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Wednesday, 19 July 2023

To All Councillors:

As a Member of the **Council**, please treat this as your summons to attend a meeting on **Thursday, 27 July 2023 at 6.00 pm** in the **Council Chamber - Town Hall**

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. PUBLIC PARTICIPATION

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

3. INTERESTS

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

4. LEADERS' ANNOUNCEMENTS

Announcements of the Leader of the Council.

5. CHAIRMAN'S ANNOUNCEMENTS

Announcements of the Civic Chairman.

6. COMMITTEES

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

Non-exempt Minutes to be received:	Date:
Council	02 March 2023
Governance and Resources Committee	08 March 2023
Planning Committee	14 March 2023
Council	16 March 2023
Community and Environment Committee	23 March 2023
Planning Committee	11 April 2023
Council (Annual)	25 May 2023
Community and Environment Committee (Extraordinary)	08 June 2023
Planning Committee	13 June 2023
Joint Consultative Group	21 June 2023
Licensing and Appeals Committee	27 June 2023
Planning Committee	11 July 2023

7. QUESTIONS (RULE OF PROCEDURE 15)

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

8. APPROVAL OF MINUTES OF PREVIOUS MEETING (Pages 5 - 14)

25 May 2023

9. CLEAN AND GREEN REVIEW (Pages 15 - 72)

The report outlines the work to date on the review of the Council's Clean and Green service and the recommendations which were deferred by Council on the 16th March 2023.

10. AMENDMENTS TO THE CONSTITUTION (Pages 73 - 248)

This report details a series of proposals to amend the Constitution of the Council to ensure that it is relevant and up to date, as well as compliant with the law. The proposals within the report have been developed to improve governance processes and procedures.

The Council is also asked to adopt the Local Government Association's Model Code of Conduct for Members, on the recommendation of the Constitution Working Group.

11. CUSTOMER ACCESS STRATEGY 2023-2026 (Pages 249 - 264)

This report proposes the adoption and approval of a Customer Access Strategy which will codify for the way in which the District Council will offer a high-quality customer experience to residents, businesses and visitors to the Derbyshire Dales.

12. LAND AT BAKEWELL ROAD MATLOCK: OUTCOME OF TENDER PROCESS AND OPTIONS FOR FURTHER ASSESSMENT (Pages 265 - 276)

To receive an update on the outcome of the further Invitation to Tender and status of the project, and to consider options to be carried forward for further assessment.

13. ASHBOURNE REBORN GOVERNANCE AND DELIVERY (Pages 277 - 300)

The report summarises activity and progress related to the *Ashbourne Reborn* Levelling Up Fund (LUF) award by Government in January 2023, highlights key programme risks and sets out proposals for an updated governance structure.

14. PROVISIONAL REVENUE OUTTURN 2022/23 (Pages 301 - 318)

This report provides details of the provisional financial outturn for the District Council's revenue spending for the year ended 31st March 2023 and significant variations from the revised budget.

15. PROVISIONAL CAPITAL OUT-TURN 2022/23 AND REVISED CAPITAL PROGRAMME 2023/24 TO 2027/28 (Pages 319 - 354)

This report outlines the provisional (subject to audit) out-turn position for 2022/23 and the revised Capital Programme for 2023/24 to 2027/28. Thirteen new projects are proposed for inclusion in the revised programme.

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

Minutes of a Council meeting held at 6.00 pm on Thursday, 25th May, 2023 in the Council Chamber, Town Hall, Matlock, DE4 3NN.

PRESENT

Councillors: Robert Archer, Anthony Bates, Geoff Bond, Kelda Boothroyd, Matt Buckler, Martin Burfoot, Sue Burfoot, David Burton, Neil Buttle, David Chapman, Peter Dobbs, Steve Flitter, Marilyn Franks, Gareth Gee, Dawn Greatorex, Susan Hobson, David Hughes, Stuart Lees, Joanne Linthwaite, Laura Mellstrom, Tony Morley, Dermot Murphy, Andy Nash, Peter O'Brien, Lucy Peacock, Roger Shelley, Peter Slack, Mark Wakeman, Nick Whitehead and Nick Wilton

James McLaughlin (Director of Corporate and Customer Services (Monitoring Officer)), Tim Braund (Director of Regulatory Services), Steve Capes (Director of Regeneration & Policy), Robert Cogings (Director of Housing), Karen Henriksen (Director of Resources), Ashley Watts (Director of Community and Environmental Services), Kerry France (Legal Services Manager), Jason Spencer (Electoral and Democratic Services Manager) and Tommy Shaw (Democratic Services Team Leader)

Note:

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

APOLOGIES

Apologies for absence were received from Councillor(s): John Bointon, Nigel Norman Edwards-Walker and Simon Ripton.

1/23 - ELECTION OF CHAIR FOR THE 2023/2024 MUNICIPAL YEAR

It was moved by Councillor David Hughes, Seconded by Councillor Joanne Linthwaite and

RESOLVED

That Councillor Steve Wain be elected Chair of the Council for the 2023/2024 municipal year and that the position henceforth be designated as Chair of the Council within Article 5 of the Council's Constitution, with the post's deputy position designated as Vice-Chair of the Council.

Voting

30 For
00 Against
01 Abstained

The Chair declared the motion **CARRIED**.

2/23 - APPOINTMENT OF VICE-CHAIR FOR THE YEAR 2023/2024

It was moved by Councillor Peter Slack, Seconded by Councillor Steve Flitter and

RESOLVED

That Councillor Dawn Greatorex be elected Vice-Chair of the Council for the year 2023/2024.

Voting

30 For
00 Against
01 Abstained

The Chair declared the motion **CARRIED**.

3/23 - ELECTION OF CIVIC CHAIR 2023/24

It was moved by Councillor Roger Shelley, Seconded by Councillor Marilyn Franks and

RESOLVED

That Councillor David Burton be elected Civic Chair of the Council of the Derbyshire Dales for the 2023/2024 civic year and that the position henceforth be designated as Civic Chair of the Derbyshire Dales within Article 5 of the Council's Constitution, with the post's deputy position designated as Deputy Civic Chair of the Derbyshire Dales.

Voting

30 For
00 Against
01 Abstained

The Chair declared the motion **CARRIED**.

The duly elected Civic Chair was invested with the Chain of Office and expressed his thanks to the retiring Civic Chair and Members for their vote of confidence.

4/23 - APPOINTMENT OF THE DEPUTY CIVIC CHAIRMAN 2023/2024

It was moved by Councillor Nick Whitehead, Seconded by Councillor Neil Buttle and

RESOLVED

That Councillor Peter Slack be elected Deputy Civic Chair of the Derbyshire Dales for the 2023/2024 civic year.

Voting

30 For
00 Against
01 Abstained

The Chair declared the motion **CARRIED**.

The duly elected Deputy Civic Chair was invested with the Chain of Office and thanked Members for their vote of confidence.

5/23 - ELECTION OF LEADER AND DEPUTY LEADER - 2023-24 MUNICIPAL YEAR

It was moved by Councillor David Burton, Seconded by Councillor Peter Dobbs and

RESOLVED

That Councillor Steve Flitter be elected Leader of the Council for the 2023/2024 municipal year.

Voting

30 For
00 Against
01 Abstained

The Chair declared the motion **CARRIED**.

It was moved by Councillor David Hughes, Seconded by Councillor Steve Flitter and

RESOLVED

That Councillor Peter Slack and Councillor Neil Buttle be elected Deputy Leaders of the Council for the 2023/24 municipal year.

Voting

28 For
01 Against
02 Abstained

The Chair declared the motion **CARRIED**.

6/23 - LEADERS' ANNOUNCEMENTS

Councillor Steve Flitter, Leader of the Council, gave the following announcements:

Four years ago, I sat and listened to a Leader's speech that angered so many members of this Council as it began with the promise to see the local plan to its conclusion. Showing little regard for our residents and many points began with (I) well there is no I in team and that's what we must become if we are to succeed and meet the challenges ahead.

We will have a new approach to the local plan with the emphasis on protecting the environment and creating sustainable communities through energy efficient housing that meets local needs, built in the right locations and making sure that proper infrastructure supports new and existing development. This is why we propose that the local plan working party become a sub-committee with a Chair to ensure that recommendations are Member led and, in planning itself, we shall insist on tougher enforcement to meet stated conditions and all changes to original approved plans.

We will re-examine the housing strategy with the aim of enabling everyone throughout the district to be able to live and prosper in their own community and with a housing stock fit for the purpose to meet the challenges of climate change, prioritising affordability, social housing and ensuring all homes are insulated to the highest standard, carbon neutral and cost effective to run.

We will re-invigorate climate change and biodiversity strategies working with businesses, farmers and the community to reduce carbon emissions and enhance the biodiversity of our varied landscape. We aim to tackle pollution by promoting biodiversity and zero carbon technology supporting greenways, rewilding, creating community orchards, allotments and reducing the use of pesticides and herbicides.

We will ensure an open, inclusive and transparent way of working supported by an energised council management and workforce listening and working together to create a fairer and more caring district by supporting residents, community groups and businesses making sure this council delivers the services they need and rely on. Our aim is to open discussion on a regular basis with the Council's Corporate Leadership Team, develop further the Leader's Advisory Group and provide more Member briefings on important and relevant issues.

Public Toilets

After many complaints over the last administration's closure of toilet provision in our tourist hotspots we will re-examine the closed sites, re-evaluate possibilities seeking a way forward to providing the services our visitors expect. We realise that some buildings may no longer be suitable, but we must consider the possibilities of temporary provision in peak season.

Inward investment and partnerships

Economic development is very important for the Dales as it creates an opportunity to provide jobs and financial stability for our residents and also builds confidence in existing businesses in retail, manufacturing, service industries and also can be a lifeline for small businesses. So, inward investment and not just grants that are reliant on match funding but we need a partnership approach with other authorities and agencies to successfully attract those opportunities and we will support our officers to build on recent successes to move forward and reflect our growing workforce and their needs.

Travellers Sites

We want to take the politics out of this very highly sensitive issue. For decades this council has struggled to find a solution. Not forgetting the last attempt by creating a working group led by Councillor Hobson, where her goodwill tried to steer that group impartially but I'm afraid politics did eventually raise its head, we therefore propose to have one Member from each group, working with an officer to re-evaluate the opportunities with a wider scope of looking for a permanent site as well temporary sites that take account of the provision in the north, central and southern areas of our district.

Car Parking

We understand that our car parks are a vital part of our income, but we must look at how we can increase or make better use of them. It was the Liberal Democrats in the late nineties that introduced the residents parking scheme which still operates successfully today but many residential areas are still suffering as inconsiderate and sometimes dangerous parking takes place on a regular basis. We have to widen the scope of the present review looking into why some are free, alternative land use for underused areas, opportunities for expansion and the visitor pre-payment scheme.

Leisure Centres

Those who have been re-elected will know the difficulties that lie ahead. Rising costs and extra council financial support placed great strain on the viability of Freedom Leisure and put a massive strain on our resources. We are committed to ensure that residents can continue to enjoy these facilities and we will work hard alongside Freedom Leisure in securing a long term financial strategy that supports management and users.

Waste collection

Perhaps the one service that residents value most, but a very expensive one, which has been very problematic and a major concern for the council. The operatives you see on the street are very good but changes in management and communication have led to frustration for officers and Members. We will continue to honour our contract responsibilities but we must seek alternative arrangements to protect this Council and provide a vital service that meets resident expectations if the contract was to fail.

Our council

Our officers and staff throughout the council are our guide to staying on track both legally and financially whilst putting our priorities into action. If we are to move forward in a positive and progressive manner, we need a review of the structure of the council and the resources available. We will look at the capability to deliver services, match resources where we can or look for other opportunities. We respect all staff and will ensure equality, health and safety and associated policies are met and developed further to ensure they are working in a safe, welcoming and rewarding authority.

Outside the realm of Derbyshire Dales District Council

We unfortunately seem to have to lobby against decisions that lie outside our control – but lobby we will – on national issues affecting our residents and local issues especially support for our GPs, education, highways and congestion, and the current decision for the closure of tourist centres in the Peak District National Park.

To end, all of our residents are human beings, regardless of age, gender, ability or beliefs, what may seem to be small problems to the council can be a major concern to them.

We councillors are no different and should act and treat each other with respect as we expect others to treat us. There are three words to remember: Respect, Honesty, Dignity.

7/23 - APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors: John Bointon, Nigel Edwards-Walker and Simon Ripton.

8/23 - APPROVAL OF MINUTES OF PREVIOUS MEETING

It was moved by Councillor Peter O'Brien, Seconded by Councillor Robert Archer and

RESOLVED (unanimously)

That the minutes of the meeting of the Council held on 16 March 2023 be approved as a correct record.

The Chair declared the motion **CARRIED**.

9/23 - INTERESTS

There were no declarations of interest.

10/23 - MUNICIPAL ELECTION RESULTS - REPORT OF THE RETURNING OFFICER

Members received a report on the result of the municipal elections to the District Council held on 4 May 2023.

It was moved by Councillor David Hughes, Seconded by Councillor Geoff Bond and

RESOLVED (unanimously)

That the results of the municipal elections to the District Council held on 4 May 2023 be noted.

The Chair declared the motion **CARRIED**.

11/23 - MEMBERSHIP OF POLITICAL GROUPS, POLITICAL BALANCE AND ENTITLEMENT TO SEATS ON COMMITTEES

The Council considered a report on the updated membership of political groups on the Council, the change to the political balance of the authority following the elections held on 4 May 2023 and the revised entitlement of political groups to seats on committees for the 2023/24 municipal year.

Following the recent Elections the political balance of the Council was:

Name of Group	Designated Leader	Number of Members
Conservative	Councillor Hobson	11
Green Party	Councillor Buttle	4
Labour and Councillor O'Brien	Councillor Slack	7
Liberal Democrat	Councillor Flitter	12

It was moved by Councillor Steve Flitter, seconded by Councillor David Chapman and

RESOLVED (unanimously)

1. That the operation of four political groups on the Council and the detail of their designated Leaders be noted:
 - a) Conservative Group – Councillor Susan Hobson
 - b) Green Party Group – Councillor Neil Buttle
 - c) Labour and Councillor O’Brien Group – Councillor Peter Slack
 - d) Liberal Democrat Group – Councillor Steve Flitter

2. That special responsibility allowances be paid in accordance with the Members Allowances Scheme at Part 6 of the Constitution.

3. That approval be given to the establishment of:
 - a) Local Plan Sub-Committee of 10 Members under the auspices of the Community and Environment Committee
 - b) Biodiversity Sub-Committee of 6 Members under the auspices of the Community and Environment Committee

4. 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.

5. That Council considers nominations and appoints Members to serve on the:
 - a) Joint ICT Committee – Councillors David Hughes and Andy Nash
 - b) Vision Derbyshire Joint Committee – Councillor Steve Flitter
 - c) D2 Joint Committee for Economic Prosperity – Councillor Steve Flitter

6. That Council appoints Members to serve on Working Groups for the following purposes:
 - a) Constitution Working Group (6 Members)
 - b) Climate Change Working Group (6 Members)
 - c) Member Development Working Group (1 Member from each group)
 - d) Traveller Site Working Group (1 Member from each group)
 - e) Gender Balance Working Group (1 Member drawn from each political group).

with nominations from Group Leaders to be given to the Proper Officer.

7. That the Independent Remuneration Panel be invited to consider the impact of appointments made which are not consistent with the existing Members Allowances Scheme and make recommendations back to the Council.

8. That the Calendar of Meetings for the 2023/24 Municipal Year be amended as follows:

Committee	Previous Date	New Date
Community and Environment	Wednesday 5 July 2023	Thursday 13 July 2023
Governance and Resources	Wednesday 19 July 2023	Thursday 20 July 2023

Community and Environment	Wednesday 6 September 2023	Thursday 7 September 2023
Governance and Resources	Wednesday 20 September 2023	Thursday 14 September 2023
Community and Environment	Wednesday 1 November 2023	Thursday 26 October 2023
Governance and Resources	Wednesday 8 November 2023	Thursday 2 November 2023
Governance and Resources	Wednesday 20 March 2024	Thursday 21 March 2024

The Chair declared the motion **CARRIED**.

12/23 - SCHEDULE OF NOMINATIONS TO COMMITTEES

The Council considered the appointment of members to serve on committees for the 2023/24 municipal year in accordance with each political group's entitlement.

It was moved by Councillor Peter Slack, seconded by Councillor Neil Buttle and

RESOLVED (unanimously)

That Councillors be appointed to serve on the Committees of the Council in accordance with the wishes of the political groups as set out in appendix 1 of these Minutes.

The Chair declared the motion **CARRIED**.

13/23 - APPOINTMENT OF CHAIRS AND VICE CHAIRS

The Council considered a report setting out the appointments to the positions of Chair and Vice-Chair to the various decision making bodies for the 2023-24 municipal year.

It was moved by Councillor Steve Flitter, seconded by Councillor David Hughes and

RESOLVED (unanimously)

That the following appointments be made to the positions of Committee Chair and Vice-Chair until the next Annual Meeting of the Council.

Committee/Decision Making Body	Chair	Vice-Chair
Community & Environment	Martin Burfoot	Peter O'Brien
Governance & Resources	Nick Wilton	Neil Buttle
Scrutiny	David Hughes	Peter Slack
Planning	David Burton and Peter O'Brien	Sue Burfoot

Licensing & Appeals	Steve Wain	Dawn Greatorex
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The Chair declared the motion **CARRIED**.

14/23 - APPOINTMENT TO OUTSIDE BODIES FOR THE 2023/24 MUNICIPAL YEAR

The Council considered a report that reviewed its affiliations with outside bodies and invited nominations to act as the Council’s representatives.

The Schedule attached at Appendix 2, gave the full list of outside bodies that required the Council’s consideration. The Council was asked to consider its nominations and any changes it wished to make to those currently in place.

The list of approved conferences and recommended representation was tabled in paragraph 2.3 of the report, which was submitted to confer approved duty status to cover Member attendance.

Due to the number of nominations to the Peak District National Park Authority exceeding the number of available representative positions, it was recommended that this be determined separately to the nominations to other outside bodies.

It was moved by Councillor Neil Buttle, seconded by Councillor Nick Whitehead and

RESOLVED

1. That the list of outside bodies identified in Appendix 1 be approved..
2. That the position of organisations with no indemnity insurance currently exists be noted accordingly.
3. That the Members identified in the schedule tabled at the meeting, with the exception of the Peak District National Park Authority, be appointed to the relevant outside body to serve until the next Annual Meeting of the Council.
4. That the list of Conferences for 2023/24 be approved.
5. That authority be delegated to the Director of Corporate and Customer Services in consultation with the Chief Executive and Directors, where relevant, to determine requests for attendance at other conferences based on the relevance of the subject matter and to the availability of finance.

The Chair declared the motion **CARRIED**.

The nominations to the Peak District National Park Authority are set out below, along with the voting on the individual nominations.

Nomination	Nominated by	Seconded by	Voting
Councillor Matt Buckler	Councillor Neil Buttle	Councillor Andy Nash	29 For 00 Against 02 Abstentions
Councillor David Chapman	Councillor Susan Hobson	Councillor Tony Morley	09 For 00 Against 22 Abstentions

Councillor Andy Nash	Councillor Peter O'Brien	Councillor Martin Burfoot	22 For 00 Against 09 Abstentions
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It was therefore **RESOLVED**

That Councillor Matt Buckler and Councillor Andy Nash be appointed as the Council's representative Members on the Peak District National Park Authority.

The Chair declared the motion **CARRIED**.

15/23 - PUBLIC PARTICIPATION

Mr John Youatt, Planning Agent to the owners of the Woodyard at Homesford, spoke on the District Council's legal duty to provide accommodation for Gypsy and Traveller families residing in the District and encouraged the Council to quickly make appointments to the new working group proposed to make recommendations back to the Council.

Meeting Closed: 7.05 pm

Chair

Agenda Item 9

Council – 27 July 2023

CLEAN AND GREEN REVIEW

Report of Director of Community & Environmental Services

Report Author and Contact Details

Ashley Watts, Director of Community & Environmental Services
01629 761367 or ashley.watts@derbyshiredales.gov.uk

Samantha Grisman, Clean & Green Manager
01629 761386 or samantha.grisman@derbyshiredales.gov.uk

Wards Affected

District-wide

Report Summary

The report outlines the work to date on the review of Council's Clean & Green service and the recommendation which were deferred by Council on the 16 March 2023.

Recommendations

1. That a supplementary revenue budget of £41,100 is approved for 2023/24, financed from the general reserve, and that £61,658 is included in the next update of the Medium-Term Financial Plan to reflect the subsequent ongoing costs for the introduction of two additional staff for the Burials and Play Area Maintenance team.
2. That the proposed service standards and frequencies set out in Appendix C are introduced as outlined in the proposed timetable (Table 2.58).
3. That officers discuss the feasibility of using an alternative weed control methods on land included on the highways contract in the Derbyshire Dales with Derbyshire County Council and provide an update to Members.
4. That the Project Group, along with a Members Sub-Group, remain in place for the first year of implementation to monitor performance and consider options for future benchmarking.

List of Appendices

Appendix A – APSE Recommendations
Appendix B – Proposed Staff Structure
Appendix C – Current Staff Structure
Appendix D – Current Standards & Frequencies
Appendix E – Proposed Standards & Frequencies
Appendix F – Quality Management Audit (screenshot)
Appendix G – Team Values & Behaviours
Appendix H – Departmental Questionnaire

Background Papers

Clean & Green Service Review (Council report - 16 March 2023)

Consideration of report by Council or another committee

None

Council Approval Required

Yes

Exempt from Press or Public

No

Clean and Green Review

Background

- 1.1 On 26 November 2020 Council approved a review of its Clean & Green service, including the outlined scope and formation of Project Team and an Elected Member Sub-Group.
- 1.2 In addition to the Project Team and Elected Members Sub-Group, Council approved the use of external consultants to bring wider industry knowledge to the review and help with benchmarking the performance of the service.
- 1.3 The Project Team is made up of officers from across different departments including HR, Finance, Clean and Green and the senior management team. They were joined by two consultants from the Association for Public Service Excellence (APSE).
- 1.4 The purpose of the Member sub-group is to support the core Project Team and provide feedback on its proposals and recommendations, whilst constructively inputting their own suggestions. The cross-party Member sub-group consists of Councillors Matthew Buckler, Steve Flitter, Stuart Lees and Peter Slack.
- 1.5 The scope of the review comprised:
 - analysis of current performance (and against peers)
 - analysis of resource and utilisation
 - assess the service's costs and value for money
 - expansion of biodiversity and use of clean energy
 - explore current strengths and weaknesses
 - explore customer base and engagement opportunities
 - explore staff training and development opportunities
 - identify best practice and benchmarking opportunities
 - identify opportunities for developing commercial services
 - Identify potential for service development
 - Improved communication and promotion
 - Introduction of improved performance management systems
 - Review key processes, working patterns, structure, roles, and deployment of teams
 - Review the frequency and standards of work
 - Review working practices, equipment, and vehicles (greater environmental consideration)
 - Transformation of the service (greater level of technology).
- 1.6 Due to the COVID-19 pandemic and the subsequent independent review of the waste collection service, several members of the Project Team were reassigned to leading on the Council's response to these issues, resulting in delays in the completion of this review.
- 1.7 The appointment of APSE was intended to assist in assessing the finer detail of the workings and performance of the Clean & Green service, but there were also other aspects and opinions that would be used to help shape the final recommendations of the report.

- 1.8 This included gaining feedback from the workforce and specific sections of the Clean & Green team, Elected Members and the Members Sub-Group, as well as areas identified by the management team, since taking on responsibility for the service in 2017.
- 1.9 It should be noted that whilst the review was in progress, various operational improvements were already underway and have since been established by the Clean and Green Management Team. This is because several changes, especially around communication, improving biodiversity, staff development and better use of technology, had already been identified by the new management team.
- 1.10 The first draft of the APSE report on the service standards and performance was received in July 2022 but, following a review of information, the Project Team felt there were several areas which needed further clarification and context.
- 1.11 It was agreed that members of the Project Team would work with the APSE consultants to address these points, to provide greater clarity on the overall performance of the service and the feasible options for improvement. The final draft of the report was issued in August 2022.
- 1.12 Appendix A outlines the recommendations made by APSE, comments from the Project Group and current progress to date.
- 1.13 On the 16 March 2023, a report outlining the findings and recommendations of the review was presented to Members (see background papers).
- 1.14 Prior to the meeting, however, the former Leaders Advisory Group (LAG) agreed that only recommendations 1, 3 and 6 be considered, as they were viewed to either be time sensitive or offer an opportunity to address current capacity pressures. These were as follows:
 - 1.14..1 *Recommendation One: That a supplementary revenue budget of £15,053 is approved for 2023/24, financed from the general reserve, and that the Medium-Term Financial Plan is updated to reflect the subsequent ongoing costs to increase the staff revenue budget in respect of the proposed change in the management structure, allowing for the creation of an Operations Manager role and increasing the number of Team Leaders from two to four.*
 - 1.14..2 *Recommendation Three: That Council approves the new structure of the service set out in Appendix A and initiation of formal discussions with staff, in line with the Council's Change Management Policy.*
 - 1.14..3 *Recommendation Six: That Council agrees to increase the level of biodiversity across the district by signing up to Derbyshire County Council's 'Pathfinders' pilot scheme.*
- 1.15 Each of the recommendations (1.14.1, 1.14.2 and 1.14.3) were approved and have since been progressed by the Project Team.

- 1.16 The remaining recommendations were deferred to a later meeting of Council, as the former LAG believed new Members were best placed to decide on the future impact of the service.
- 1.17 Following a competitive interview process, an Operations Manager has been appointed (June 2023) and a formal consultation has taken place to transfer the Supervisory Team into new roles, as outlined in the new structure.
- 1.18 The two current Team Leaders have been consulted through the Change Management Process to be assigned to two out of the four Team Leader roles within the new structure. The remaining two posts will be selected via an internal appointment process: providing career progression within the Clean and Green Team.
- 1.19 The new structure will be completed by the appointment of an Administrative Assistant. The initial recruitment process proved unsuccessful, and a second recruitment attempt is currently at the interview stages.
- 1.20 Due to the success of the biodiversity project, officers continued to engage with colleagues at Derbyshire County Council to explore options to further develop the levels of biodiversity across the district.
- 1.21 In considering these discussions, Derbyshire County Council has appointed a Project Officer to lead the *'Pathfinder'* Project. This project explores the practical implications of changing the grass verge maintenance schedule by working closely and collaboratively with two District authorities (DDDC and South Derbyshire).
- 1.22 The Pathfinders are to explore the practicality of, and barriers to, implementing wildlife friendly verge management in Derbyshire. This includes reduced mowing and surveying the growth, then collecting and weighing the arising at the end of the season.
- 1.23 Following the approval from Council on 16th March, the Project Team has worked with the Pathfinders Project Officer in selecting areas to be included in the project through defining a specification. These areas have been left uncut unless visibility has been compromised.
- 1.24 The Pathfinders project has identified 72 areas across the district that will be subject to a 'cut and collect' schedule at the end of the season. The areas will continually be monitored by DCC Highway Inspectors, who advise on cuts for highway safety throughout the project. Adding these areas to our internal Biodiversity Project, mean that the District Council now has 101 sites that are managed for wildflower enhancement.
- 1.25 The Pathfinders Project will continue until the end of the calendar year. As stated, the areas specified under the project will be mown at the end of the growing season. The data provided to the DCC Project Officer will form part of a DCC conference at the end of the year and a concluding report.
- 1.26 In addition to highway verges, the conference and the report will cover law and policy on new developments, public responses, planting for biodiversity, and pesticides and herbicides. The inclusion of pesticides and herbicides to

this report was initiated by the District Council's Project Group who will be attending and contributing to the conference as well as the report.

2 Key Issues

Staffing and Staff Structures

- 2.1 Concerns relating to capacity and consistency have been a theme throughout the Project Group's meetings with the management team, the consultants, and the workforce.
- 2.2 Whilst the change of structure (Appendices B and C) and the addition of the Operations Manager and Administrative Support are key to the effective management of the service, there is still a need for two additional posts in the Burials & Play Area Maintenance Team for the proposed frequencies and standards to be achieved.
- 2.3 Therefore, it is proposed that two additional operatives join the Burials and Play Area Team. These are essential areas of work which have timely deadlines, and when challenges occur, require immediate attention.
- 2.4 The current structure consists of only one dedicated Grave Digger. While other team members have grave preparation skills, using these staff impacts other areas of work. There is a comparable situation within play area inspections, leaving limited resilience in key areas and continually affecting performance across the other services like, street cleaning, mowing and parks maintenance. By adding resources to this team, the whole service benefits.
- 2.5 The cost of the proposed two additional operatives is £61,658 per annum. This figure is based on an employee being at the top of the grade, includes the proposed pay award for April 2023 and on costs.
- 2.6 Following the approved changes to the structure in March 2023 the current staff budget for Clean & Green Team is £1.81m per annum.

Standards & Frequencies

- 2.7 The current Core Standards and Frequencies for the Clean and Green Service were established in 2012 (Appendix D). The feedback from the Clean and Green team to both the Project Group and APSE is that they are, and always have been, 'unachievable' and 'unrealistic.'
- 2.8 Although the standard and frequencies are not changing drastically, the real change will be behind the scenes with an initiative-taking approach to scheduling, monitoring, and reporting with the use of specialist equipment and skills to formally deliver and evolve the service. Once more, the changes better reflect the capacity of the Clean and Green Team and incorporate key stakeholders like the DCC Agency Agreement that finances a proportion of the work specifically verge mowing, street cleansing and gritting.
- 2.9 For example, the verge mowing frequency was set at 9 cuts a year in 2012. Derbyshire County Council requires, and finances, six cuts to maintain highway safety and the District Council agreed to an additional three cuts per annum – totalling nine.

- 2.10 It is proposed that the nine cuts are amended to nine inspections with a minimum of six cuts and only further cuts if there are safety/visibility issues.
- 2.11 In terms of parks (excl. Green Flag parks), open spaces and closed churchyards, the number of cuts and inspections already matches those proposed in appendix E. It is not recommended that this changes.
- 2.12 With regards to open cemeteries, initially the Project Group had hoped to introduce grass collection equipment as this has been a fundamental area for improvement. However, due to the size and limited manoeuvrability the equipment could cause damage to head stones and kerb edges. The new equipment and methods are currently being trialled as part of the Pathfinder Project. So, it is recommended, at least for now, that the frequency of cuts within cemeteries increases from 6 to 12 a year to improve aesthetics and reduce the size of clippings, preventing unsightly clumps of grass.
- 2.13 It is unlikely that points 2.10 and 2.12 can be achieved in the current staff numbers; therefore, the proposed standards and frequencies are reliant on the additional two operatives that form part of the recommendations.
- 2.14 The team will not just increase mowing to improve the appearance of the cemeteries, hedge cutting and edging the grassed areas will be able to be completed through the summer, whereas now this is only completed in winter. Finally, the expertise needed for digging a burial plot will be better protected in the development of specific individuals tasked with this duty. This will enable the Clean and Green Manager and Burial Supervisor to offer a wider service to Funeral Directors.
- 2.15 With regards to street cleansing, currently, each town and village receive two pavement sweeps a year (mechanical where possible), two road sweeps a year and one leaf clearance a year via a schedule. However, the team constantly receive requests for additional visits, which places a significant drain on resources and disrupts the cleaning schedule.
- 2.16 It is, therefore, recommended that a minimum of four inspections a year take place in each village and town. The inspections will be recorded with photographic evidence and used to determine whether any additional visits are required, beyond the proposed two visits.
- 2.17 This process currently takes place when safety concerns arise, for example areas prone to flooding or traffic safety issue. When a standard of 'safe' is not met, the Supervisor or Team Leader will request an additional sweep; determining whether it needs to be a hand crew or mechanical sweeper and whether it needs to be within 24 or 72 hours.
- 2.18 It is recommended that the maintenance of sport pitches, car parks and leisure centre remain the same. However, there will be internal Service Level Agreements (SLAs) set up with internal stakeholders including the Events Team, Community Development and Neighbourhoods and Car Parks Team to ensure this work is agreeable.

- 2.19 This work responds to a wider departmental survey (appendix H). This was distributed to create a realistic programme that facilitate the expected functions of the Clean and Green services by DDDC colleagues.

Environmental

- 2.20 On 14th October 2020 a report was presented to the Community & Environment Committee regarding weed management across the District. Since then, the Clean and Green Team have not used glyphosate on Council owned land, apart from on invasive species like Japanese Knotweed, as approved during the meeting. Instead, the team use hand weeding and a weed ripper as approved.
- 2.21 The Clean and Green team have collaborated with the Derbyshire County Council on the use of glyphosate on highways. This has led to the commitment of the County Council to review the position of glyphosate within the end of year conference and report, as stated in the background of this report, as noted above.
- 2.22 Glyphosate use in the EU had initially been extended until 15th December 2023. As the UK left the EU at the end of 2020, the UK Government have approved the use of glyphosate for another 5 years, until December 2025. In this time, they will evaluate other options and fund more effective research.
- 2.23 The Project Group have, however, removed the recommendation to reintroduce glyphosate in certain areas, following further discussions with staff and elected Members. Therefore, negating the need to explore the APSE feedback on the use of glyphosate, and the benchmarking that was done as part of the review.
- 2.24 Although the reintroduction of glyphosate is no longer being considered, work was undertaken to review its effectiveness in comparison to alternative methods, which is covered below.
- 2.25 Overall, the team have given mixed feedback on the removal of glyphosate. An unexpected positive point, regarding the use of a weed ripper, is that it also acts as an edging off tool whilst pulling out the weeds. This is specifically for shrub and path borders that are neatened up with a clear maintenance line. The accuracy has been reported across numerous areas.
- 2.26 Most of the feedback on the alternative methods highlighted the extra time required for both hand weeding and the weed ripper. Table 2.27 highlights the difference in time spent and the labour required between hand weeding, using the weed ripper and spraying glyphosate. As noted, the time in labour moves from hours to days when using a manual alternative to spraying glyphosate.

