUM**

12.1 **At meetings of the Council**

The quorum of a meeting of the Council will be one quarter of the whole number of Councillors. If, during any meeting the Chairman counts the number of Councillors present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If no date is fixed, then the remaining business will be considered at the next ordinary meeting.

12.2 **At meetings of Committees and Sub-Committees**

Except where authorised by Statute, no business shall be transacted at a meeting of any Committee or Sub-Committee unless at least one third of the whole Councillorship, including co-opted Councillors, are present. In no case shall the quorum of a Committee be less than four Councillors, except for Committees and Sub-Committees with a Membership of 5 or less where the quorum shall be two Councillors.

13. **DURATION OF MEETINGS**

Unless the majority of Councillors present vote for the meeting to continue, any meeting that has lasted for 2½ hours will adjourn immediately. The meeting will continue for a further 30 minutes, (and be extended at the Chairman's discretion) to enable business to conclude and avoid any suspension in debate on a particular item. Any outstanding matters will be adjourned to a future meeting.

This provision does not extend to meetings of the Council when acting in a quasi-judicial capacity.

14. **PUBLIC PARTICIPATION**

Public Participation is an initiative which gives members of the public the opportunity to express their views, ask questions or submit petitions at meetings of the Council and its Committees.

For a petition to be presented to a Council or Committee Meeting, it must:

- (a) Bear the signatures and addresses of at least 10 petitioners, resident in the Derbyshire Dales.

- (b) Relate to a topic that is relevant to the Derbyshire Dales.
- (c) Comply with the detailed rules set out in Article 3 of the Constitution

14.1 **At meetings of the Council**

Members of the public may make a statement, petition or ask questions of the Leader or Chairmen of Committees (except Planning) on any of the Council's services or issues affecting the District of Derbyshire Dales. Each presentation will be limited to three minutes.

14.2 **At Committee Meetings except Planning Committee**

Members of the public may make a statement which will be limited to three minutes, present a petition or ask questions of the Committee Chairman on any matter within that Committee's remit of responsibility.

14.3 **At Planning Committees**

Members of the public may make a statement, petition or ask questions relating to planning applications or other agenda items in the non-exempt section of an agenda at meetings where those matters are to be considered, and where the Council is the Local Planning Authority.

14.4 **Procedure**

At meetings of the Council and its Committees

A member of the public may participate and ask a question or make a statement if notice has been given by electronic means, telephone or in writing to the Democratic Services Team, no later than Midday on the working day prior to the meeting date. Each question or statement must give the name and address of the questioner, the subject matter to which it relates and the identity of the Councillor to whom it is to be put.

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.

Petitions may be considered by an appropriate Committee in accordance with the Council's Scheme set out in Article 3 of the Constitution.

At Planning Committees

- a) Where it has been decided by the Council that a planning application will be dealt with by the Planning Committee, the applicant (or agent) and anyone who has made representations will be notified of the time and date of the Committee meeting.
- b) An agenda listing the items to be discussed at meetings of the Planning Committee and the Local Plan Advisory Group will be posted on the District Council's web site and at the offices of the Town hall, Matlock, 5 clear days before the meeting.

- c) Public Participation will be limited to one hour per meeting, with the discretion to extend exercised by the Committee Chairman (in consultation) in advance of the meeting. On line information points will make that clear in advance of registration to speak.
- d) Anyone wishing to make representations at a meeting must notify the Democratic Services Team before Midday on the working day prior to the relevant meeting. At this time they will be asked to indicate to which item of business their representation relates, whether they are supporting or opposing the proposal and whether they are representing a town or parish council, a local resident or interested party.
- e) Those who indicate that they wish to make representations will be advised of the time that they need to arrive at the meeting venue so that Democratic Services can organise the representations and explain the procedure.
- f) Where more than 2 people are making similar representations, Democratic Services will seek to minimise duplication, for instance, by establishing if those present are willing to nominate a single spokesperson or otherwise co-operate in the presentation of their representations.
- g) Representations will only be allowed in respect of applications or items which are scheduled for debate at the relevant Committee meeting,
- h) Those making representations will be invited to do so in the following order, after the case officer has introduced any new information received following publication of the agenda and immediately before the relevant item of business is discussed. The following time limits will apply:
- | | |
|--------------------------|-----------|
| Town and Parish Councils | 3 minutes |
| Objectors | 3 minutes |
| Ward Members | 5 minutes |
| Supporters | 3 minutes |
| Agent or Applicant | 5 minutes |
- i) At the Chairman's discretion, the time limits above in point h) may be reduced to keep within the limited one hour per meeting for Public Participation.
- j) After the presentation it will be for the Chairman to decide whether any points need further elaboration or whether any questions which have been raised need to be dealt with by Officers
- k) The relevant Committee Chairman shall exercise discretion during the meeting to rule out immediately any comments by participants that are not directed to genuine planning considerations.
- l) Those making representations are not allowed to circulate any photos or written material to the Committee.

15. QUESTIONS BY COUNCILLORS

15.1 On Reports of the Policy Committees

A Councillor may ask the Leader or Chairman of a Committee any question without notice upon an item contained in the report of a Committee, when that item is being received or under consideration by the Council.

The Councillor, to whom a question has been put, may refer an answer to a question to the Vice-Chairman of the suitable policy committee where appropriate.

15.2 Questions on notice

A Councillor may only ask a question if either:

- (a) They have given notice in writing or by electronic mail to the Director of Corporate and Customer Services no later than 12 Noon on the third working day prior to the meeting. (For example questions for a meeting falling on a Thursday would need to be submitted no later than 12 Noon on the Monday of that week.), or*
- (b) The question relates to urgent business of which notice has not been given but the contents of any such question should be conveyed to the Director of Corporate and Customer Services no later than 10.00 a.m. on the day of the meeting.*

At any one meeting no Councillor may submit more than three questions.

15.3 Questions on notice at full Council

Subject to Rule 15.2 above, a Councillor may ask a question on any matter in relation to which the Council has powers or duties on which affects the District to:

- the Chairman/the Leader, or
- the Chairman of any Committee or
- The Council's representative on significant partnerships as identified in the schedule of outside bodies.

15.4 Questions on notice at Committee Meetings

Subject to Rule 15.2 above, a question may be asked of the Chairman of a Committee, on any matter in relation to that Committee.

15.5 Response

An answer in relation to 15.3 and 15.4 above may take the form of:

- (a) A direct oral answer;
- (b) Where the desired information is in a publication of the Council or other published work, a reference to that publication;
- (c) Where the reply cannot conveniently be given orally, a written answer circulated later to the questioner.

Provided that the Councillor to whom a question has been put under 15.3 and 15.4 above:

- may decline to answer; or
- may refer an answer to the Vice-Chairman of the suitable policy committee where appropriate

15.6 **Record of Questions**

The Director of Corporate and Customer Services will enter each question in a book open to public inspection. Rejected questions will include reasons for rejection.

Copies of all questions will be circulated to all Councillors and will be made available to the public attending the meeting.

15.7 **Supplementary Question**

A Councillor may under rule 15.3 and 15.4 ask one supplementary question of the Councillor to whom the first question was addressed. The supplementary question must arise directly out of the original question or the reply.

16. **PROPOSALS ON NOTICE AT MEETINGS OF THE COUNCIL**

Notice of every proposal (other than a proposal, which, under Order 17 may be moved without notice) shall be given in writing or by electronic mail and signed by the Councillor or Councillors giving the notice, and delivered at least 10 working days before the next meeting of the Council, at the offices of the Director of Corporate and Customer Services.

It shall be dated, numbered in the order in which it was received, and entered into a book which shall be open to public inspection.

16.1 **Proposal set out in Summons**

The Director of Corporate and Customer Services shall set out in the summons for every meeting of the Council all proposals of which notice has been duly given in the order of which they have been received, unless the Councillor giving such a notice intimated in writing when giving it, that he/she proposed to move it at some later meeting or has since withdrawn it in writing.

16.2 **Proposals not Moved**

If a proposal that is set out in the summons is not moved, either by a Councillor who gave notice thereof, or, by some other Councillor on his/her behalf, shall, unless postponed by consent of the Council, (which shall be signified without discussion), be treated as withdrawn and shall not be moved without fresh notice.

16.3 **Scope of Proposals**

Every proposal shall be relevant to some matter in relation to which the Council has powers or duties, or which affects the District.

16.4 **Alteration of Motion**

A Member may, with the consent of the Council signified without discussion:-

- (a) Alter a motion of which s/he has given notice; or
- (b) With the further consent of the seconder alter a motion which s/he has moved if (in either case) the alteration is one which could be made as an amendment thereto

17. **PROPOSALS WHICH MAY BE MOVED WITHOUT NOTICE**

The following proposals may be moved without notice.

- *election of the Chairman of the meeting at which the proposal is made;*
- *proposal in relation to the accuracy of the Minutes;*
- *that an item of business specified in the summons has precedence;*
- *reference to a Committee;*
- *appointment of a Committee or Councillor thereof occasioned by an item mentioned in the summons to the meeting;*
- *receipt of reports or adoption of recommendations of Committees or officers and any consequent resolutions;*
- *leave be given to withdraw a proposal;*
- *amendment to proposals;*
- *“that the Council proceed to next business”;*
- *“that the question be now put”;*
- *“that the debate be now adjourned”;*
- *“that the Council do now adjourn”;*
- *the suspension of a particular council procedure*
- *proposal under Section 100A of the Local Government Act 1972 to exclude the public (and press);*
- *that a Councillor named under Order 16 be not further heard or do leave the meeting;*
- *to give consent of the Council where the consent of the Council is required by this Constitution*
- *That the meeting continue beyond 2½ hours in duration.*

18. **RULES OF DEBATE**

18.1 **No speeches until proposal has been seconded**

No speeches may be made after the mover of a motion has moved the proposal and explained the purpose of it until the proposal has been seconded.

The Chairman may require that the proposal is put into writing and handed to the Chairman before it is further discussed or put to the meeting.

18.2 **Seconder’s Speech**

A Councillor when seconding a proposal, or an amendment may reserve his/her speech until a later period of the debate.

18.3 Only One Councillor to Speak

A Councillor when speaking shall address the Chairman. If two or more Councillors wish to speak, the Chairman shall call on one to speak, the other or others shall wait until duly called by the Chairman. While a Councillor is speaking the other Councillors shall remain silent unless rising to a point of order or in personal explanation.

18.4 Content and Length of Speeches at Council

Speeches must be directed to the question under discussion or to a personal explanation or point of order.

The opening speech by the mover of a proposal or amendment may not exceed seven minutes, except with the consent of the Chairman.

No speech by any other Councillor or by the mover of the proposal winding up the debate shall exceed five minutes except with the consent of the Chairman.

18.5 Content and Length of Speeches at Policy Committees

Speeches must be directed to the question under discussion or to a personal explanation or point of order. Members may also ask questions and receive a response to their questions from either the Chairman of the Committee or officers.

Members will not be restricted by these rules in the number of times that they may participate in a debate at a Committee Meeting, other than the discretion of the Chairman of the Committee in seeking to secure the efficient management of debate on matters under consideration.