2.27

Date	Location	By Hand	Weed ripper	Spraying
24 th & 25 th May	Town Hall	Two operatives 2 days	Two operatives, ½-1 day	2-3 hours, one operative
6 th June	Public footpath at Stark Holmes	One operative, 2 days	Two operatives, ½ day	1-2 hours, one operative
5 th July & 2 nd August	ARC Leisure Centre	Two operatives, 1 day	Two operatives, ½ day	2-3 hours, one operative

25 th ,26 th ,27 th July	Derwent Gardens	One operative, 2 hours each night to do area around bandstand (this was completed outside of normal working hours.	Weed ripper not suitable as gravel paths	3-4 hours to do entire gardens, one operative
26 th July	Darley Dale Cemetery	One operative, 2 days	Three operatives, all day but also edged up paths	2 hours, one operative

- 2.28 Following the suspension of use of glyphosate, some Members have raised concerns about the increase in weeds around the Town Hall. It is, however, important to note that when a weed is removed by hand or by a weed ripper, growth can be evident again within 2 – 3 weeks; the root is often unable to be removed as such methods are not considered systemic. This is a substantial change for the team, Members, and residents alike and requires an element of adjustment and understanding while the service continues to adjust to the situation.
- 2.29 Throughout the review, Officers have considered a number of alternative methods of weed management. In January 2023, a hot foam alternative became available to hire for the first time, so the Project Group set about holding a full area trial in Eyam. This covers an area of weed management under the DDC Agency Agreement with the Clean and Green team.
- 2.30 Hot foam is a popular alternative to glyphosate-based products with a growing number of councils, such as Fareham, Hammersmith and Fulham, Glastonbury, and Denbighshire. Whilst no alternative competes with glyphosate in terms of effectiveness, the concern surrounding its impact on the environment is the key drier in the choice of a new weed management process.
- 2.31 Hot foam is pesticide free, requires no additional PPE and has multi functionality to be used for graffiti and gum removal, urban cleaning of benches and monuments and can be used in the rain.
- 2.32 The Clean and Green team will conclude their findings at the end of September, when they will be able to provide a fuller update. The County Council have also asked that this trial be presented at the conference at the end of the year and feature in the report under the heading of pesticides and herbicides.
- 2.33 Although the County Council have not received any requests from other district or borough councils, they are keen to explore the work that has been completed by District Council to inform their future decisions.
- 2.34 It is too early to tell if the County Council will change Agency Agreements or policies relating to the use of glyphosate across Derbyshire, however, the Project Group will continue working with them to review the requirements for the Dales; specifically, the funds and resources available to the Council for the use of weed management.

Performance Management

- 2.35 A key piece of work required by the Director of Community & Environmental Services was the development and adoption of a performance management system to help monitor and manage the standards and frequencies of work.
- 2.36 Whilst the Clean & Green Supervisory Team inspects standards of work, there is currently no agreed or consistent method of monitoring and recording performance. Nor is there a provision of performance data to help drive improvement.
- 2.37 Benchmarking is a tool used to identify areas of best practice and areas for improvement. APSE have their own internal benchmarking process in which over three hundred local authorities input performance information. It was anticipated that this would work in conjunction with internal monitoring by reviewing the performance of the service against our peers.
- 2.38 Some of the results in the APSE report offered the Project Group a useful insight into the performance of specific service areas. It also raised further questions about operational performance, work patterns, allocation of teams, etc. that have been reflected in their recommendation in appendix A.
- 2.39 An area of concern in the report is the relationship between the services provided and the methods of benchmarking collection. There have been significant challenges in collating and applying accurate data, due to some of this information being held by other agencies or not being collated in a compatible or amendable format. It also became apparent that this may not create a fair reflection on actual performance. For example, where data was unavailable or incompatible, the result would be determined as 'poor.'
- 2.40 To achieve accurate benchmarking data sets, the process relies heavily on three key factors:
- Amending the HR & Payroll system to identify Grounds Maintenance & Street Cleansing employees, rather than operating as one service. The Payroll and HR team would also be required to input the data separately, which will have a significant impact on capacity. In addition, it would require a change in how Clean & Green employees record timesheets, holidays and absences and require staff to be separated into two spate teams.
 - The Finance team would need to prepare budgets and accounts with an additional code or detail code to separate costs across the two sections rather than one service. This would place an increased demand on the Finance team, even if only in the short term. The process would also require the Clean & Green team to separate costs when making purchases, which will present further inaccuracies, as some equipment is shared across teams.
 - The Council would have to identify the width of roads, pavements, and footpaths to calculate hectares, alternatively use mapping tools for each individual area maintained which would be extremely time consuming considering the amount of land managed by the Clean & Green Team is

managed on behalf of partners and the data required would be provided by them.

- 2.41 It was initially proposed that the Council used a percentage split (50% Grounds Maintenance and 50% Street Cleansing) for the APSE data set. This is, however, not a clear reflection of how the service works and performs.
- 2.42 Currently, the Council does not separate employees into two separate areas of work. The staff are simply allocated to the Clean & Green Team. This is due to the workforce covering a variety of responsibilities across the service area, which cover duties in both grounds' maintenance and street cleansing.
- 2.43 As result of the challenges and necessary amendments required to internal systems, the Project Group recommend the Council looks at alternative options to benchmarking the Clean and Green service performance.
- 2.44 It is proposed that the Project Group, along with the Members Sub-Group, remain in place for the first year of implementation to monitor performance and consider options for future benchmarking.
- 2.45 One current option being explored, is the formation of a countywide group, with representation from each of the Derbyshire Local Authorities, to identify a series of performance indicators which can be benchmarked. This will also help in the sharing of information, best practice and possible joint working/procuring of services and products.

Technology

- 2.46 The introduction of better technology to the service, such as mobile devices linking the Council's Customer Relationship Management System (CRM), will enable residents and Elected Members to report issues online - directly to the relevant team, and in real time. This will support the management team in monitoring and reviewing performance as well as reducing the amount of time each service requests takes it being processed.
- 2.47 All Clean and Green staff have been issued with smart mobile devices with data capacity. This has helped with the introduction of real time 'before and after' pictures and better communication. The CRM App has successfully been trialled in the last few months and the relevant service apps have been uploaded to the service providers. For example, the mobile application for play area inspections and the mobile application for the DDDC smart bins that monitor capacity.
- 2.48 It is the intention of the Project Team to use the access to smart phones and data as much as possible to improve service efficiencies for example by adding real time inspection and reporting systems. This would be a significant improvement in service and communications.
- 2.49 The Clean and Green Management Team are currently working with the DDDC Transformation Team to design an internal inspection application that will link the CRM (appendix F)

- 2.50 Finally, in response to points raised by Members in the APSE consultation session as well as requests received from Parish and Town Councils, the mowing and street cleansing schedules will be made available on the Council's website. The Clean and Green Management Team are currently working with the DDDC Technical Support Team to upload the verge mowing frequencies to an interactive mapping system on the website.
- 2.51 The verge mowing routes and frequencies will be available on the DDDC website in August. The Service Supervisors and the Technical Support Team will then develop the street cleansing routes.

Communication & Engagement

- 2.52 Throughout the review process the Clean & Green team have been kept up to date by the Project Team via a series of emails, in-person briefings and workshops. This includes an interactive session of team values and behaviours (appendix G).
- 2.53 Representation from both GMB and Unison has been encouraged throughout, with the relevant union representatives being provided regular updates and invitations to briefings and workshops.
- 2.54 Mick Coppin, the Regional Representative for GMB, has attended a number of the workshops and briefings, including the most recent ones held at the Agricultural Business Centre in Bakewell on 9 September, 13 December and most recently on 8 March.
- 2.55 Mr Coppin also attended several of the staff 1:1 and group consultation sessions hosted by APSE.
- 2.56 After a recent staff briefing Mr Coppin remarked upon the commitment of the District Council and its employees in respect to the levels of positive interactions and engagements that have been fostered throughout the project to date.

I am the Full Time GMB Trade Union Officer with responsibility for GMB Members employed at Derbyshire Dales District Council. I was invited and attended all local consultation workshops at the ABC facility in Bakewell. I am incredibly pleased to report all the meetings and communications I have supported and been involved with have been inclusive and supportive, ensuring all staff had a voice and opportunity to contribute to the consultations. From my perspective I do believe the authority and this staff group are exemplary in the region and one of the most forward-thinking organisations should all the recommendations be implemented; my only caveat is that because of serious implications which can occur I believe a measured pilot approach would reward best results and give greatest security to the Council. I would like to thank everyone for their help and engagement especially Samantha Grisman, Chrissie Symons, Dave Turvey and Ashley Watts.

- 2.57 Chrissie Symons, the Interim HR Manager at the time, has also been involved throughout the review and has been present at most of the staff and full workforce sessions and has reported the following:

When initial discussions were held to review the Clean & Green Service, we knew that we had to draw clear distinctions from the review that took place approximately 10 years ago. The former review took place on the basis that costs needed to be reduced and, although this objective was met, decisions that were necessary at the time still have a clear impact on the operations of the Service to the present day.

We knew that this review needed to focus upon developing and adding value to the Service. In addition, we were clear that good, focused communications with the team needed to be prioritised and delivered in a supportive way.

The Director of Communities and Environmental Services has addressed this by ensuring that the whole workforce has been involved in information gathering workshops and held regular meetings to brief the teams on the project's progression. Employees have been given the opportunity to share their views and feedback their concerns. In addition, Trade Union Representatives have been invited to briefing meetings and a questions and answers process has been set up. Staff concerns have been addressed directly at the meetings, on a one-to-one basis and via the questions and answer process.

Employees have commented that this review feels different. They have felt more included, communication has been better, and they have felt more secure in the knowledge that this review is about adding value to the Service. Indeed, this sentiment has also been echoed by one of our Trade Union Representatives.

It is imperative that effective communication continues throughout the second stage of the project, and I believe that the Director of Communities and Environmental Service, with the support of the Project Team are focused upon this goal.

On the Wednesday 8 March 2023 a draft of this report, along with the finalised proposals for change were share and discussed with all staff within the Clean & Green service. All relevant Trade Union representatives were invited to attend this meeting.

Timeline

- 2.58 Should Members approve the recommendations put forward in this report, below is a proposed timeline for implementation:

Action	Date	Progress
Seek Member approval	March 2023	Completed
Job Evaluation for Operation Manager role	March 2023	Completed
Advertise Operation Manager role	March 2023	Completed
Advertise Administration Support role	March 2023	Completed
Initiate Change Management process with Supervisory team	March 2023	Completed
Sign agreement to join DCC's <i>Pathfinder</i> pilot scheme	March 2023	Completed
Appointment of Team Leaders	July 2023	Completed

Action	Date	Progress
Formal consultation with staff and unions on allocation of teams and subsequent changes to Job Descriptions	August 2023	Pending Council Approval
Finalise restructuring and aligning of new mowing, street cleansing schedules to new structure	August 2023	Pending Council Approval
Publicise new schedules on website and signpost Parish and Town Councils to pages	August 2023	Pending Council Approval
Develop new inspection policy and protocol with Supervisory team	September 2023	Pending Council Approval
Implement new schedules, standards and working arrangements	September 2023	Pending Council Approval
Training for staff on new schedules and standards of work	September 2023	Pending Council Approval
Training for Team Leaders and Supervisors on inspection App	September 2023	Pending Council Approval
Report first year findings and performance to Members	TBC (2024)	Pending Council Approval

3 Options Considered and Recommended Proposal

3.1 See main body of report.

4 Consultation

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

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

5 Timetable for Implementation

5.1 See Table 2.62 under Timeline

6 Policy Implications

6.1 None at this stage

7 Financial and Resource Implications

7.1 The recommendations in this report include a request for approval of two additional operatives for the Burials and Play Area Team. The associated

cost is estimated as £61,658 per annum, including an estimated pay award and oncosts.

- 7.2 Subject to the approval of the recommendations of this report, it is expected that the new employees might be appointed from August. Therefore, in 2023/24 the estimated additional cost would be £41,100. There is no current budget for this, and the service has not been able to identify further savings to offset these additional costs. Therefore, a supplementary revenue budget of £41,100 is requested for 2023/24, to be financed from the General Reserve.
- 7.3 The additional annual cost of £61,658 from 2024/25 would be reflected in the next update of the Medium-Term Financial Plan and taken into account when setting the budget and council tax for 2024/25.
- 7.4 As the Council currently has a savings target of £286,000 to meet for 2024/25, and the additional employees will increase that around by £61,658 per annum, the financial risk has been assessed as Medium.
- 7.5 Should the recommendations be approved, the main demand on resources will be on the Clean & Green Manager and Director of Community & Environmental Services. There will also be need for ongoing support for the Council's Human Resource team during staff and union discussions and the implementation of the Change Management Policy.

8 Legal Advice and Implications

- 8.1 The report outlines the work to date on the review of Council's Clean & Green service. There are four recommended decisions contained within this report. The Legal risk associated with this report has been assessed as low.

9 Equalities Implications

- 9.1 An Equalities Impact Assessment (EIA) has been carried out and no significant equalities impacts on protected groups have been noted at this time. Equalities issues have been raised in relation to staff relocation, with mitigating actions proposed. Any future changes in service delivery, practices and procedures following completion of the review will need a further EIA to consider the impact upon these protected groups, staff, residents and stakeholders at that time.

10 Climate Change Implications

- 10.1 While there are no direct climate change implications because of the recommendations of the report the review seeks to make operational efficiencies which overall could lead to reduced travel and therefore emissions associated with vehicle use. Vehicle utilisation will be recorded as part of the update report to be presented in 2024.
- 10.2 The biodiversity project and glyphosate use have environmental impacts, but these are well covered so nothing to add.

11. Risk Management

- 11.1 None at this stage

Report Authorisation

Approvals obtained from: -

	Named Officer	Date
Chief Executive	Paul Wilson	19/07/2023
Director of Resources/ S.151 Officer	Karen Henriksen	18/07/2023
Monitoring Officer (or Legal Services Manager)	James McLaughlin	18/07/2023

Appendix A – APSE Recommendations

	APSE Recommendation	Project Group Comment	Progress
1.	<p><i>Recommendations from the review reflect the need for Clean & Green to work more efficiently and productively within its budget parameters, although there will be some financial implications attached to some of the proposals which will need to be costed. They are intended to underpin a quality assured approach that aims to deliver continuous improvement in Clean & Green services. The first recommendation is to establish a quality management system such as the international quality standard ISO 9001 with appropriate processes and procedures embedded in it.</i></p>	<p>The Project Group support the recommendation but would prefer to implement the proposed new staffing and service structure before adopting a new quality management system.</p> <p>This is ensured consistency in the results and to prevent overloading an already stretched management and supervisory team.</p> <p>It is recommended this work commences after one full year of the new structure being in place.</p>	To commence in 2024
2.	<p><i>A series of performance measures needs to be introduced as part of the quality management system, including a formal inspection process and a selection of key performance indicators covering cost, quality, and customer feedback from benchmarking like APSE's Performance Networks suite which should be regularly reported to the Corporate Director (Director of Community & Environmental Services).</i></p>	<p>The Project Group, along with colleagues from the Council's Finance and HR teams, have identified concerns with the collation and formatting of data, to take advantage of the APSE benchmarking service. This is covered in the Performance Management section of the report.</p> <p>Whilst the current data set do not enable the Council to provide data in the necessary format, the Project Group would still like to monitor and measure performance against peers and have outlined a feasible alternative in 2.19.</p>	To commence in 2024
3.	<p><i>As a priority, Clean & Green need to arrange to survey a sample of public opinion on their perception of how well the service is performing and how satisfied they are with the services being provided. This will provide a baseline to measure improvement against once changes have been implemented following the review.</i></p>	<p>The Project Group support the recommendation.</p> <p>The Project Team, in conjunction with APSE, have drafted a public survey as shown in Appendix E.</p> <p>It is proposed that the survey is undertaken on a bi-annual basis, with the support of the Council's Policy Officer (consultation resources).</p>	To commence in 2024
4.	<p><i>It is recommended that the inspection processes incorporate regular random cleanliness and quality audits on a range of streets and grounds maintenance sites within the district, in line with APSE's Land Audit Management System (LAMS) or similar.</i></p> <p><i>Other final inspections should be recorded for other work performed by Clean & Green, such as cleaning public conveniences (APSE's CLAMS system or</i></p>	<p>The Project Group support the recommendation.</p> <p>Whilst initial trials of the LAMS system have proved successful, it is proposed that an internal auditing system is developed and introduced to the service.</p> <p>The reason for this recommendation is that the audits and inspections can then be recorded and accessed via the Council's Customer Relationship Management</p>	The internal app is currently being developed and will be ready to trial winter 2023

	<i>similar). In-process inspections should also be recorded on a regular basis to monitor work methods and health & safety compliance on site.</i>	system. This will help reduce costs for purchase, software maintenance and avoid duplication of data collection and reporting. Please see Appendix F.	
5.	<i>The most appropriate members of staff to undertake this inspection role are the Area Supervisors, who should already be informally carrying these out in the course of their day-to-day duties but appear to be hampered by the amount of paperwork that keeps them too often office bound.</i>	The Project Group support the recommendation. The proposed new structure provides additional capacity for this work to take place. This point is also related to APSE recommendations 6 and 8.	To commence in August 2023
6.	<i>This is just one of the areas around the roles and responsibilities of staff that were highlighted as requiring improvement and it is recommended that changes to the organisational structure take place to facilitate the necessary improvements. Firstly, the Clean & Green Manager role needs additional support to overcome obvious capacity issues within the role and the amount of work involved at both operational and strategic levels. A supporting post of Assistant Manager should be created to oversee the operational side more directly, but also to provide strategic support to the Manager when needed.</i>	The Project Group support the recommendation. The Job Description and Person Specification for an Operations Manager has been prepared. Should the structure be approved, it will be subject to the District Council Job Evaluation process for graded, before being advertised and appointed to. Further detail on this post is covered in the main body of the report.	The Operations Manager has been appointed.
7.	<i>The Clean & Green Manager's role requires working closely with the head of service (Director of Community & Environmental Services) in reviewing the performance and development of the service, including the introduction of improved technology and better use/development of skills and resources, liaising and proactively working with council staff, elected members, and other partners to develop corporate working and facilitate "joined up" solutions in relation to enquiries and complaints from members of the public and any other stakeholder groups, as well as trying to raise the profile of the service (particularly with an eye towards realising future commercial opportunities).</i>	The Project Group support the recommendation, with much of the work already introduced before the review was finalised. All Clean and Green staff were issued with mobile devices with data capacity in August to improve communications and record before and after images for customer feedback. It is the intention of the Project Team to further develop this area of work, which includes the work outlined in recommendation four of the table.	The CRM App and service apps are being more widely used. An interactive mowing map has been added to the website.
8.	<i>The functions of the Clean & Green service require a significant amount of administration, which should not be entirely the remit of the Supervisors, especially to the detriment of their own basic supervisory roles. It is therefore recommended that an Administrative Assistant post be added to the establishment, reporting to the Assistant Manager</i>	The Project Group support the recommendation. The Job Description and Person Specification for an administration support post has been prepared. Should the structure be approved, it will be subject to the District Council Job Evaluation process for graded, before being advertised and appointed to. Further	The Admin Assistant is at the interview stages of recruitment.

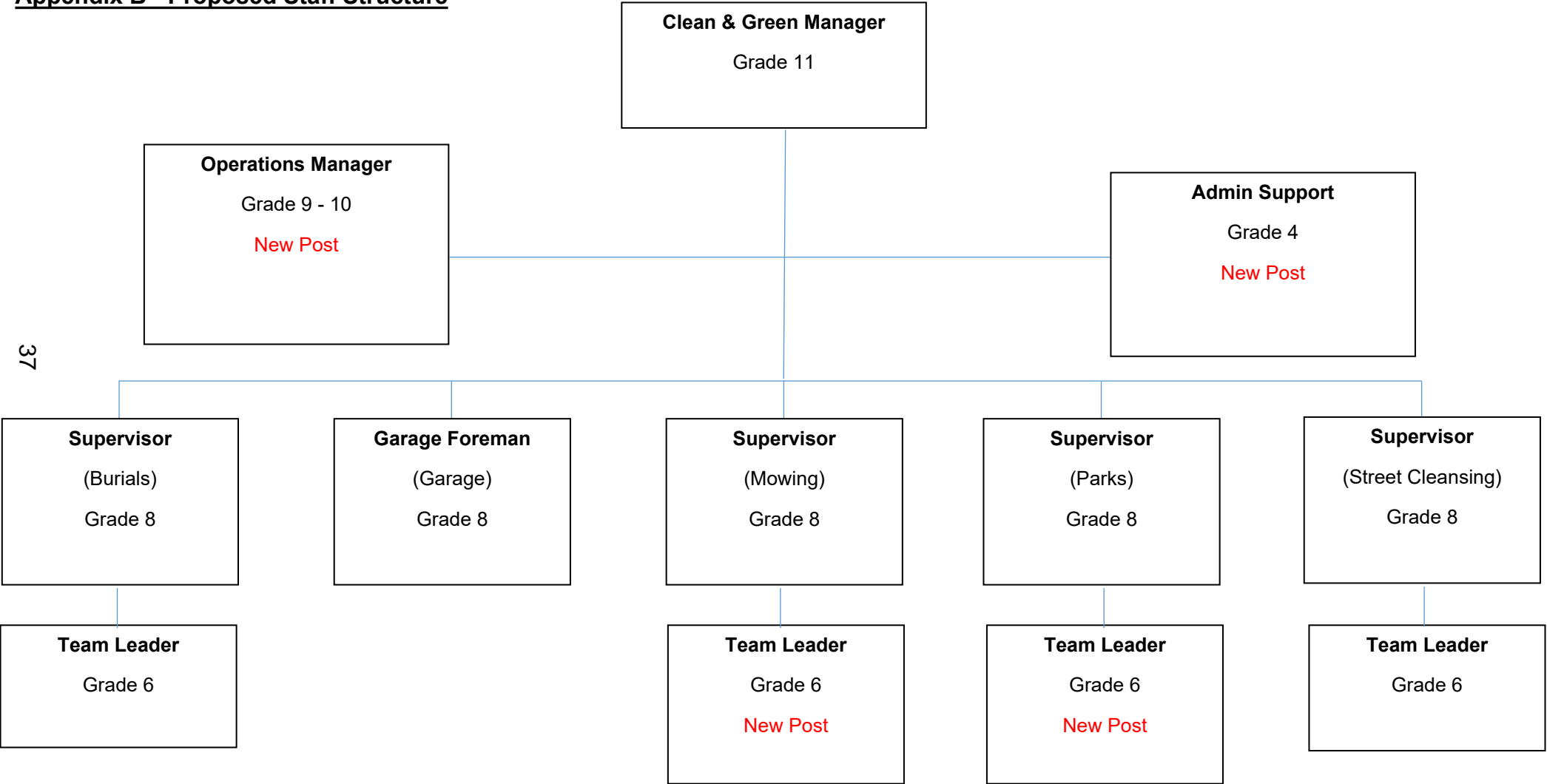
		detail on this post is covered in the main body of the report.	
9.	<i>In addition to reducing paperwork, the three Area Supervisors and the Reactive Supervisor should all have the support of a working Team Leader, as currently operates in the south area. This would also provide better career path steps and progression opportunities within the organisation</i>	<p>The Project Group support the recommendation.</p> <p>The new structure requires a total of four Team Leaders. This will help improve communication and standards of work, as well as provide an increased level of support to the workforce and Supervisory team.</p> <p>Two Team Leaders are already established within the current structure, it is proposed that a further two are internally added as development opportunities.</p> <p>Further detail on this included in the Staff & Structure section.</p>	The Team Leader posts are out for internal recruitment.
10.	<i>The additional four Team Leader posts outlined above should come from the current pool of Chargehands on the service if there are appropriate candidates. These changes need to be designed with the appropriate duties and responsibilities to enable workloads to be better planned and resourced to increase productivity levels. The Chargehand posts would need to be reduced by the number of new Team Leader posts created</i>	<p>The Project Group support the recommendation.</p> <p>It proposed in the new structure and intended that new post of Operations Manager is part funded by the supervisor post being removed.</p> <p>An opportunity for one of the Supervisory team to be promoted, via a competitive recruitment process, will be offered in the first instance.</p>	The Team Leader posts are out for internal recruitment.
11.	<i>The Supervisors need to be empowered and trusted to make decisions on day to day operational issues, supported as required by the Assistant Manager and the Clean & Green Manager when appropriate</i>	<p>The Project Group support the recommendation.</p> <p>The Director of Community & Environmental Services and the Interim HR Manager have been working closely with the C&G management team to help identify and improve understanding of roles, responsibilities, and lines of communication.</p>	New job descriptions have been written and aligned with this action.
12.	<i>Working time arrangements need to be amended to ensure that there are appropriate levels of supervisory support for staff at both ends of the day and at weekends, as required. A rotating shift rota can be put in place that provides a single supervisor at weekends based on examples within this report</i>	<p>The Project Group support the recommendation.</p> <p>The Project Team has developed a rota to ensure that all weekend working staff have a point of contact, who is always available during the shift.</p> <p>There is, however, a financial cost pressure to consider in this option, as staff will need to be remunerated.</p>	HR will be writing an 'on-call' Policy to support a weekend rota appointment.
13.	<i>This is linked to a larger piece of work around establishing true demand for the service that needs to be undertaken to</i>	There are mixed views on this recommendation. The data suggests some of the teams are over resourced but, as	To commence in 2024

	<p><i>establish precisely when and how much labour resource is required to meet that demand.</i></p> <p><i>Until that has been established, it is unclear whether the current size of the workforce is under-resourced as has been anecdotally suggested.</i></p> <p><i>The completed demand analysis will also show when the resource is needed and is likely to require a continuation of seasonal working arrangements, albeit suitably amended to where the evidence points</i></p>	<p>noted in 2.11 of the report, the data sets do not offer a true reflection of the service.</p> <p>The staff throughout the workforce, as well as the Supervisory team, feel the service is under-resourced. This is a view also shared by the Clean & Green Manager.</p> <p>As the Project Group feel that the new structure will go some way to addressing this issue, it is proposed that the situation is reviewed after one full year of the new structure being implemented, should it be approved.</p>	
14.	<p><i>The true demand for the service needs to take account of any improvements to standards that are implemented following this review. It is recommended that some of the higher profile locations receive increased mowing and other general maintenance to improve their appearance.</i></p> <p><i>This may be offset by reducing maintenance in other areas, allowing them to grow wilder or to be planted with wildflowers. A review of grass areas should be undertaken to determine the status of each parcel of land</i></p>	<p>The Project Group support the recommendations and are confident that the new structure will be able to accommodate this.</p> <p>An example of this would be the increased mowing at cemeteries due to a designated team. This will also allow the separate mowing teams to incorporate the additional work required at the 30+ biodiversity areas.</p> <p>With the structure being District wide, this will regulate standards.</p>	The Pathfinder's Project has begun.
15.	<p><i>The role of the 'Reactive' team needs to be clarified. It is recommended that this team be prioritised for the function that it was intended rather than providing a pool of cover for other tasks. Again, working hours should be assessed to ensure early and late coverage</i></p>	<p>This recommendation will be addressed with the introduction of the new structure, should it be approved.</p>	The recommendation for two additional staff, if approved, will address this issue.
16.	<p>As part of the quality assurance process, a skills matrix needs to be established that matches the skill and competency requirements for Clean & Green tasks against the training that staff have received. There should also be minimum competency requirements linked to the roles at each level. Identification of any gaps between the two should form the basis of the training and development programme</p>	<p>The Project Group support the recommendation.</p> <p>Once staff have been allocated to their new team, should the structure be approved, then the Clean & Green Manager will produce a training and development plan for the teams. This work will include a skill gaps analysis.</p>	To commence in 2024
17.	<p>Standards of maintenance across all Clean & Green functions should be consistent across all three areas and be relayed to staff as part of their competency training. Supervisors should be allocated specific areas of responsibility based on function (such as grounds maintenance, horticulture, street cleansing etc.) for the whole district in addition to their area duties</p>	<p>The Project Group support the recommendation and have factored this into the new structure.</p>	Moving to service based working arrangements addresses this.
18.	<p>Clean & Green need to increase the amount of commercial work undertaken to bring in more income, although the</p>	<p>The Project Group support the recommendation.</p>	To commence in 2024

	<i>importance of getting the in-house model right first cannot be overstated. There is also a requirement to accurately establish the correct fees and charges to be made to the private sector. However, there are opportunities that can be more quickly realised, particularly around mechanical sweeping and these should be investigated</i>	Should the recommendations be approved, it is anticipated that this work could start before the end of 2023, once staff are settled in their new roles and the management team have the necessary data to manage the performance effectively.	
19.	There needs to be an increase in technology within the service to replace outdated paper-based systems, such as timesheets, driver checks, inspections, job tickets/schedules. To achieve this, all appropriate staff will need to be provided with smartphone or tablet as appropriate, and software purchased or developed that increases their mobile working capability and reduces the amount of ineffective time spent on travelling back and to from the depot	The Project Group support the recommendation. The transformation project is already underway, as noted within the main body of the report.	Mobile phone Apps have begun.
20.	A Litter Bin Strategy should be formulated and agreed to standardise the types of bins used and inform on policy for future requirements.	The Project Group support this recommendation as an extension of work that is already underway. The first matter to be addressed has been the health and safety issues presented by the locations of certain bins. Any bins identified as having a health and safety issue, were communicated to the relevant Town or Parish Council, and relocated accordingly.	To commence in 2024
21.	Litter bin sensors should be obtained and used to monitor and inform whether the councils litter bins have been correctly sited and whether some need to be removed or relocated for greater efficiency and to improve cleanliness levels	The Project Group support this recommendation as an extension of a piece of work already underway. This forms the second element of the Litter Bin Strategy discussed above.	To commence in 2024
22.	Sweeping schedules need to be reviewed and optimised to increase the use of the mechanical sweepers	The Project Group support the recommendation. These adjustments are outlined in Appendix C.	To commence in 2024
23.	The council needs to try and change people's behaviour about littering, dog fouling and fly tipping through targeted innovative campaigns, not just to educate but also to 'nudge' behaviour change through such things as 'ballot bins' and 'talking litter bins'	The Project Group support this recommendation. In previous years, the Clean and Green Team have held campaigns around foul fouling and litter picking in partnership with the Community Development Team and the Neighbourhood Safety Team. We will continue this in 2023.	
24.	In conjunction with education campaigns, Fixed Penalty Notices for littering and dog fouling offences should be issued	The Project Group support this recommendation.	

	<i>and publicised to act as a deterrent and start to reduce the demand for street cleansing services</i>	The Clean and Green Team have previously collaborated with the Neighbourhoods Safety Team to ensure hotspot areas have notices and camera support.	
25.	<i>As part of the council's commitment to climate change, an investigation should take place into how the arising from Clean & Green operations can be increasingly recycled</i>	The Project Group support the recommendation.	The Pathfinder's Project has begun.
26.	<i>It is recommended that Clean & Green begin trials of alternative weed control methods, in conjunction with stakeholders, to minimise the use of chemicals, particularly glyphosate</i>	The Project Group support this recommendation as an extension of work that has already underway. In 2020, the Clean and Green Team partook in trialling several alternatives to glyphosate and reported back to Members. Members agreed the use of a new weed ripper and hand weeding. This outcome and further recommendations are identified in this report.	The team are currently trialling a hot foam alternative, for a whole season in one location.
27.	<i>The council should look to replace its seasonal bedding with sustainable and pollen rich planting schemes, which at the same time could offset some of the expenditure required in some of the recommendations above</i>	The Project Group support the recommendation. Work was already underway to address this, the latest contract replaces bedding plants with pollen rich plants on a 25% reduction per year over the next 3 years.	