18.6 When a Councillor may speak again

A Councillor who has spoken on any proposal shall not speak again whilst it is the subject of debate, except:

- (a) To speak once on an amendment proposed by another Councillor*
- (b) If the proposal has been amended since he/she last spoke, to move a further amendment to the amended proposal*
- (c) If his/her first speech was on an amendment moved by another councillor to speak on the main issue, whether or not the amendment on which he/she spoke was carried*
- (d) In exercise of the right of reply*
- (e) On a point of Order*
- (f) By way of personal explanation, that is to say, an explanation of some material part of a speech which appears in the course of the debate to have been misunderstood.*

18.7 Amendments

An amendment should be relevant to the proposal, and shall be either

- (a) *To refer the matter to the appropriate body for consideration or reconsideration*
- (b) *To leave out words*
- (c) *To leave out words and to insert or add others*
- (d) *To insert or add words*

Provisos

- *the negative of a proposal before the council may not be moved by way of an amendment:-*
- *any amendment must be pertinent and relevant to the original motion*

Only one amendment may be discussed at any one time and no further amendment shall be moved until discussion upon the amendment is concluded.

If an amendment is lost, other amendments may be moved to the original proposal. If an amendment is carried, the proposal as amended shall take the place of the original proposal and shall become the substantive proposal to which any further amendments shall be moved.

After an amendment has been carried the Chairman shall read out the amended proposal before accepting a further amendment or (if none) putting the substantive proposal to the vote.

18.8 Alteration of Proposal

A Councillor may, with the consent of the meeting, signify without discussion

- (a) *Alter a proposal of which he/she has given notice; or*
- (b) *With the further consent of the seconder alter a proposal which he/she has moved*
- (c) *Only alterations which could be made as an amendment may be made*

18.9 Withdrawal of Proposal

A proposal or an amendment may be withdrawn by the mover with the consent of the seconder. The meeting's consent will be signified without discussion. No Councillor may speak on the proposal after the mover has asked permission to withdraw it unless such permission shall have been refused.

18.10 Right of Reply

- (a) *The mover of a proposal has a right to reply at the end of the debate on the proposal, immediately before it is put to the vote*
- (b) *If an amendment is moved, the mover of the original proposal has the right to reply at the close of the debate on the amendment but shall not otherwise speak on the amendment.*
- (c) *The mover of the amendment has no right of reply to the debate on his/her amendment.*

18.11 Proposals which may be moved during debate

When a proposal is under debate, no other proposal may be moved except the following procedural proposals:

- *to amend a proposal*
- *to adjourn a meeting*
- *to adjourn debate*
- *to proceed with the next business*
- *that the question be now put*
- *that a Councillor be not further heard*
- *by the Chairman that a Councillor do leave the meeting*
- *a proposal under Section 100A of the Local Government Act 1972, to exclude the public*
- *a proposal that the meeting continue beyond 2 ½ hours in duration*
- *during discussion on a planning application that the debate be adjourned for a site visit and if such a proposal is duly carried then any other proposal under debate shall be deemed to have been withdrawn*

18.12 Closure Proposals

A Councillor may move without comment, at the conclusion of a speech of another Councillor:

- (a) That the Council proceed to the next business*
- (b) That the question be now put*
- (c) That the debate be now adjourned or*
- (d) That the Council do now adjourn*

on the seconding of which the Chairman shall proceed as follows:

- (a) If a proposal to proceed to the next business is seconded and the Chairman thinks the item has been sufficiently discussed, he or she will give the mover of the original proposal a right of reply and then put the procedural proposal to the vote*
- (b) If a proposal that the question be now put is seconded and the Chairman thinks the item has been sufficiently discussed, he/she will put the procedural motion to the vote. If it is passed he/she will give the mover of the original motion a right of reply before putting his/her motion to the vote.*
- (c) If a proposal to adjourn the debate or to adjourn the meeting is seconded and the Chairman thinks the item has not been sufficiently discussed and cannot reasonable be so discussed on that occasion, he/she will put the procedural motion to the vote without giving the mover of the original proposition the right of reply.*

18.13 Point of Order

A Councillor may raise a point of order at any time and be heard immediately. A point of order may only relate to an alleged breach of the Council's Rules of Procedure or the law. The Councillor must indicate the rule of law which he/she considers has been broken. The ruling of the Chairman on the matter will be final.

19. VOTING

The Chairman shall take the votes in one of the following ways:

- (a) *By show of hand, or*
- (b) *By ballot, or*
- (c) *Where any Councillor requests it immediately after the vote is taken, their vote will be so recorded in the Minutes to show whether they voted for or against the proposal, or abstained from voting.*
- (d) *If two Councillors present at a meeting demand it, the names for and against a proposal or amendment or abstaining from voting will be taken down in writing and entered in the Minutes. A demand for a recorded vote will override a demand for a ballot.*
- (e) *The names for and against a proposal, or amendment or abstaining from voting will be taken down in writing and entered in the Minutes whenever the Council makes a decision to agree the budget, sets the Council tax and precepts*

19.1 Majority

Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those Councillors voting and present in the room at the time the question was put.

19.2 Chairman's casting vote

If there are equal numbers of votes for and against, the Chairman may exercise a second or casting vote. There will be no restriction on how the Chairman chooses to exercise a casting vote, save that if no second or casting vote is made, the proposal will automatically fail.

19.3 Exception

In the event of an equality of votes for the election of Chairman at the Annual Meeting the person presiding must exercise a casting vote.

19.4 Voting on Appointments

If there are more than two people nominated for any position to be filled, and there is not a clear majority of votes in favour of one person, then the name of the person with the least number of votes will be taken off the list and a new vote taken. The process will continue until there is a majority of votes for one person.

20. MINUTES

20.1 Form

- *All proposals and amendments in the exact form and order that were put by the Chairman shall be recorded in the Minutes of that meeting.*
- *The Minutes will record the nature of all declarations of interests made by Members.*

20.2 Approval

The Chairman will propose that the Minutes of the previous meeting be approved as a correct record. No discussion shall take place on the Minutes except for their accuracy. Any question of their accuracy shall be raised by way of a proposal. If no such question is raised, or if it is raised, then as soon as it is disposed of, the Chairman will sign the Minutes.

20.3 Record of attendance

The names of all Councillors present during the whole or part of a meeting will be included in the Minutes of that meeting.

21. EXCLUSION OF THE PUBLIC AND PRESS

Members of the public and press may only be excluded either in accordance with Rule 10 of the Access to Information Rules in, Part 4 of this Constitution, or paragraph 23 of Part 4 of this Constitution.

22. COUNCILLORS' CONDUCT

22.1 Disclosable Pecuniary Interests

A Member who has, or has disclosed, a Disclosable pecuniary interest, must leave the room during the relevant item of business

22.2 Speaking

When a Councillor speaks they must address the meeting through the Chairman.

22.3 Councillor not to be heard further

If a Councillor persistently disregards the ruling of the Chairman by behaving improperly or offensively or deliberately obstructs business, the Chairman may propose that the Councillor be not heard further. If seconded, the motion will be voted upon without discussion.

22.4 Councillor to leave the meeting

If the Councillor continues to behave improperly after such a proposal is carried, the Chairman may move that either the Councillor leaves the meeting or that the meeting is adjourned for a specified period. If seconded, the motion will be voted on without discussion.

22.5 General Disturbance

If there is a general disturbance making orderly business impossible, the Chairman may adjourn the meeting for as long as he/she thinks necessary.

23. DISTURBANCE BY THE PUBLIC

23.1 Removal of a member of the public

If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room.

24. **RESCISSION OF PRECEDING DECISION**

A decision of the Council shall not be subject of a proposal for reversal within six months of the Council meeting at which it was made.

Provided that:

- (1) This Order shall not apply where notice of a proposal to reverse the preceding resolution within the period bears the names of at least ten Councillors of the Council.
- (2) When any proposal under proviso (1) above has been disposed of by the Council it shall not be open to any Councillor to propose a similar proposal within a further period of six months.

25. **SUSPENSION AND AMENDMENT OF COUNCIL PROCEDURE RULES**

25.1 **Suspension**

All of these Council Rules of Procedure, except those made mandatory, by Regulation, may be suspended by motion on notice or without notice, if at least one half of the whole number of councillors on the Council are present. Suspension can only be for the duration of the meeting.

25.2 **Amendment**

Any motion to add to, vary or revoke these Council Rules of Procedure will, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.

SCRUTINY PROCEDURE RULES

1. Proceedings

- 1.1 The following procedures apply to the Scrutiny Committee.
- 1.2 The Scrutiny Committee meeting will comply with the relevant sections of Part 4 of the Constitution – Rules of Procedure – as well as the following procedure rules.
- 1.3 The Scrutiny Committee is not a decision making committee but may make recommendations to Policy Committees, Full Council or any other relevant authority.

2. Quorum

- 2.1 The quorum for Scrutiny Committee meetings is one third of the total membership, but not less than three councillors.

3. Membership

- 3.1 Substitute members are permitted on the Scrutiny Committee.
- 3.2 Where a Member is unable to consider a call-in because of a conflict of interest arising from their participation in the decision making of the matter being scrutinised, political groups should nominate a substitute Member to attend the meeting. Where a political group does not have sufficient Members for a substitution, the Monitoring Officer will be authorised to have the discretion to provide a dispensation to avoid upsetting the political balance of the Scrutiny Committee.

4. Non-Councillor Representatives

- 4.1 Advisory, non-councillor representatives may be members of the Scrutiny Committee. Such members may participate at meetings but may not vote, unless they have statutory authority to do so.
- 4.2 The Scrutiny Committee can request individuals from outside organisations to attend meetings but cannot compel them to do so.

5. Interests and Participation

- 5.1 A councillor may speak at a Scrutiny Committee meeting where a specific decision or proposal of a Committee of which s/he is a Member is being scrutinised, but must then leave the meeting for the remainder of the debate on that item.
- 5.2 Where a Scrutiny Committee is reviewing policy generally, Members should declare any interest before the relevant agenda item is reached.
- 5.3 Scrutiny Committee members may not scrutinise decisions they have made as a member of a Policy Committee. In this case, they should declare an interest and leave the meeting room. If a Member feels that there is a particular reason why he

or she should participate, a dispensation must be sought from the Monitoring Officer.