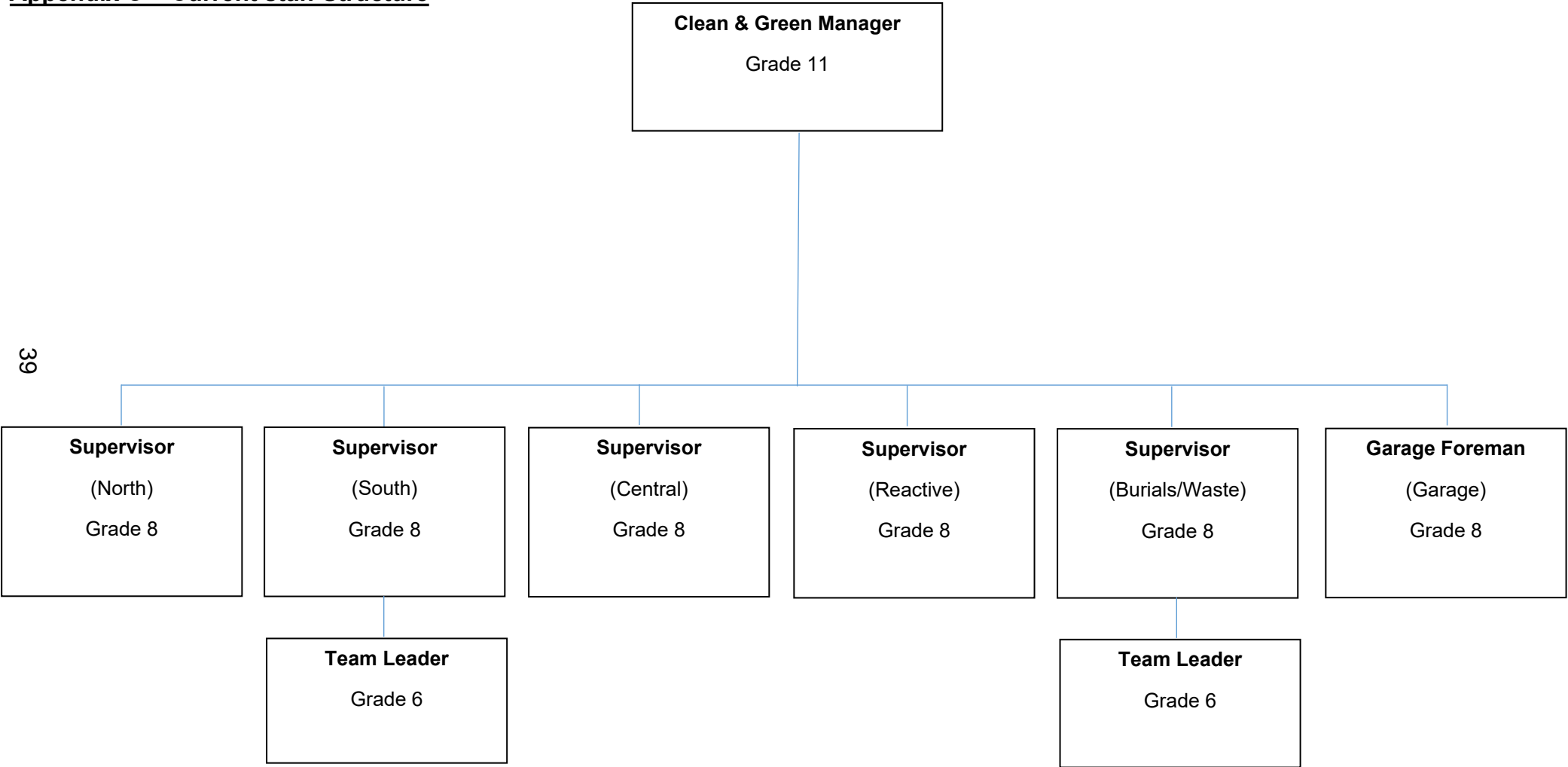
Appendix B - Proposed Staff Structure



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Appendix C – Current staff Structure



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Appendix D – Current Standards and Frequencies

Parks and Public Open Space Core Standards

Classification of Area	Treatment	Previous Standard	2014 Target Frequency	Achieved	Proposed Core Standards
Grass in Parks, Children's Play areas and other public open space;	Mowing. Grass clippings left on site.	3 weeks	2 weeks	3 weeks	3 weeks
Highway verge -urban	Mowing. Grass clippings left on site. (Daffodil leaves only protected from mowing when planted in back 1/3 of verge)	5 weeks	3 weeks	3 weeks	3 weeks
Highway verge - rural	Flail Mowing, 1m width from the highway plus visibility splay where needed for road safety. Grass clippings left on site.	1 or 2 /year	1 or 2 /year	1 or 2/year	1 or 2 /year
Municipal Crickef Pitches	Rolled	5 x /week	1 x per week	1 x /week	1 x /week
	Grass cuts per week:				
	wicket table	5 x /week	3 x per week	3 x /week	3 x /week
	outfield	1 x /week 1 x /week	1 x per week 1 x per week	1 x /week 1 x /week	1 x /week 1 x /week
Municipal Bowling Greens	Drag brush, - up to scarify	5 x /week 2 x /year	3 x per week 2 x per year	3 x /week 2 x /year	3 x /week 2 x /year
	Spike or hollow tine	2 x /year	1 x per year	1 x /year	1 x /year
	Top dressing general Fertiliser	1 x /year 2 x /year	1 x per year 1 x per year	1 x /year 1 x /year	1 x /year 1 x /year
	Additional treatments e.g worm kill, moss kill fungicide.	No charge made	available at club's expense	available at club's expense	available at club's expense
Municipal Bowling Greens	Drag brush, - up to	5 x /week	3 x /week	3 x /week	3 x /week
	Grass cut with clippings removed	3 x /week	3 x /week	3 x /week	3 x /week
	Clip edges/ clear gullies	1 x /week	fortnightly	fortnightly	fortnightly
	Scarify	5 x /year	2 x per year	2 x per year	2 x per year
Municipal Bowling Greens	Spike or hollow tine	1 x /year	1 x per year	1 x per year	1 x per year
	Top dressing general Fertiliser	1 x /year 2 x /year	1 x per year 1 x per year	1 x per year 1 x per year	1 x per year 1 x per year
	Additional treatments (worm-kill, fungicide, moss killer, iron application,etc)	No charge made	available at club's expense	available at club's expense	available at club's expense
		41			

Croquet Pitch	As per cricket outfield				
Football and Rugby Pitches	Walk over, divot replace and repair	1 x/week	1 x per week	1 x /week	1 x /week
	Mow	1 x /week	1 x per week	1 x /week	1 x /week
	Rolled, Slitted	Varies	2 x per year	2 x /year	2 x /year
	Chain Harrowed	1 x/year	1 x per year	1 x /year	1 x /year
	Over seed worn areas	1 x/year	1 x per year	1 x /year	1 x /year
Municipal Cemeteries	Mowing lawned areas and main paths	3 weeks	Fortnightly	3 weekly but some exceptions - Bakewell/Fanny Shaw	3 weekly
	Strim roundkerb edged graves	3 weeks	Fortnightly		Reliably at all cemeteries
	Dig graves within 48 hrs notice, subject to the Absence of prior bookings.	48 hrs	48 hrs	48 hrs	48 hours
	Top up and seed sunken graves	No target defined	Within 4 weeks of need being visible	Within 8 weeks of need being visible	Within 8 weeks of need being visible
	Ensure monument and headstone safety including;	Annual detailed check	Annual check and 2 weekly Visual check.	5 yearly check and-2 weekly visual Check.	5 yearly check and 2 weekly visual check.
Bracing stonework in Imminent danger of falling over.	Not done for many years	Each memorial checked every 5 years	All unstable memorials braced in 2 locations	All unstable memorials- braced in all locations	
Closed Churchyards	Mow lawned areas and main paths	3 weeks	Fortnightly	3 Weekly	3 Weekly
	Mow between graves where compact tractor fits,	3 weeks	Fortnightly	3 Weekly	3 Weekly
	Strim or spray off grass and weed growth in less accessible areas.	3 weeks	Fortnightly	3 Weekly	3 Weekly
	Ensure monument and headstone safety. By use of warning markers on loose stonework and	Annual	All memorials inspected within 5 yrs.	Annual checks and 3 weekly visual check.	Annual checks and 3 weekly visual check.
	notify Church Authorities if unstable	Not done in recent years	Notify promptly	Programme commenced	Notification on an within 5 years
Formal beds in Parks	Bedding plants; planting out	Summer bedding	Summer bedding	Summer bedding reduced	Retain Summer bedding,

	One summer planting and one planting of bulbs	Winter bedding Some spring_bulbs	and Spring bulbs	scheme only	reductions. Reduced winter bedding scheme
Car parks	Shrub beds Hedging Detritus removal Ditch clearance		TBC	Detritus removed on request. Shrubs left.	Remove some shrub beds. • Clean and prune 1/year. Keep markings visible.
Changing rooms /pavilions	Clean out	1 x per week	1 x per week	1 x per week	1 x per week
Hedges/ shrubs	Cutback	1 x per year	1 x per year	Partially achieved	Full annual programme.
Litter Bins/Dog bins Includes those on streets, in parks etc	Litter/dog bins emptied: Generally Town centres Dog bins: Generally replace with full sized litter bins unless within 30 metres of full sized litter bin. Remove existing dog bins adjacent to litter bins. Post mounted litter bins: phase out in favour of full sized litter bins.	Weekly Daily	Weekly Daily	Weekly Daily Changes on schedule for completion by Dec 14	Weekly Daily
Leaf Collection	Urban areas one main leaf collection	On request	1 per year	1 per year	1 per year
Town Centre Litter - hand sweep by team	4 main town centres	One barrow man around all day	2 visits by mobile handsweeping team /day	Partially achieved staff vacancies hindered this.	Reliable twice daily litter cleanse
Pavement Sweepers	4 main town centres Villages (where footpaths suitable)	1x per week On request	2 x per week minimum 2 x per year	2 x per week minimum 2 x per year	2 x per week minimum 2 x per year
Channel	Main Arterial Roads		6 x per year	3 x per year	3 x per year

sweeper	Other Main Roads	On request	4 x per year	1 x per year	1 x /year
	Minor Roads		1 x per year	0.5 x per year	0.5 x /year
Litter standard - we aim to maintain the following standard the majority of the time.	Town Centres = Grade A = (no litter or refuse) Dense residential = Grade B (substantially free of litter)	No change	No change	No change	No change
Litter response: Litter accumulates at peak times and, when Staff observe it, or the public complain about it, we will respond as follows;	town centres residential areas Other areas	24 hours	same working day within 24 hours within 48 hrs	same working day within 24 hours within 48 hrs	same working day within 24 hours within 48 hrs
Fly tipping	Respond within 24 hours 80% of time	24 hours	24 hours	48 hours	48 hours
Enforcement Routine Patrol	Visit and inspect every play area issuing Fixed Penalty Notices where littering and fouling offences observed.	None	1 x per week	1 x per week	1 x per week
Enforcement Focus	Where public complaints are most intense, high visibility patrols or stakeouts.	None	Occasional	None	Weekly patrols in Parks/ Periodic patrols in "hot spots"

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Appendix E – Proposed Standards and Frequencies

Classification of Area	Treatment	Previous Treatment	Proposed change	Further considerations
Grass in the main 4 parks **, children's play areas and other public spaces	Mowing. Grass clippings to be left on site. This excludes areas that have already been classified and Biodiversity Areas and have their own management specification.	3 weeks	weekly	
Highway Verges - urban	Mowing. Grass clippings to be left on site. This excludes areas that have already been classified and Biodiversity Areas and have their own management specification. Daffodils will continued to be protected when planted in the back 1/3 of the verge.	3 weeks	4 weeks	There will be continued collaboration between Derbyshire Dales District Council and Derbyshire County Council and improved conversation.
45 Highway Verges - rural	Flail Mowing. This is specified by the DCC at 1m width from the highway plus visibility splays. Grass clippings to be left on site. This excludes areas that have already been classified and Biodiversity Areas and have their own management specification.	1 or 2 a year depending on DCC Schedule	Remains the same but in review with DCC	There will be continued collaboration between Derbyshire Dales District Council and Derbyshire County Council and improved conversation.
Municipal Cricket Pitches	Rolled. Grass cuts per week: Wicket table outfield Drag brush Scarify Spike or hollow tine Top Dressing general Fertiliser Additional treatments are available at the clubs expense	1 x week 3 x week 1 x week 1 x week 3 x week 2 x year 1 x year 1 x year 1x year	1 x week 3 x week 1 x week 1 x week 3 x week 2 x year 1 x year 1 x year 1x year	costing to be incorporated into lease or hourly charge

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<p>Municipal Bowling Greens</p>	<p>Drag brush Grass cut with clipping removed Clip edges/clear gullies Scarify Spike or hollow tine Top Dressing general Fertiliser</p> <p>Additional treatments are available at the clubs expense</p>	<p>3 x week 3 x week Fortnightly 2 x year 1 x year 1 x year 1 x year</p>	<p>3 x week 3 x week Fortnightly 2 x year 1 x year 1 x year 1 x year</p>	<p>costing to be incorporated into lease or hourly charge</p>
<p>Football and Rugby Pitches</p> <p>46</p>	<p>Walk over and repair Mow Rolled Slitted Chain harrowed Over seed worn areas</p>	<p>1 per week 1 per week 2 per year 1 per year 1 per year 1 per year</p>	<p>1 per week 1 per week 2 per year 1 per year 1 per year 1 per year</p>	<p>costing to be incorporated into lease or hourly charge lad expectations as the standard is compliant with level of play</p>
<p>Municipal Cemeteries</p>	<p>Mowing Weed management Memorial safety</p>	<p>3 weeks Monthly Annual check every 5 years</p>	<p>2 weeks Monthly Annual check every 5 years</p>	<p>A number are being considered for the biodiversity project, and the weed management is mechanical or hand weeding.</p>
<p>Closed Churchyards</p>	<p>Mowing Weed management Memorial safety</p>	<p>3 weeks Monthly Annual check every 5 years</p>	<p>4 weeks 2 x a year Annual check every 5 years</p>	<p>A number are being considered for the biodiversity project, and the weed management is based on the return to glyphosate.</p>
<p>Formal Beds in the Parks</p>	<p>Bedding plants</p>	<p>summer and winter planting</p>	<p>To reduce the amount of bedding plants</p>	<p>To be reviewed with the Community Team each year.</p>

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			by 25% every year.	
Car Parks	Shrub beds Hedges to be cut back Mowing Litter clearance	Attend and prune once a year and remove shrub beds.	Visit every month plus a reactive procedure	To be reviewed with car park team to set a specification for each car park.
Pavilions an Changing Rooms	Clean all pavilions.	1 week	1 per week	incorporate into toilet cleaning schedule
Hedges/Shrubs	Cutback excess growth I line with area specification	1 year	2 a year	This will incorporate the extra cuts we provide for certain locations and events like Remembrance Day.
47 Litter Bins/Dog Bins	Litter and dog bins emptied throughout the district according to schedules. Replace small and post mounted bins with full size bi where possible.	These are daily in town centres and weekly elsewhere.	The current schedules will be available on the website.	To be reviewed with policy in 2023
Leaf Collection	Urban areas	1 a year	1 a year	Delivery will be monitored to determine hotspots in conjunction with gully clearance and area demand.
Town Centre Litter	This is specifically the four market town centres.	one barrow man a day	2 x weekly team on site	time of day to be taken into account

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Pavement Sweepers	Four market town centres Town/village where footfall is high	2 x per week 2 x per year	2 x per week 2 x per year	The time of day to be taken into account as well as footfall and area needs.
Channel Sweepers	Main highway roads Other main roads Minor roads	3 x per year 1 x per year 0.5 per year	Additional requests to be recorded in order to reflect demand and seasonal trends.	The time of day to be taken into account as well as through traffic and surrounding needs.
Litter Standard - we aim to maintain the following standard the majority of the time	Town centres Dense Residential areas	No litter or refuse Substantially free of litter	Remain reactive to service requests through social media, CRM and phone calls.	no policy previously written so this is to commence in 2023
Litter Response - Litter accumulates at peak times and when staff observe it, or when the public report it, we will respond as follows	Town centres Residential areas Other areas	Same working day Within 24 hours Within 48 hours.	Same working day Within 24 hours Within 48 hours	There is no policy written so this is to commence in 2024. Having a dedicated Street Cleaning Team will allow this to be scheduled
Fly Tipping	Collection and disposal.	Requests to be visited within 24 hours; up to 80% on the time	Requests to be visited within 48 hours up to 80% on the time	This will be a monitored KPI once the information can be captured. The Health and Safety elements of the tipping will continue to dictate the urgency of the collection. For example, asbestos.
Enforcement Routine Patrols	Where public complaints are high, visible patrols will be undertaken.	To be reviewed with a policy in 2024 with the Neighbourhood Team. The team will continue the hotspot campaigns.		
Enforcement Focus	Where public complaints are high, visible patrols will be undertaken.	To be reviewed with a policy in 2024 with the Neighbourhood Team. The team will continue the hotspot campaigns		

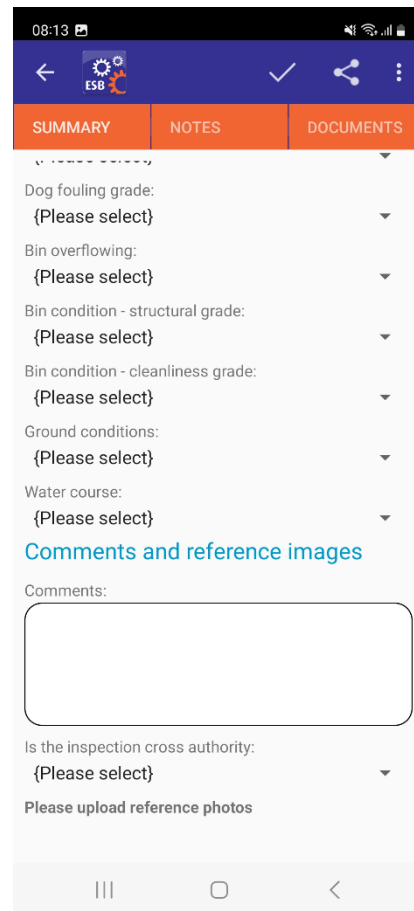
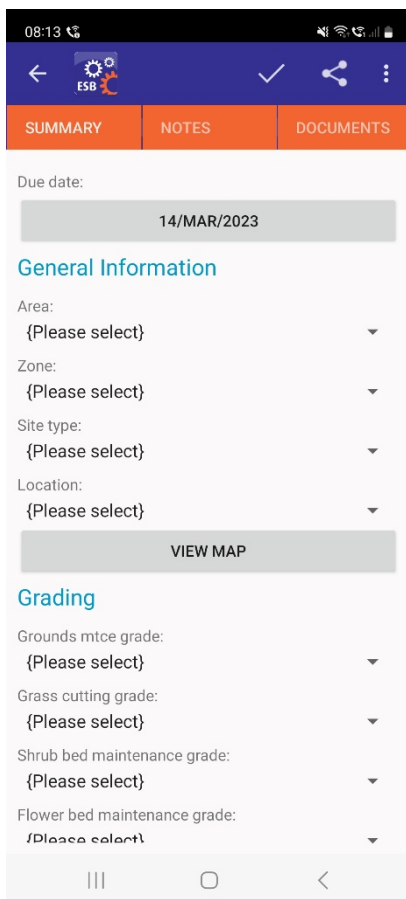
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Appendix F – Quality Management Audit

Digital Transformation and Clean and Green have worked together to develop a new inspection portal within the Council’s CRM system. This new functionality will automatically generate periodic areas for inspection, allowing for Clean and Green supervisors to assess Council owned/managed land. The portal covers a number of key criteria including; grass cutting, hedge cutting, bin condition, ground condition etc. This new facility will be available to supervisors whilst on the road through the use of the newly implemented CRM app, allowing real-time recording and evidencing of data. The data will then be made available for analysis and tracking over time to better inform the Council’s decision making. The following link can be used to show a short demonstration of the application and the images below are a snapshot of the portal when opened.



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Appendix G – Team Values and Behaviours

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

Briefing by: Chrissie Symons, Interim HR Manager

Date: 21st September 2022

Overview

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

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

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

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

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

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

The Results

We were all really encouraged by the results. The majority of staff fully engaged in the session and actually seemed to value the opportunity to express their

values, exchange views on the meaning of words, identify links and develop group awareness of the importance of team culture.

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

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

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

The Next Steps

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

The Future

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

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

Table One

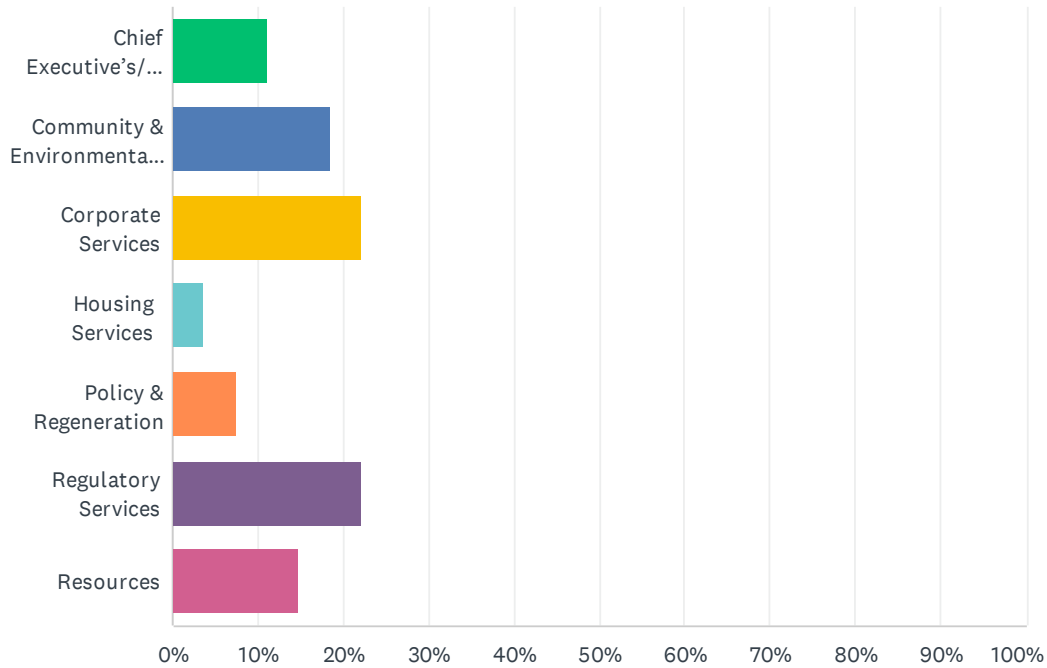
Times	Value	Descriptive words used
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Mentioned		
6	Quality	Recognition of Quality, Self-Respect, Doing a good job, Pride, Impact Accountability, Autonomy, Responsibility Ownership, Fit for purpose
6	Relationships & Friendships	Friendly & Supportive,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

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Q1 Which service area do you work in?

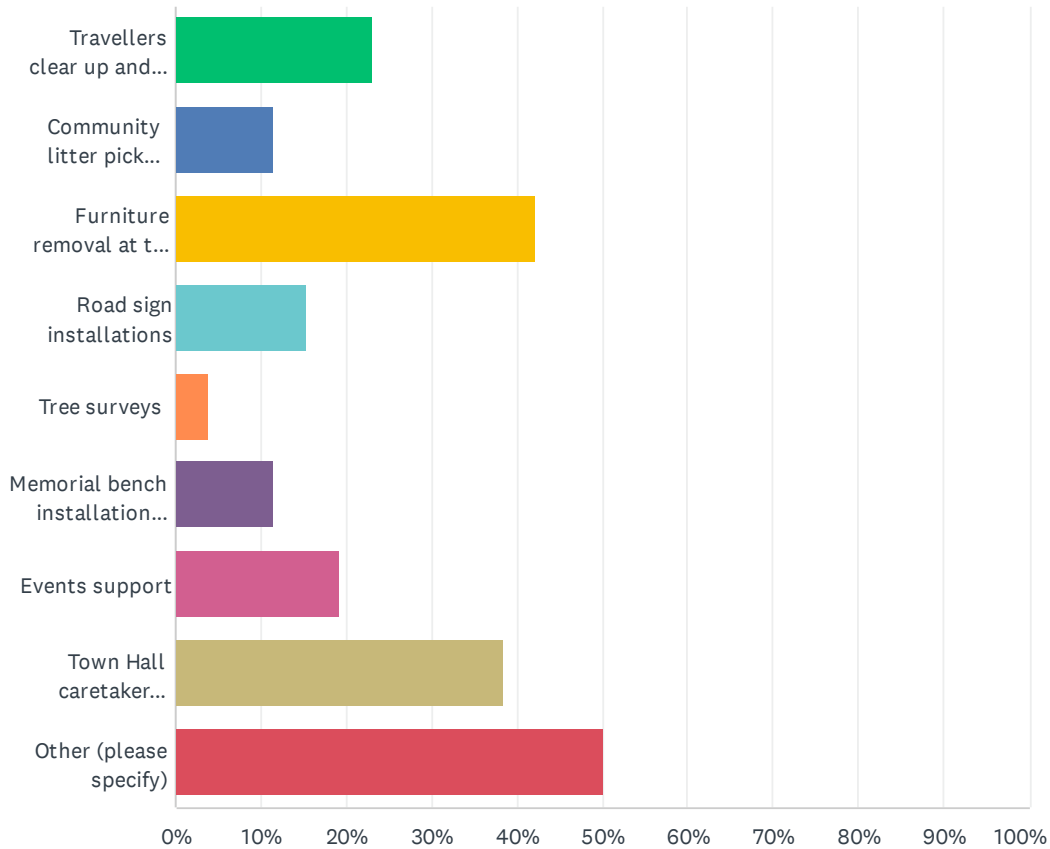
Answered: 27 Skipped: 0



ANSWER CHOICES	RESPONSES
Chief Executive's/HR & Payroll	11.11% 3
Community & Environmental Services	18.52% 5
Corporate Services	22.22% 6
Housing Services	3.70% 1
Policy & Regeneration	7.41% 2
Regulatory Services	22.22% 6
Resources	14.81% 4
TOTAL	27

Q2 What service/s does the Clean & Green team provide for your department (tick all that apply)?

Answered: 26 Skipped: 1



ANSWER CHOICES	RESPONSES
Travellers clear up and evictions	23.08% 6
Community litter pick collections	11.54% 3
Furniture removal at the Town Hall	42.31% 11
Road sign installations	15.38% 4
Tree surveys	3.85% 1
Memorial bench installation and maintenance	11.54% 3
Events support	19.23% 5
Town Hall caretaker support	38.46% 10
Other (please specify)	50.00% 13
Total Respondents: 26	

#	OTHER (PLEASE SPECIFY)	DATE
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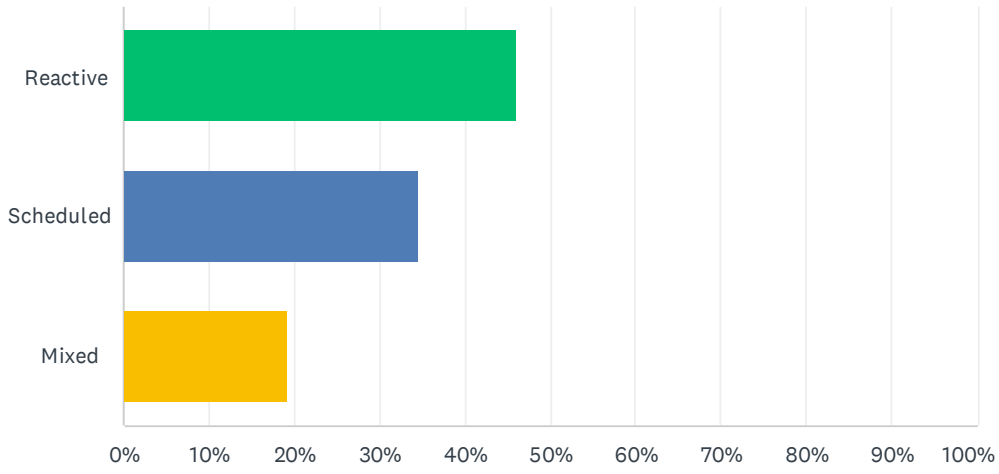
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Clean & Green Service Review

1	Pavement Licence and Street Trading Licence Advice. The depot garage mechanics provide taxi testing service	12/7/2021 9:41 AM
2	Help with fly tipping/removal and general waste. Sometimes the C&g team are the eyes and ears of the Council as they are out and about on district daily.	12/7/2021 8:48 AM
3	Cutting back hedges/shrubs and trees in council car parks and around CCTV cameras	10/21/2021 9:21 AM
4	Operational side of the Burial Service	9/28/2021 9:09 AM
5	Burials	9/27/2021 2:00 PM
6	Attend reported Anti-social behaviour complaints re littering/drug use and clean up. Cut back and tidy overgrown hidden areas causing concern.	9/22/2021 9:20 AM
7	Providing information (e.g. absence data and accident reports)	9/21/2021 12:54 PM
8	help with insurance	9/20/2021 1:58 PM
9	N/A C&G team and my work do not really overlapp, except for the maintenance of the green spaces on Hurst Farm	9/20/2021 11:25 AM
10	advice on current jobs from supervisors. Grafitti removal	9/20/2021 10:58 AM
11	Note for Qs 3 and 4 - it is part reactive, part scheduled. And partly from budget, partly not	9/20/2021 9:50 AM
12	Ground maintenance of parks	9/20/2021 9:22 AM
13	assistance delivering urgent bin requests, receive our bin orders, help store bins at the depot	9/20/2021 9:18 AM

Q3 Is the service/s mainly reactive or scheduled?

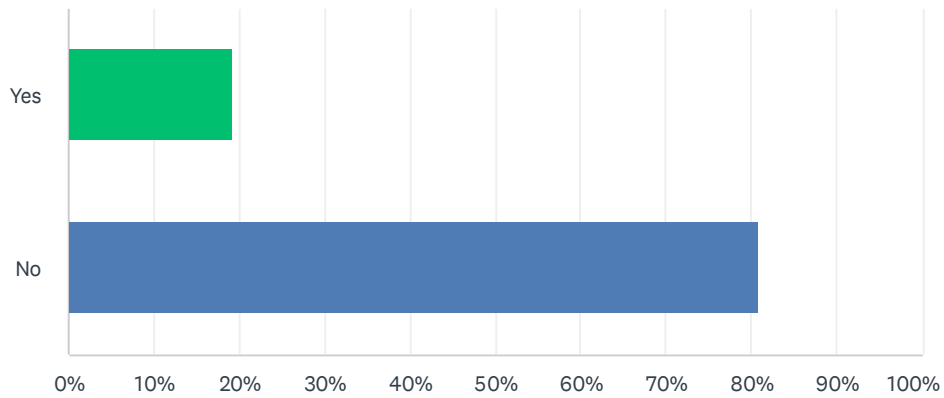
Answered: 26 Skipped: 1



ANSWER CHOICES	RESPONSES	
Reactive	46.15%	12
Scheduled	34.62%	9
Mixed	19.23%	5
TOTAL		26

Q4 Do you hold a budget for this service?

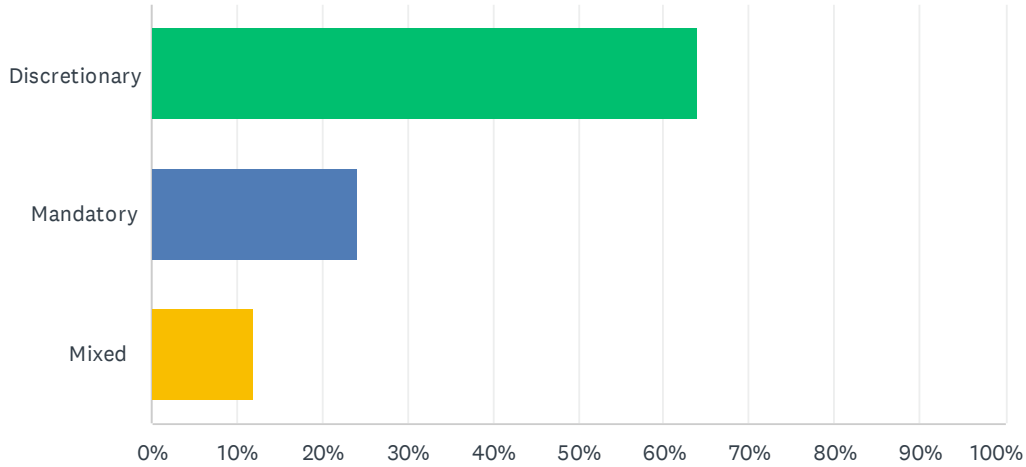
Answered: 26 Skipped: 1



ANSWER CHOICES	RESPONSES	
Yes	19.23%	5
No	80.77%	21
TOTAL		26

Q5 Is the service/s mainly discretionary or mandatory? (Mandatory by law e.g. burials service)?

Answered: 25 Skipped: 2



ANSWER CHOICES	RESPONSES	
Discretionary	64.00%	16
Mandatory	24.00%	6
Mixed	12.00%	3
TOTAL		25

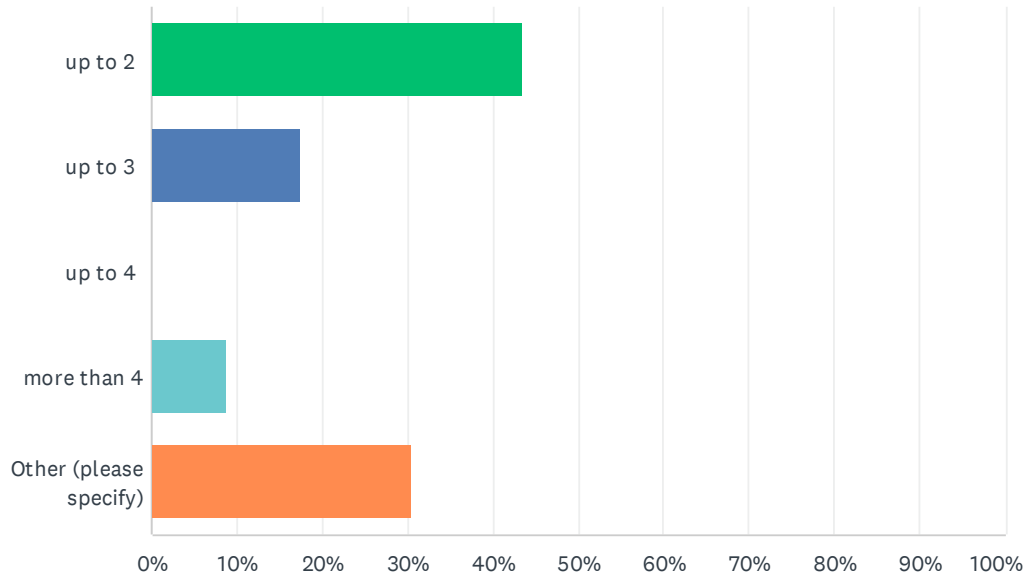
Q6 What skills do you think the Clean & Green team need to carry out this work?

Answered: 17 Skipped: 10

#	RESPONSES	DATE
1	technical, efficiency, attention to detail, can-do attitude.	12/7/2021 9:41 AM
2	they use tractors/tow vehicles and elbow grease! and a strong stomach.	12/7/2021 8:48 AM
3	Nothing addition to what skills they already have as a grounds maintenance team	10/21/2021 9:21 AM
4	Street Name plates - Need knowledge of the area and how to erect said signs and memorial benches Work with colleagues to find alternative locations should they need to	10/19/2021 1:05 PM
5	Empathy, sensitivity, discretion, grave digging	9/28/2021 9:09 AM
6	know land ownership, work standards	9/28/2021 8:45 AM
7	sack barrow and be able bodied	9/27/2021 11:31 AM
8	Full able body with a Sack barrow	9/27/2021 11:31 AM
9	To be able to plan a series of site visits, interpret provided plans of land holdings, recognise the high risk areas within a site, identify tree species, undertake visual tree assessments of trees in those areas to identify hazards presented by the trees, recommend appropriate and prioritised mitigation works, request further inspection by DDDC's Trees Officer for cases requiring more experience/detailed knowledge, record gathered information for storage and further processing.	9/24/2021 8:18 AM
10	As well as general litter clean up, they need to be aware of drug equipment (needles etc). Also skills in dealing with the public who can be angry and upset.	9/22/2021 9:20 AM
11	Manual handling & customer service for office moves Administration and time management for administration	9/21/2021 12:54 PM
12	polite and honest and equipment to photograph areas	9/20/2021 1:58 PM
13	-Landscape and horticulture skills - aboricultural skills	9/20/2021 11:25 AM
14	Politeness, Manual handling, flexibility, helpful.	9/20/2021 10:58 AM
15	Spacial awareness	9/20/2021 9:52 AM
16	a strong stomach reactive and efficient	9/20/2021 9:25 AM
17	Those working in parks maintenance require horticultural knowledge.	9/20/2021 9:22 AM

Q7 How many staff do you think would be needed to undertake this work if known?