6. Business at Meetings

- 6.1 The business at each meeting of the Scrutiny Committee will be conducted as set out on the agenda for the meeting, subject to the Chair having discretion to change the order of the items to be discussed.
- 6.2 Any member of the Scrutiny Committee is entitled to give notice to the Proper Officer that s/he wishes an item relevant to the functions of the Committee to be included on the agenda for the next available meeting. On receipt of such a request, the Proper Officer will ensure that it is included on the next available agenda.
- 6.3 To fulfil its role of holding other Committees to account through an agreed programme of Chairs' Question and Answer sessions or such other mechanism as shall be determined by the Scrutiny Committee each year)

7. Ways of Working

- 7.1 The Scrutiny Committee in carrying out the scrutiny function and establishing any Task and Finish Groups is not constrained by traditional working practices. There is wide scope for it to adopt innovative ways of doing things and its ability to do so is fundamental to its success. It may operate more like a Parliamentary select committee, taking evidence through oral witness hearings or in writing.
- 7.2 In carrying out reviews, the Scrutiny Committee will be able to set up informal cross-party Task and Finish Groups, which may include members from other committees, as well as advisory, non-voting, non-councillor members. Task and Finish Groups will make recommendations to the Scrutiny Committee, which will determine whether to adopt the recommendations for referral to the relevant Committee for decision.
- 7.3 The Scrutiny Committee may adopt innovative ways of working. It will operate more like select committees, taking oral evidence through select committee style witness hearings.
- 7.4 The Scrutiny Committee can require members and officers to attend their meetings and answer questions. This power does not relate only to scrutiny of decisions but can also be used to ask a Councillor or Officer about forthcoming issues.
- 7.5 When officers attend to answer questions, their evidence will be confined to questions of fact and explanation relating to policies and decisions. They may also be asked to explain and justify decisions they themselves have taken under the Scheme of Delegation where they fall within the terms of the matter under review.

8. Notice of Meetings

- 8.1 The agenda for the Scrutiny Committee will be sent out five clear days before the meeting.

9. Call-in

9.1 Publication of Policy Committee decisions

- 9.1.1 A decision of a Policy Committee will be published online, ordinarily within three working days of the decision being made.
- 9.1.2 A notice of such decisions and the date on which they were made will be published and state that any decision specified in the notice will come into force on the expiry of 7 working days after its publication (“the notification period”), and may then be implemented, unless the decision is called-in. Decisions that may be called-in
- 9.1.3 Any decision of a Policy Committee may be called-in unless it is:
- (a) in the form of a recommendation to the Council;
 - (b) an urgent decision (as defined by rule 14 (2)) and the reason for urgency is recorded in the body of the decision;
 - (c) concerned with procedural matters; or
- 9.1.4 Where a Policy Committee decision takes the form of an approval of details only, the principle having been established by an earlier Policy Committee decision, then call-in shall be confined to those details.

9.2 Call-in of decision for scrutiny

- 9.2.1 During the notification period –
- (a) a member of the Council who is supported by at least three other members may request to call-in a decision for scrutiny by the Scrutiny Committee;
 - (b) The Members seeking to call-in a decision for scrutiny should complete and submit a “call-in form” to the Monitoring Officer setting out:
 - (i) the decision to which the call-in relates;
 - (ii) the names of the Member requesting call-in of the decision;
 - (iii) the reason for the call-in
 - (iv) the proposed alternative decision
- 9.2.2 The Monitoring Officer will determine whether the request to call-in a decision is procedurally compliant with the provisions of Scrutiny Procedure Rule 9.2.1(b). Where the Monitoring Officer has a conflict of interest, the validation of a call-in request will be undertaken by a Deputy Monitoring Officer.
- 9.2.3 The Monitoring Officer will notify the Chairman of the relevant Policy Committee and the relevant Service Director of the call-in request and advise them that implementation of the decision be delayed until conclusion of the call-in process.
- 9.2.4 Where appropriate, and after consulting the chairman of the Scrutiny Committee, the Monitoring Officer will add the call-in request to the agenda for the next following meeting of the committee.

9.3 Consideration of Call-In

- 9.3.1 The procedure for considering a called-in decision at a meeting of the Scrutiny Committee shall be:
- (a) Presentation of reasons for call-in and alternative proposals by lead call-in Member – up to ten minutes
 - (b) Questions to Lead Call-in Member by Scrutiny Committee
 - (c) Explanation of original decision by the Chairman of the Policy Committee, supported by the Service Director
 - (d) Questions to the Chairman of the Policy Committee and Service Director by the Scrutiny Committee Members
 - (e) Scrutiny Committee to evaluate the reasons for call-in and alternative proposal
 - (f) Debate and decision
- 9.3.2 If the Scrutiny Committee does not object to the decision called-in, it will come into force and take effect immediately.
- 9.3.3 If having considered the decision the Scrutiny Committee is still concerned about it, the committee may refer it back to the relevant Policy Committee for reconsideration with reasons.
- 9.3.4 A meeting of the Policy Committee that made the called-in decision will be convened within ten working days of the Scrutiny Committee's request to reconsider it.

9.4 *Call-in and urgency*

- 9.4.1 The call-in procedure shall not apply where the decision being taken by a Policy Committee is urgent.
- 9.4.2 A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests.
- 9.4.3 The record of the decision and notice by which it is made public shall state whether, in the opinion of the decision-maker, the decision is an urgent one and therefore not subject to call-in.
- 9.4.4 The Chairman of the Scrutiny Committee must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. The leader of the main opposition group shall be consulted on any decision to designate a Policy Committee decision as urgent.
- 9.4.5 In the absence of the Chairman, the Vice Chairman's consent must be obtained and in the absence of both, the Chief Executive's consent, or their nominee's consent in their absence, must be obtained.
- 9.4.6 Where the Chairman of the Scrutiny Committee, Vice Chairman or Chief Executive consents to exempting a decision from call-in on grounds of urgency, the Monitoring Officer will be informed as soon as possible after the decision is made.

- 9.4.7 Decisions taken as a matter of urgency must be reported to a meeting of the Council, together with the reasons for urgency.
- 9.4.8 The operation of the procedures relating to scrutiny, call-in and urgency will be monitored annually, and a report submitted to the Council with proposals, if necessary, for review of the procedures.

10. Officer Support

- 10.1 Officer support to the function will be provided to advise members in discharging their functions of monitoring, reviewing and scrutinising decisions and contributing to policy formulation.

References:

[The Local Authorities \(Committee System\) \(England\) Regulations 2012](#)
[Local Government Act 2000 9F to 9FI Oversight and Scrutiny Committee](#)
[Statutory Guidance on Overview and Scrutiny in Local and Combined Authorities](#)

Access to Information Procedure Rules

1. EXEMPT INFORMATION AND REPORT WRITING

1.1 Introduction

The Council is committed to striking the proper balance between openness and individual legal rights to privacy, and will:

- Promote transparency in its work
- Be proactive in making available information which is public in nature or interest
- Be open and accountable
- Maintain individual privacy and confidentiality in an appropriate manner
- Share information in accordance with information sharing protocols.

1.2 Changes to Access to Information legislation

On March 1st 2006, Schedule 12A of the Local Government Act 1972 (the Act) is amended. These regulations have been brought in to take account of the impact of the Freedom of Information Act 2000. There are seven categories of information that can be exempt and three additional ones that are applicable to Standards Committees and Sub-Committees only. **All of them require consideration of the public interest before deciding whether to withhold the information.**

1.3 The presumption of open governance

The approach is based on open governance with disclosure of as much information as possible about decision making. Only in the limited circumstances allowed by statute may information be withheld.

1.4 Preliminary considerations

Start from the point that the report will be a report open to the public.

If there is information that you think should be withheld, establish if any one of the exemption categories applies. If any do, then consider the public interest test.

1.5 What are the exemption categories?

Schedule 12A is in three parts:

Part 1 - Descriptions of Exempt Information

Part 2 – Qualification

Part 3 – Interpretation

The descriptions, qualifications and notes on the interpretation are to be found in paragraph 11.4 of part 4 of the Constitution.

1.6 Background Papers

The rules on background papers require that if they are stated in the report as such then they must be made available to the Public for 4 years after the date of the report. Should the background papers that you wish to use contain exempt information then you should seek advice from the Head of Corporate Services at the earliest opportunity. **Once again you must start from the position that the information should be made available to the public.** You must go through the same process as outlined below. In a case where an exemption is applicable to background papers then these should not be quoted on the report.

1.7 What is the public interest test?

Information is exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

1.8 What is the public interest?

There is no legal definition of what the public interest is however the following are relevant considerations to weigh up and balance the public interest in disclosure as against non-disclosure:

- The information in question would assist public understanding of an issue that is subject to current national debate
- The issue has generated public or parliamentary debate
- Proper debate cannot take place without wide availability of all the relevant information
- The issue affects a wide range of individuals or companies
- The public interest in sufficient information being available for local interests to be represented effectively
- Facts and analysis behind major policy decisions
- Knowing reasons for decisions
- Accountability for proceeds of sale of assets in public ownership
- Openness and accountability for tender processes and prices
- Public interest in public bodies obtaining value for money
- Public health
- Damage to the environment
- Contingency plans in an emergency

1.9 What considerations are there for the report writer of a potentially exempt report?

Once the report writer has formed the opinion that the report or background papers contains potentially exempt information that falls within one or more exemption categories, the following steps should be taken:

1. Establish which of the Exemption paragraphs in schedule 12A you believe apply
2. Apply the public interest test.

3. Seek any necessary advice from the Head of Corporate Services at an early stage.
4. You will need to fill in the sections of the main report marking the report “NOT FOR PUBLICATION – Exempt information as described in paragraph X (complete as relevant) of Schedule 12A of the Local Government Act 1972”
5. You will then need to ensure that the reasons for the use of any and all exemptions you seek to apply are in the public interest is documented in the “Public Interest Test” section of the report. (Some examples are included in the main guidance in order to provide illustrations and make clear how rigorously this test should be applied.
6. Get the approval of the appropriate Proper Officer

1.10 Who decides whether something is exempt or not?

Only the Chief Executive, Corporate Director and Directors (Proper Officers) may authorise a report to be marked ‘Not for Publication’.

The Committee will consider whether to treat the information contained in the report as exempt or not. If it accepts the Officer considerations on exemption, as detailed in the Officer’s report, it will resolve to exclude the public from the meeting for the consideration of the exempt information.

1.11 There is a separate class of information called confidential information

Confidential information means information given to the Council by a Government Department on terms, which forbid its public disclosure, or information, which cannot be publicly disclosed by Court Order.

Seek guidance from the Director of Corporate and Customer Services if you consider any information falls within this class of information. Such circumstances are extremely rare.

2. SCOPE

These rules apply to all meetings of the Council, Area Community Forums, Policy and other Committees (together called meetings).

3. ADDITIONAL RIGHTS TO INFORMATION

These rules do not affect any other specific rights to information contained elsewhere in this Constitution or the law.

4. RIGHTS TO ATTEND MEETINGS

Members of the public may attend all meetings subject only to the exceptions in these rules.

5. NOTICES OF MEETINGS

The Council will give at least five clear days notice of any meeting by posting details of the meeting at the Town Hall, Matlock and on the Council's Website (address www.derbyshiredales.gov.uk)

6. ACCESS TO AGENDA AND REPORTS BEFORE THE MEETING

The Council will make copies of the agenda and reports open to the public available for inspection at the Town Hall, Matlock at least five clear days before the meeting. If an item is added to the agenda later, the revised agenda (where reports are prepared after the summons has been sent out, the designated officer shall make each such report available to the public as soon as the report is completed and sent to councillors) will be open to inspection for the time the item is added to the agenda.

7. SUPPLY OF COPIES

The Council will supply copies of:

- (a) any agenda and reports which are open to public inspection;
- (b) any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- (c) if the Director of Corporate and Customer Services thinks fit, copies of any other documents supplied to Councillors in connection with an item

to any person on payment of a charge for postage and any other costs.

The information will be made available free of charge in alternative formats on request.

8. ACCESS TO MINUTES ETC AFTER THE MEETING

The Council will make available copies of the following for six years after a meeting:

- (a) the minutes of the meeting excluding any part of the minutes of proceedings when the meeting was not open to the public or which disclose exempt or confidential information;
- (b) a summary of any proceedings not open to the public where the minutes open to inspection would not provide a reasonably fair and coherent record;
- (c) the agenda for the meeting; and
- (d) Reports relating to items when the meeting was open to the public.

9. BACKGROUND PAPERS

9.1 List of Background Papers

The Proper Officer will set out in every report a list of those documents (called background papers) relating to the subject matter of the report which in his/her opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and

(b) Which have been relied on to a material extent in preparing the report.

but does not include published works or those which disclose exempt or confidential information (as defined in Rule 11).

9.2 Public inspection of background papers

The Council will make available for public inspection for four years after the date of the meeting one copy of each of the documents on the list of background papers.

10. SUMMARY OF PUBLIC'S RIGHTS

A written summary of the public's rights to attend meetings and to inspect and copy documents will be kept at and available to the public at the Town Hall, Matlock.

11. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

11.1 Confidential information – requirement to exclude public

The public must be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that confidential information would be disclosed.

11.2 Exempt information – discretion to exclude public

The public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that information not in the public's interest would be disclosed.

Where the meeting will determine any person's civil rights or obligations, or adversely affect their possessions, Article 6 of the Human Rights Act 1998 establishes a presumption that the meeting will be held in public unless a private hearing is necessary for one of the reasons specified in Article 6.

11.3 Meaning of confidential information

Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

11.4 Meaning of exempt information

Revised Schedule 12A from 1st March 2006

Description of exempt information	Qualification	Notes
	Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992	Applies to all categories of otherwise exempt information
1. Information relating to any individual	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information	Names, addresses or telephone numbers can identify individuals. Also consider the Council's Data Protection Act responsibilities.
2. Information which is likely to reveal the identity of an individual	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information	Names, addresses or telephone numbers can identify individuals. Also consider the Council's Data Protection Act responsibilities.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)	Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information Information falling within paragraph 3 is not exempt information by virtue of that paragraph if it is required to be registered under – (a) the Companies Act 1985 (b) the Friendly Societies Act 1974 (c) the Friendly Societies Act 1992 (d) the Industrial and Provident Societies Acts 1965 to 1978 (e) the Building Societies Act 1986 (f) the Charities Act 1993	The authority is a reference to the principal council or, as the case may be, the committee or subcommittee in relation to whose proceedings or documents the question whether information is exempt or not falls to be determined. Financial or business affairs includes contemplated, as well as past or current activities Registered in relation to information required to be registered under the Building Societies Act 1986, means recorded in the public file of any building society (within the meaning of that Act)

Description of exempt information	Qualification	Notes
<p>4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority</p>	<p>Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information</p>	<p>The authority is a reference to the principal council or, as the case may be, the committee or subcommittee in relation to whose proceedings or documents the question whether information is exempt or not falls to be determined [etc]</p> <p>Employee means a person employed under a contract of service</p> <p>Labour relations matter means :-</p> <p>(a) any of the matters specified in paragraphs (a) to (g) of section 218 of the Trade Union and Labour Relations (Consolidation) Act 1992 (matters which may be the subject of a trade dispute, within the meaning of that Act); or</p> <p>(b) any dispute about a matter falling within paragraph (a) above (applies to trade disputes relating to office holders as well as employees)</p> <p>Office holder in relation to the authority, means the holder of any paid office appointments which are or may be made or confirmed by the authority or by any joint board on which the authority is represented or by any person who holds any such office or is an employee of the authority</p>
<p>5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings</p>	<p>Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information</p>	<p>Privilege lies with the "client" which broadly is the council. Seek the view of the relevant Corporate Director whether they wish to waive privilege.</p>

Description of exempt information	Qualification	Notes
<p>6. Information which reveals that the authority proposes -</p> <p>a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</p> <p>b) to make an order or direction under any enactment</p>	<p>Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information</p>	<p>The authority is a reference to the principal council or, as the case may be, the committee or sub-committee in relation to whose proceedings or documents the question whether information is exempt or not falls to be determined (etc)</p>
<p>7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.</p>	<p>Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the</p>	
<p>7a. Information which is subject to any obligation of confidentiality.</p>	<p>Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the</p>	<p>This will not apply to all the papers before a Standards Committee but is likely to need careful consideration in the circumstances of a Local Investigation or Determination.</p>
<p>Description for Standards Committee ONLY (in addition to paras 1 – 7 above)</p>	<p>Qualification</p>	<p>Notes</p>
<p>7b. Information which relates in any way to matters concerning national security.</p>	<p>Exempt information if and so long as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information</p>	

Description of exempt information	Qualification	Notes
<p>7c. The deliberation of a standards committee of a standards committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred under the provisions of section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) of that Act.</p>	<p>Exempt information if and so long, as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information</p>	<p>This will apply in relation to Local Determinations whether the original report came from an Ethical Standards Officer or from a Local Investigator.</p>

12. EXCLUSION OF ACCESS BY THE PUBLIC TO REPORTS

If the Proper Officer thinks fit, the Council may exclude access by the public to reports which in his or her opinion relate to items during which, in accordance with Rule 11, the meeting is likely not to be open to the public. Such reports will be marked "Not for publication". The Agenda will identify the reason(s) why the information could not be disclosed and the report will consider the public's interest in the matter to be considered and the reason for exemption.

Budget and Policy Framework Procedure Rules

1. The framework for decision making

The Council will be responsible for the adoption of its Budget and Policy Framework as set out in Article 4. Once a Budget or a Policy Framework is in place, it will be the responsibility of the Council and Policy Committees to implement it.

2. Process for developing the framework

The process by which the Budget and Policy Framework shall be developed is: In each year the Council will publish a programme for establishing the Budget and Policy Framework for the following year.

3. In-Year changes to Policy Framework

The responsibility for agreeing the Budget and Policy Framework lies with the Council, and decisions by the Policy Committees, the Regulatory Committees or officers with delegated authority must be in line with it. No changes to any policy and strategy, which make up the Policy Framework, may be made by the Policy Committees, or officers with delegated authority except changes:

- (a) Necessary to ensure compliance with the law, ministerial direction or government guidance.
- (b) Which will result in the closure, discontinuance of a service or part of a service to meet a budgetary constraint.

Officer Employment Procedure Rules

1. Recruitment and appointment

(a) Declarations

- i. The Council will draw up a statement requiring any candidate for appointment as an officer to state in writing whether they are the parent, grandparent, partner, child, stepchild, adopted child, grandchild, brother, sister, uncle, aunt, nephew or niece of an existing councillor or officer of the Council; or of the partner of such persons.
- ii. No candidate so related to a councillor or officer will be appointed without the authority of the Chief Executive, Corporate Director and relevant Service Director or an officer nominated by him/her.

(b) Seeking support for appointment.

- i. Subject to paragraph (ii), the Council will disqualify any applicant who directly or indirectly seeks the support of any councillor for any appointment with the Council. The content of this paragraph will be included in any recruitment information.
- ii. Subject to paragraph (iii), no councillor will seek support for any person for any appointment with the Council.

2. Recruitment of Head of Paid Service and Corporate Director

Where the Council proposes to appoint a Corporate Director and it is not proposed that the appointment be made exclusively from among their existing officers, the Council will:

- (a) draw up a statement specifying:
 - i. the duties of the officer concerned; and
 - ii. any qualifications or qualities to be sought in the person to be appointed;
- (b) make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and
- (c) Make arrangements for a copy of the statement mentioned in paragraph (1) to be sent to any person on request.

3. Appointment of Head of Paid Service

The Council will appoint the Head of Paid Service.

4. Appointment of Corporate Director

A committee or sub-committee of the Council will appoint the Corporate Director.

5. Other appointments

- (a) **Officers below Corporate Director.** Appointment of officers below Corporate Director (other than assistants to political groups) is the responsibility of the Head of Paid Service or his/her nominee, and may not be made by councillors. The designation of an officer as Monitoring Officer or Section 151/Chief Financial Officer is the responsibility of the Council.
- (b) **Assistants to political groups.** Appointment of an assistant to a political group shall be made in accordance with the wishes of that political group.

6. Disciplinary action

Procedure

- (a) In the following paragraphs:
 - (i) “the 2011 Act” means the Localism Act 2011
 - (ii) “chief finance Officer, “disciplinary action, “head of paid service” and “ monitoring officer” have the same meaning as in Regulation 2 of the local Authorities (Standing Orders) (England) Regulations 2001
 - (iii) “independent person” means a person appointed under section 29(7) of the 2011 Act
 - (iv) “local government elector” means a person registered as a local government elector in the register of elector in the authority’s area in accordance with the Representation of the People Acts;
 - (v) “the Panel” means a committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority;
 - (vi) “relevant meeting means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer; and
 - (vii) “Relevant officer” means the chief finance officer, head of paid service or monitoring officer, as the case may be.
- (b) A relevant officer may not be dismissed by the Council unless the procedure set out in the following paragraphs is complied with.
- (c) The Council must convene a Disciplinary Panel and invite the relevant Independent Persons to be considered for appointment to the Panel with a view to appointing at least two persons to the Panel.
- (d) The Council must appoint to the Panel at least two such relevant Independent Persons who have accepted an invitation issued in accordance with paragraph (a)(iii) in accordance with the following priority order:
 - (i) A relevant Independent Person who has been appointed by the council and who lives in the Council’s area
 - (ii) Any other relevant Independent Person who has been appointed by the Council but who lives outside the authority’s area
 - (iii) A relevant Independent Person who has been appointed by another authority

- (e) The Council must appoint a Panel at least 20 working days before the relevant meeting
- (f) Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal (which decision must be made by Council itself), the Council must take into account:
 - (i) Any advice, views or recommendations of the Panel;
 - (ii) The conclusions of any investigations into the proposed dismissal; and
 - (iii) Any representations from the officer subject to the disciplinary proceedings

7. **Dismissal**

Councillors will not be involved in the dismissal of any officer below Corporate Director except where such involvement is necessary for any investigation or inquiry into alleged misconduct, though the Council's disciplinary, and related procedures, as adopted from time to time allow a right of appeal to members in respect of dismissals.

NOT CONFIDENTIAL – For public release

Council
26 July 2022

Report of the Director of Corporate and Customer Services

MEMBERSHIP OF POLITICAL GROUPS, POLITICAL BALANCE AND ENTITLEMENT TO SEATS ON COMMITTEES

PURPOSE OF REPORT

To report on the updated membership of political groups on the Council, the change to the political balance of the authority following Councillor Gamble's decision to become a member of the Independent Group and the revised entitlement of political groups to seats on committees for the remainder of the 2022/23 municipal year.