Answered: 23 Skipped: 4

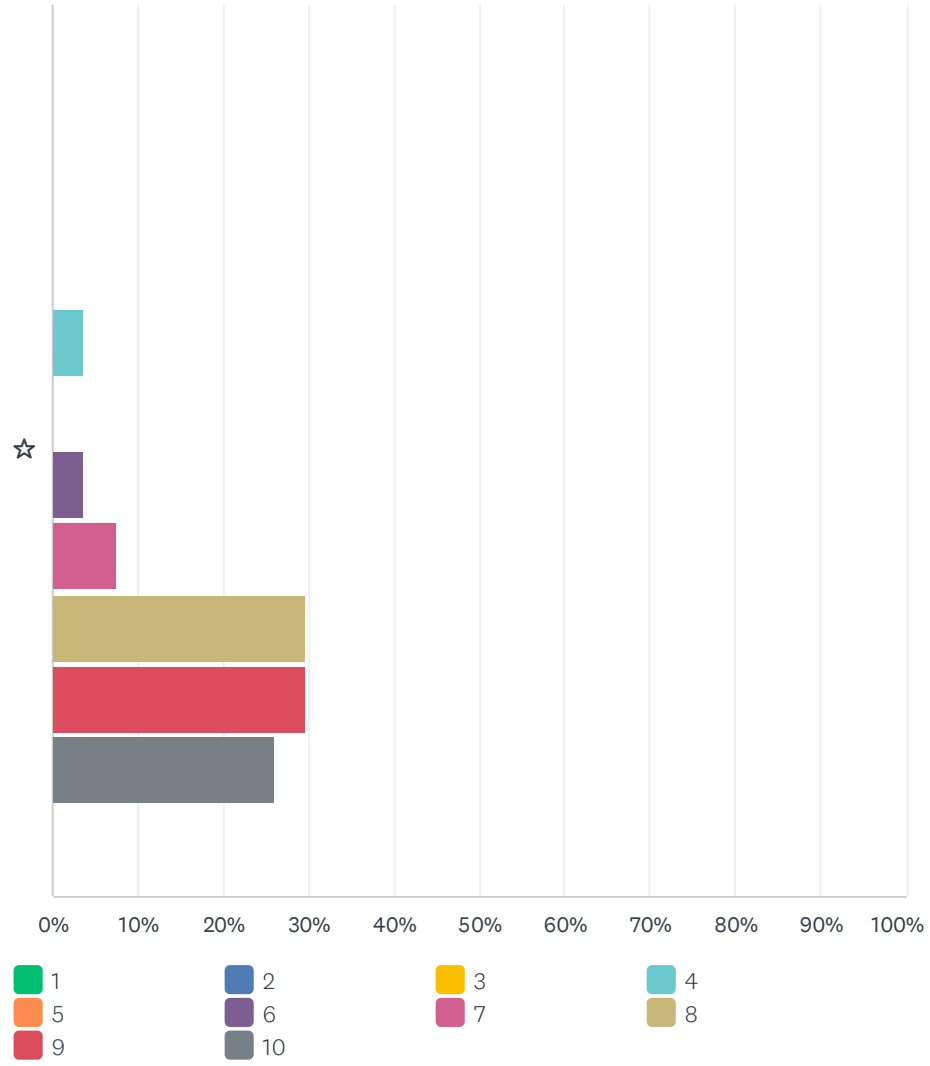


ANSWER CHOICES	RESPONSES	
up to 2	43.48%	10
up to 3	17.39%	4
up to 4	0.00%	0
more than 4	8.70%	2
Other (please specify)	30.43%	7
TOTAL		23

#	OTHER (PLEASE SPECIFY)	DATE
1	Don't know as it is usually pulled in with other duties.	12/7/2021 9:41 AM
2	it depends on the size of the Traveller encampments, the amount of waste to be removed and the size of the site	12/7/2021 8:48 AM
3	Unknown	10/21/2021 9:21 AM
4	dont know	9/28/2021 8:45 AM
5	I would think it would depend on the job	9/22/2021 9:20 AM
6	do not know	9/20/2021 11:25 AM
7	different skill set for different activities so unable to specify how many	9/20/2021 10:58 AM

Q8 From 1 to 10 with 10 being excellent how well you do rate the service the Clean & Green team provide?

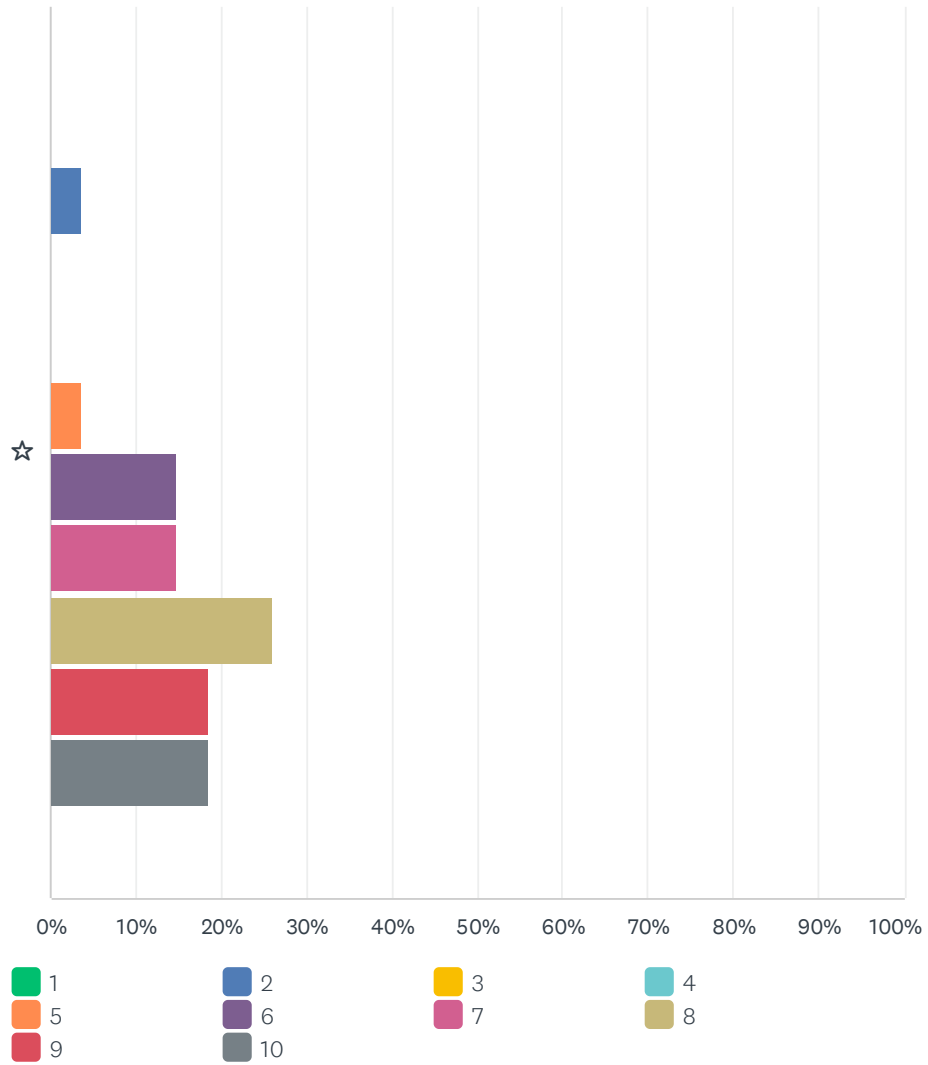
Answered: 27 Skipped: 0



	1	2	3	4	5	6	7	8	9	10	TOTAL	WEIGHTED AVERAGE
☆	0.00%	0.00%	0.00%	3.70%	0.00%	3.70%	7.41%	29.63%	29.63%	25.93%	27	8.52
	0	0	0	1	0	1	2	8	8	7		

Q9 How to you rate the communication from the Clean & Green team?

Answered: 27 Skipped: 0



	1	2	3	4	5	6	7	8	9	10	TOTAL	WEIGHTED AVERAGE
☆	0.00%	3.70%	0.00%	0.00%	3.70%	14.81%	14.81%	25.93%	18.52%	18.52%	27	7.78
	0	1	0	0	1	4	4	7	5	5		

Q10 How do you think we could improve our service delivery?

Answered: 16 Skipped: 11

#	RESPONSES	DATE
1	Can't improve on excellency - but to maintain the standard an increase in staff is probably necessary long-term.	12/7/2021 9:41 AM
2	We all ready have an excellent inter department working relationship with the C&G team, but it would be nice to see the team more often.	12/7/2021 8:48 AM
3	More resource and equipment	10/21/2021 9:21 AM
4	We have been fortunate in recent years that the C&G team have fitted memorial benches and street name plates (although this has not been formalised) and this has worked extremely well as the Supervisors are very familiar with their areas and the signs been installed in the right place at the right time. This reduces the amount of officer time working with external contractors with the margin for error greater. Unfortunately, they have not been able to provide this service this year due to other commitments, so more resource would ensure efficiencies both financial and timescales terms.	10/19/2021 1:05 PM
5	Since holding regular Burials 'staff' meetings the service is much improved. Better communication and improvements to the service overall	9/28/2021 9:09 AM
6	Speed and accuracy in administration from supervisors	9/21/2021 12:54 PM
7	timeliness. they are under pressure to deliver but insurance deadlines are very tight	9/20/2021 1:58 PM
8	think we should re-visit how we maintain our green spaces, look at how to maintain for wildlife, but not to the detriment of making spaces neglected, or unusable because open spaces become overgrown, which is what I am seeing is happening. There needs to be more flexibility to adjust maintenance regime, as usage of parks change. Think this is a district wide issue that needs to be looked at. How does this fit in with a wider District with policy of improving wildlife and biodiversity. Should we identify a 're-wielding' strategy that looks at all green spaces we own in the district.	9/20/2021 11:25 AM
9	employ more staff	9/20/2021 10:58 AM
10	Clearer schedules/info etc for jobs so members of the public get the info when they call	9/20/2021 10:13 AM
11	Knowing which supervisor does what, (eg parks toilets markets, or areas?) or do they all do the same?	9/20/2021 10:10 AM
12	Provide overtime and sickness paperwork in a more timely manner	9/20/2021 9:52 AM
13	Lower service standards a little - C&G provides a gold plated service to the public and it should lower these slightly to provide better value	9/20/2021 9:50 AM
14	you do a grand job	9/20/2021 9:25 AM
15	Increase the numbers of staff. The staff are doing a good job but there is not enough of them	9/20/2021 9:22 AM
16	The Clean and Green Team have been very supportive of the Waste Team over the last 10 months and all the work that they have done for us has been excellent	9/20/2021 9:18 AM

Q11 What do you think the team does well?

Answered: 18 Skipped: 9

#	RESPONSES	DATE
1	Keep all of our parks and roundabouts in an excellent condition. Do a great job keeping litter bins emptied and the town centre pavements clean. Work really hard supporting the Council Markets and other ones at Xmas etc... They do seem to enjoy their work - and should be very proud of their achievements.	12/7/2021 9:41 AM
2	They get stuck in and face some unpleasant tasks head on. we (Environmental Health) have good telephone and email communication with supervisors and manager.	12/7/2021 8:48 AM
3	The want to do a good job, familiarity with the area	10/21/2021 9:21 AM
4	They are dedicated to doing a good job for their community and attention to detail is second to none, always willing to look for solutions to issues which may arise.	10/19/2021 1:05 PM
5	Continues to improve and the Manager is keen and enthusiastic to understand and improve the service	9/28/2021 9:09 AM
6	Reports issues	9/28/2021 8:45 AM
7	Responding to requests and feedback is good.	9/22/2021 9:20 AM
8	Looking after the District	9/21/2021 12:54 PM
9	they are good natured and cheerful even under stress	9/20/2021 1:58 PM
10	the work they do, they do well.	9/20/2021 11:25 AM
11	attendance to jobs	9/20/2021 10:58 AM
12	react to issues when they arise	9/20/2021 10:13 AM
13	they keep the district tidy and the parks a nice place to visit	9/20/2021 10:10 AM
14	Any of my contacts with Clean and green staff I find all staff polite and friendly	9/20/2021 9:52 AM
15	Exceptionally high service standards	9/20/2021 9:50 AM
16	respond quickly to request for service and do a good clear up.	9/20/2021 9:25 AM
17	Many have pride in their work and are very helpful	9/20/2021 9:22 AM
18	The Clean and Green Team are always ready to help	9/20/2021 9:18 AM

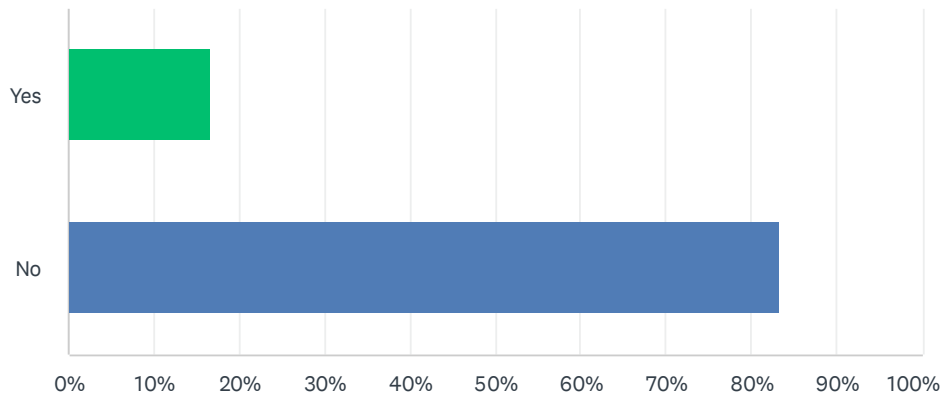
Q12 Are there any other services you would like the Clean & Green team to perform for your department?

Answered: 12 Skipped: 15

#	RESPONSES	DATE
1	Can't think of any at the moment.	12/7/2021 9:41 AM
2	N/A	12/7/2021 8:48 AM
3	Gully cleansing in car parks General street furniture works, such as installing height barriers and minor repairs in car parks	10/21/2021 9:21 AM
4	Occasionally site inspections and technical advice	10/19/2021 1:05 PM
5	No	9/28/2021 9:09 AM
6	no	9/27/2021 11:31 AM
7	No	9/27/2021 11:31 AM
8	No	9/21/2021 12:54 PM
9	no suggestion	9/20/2021 11:25 AM
10	supply of temporary toilet cleaners	9/20/2021 10:58 AM
11	Window cleaning	9/20/2021 10:13 AM
12	no	9/20/2021 9:18 AM

Q13 Thinking of question 12, is there a budget for this service?

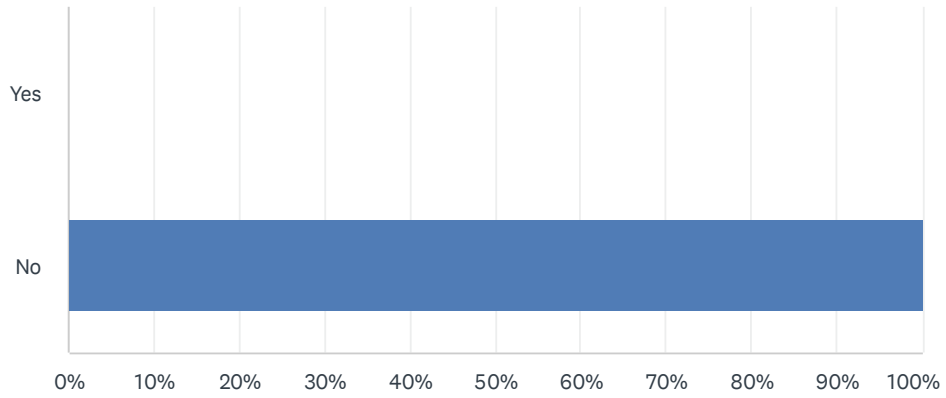
Answered: 12 Skipped: 15



ANSWER CHOICES	RESPONSES	
Yes	16.67%	2
No	83.33%	10
TOTAL		12

Q14 If so, are you the budget holder?

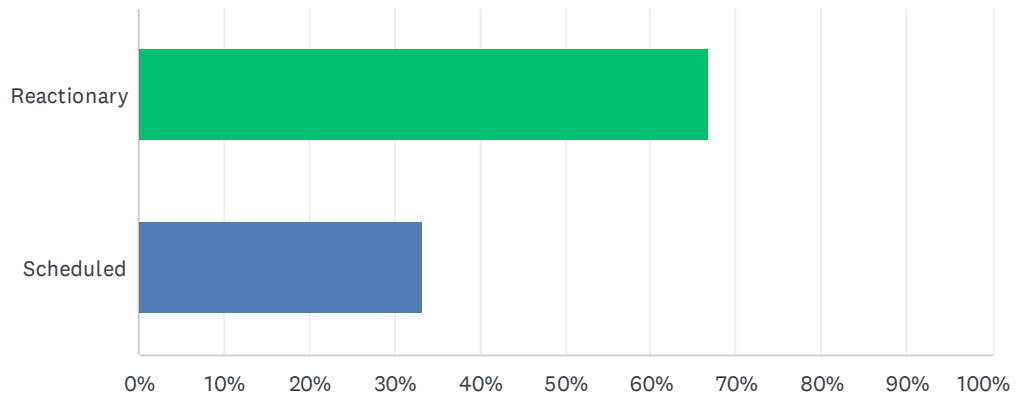
Answered: 10 Skipped: 17



ANSWER CHOICES	RESPONSES	
Yes	0.00%	0
No	100.00%	10
TOTAL		10

Q15 Would this service be reactionary or scheduled?

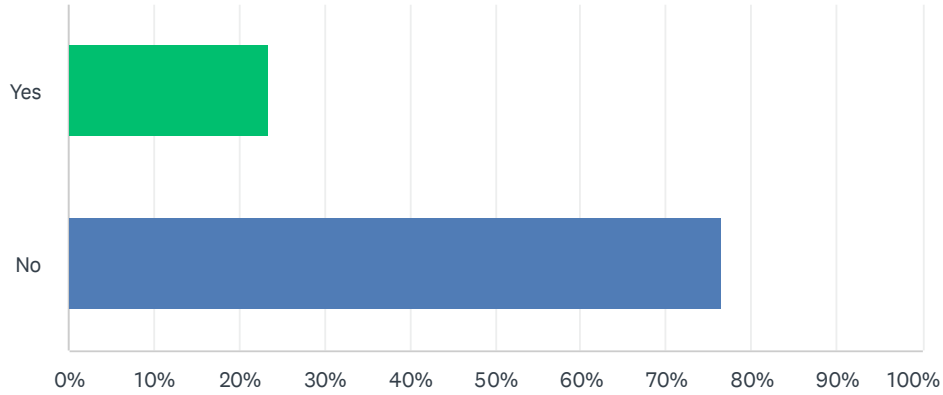
Answered: 9 Skipped: 18



ANSWER CHOICES	RESPONSES	
Reactionary	66.67%	6
Scheduled	33.33%	3
TOTAL		9

Q16 Do you think it would be worthwhile to have a team dedicated to your departments and others in order to complete your work and not collide with the clean and green duties?

Answered: 17 Skipped: 10



ANSWER CHOICES	RESPONSES	
Yes	23.53%	4
No	76.47%	13
TOTAL		17

Q17 Are there any other comments that would be beneficial to add to our service review

Answered: 12 Skipped: 15

#	RESPONSES	DATE
1	Not sure that there would be sufficient work for the team - but may be for the whole of Regulatory Services.	12/7/2021 9:41 AM
2	With regards to Q14 there are multiple budget holders and Q15 this could be mixed and Q17 i am not sure there would be enough works for a while team and the works not all the same so i am not sure i would be best placed to determine this	10/21/2021 9:21 AM
3	I would prefer C&G to carryout the aforementioned works rather than outsource the work, as i believe it would be more effective and efficient. I also believe this would provide a better service and help manage customer expectations and satisfaction	10/19/2021 1:05 PM
4	no	9/27/2021 11:31 AM
5	I recommend that the Countryside Rangers, who are the members of the C and G team involved in the tree surveys, are encouraged to attend 'Basic Tree Survey' training course provided by the Arboricultural Association.	9/24/2021 8:18 AM
6	The volume of requests is fairly infrequent and I always get a good job done and positive feedback from complainants.	9/22/2021 9:20 AM
7	To manage attendance more closely/ timely to support staff but also to maximise the capacity of the team	9/21/2021 12:54 PM
8	Think there is an issue around tree maintenance, esp ash die back tree removal and how we replant. Suggest we set up local tree seedling nurseries (to grow local provenance trees from local seeds) working with local schools. Something we are working on already on Hurst Farm, but maybe we can role this out in the wider district and clean and green team can replant x-number of trees a week as part of their jobs? Think that be also nice contribution towards climate change action to publicise to the public.	9/20/2021 11:25 AM
9	the teams work extremely hard under difficult circumstances which is much appreciated.	9/20/2021 10:58 AM
10	A different questionnaire would perhaps gained more info. BSU takes calls for C&G all the time. We have a better idea than some what people ask for.	9/20/2021 10:13 AM
11	Seasonal hours are problematic when staff change roles or leave from an admin point of view, staff can end up owing the Council salary or the Council may owe the employee dependant on when the change takes place.	9/20/2021 9:52 AM
12	Fundamentally disagree with Q16 - we should NOT be considering setting up tiny empires. We need to think across the WHOLE council (we are small enough as it is)	9/20/2021 9:50 AM

Agenda Item 10

Council – 27 July 2023

AMENDMENTS TO THE CONSTITUTION

Report of Director of Corporate and Customer Services (Monitoring Officer)

Report Author and Contact Details

James McLaughlin, Director of Corporate & Customer Services (Monitoring Officer)
01629 761281 or james.mclaughlin@derbyshiredales.gov.uk

Wards Affected

District-wide

Report Summary

This report details a series of proposals to amend the Constitution of the Council to ensure that it is relevant and up to date, as well as compliant with the law. The proposals within the report have been developed to improve governance processes and procedures.

The Council is also asked to adopt the Local Government Association's Model Code of Conduct for Members, on the recommendation of the Constitution Working Group.

Recommendations

1. That the Constitution be amended to reflect the change in the size of the Council's membership from 39 councillors to 34 councillors.
2. That Article 3 be amended to clarify citizen involvement and participation and remove reference to customer service standards and opening hours.
3. That Part 3 of the Constitution be amended to incorporate the terms of reference for the Biodiversity Sub-Committee, Local Plan Sub-Committee and the insertion and deletion of functions as set out in Appendix 1 of this report.
4. That Part 4 of the Constitution (Rules of Procedure) be amended on the basis of the insertions and deletions highlighted in Appendix 2 of this report.
5. That the Members Allowances Scheme, as drafted and published by the Monitoring Officer in accordance with the Council decision on 26 January 2023, be agreed.
6. That Part 5 of the Constitution (Codes and Protocols) be amended to delete the current Code of Conduct for Members and be replaced with the Local

Government Association's Model Code of Conduct for Members, as set out in Appendix 4 of this report.

7. That the Constitution Working Group be tasked with reviewing:
 - (a) Petition Scheme
 - (b) Area Community Forum arrangements
 - (c) Public Participation arrangements

8. That, in accordance with the recommendation from the Community and Environment Committee on 13 July 2023, Contract Standing Orders be amended by inserting a new Standing Order 6.15 in respect of exceptional waivers.

List of Appendices

- Appendix 1 Draft Part 3 of the Constitution (Responsibility for Functions)
- Appendix 2 Draft Part 4 of the Constitution (Rules of Procedure)
- Appendix 3 Members Allowances Scheme (as at May 2023)
- Appendix 4 Derbyshire Dales District Council's Code of Conduct for Elected Members (based on the Local Government Association Model)

Background Papers

Not applicable

Consideration of report by Council or other committee

No

Council Approval Required

Yes

Exempt from Press or Public

No

Amendments to the Constitution

1. Background

- 1.1 The Council is required to maintain and publish a Constitution, in accordance with Section 9P of the Local Government Act 2000, setting out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent, and accountable to local people. Some of these processes are required by the law, while others are a matter for the Council to choose.
- 1.2 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.
- 1.3 As such, it 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 It is good practice to keep the Constitution under regular review and with the Council last considering changes to the document in July 2022, it is timely to bring forward recommendations that seek to update the document to reflect the changes that have taken place since the election of the new Council in May 2023. In addition, it is necessary to consider an outstanding recommendation from the Constitution Working Group for the Council to adopt the Local Government Association's Model Code of Conduct for Councillors.

2. Key Issues

- 2.1 This part of the report sets out the various updates and proposed amendments in detail. With the Council size set by the Local Government Boundary Commission for England (LGBCE) taking effect in May 2023, it is necessary to update the Constitution to reflect the revision to 34 Members and so the Council is recommended to approve this change.
- 2.2 Having reviewed the Articles of the Constitution in detail, the Monitoring Officer has been able to compare the current provisions to best practice and consider whether provisions are needed or up to date. Within Article 3, which sets out provisions in respect of Citizen Involvement and Participation, there is detailed text setting out the opening hours of Matlock Town Hall and which telephone number to use to contact the Council. In reviewing the same provisions for other authorities, such operational information is not provided here. It is unlikely that citizens of the Derbyshire Dales would look at the Constitution to identify the means to contact the Council and the same information is easily accessible through the Council's website already, as well as being confirmed in the proposed Customer Access Strategy. This provision of the Constitution should rightly focus on the ways in which citizens can engage with the Council's governance and decision-making processes, to have their voice heard so that decision-makers can have regard to their views. The proposed amendment does not

impact on these provisions, but it is recommended that the Constitution Working Group reviews the provisions for public participation.

2.3 At the Annual Meeting of the Council, the new administration established two new sub-committees to support their priorities for this term until May 2027. A new Biodiversity Sub-Committee was established, whilst the former Local Plan Working Group was amended to become a sub-committee, with clear aims and objectives to support the review of the Local Plan. Part 3 of the Constitution (Responsibility for Functions) needs to be updated to reflect these changes with the insertion of terms of reference for both bodies, which will report to the Community and Environment Committee.

2.4 Part 3 of the Constitution (Responsibility for Functions) also details the terms of reference for Council and its committees, as well as multiple specific functions that are delegated to officers. These functions were last reviewed by the Constitution Working Group ahead of the amendments agreed by the Council in July 2022. Amongst the recommended amendments presented for adoption as part of this report is the insertion of clear urgency arrangements for the discharge of functions reserved to the Council. Such arrangements would only be required if the Council were unable to meet and discharge such functions, and any functions discharged by officers in this context would require the consent of the Leader and the Chair of the Council.

2.5 It is also proposed that specific provisions are inserted in respect of the role and remit of the Policy Committees. The existing provisions are not detailed in explaining the role of policy committees and relies on a higher level of interpretation than would be considered appropriate from the Monitoring Officer in defining what business should be transacted by those committees. The proposed amendments make clear the policy committees are responsible for:

- Agreeing policy issues that are not reserved to full Council
- Approval of the proposed withdrawal or variation of any service where this is outside the scope of an agreed Service Plan and the likely impact on present or future users of the service is considered significant
- Agreeing alterations to Council Services Plans (provided they remain within the constraints of the Budget and Policy Framework)
- Agreeing fees and charges (other than any set by the full Council as part of the budget setting process) in line with the Medium Term Financial Plan and any policies in respect of fees and charges
- Agreeing to policy and performance priorities for the short and medium term, taking into account the needs of the Council as a whole
- Considering reviews of service performance against approved plans.

It also makes clear the role of the Governance and Resources Committee in overseeing the delivery of corporate priorities, as detailed within the Corporate Plan, and making decisions on cross-cutting matters that are not reserved to the Council.

2.6 A number of amendments are proposed to the Council Procedure Rules, which are detailed in Part 4 of the Constitution (Rules of Procedure). Members will note the provisions in respect of the election of a Leader and

Deputy Leader(s) within Council Procedure Rule 3. Authority was previously delegated to the Monitoring Officer to insert such provisions in July 2022.

2.7 An amendment is proposed to Council Procedure Rule 5 which details the business of Ordinary Meetings of the Council. Firstly, it is recommended that the provisions for maiden speeches be deleted. These were introduced in the previous term of the Council, but this is not considered to be a necessary provision in the new term of the Council and its deletion is proposed. Within the same procedure rule, it is recommended that Rule 5(j) is amended to include provisions for recommendations arising from Policy Committees to be dealt with by way of highlighting the recommendation within the minutes of those meetings, along with a copy of the report that led to the recommendation. This approach will remove the requirement for separate items of business to be listed on the agenda but will enable consideration of the matter in accordance with the Rules of Debate.

2.8 With regard to Council Procedure 14, which is concerned with Public Participation, it is recommended that provisions be introduced focus the scope of questions put to the meeting. Whilst there have not been issues in this area, such provisions are common within the procedure rules of other local authorities in order to ensure that matters are focused on issues which materially effect the residents and area of the Derbyshire Dales. The provisions will enable the Monitoring Officer to reject a question if it:

- is not about a matter for which the Local Authority has a responsibility, or which affects the District; or
- is defamatory, frivolous or offensive; or
- is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- requires the disclosure of confidential or exempt information; or
- relates to an individual/group business or the questioner's own particular circumstances; or
- relates to a matter which is the subject of legal or enforcement proceedings or an appeal to a tribunal or to a Government Minister or an investigation by the Local Government and Social Care Ombudsman or Monitoring Officer; or
- relates to the personal circumstances or conduct of any officer and Councillor or conditions of service of employees; or
- relates to the activities and aims of a political party or organisation; or
- relates to individual planning applications;

2.9 A similar provision is recommended to be introduced within Council Procedure Rule 16 which concerns Motions on Notice and suggests that the following criteria be applied for motions to be considered:

- is not about a matter for which the local authority has a responsibility, or which affects the district;
- is defamatory, frivolous or offensive;
- is substantially the same as a motion which has been put at the meeting or a meeting of the Council in the past six months. (This does not apply to motions moved in pursuance of a recommendation of a Committee or of officers or motions which have been withdrawn from a previous meeting);

- requires the disclosure of confidential or exempt information;
 - would, if carried, commit the Council to a course or courses of action contrary to agreed processes or outside its authority to act; or
 - relates to a planning or licensing application which has yet to be determined
- 2.10 It is proposed to insert provisions for Points of Information and Personal Explanations to be cited by Members. There have been frequent occasions in Council meetings where Members have tried to use Points of Order to clarify information that may have been misunderstood or where incorrect information has been presented to the Council. The introduction of such provisions will enable Members to clarify matters through an appropriate procedure, although the admissibility of the points will be determined by the Chair.
- 2.11 The Council has previously agreed the requirement under the Openness of Local Government Bodies Regulations 2014 to permit individuals to record, film and broadcast from meetings of the Council and its committees. However, in doing so, the Council did not include provisions for this within its procedure rules. It is therefore recommended that a new Council Procedure Rule 26 be inserted to cover the way in which the authority codifies the public's rights to record or film meetings.
- 2.12 Approval was given to a new Members' Allowances Scheme in January 2023, which took effect after the municipal elections in May 2023. In approving the recommendations of the Independent Remuneration Panel, it has been necessary to draft a new Scheme for publication within the Constitution. The scheme enclosed at Appendix 3 is recommended for adoption within the Constitution. Members will recall that the Independent Remuneration Panel has been asked to make recommendations arising the changes made to appointments to roles at the Annual Meeting. This work is ongoing and will be reported back to the Council in September 2023.
- 2.13 Under the Localism Act 2011, each local authority has a duty to adopt a Code of Conduct dealing with the conduct that is expected of members and co-opted members, when they are acting in that capacity. The code must be consistent with the Nolan principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Councils must also ensure that their codes include appropriate provisions about declaring pecuniary and other interests. There is no national prescribed version of a code in England and no obligation to adopt a particular model. The LGA Model Code is suggested national good practice, and Councils can adopt this revised code, or adopt their own local code.
- 2.14 The New Code covers:
- Respect
 - Bullying, harassment and discrimination
 - Respect for the impartiality of officers of the council
 - Confidentiality and access to information
 - Disrepute
 - Use of position
 - Use of local authority resources and facilities

- Complying with the Code of Conduct
- Protecting councillors' reputation and the reputation of the local authority
- Gifts and hospitality
- Declaration of interests wider than the DPI Regulations
- Strengthens emphasis on intimidation, abuse, and bullying
- Reiterates that all forms of councillor communications are included, including social media
- Improves guidance re gifts, hospitality, and conflict of interests
- Has a wider scope

2.15 The Constitution Working Group (prior to the election) found the Model Code of Conduct to be a better drafted document than the existing Derbyshire Dales Code. It is a clearer statement of the standards, conduct and behaviours that Members agree to abide by and uphold when taking office. On this basis, it is a much easier document for the public to digest and understand too. The anticipated benefits of adopting the new Code are:

- Greater consistency of approach to standards cases
- Potential for higher standards of conduct
- Addresses specific areas of concern raised through the consultation
- Reduces levels of complexity around particular issues
- Introduces more robust safeguards needed to strengthen a locally determined system

2.16 Importantly recognises that Councillors should be able to undertake their role without being intimidated, abused, bullied or threatened by anyone including the general public.

2.17 At a recent meeting of the Community and Environment Committee a report was considered from the Director of Regeneration and Policy in respect of the UK Shared Prosperity Fund which reported advice from Government that there was scope for the Council to manage grant schemes more flexibly by approving different procurement thresholds via appropriate internal governance process. The Government had indicated that the Council could run a grant scheme with different thresholds if there was internal approval for that within the Council. Having reviewed the recommendation from the Community and Environment Committee, the Monitoring Officer has recommended that a new Contract Standing Order 6.15 be inserted to read as follows:

6.15 In the case of goods / supplies and works procured by businesses or community organisations seeking grant funding provided by the District Council acting in its role as Lead Local Authority for the UK Shared Prosperity Fund, the upper threshold for purchasing using three quotations shall be £75,000. A copy of the written specification and quotations obtained must be submitted with grant funding applications before such grant funding can be considered for approval. A specific waiver report or record will be required in such circumstances and the purchase will also be recorded in the grant/monitoring information retained as part of the DLUHC claims process.

3 Options Considered and Recommended Proposal

- 3.1 An alternative option would be to not approve the proposals that have been recommended and make no changes to the Constitution. This is not recommended as the document needs update to reflect the circumstances that the Council is currently operating within.
- 3.2 The recommended option is to approve the proposed amendments to the Constitution to ensure that the authority continues to operate good, robust and up to date governance arrangements.
- 3.3 This report does not deal with all matters that require review within the Constitution. These matters include outstanding recommendations to review and update the Petition Scheme and review the arrangements for Area Community Forums. It is also recommended that the Constitution Working Group review arrangements for public participation to ensure that these meet the Council's aspirations for openness and transparency.

4 Consultation

- 4.1 The Constitution Working Group was consulted in respect of the adoption of the LGA Model Code of Conduct and was supportive of recommending the Council to adopt this model.
- 4.2 The Corporate Leadership Team has been consulted on the changes to the Scheme of Delegation within Part 3 of the Constitution.

5 Timetable for Implementation

- 5.1 The proposed amendments to the Constitution would take effect immediately in the event of the recommendations in this report being approved. The Monitoring Officer is accountable for the implementation of any decisions to amend the Constitution.

6 Policy Implications

- 6.1 The Constitution sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Therefore, the Constitution supports delivery of all the priorities described in the Corporate Plan.

7 Financial and Resource Implications

- 7.1 There are no specific financial or resources implications arising from the body of this report save as for robust governance arrangements to ensure that the Council is making informed and documented decisions, thereby reducing risk to the Council. The financial risk is therefore assessed as low.

8 Legal Advice and Implications

- 8.1 Under Section 9P of the Local Government Act 2000 (the 2000 Act), local authorities must prepare and keep up to date a Constitution, which must also be made available to the public. The Council's Constitution follows a

standard format as recommended by the former Department of the Environment, Transport and the Regions (DETR) in 2001, as part of the implementation of the 2000 Act.

- 8.2 Changes to the Constitution are matters reserved to the Council to determine. As a result, the adoption of amendments to the Constitution must be agreed by Council. The legal risk associated with the recommendations in this report is assessed as low.

9 Equalities Implications

- 9.1 There are no particular implications arising from the amendments that are proposed. 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.

10 Climate Change Implications

- 10.1 There are no climate change implications associated with the recommendations in this report.

11. Risk Management

- 11.1 The regular review and amendment of the Constitution is a key mitigation to address broader risks of challenge to decisions and the procedures underpinning those decision making processes. This report is in itself a mitigation to any risks that may arise.