RECOMMENDATION

1. That the operation of five political groups on the Council and the detail of their designated Leaders be noted:
 - (a) Conservative Group and Cllrs Bright, Elliott and Salt – Councillor Garry Purdy
 - (b) Green and Independent Group – Councillor Neil Buttle
 - (c) Independent Group – Councillor Colin Swindell
 - (d) Labour Group – Councillor Mike Ratcliffe
 - (e) Liberal Democrat Group – Councillor Steve Flitter
2. That the Council notes, and agrees, the entitlement of the membership of the political groups and that such entitlements have been reflected in the allocations to Committees.
3. That nominations be received for the revised committee seat entitlements and for the Scrutiny Committee from all political groups.

WARDS AFFECTED

District-wide

STRATEGIC LINK

The strategic leadership provided by Councillors in discharging the functions of the Council through committees and other bodies is critical to the delivery of all priorities in the Corporate Plan.

1 BACKGROUND

- 1.1 The Proper Officer is required to notify the Council of any change in the political balance of the authority or the operation of new political groups under the Local Government (Committees and Political Groups) Regulations 1990. Since the last

Council meeting, the two new councillors have been elected to serve on the District Council and have joined existing political groups.

1.2 On 23 May 2022, Councillor Gamble informed the Proper Officer that she had become a member of the Independent Group, having previously been a member of the Green and Independent Group. The effect of this result means there are now 3 Members in the Independent Group (previously 2) and 4 Members in the Green and Independent Group (previously 5). The Conservatives and Councillors Bright, Elliott & Salt Group continue to hold the majority of seats on the Council.

1.3 Section 15 of the Local Government and Housing Act 1989 places on local authorities the duty to allocate seats to political groups and sets out the principles to be followed when determining such allocation. The main principles, which must be satisfied sequentially, include

(a) That the number of seats on ordinary Committees/Bodies ... which are allocated to each political group bears the same proportion to the total of all the seats on the ordinary Committees of that Authority, as is borne by the Members of that group to the membership of the Authority (i.e. the allocation of the total number of seats available must mirror the political composition of the council).

(b) That the number of seats on the Body (Committee, etc.), which are allocated to each political group, bears the same proportion to the number of all the seats on that Body as is borne by the number of Members of that group to the membership of the Authority (i.e. the allocation of seats on individual committees must mirror the political composition of the council).

1.4 Local authorities are able to depart from the statutory provisions where there is unanimous agreement to do so.

2 POLITICAL GROUPS

2.1 The Proper Officer has received formal notifications, under the provisions of the Local Government (Committees and Political Groups) Regulations 1990, of changes in the membership of the Council's political groups. On 23 May 2022, Councillor Gamble became a member of the Independent Group, which increased in size to 3 Members whilst the Green and Independent Group reduced in size to 4 Members.

2.2 The Conservatives and Councillors Bright, Elliott & Salt Group continue to hold the majority of seats on the Council and is in overall control of the authority. The political balance of the Council is now:

Name of Group	Designated Leader	Number of Members
Conservative and Councillors Bright, Elliott & Salt	Councillor Purdy	22
Green and Independent	Councillor Buttle	4
Independent	Councillor Swindell	3
Labour	Councillor Ratcliffe	3
Liberal Democrat	Councillor Flitter	7

3 ENTITLEMENT TO SEATS

3.1 The allocation process must be applied 'so far as is reasonably practicable' to achieve a balanced outcome. The allocation of seats to the five political groups is determined by the following formula:

$$\frac{\text{Number of Members in a political group}}{\text{Total Number of Members of the Council (39)}} \times \text{Number of Seats to be allocated (108)}$$

3.2 For the 86 seats available in applying principle (a) in paragraph 1.3, this gives:

Political Group	Seat Entitlement
Conservatives and Councillors Bright, Elliott & Salt	61
Green and Independent	11
Independent	8
Labour	8
Liberal Democrats	19

3.3 Application of principle (b) in paragraph 1.3 of this report, relating to the number of seats on individual committees, gives the following:

	Membership	Conservative Group and Cllrs Bright, Elliott & Salt	Green and Independent Group	Independent Group	Labour Group	Liberal Democrat Group
		22	4	3	3	7
Committee						
Governance and Resources	17	10	2	1	1	3
Community and Environment	17	10	2	1	1	3
Planning	13	7	1	1	1	2
Scrutiny	12	7	1	1	1	2
Licensing and Appeals	15	8	2	1	1	3
Joint Consultative	9	5	1	1	1	2*
Joint ICT	3	2	0	0	0	1
Constitution Working Group	11	6	1	1	1	2
Local Plan	11	6	1	1	1	2
TOTALS	108	61	11	8	8	20**

3.4 The table above does not achieve balance in accordance with principle (a) of paragraph 1.3 of this report. However, balance can be achieved by removing a seat from the Liberal Democrat Group on the Joint Consultative Committee. This would reduce the total number of seats for the Liberal Democrat Group to 19, which reflects that group's overall entitlement. Such an approach would also ensure that a majority for the Conservatives and Councillors Bright, Elliot & Salt Group on the Joint Consultative Committee, which ensures that the overall balance of the Council is reflected on that committee. The Planning Committee, whilst having 13 places, will be

made up of 12 Members in practice to achieve balance. To reduce the Planning Committee to 12 places would affect the overall calculation and balance could not be achieved.

- 3.5 The proposed seat allocation has been the subject of consultation with political group leaders, with no objections received at the time of the publication of the report.
- 3.6 In order for the seat allocation set out at paragraphs 3.3 and 3.4 to be adopted, the Council will need to vote unanimously to approve a departure from the requirements of principles (a) and (b). Where the Council fails to adopt a new seat entitlement, the previously agreed seat entitlement will continue to operate until such a time as the Council can agree a new entitlement.
- 3.7 Political Group leaders are invited to provide the Proper Officer with details of proposed appointments or changes to committee memberships in view of this report. In the event that the revised seat entitlement is agreed, the appointments should be approved as part of this report. Details of nominations will be circulated separately at the meeting.

4 ASSESSMENT

4.1 Legal

The legislative requirements in respect of political balance and entitlement to seats are set out earlier in this report. The recommended approach will reduce the legal risk to the authority and on this basis, the legal risks associated with this report are considered to be low.

4.2 Financial

The recommendations of this report do not have any impact on the cost of the existing members' allowance scheme. The financial risk is therefore assessed as low.

5 OTHER CONSIDERATIONS

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

6 CONTACT INFORMATION

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7 BACKGROUND PAPERS

None

8 ATTACHMENTS

None

NOT CONFIDENTIAL – For public release

COUNCIL
26 JULY 2022

Report of the Director of Regeneration and Policy

PERFORMANCE MANAGEMENT – KEY & CORPORATE PERFORMANCE INDICATORS OUTTURN 2021/22

PURPOSE OF REPORT

This report summarises the outturn performance against the District Council's Corporate Plan Targets and Key Performance Indicators for the full year 2021/22, which is the second year of the current [Corporate Plan](#) 2020-24, agreed at Council on 5th March 2020. The report highlights where services have performed strongly and where improvements can be made.

RECOMMENDATION

1. The outturn performance against Corporate Plan targets for 2021/22 be noted.
2. The outturn performance against the Key Performance Indicators for 2021/22 be noted.
3. That bi-annual reports continue to be brought to Members to highlight progress, demonstrate good performance, and address areas for improvement.

WARDS AFFECTED

All

STRATEGIC LINKS

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

Key Performance Indicators measure general organisational health. They show the direction of Council performance overall. KPIs assist in maintaining service standards for planning, revenues and benefits, and housing.

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

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

1 BACKGROUND

Corporate Plan Targets

- 1.1 The Corporate Plan 2020-24 (adopted by Council on 5th March 2020) sets out the District Council's priorities and areas for improvement. These priority areas are:
- *People* – Providing you with a high quality customer experience [2 actions]
 - *Place* – Keeping the Derbyshire Dales clean, green and safe [8 actions]
 - *Prosperity* – Supporting better homes and jobs for you [11 actions]
- 1.2 For 2022/23, the Corporate Plan identifies a number of priority targets relating to the specific activities to be undertaken this year. These targets are assigned annually to specific teams and service areas for action. They set out how the Council will meet its annual Corporate Plan targets.
- 1.3 For 2021/22, the three corporate priority areas were sought to be delivered by 21 target actions, which were approved by Council on the 4th March 2021 [Minute 265/20]. Appendix 1 details progress on all 21 target actions contained in the Corporate Plan.

Key Performance Indicators (KPIs)

- 1.4 In addition, there are 12 Key Performance Indicators (KPIs) that measure the District Council's general organisational health. They cover service areas such as determining planning applications in good time, paying bills on time, collecting Council Tax efficiently, and paying benefits claims promptly. Appendix 2 provides detail on progress against the KPIs, on a quarter by quarter basis, throughout 2021/22
- 1.5 This report updates the mid-year progress reports on both the Corporate Plan targets and Key Performance Indicators which was considered by Governance and Resources Committee 20th Jan 2022 [Minutes 249/21 and 250/21].

2 PERFORMANCE MANAGEMENT

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

- **Green** = has fully achieved the year's target on time
- **Amber** = has partially achieved the target and is on track to fully achieve the year's target albeit later than planned.
- **Red** = has not achieved year's target and is unlikely to do so.

3 COUNCIL PERFORMANCE – OUTTURN SUMMARY 2021/22

3.1 In summary, of the 21 Corporate Plan performance action indicators for the financial year 2020/21 for which data is available, 19 were fully or partially achieved, as Table 1 shows. Table 1 also shows performance against KPIs, with nine being fully or partially achieved.

	Totals	Green	Amber	Red
Corporate Plan Actions	21	10	9	2
Key Performance Indicators	12	9	0	3
TOTAL	33	19	9	5

Table 1 - Summary of Performance Indicator Outcomes

Corporate Plan Targets

3.2 A lower proportion of Corporate Plan actions were fully achieved (10 of 21 actions, or 47.6%) compared to Key Performance Indicator targets (9 out of 12, or 75%). Corporate Plan targets tend to be more project-based, one-off projects and involve a range of partners; they are therefore normally more complex and have a longer term duration. Outturn data suggest that COVID-19 has had a negative impact on the achievement of the timescales for the delivery of the Corporate Plan target actions and KPI delivery. It should be noted however, that progress has been made on almost all Corporate Plan actions despite the challenge of COVID-19.

3.3 Detailed outcomes for 2021/22 Corporate Plan Actions are shown in Appendix 1. Highlights include:

- The number of responses to the Residents Survey rose from 421 in 2020 to 1818 in 2021; an increase of over 400%. The increase was due in part to the comprehensive data gathering methods used: an online survey promoted via social media and the press, a postal survey sent to approx. 2000 households, face to face interviews with people under 35, and via an email sent to online panel members.
- The adoption of the Supplementary Planning Document on climate change, action planning to tackle Air Quality issues, and the securing of funding from central government to assist in decarbonisation works at the Town Hall, Depot and ABC
- 125 homes in the district had energy efficiency measures retrofitted under the Local Authority Delivery programmes, a with a further 68 homes due to be retrofitted by end of June 2023
- Hall Leys Park & Bath Gardens both successfully received Green Flag Awards
- Advice and support was given to 681 businesses [the target was 80]. This is a large increase from the 2020/21 outturn figure of 259 businesses helped. The benefits to businesses has been the receipt of grants (Resilience Grants totalling approx. £150,000 have been paid) and additional Flooding grants totalling £17,000 have been paid out in response to floods earlier in 2022. More

than £3.2 million has been paid in Omicron business grants to local firms during 2022. 120 businesses receiving the mandatory grants from government have also benefited from the discretionary Extended Restrictions Support Grant (funded from ARG).

- Overall, in the two years to March 2022 Derbyshire Dales District Council paid out £74,151,150 in COVID-19 grants to support local businesses in 17,202 grant payments. Across the numerous grant schemes available during this period, Derbyshire Dales District Council paid out more than 89% of the funds allocated by the Government, putting it in the top fifth of councils, exceeding the national average of 84%. But for those grants which were at local discretion, the District Council paid out 100% of its Government allocation to Dales businesses – more than £5 million. This included extra support to hospitality businesses, special grants to firms directly impacted by flooding earlier in 2022, and grants to small local businesses to help them adapt and grow post-Covid.
- In addition, support, either via signposting, referral or assistance with funding applications has been provided to 80 businesses (excluding those only engaged for COVID support). Eight businesses were supported to obtain other external grant funding to support business growth to the value of £241,272. In addition, a number of businesses were assisted to access DE-CARBONISE grants
- The formal review of the Derbyshire Dales Local Plan review process as determined by Council has been completed and was approved by Council in January 2022. The Neighbourhood Plans for Kirk Ireton, Brailsford and Ashbourne have been adopted
- Support for vulnerable households has continued. The combined outturn for services delivered by CAB, Adullam and Age UK is that 270 clients were supported, £665,810 debt was managed and £856,184 of financial gains were made

3.4 Unfortunately two Corporate Plan actions were not achieved;

- A total of 59 adaptations to homes of disabled people were achieved, against the target of 70. The reduced number is a reflection of the slowdown in referrals received during the pandemic. Whilst this is disappointing it should be noted that all District Council processes associated with this target area were completed on time and as a result no application was delayed by the actions of the District Council.
- Council determined at the meeting on 27th April 2022, due to ecology and ground conditions, to cease the development of the proposed site for travellers. Progressing a site remains a corporate goal.

Key Performance Indicators (KPIs)

3.5 Of the Council's 12 **Key Performance Indicators**, 75% were fully achieved and 25% were not achieved. The table below summarizes outturns for 2021/22.

Service Area / CMT Lead	Description	2021/22 Target	Full Year
Corporate	% of undisputed invoices paid on time	99.00%	99.12%

Service Area / CMT Lead	Description	2021/22 Target	Full Year
	% of household waste which has been sent for reuse, recycling, composting or anaerobic digestion	58.5%	46.5% at Q3*
	Average no. working days lost due to sickness absence per FTE employee- quarterly*	10	10.77 days
Housing	The percentage of homeless households seeking assistance from the Council for whom this intervention helped resolve their situation	75%	tbc
Planning	% of Major planning applications determined in 13 weeks	>75%	86%
	% of Minor planning applications determined in 8 weeks	>77%	85%
	% of Other planning applications determined in 8 weeks	>90%	92%
	% of appeals allowed against LA's decision to refuse planning application	<30%	24%
Revenues & Benefits	% of Council Tax collected within the year	98.4%	98.1%
	% of Non-Domestic rates collected within the year	97.3%	97.9%
	Speed of processing new claims (days)	24 days	12.71 days
	Speed of processing: notifications of changes in circumstances (days)	8 days	5.46 days

Table 2 - KPI Outturns for 2021/22

*Quarter 4 figures not yet available

3.6 Notable successes include:

- Over 99% of undisputed invoices were paid on time. Overall in 2021/22 we took an average of 8.95 days from invoice receipt to pay a supplier invoice.
- 92% of 'Other' planning applications were determined in 8 weeks
- 97.9% of Non-Domestic rates were collected within the year
- The speed of processing new claims for benefits is twice as fast as the target of 24 days, at 12.71 days. This far exceeds the national average; for example Quarter 3 for 2021/22 has national average processing times as 19 days

3.7 Less successful outturns include:

- The current average for waste recycling at Q3, is 46.5% which does not meet the 2020/21 target of 58.5%. Percentages have decreased due to the suspension of food waste collection from mid-July until the end of November, the suspension of garden waste during August, and the suspension of excess recycling from September until the end of November 2021. It is anticipated that the planned improvements to collections throughout the current financial year will result in increased amounts of waste recycling.

- Although the target of 98.4% of Council Tax collected within the year was not achieved, it is important to note that the actual collection rate at 98.1% was only just below the target. The Council took the decision to take no court action in respect of council tax arrears for the whole of 2020/21 and the first half of 2021/22, due to the COVID pandemic and not wishing to increase financial pressures for residents at that difficult time.
- Average sickness absence at 10.77 days slightly exceeded the target of 10 days. It is worth noting that, in common with other small organisations, figures have been skewed by a small number of people who needed long term absence in order to recover from serious illness. The long term absence level fell to below 40% of all sickness only in November 2021; whereas in May 2021, July 2021 and January 2022 long term sickness accounted for more than 70% of all sick days. This was predominantly for post-operative recovery and treatment.
- Please note that COVID-related absence data has been recorded separately, so COVID-related sickness absence is not included in the reported District Council sickness absences statistics, unless Covid absence has been for a duration of more than two weeks.
- There has been a noticeable increase in non-work related stress which has led to our offering improved mental health support. These include two external sources of counselling support, an in-house mental health trainer delivering workshops, five mental health first aiders, support of the HR Manager and HR Officer, an optional online learning module, and advice in staff working guidance on the importance of mental wellbeing.

3.8 It is proposed to continue reporting performance results for the Corporate Plan 2020 - 2024 and Key Performance Indicators to Members twice a year. This will highlight progress and good performance, as well as areas for improvement that emerge during the year.

4 RISK ASSESSMENT

4.1 Legal

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

4.2 Financial

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

4.3 Corporate

There is a risk that some Corporate Plan targets may continue to experience delays, particularly given inflation, material costs and labour market shortages in the wake of the COVID-19 pandemic and other global changes. This risk may continue to have service and reputational consequences for the District Council as we progress through 2022/23. To mitigate this, progress is monitored quarterly by Service Managers and by the Corporate Leadership Team.

4.4. Equality

An Equality Impact Assessment is not required as this report is concerned with past events.

4.5 Climate Change Impact Assessment

A Climate Change Impact Assessment is not required as this report is concerned with past events.

5 OTHER CONSIDERATIONS

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

CONTACT INFORMATION

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BACKGROUND PAPERS None

ATTACHMENTS

Appendix 1 Corporate Plan Actions Outturn Data 2020/21

Appendix 2 Key Performance Indicators Outturn Data 2020/21

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Appendix One: Corporate Plan Outturn 2021 – 2022

Priority	Ref. no	ACTION 2021/22	Service area	Q1	Q2	Q3	Q4	Outturn
'People' – Providing You with a High Quality Customer Experience	CP20/PE6	Increase the number of services that are fully trackable by March 2022, by 20, across all departments	Corporate and Customer Services	7 new services	2 new services	2 new services.	5 new services	16 new services in total Progress throughout the year, has been affected by the need to support Covid related work, however 80% of the target has been achieved.
	CP20/PE7	Undertake Annual Survey using the Online Residents Panel to assess resident satisfaction with DDDC Services by November 2021	Regeneration and policy	Survey planned for Nov 2021, to include qualitative questions	Consultants Marketing Means procured. Survey to take place over October 2021	Residents Survey Completed Report to G&R in January 2022.	Completed – see quarter 3 comments	The four methods and responses were; <ul style="list-style-type: none"> • Online panel 201 • Open online survey 371 • Postal 1066 • Face to face interviews 180 72 people indicated willingness to join online panel. Qualitative data was gathered
'Place' – Keeping the Derbyshire Dales Clean, Green and Safe	CP20/PL5	Complete the adoption of a Supplementary Planning Document on Climate Change by June 21	Regeneration and Policy		Adopted 5 th July 2021	Complete	Complete	Supplementary Planning Document adopted
	CP20/PL7	Develop a programme for further publicly accessible EV charging points in 2 car parks across the Derbyshire Dales by April 2022	Neighbourhoods	Initial discussions with current provider.	Waiting for the new EV Chargers ESPO Framework to look at alternative suppliers.	The new ESPO framework was only available from the beginning of November 2021 and we have been waiting the outcome of the feasibility study which Derbyshire County Council are leading which should help identify gaps countywide. Also	The ESPO framework was made available at the end of October 2021, and the draft outcome of the feasibility study which was carried out by DCC was made available in January 2022. Five locations (car parks) have been identified to satisfy need in the Dales. The survey was promoted through Dales Matters and using the Council's social media outlets to understand the possible barriers preventing residents from moving to EV vehicles	In 2022/2023 Officers will be looking at tendering a mini competition with EV providers before awarding the contract and progressing with ORC funding application. If successful, would provide 75% funding for the overall cost of the DDDC project. The remaining 25% would need to be either provided by the successful contractor or DDDC.

Appendix One: Corporate Plan Outturn 2021 – 2022

Priority	Ref. no	ACTION 2021/22	Service area	Q1	Q2	Q3	Q4	Outturn
						arranging for our own survey which will be in the next Edition of Dales Matters to help inform us on a more local level. This will continue into the new financial year.	sooner, this survey ends on the 30 th April. We also held a member engagement session in February to make them aware of what is happening nationally/Countywide and locally.	
	CP20/PL12	Review and implement revised core standards for Clean and Green by April 2022	Clean and Green	Working Group set up. Specification and tender out. Awarded to APSE consultancy.	Workshops have taken place with the frontline staff, management team and are due to take place with the Councillors in November. Staff survey and departmental services are out to be completed.	A final staff workshop will be completed in February. Teams are working on the benchmarking data. The consultant's report and recommendations will be due at the end of the month.	The benchmarking data was delayed; it was completed early April and submitted to the consultants. All other stages of the review are complete so we await the draft report that will be presented to committee in July	In 2022/2023, Officers will be working from the approved recommendations that will have been agreed by Committee. Once the recommendations have been agreed, the SMART objectives can be established.
	CP20/PL14	Carry out a Detailed Assessment, and progress to an Air Quality Management Area and Action Plan as necessary by March 2022	Regulatory Services	Declaration of AQMA. Acceptance by DEFRA. Formation of Action Plan group, including DCC, Ashbourne Town Council and Ashbourne Town Team	Action Plan group meets and discusses long list of potential measures. Public suggestions fed into group. All suggestions taken by DCC for internal working group.	Detailed assessment completed and AQMA declared. Action Plan being developed but requires significant input from Derbyshire County Council. Awaiting shortlist of potential actions from Derbyshire County Council. Further details	Shortlist of potential actions received from Derbyshire County Council. Meeting planned with Action Plan group in order to work the shortlist up into the Action Plan. On track	Action planning continuing with target of publishing the Action Plan by November 2022.