Report Authorisation

Approvals obtained from Statutory Officers:-

	Named Officer	Date
Chief Executive	Paul Wilson	17/07/2023
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	17/07/2023
Monitoring Officer (or Legal Services Manager)	James McLaughlin	18/07/2023

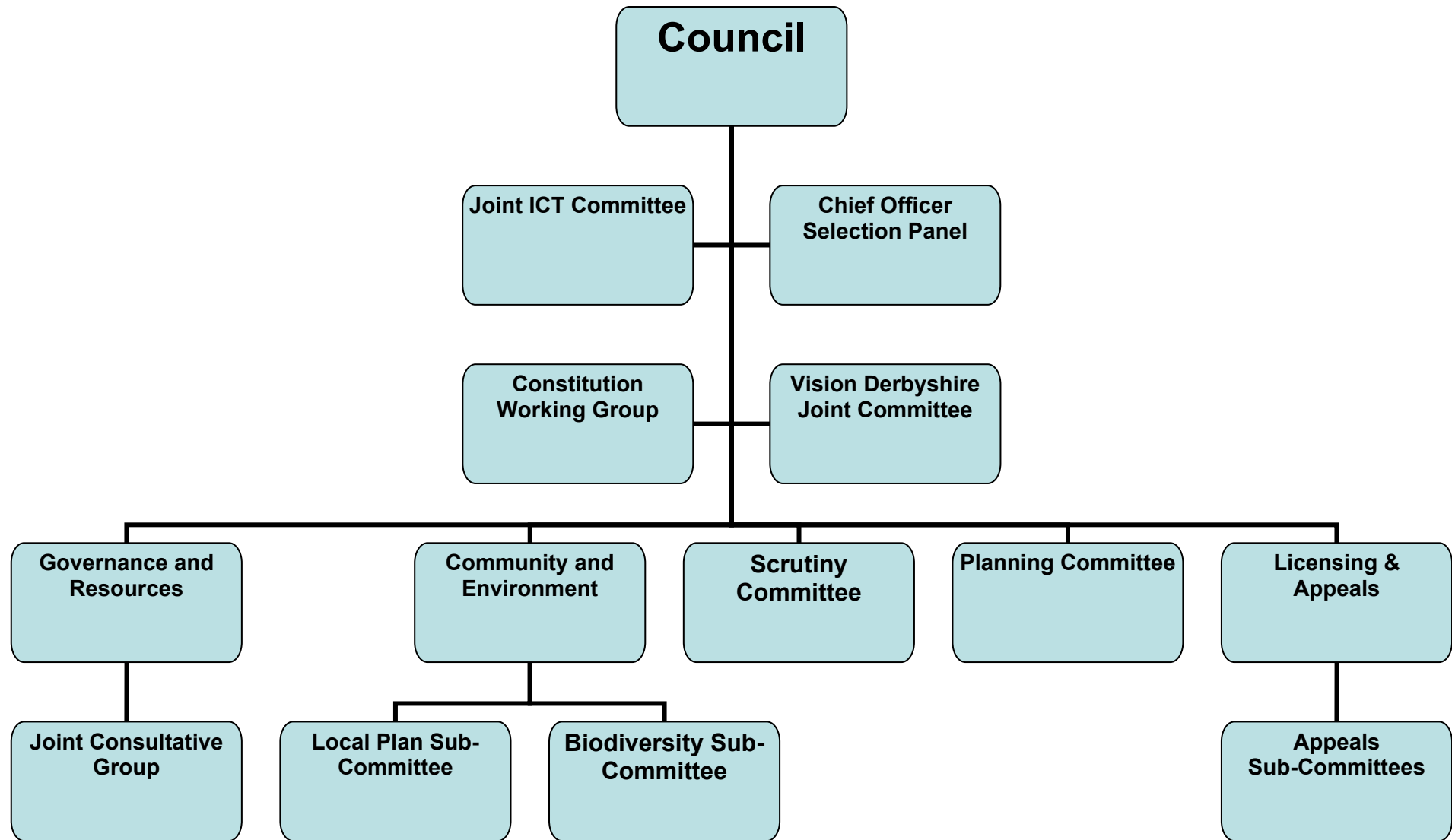
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RESPONSIBILITIES FOR FUNCTIONS

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DECISION MAKING STRUCTURE OF THE COUNCIL



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, approving the local council tax support scheme and authorising the treatment and use 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

Urgent Business Procedure in relation to Council functions

The Chief Executive, subject to the concurrence of the Leader or, in his/her absence, the Deputy Leader together with the Chair of the Council or, in his/her absence, the Vice-Chair of the Council, may authorise Chief Officers or Directors of Service to perform all functions within the Powers and Duties of the Council in any case of urgency in which the prompt performance of any of the Council's functions is desirable and necessary.

Urgent business is defined as:-

1. The decision cannot reasonably be deferred until it would be possible to convene a meeting of the Council.
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. Affected ward members will be given notification of urgent business decisions to be taken and the method of determination

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.~~ Within the remit of each Policy Committee and subject to decisions being (i) within the approved Budget, (ii) not contrary to the Policy Framework, and (iii) in accordance with the priorities detailed in the agreed Corporate Plan, the following matters are reserved to Policy Committees:

Service and Financial Planning and Review

- Agreeing policy issues that are not reserved to full Council
- Approval of the proposed withdrawal or variation of any service where this is outside the scope of an agreed Service Plan and the likely impact on present or future users of the service is considered significant
- Agreeing alterations to Council Services Plans (provided they remain within the constraints of the Budget and Policy Framework)
- Agreeing fees and charges (other than any set by the full Council as part of the budget setting process) in line with the Medium Term Financial Plan and any policies in respect of fees and charges
- Agreeing to policy and performance priorities for the short and medium term, taking into account the needs of the Council as a whole
- Considering reviews of service performance against approved plans.

Consultation and Petitions

- Agreeing the Council's response to consultation by Government or other external agencies where this relates to proposed policy changes where the Chairman of the Committee considers the proposed changes to be significant
- Dealing with petitions in accordance with the Council's scheme

Each Committee shall be comprised of **a number of** members based on the principles of political proportionality and agreed by the Council.

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.

~~The Policy Committees will take decisions within their remit on any reserved matter. When devising policy, evaluating service delivery and taking decisions the Committee must consider:~~

- Public engagement in informing its work
- Equality and diversity implications
- Climate Change and Biodiversity

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 • Council housing • 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 • Refugees and Asylum seekers • Sports Development • Supplementary Planning Guidance • Transport Operations • Tree Protection • Waste Collection and Recycling
Governance and Resources Committee	<p>The following corporate responsibilities are within the remit of this Committee:</p> <ul style="list-style-type: none"> • Providing strategic direction to the Council by reviewing progress against priorities within the Corporate Plan and making decisions on cross-cutting policies and practice where such decisions are not reserved to the Council • Responsibility for any issue identified

	<p>as being of significant strategic importance or financial risk to the Council (which is considered to be by its nature cross-cutting)</p> <ul style="list-style-type: none"> • Considering reports which an Ombudsman requires to be published by the Council where it is proposed that the Council take the recommended action • Considering the overall performance of the Authority and making recommendations to Council where there is a serious performance concern <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
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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 Chair of the relevant decision making body;
 - in his/her absence, the Vice-Chair;
 - advice should be obtained on vires from the Monitoring Officer
 - advice on financial implications should be sought from the Director of Resources in accordance with Financial Regulations;

Affected ward members will be given notification of urgent business decisions to be taken and the method of determination

OFFICER DELEGATIONS

GENERAL 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 (Head of Paid Service, Corporate Director, Section 151 Officer and Monitoring Officer) 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, who themselves may take decisions delegated to any Chief Officer or Director of Service.
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 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 and collecting income
 - (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 salary budgets subject to:

- (i) Agreement on grading following Job Evaluation
- (ii) Conformance with approved Council strategies, plans, 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.

SPECIFIC FUNCTIONS AND RESPONSIBILITIES DELEGATED TO OFFICERS

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 open bank and investment accounts and to approve changes to the bank mandate	Chief Financial Officer
Banking		To be a signatory on the bank mandate	Director of Resources/ Director of Corporate and Customer Services/ Financial Services Manager
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

Subject	Act	Functions Delegated	Officer
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
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
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
Certified Resolutions	Local Government (Miscellaneous Provisions) Act 1976 s41	Certification of copies of resolutions, minutes and other documents	Director of Corporate and Customer Services
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	Localism Act 2011	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	Chief Financial Officer
Council Tax Local Discounts	Local Government Finance Act 1992 S. 13A(1)(c)	To determine applications for such reliefs	Director of Resources Head of Revenues (Chesterfield BC) Revenues & Benefits Manager (Chesterfield BC)
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 Revenues & 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 Corporate and Customer Services
		To investigate data protection security breaches and report to the ICO where appropriate	Director of Corporate and Customer Services

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 Corporate and Customer Services (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
Non-Domestic Rates	Local Government Finance Act 1988 S49	Determination of applications for hardship relief	Director of Resources Head of Revenues (Chesterfield BC) Revenues & Benefits Manager (Chesterfield BC)

Subject	Act	Functions Delegated	Officer
Non-Domestic Rates	Local Government Finance Act 1988 S47	Determination of applications for discretionary rate relief	Director of Resources Head of Revenues (Chesterfield BC) Revenues & Benefits Manager (Chesterfield BC)
		Determination of applications for rate relief under the temporary revaluation relief scheme for business rate revaluation in 2017	Director of Resources Head of Revenues (Chesterfield BC) Revenues & Benefits Manager (Chesterfield BC)
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
Parish Meetings – Trustee	Local Government Act 1972 S1393)	To act, with the Chairman of the Parish Meeting, as a Trustee as the body corporate of the Parish	Director of Corporate and Customer Services
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
		Decisions on ordinary petitions	Chief Executive or Directors of Service, following consultation with the relevant Committee Chairman and relevant Ward Member(s)

Subject	Act	Functions Delegated	Officer
		Decisions on whether a petition is vexatious, abusive or otherwise inappropriate	Director of Corporate and Customer Services/Chief Executive
		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	To make and sign provisional Tree Preservation Orders and to confirm or vary unopposed orders. To approve or refuse applications to lop or fell trees protected by a Tree Preservation Order. To respond to notifications relating to the felling or pruning of trees in Conservation Areas.	Director of Regulatory Services /Planning Policy Manager/ Development Manager
Provision of sanitary conveniences at places of entertainment etc.	Local Government (Miscellaneous Provisions) Act 1976	Authority to appoint authorised officer	Director of Regulatory Services
		To act as Authorised Officers	All Environmental Health Officers/ Environmental Health Technicians
		To serve occasional or continuous notice	Director of Regulatory Services

Subject	Act	Functions Delegated	Officer
		To institute legal proceedings	Director of Regulatory Services in consultation with Director of Corporate and Customer Services
Public Health – Filthy and Verminous premises and articles	Public Health Act 1936 Sections 84 and 85	Authority to appoint a proper officer To exercise the powers under Sections 84 and 85 of the Act as amended by an enactment.	Chief Executive/Director of Corporate and Customer Services/ Director of Regulatory Services Director of Regulatory Services/ all Environmental Health Officers and Environmental Health Technicians
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	Anti-social Behaviour, Crime and Policing Act 2014	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
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

Subject	Act	Functions Delegated	Officer
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
		To suspend authority to grant authorisations if training not undertaken	Legal Services Manager

Subject	Act	Functions Delegated	Officer
		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
Non Domestic Rates	Local Government and Rating Act 1997 S1	Authority to grant the extended provisions of the rural rate relief regulations	Director of Resources
		Annual Review of the Rural Settlement List	Director of Resources
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
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

Subject	Act	Functions Delegated	Officer
	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 To serve Abatement Notices	Director of Regulatory Services/ All Environmental Health Officers/ Environmental Health Technicians Director of Regulatory Services/ All Environmental Health Officers
	Environmental Protection Act 1990 Part III	To authorise works in default, serve notices of intention to recover	Director of Regulatory Services
	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
	Environmental Protection Act 1990 S149	To approve an increase in kennelling fees where	Director of Community and Environmental Services

Subject	Act	Functions Delegated	Officer
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
Temporary Road Closures for Events on the Highway	Town Police Clauses Act 1847	To make Road Closure Orders	Licensing Manager/ Director of Regulatory Services

Subject	Act	Functions Delegated	Officer
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	Criminal Justice & Public Order Act 1994 S77, 78 &79	Serving of Notices ordering the removal of persons and vehicles from land.	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

LOCAL PLAN SUB-COMMITTEE

Terms of Reference

1. To undertake work on policies and proposals as part of the Local Plan Review and to prepare options for the Community and Environment to consider according to the following principles:
 - (i) To enable and strengthen flourishing communities within Derbyshire Dales.
 - (ii) To ensure that the housing need in the Local Plan arises from the geographic area it covers, and that the proposed number and type of new housing units reflects a careful consideration of the actual likely needs of local people.
 - (iii) To provide social and affordable housing where it is needed.
 - (iv) To accommodate the requirements of a revised Economic Plan.
 - (v) To ensure a continued improvement in the biodiversity and natural capital of Derbyshire Dales.
 - (vi) To ensure rapid progress towards net zero emissions in the Derbyshire Dales within the scope of the Local Plan.
 - (vii) To ensure the Derbyshire Dales character in its landscape and townscapes is protected.
 - (viii) To ensure the necessary infrastructures (grey, green and blue) and services are available for planned development.
 - (ix) To ensure that the Plan will enable all residents to understand how their communities will change during the period of the Plan.

2. The Local Plan Sub-Committee will comprise 10 members, with the support of such officers as required.

BIODIVERSITY SUB-COMMITTEE

Terms of Reference

1. To undertake work on policies and proposals in respect of biodiversity and meeting the public sector biodiversity duty and to prepare options for the Community and Environment to consider
2. The Biodiversity Sub-Committee will comprise 6 members, with the support of such officers as required

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 and “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:

¹ Issued under section 9FC of the Local Government Act 2000

- (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.
- 7.3 The Scrutiny Committee will comprise at least one Member and one substitute member from each Group, subject to political balance and seat entitlement requirements.
- 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

Terms of Reference:

1. 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.
2. To consider reports and recommendations of the Employee Group
3. To consider the findings of the biannual employee survey and resulting draft action plan
4. 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.
5. To report to the Governance and Resources Committee

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/ Senior Planning Officer

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/ Senior Planning Officer
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	To determine applications for non-material amendments (S. 96A) and/or additional details in respect of proposals previously granted planning permission. To lodge objections to the granting of Vehicle Operators' Licences. To remove or obliterate illegally displayed advertisement material. To issue Planning Contravention Notices. To withdraw Planning Contravention Notices. To issue Breach of Condition Notices. To issue Stop Notices. To withdraw Breach of Condition Notices. To withdraw Stop Notices.	Development Manager/ Director of Regulatory Services/Principal Planner

Subject	Act	Functions Delegated	Officer
		<p>To issue Enforcement 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.

5. Council Tax Discounts
 - Determination of Appeal against decisions of the Director of Resources made in accordance with the Council Tax Discounts Policy

6. Non-Domestic Rates Policy
 - Determination of Appeal against decisions of the Director of Resources made in accordance with the Council Tax Discounts Policy

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.

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 11 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.

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Part 4

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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 'Chair' refers to the Chair 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 Chair shall consider necessary for the satisfactory transaction of business.

3. THE ANNUAL MEETING

At its Annual Meeting, the Council will:

- Elect a Chair to preside at all future meetings of the Council
- Appoint a Vice-Chair to deputise in the Chair's absence
- Elect a Civic Chair of the Derbyshire Dales to act as the Council's civic and ceremonial representative
- Appoint a Deputy Civic Chair to deputise in the Civic Chair's absence
- Elect a Leader of the Council and Deputy Leader(s) 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 Chair and Vice-Chair 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
- 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.

3.4 **Election of Leader and Deputy Leader(s)**

At the Annual Meeting, the Chair will ask for nominations to the position of Leader of the Council for the ensuing municipal year. Once proposed and seconded, the Chair will call for votes on the nominees.

If two or more people are nominated 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.

The same process will be followed for election of a Deputy Leader(s) of the Council.

At the conclusion of this process, the Leader of the Council will address the Annual Meeting.

If the Council fails to elect the Leader at the relevant Annual Meeting, the Leader is to be elected at a subsequent meeting.

Where there is a vacancy in the office of Leader, a/the Deputy Leader will assume the responsibilities of the Leader until a new Leader is appointed at an ordinary meeting of the Council. Where both the Leader and Deputy Leader(s) cease to hold office at the same time, the Chair shall call a meeting of the Council as soon as possible, to appoint a new Leader and Deputy Leader(s).

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 Chair and Vice-Chair 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 Chair and Vice-Chair 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 Civic Chair of the Derbyshire Dales
- i. deal with any outstanding business from the last meeting of the Council
- j. receive and consider reports and recommendations of the Council's Committees (where recommendations are made by committees, the minutes of the relevant meeting detailing the recommendation(s) will be submitted along with the original report; the matter will be proposed and seconded and subject to the Rules of Debate before the Council votes on the recommendations from the Committee)

- k. receive questions asked by Councillors under paragraph 15.2
- l. Consider and debate propositions posed by Councillors under paragraph 16
- m. 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 Chair 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 Chair 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 Chair 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. **CHAIR OF THE COUNCIL**

The role of the Chair (or Vice-Chair 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 Chairs to account
- (iii) promote public involvement in the Council's activities
- (iv) be the conscience of the Council

11. CIVIC CHAIR OF THE DERBYSHIRE DALES

The role of the Civic Chair of the Derbyshire Dales:

- (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 Chair (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 Chair 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 Chair. 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 Chair'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 Chairs 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 Chair 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.

Scope of Questions

The Director of Corporate and Customer Services may reject a question if it:

- is not about a matter for which the Local Authority has a responsibility, or which affects the District; or
- is defamatory, frivolous or offensive; or
- is substantially the same as a question which has been put at a meeting of the Council in the past six months; or
- requires the disclosure of confidential or exempt information; or
- relates to an individual/group business or the questioner's own particular circumstances; or
- relates to a matter which is the subject of legal or enforcement proceedings or an appeal to a tribunal or to a Government Minister or an investigation by the Local Government and Social Care Ombudsman or Monitoring Officer; or
- relates to the personal circumstances or conduct of any officer and Councillor or conditions of service of employees; or
- relates to the activities and aims of a political party or organisation; or
- relates to individual planning applications.

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 Committee

- 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 will be posted on the District Council's web site and at the offices of the Town Hall, Matlock, five 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 Chair (in consultation) in advance of the meeting. Online 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 Chair'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 Chair 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 Chair 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 Chair 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-Chair 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 Chair/the Leader, or
- the Chair 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 Chair 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-Chair 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.

The Chair, having regard to the advice of the Director of Corporate and Customer Services may reject a motion if it:

- (a) is not about a matter for which the local authority has a responsibility, or which affects the district;
- (b) is defamatory, frivolous or offensive;
- (c) is substantially the same as a motion which has been put at the meeting or a meeting of the Council in the past six months. (This does not apply to motions moved in pursuance of a recommendation of a Committee or of officers or motions which have been withdrawn from a previous meeting);
- (d) requires the disclosure of confidential or exempt information;
- (e) would, if carried, commit the Council to a course or courses of action contrary to agreed processes or outside its authority to act; or

(f) relates to a planning or licensing application which has yet to be determined.

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 Chair 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 Chair may require that the proposal is put into writing and handed to the Chair before it is further discussed or put to the meeting.

18.2 **Secunder’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 Chair. If two or more Councillors wish to speak, the Chair shall call on one to speak, the other or others shall wait until duly called by the Chair. 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 Chair.

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 Chair.

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 Chair 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 Chair 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) On a point of Information*
- (g) 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*

The Chair may request the mover and seconder of the original motion to indicate whether they are prepared to accept the amendment through its incorporation into their motion. If they are willing to do so, the original motion shall stand altered accordingly, the amendment shall be deemed withdrawn and debate proceed on the original motion, as altered. If they are not willing to do so, consideration of the amendment shall proceed in accordance with the normal rules of debate

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 Chair 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, signified 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 Chair 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 Chair shall proceed as follows:

- (a) *If a proposal to proceed to the next business is seconded and the Chair 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 Chair 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 Chair 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 Chair on the matter will be final.

18.14 **Point of Information**

A point of information may only be made where a Member is aware that the Council has incorrect information before it on a material point. A Member may ask to raise a point of information at any time by standing and stating, "Point of Information", but shall be permitted to speak only at the Chair's discretion. The Member who raises the point of information must be able to cite evidence to support their statement. The point of information may be raised whilst another Member is speaking but only if that Member is willing to give way. The ruling of the Chair on the admissibility of a point of information shall be final.

18.15 **Personal Explanation**

A Member may make a personal explanation at any time. A personal explanation may only relate to some material part of an earlier speech by the Member which may appear to have been misunderstood in the present debate. The ruling of the Chair on the admissibility of a personal explanation will be final.

19. **VOTING**

The Chair 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 **Chair's casting vote**

If there are equal numbers of votes for and against, the Chair may exercise a second or casting vote. There will be no restriction on how the Chair 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 Chair 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 Chair 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 Chair 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 Chair 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 Chair.

22.3 **Councillor not to be heard further**

If a Councillor persistently disregards the ruling of the Chair by behaving improperly or offensively or deliberately obstructs business, the Chair 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 Chair 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 Chair may adjourn the meeting for as long as he/she thinks necessary. **An adjournment in these circumstances shall not require a motion to be passed.***

23. **DISTURBANCE BY THE PUBLIC**

23.1 **Removal of a member of the public**

If a member of the public interrupts proceedings, the Chair will warn the person concerned. If they continue to interrupt, the Chair 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.

26. RECORDING, FILMING, BROADCASTING AND REPORTING OF COUNCIL AND COMMITTEE MEETINGS

26.1 Public Rights

- (a) With the knowledge of all persons present at a meeting, the public have the right to record, film, broadcast and report meetings of the Council that are open to the public, which includes the use of digital and social media recording tools such as Twitter, blogging etc.
- (b) Members of the public are recommended to give prior notice to film or audio record meetings so that necessary arrangements can be made to reduce disruption and possible prohibition at the commencement of the meeting.
- (c) The Chair of the meeting will have absolute discretion to terminate or suspend any activity if, in their opinion, continuing to do so would prejudice proceedings at the meeting or cause disruption to officers, Councillors or other members of the public present.
- (d) While those attending Council and Committee meetings are deemed to have consented to the filming, recording or broadcasting of meetings, those exercising the rights to film, record and broadcast must respect the rights of other people attending under the Data Protection Act 1998.
- (e) Any person or organisation choosing to film, record or broadcast any meeting of the Council is responsible for any claims or other liability from them so doing.

26.2 Council

- (a) Where technology facilities allow, the Council will live-stream and/or video all formal Council meetings held in the Council Chamber. All recordings / video footage will be made available on the Council's website as soon as possible and within one week of each meeting. The recording and/or video of an item of business (or part of an item of business) which is considered in private in accordance with the Access to Information Rules contained within Part 4 of this Constitution will not be made publicly available.

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 Chair 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 chair 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 Chair of the Policy Committee, supported by the Service Director
 - (d) Questions to the Chair 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 Chair 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 Chair, the Vice Chair'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 Chair of the Scrutiny Committee, Vice Chair 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 1 March 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
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.	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	This will apply in relation to Local Determinations whether the original report came from an Ethical Standards Officer or from a Local Investigator.

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.



PART 6

MEMBERS' ALLOWANCES SCHEME FOR DERBYSHIRE DALES DISTRICT COUNCIL

Approved on 26 January 2023
Effective from 25 May 2023

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1. Introduction

- 1.1 The Derbyshire Dales District Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances) (England) Regulations 2003 hereby makes the following scheme:-
- 1.2 This scheme may be cited as the Derbyshire Dales District Council Members' Allowances Scheme and, except where otherwise mentioned, shall have effect from 25 May 2023, and thereafter for subsequent years commencing on 1 April until the scheme is revoked or amended.
- 1.3 In this scheme:
 - "Councillor" means an elected Member of the Derbyshire Dales District Council
 - "Year" means the twelve months ending with 31 March.

2. Basic Allowance

- 2.1 A basic allowance of £5,150 per annum shall be paid to each Councillor.
- 2.2 The basic allowance is deemed to cover incidental costs, such as personal use home landlines, mobile phones, broadband and IT consumables.
- 2.3 The basic allowance is indexed to the annual percentage salary increase for local government staff set at SCP 43 and is to be applied for the same year that applies to staff.

3. Special Responsibility Allowances

- 3.1 A special responsibility allowance shall be paid to those Councillors who hold the special responsibilities in relation to the Authority that are specified in schedule 1 to this scheme.
- 3.2 The amount of each such allowance per annum shall be the amount specified against that special responsibility in the schedule.
- 3.3 No Councillor shall be entitled to more than one special responsibility allowance.
- 3.4 Where there are two Main Opposition Groups of equal size, the special responsibility allowances for the Leader of the Main Opposition Group (£2,009) and Leader of the Other Opposition Group (£1,004) will be aggregated to £3,013 and divided by two and paid equally to each Main Opposition Group Leader.
- 3.5 Special Responsibility Allowances are indexed to the annual percentage salary increase for local government staff set at SCP 43 and is to be applied for the same year that applies to staff.

4. Civic Allowances

- 4.1 Whilst not covered by the Members Allowances Regulations, the annual civic allowance paid to the Civic Chair of the District is £3,250. The annual civic allowance for the Civic Vice-Chair of the District is £950.
- 4.2 The civic allowance is indexed to the annual percentage salary increase for local government staff set at SCP 43 and is to be applied for the same year that applies to staff.

5. Independent Person Remuneration

- 5.1 Whilst not covered by the Members' Allowances Regulations, the annual remuneration paid to the Independent Person(s) appointed to be consulted by the Monitoring Officer in respect of standards and ethical framework matters is set at £300.
- 5.2 The remuneration for the Independent Person(s) is indexed to the annual percentage salary increase for local government staff set at SCP 43 and is to be applied for the same year that applies to staff.

6. Dependants Carers' Allowance

- 6.1 A Councillor may claim, by way of dependants carers' allowance, expenditure actually and necessarily incurred as follows:
- (a) Childcare – the maximum hourly rate at National Living Wage (£10.42 from 1 April 2023)
 - (b) Elderly/disabled care – maximum hourly rate at the median hourly rate charged by Derbyshire County Council Social Services for a Home Care Assistant (?? From 1 April 2023)
- 6.2 This allowance is to be used in making arrangements for the care of his or her children or dependants whilst he or she is performing any of the duties listed at schedule 2.
- 6.3 Dependants carers' allowance may not be claimed in respect of care provided by a member of the Councillor's family.
- 6.4 The Councillor is to provide such written evidence of the expenditure.

7. Travelling Allowance

- 7.1 For Councillors travelling within and outside the District, regarding the performance of any of the duties listed at schedule 2, the following may be paid –
- 7.2 Public Transport

(a) The actual costs will be reimbursed. Rail travel must always be undertaken in the most cost effective way.

7.3 Mileage

(a) Mileage allowances are based on HMRC rates for the following modes of transport:

- Travel by cars and vans: £0.45 per mile
- Travel by motorcycle: £0.24 per mile
- Travel by bicycle: £0.20 per mile
- Passenger supplement rate: £0.05 per passenger (maximum of 4)

(b) The Passenger Supplement allowance should only be claimed for carrying fellow District Councillors to an approved duty who would also be eligible for claiming the mileage allowance if travelling in their own vehicle

(c) The mileage allowance for travel by cars and vans includes hybrid/electric vehicles for which the HMRC mileage rate of £0.45 per mile is applicable.

(d) The mileage allowance is indexed to the HMRC approval mileage rates for motor, hybrid and electric vehicles, motorcycles and bicycles.

8. Subsistence Allowance

8.1 Councillors may not claim subsistence allowances for attending approved duties within the area of Derbyshire Dales District Council.

8.2 Members shall be entitled to the following subsistence allowance as reimbursement of expenses whilst on Council business outside of the District:

Breakfast	£5.77
Lunch	£0
Evening meal	£9.78 (excluding alcoholic drinks)
Evening Meal in London & Conferences	£15.75
Overnight accommodation	£65 (£90 in London)

N.B. this is a locally agreed variation to national/ 'green book' terms on travel and subsistence. Expenses will be reimbursed at actual cost subject to the following approval limits.

8.3 Receipts shall be provided for all expenditure on subsistence.

8.4 The Subsistence Allowance is indexed to the same rates that apply to employees of the Derbyshire Dales District Council

9. Elections to Forego Allowance

- 9.1 A Councillor may by notice, in writing given to the Director of Corporate and Customer Services, elect to forego any part of his or her entitlement to an allowance under this scheme.

10. Part-year entitlements

- 10.1 Where the term of office of a Councillor begins or ends otherwise than at the beginning or end of a year, his or her entitlement shall be to payment of such part of the basic allowance as bears to the whole the same proportion as the number of days during which his or her term of office as Member subsists, bears to the number of days in that year.
- 10.2 Where a Councillor has for only part of the year, such special responsibilities as entitle him or her to a special responsibility allowance, his or her entitlement shall be to payment of such part of the special responsibility allowance as bears to the whole, the same proportion as the number of days during which he or she has such responsibilities, bears to the number of days in that year.

11. Indexation

- 11.1 In accordance with the Members' Allowances Regulations and the decision of the Council on 26 January 2023, the allowances in this scheme are indexed for a four-year period until 31 March 2027.

12. Claims and Payments

- 12.1 Payments shall be made by the Human Resources Manager as necessary.
- 12.2 However, where a payment of one-twelfth of the amount specified as above would result in the Councillor receiving more than the amount to which he or she is entitled because of the part year entitlement provisions contained within the scheme, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he or she is entitled.
- 12.3 Claims for Dependants Carers' Allowance and travelling and subsistence allowance must be submitted to the Democratic and Electoral Services Manager, not later than three months from the date on which entitlement to any such allowances arises.

James McLaughlin
Director of Corporate and Customer Services (Monitoring Officer)
May 2023

SCHEDULE 1

SUMMARY OF MEMBERS' ALLOWANCES PAYABLE IN 2023-24

REMUNERATED POSTS	Basic Allowance	Methodology	Nos. Paid	SRA per Post
All Members	£5,150	(91 days – 45% PSD) = 51 days X £103 p/day	34	-
Leader of Council	£5,150	2.6 X BA	1	£13,390
Deputy Leader Council	£5,150	45% X Leader's SRA	1	£6,026
Chairman of Planning	£5,150	40% X Leader's SRA	1	£5,356
Vice-Chairman of Planning	£5,150	30% X Chair's SRA	1	£1,607
Chairman of Community & Environment	£5,150	35% X Leader's SRA	1	£4,687
Vice Chairman of Community & Environment	£5,150	30% X Chair's SRA	1	£1,406
Chairman of Governance & Resources	£5,150	35% X Leader's SRA	1	£4,687
Vice-Chairman of Governance & Resources	£5,150	30% X Chair's SRA	1	£1,406
Chairman of Council	£5,150	35% X Leader's SRA	1	£4,687
Vice-Chairman of Council	£5,150	30% X Chair's SRA	1	£1,406
Chairman of Licensing & Appeals	£5,150	20% X Leader's SRA	1	£2,678
Vice-Chairman of Licensing & Appeals	£5,150	30% X Chair's SRA	1	£803
Chairman of Scrutiny	£5,150	20% X Leader's SRA	1	£2,678
Vice-Chairman of Scrutiny	£5,150	30% X Chair's SRA	1	£803
Main Opposition Group Leader	£5,150	15% X Leader's SRA	1	£2,009
Minority Opposition Group Leader	£5,150	50% X Main Opposition Group Leader's SRA	1	£1,004

LIST OF APPROVED DUTIES

These approved duties are in accordance with The Local Authorities (Members' Allowances) (England) Regulations 2003

1. For All Councillors and Co-opted Members of the Council.
 - (a) the attendance at a meeting of the authority or of any committee or sub-committee of the authority, or of any other body to which the authority makes appointments or nominations, or of any committee or sub-committee of such a body;
 - (b) the attendance at any other meeting, the holding of which is authorised by the authority, or a committee or sub-committee of the authority, or a joint committee of the authority and at least one other local authority within the meaning of section 270(1) of the Local Government Act 1972, or a sub-committee of such a joint committee, provided that—
 - i. where the authority is divided into two or more political groups it is a meeting to which members of at least two such groups have been invited; or
 - ii. if the authority is not so divided, it is a meeting to which at least two members of the authority have been invited;
 - (c) the attendance at a meeting of any association of authorities of which the authority is a member;
 - (d) the attendance at a meeting of the executive or a meeting of any of its committees, where the authority is operating executive arrangements;
 - (e) the performance of any duty in pursuance of any standing order made under section 135 of the Local Government Act 1972 requiring a member or members to be present while tender documents are opened;
 - (f) the performance of any duty in connection with the discharge of any function of the authority conferred by or under any enactment and empowering or requiring the authority to inspect or authorise the inspection of premises;
 - (g) the performance of any duty in connection with arrangements made by the authority for the attendance of pupils at any school approved for the purposes of section 342 of the Education Act 1996 (approval of non-maintained special schools)(1); and
 - (h) the carrying out of any other duty approved by the authority, or any duty of a class so approved, for the purpose of, or in connection with, the discharge of the functions of the authority or any of its committees or sub-committees.
 - (i) Attendance at a Member Workshop or Briefing held in-person at the Town Hall or other asset owned by the Council.
 - (j) Attendance at a Member Training Seminar or Session held in-person at the Town Hall or other asset owned by the Council.
 - (k) Attendance at Conferences/Courses specifically approved by the Council. These cannot include those organised by profit-making or political organisations.

- (l) Attendance at meetings/conferences of outside bodies to which a member has been specifically appointed by the Council.

NOTE

Attendance at Panels and meetings such as Dismissals, Grievances, tenders, visits, etc. are recognised as Council Sub-Committees.

Informal discussions, meetings or visits between Members or with Officers or with other organisations are not “approved duties” and claims should not be made. These discussions and meetings form part of the Member constituent duties.

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CODE OF CONDUCT FOR MEMBERS

Derbyshire Dales District Council's Code of Conduct for Elected Members (based on the Local Government Association Model)

Statement

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable, and all adopt the behaviours and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area, taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied, or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct, and safeguard the public's trust in local government.

Definition

For the purposes of this Code of Conduct, a "councillor" means a member or co-opted member of a local authority or a directly elected mayor. A "co-opted member" is defined in the Localism Act 2011 Section 27(4) as "a person who is not a member of the authority but who.

- (a) is a member of any committee or sub-committee of the authority; or
- (b) is a member of, and represents the authority on, any joint committee or joint subcommittee of the authority; and

who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your

specific obligations in relation to standards of conduct. The use of support, training and mediation prior to action being taken using the Code is encouraged. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General Principles of Councillor Conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors, and local authority officers; should uphold the Seven Principles of Public Life, also known as the Nolan Principles.

- I act with integrity and honesty,
- I act lawfully,
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

Principles:

1. **Selflessness:** Holders of public office should act solely in the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or friends.
2. **Integrity:** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
3. **Objectivity:** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals or rewards and benefits, holders of public office should make choices on merit.
4. **Accountability:** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
5. **Openness:** Holders of public office should be as open as possible about all the decisions and actions they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
6. **Honesty:** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interests.
7. **Leadership:** Holders of public office should promote and support these principles by leadership and example.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community,
- I do not improperly seek to confer an advantage, or disadvantage, on any person,

- I avoid conflicts of interest,
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with Derbyshire Dales District Council's requirements and in the public interest.