Appendix One: Corporate Plan Outturn 2021 – 2022

Priority	Ref. no	ACTION 2021/22	Service area	Q1	Q2	Q3	Q4	Outturn
					Further interagency meeting between DCC and DDDC. Full Action Plan group meeting scheduled for November.	expected following DCC internal meeting on 25 January 2022.		
	CP20/PL15	<p>Implement Year 1 actions of the adopted climate change strategy and report on effect of actions in terms of CO2 reductions.</p> <p>Implement decarbonisation works at Ashbourne Leisure Centre</p>	Regulatory Services	Carbon footprint for 2020/21 published indicating 27% reduction, but subject to provisos around the effects of the pandemic. Decarbonisation works commenced at Ashbourne Leisure Centre	Work ongoing to submit bids to the Public Sector Decarbonisation Scheme in respect of the Town Hall, Northwood Depot and ABC. Bids to be submitted October. Fleet review underway Ongoing programme of LED light upgrades.	<p>Bid for PSDS Phase 3 successful and works to Town Hall, Depot and ABC will be scheduled for 2022/23</p> <p>Decarbonisation works to Ashbourne Leisure Centre expected to complete 31 March 2022.</p>	<p>Funding for decarbonisation works to the Town Hall, Depot and ABC have been secured and included in the capital programme for 2022/23.</p> <p>Decarbonisation works installed at Ashbourne Leisure Centre but awaiting final sign off by the Distribution Network Operator before being commissioned. Extension of time agreed to the 30 June 2022.</p>	<p>Decarbonisation works installed at Ashbourne Leisure Centre</p> <p>NOTE: In order to utilise Central Government funding it has been necessary to programme works to the Town Hall, Depot and ABC for 2022/23.</p>
	CP20/PL16	Support the retrofit of energy efficiency measures across homes in the district	Housing Services	External all insulation works are underway in Matlock, Ashbourne, Darley Dale and Tansley. Platform have been progressing works across the district	The Local Authority Delivery [LAD] Phase 1A programme was completed in August 2021. 48 owner occupied homes received External Wall	LAD1A complete and no further update	No further completions	108 homes improved under LAD1A

Appendix One: Corporate Plan Outturn 2021 – 2022

Priority	Ref. no	ACTION 2021/22	Service area	Q1	Q2	Q3	Q4	Outturn
					<p>Insulation, 4 Alms Houses had a complete retrofit and 56 Platform properties received a range of measures from insulation to solar panels</p> <p>We are facilitating Housing Associations to apply for the Social Housing Decarbonisation Fund</p> <p>LAD phase 2 work just starting on 33 owner occupied, 49 Platform and 3 alms houses</p>	<p>This has taken place and Platform have made a successful bid to the SHDF</p> <p>LAD2 is on site in Hognaston with further works due in Matlock from March onwards</p>	<p>Platform and Nottingham Community HA both made successful bids to the SHDF and are taking forward their programmes in 2022/23</p> <p>LAD 2 have progressed with; 6 owner occupied homes benefiting from External Wall Insulation in Hognaston, 2 Almshouses completed in Matlock and a 3rd on site in Calver Up to 27 owner occupied homes in Matlock to benefit from EWI are still being appraised after changes in the national technical guidance Platform have installed 7 PV systems and 1 Air Source Heat Pump so far with another 41 properties to be carried forward in 2022/23</p>	<p>17 of 85 homes complete with the balance due for completion by the end of June 2023</p>
	CP20/PL17	Complete the transfer and re-build of Ashbourne Memorial Pavilion and	Community Development &	Foundations and walls of	New Pavilion roof completed	The bandstand has been demolished to	The bandstand is expected to be completed in 2022/23. Consultation with Friends of	Pavilion completed

Appendix One: Corporate Plan Outturn 2021 – 2022

Priority	Ref. no	ACTION 2021/22	Service area	Q1	Q2	Q3	Q4	Outturn
		refurbishment of the Bandstand and paths by Sept 2021	Regulatory Services	new Pavilion completed. Works to refurbish Memorial gates commenced late June.	awaiting windows and external/internal fit out. Works to provide new lighting to Memorial gates underway. Initial consultation on refurbishment of bandstand to commence September.	plinth level and its replacement is expected to be completed in 2022/23, subject to consultation New Pavilion almost complete and should open end of February 2022.	the Park group is taking place New pavilion complete and open	Bandstand to be completed 2022/23
	CP20/PL18	Secure Green Flag award for Bath Gardens, Bakewell (then Ashbourne Memorial Gardens in the following year)	Community Development & Regulatory Services	Work and applications in.	Hall Leys and Bakewell Bath Gardens received Green Flag. List of actions for Ashbourne C&G to work through for next year's application.	Applications in for Hall Leys & Bath Gardens 2022. Ashbourne will be submitted January 2023.	Hall Leys Park & Bath Gardens both successfully received Green Flag Award.	Successfully completed: Hall Leys Park & Bath Gardens both successfully received Green Flag Award
'Prosperity' – Supporting Better Homes and Jobs for You	CP20/PR1	Completion of the A52 Roundabout by July 2021. Complete link road by October 2021	Regeneration and Policy	New roundabout on A52 completed	Works to complete new link road (including remedial works to Blenheim Road) approx. 70% complete	Works 93% complete Completion anticipated March 2022	Works 98% complete Link road surfacing delayed but now underway	New A52 roundabout completed Link road 98% completed and due for completion by June 2022
	CP20/PR2	Re-shape Regeneration Services to drive investment in brownfield and other key strategic housing/employment sites, by March 2022	Regeneration and Policy [Steve Capes]	Team exclusively dedicated to COVID business grant payments	Since completion of COVID-19 business grants; 1. Job Descriptions	1. Job Descriptions and Job Evaluation finalised for the new regeneration posts; structure	Recruitment underway for Regeneration & Planning Manager post	1. Recruitment underway for new Regeneration & Planning Manager post. Postholder to then recruit a Regeneration Officer (new post). Positions of

Appendix One: Corporate Plan Outturn 2021 – 2022

Priority	Ref. no	ACTION 2021/22	Service area	Q1	Q2	Q3	Q4	Outturn
					<p>have been finalised for the new regeneration posts that Council agreed in principle on 22 April 2021.</p> <p>2. £125,000 Capacity Funding from the Government was received on 21 October, and will allow recruitments once the restructure is finalised.</p> <p>3. Launched on 18 October, a small business grant scheme (using the last £175,000 of extra Additional Restrictions Grant received in the summer) will help small businesses adapt, grow and improve resilience post-COVID.</p>	<p>and funding agreed by Council; restructure process underway.</p> <p>2. Levelling Up Fund bid preparation commenced, with formal requests for projects sent to four towns and evaluation underway.</p> <p>3. ARG Resilience grants (to help small businesses adapt, grow and improve resilience post-COVID) awarded and claims process commenced.</p> <p>4. Interim Bid Director in place to support Levelling Up Fund round 2 bid.</p> <p>5. Further round of business grants announced by the Government: two Omicron grant schemes necessary. One launched January 2022, other launching February 2022.</p>		<p>Planning Policy Manager, and Policy and Economic Development Manager filled internally.</p> <p>2. Levelling Up Fund bid preparation on target for July 2022 submission in line with Government deadline. Consultants appointed using Government capacity funding, and Ashbourne project focus determined by C&E committee</p> <p>3. UK Shared Prosperity Fund launched by Government, and priorities have been set by C&E Committee. Initial discussions held with partners regarding Investment Plan, and Member Workshop diarised.</p> <p>4. More than £3.2 million paid out in Omicron business grants to local firms during March 2022</p> <p>5. ARG Resilience Grants totalling approx. £150,000 now paid out, and additional ARG Hardship (Flooding) grants totalling £17,000 paid out in response to floods earlier in 2022</p>

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					<p>4. Held two meeting with Homes England, the Government s homes and communities agency, to ensure Derbyshire Dales sites feature on their radar.</p> <p>5. Comm issioned a briefing note on Levelling Up Fund bid criteria.</p> <p>6. Met with the County Council to understand their priorities and their capacity to support regeneration funding bids (any bid involving highways would require their input).</p>			
	CP20/ PR3	Secure completion of first Phase of development of the Bakewell Road, Matlock town centre site, by March 2022	Regeneration and Policy	Stakeholder consultations on initial design. Vacant possession secured.	Flood Risk Assessment, Climate Change assessment and stakeholder consultations completed leading to improved	Planning application approved at 8 February Planning Committee. Cost plan (pre-tender stage) awaiting update subject to further information on	Updated Cost Plan received and Business Case updated. Additional funding requirement approved at C&E Committee 1 March 2022 following necessary changes to the scheme and impact of the volatile situation within the	Scheme delayed - changes required to the project which, coupled with the ongoing impacts of COVID, have impacted upon the timescales, costs and funding requirements of the scheme. Subject to an acceptable tender, construction planned 2022/23

Appendix One: Corporate Plan Outturn 2021 – 2022

Priority	Ref. no	ACTION 2021/22	Service area	Q1	Q2	Q3	Q4	Outturn
					design. Planning pack prepared. Specification and cost plan in preparation	cinema fit-out. Progressing technical design during Q4 Business Case Update and report to be brought to March C&E Committee	construction industry on costs and resources Planning Decision notice issued 9 March 2022 Enabling works undertaken to building Technical design progressing to enable scheme to be tendered Summer 2022	
	CP20/PR4	Continue to provide a high quality, free, 1:1 business advice service to 75 small and medium sized businesses	Regeneration and Policy	See Q2 update	The advice service continues to be re-directed to provide COVID business support. The service has supported the assessment of COVID recovery grants benefitting 175 Dales businesses and developed external funding applications with several other businesses resulting in 6 businesses being awarded grants to support growth	The advice service continues to prioritise COVID business support, including via the Council's ARG Resilience Grant scheme to help small and micro-businesses to adapt, diversify and improve resilience post COVID More detailed update to be provided year end	The advice service has continued to prioritise COVID business support. The remaining discretionary Additional Restrictions Grant (ARG) funding - managed by the Economic Development Team - has been allocated via the ARG Resilience Grant and ARG Hardship Grant schemes. Over 300 applicants ineligible for the Government's mandatory support schemes have benefitted from discretionary ARG grant. In addition, 120 businesses receiving mandatory grants have also benefited from discretionary Extended Restrictions Support Grant (funded from ARG) In addition Support, either via signposting, referral or assistance with funding applications has been provided to 80 businesses (excluding those only engaged for COVID	Target achieved