Obligations on Councillors

As a Member of Derbyshire Dales District Council, your conduct should, in particular, address the statutory principles in the Code by:

1. Championing the needs of residents, including the whole community and, in a special way, your constituents, including those who did not vote for you, and putting their interests first.
2. Dealing with representations or enquiries from residents, members of the community and visitors fairly, appropriately, and impartially.
3. Not allowing other pressures, including the financial interests of yourself or others connected to you, to deter you from pursuing constituents' case work, the interests of Derbyshire Dales District Council or the good governance of Derbyshire Dales District Council in a proper manner.
4. Exercising independent judgement and not compromising your position by placing yourself under obligations to outside individuals or organisations who might seek to influence the way you perform your duties as a Member of Derbyshire Dales District Council.
5. Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
6. Being accountable for your decisions and co-operating when scrutinised internally and externally, including by local residents.
7. Contributing to making Derbyshire Dales District Council's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding you and other Members to account but restricting access to information when the wider public interest or the law requires it.
8. Respecting the confidentiality of information which you receive as a member by:
 - (a) Not disclosing confidential information to third parties unless required by law to do so or where there is a clear and overriding public interest in doing so; and
 - (b) Not obstructing third parties' legal rights of access to information.
9. Behaving in accordance with all of Derbyshire Dales District Council's legal obligations, with particular regard to:

- (a) The Data Protection Act 2018.
 - (b) The Freedom of Information Act 2000.
 - (c) The Bribery Act 2010.
 - (d) The Equality Act 2010.
10. Having regard to the principles of Derbyshire Dales District Council's policies, protocols, and procedures, including those relating to the use of Derbyshire Dales District Council's resources (which must not be used improperly for political purposes including party political purposes).
 11. Valuing other Members and officers and engaging with them in an appropriate manner and in a manner which underpins the mutual respect between individuals that is essential to good local government and respecting and not bullying any person.
 12. Always treating people with respect, including the organisations and public you engage with and those you work alongside.
 13. Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within the Council.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor.
- your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor.

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements, and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct.

Standards of Councillor Conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat Council employees, employees and representatives of partner organisations and those volunteering for the Council with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions, and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider, or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with Derbyshire Dales District Council's Member and Officers' Relationship Protocol.

2. Bullying, Harassment and Discrimination

As a councillor:

2.1 I do not bully any person

2.2 I do not harass any person

2.3 I promote equalities and do not discriminate unlawfully against any person

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate, or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of Officers of the Council

As a councillor:

- 3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.**
- 3.2 I take advice as necessary from professional officers in reaching decisions and ensure that all relevant information is taken into account to reach an objective decision based on merit, which is lawful and reached as a result of following a transparent process.**

Officers work for Derbyshire Dales District Council as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must take professional advice, including legal advice into account when reaching your decision and you must not try and force officers to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity and the lawfulness of the decision or the process.

4. Confidentiality and Access to Information

As a councillor:

- 4.1 I do not disclose information:**

- (a) given to me in confidence by anyone,**
- (b) acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless;**
 - (i) I have received the consent of a person authorised to give it;**
 - (ii) I am required by law to do so;**
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
 - (iv) the disclosure is:**
 - 1) reasonable and in the public interest; and**
 - 2) made in good faith and in compliance with the reasonable requirements of the local authority; and**
 - 3) I have consulted the Monitoring Officer prior to its release.**

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer, or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents, and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your Derbyshire Dales District Council's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold Derbyshire Dales District Council and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of Position

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of Local Authority Resources and Facilities

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local authority or authorising their use by others:

- (a) act in accordance with the local authority's requirements; and**
- (b) ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor. Examples include:

- office support
- stationery
- equipment such as phones, tablets and computers
- transport
- access and use of local authority buildings and rooms

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and Derbyshire Dales District Council's policies regarding their use.

8. Complying with the Code of Conduct

As a councillor:

- 8.1 I undertake Code of Conduct training provided by my local authority.**
- 8.2 I cooperate with any Code of Conduct investigation and/or determination.**
- 8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.**
- 8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.**

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in Derbyshire Dales District Council or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your Reputation and the Reputation of the Local Authority

9. Interests

As a councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained. You should note that failure to register or disclose a disclosable pecuniary interest is a criminal offence under the Localism Act 2011.

10. Gifts and Hospitality

As a councillor:

10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence, or other significant advantage.

10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.

10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept within 28 days of the offer.

In order to protect your position and the reputation of Derbyshire Dales District Council, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

DISCLOSABLE PECUNIARY INTERESTS

In accordance with Section 30(3) of the Act a pecuniary interest is a “disclosable pecuniary interest” in relation to a Member, if it is of a description specified below and either

- is an interest of the Member, or
- is an interest of the members spouse or civil partner, as in -
 - a person with whom the member is living as husband and wife, or
 - a person with whom the Member is living as if they were civil partners, and the Member is aware that the other person has the interest.

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the member in carrying out duties as a member, or towards the election expenses of the member. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(a).
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority – (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licenses	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer
Corporate tenancies	Any tenancy where (to the Member’s knowledge) – (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest
Securities -	Any beneficial interest in securities of a body where: that body (to your knowledge) has a place of business or land in the area of the relevant authority; and either: the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

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Agenda Item 11

Council – 27 July 2023

CUSTOMER ACCESS STRATEGY 2023 - 2026

Report of Director of Corporate and Customer Services (Monitoring Officer)

Report Author and Contact Details

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Wards Affected

District-wide

Report Summary

This report proposes the adoption and approval of a Customer Access Strategy which will codify for the way in which the District Council will offer a high-quality customer experience to residents, businesses and visitors to the Derbyshire Dales.

Recommendations

1. That the Customer Access Strategy for the period 2023 to 2026 be approved.
2. That an annual report detailing progress made in implementing the Customer Access Strategy be submitted to the Governance and Resources Committee for each year of the strategy.

List of Appendices

Appendix 1 Customer Access Strategy

Background Papers

None

Consideration of report by Council or other committee

Not applicable

Council Approval Required

Yes

Exempt from Press or Public

No

Customer Access Strategy 2023 - 2026

1. Background

- 1.1 Over the last four years the Council, through the implementation of a Customer Relationship Management (CRM) system has made significant steps towards improving the outcomes experienced by our customers. The Council's commitment to providing a high-quality customer experience has meant it has introduced this new technology offering greater functionality and resilience, changed and updated processes to make things easier and quicker and invested in our employees to ensure they have the necessary skills and knowledge to maintain standards of service.
- 1.2 However, much has changed over the last three years, and it is appropriate for the Council to now introduce a new Customer Access Strategy to make sure that it reflects the both the current and future needs of our customers and the organisation.
- 1.3 The most significant changes have resulted from the impacts of Covid, effecting our businesses, communities, customers, visitors and our way of life. We have seen people changing the way they do things at a pace never experienced before and we have a responsibility to respond to these changes and meet the ongoing needs of our customers.
- 1.4 Never before have technology and digital channels been more important, we have more people than ever utilising digital channels in their everyday life from social media and online shopping to banking, accessing health and medical care and Council services. At the same time, we recognise that there are people who either choose or do not have the skills required in order to interact in the digital world and so we must remain committed to ensuring we provide easy access to our services for everyone.
- 1.5 In addition, the difficult financial position caused by ongoing reductions in central government grants and impacts of the pandemic creates its own challenges for the Council, as an organisation we must strive to look for new and efficient ways to do things so we can maintain the services our customers deserve.

2. Key Issues

- 2.1 Providing a high-quality customer experience is integral to the way that the Council delivers its services – the Council is after all a primarily service-based provider. The new Customer Access Strategy sets out how the Council intends to deliver its customer service offering over the next three years to meet the changing needs of our customers. Delivering a positive customer experience is the responsibility of every officer and stakeholder across the Council, with each interaction providing the opportunity to develop productive relationships with our customers. The Strategy outlines how we will adapt to the changing needs of our customers and reinforces our commitment to providing fair and open access to our services
- 2.2 The Strategy recognises the challenges the organisation faces particular around our finances, advances in technology, changing customer behaviours and needs. In considering these challenges and the part they

will play in shaping our organisation for the future the strategy reinforces our commitment to our customers and identifies three principles that will guide the delivery of the strategy:

- Channel shift – our aim is to be digital first as our customers increasingly want online interaction with the Council and this will also reduce service delivery costs through efficiency savings
- Listening and responding to our citizens and customers so we deliver excellent services
- No one left behind – ensuring everyone can access the services and information they need recognising that not everyone will be able to access digital services

2.3 The strategy objectives provide a focus on putting our customers at the heart of what we do, reducing digital exclusion, harnessing the opportunities of digital technology whilst involving the whole organisation. It also sets out actions that will drive the delivery of this strategy. The Strategy also considers how we will work with our partners, in ensuring that they are also able to signpost potential customers to the best and available means of contact for them. In line with the extremely low desire for face to face contact the strategy does not pursue other models of provision such as distributed contact centres or access points as they are not where the demand from our customers sit.

3. Options Considered and Recommended Proposal

3.1 The Council has the option of not adopting a Customer Access Strategy and continuing to operate without a strategic focus on the needs of customers. However, as one of the organisation's current corporate priorities is to provide a high-quality customer experience, this is not recommended.

3.2 The recommended approach is to adopt the Customer Access Strategy for the period from 2023 to 2026. In doing so, it is recommended that the implementation of the Customer Access Strategy is monitored annually by the Governance and Resources Committee.

4. Consultation

4.1 The development of the strategy has primarily been informed by customer feedback in recent years. As an organisation that wants to be responsive and reflect the needs of the communities it serves, this feedback has been helpful in shaping the standards that the proposed strategy outlines.

4.2 Consultation also took place with the Corporate Leadership Team and the Senior Management Team to understand the implications for services across the Council, as well as testing the standards that are outlined within the proposed strategy.

5. Timetable for Implementation

5.1 In the event that the Council adopts the proposed Customer Access Strategy it will take effect immediately and will be in operation for a three-year period. The Council should review and seek to adopt a refreshed Customer Access Strategy in 2026.

5.2 In implementing an agreed strategy it is anticipated that the following actions will be required in year 1:

- Continue development of online form offer to increase opportunities for customers to apply, pay or report to the Council
- Create a customer focus/feedback group to inform and update our Customer Charter and inform service process redesign
- Initiate work with town and parish councils to establish what services can be offered or sign-posted through local councils
- Continue Digital Transformation to ensure that more end-to-end customer facing processes and transactions are delivered

6. Policy Implications

6.1 The current Corporate Plan for the District Council describes 'Providing you with a high-quality customer experience' as one of the three corporate priorities for the organisation. The adoption of this Customer Access Strategy is aligned to this priority and should be seen as one of a number of key documents underpinning the authority's ambition to be a modern and efficient Council.

7. Financial and Resource Implications

7.1 There are no specific financial implications arising from this report. No additional financial provision is required to meet the aims of this strategy, which will be delivered within the existing and agreed budget. The financial risk associated with this report and the Customer Access Strategy is therefore assessed as low.

7.2 There are no specific resources implications arising from this report. Existing resources are already in place to meet the strategic aims. Any actions arising which have resource effects will be subject to separate decision-making process and reallocation within existing budget.

8. Legal Advice and Implications

8.1 The Localism Act 2011 gives councils a general power of competence by which they have power to do anything that individuals generally may do. The adoption of a Customer Access Strategy as described in this report is an exercise of those powers. Approval of the Customer Access Strategy is a function that is specifically reserved to Council in accordance with Part 3 of the Council's Constitution.

9. Equalities Implications

9.1 The Equality Act 2010 requires public authorities to have due regard to a number of equality considerations when exercising their function. This process may be informed by an equality analysis

9.2 Pursuant to section 149 of the Equality Act 2010 Derbyshire Dales District Council has a duty to have due regard in its decision making processes to the need to:

- (a) Eliminate discrimination, harassment, victimisation or other prohibited conduct.
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not.
- (c) Foster good relations between those who share a relevant characteristic and those that do not share it.

9.3 The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. The Public Section Equality Duty also applies to marriage and civil partnership but only in relation to (a) above.

9.4 As the Strategy is far reaching across the entire organisation, for all major existing and future customer access projects, service areas will be required to carry out an impact assessment to fully understand how various parts of our communities will be affected by the introduction of redesigned services. Greater emphasis will be placed on those projects looking to phase out and close traditional engagement methods, the implications of such changes and the measures to be put in place to support the vulnerable in our communities to continue to access services.

10. Climate Change Implications

10.1 There are no high level climate change implications associated with this report. However, an increase in the use of digital channels will reduce the amount of paper and postage and therefore could have a positive impact on reducing our carbon emissions.

11. Risk Management

11.1 Strategic risks are managed through an existing framework of the Corporate Risk Register, the Contract Standing Orders and the Financial Regulations and Public Procurement Law. Adoption of the Customer Access Strategy will help to reduce associated risks for the council, for example risks concerning customer service, data security, service transformation and partnership. working.

Report Authorisation

Approvals obtained from Statutory Officers:-

	Named Officer	Date
Chief Executive	Paul Wilson	17/07/2023
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	17/07/2023
Monitoring Officer (or Legal Services Manager)	James McLaughlin	18/07/2023

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CUSTOMER ACCESS STRATEGY

FOREWORD

In Derbyshire Dales we have redesigned what we stand for as a local authority, what our priorities are, along with our promise to you as residents of the Dales and our ambitions for the future. We are committed to being a modern, efficient Council which provides value for money and has the needs of you, our residents, at the centre of our decision making. Like all local authorities across the country, we are having to deliver against a reduced budget and an increase in demand for our services.

The District Council learned a lot during the COVID-19 pandemic about how we can better support citizens and customers to receive and engage with our services. This strategy sets out what we want to do to enable people to get the best out of the Council and will help ensure that everyone working for the Council:

- Understands their role and purpose and knows what is expected of them
- Has the right tools for the job
- Helps to create the right focus on the needs of citizens and customers of the Derbyshire Dales

Underpinning the strategy are three core principles:

- Channel shift – our aim is to be digital first as our customers increasingly want online interaction with the Council and this will also reduce service delivery costs through efficiency savings
- Listening and responding to our citizens and customers so we deliver excellent services
- No one left behind – ensuring everyone can access the services and information they need recognising that not everyone will be able to access digital services

This strategy contains a number of clear commitments to customers setting out maximum response times and our ambition to be a digital first Council providing excellent services to residents in a cost-effective way:

EXECUTIVE SUMMARY

The quality of service, behaviour, attitude, courtesy and more, by any Derbyshire Dales employee or contractor is how citizens and customers judge the whole Council. We aim to get it right every time and all of the time, but we're not perfect and mistakes will happen. When we make a mistake, we will own that mistake immediately, say sorry straight away and put it right as soon as possible.

This strategy aims to deliver the following three outcomes:

Deliver a great customer experience:

- By providing clear communication and information, helping people make informed decisions
- By providing and improving the quality, search capability and accessibility of the Council's website
- By setting and managing expectations and be open and transparent about what the Council does and its service standards
- By measuring the customer experience in a meaningful way to continuously improve services involving citizens and customers in the definition and improvement of new and existing services
- By providing citizens and customers with choices on how they access services, whilst promoting digital uptake gathering appropriate customer insight and then using it to inform service improvements

Build the skills and capabilities in the workforce

- Lead by example and be consistent in what is said and done promoting the values and behaviours we expect from each other
- Role model great customer service behaviours providing staff with the digital and customer service skills needed to deliver great service across the whole organisation
- Involve staff in decision-making, in the design and improvement of services by promoting a culture of collaboration
- Redevelop relevant policies helping staff to take decisions and work confidently

Implement modern systems for data-driven decision making:

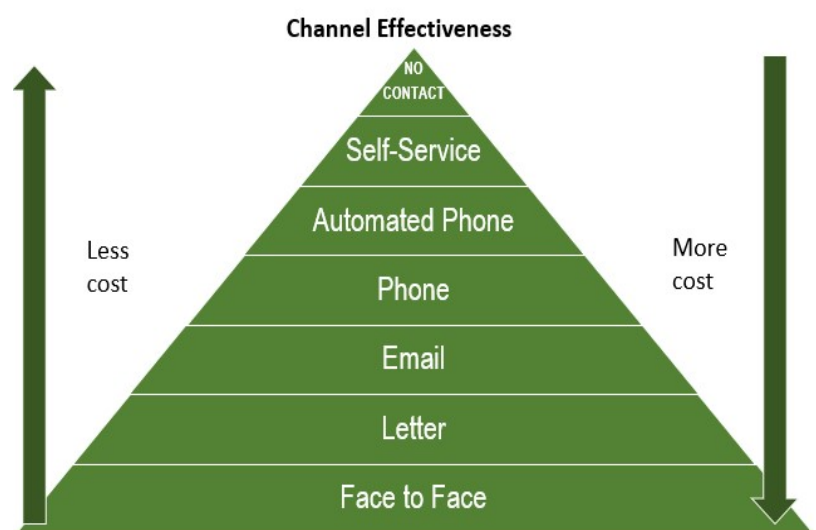
- Reduce the number of systems to simplify access to information
- Invest in the skills and capacity needed to integrate and perform analysis on data promoting the use of meaningful measures as part of the decision making process
- Enable data sharing through information sharing protocols with other organisations and publishing open data through a new website to better support communities and businesses
- A holistic view of the customer through the consolidation of systems and data

ORGANISATIONAL CONTEXT

Derbyshire Dales District Council's Corporate Plan 2020-24 describes our vision for the area. It sets out our priorities and the commitments that have been made to the citizens and customers of the Derbyshire Dales. The Corporate Plan is more than a set of promises, it is the action plan for the Council and shapes what every team and member of staff does and how we can work together as one Council to achieve our shared ambition. Our Corporate Plan priorities are:

- Providing you with a high-quality customer experience
- Keeping the Derbyshire Dales Clean, Green and Safe
- Supporting better homes and jobs for you

Like all local authorities, Derbyshire Dales District Council anticipates facing significant financial challenges in the coming years. Reductions in public spending driven by the Government over much of the last decade has made it more and more difficult for council to deliver services. For this reason, Derbyshire Dales has been very careful with its budgets and have treated every penny wisely, as if it were coming from our own pockets.



We have listened to what our citizens say is important to them and done all we can to protect frontline services while keeping council tax low. Ongoing budget pressures mean we know we will have to make difficult decisions. We will continue to manage budgets carefully to ensure that citizens get good value for money from their council.

Over the past three years we have strived to improve the way we work to meet the needs of our customers. We have implemented some key improvements to the way customers interact with us and we communicate with them:

- Achieved WCAG accessibility status for our website
- Implementation of new telephony system offering greater functionality and reliability
- Implementation of a Customer Relationship Management (CRM) system to bring online transactions and reporting into a single place through the Council's website
- Established a dedicated Customer Services Team

STRATEGIC OVERVIEW

Our Customer Access Strategy has been developed to simplify the way we provide services to the citizens of the Derbyshire Dales. This strategy is about responding to current and future needs; tailoring services to meet local needs; improving access to services by engagement with the community and empowering them to be fully involved in providing solutions.

Our services need to be valued by those that use them and also be responsive to the changing needs of our customers and to emerging technologies that enable services to be delivered in new ways that are:

- Easily accessible
- Simple to use
- Streamlined
- Convenient
- Cost effective
- Reliable

If we are to ensure future service delivery meets the citizens and customers' demands corporate approach to customer services is required to collectively revise the structures and approaches to deliver services.

Who are our Customers?

In order to provide the best service we need to understand the make-up of the communities within the Derbyshire Dales and different needs of those residents and businesses.

The Derbyshire Dales is a largely rural area and this is reflected in the proportion of residents living in rural settlements. According to the most recent Census in 2021, 80% of residents in the Derbyshire Dales live in rural settlements. 58% of the population is aged between 16 and 64, with 28% of residents being aged 65 and over. An important breakdown of residential data identifies that 15% of all properties in the district being occupied by lone pensioners. We also know that 3.2% of our residents are ethnic minorities, which is a small but significant proportion of the population in the district.

Our customers are not exclusively residents, but also our businesses that drive the local economy. These businesses are overwhelmingly micro in size (0-9 employees) with 4,135 being in that category and 395 being classified as small (10-49 employees) out of a total 4,585.

The Customer Vision

Our Customer Vision is to make it easy for everyone living, visiting or working in the Derbyshire Dales to access our services where and when they need them. We will deliver a quality experience for all our citizens and customers, regardless of when or how they make contact.

Our approach will be to influence the way our citizens and customers interact with us and help them to move to more efficient means of accessing services. We will focus on developing high quality digital services from beginning to end which will be easy to use and delivered in a timely manner. Self-service will enable access to increasing range of information and services available 24/7.

We do recognise that some of our citizens and customers who have varying needs and/or more complex needs will continue to require our face to face and phone channels. We will assist these customers in accessing our services and will strive to gradually build their confidence, trust and skills enabling them to ultimately use self-service.

We are also aware that some citizens and customers may reach a stage in their transactions with us where they need to have the reassurance of speaking to a member of staff and we will ensure that this option is easily available to them.

Delivering our Vision

Delivery of our corporate priorities in the coming four years within this Customer Access Strategy will require significant work across a range of work streams across the Council.

- We will develop digital platforms and tools that allow 24/7 access for customers and businesses
- We will use customer surveys to measure each customer access channel to identify areas for improvement
- We will encourage smarter working practices to avoid duplication of future work and contact to avoid customers visiting unnecessarily
- We will increase joined up working with back-office services and data sharing to improve our customer services processes.

In order to achieve the above we cannot escape the impact of significant budget cuts on Council services. This means we will have to continue to look at new ways of doing more with less, including charging for some services, working with new and different partners outside of the Council, such as the voluntary and community sector and parish councils, and delivering value for money.

Understanding and Empowering our Citizens and Customers

Ensuring we understand who our customers are or may be, how they interact with us, what our customers think of the services we offer and how we offer them.

- We will deliver reliable customer insight allowing us to understand the characteristics, needs and preferences of the groups of current and potential users.
- We will coordinate customer consultations, using a range of methods appropriate to their needs, integral to continually improving our service. Our strategies and opportunities for consulting will be regularly reviewed to

ensure that the methods used are effective and provide reliable and representative results.

- We will set challenging targets for customer satisfaction and judging our performance against them by asking specific questions relating to the key areas identified in this strategy.

OUR BEHAVIOURS AND CULTURE

- We will define behaviours for both customers and staff through the introduction of a Customer Charter
- Our staff will be polite, friendly and professional and understand customer needs by using customer insight, including the experience from customer-facing staff, to inform policy development and service improvement activity that supports the right of all citizens and customers to expect excellent levels of service
- We will use feedback to ensure all customers and customer groups are treated fairly and by protecting customers' privacy both in face-to-face discussions and in the transfer and storage of customer information.
- We recognise that specific qualities are needed for those providing public services on behalf of the Council and we will ensure that those staff that we recruit meet the responsibilities and duties required to deliver modern and effective services to our customers.
- We will offer better choices to meet customer needs and preferences across our services with clear lines of accountability.
- We will provide accurate and complete information about the range of services available, including how and when people can contact us, how are services are run and who is in charge.

OPPORTUNITIES

As a Local Authority, we sit in the middle of a web of information. The range and diversity of our services generates a huge quantity of data held about our customers and across a variety of back-office systems. Understanding our data is hugely beneficial in helping us to; make services more targeted and effective, allocate resources to where we can have the biggest impact; save officer time in front and back-office processes, as well as providing insight into the cause of and solutions to costly social problems. We must consider ways to utilise this untapped information source when redesigning and developing our processes to attain the outlined benefits.

As an organisation we must harness the opportunity that digital technology provides us. Technology is advancing at a significant pace, providing exciting opportunities to streamline the ways we work and enabling customers to self-service at a time and place that meets their needs. The adoption of new technology such as Zoom and online shopping over the course of the pandemic has shown how customers behaviours and attitudes can change significantly in a short space of time. Customers have become used to the benefits and flexibility that 24/7/365 online services provide them, meaning they can access the things they want at a time and place that suits their individual needs.

Artificial intelligence (AI) is increasingly entering people's homes and now provides a new channel to access services. With Voice Recognition technology becoming part of people everyday lives. Robotic Process Automation (RPA) provides additional opportunities to free up our employees from repetitive tasks to focus on customer value adding activities by routing and manage customer requests and transactional services, improving accuracy and reducing costs.

The council has also changed the way it works. Hybrid working is now the norm, and we have also adopted a new model of working. This means more of our staff will be working from other locations. Maintaining responsiveness in a more fluid environment will continue to be a priority for the Council. In doing this, we will want to work with town and parish councils, as well as Derbyshire County Council and other public service providers, to consider how we can target our customer offer in specific localities in the District where we know that people are not digitally enabled.

MEASURING OUR PERFORMANCE

We want our Key Performance Indicators to measure performance ensuring continuous development in key priority services is managed and reported. Below are the indicators which we will report against:

- the number of online transactions
- Percentage increase in the number of visitors to the Council's website
- Percentage increase in the number of online payments
- Percentage increase in the use of online forms
- Percentage of calls dealt with at first point of contact
- Reduction in calls as digital services are more embedded
- Number of complaints and compliments received

We will respond to Freedom of Information Requests (FOI) and Environmental Information Regulation requests (EIR) within 20 working days, as per statutory standards. We will also respond to General Data Protection Regulations requests (GDPR) within 30 calendar days.

Complaints

- We will acknowledge complaints on the same working day that it is received
- We will respond to stage one and stage two complaints within 10 working days

How do we know if we have got it right?

We want to ensure that citizens and customers are satisfied with their experience of our services and understand what they can expect from us.

- We will ensure that all customers are clear on what our services offer and the timescales in which we will respond

- Feel we are easy to contact and that all staff are knowledgeable, friendly and approachable
- Ensure that where possible enquiries are resolved at the first point of contact

CHANNEL SHIFT

Channel shift relates to customers moving from one method of contact, largely traditional, to another digital method and preferring to use it, not reverting back to previous behaviours.

We will develop access channels using customer feedback to identify customer contact preferences and to recognise that these preferences will change depending on the type of enquiry, interaction or transaction. Our aim is to be digital by default, which means increasing online availability that will reduce service delivery costs through efficiency savings. Many customers are used to accessing goods and services online in their daily lives and many businesses are only available online.

As further services become available online, take-up will increase in line with customer expectations and we have already made good progress in building our online, digital and customer access services. The next step is to expand the number of services online and maintain and enhance existing functions with channel shift progression.

A summary of the most expensive to the cheapest transactions are detailed below with explanation on how the Council will achieve cost savings and promote the channel shift objectives

Face to Face

These transactions are the most expensive therefore we will provide face to face services where is a specific need or a service is not available online or via the telephone. We will support our customers to use self service facilities.

Letter

- We will continue to reduce print and postage costs in line with ongoing work to improve back-office efficiency
- We will continue to develop and expand the use of text messaging from GOV.UK Notify to enable savings in print and postage for all services
- We will reduce the number of letters sent out as hardcopy and move to electronic solutions

Telephone

- We will continue to improve and streamline the use of the telephony system to route calls appropriate to the right service area or digital, automated information or customer services assistant

Emails

- We will continue to increase the use of online forms that are automatically routed directly to the relevant service area for action or response

Online web self-serve

- We will review and integrate customer journeys across the Council optimising use of our systems
- We will develop in-built customer feedback mechanisms and user testing
- We will implement the use of web chat in the Council, using it as a triage for customer contact. Increasing the availability of customers uploading their evidence online, including smart phones
- We will use internal electronic online forms that route directly to back-office services across the Council

CUSTOMER CHARTER

Derbyshire Dales District Council is committed to ensuring the district remains one of the best places to live in the country. Our customers are at the heart of everything we do and we welcome your feedback on how we can improve our services. Our Customer Charter sets out our promises to how we will deliver high quality service standards we will provide which enable us to meet your expectations.

Our Promises

We will:

- Provide you with high quality services when *you* need them and where *you* want them
- Ensure that we use plain language and have properly trained staff to answer your enquiries
- Be honest, approachable and polite, keeping your needs at the heart of everything we do
- Aim to answer your enquiry at the first point of contact
- Make sure that information we provide is accurate and up to date
- Deliver services in a way that offers good value for money for the community
- Treat all our customers equally

When you visit our offices we will provide:

- An accessible space which is open during published hours
- A reception area which is welcoming and friendly
- Trained staff who will aim to see you within 10 minutes (if you have to wait longer than we will explain why)

When you phone the Council we will:

- Aim to answer your call within 30 seconds
- Aim to answer your query at the first point of contact

If you write to or email us we will:

- Aim to respond to you within 48 hours by email and within 3 working days by letter
- Be clear and use plain English when responding to you

If we visit you, we will:

- Arrive at the agreed appointment time (unless we are running late and in which case we will contact you)
- Be helpful, polite and treat you with respect and dignity

Agenda Item 12



**OPEN REPORT
COUNCIL**

Council 27 July 2023

LAND AT BAKEWELL ROAD MATLOCK: OUTCOME OF TENDER PROCESS AND OPTIONS FOR FURTHER ASSESSMENT

Report of Director of Regeneration and Policy

Report Author and Contact Details

Giles Dann, Regeneration and Place Manager
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Wards Affected

Matlock East & Tansley and Matlock West and wards within the central area of the district

Report Summary

To receive an update on the outcome of the further Invitation to Tender and status of the project, and to consider options to be carried forward for further assessment.

Recommendations

1. That the update on the project be received and agreed.
2. That Members note the outcome of the second tender exercise which concluded without contractor appointment.
3. That the longlist of options considered for the project be noted.
4. That the refined options be noted and carried forward for further assessment with the support of external consultants with a report on the outcome to be brought back to Members for consideration at the earliest opportunity.

List of Appendices

Appendix 1 – Refined Options for Further Assessment July 2023

Background Papers

- Report to Council 26 July 2022: Land at Bakewell Road, Matlock: Update On Proposed Conversion Of Former Market Hall and Modifications to External Layout
- Report to Council 2 March 2023: Capital Programme 2022/23 to 2026/27 - Appendix E Supporting Information for UKSPF and REPF

Consideration of report by Council or other committee

N/A

Council Approval Required

Yes

Exempt from Press or Public

No

Land at Bakewell Road Matlock: Outcome of Tender Process and Options for Further Assessment

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 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 the meeting of the Community & Environment Committee held on 1 March 2022. The scheme received detailed planning consent on 8 February 2022. Further reports were considered by Members at 22 July 2022 Council and 2 March 2023 Council.
- 1.4 As a reminder, the District Council's (Landlord's) works include:
- Building shell:- comprising the creation of two individual commercial units:
 - a two-screen cinema
 - a food and beverage unit; and accessibility / flood resilience measures in support of the scheme.
 - Public realm:- comprising a phased programme of improvements on the north side of Bakewell Road including:
 - new bus and taxi waiting facilities;
 - enhanced surface treatment;
 - signage;
 - planting; and
 - improved pedestrian and cycle provision.
- 1.5 Based on the cost plan for the scheme prepared by external consultants, the following funding package was agreed in 2022:

TABLE 1: SHELL WORKS & PUBLIC REALM	
DDDC	£756,000
UKSPF	£460,000
DCC	£100,000
Total	£1.316m
<i>Figures rounded to nearest £ thousand</i>	

- 1.6 In addition, the District Council has committed expenditure towards design fees and a contribution to the cinema fit-out (to be delivered by the proposed cinema operator (Market Hall Tenant)) resulting in a total Capital Programme funding commitment (2020/21 to 2024/25) of £1.228m.
- 1.7 An Invitation To Tender (ITT) for the building shell and public realm works was published in November 2022. Three tenders were received. However, as Members will be aware, following a review of compliance, quality and price, an acceptable / affordable tender was not received.
- 1.8 Following review, the Project Management Group agreed that a value engineering exercise be undertaken of the existing scheme design with a view to reducing costs where possible whilst retaining the core elements of the scheme. Working with the scheme architect and QS, this work was completed, the tender documents and drawings revised and the ITT re-issued in February 2023.
- 1.9 In anticipation of the cost position remaining challenging, at 2 March Council, Members agreed to include further UK Shared Prosperity Fund capital of £273,000 within the Capital Programme to support delivery of the Bakewell Road scheme, along with a further provisional allocation of Rural England Prosperity Funding of up to £135,737 totalling £408,737 subject to the outcome of the tender process and review of final scheme proposals.

2. Key Issues

- 2.1 Since the last report to Members (to note Ward Members have been updated on progress during the intervening period) the further tender process has been completed. Two tenders were received in response to the re-issued ITT (both from round 1 contractors). Both tenders exceeded the 2022 cost plan / budget, and despite value engineering, both tender prices had increased. A significant variation in rates and price was also noted and potential financial resilience risks identified.
- 2.2 Tendered prices for the Shell and Public Realm works were as follows:

TABLE 2: OUTCOME OF 2023 TENDER EXERCISE	
Tender A	£1.474m*
Tender B	£2.001m
<i>*Pricing information incomplete</i>	

- 2.3 To note, the more competitively priced tender received was within the increased budget allocation agreed by Members in March 2023 but the second tender was above the increased budget.
- 2.4 Following evaluation, unfortunately an acceptable / affordable tender has again not been received and the second tender exercise has concluded without a contractor appointment, illustrating the significant challenge of delivering the proposed scheme within the current volatile construction market, impacted by high cost inflation.

- 2.5 Whilst highly disappointing for all parties concerned, the proposed cinema operator remains committed to working together with the Council to pursue a scheme for Matlock. Derbyshire County Council have also been made aware of the position and discussions have informed potential options.
- 2.6 In consultation with the Project Management Group, an initial longlist of options was prepared by officers. Following meetings with Ward Members on 11 May and 9 June, and with Leaders and the Chair of C&E on 19 June, a refined list of options recommended for carrying forward for further assessment are set out in the following section of the report.

3. Options Considered and Recommended Proposal

3.1 The longlist of options considered was based on those set out in the Full Business Case for the project excluding those involving other land / a wider scheme previously discounted on deliverability and affordability grounds. Based on affordability and deliverability considerations, the provision of community space was also excluded (as agreed for the second tender exercise).

3.2 Longlist options included:

- Do nothing – withdraw scheme
- Re-tender existing scheme (inc. full public realm) at later date
- Deliver cinema and F&B unit with reduced public realm
- Deliver cinema only as first phase
- Construct cinema as proposed but basic F&B shell only with full public realm scheme
- Construct cinema as proposed but basic F&B shell only with reduced public realm
- Deliver public realm only (in full or wider scheme) as a first phase

3.3 Following feedback from Ward Members, Leaders and the Chair of C&E, a refined list of options for the Landlord's works is set out below. This includes four development options plus sub-options for public realm works. The list is summarised in **Table 3** and set out in full in **Appendix 1**. Alongside an initial assessment, consideration has also been given to funding options, delivery options and procurement options for each:

TABLE 3: REFINED OPTIONS - LANDLORD'S WORKS	
Option	Description
Option 1. Do nothing (also the Reference case against which other options are tested)	Do not deliver any refurbishment of the former market hall or enhanced public realm. Building remains empty for foreseeable future and continues to adversely impact on the local area
Option 2. Retain existing scheme and re-tender at later date	Re-tender Cinema and F&B unit with full public realm scheme (inc. new public transport arrangements) when more favourable market conditions

Option 3. Deliver first phase only i.e. cinema	Cinema only with no F&B / retail property developed with limited improvements to immediate surrounds / bus station area
Option 4. Construct cinema as proposed but basic F&B shell / floor slab and services only	Future tenant to complete F&B unit as part of fit-out

3.4 Members attention is drawn to the initial assessment of options (Appendix 1), in particular comments regarding the deliverability, acceptability and affordability of different options.

3.5 It is recommended that the refined options be carried forward for further assessment with the support of external consultants with a report on the outcome to be brought back to Members for consideration at the earliest opportunity.

3.6 To understand the potential implications of each option it is proposed to consider the following:

- Costs and Funding – to note on the advice of the project QS this would be based on the higher of the two recent tenders with inflation estimates and plus and minus cost sensitivity built in (10% to 30%)
- Commercial – with and without the F&B unit
- Economic/Financial – benefits, viability and VfM for development options.

3.7 A further important consideration is to review the public subsidy position. An updated subsidy assessment will need to be undertaken on final scheme proposals.

4. Consultation

4.1 Ward Members, Leaders and the Chair of C&E Committee have been consulted on the longlist of options for the scheme.

4.2 Discussions have also been held with the proposed cinema operator and Derbyshire County Council regarding the current position.

4.3 The Matlock Community Vision Steering Group have been informed of the status of the project.

5. Timetable for Implementation

5.1 The aim is to complete the assessment of refined options to enable a further report to C&E Committee on 7 September 2023.

6. Policy Implications

- 6.1 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 is a priority action in the 2020-2024 Corporate Plan and COVID-19 Economic Recovery Plan.
- 6.2 The purpose of the scheme remains to: *support the economic regeneration of Matlock town centre by bringing underutilised land back into economic use in order to diversify the town's offer, increase footfall and boost the visitor and evening economies*. This approach sits squarely within the Council's place-shaping role.

7. Financial and Resource Implications

- 7.1 The table below shows capital expenditure already spent on the related capital projects up to 2022/23 and the proposed budgets included in the updated capital programme that is recommended elsewhere on the agenda for this meeting.

Project Ref.	Project Title	Actual Spend 2020/21	Actual Spend 2021/22	Actual Spend 2022/23	Budget 2023/24	Budget 2024/25	Total
		£	£	£	£	£	£
625	Bakewell Road Development	2,080	31,786	51,251	1,143,343	0	1,228,460
674	Matlock Town Centre Public Realm	0	0	17,485	117,515	325,000	460,000
678	Matlock Town Centre To support Bakewell Road	0	0	0	69,000	204,000	273,000
679	Town Centre Sustainable Communities Programme	0	0	0	33,333	102,404	135,737
	Total Capital Programme	2,080	31,786	68,736	1,363,191	631,404	2,097,197
	Financed By						
	Grants	0	0	17,485	219,848	631,404	868,737
	Capital Programme Reserve	2,080	31,786	51,251	152,833	0	237,950
	Capital Receipts Reserve	0	0	0	178,529	0	178,529
	Economic Development Reserve	0	0	0	48,000	0	48,000
	Corporate Plan Priority Reserve	0	0	0	201,471	0	201,471
	Investment Reserve	0	0	0	562,510	0	562,510
	Total Financing	2,080	31,786	68,736	1,363,191	631,404	2,097,197

- 7.2 The outcome of the tender process has been covered in Section 2 of the report. An acceptable tender has not been received and the tendered costs of the scheme should be noted.
- 7.3 The Project Management Group previously agreed that officers should procure consultants to support the review of the economic and commercial case for the project and to provide further advice on subsidy control. This expenditure, totalling £6,815, is therefore committed. Including an initial assessment of the refined options (before assessing the preferred option in more detail), the cost of the consultancy work in total is estimated at c£8,000. The cost of this additional work is to be met from the Economic Development revenue budget. It is proposed to update Members on the total fees incurred on the project at the September meeting of C&E Committee ahead of future work. To note, as set out in Appendix 1, Options 3 and 4 will incur additional design team fees and Option 3 may require a new planning application.
- 7.3 In addition to updating on the project, as the purpose of this report is to agree the refined options to be carried forward for further assessment the financial risk of this report's recommendations is assessed as low. The financial implications of different options will be subject to separate consideration. With regard to resource implications, the options assessment requires the support of external consultants, the costs of which are set out above.
- 7.4 Subject to Members' approval of the options to be carried forward for further assessment, the financial implications of each option will need to be identified. The construction market remains challenging with costs impacted by high inflation. As indicated in Section 3, the project QS has advised costs are based on the higher of the recent tenders received which exceed the current budget. Given the status of the project, the ability to retain funding allocated within Derbyshire County Council's Capital Programme and the UKSPF Programme (C&E report of 13 July 2023 refers) will also be key considerations.

8. Legal Advice and Implications

- 8.1 Based on the purpose of this report i.e. to agree options for further assessment, the legal risk is considered to be low.
- 8.2 Regarding the project more generally, as previously reported to Members, Heads of Terms for the Agreement for Lease have been agreed with the proposed cinema operator. The Agreement for Lease and Licence for Works have since been issued to the operator in draft form. The Deeds of Variation to the head lease and underlease have also been issued to London Metric's solicitors. Responses are being pursued.
- 8.3 As indicated above an updated subsidy assessment will need to be undertaken on final scheme proposals.

9. Equalities Implications

- 9.1 An Equality Impact Assessment (EIA) has previously been prepared for the scheme and was considered at the Council meeting of 26 July 2022. A further equalities assessment may be required on final scheme proposals to assess the implications of any significant changes to the project.

10. Climate Change Implications

- 10.1 Regarding the scheme as a whole, the climate change impacts have been considered in detail through the planning application and completion of the Climate Change SPD checklist. A further climate change assessment may be required on final scheme proposals to assess the implications of any significant changes to the project.
- 10.2 Considering the nature of this report and recommended action, the climate change implications are considered minimal. The substantive work of the consultants will be desk-based and required meetings held virtually.

11. Risk Management

- 11.1 The risks associated with completing the further options assessment are considered limited. It is anticipated that the work can be completed in the proposed timescales and managed within available resources. However, wider risks including further delay and delivering the project in the current financial climate, impact of a reduced scheme on the original business case and retaining interest from the proposed cinema operator remain.

Report Authorisation

Approvals obtained from:-

	Named Officer	Date
Chief Executive	Paul Wilson	19 th July 2023
Director of Resources/ S.151 Officer	Karen Henriksen	18 July 2023
Monitoring Officer (or Legal Services Manager)	James McLaughlin	19/07/2023

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Appendix 1 – Refined Options for Further Assessment July 2023

DEVELOPMENT OPTIONS	PUBLIC REALM OPTIONS	Strategic Fit	Deliverability	Acceptability	Affordability	FUNDING OPTIONS	DELIVERY OPTIONS	PROCUREMENT OPTIONS
OPTION 1. DO NOTHING – withdraw project (Reference Case against which other options are tested)	N/A	<i>Low</i> Does not deliver agreed Council objectives / priorities	N/A	<i>Low</i> No regenerative benefits. Does not respond to economic need Site remains vacant. Floorspace not brought back into economic use Alternative uses for site to be identified	<i>High</i> Initial cost saving but potential implications associated with ongoing maintenance of asset	/	/	/
OPTION 2. RETAIN EXISTING SCHEME I.E. CINEMA AND F&B UNIT SHELL WITH FULL PUBLIC REALM SCHEME (PHASES 1-3 INC. NEW PUBLIC TRANSPORT ARRANGEMENTS) AND RE-TENDER AT LATER DATE – retain scheme as designed with minor modifications / re-tender when better market conditions	Phase 1 and 2 only (immediate surrounds and new public transport arrangements) All 3 phases (immediate surrounds, new public transport arrangements and section from cinema entrance to Crown Square)	<i>High</i> Council objectives delivered in medium term	<i>Medium</i> Cost uncertainty likely to continue Proposed cinema operator willing to continue working with Council on scheme for next 6-12 months Significant delay would put UKSPF spend at risk Reputational impact with uncertainty over scheme	<i>Medium</i> Site remains vacant in short to medium term No regenerative benefits in short to medium term	<i>Medium/Low</i> Costs dependent on future construction market Significant delay would put UKSPF spend at risk Costs of future scheme TBD subject to further procurement exercise	Review scheme against existing budget Seek increased investment from cinema operator Pursue additional external funding opportunities <u>REVIEW SUBSIDY COMPLIANCE</u>	Re-tender full scheme when economic conditions improve Tender shell and public realm works separately <i>Cinema operator to build shell in addition to fit-out - previously discounted due to higher risks</i>	Re-tender as a single project or two+ projects either concurrently or at separate times Procure from a framework as single project or two+ projects either concurrently or at separate times
OPTION 3. DELIVER FIRST PHASE ONLY I.E. CINEMA – de-scope project, revise scheme design, re-submit for planning	Limited improvements to existing bus bay area only e.g. lighting, seating, CCTV, information Limited improvements to existing bus bay area <u>plus</u> part of Phase 1	<i>Medium</i> Supports some Council objectives but opportunity to deliver complementary use and enhanced entrance to town centre lost, part vacant bus station area remains Transformational impact reduced by	<i>Medium</i> Re-design and revised spec required Requirement for a new planning application to be determined Pathway to delivery of F&B / enhanced public realm unclear	<i>Medium/Low</i> Would help increase footfall but no future revenue associated with F&B unit Limited public realm improvements Complementary F&B use would benefit cinema operator and visa versa	<i>Medium</i> Additional fees but reduced construction costs Phasing would increase cost of overall scheme if delivered in longer term (economies of scale lost) Limited cost saving overall (QS)	Review scheme against existing budget Pursue additional external funding opportunities - F&B and full public realm would require additional funding <u>if to be</u>	Re-tender scheme following re-design Tender shell and public realm works separately <i>Cinema operator to build shell in addition to fit-out - previously discounted due to higher risks</i>	Re tender following re-design as single project or two+ projects either concurrently or at separate times Procure from a framework as single project or

Appendix 1 – Refined Options for Further Assessment July 2023

	(immediate surrounds) Limited improvements to existing bus bay area, part of Phase 1 <u>plus</u> Phase 3 section from cinema entrance to Crown Square	loss of amenity / public realm		Reduced UKSPF funded scheme impacting on UKSPF spend and outputs	Impact on UKSPF spend	<u>delivered at later date</u> <u>REVIEW SUBSIDY COMPLIANCE</u>		two+ projects either concurrently or at separate times following re-design
OPTION 4. CONSTRUCT CINEMA SHELL AS PROPOSED BUT BASIC F&B SHELL / FLOOR SLAB / SERVICES ONLY – future tenant to complete F&B unit as part of fit-out inc. doors and windows	Phase 1 and 2 only (immediate surrounds and new public transport arrangements) All 3 phases (immediate surrounds and new public transport arrangements plus section from cinema entrance to Crown Square)	<i>Medium/High</i> Council objectives delivered in part	<i>Medium</i> Dependent on securing tenant willing to undertake necessary works Potential impact on marketability of F&B unit - investment in this element may not generate benefits	<i>Medium/Low</i> Risk of extended void period Hoarding at entrance to high street during letting period	<i>Medium</i> Would reduce funding requirement but need to confirm whether saving adequate to enable delivery within existing allocation	Review scheme against existing budget <u>REVIEW SUBSIDY COMPLIANCE</u>	Re-tender scheme when economic conditions improve Tender shell and public realm works separately <i>Cinema operator to build shell in addition to fit-out - previously discounted due to higher risks</i>	Re tender as single project or two+ projects either concurrently or at separate times Procure from a framework as single project or two+ projects either concurrently or at separate times

Agenda Item 13



**OPEN REPORT
COUNCIL**

Council – 27 July 2023

ASHBOURNE REBORN GOVERNANCE AND DELIVERY

Report of the Director of Regeneration and Policy

Report Author and Contact Details

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Wards Affected

Ashbourne North and South

Report Summary

The report summarises activity and progress related to the *Ashbourne Reborn* Levelling Up Fund (LUF) award by Government in January 2023, highlights key programme risks and sets out proposals for an updated governance structure.

Recommendations

1. That activity and progress to date be received and agreed.
2. That the proposed governance structure and Terms of Reference for the Programme Board are received and approved.
3. That Council nominates Members to represent Derbyshire Dales District Council on the Programme Board, including the proposed Chair of the Board, and proposes that equivalent processes are undertaken by relevant partners to enable representation on the Board to be finalised.
4. That delivery partner Project Boards' Terms of Reference are in accordance with paragraphs 2.5 to 2.8 of this report and that they are submitted to the proposed Programme Board for approval.
5. That the highlighted risks and associated mitigation measures are received and noted.

List of Appendices

Appendix 1 Activity to date

Appendix 2 Proposed Governance Structure

Appendix 3 Ashbourne Reborn Programme Board Draft Terms of Reference

Appendix 4 Strategic Risk Register (top ten risks)

Background Papers

Community and Environment Committee reports:

- 1 November 2022
- 29 June 2022
- 6 April 2022
- 23 February 2022

Consideration of report by Council or other committee

No

Council Approval Required

Yes

Exempt from Press or Public

No

ASHBOURNE REBORN GOVERNANCE AND DELIVERY

1. Background

1.1 Ashbourne Reborn is a £15.22m programme aimed at transforming Ashbourne town centre through significant improvements to highways and public realm and the development of the Link Community Hub. The programme is principally funded by the UK Government through the *Levelling Up Fund*. The initial *Levelling Up Fund* capital grant award in January 2023 was £13,373,509. A further grant of £70,000 was awarded in July 2023 to provide revenue capacity support.

1.2 As a reminder, the programme comprises the following projects:

Project 1: Public Realm & Highways Improvements - £8.804m

This project will deliver a series of transformed public spaces including the Market Place, Victoria Square, Millennium Square and Shrovetide Walk. Connections between these spaces will also be improved. Highways improvements will be undertaken along Compton, Dig Street and St John Street to create a better pedestrian experience, reducing the impact of vehicles and improving safety.

This project is led by Derbyshire County Council.

Project 2: Link Community Hub - £6.418m

The project aims to transform the Methodist Church into a multi-purpose community space, enhancing the town centre offer, and providing a venue that will help drive greater footfall.

This project is led by Ashbourne Methodist Church.

1.3 Derbyshire Dales District Council is the Accountable Body for Ashbourne Reborn. This means that, although projects are being delivered by other delivery partners the Council has full and sole responsibility for, inter alia:

- all financial matters (including but not limited to managing the programme budget, paying delivery partners and claiming funding from the Government to cover such payments)
- all procurement matters (including but not limited to appointment, contracts and purchases made by delivery partners)
- ensuring outputs and outcomes are achieved on time and to budget
- other compliance matters (including but not limited to equalities duties and subsidy control)
- discharging this accountability by monitoring, assuring, reporting and auditing to the Government's satisfaction.

1.4 Ashbourne Reborn has been the subject of public reports and resolutions at the Community and Environment Committee on 1 November 2022, 29 June 2022, 6 April 2022, and 23 February 2022. Approval of the *Levelling Up*

Fund grant was also referenced in the Corporate Plan and Capital Programme reports to Council on 2 March 2023. The *Levelling Up Fund* remains a Government policy.

2. Key Issues

- 2.1 Appendix 1 reflects key activity to date towards delivery of the Ashbourne Reborn Programme.
- 2.2 Imminent milestones include:
- Grant Funding Agreements finalised with Ashbourne Methodist Church (AMC) and then Derbyshire County Council (DCC)
 - Procurement Strategy finalised
 - Outcome of branding competition with QEGS students
 - Further stakeholder and public engagement, particularly to inform highways and public realm design
 - Progression of Public Realm and Highways design to support planning applications and further inform project costs.
 - Dedicated e-newsletter.
- 2.3 The proposed revised governance structure, provided in Appendix 2 and supported by the proposed Terms of Reference in Appendix 3, reflects recent requests for direct Member involvement in Ashbourne Reborn governance and decision making. It is proposed that the membership of the Programme Board is extended to enable this, chaired by a District Councillor to reflect the status as the Accountable Body. Decisions or recommendations that have implications for the Accountable Body will be escalated to Community and Environment Committee for appropriate consideration.
- 2.4 To enable appropriate representation through transparent processes, it is recommended that the Council nominates Members to the Programme Board and a proposed Chair, and that equivalent processes are undertaken by relevant partners. Resultant records will support evidence of good practice to provide to the Department for Levelling Up Housing and Communities (DLUHC), should it be required as part of a deep dive review.
- 2.5 Whilst revising the Governance structure to include Member representation, the District Council is clear that **each project board will retain autonomy to make decisions to deliver their respective projects within the approved scope, timescales, budget and project deliverables** (including but not limited to outputs and outcomes within the approved LUF bid). This will enable project boards, comprising the requisite knowledge and delivery experience, to get on with delivering projects without recourse to the Programme Board for delivery / operational decisions.
- 2.6 Terms of Reference for delivery partner led Project Boards will be required to reflect and complement those of the strategic Programme Board. It is recommended that delivery partner Project Boards' Terms of Reference are

submitted to the proposed Programme Board for approval. **Clear delegations and tolerances for each project will be set in order that each project board can make project decisions within those limits whilst referring matters outside those limits to the strategic Programme Board.** Those limits will be set by the Programme Board informed by the view of each project board. For example:

- Project Board decision: a change to the project design (for example in response to local feedback) which doesn't impact the approved project deliverables, outputs or outcomes
- Programme Board decision: the potential de-scoping of a project element (for example to meet the available budget) which would result in a reduction to the project deliverables including but not limited to outputs and outcomes of the programme agreed with DLUHC.

2.7 The governing principle should be that matters which could have a significant impact on the programme potentially resulting in a change to the approved bid / Memorandum of Understanding between the District Council and DLUHC in terms of deliverables, timescales, cost, outputs / outcomes and risk should be matters for decision by the strategic Programme Board.

2.8 Project Board Terms of Reference must include (but not be limited to) the following:

- Purpose and remit, with reference to the interaction with the strategic Programme Board and internal officer group
- Membership including the role of stakeholders
- Meeting cycles, quoracy, decision making, records of decisions and declarations of interest
- Reporting, including Government requirements (such as risk management, project milestones, funding profile and progress against outputs and outcomes) and ensuring appropriate communication and escalation within the programme structures and back to the respective delivery partner organisations
- Contract management and the role of appointed contractors
- The project deliverables as defined by the Accountable Body with reference to the approved Bid
- A requirement to deliver projects on time, within budget, and according to the approved scope
- How the Project Board will review its role and terms of reference

2.9 Notwithstanding the significant work progressed 'at risk' prior to announcement of the LUF award, the scale of the programme, timescale for implementation, cost challenges and breadth of partners involved has inevitably resulted in initial delivery challenges.

2.10 Mobilising the programme has required: additional resourcing within the Regeneration and Policy service and external consultancy support; input from teams across the District Council (Finance, Audit, Legal, Committee section, Communications, Estates, Parking); preparation of detailed funding agreements with Delivery Partners for each project; the procurement by Delivery Partners of external consultants to provide project management services and develop project designs; and agreement of fees for these services (within the available LUF budget) alongside programme management fees. Whilst the detail involved and negotiations required impacted the start of the design stage of the programme, design work is now well underway.

2.11 Current risks reflect:

- Early cost challenges, consistent with the national picture. Proposed mitigation at this stage includes working with delivery partners to reduce fee expenditure (where possible), early contractor engagement and value engineering
- Stakeholder expectations. Proposed mitigation at this stage includes early stakeholder engagement and regular communications, expectation management and quality control.
- Outstanding funding agreements. The grant funding agreement with Ashbourne Methodist Church is being finalised for signing following agreement of all key components. The agreement with Derbyshire County Council is progressing but at an earlier stage. Key areas to conclude include finalising the project change control process, should it be required. Mitigation includes ongoing collaboration, an agreed schedule of meetings to finalise agreements, and letters of intent in place to allow initial work at risk.
- Programme and Resources. Delivery timeframes are challenging and the programme is resource-intensive at all levels. Mitigation includes additional resource to support programme management for the Council, with further planned recruitment of a Claims and Monitoring Officer to support LUF and UKSPF, as reported to Community and Environment Committee on 13 July. Ongoing consideration of resources is required, including any related challenges facing delivery partners. Recognising the delayed announcement of successful Round 2 LUF bids, officers have held positive discussions with Government officials regarding the extension of the programme into Q2 of 2025/26. Following submission of the next monitoring report, due on 28 July, officers will seek to formalise this.

More detailed information about risks and proposed mitigation is provided in the synopsis of top ten risks from the strategic risk register, included in Appendix 4.

3. Options Considered and Recommended Proposal

- 3.1 Any changes to Governance arrangements for Ashbourne Reborn must be agreed and implemented as quickly as possible to ensure decision making mechanisms remain effective and responsive. The key principles remain:
- (1) Accountable Body primacy owing to the responsibilities that sit with the Council
 - (2) operational decision making generally to rest with project delivery boards who must be empowered to progress swiftly and efficiently.
- 3.2 Options have been explored to enable appropriate Member involvement and involvement in overseeing delivery from across the partnership. These have included a Steering Group approach, for which there are precedents from other local authority led projects. However, an amendment to the Terms of Reference of the Programme Board is proposed as an effective solution to enable active and regular Member involvement alongside appropriate community partners and stakeholders.
- 3.3 Options to create central Terms of Reference for Project Boards have been considered. However, it is essential for delivery partners to have appropriate levels of decision making, governance and accountability for their projects and project specific Terms of Reference will support these requirements, following approval by the proposed strategic Programme Board.

4. Consultation

- 4.1 Ashbourne Reborn benefits from a Communications and Engagement Plan, building on the excellent consultation which already characterises Ashbourne Reborn. A Communications Group involving key project partners also convenes approximately every six weeks to support regular and responsive communications and the delivery of the stakeholder engagement plan.
- 4.2 With regard to the Public Realm and Highways design, public engagement events are planned for 26 and 29 July at Ashbourne Methodist Church.

5. Timetable for Implementation

- 5.1 Specific milestones are set out in section 2, but in overall terms the project plan sets out that detailed scheme designs are anticipated to be completed by the end of 2023, with contractor procurement by Spring 2024 and construction on the ground taking place in 2024 and early 2025.

6. Policy Implications

- 6.1 Ashbourne Reborn is one of the Council's Corporate Plan priorities within the 'prosperity' theme. The LUF proposals are closely linked to the Council's Economic Recovery Plan and Economic Plan. They support the Corporate Plan priority of 'Prosperity'. In particular, the proposals directly contribute

to the corporate target area: *Promote investment to stimulate the economy of our market towns.*

7. Financial and Resource Implications

- 7.1 The capital programme report, on the agenda for consideration at this Council meeting, includes the following in respect of Ashbourne Reborn:

Financial Year	Highways & Public Realm £	Community Hub £	Total £
2022/23	60,346	45,450	105,796
2023/24	3,563,751	946,330	4,510,081
2024/25	5,180,587	5,426,195	10,606,782
Total	8,804,684	6,417,975	15,222,659

- 7.2 These are the figures within the Memorandum of Understanding with Government but are subject to change to reflect the delayed funding announcement as referred to in paragraph 2.11.
- 7.3 Whilst capital and revenue budgets are in place, the risks associated with Accountable Body status are significant and have been assessed as 'high'. Moreover, the staffing implications of managing the finances of such a large programme cannot be underestimated. To reflect this, a Programme Manager is in place for Ashbourne Reborn to co-ordinate required activities and reporting requirements for the Council. Further support is anticipated through the recruitment of a Claims and Monitoring Officer that will have appropriate LUF support responsibilities in addition to UKSPF activities.
- 7.4 Project fees have increased from the original estimates prepared by the bid team. The requirement to manage costs within the available LUF budget has been made clear to delivery partners, and District Council officers continue to work closely with delivery partners as the programme develops.
- 7.5 Draft Grant Funding Agreements do not commit the Council to any further financial commitment beyond the LUF grant and agreed match funding.
- 7.6 To reflect the need for financial agility and adequate resourcing to underpin swift delivery as the Accountable Body, an Ashbourne Reborn Reserve has been recommended to be brought forward for use in 2023/24 and 2024/25. This is detailed within the report on the Provisional Revenue Outturn for 2022/23, elsewhere on the agenda for this Council meeting.
- 7.7 Subsequent reports to the Programme Board will include updates on project and programme expenditure, with decisions or recommendations that have implications for the Accountable Body escalated to Community and Environment Committee.

8. Procurement Implications

- 8.1 A draft Procurement Strategy has been collated for the project reflecting the separate partnership components. This will be reviewed and finalised through the Programme Governance Structure

9. Legal Advice and Implications

- 9.1 Grant Funding Agreements are substantively progressed, enabled through external and internal legal support, with early work underpinned by a letter of intent for Derbyshire County Council and Heads of Terms agreed with Ashbourne Methodist Church. Confirmation of the sharing of programme and project fee costs will enable the Grant Funding Agreements to be finalised. The legal risk is assessed as medium.

10. Equalities Implications

- 10.1 None at this stage, but equalities remain an important consideration for detailed design. An Equality Impact Assessment (EIA) was prepared for the *Levelling Up Fund* bid and was submitted to the C&E meeting on 29th June 2022. A further equalities assessment will be required on final scheme proposals to assess the implications of any significant changes to the project.

11. Climate Change Implications

- 11.1 None at this stage, but Climate Change Implications remain an important consideration for detailed design. A Climate Change Impact Assessment was prepared for the *Levelling Up Fund* bid and was submitted to the C&E meeting on 29th June 2022. A further climate change assessment may be required on final scheme proposals to assess the implications of any significant changes to the project.

12. Risk Management

- 12.1 The current main delivery risks for the programme have been highlighted within the report, in section 2.7 and are contained within the Strategic Risk Register in Appendix 4.
- 12.2 These risks will continue to be monitored actively through the existing and proposed governance structure, including to enable required quarterly reporting to Government on Ashbourne Reborn. Decisions to address delivery risks will be escalated within reports to C&E Committee should this be required.

Report Authorisation

Approvals obtained from Statutory Officers:-

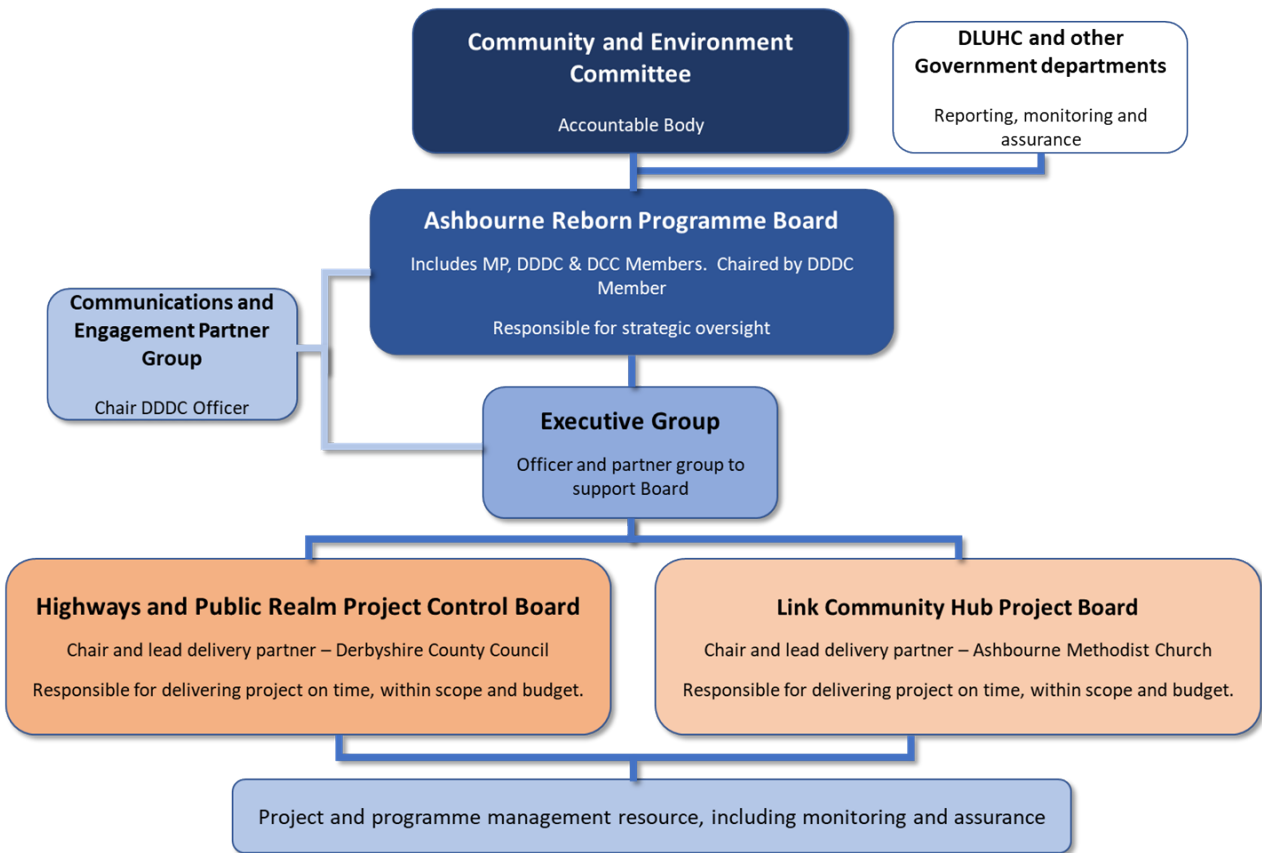
	Named Officer	Date
Chief Executive	Paul Wilson	19/07/2023
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	19/7/2023
Monitoring Officer (or Legal Services Manager)	James McLaughlin	19/07/2023

Appendix 1

Activity in advance of LUF bid and since award announcement (summary highlights):

Date	Activity
March – April 21	Member workshop on LUF opportunities. Council approval to bid
May-December 21	Consideration of potential projects, informed by partnership engagement
December 21	Commission of consultant support including Interim Bid Director
March 22	LUF Round Two Prospectus published by government.
March 22	Council decision to progress Ashbourne Reborn Project
June 22	Council bid approval
July 22	LUF bid submission
August to Dec 22	Preparatory work continues at DDDC and AMC at risk
September 22	Monthly Programme Board established
October 22	Heads of Terms drafted for agreement with AMC. Risk Register reviewed
November 22	Update report to Council. Comms and Engagement Plan drafted
December 22	Assurance Framework and approach to Governance established
January 2023	LUF Award notification 19 January 2023
Feb 23	MoU received and signed. Partnership meeting.
March 23	Public Meeting in Ashbourne attended by 300+
March 23	AMC appoint lead designer for Link Community Hub
March 23	DLUHC inception meeting
March 23	Executive Group established, maintaining progress and partnership dialogue - up to fortnightly meetings
April 23	Quarterly monitoring report submitted to Government
April 23	Letter of Intent provided to DCC in advance of Grant Funding Agreement
April 23	Branding competition launched at local school
May 23	DCC appoint Aecom as lead designer for the public realm and highways project, and Bentley Project Management as project manager for the public realm and highways project
May to July 23	Detailed work to progress Grant Funding Agreements
May 23	Communications Group formally established, meetings at least 6 weekly
May 23	Project Boards established and initial meetings held – monthly meetings scheduled
June 23	AMC procurement of structural and buildings consultants
June 23	Communications and Engagement Plan formally approved
June 23	Meeting with DLUHC
June 23	Procurement Strategy drafted

Appendix 2 – Ashbourne Reborn Proposed Governance Structure



Appendix 3

ASHBOURNE REBORN PROGRAMME BOARD TERMS OF REFERENCE

1. Context

- 1.1 Ashbourne Reborn is a Levelling Up Funded programme of interventions to transform Ashbourne Town Centre. The programme is led by Derbyshire Dales District Council through collaborative working with local partners who brought forward project ideas, identified opportunities and raised match-funding for the project. The Ashbourne Reborn programme comprises two projects: (1) Highways and Public Realm (Derbyshire County Council acts as Delivery Partner for this project); and (2) Link Community Hub (Ashbourne Methodist Church acts as Delivery Partner for this project).
- 1.2 A Programme Board made up of Derbyshire Dales District Council (as the Accountable Body) with Derbyshire County Council and Ashbourne Methodist Church, Ashbourne Town Team and the involvement of other key local partners supporting the project, has been established to oversee the delivery of intended outcomes. The purpose of the Programme Board is to provide a framework that will enable local authorities and partners to work collaboratively and provide political and strategic leadership, as well constructively supporting and challenging the Delivery Partners to deliver on time and within their allocated budgets.
- 1.3 The Programme Board is not a legal entity, and its role is advisory. Its purpose is to advocate for Ashbourne Reborn and support the Accountable Body to ensure the aims of the programme are delivered on time and within budget.
- 1.4 The Programme Board represents a variety of interests and has the skills and expertise to support the development and delivery of the £15m Ashbourne Reborn programme. Observers include staff from Derbyshire Dales District Council providing a Programme Office and Project Management function, on behalf of the Accountable Body.
- 1.5 These terms of reference set out the membership and responsibilities of the Programme Board to oversee and provide strategic direction on the delivery of Ashbourne Reborn.

2. Membership of the Programme Board

- 2.1 Derbyshire Dales District Council shall appoint 4 councillors as members of the Programme Board.
- 2.2 Derbyshire County Council shall appoint 2 councillors to be a member of the Programme Board.

- 2.3 One representative from each of the following will be appointed to serve as Members of the Programme Board:
- Member of Parliament for Derbyshire Dales
 - AshCom
 - Ashbourne Methodist Church (Chair of Link Community Hub)
 - Ashbourne Town Council
 - Ashbourne Town Team (Chair of Ashbourne Town Team)
- 2.4 Applications for new Programme Board Members shall be supported by at least 3 Programme Board members before a report from the Programme Manager acting on behalf of the Accountable Body is considered by the full Programme Board.
- 2.5 A Programme Board Member shall cease to be a member of the Ashbourne Reborn Programme Board in the following circumstances;
- a) Such a Member gives written notice to the Chair of their notice of resignation.
 - b) Such Member's death.
 - c) Such Member's bankruptcy making of any arrangement or composition with their creditors, or liquidation, or in the case of an organisation, winding up, liquidation, dissolution or administration or anything analogous to any of the foregoing occurring in relation to a Member in any jurisdiction.
 - d) Such Member is removed from membership by a resolution of the Programme Board that it is in the best interests of the Programme Board that the membership is terminated.
- 2.6 Members may be removed from the Ashbourne Reborn Programme Board as set out in Schedule 1 (Ashbourne Reborn Programme Board Code of Conduct). Any Member removed for conduct-related reasons may not be reappointed.
- 2.7 In exceptional circumstances Members may send a suitable substitute to represent their organisation in their absence. This should be agreed with the Chair in advance of the meeting. The substitute must adhere to all the requirements as laid out in the agreed Terms of Reference.
- 2.8 Derbyshire Dales District Council may invite DLUHC (or its successor Department/Ministry) to send a representative to attend Board meetings as an observer.