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Priority	Ref. no	ACTION 2021/22	Service area	Q1	Q2	Q3	Q4	Outturn
					totalling £210,395		support). To note some may have received less than 2hrs support. Assisted 8 businesses to obtain other external grant funding to support business growth to the value of £241,272. In addition, a number of businesses were assisted to access DE-CARBONISE grants	
	CP20/PR6	Re-start place-based marketing with a Derbyshire Dales 'open for business' campaign to promote the area for economic investment by July 2021	Regeneration and policy	Invest in Derbyshire Dales video completed to better promote the area to inward investors	New Economic Development microsite built - to be finalised in Q3 – with campaign Q4	Invest in Derbyshire Dales website completed New website due to be launched 1 February 2022	New website launched 1 February 2022 supported by regular social media	Delayed due to COVID work but now achieved. New Invest in Derbyshire Dales website launched February 2022 including Derbyshire Dales promotional video to encourage investment in the area
	CP20/PR8	Commence the programme to build new Council homes to rent by March 2022	Housing	Offers were accepted on two empty properties. 10 S106 properties are under construction with 7 due for handover by Q4 2021/22 and 3 in 2022/23	Conveyancing of the two empty homes is due to complete in October 2021. Legal work to convey 5 homes in Monyash is underway. One property in Over Haddon bequeathed to the Council will be in Council ownership in Q3 2021/22	The 2 empty homes were purchased in October 2021 and the bequeathed property was also received in October 2021. 7 new homes are due for handover in Ashbourne and 5 in Monyash, both during March 2022	The two empty homes are undergoing renovation works with completion expected in June and July. Delays due to Covid have moved the completion of 7 new homes in Ashbourne to mid May 2022. The Monyash homes have been delayed due to a protracted tenancy issue which is taking time to resolve. Legal advice has been sought to help resolve the case.	3 homes purchased in 2021/22 with 7 more due to handover in May 2022/23 in Ashbourne.
	CP20/PR10	Provide adaptations to the homes of 70 disabled people by March 2022	Regulatory Services	8	14 (i.e. a total of 22 for year so far)	19 (a total of 39 for the year so far)	20 completions within the quarter giving an annual total of 59 completions. A further 19 grants remain	The reduced number of completions in 2021/22 is a delayed reflection of the slowdown in referrals

Appendix One: Corporate Plan Outturn 2021 – 2022

Priority	Ref. no	ACTION 2021/22	Service area	Q1	Q2	Q3	Q4	Outturn
						A further 9 completions have so far been registered in January 2022, bringing the total to 48 for the year. A further 35 grants remain approved but not yet completed).	approved but not yet completed.	received during the pandemic. Whilst this is disappointing it is worthwhile noting that all District Council actions have been completed in a timely manner and no application has been delayed as a result of our processes.
	CP20/PR13	Secure planning permission for a permanent Traveller site by March 2022	Housing		Site investigations continue with an ecology survey which has identified the presence of a new badger sett. Quotations for a contractor to undertake the geotechnical and environmental assessments has also been sought	The chosen contractor and ecologist have worked with the Council to undertake the surveys. The results are due in Feb 2022	The geotechnical and land contamination surveys were completed and a report received in March 2022.	Council have determined that due to the ecology and ground conditions, to cease the development of this site for travellers.
	CP20/PR16	Carry out the Derbyshire Dales Local Plan review process as determined by Council	Regeneration and policy		Ongoing-Review anticipated to be completed by December 2021	Report to Council on 19 th January 2022 – Recommended Review Process Complete and Move to Modification Stage	Further report to Council on 24 th March indicated that initial estimate of housing supply would not meet growth aspirations. Agreed to appoint consultants to undertake additional work – delay Local Plan by 12-18 months post completion of review	Formal review completed and approved by Council in January 2022. Additional work required to determine whether growth ambitions can be achieved has resulted in Council approving a new timetable which does not now envisage modifications and adoption of new Local Plan being completed until December 2024.

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Priority	Ref. no	ACTION 2021/22	Service area	Q1	Q2	Q3	Q4	Outturn
	CP20/PR17	Support the Brailsford and Ashbourne Neighbourhood Plans through the statutory process towards adoption by June 2021	Regeneration and Policy		Brailsford & Ashbourne Neighbourhood Plans 'made' on 1 st July 2021	Complete	Complete	Brailsford and Ashbourne Neighbourhood Plans completed
	CP20/PR18	Continue to provide debt and welfare advice to 300 vulnerable households	Housing	<p>CAB: 15 new clients, 138 debt issues tackled and £61,180 of debt managed</p> <p>Adullam: 26 clients, £76,949 debt managed, £33,592 in financial gains</p> <p>Age UK: 25 new cases, new weekly benefit uptake of £83,541 and one off payments of £10,289</p>	<p>CAB: 12 new clients, 223 debt issues tackled, £48,545 debt managed</p> <p>Adullam: 24 new clients, £51,842 debt managed, £43,393 in financial gains</p> <p>Age UK: 18 new cases, new weekly benefit take up of £48,148 and one off payments of £3,779.</p>	<p>CAB: 15 new clients, 308 debt issues tackled, £80,545 debt managed</p> <p>Adullam: 24 new clients, £107,435 debt managed, £48,056 in financial gains</p> <p>Age UK: 12 new cases, new weekly benefit take up of £72,809 and one off payments of £7,143</p>	<p>CAB: 18 new clients, 420 debt issues tackled, £225,576 debt managed</p> <p>DDDC in house service: 29 new clients, £13,738 debt managed, £15,113 in financial gains</p> <p>Age UK: 28 new cases, and 16 reopened cases, new weekly benefit take up of £64,812 and one off payments of £9,666</p>	<p>CAB: 60 new clients, 1089 debt issues tackled, £415,846 debt managed</p> <p>Adullam: 127 clients, £249,964 debt managed, £140,151 in financial gains</p> <p>Age UK supported 83 new clients with total financial gains of £300,187</p> <p>Combined outturn;</p> <ul style="list-style-type: none"> • 270 clients supported • £665,810 debt managed • £856,184 financial gains

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Appendix Two: KPI 2021 to 2022 Outturn

Service Area	Ref	Description	Lead	2021 /22 target	Q1	Q2	Q3	Q4 +	Outturn	Supporting Notes
Corporate	BV8 [AE15]	% of undisputed invoices paid on time	David Kay	99%	99.35%	99.06%	98.69% (YTD 99.02%)	99.40%	99.12%	Despite a slight dip in Q3 (with 16 late payments) we managed to stay above the 99% YTD target all the way through the year. In 2021/22 42 invoices were paid late, as opposed to 21 in 2020/21. The average time to pay an invoice was 8.95 days (up from 7.27) and 73% were paid within 10 days (down from 78%).
	NI192	% of household waste which has been sent for reuse, recycling, composting or anaerobic digestion	Antonia Griffiths / Claire Orford	58.5%	58.7%	52.3%	47.1%	51.5%		Q4 - No Q4 data available until June 22. Q3 % is lower than Q1 and Q2 as less garden waste is collected during this quarter. Percentages have decreased in general due to the suspension of food waste from mid-July until the end of November, suspension of garden waste during August and the suspension of excess recycling from September until the end of November.
	HRK P1/Quarterly LGInf orm Metric 4	Average no. working days lost due to sickness absence per FTE employee per annum is targeted at 9 days; per quarter the target is 2.25 days	Deborah Unwin/Ch rissie Symons	2.25 per quarter	2.475	3.70	2.51	2.08	10.77 days [target is 9]	In Q1 we reported a figure of 2.475 days. In Q2 we reported a figure of 3.70 days. In Q3 we reported a figure of 2.51 days. In Q4 we report a figure of 2.08 days. NOTE: figures are significantly skewed by a small number of people needing long term absence to recover from serious illness. It is important to note that Covid-19 related absence data has been recorded separately from the main sickness absence data. As a result Covid-19 related sickness absence is not included in any of the reported District Council's sickness absences statistics, unless Covid absence has been for a duration of more than two weeks.
Housing	Revised BV 213	The % of homeless households seeking assistance from the Council, for	External organisations via Rob Cogings	75%	80%	100%	89.2%	100%	88.2%	The Housing Team and external support services are achieving positive outcomes for homeless households

Appendix Two: KPI 2021 to 2022 Outturn

Service Area	Ref	Description	Lead	2021 /22 target	Q1	Q2	Q3	Q4 +	Outturn	Supporting Notes
		whom this intervention helped resolve their situation								
Planning	NI 157i	% major planning application determined in 13 weeks	Tim Braund/C Chris Whitmore	>75%	100%	67%	No figures to report	No figures to report	86%	All major applications (5 in total) determined within agreed EOT period in Q4. Six major applications determined within 13 weeks. Only one major application determined outside of 13 weeks. All others determined within agreed EOT over reporting period.
	NI 157ii	% minor planning application determined in 8 weeks	Tim Braund/ Chris Whitmore	>77%	83%	82%	86%	88%	85%	Excellent performance over Q4.
	NI 157iii	% of other planning applications determined in 8 weeks	Tim Braund/ Chris Whitmore	>90%	89%	94%	92%	95%	92%	Excellent performance over Q4.
	BV 204	% of appeals allowed against the Las decision to refuse planning permission	Tim Braund/ Chris Whitmore	<30%	17%	17%	50% 21% (cumulative / over Q1 to Q3)	33%	24%	6 appeals dismissed, 3 allowed over Q4. Overall 25 appeals dismissed, 8 allowed over the reporting period.
Revenues & Benefits	BV 9 [ARB 1]	% Council Tax collected within the year	Karen Henriksen	98.4%	33.2%	61.4%	89.4% (cumulative / over Q1 to Q3)	98.1% (cumulative / over Q1 to Q4)	98.1%	The collection rate at 31 March 2022 is 98.1% compared to 97.5% last year and 98.5% in March 2020 (pre-Covid). This KPI target has been narrowly missed in 2021/22, mainly because we took the decision to take no court action in respect of council tax arrears for the whole of 2020/21 and the first half of 2021/22. This was due to the pandemic and not wishing to increase financial pressures for residents at this difficult time.
	BV10 [ARB 2]	% of Non-Domestic Rates collected within the year	Karen Henriksen	97.3%	18.4%	56.5%	84.1% (cumulative / over Q1 to Q3)	97.9% (cumulative / over Q1 to Q4)	97.9%	The collection rate at 31 March 2022 is 97.9% compared to 92.2% last year and 97.6% in March 2020 (pre-Covid). This KPI target has been exceeded and performance surpasses 2019/20 (pre-Covid). This is impressive given that we took the decision to

Appendix Two: KPI 2021 to 2022 Outturn

Service Area	Ref	Description	Lead	2021 /22 target	Q1	Q2	Q3	Q4 +	Outturn	Supporting Notes
										take no court action in respect of arrears for the whole of 2020/21 and the first half of 2021/22. This was due to the pandemic and not wishing to increase financial pressures for businesses at this difficult time.
	BV 78a [ARB 3]	Speed of processing new claims for housing benefit and Council Tax support	Karen Henriksen /Paul Radcliffe	24 days	14.99 days	16.77 days	14.23 days	14.10 days	12.71 days (Full year)	Workloads have continued to be high and processing Test and Trace Support Payments was an additional demand on resources. Nevertheless claims continue to be processed efficiently and accurately ensuring that new tenancies are sustainable and affordable. This also reduces the incidence of homelessness for the Council's Housing Team. Working age Housing Benefit households are migrating to Universal Credit and this trend is difficult to predict and could have longer term adverse impact.
	BV 78b [ARB 4]	Speed of processing: notifications of changes in circumstances	Karen Henriksen /Paul Radcliffe	8 days	5.08 days	5.24 days	5.32 days	2.73 days	5.46 days (Full year)	The impact of COVID-19 in transferring local households onto Universal Credit (UC) has increased the numbers of monthly UC "change of circumstances" notifications. Nevertheless we process all ATLAS and UC 'e-notifications' timely and this is reflected in overall performance. It also manages the financial risks in HB overpayments arising and ensures that council tax recovery action is managed correctly.

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