3 Chairing the Programme Board

- 3.1 The Programme Board will be chaired by a Member of Derbyshire Dales District Council, as the Accountable Body for the project. The Vice-Chair of the Programme Board will be a Member of Derbyshire County Council.

- 3.2 The Chair will play a key role in facilitating collaboration between partners and supporting the Accountable Body to ensure the aims of the Ashbourne Reborn are delivered on time and within budget.
- 3.3 The Chair or Vice-Chair of the Programme Board will cease to hold such office when they cease to be a Member of the Programme Board or a Member of the authorities that have appointed them.

4. Responsibilities

- 4.1 The following responsibilities are allocated to the Programme Board:
- (a) To maintain strategic oversight of the Ashbourne Reborn projects
 - (b) To provide support and advice to the Accountable Body
 - (c) To consider updates on delivery, performance and risk from both Delivery Partners at each meeting of the Programme Board
 - (d) To ensure that the Delivery Partners deliver the projects on time and within their allocated budgets.
 - (e) To manage strategic risks and escalated project risks, taking ownership of the programme risk register, reviewing updates from Delivery Partners and agreeing mitigation measures as necessary
 - (f) To advise the Accountable Body on strategic decisions including those escalated by Delivery Partners, e.g. where projects exceed a set tolerance regarding spend, slippage, outputs etc. This could include decisions on scope change/reduction where there is a need to re-prioritise due to cost or deliverability. It could also include advising on the allocation of project and programme management resources. Recommendations will be escalated where required to Derbyshire Dales District Council's Community and Environment Committee for consideration and formal approval as the Accountable Body.
 - (g) To have an overview of governance and assurance, with a watching brief on the overall governance and a specific responsibility to support the Accountable Body's section 151 officer in her role providing the Government with regular assurance
 - (h) To make representation to Government departments for advice and assistance as necessary
 - (i) To ensure the necessary liaison arrangements are in place to maximise resources across Delivery Partners, and to work collaboratively to deliver the Ashbourne Reborn programme.
 - (j) To ensure that Delivery Partners consider the views of the community through community engagement, consultation and communication.
 - (k) To agree, implement and monitor the communications & engagement plan and receive regular reports from the Communications and Engagement Group; supporting them as advocates for the programme and playing an active role in managing stakeholder issues, particularly during challenging delivery periods (e.g. disruption to town centre).

5. Reports

- 5.1 The Board will be responsible for making sure that reporting is in line with the Government's Assurance and Performance Management Framework and will seek assurances from the Delivery Partners and Programme Manager to this effect.
- 5.2 The Board will receive monthly reports from each Delivery Partner. This will provide a mechanism through which issues and risks can be formally escalated from each Delivery Partner if required. The Programme Board will also maintain oversight of the reporting returns to central government made by the Accountable Body.
- 5.3 The Board will ensure that reporting is clear, accurate and informative. It will provide feedback to the Programme Manager and Delivery Partners in order to drive continuous improvement in project management and to ensure that highlights and escalations are taking place at the appropriate time and level.
- 5.4 The Board may wish to commission more in-depth reviews of projects where it has concerns or seeks additional assurance. This should be done in collaboration with the relevant Delivery Partner and with consideration to the available resources.

6. Professional and Administrative Support

- 6.1 Derbyshire Dales District Council is the Accountable Body for Ashbourne Reborn. As the Accountable Body, the Council will utilise existing rules as outlined within the Council's Constitution throughout the life of the programme, and the Council's Statutory Officers will play a key role in ensuring compliance.
- 6.2 Administrative support to the Programme Board will be provided by Derbyshire Dales District Council's Democratic Services team.

7. Quorum

- 7.1 The quorum for meetings of the Programme Board will be a half or 4 voting members, whichever is the greater and must include representation from Derbyshire Dales District Council and the two Delivery Partners. Members can send a nominated substitute but only one representative per organisation may be in attendance unless by agreement with the Chair, for example for the purposes of presenting a specialist agenda item. In these circumstances, the additional guest representative would not have voting rights. Derbyshire Dales District Council and Derbyshire County Council may have a number of supporting officers in attendance.
- 7.2 If there is no quorum at the published start time for the meeting, the meeting can proceed but no substantive decisions will be binding until they have received formal approval at the next quorate Programme Board meeting.
- 7.3 No decisions taken by the Programme Board will be binding upon individual partner organisations – each organisation will be subject to their normal

governance processes and expected to seek appropriate authority where relevant, as a result of any decisions taken by the Programme Board.

- 7.4 The Programme Board shall delegate to the Chair of the Programme Board the authority to make urgent decisions, having consulted by way of email with Programme Board members, where a Programme Board meeting cannot be convened in a timely manner to consider a matter. The decision shall be published as soon as practically possible once taken.

8. Frequency of Meetings

- 7.1 Meeting of the Programme Board will take place monthly, though this may decrease (or increase) in frequency as the programme develops and according to need. The frequency of meetings can be varied following a discussion and vote of the Board, at the discretion of the Chair.
- 7.2 The meetings will be held after the cycle of Delivery Partner project meetings, to ensure that the Programme Board has the latest information available on each project, and prior to the government deadlines for reporting returns, in order that the Board can provide formal comments before submission.
- 7.3 Formal meetings of the Programme Board will take place in public where all formal decisions of the Programme Board will be taken.
- 7.4 Informal meetings of the Programme Board may take place from time to time. These will be in private and not open to the public. Other persons and external advisers may be invited to attend all or part of any meeting as and when appropriate as observers and shall be entitled to speak at the meeting with the prior permission of the Chair but shall not be entitled to vote.
- 7.5 Meetings will be a mixture of on-line and in-person. The latter will take place mainly in Matlock but the Board will also aim to meet in Ashbourne at intervals by agreement.

9. Conduct

- 9.1 Members will act in accordance with the Ashbourne Reborn Programme Board Code of Conduct (as seen in schedule 1).
- 9.2 Members who are elected Members of Derbyshire Dales District Council and Derbyshire County Council will also be subject to the Code of Conduct for Councillors in operation at those local authorities.

10 Notice and Publication of Agenda Papers

- 10.1 At least five clear working days before a formal meeting, a copy of the agenda and associated papers will be sent electronically to every member of the Programme Board. The agenda will give the date, time and place of each meeting and specify the business to be transacted and will be accompanied by such details as are available.

11. Voting

- 11.1 Programme Board members commit to seek, where possible, to operate on the basis of consensus.
- 11.2 Should it not be possible in a specific instance to find a consensus, the decision will be made on the basis of a simple majority. The Chair will have the casting vote.
- 11.3 Matters which are the responsibility of the Accountable Body will be reserved to Derbyshire Dales District Council. This includes taking responsibility for the appropriate defrayal of all LUF funding.
- 11.4 The Board may not make decisions that compromise the role of Derbyshire Dales District Council as Accountable Body. Should the Board endeavour to do so, such a decision will be deemed invalid and outside the Terms of Reference of the Board. Derbyshire Dales District Council would not be bound by any such invalid decisions of the Board.

12. Minutes

- 12.1 The Chair will sign the minutes of the proceedings at the next suitable meeting. The Chair will move that the minutes of the previous meeting be signed as a correct record.
- 12.2 The minutes will be accompanied by a list of agreed action points, which may be discussed in considering the minutes of the previous meeting should they not be specifically listed as items on the agenda for the meeting.
- 12.3 Minutes of Programme Board meetings will be published on Derbyshire Dales District Council's website.

13. General Matters

- 13.1 Programme Board Members should make themselves available from time to time to meet the Leader and Deputy Leaders of Derbyshire Dales District Council, both formally and informally, and to attend meetings of Derbyshire Dales District Council's Community and Environment Committee as and when invited.
- 13.2 Programme Board Members shall duly sign and return the Ashbourne Reborn Programme Board's Code of Conduct (Appendix 1) and Declaration of Interests on an annual basis.
- 13.3 The Programme Board may be provided with appropriate and timely training, both in the form of an induction programme for new members and on an ongoing basis.

- 13.4 The Programme Board shall be entitled to invite relevant third parties to attend any meeting as observers and they may be entitled to speak at a meeting of the Programme Board with the prior permission of the Chair but shall not be entitled to vote.
- 13.5 The Programme Board shall give due consideration to all laws and regulations as appropriate.
- 13.6 The Programme Board will, from time to time, consider projects and proposals of a “commercial in confidence” or sensitive nature that will not be for publication under existing legislative provisions (Data Protection and Freedom of Information). All Board members and invited third parties will observe the need for confidentiality in this respect.
- 13.7 The Ashbourne Reborn Programme Board will be subject to the privacy legislation contained within Data Protection Act 2018, Freedom of Information Act 1998 and the Environmental Protection Regulations (various). Such requests will be serviced by Derbyshire Dales District Council in accordance with Derbyshire Dales District Council policies and procedures.

14. Review

- 14.1 The Programme Board may amend these terms of reference at any time, which will be reviewed on an annual basis as a minimum.

ASHBOURNE REBORN PROGRAMME BOARD CODE OF CONDUCT

1. The Ashbourne Reborn Programme Board has adopted this code setting out the expected behaviours required of its Members, acknowledging that they each have a responsibility to represent the ambition of the Levelling Up Funded project for Ashbourne Town Centre and work constructively with Derbyshire Dales District Council, the Delivery Partners, and other partner organisations.
2. When acting in a Programme Board Member capacity, members must be committed to behaving in a manner that is consistent with the Nolan principles to achieve best outcome for our residents and maintain public confidence in the actions of the Board:

SELFLESSNESS:

Holders of public office should act solely in terms of the public interest.

INTEGRITY:

Holders of public office must avoid placing themselves under any obligation to outside individuals or organisations that might try inappropriately to influence them in their work.

They should not act or take decisions in order to gain financial or material benefits for themselves, their family or their friends. They must declare and resolve any interests and relationships.

OBJECTIVITY:

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

ACCOUNTABILITY:

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to the scrutiny necessary to ensure this.

OPENNESS:

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

HONESTY:

Holders of public office should be truthful.

LEADERSHIP:

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Conflict of Interests

A conflict of interest arises where a Programme Board Member, a close associate, immediate family, business, organisation or employer has an interest

in a matter which is the same as, connected to or may be affected by the matter under discussion.

At a meeting, Members must declare any interest which they have in any matter to be considered at that meeting. If the interest in the matter being discussed which a member of the public who knew of the facts would reasonably regard as so significant that it is likely to prejudice the Programme Board Members judgement of the Programme Board's interest in the matter, then the Member must declare the interest at the start of the agenda item and must not vote on the matter. However, due to the nature of information the Member may have relating to the topic under discussion, such as financial, viability, feasibility and volume by way of example, the Programme Board Member will be able to take part in the debate.

A Register of Interests will be maintained by the Monitoring Officer of Derbyshire Dales District Council.

Registration of Gifts and Hospitality

Programme Board Members must register in the Register of Members Gifts and Hospitality, held by the District Council's Monitoring Officer any gift or hospitality worth £50 or over received (or offered), in connection with their official duties as a Programme Board Member and the source of that gift or hospitality (or offer) within 28 days of receiving it.

Acceptance by Programme Board Members of hospitality through attendance at relevant events, conferences and other Programme Board related activity is acceptable where it is clear the hospitality is corporate rather than personal.

Complaints

Where a person has reason to believe that the conduct of a Programme Board Member has fallen short of the standards set out above, encapsulated in the Nolan Principles, a complaint may be made in writing to:

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

Or email mo@derbyshiredales.gov.uk

The complaint should set out as follows:

- (a) The nature of the complaint
- (b) Details of how the Member was acting in an official Ashbourne Reborn Programme Board capacity
- (c) Details of which Nolan Principle has been breached and why

- (d) If relating to a conflict of interest, details of how the conflict has occurred and impact of that conflict.

The Director of Corporate & Customer Services and Monitoring Officer will review the complaint and, in consultation with the Independent Person appointed by Derbyshire Dales District Council, determine if the Member was acting in an official capacity and if the complaint was proven, whether a Nolan Principle would have been breached. If both these criteria are met, the complaint will be referred to the Chair of the Ashbourne Reborn Programme Board

Removal of an Ashbourne Reborn Programme Board Member

In the event that a Member's conduct falls short of that expected and a breach of the Code of Conduct has taken place, the Programme Board may by resolution remove that Member from the Ashbourne Reborn Programme Board. This may only occur when:

- (a) The Member has been given at least 14 days clear days' notice in writing of the meeting of the Programme Board at which the resolution will be proposed and the reasons why it will be proposed; and
- (b) The Member has been given a reasonable opportunity to make representations to the meeting in person and/or in writing. The other Programme Board Members must consider any representations made by the Member and inform them of their decision following such consideration.
- (c) There shall be no right of appeal from a decision of the Programme Board's decision to terminate the membership of a Programme Board Member.

Further information

Please email any further queries to mo@derbyshiredales.gov.uk

Appendix 4 - Strategic Risk Register (top ten risks)

	Risk Title	Short description	Consequences	Mitigation	Post-mitigation score
1	Project costs	Project costs exceed budget	Inability to deliver all aspects of projects with potential shortfall in outputs and reputational damage	Early Contractor Involvement; Value engineering; scope reduction	8
2	Material and contractor availability	Lack of contractor interest or shortage of materials	Pressure on costs and/or delays to delivery	Early engagement with market; procurement strategy	3
3	Funding profile	Failure to spend LUF grant by March 2025	Lack of compliance with grant conditions; potential withholding of funding and inability to complete projects; reputational damage	Formal change request; backload match funding	6
4	Disruption	Main works cause disproportionate disruption	Reduced trade for town centre businesses; increased journey times; reputational damage	Engagement with key stakeholders; phasing and traffic management strategies	8
5	Safety	Site works cause accident	Injury or death; reputational damage; investigation and project delay	Procurement checks; site management	6
6	Stakeholder expectations	Programme falls short of expectations	Shortfall in outcomes/benefits; reputational damage	Expectation management; early stakeholder engagement; quality control	8
7	Ineligible spend	Grant paid for ineligible spend	Withholding of funds; reputational damage; criminal investigation	Multiple lines of defence; project management procurement	3
8	Site unknowns	Unexpected site conditions cause delay/cost rise	Delay to works on sites and/or rising costs to carry out extra work/studies	Comprehensive surveys pre-works; use of contingency	3
9	Funding agreements	Failure to agree timely formal agreements	Delay to projects; reputational damage	Collaboration with delivery partners; letters of intent to allow work at risk	8
10	Project and programme resources	Failure to put in place project and programme management	Delay to projects; lack of planning; reputational damage	Recruitment; alternative s/term appointments	8

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**OPEN REPORT
COUNCIL**

Agenda Item 14

Council – 27 July 2023

PROVISIONAL REVENUE OUTTURN 2022/23

Report of the Director of Resources

Report Author and Contact Details

Karen Henriksen, Director of Resources,
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Wards Affected

District-wide

Report Summary

This report provides details of the provisional financial outturn for the District Council's revenue spending for the year ended 31st March 2023 and significant variations from the revised budget.

Recommendations

1. That the overall General Fund revenue budget outturn position for 2022/23 (subject to external audit) and budget variances at 31 March 2023 as set out in paragraphs 1.1 and 1.2 of the report be noted.
2. That the final required movements in reserves for 2022/23 as set out in Appendix 3b be approved.
3. That the transfer of reserves as set out in section 2.4 to achieve a balanced out-turn position be approved.

List of Appendices

Appendix 1 Summary of Revenue Outturn 2022/23

Appendix 2 Analysis and Explanation of Significant Variances

Appendix 3 Summary of Revenue Balances, Provisions and Earmarked Reserves

Background Papers

None

Consideration of report by Council or other committee

N/A

Council Approval Required

Yes

Exempt from Press or Public

No

Provisional Revenue Out-turn 2022/23

1. Background

- 1.1 The provisional outturn on the revenue account for 2022/23 was a surplus against revised estimates (subject to external audit). Most of the areas contributing to the surplus arose from circumstances that were unforeseen at the time the 2022/23 budget was set and arise from one-off, rather than recurring, items. The table below shows the main reasons for the 2022/23 surplus:

	£ 000's
Improved return on treasury investments	(574)
Additional S31 funding (grant) for Business Rates Relief	(448)
Staffing underspend	(281)
Income from default notices on waste contract	(387)
Other variances detailed in Appendix 2	(267)
Total 2022/23 Surplus	(1,957)

- 1.2 The provisional surplus for 2022/23 (subject to external audit) amounted to £1,956,828. The following paragraphs provide further information on the items contributing to the surplus.
- 1.3 When the 2022/23 budget report was prepared in February 2022 the Bank of England base rate was 0.50%; by 31 March 2023 the rate had risen to 4.25%. This rate increase, alongside a review of our investment strategy and increased focus on treasury management, has seen a greater rate of return on investments, yielding an additional £574,000 above budget.
- 1.4 During 2022/23 the Council received £448,000 of additional section 31 grant for Business Rates relief awarded during the year. Although this is additional income in 2022/23, the additional relief awarded will increase the Business Rates deficit for future years and so the grant should be set aside to offset the future budget pressure.
- 1.5 The Council had an underspend on staffing budgets of £281,000 in 2022/23; this was mainly due to recruitment and retention difficulties. This is a national issue for local authorities and other sectors as well (such as audit firms).
- 1.6 In 2022/23 the value of default notices on our waste contract was £386,928 more than the income budgeted. It is proposed in section 2.4 to transfer this amount to the Waste Fluctuations Reserve to smooth the impact of future years' risks on this budget.
- 1.7 In establishing the Council's final outturn position several movements in reserves require appropriate approval as per the Council's Financial Regulations.

Approval is therefore requested for the movements in reserves as set out in Appendix 3b. The movements in reserves requested that relate to the year-end surplus are detailed in paragraph 2.4 below.

- 1.8 If the recommendations of this report are approved, the Council has increased its general fund balances from £4.034m at 31 March 2022 to £4.777m at 31 March 2023 and reduced the revenue earmarked reserves from £17.739m to £16.871m for the same period.

2. Key Issues

Revenue Spending in 2022/23

- 2.1 The General Fund contains all services that the Council is responsible for providing. During 2022/23 the Council faced several challenges in successfully managing its financial position.
- 2.2 The Summary Revenue Account, comparing the outturn with the revised budget, is shown at Appendix 1.
- 2.3 The most significant variances against the revised estimates are shown in Appendix 2.
- 2.4 It is proposed that the £1,956,828 surplus is transferred to reserves as follows:
- £448,331 relating to additional S31 grant received for Business Rate Reliefs is transferred to the Business Rates Fluctuations reserve to offset the Business Rates deficit.
 - £386,928 relating to additional default income on the Waste Contract is transferred to the Waste Fluctuations reserve.
 - £1,121,569 is transferred to the General Reserve to increase financial resilience and to enable the use of this funding to be reviewed as part of the Medium-Term Financial Strategy, which is to be updated later in this financial year.

Reserves and Balances as at 31 March 2023

- 2.5 The table below shows a summary of General Fund Reserves and Provisions.

Reserves	Balance at 31 March 2022 £	Contribution in 2022/23 £	Used in 2022/23 £	Balance at 31 March 2023 £
Revenue Reserves	(4,034,146)	(1,113,234)	369,980	(4,777,400)
Capital Reserves	(2,813,808)	(3,588,036)	2,523,216	(3,878,628)
Earmarked Reserves	(17,739,385)	(5,383,300)	6,251,309	(16,871,376)
Total	(24,587,339)	(10,084,570)	9,144,505	(25,527,405)

- 2.6 The detailed position on reserves and balances, following the recommendations set out above, can be seen in Appendix 3. It is important to appreciate that many

of the reserves and provisions are earmarked for specific purposes, and accordingly these funds should not be regarded as being available for general use.

- 2.7 Revenue balances carried forward at 31 March 2023 total £4.777m (31 March 2022 £4.034m). This balance is significant as it reflects the revenue balances that are generally available for new expenditure. The Council has determined that it is prudent to maintain a working balance of £1m to meet emergencies and contingencies, and to assist with cash flow along with a minimum of £1.2m in General Reserves. This balance will also be required if the Council does not achieve the savings required to balance the budget in any financial year.
- 2.8 The Council holds several earmarked reserves to finance future capital and revenue expenditure. The value of earmarked reserves held at 31 March 2023 is £16.871m (31 March 2022 £17.739m). An analysis of earmarked reserves is contained in Appendix 3.
- 2.9 A five-year projection of reserves is also shown in Appendix 3 although it should be noted that at this point only the actuals for 2022/23 have been amended with all other previous Medium Term Financial Planning (MTFP) assumptions are unchanged. A full review of the MTFP will follow in the autumn.

Council Tax and Business Rates Collection

- 2.10 Derbyshire Dales District Council collects council tax on behalf of Derbyshire County Council, Derbyshire Fire and Rescue Authority and Derbyshire Police Authority. Amounts collected, bad debts written off and any surplus or deficit on the collection fund are distributed according to precepts. In 2022/23 £60.5m (£59.3m in 2021/22) was collected from council taxpayers; this represents 97.8% of council tax that was due by 31 March (96% collected in 2021/22). The final year-end position on the Council Tax Collection Fund is a deficit of £1.55m, (2021/22 £0.542m deficit).
- 2.11 During 2022/23 the Council was part of a business rates pool with other Derbyshire Authorities, and business rates were collected on behalf of Derbyshire County Council and Derbyshire Fire and Rescue Authority. Amounts collected, bad debts written off and any surplus or deficit on the collection fund are distributed according to prescribed shares. In 2022/23, £16.8m was collected from business rate payers (£14.7m in 2021/22); this represents 97% of business rates that were due by 31 March, (96.7% collected in 2021/22). The final year-end position on the National Non-Domestic Rates (NNDR) Collection Fund is a deficit of £1.038m (2021/2 £8.115m deficit).
- 2.12 As highlighted previously in this report the Council received section 31 grants during the year in respect of Business Rates reliefs. Unspent grants have been transferred into Earmarked Reserves to significantly offset the deficits that will be recognised in future years.
- 2.13 Derbyshire Dales District Council's share of these surplus and deficits is taken into account when setting the council tax for the following financial year.

Statement of Accounts

- 2.14 Subject to the approval of the recommendations of this report, the recommendations will be reflected in the draft Statement of Accounts for 2022/23, which will be published on the Council's website in due course, hopefully by 31 July. The Statement of Accounts is subject to an independent audit, carried out by Mazars LLP, which is scheduled to commence in October 2023. It is expected that the audited Statement of Accounts will be presented for approval at the Governance & Resources Committee meeting to be held in February 2024.

3. Options considered and recommended proposal

- 3.1 The committee is requested to:
- note the overall General Fund revenue budget outturn position for 2022/23 (subject to external audit) and budget variances at 31 March 2023 as set out in section 1.1;
 - approve final required movements in reserves set out in Appendix 3;
 - approve the transfer of reserves as set out in section 2.4 to achieve a balanced out-turn position.
- 3.2 An alternative to this would be to transfer the surplus from 2022/23 to other specific reserves.

4. Consultation

- 4.1 None.

5. Timetable for Implementation

- 5.1 Once Council has made its decision, the approved transfers to reserves will be reflected in the Council's financial accounts and in the draft Statement of Accounts for 2022/23. The arrangements for publication, external audit and approval of the Statement of Accounts 2022/23 is explained in paragraph 2.14.

6. Policy Implications

- 6.1 The Council's financial position is considered in determining all the priorities and allocating resources in the Corporate Plan.

7. Financial and Resource Implications

- 7.1 The provisional outturn on the revenue account for 2022/23 was a surplus of £1,956,828 against revised estimates (subject to external audit). The report explains that most of the areas contributing to the surplus arose from circumstances that were unforeseen at the time the budget was set and are one-off, rather than recurring, items. If they have not already been reflected in the budget for 2023/24, any recurring items will be considered when preparing revised estimates for 2023/24 and draft budget for 2024/25, as well as in the updated Medium Term Financial Plan.

- 7.2 The recommended transfer of £1,121,569 to the General Reserve will increase financial resilience and enable the use of this funding to be considered when updating the Medium Term Financial Plan and Medium-Term Financial Strategy later this year.
- 7.3 Given the current climate of inflationary pressures, which is likely to have a significant impact on employee costs and the cost of goods and services, significant savings are likely to be required in 2024/25 and beyond. The impact of inflationary pressures will be assessed and reflected in an updated Medium Term Financial Plan, which will be presented to Council in the autumn.
- 7.4 The recommended transfers to the waste fluctuations and business rates fluctuations reserves will help to provide funding for potential future liabilities that the Council may face.
- 7.5 The financial risk arising from this report's recommendations is assessed as low.

8. Legal Advice and Implications

- 8.1 The Council has a legal duty to set a balanced budget and has a general duty to act in the public interest in managing the custody of public funds.
- 8.2 The accounts have been prepared by qualified personnel using accepted principles for to ensure proper accountability.
- 8.3 The legal risk associated with this report has been assessed as low.

9. Equalities Implications

- 9.1 There are no direct equalities implications for this report.

10. Climate Change Implications

- 10.1 There are no direct climate change implications arising from the recommendations of this report.

11. Risk Management

- 11.1 Financial and legal risks are explained above. The key risks result from the need to make savings or raise additional revenue income in the medium term. "Financial Resilience" has been identified on the Council's Strategic Risk Register and has been assessed as high risk, pending the delivery of the required savings and the outcome of the Local Government Finance Settlement for 2024/25 and beyond. The transfer of some of the surplus from 2022/23 into the General Reserve will help to mitigate this risk, though its use would not be sustainable. The consequences of failing to identify the required savings are shown as:

- Lack of resources available to deliver the core Council activities and priorities;
- Controls not performed or overlooked due to time and resource pressures;
- Cash flows are not available to maintain standards and quality of

- service provision;
- Increase in claims made against the Council;
- Initiatives, development programmes etc. (e.g. around capital enhancements, car park maintenance) may not be performed resulting in members of the public being hurt or public property damaged.

Report Authorisation

Approvals obtained from Statutory Officers:-

	Named Officer	Date
Chief Executive	Paul Wilson	17/07/2023
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	18/07/2023
Monitoring Officer (or Legal Services Manager)	Kerry France	18/07/2023

Appendix 1 – Summary of Revenue Out-turn 2022/23

	Actual 2022/23	Original Budget 2022/23	Revised Budget 2022/23	Variance from Original Budget 2022/23	Variance from Revised Budget 2022/23	Actual Previous Year (2021/22)	Variance between Financial Years
Chief Executive	509,093	380,322	508,444	128,771	649	348,893	160,200
Community and Environmental Services	2,893,021	3,037,460	3,280,095	(144,439)	(387,074)	2,283,280	609,741
Corporate Services	2,040,227	2,052,177	2,071,082	(11,950)	(30,855)	1,885,657	154,570
Housing Services	50,069	410,117	131,631	(360,048)	(81,562)	(139,949)	190,018
Regeneration and Policy	535,958	937,410	605,718	(401,452)	(69,760)	1,276,348	(740,390)
Regulatory Services	886,980	1,241,473	1,097,274	(354,493)	(210,294)	929,450	(42,470)
Resources	2,740,618	2,903,859	2,826,229	(163,241)	(85,611)	2,484,318	256,300
Net cost of Services	9,655,966	10,962,818	10,520,473	(1,306,852)	(864,507)	9,067,997	587,969
Non-Service Items:							
Interest on Balances	(610,961)	(37,000)	(37,000)	(573,961)	(573,961)	(63,098)	(547,863)
Borrowing Interest Paid	225,227	225,000	225,000	227	227	223,450	1,777
Statutory Debt Repayment	100,849	100,849	100,849	0	0	100,849	0
Loan Premium Due	110,924	110,924	110,924	0	0	110,924	0
Income from Investment Properties	(102,185)	(102,556)	(102,556)	371	371	(101,055)	(1,130)
Net Revenue Expenditure	9,379,820	11,260,035	10,817,690	(1,880,215)	(1,437,870)	9,339,067	40,753
Appropriations to / from Reserves	(1,295,874)	(1,738,219)	(1,295,874)	442,345	0	(1,980,156)	684,282
Funding Requirement	8,083,946	9,521,816	9,521,816	(1,437,870)	(1,437,870)	7,358,911	725,035
Funded by:							
External Funding							
Retained Business Rates including S31 Grant, Payments to/from Pool	(3,860,887)	(3,412,804)	(3,412,804)	(448,083)	(448,083)	(5,542,586)	1,681,699

Business Rate Collection Fund								
(Surplus)/Deficit	2,087,317	2,087,317	2,087,317	0	0	3,949,040	(1,861,723)	
CT Collection Fund (Surplus)/Deficit	20,859	20,838	20,838	21	21	99,271	(78,412)	
Rural Services Delivery Grant	(420,990)	(420,990)	(420,990)	0	0	(420,990)	0	
Lower Tier Services Grant	(76,631)	(76,631)	(76,631)	0	0	(71,358)	(5,273)	
New Homes Bonus	(777,636)	(777,636)	(777,636)	0	0	(397,613)	(380,023)	
Services Grant	(115,477)	(115,477)	(115,477)	0	0	0	(115,477)	
Other Government Grants	(71,163)	(266)	(266)	(70,897)	(70,897)	(796,738)	725,575	
Total External Funding	(3,214,607)	(2,695,649)	(2,695,649)	(518,958)	(518,958)	(3,180,974)	(33,633)	
District Council Tax Requirement	(6,826,167)	(6,826,167)	(6,826,167)	0	0	(6,572,971)	(253,196)	
Total Funding	(10,040,774)	(9,521,816)	(9,521,816)	(518,958)	(518,958)	(9,753,945)	(286,829)	
Out-turn	(1,956,828)	0	0	(1,956,828)	(1,956,828)	(2,395,034)	438,206	
Proposed Transfers to/(from) Reserves	1,956,828							
Total	0	0	0					

APPENDIX 2 – ANALYSIS AND EXPLANATION OF SIGNIFICANT VARIANCES FROM REVISED BUDGET

	£ 000's	
Staffing variances:		
Chief Executive	10	
Community and Environmental Services	58	
Corporate Services	(33)	
Housing Services	(70)	
Regeneration and Policy	(65)	
Regulatory Services	(66)	
Resources	(115)	Budget for pay award was held within resources. This underspend offsets overspends in other service areas.
		Due to difficulties recruiting to vacancies and the use of existing staff time for capital projects in 2022/23 (£350k was included in the 2022/23 budget for the anticipated pay award).
Total Staffing Underspend:	(281)	
Other Key Variances by Directorate:		
Chief Executive		
Non-material variances	(10)	
Community and Environmental Services		
Net overachievement of car parking income	(161)	Approved 23/24 budget has been increased to reflect anticipated increase in fees going forwards
Net increase in cemeteries fees	(56)	Likely to be one-off income
Reduction in Market Stall Rent	25	There has been an ongoing reduction in traders and bad weather which have both impacted upon traders this financial year.
Increase in Electricity costs	45	Approved 23/24 budget has been increased to reflect the increase in energy costs

Additional Agricultural Business Centre Commission Received	(73)	Approved 23/24 budget has been increased to reflect anticipated increase in commission going forwards
Water charges less than budgeted	(70)	£19k relates to reduced water usage at Northwood Depot due to the vehicle washdown facility being out of action for most of the year. £33k relates to an underspend on the parks and recreation water budget -approved 23/24 budget has been reduced to reflect this. Budget for 22/23 set based upon actual spend for 21/22 (which included reduced rental fees to incentivise businesses to purchase electric vehicles). The rental fees have returned to normal levels in 22/23.
Ice Cream van concessions	(16)	24 Approved 23/24 budget has been reduced to reflect this.
Underachievement of public conveniences income	(387)	Likely to be one-off income
Waste Default notices income above budget	(125)	Approved 23/24 budget has been reduced to reflect this.
Contract payments budget in refuse collection not required	(13)	More trade customers - back to pre covid levels.
Increase in Trade Waste bin income partially offset by an increase in tipping charges	294	Recycling tonnage lower than expected - approved 23/24 budget has been reduced to reflect this.
Reduction in recycling credits	55	Reduction in annual subscription fee from £50 to £35 to existing residents. One-off.
Underachievement in garden waste income budget	(239)	Composting gate fees were not required due to Vital Earth closure, where we used to pay a gate fee on all Garden Waste however now we only pay a gate fee on 25% of the Garden Waste produced. Approved 23/24 budget has been reduced to reflect this.
Reduction in composting gate fee expenditure	198	Approved 23/24 budget has been reduced to reflect this.
Unachievable Highways Cleansing income budget	42	One-off due to cancellation of first weekend and slow sales for second weekend due to the Queen's funeral.
Reductions in Illuminations income	13	
Other non-material variances		
Corporate Services		
Underspend on procurement consultancy expenditure	(15)	
Increased recruitment advertising budget due to difficulties recruiting	19	Approved budget for 23/24 increased to reflect this pressure
Increase in legal fees mainly due to the waste contract - partially offset by increase in legal costs recovered	42	Approved budget for 23/24 increased to reflect this pressure
Underspend on hire of rooms budget	(11)	Approved budget for 23/24 decreased to reflect this ongoing saving
Unbudgeted Grant for Elections new burdens	(11)	One-off

Other non-material variances (22)

Housing Services

Council Tax Charges incurred due to renovation of properties.

11 This pressure has been factored into the approved 23/24

Lower than anticipated Housing Rents income

47 Slippage of purchasing houses/renovations and not as many houses rented as forecast. Partially offset by reduced management fee due to slippage. Approved 23/24 budget reflects this slippage and revised programme going forwards.

Additional Housing Prevention Funding received in year

(47) One-off

Other non-material variances

(23)

Regeneration and Policy

Other non-material variances

(4)

Regulatory Services

Increase in planning applications income partially offset by increase in consultancy costs

(99) Significant number of major, high fee application types have been received over the financial year resulting in higher than anticipated fee income.

Increase in Hackney Carriage licence fee income

(25) One of our Private Hire Operators providing SEN transport to DCC, has a policy whereby they change vehicles every 6 months. This has increased our income from vehicle licensing.

Other non-material variances

(20)

Resources

Increased share of Council Tax income

(46) One-off

Additional audit fees for 21/22 audit

17 Audit fees have increased for 23/24 onwards and the budget has been adjusted to reflect this where additional work is ongoing.

Unbudgeted new burdens grant for Redmond Review related to costs of external audit

(16) Assuming this is a one-off

Increase in bank charges for council tax collection due to increase in use of card payments (higher charges than direct debit)

14 Likely to be ongoing, approved 23/24 budget has been amended to reflect this.

Council Tax court costs raised in year has reduced owing to fewer court sessions

23 Forecasting this to be a one-off and that in 2023/24 will return to pre-pandemic levels.

Reduction in sundry debt provision required	(48)	
Housing Benefits rent allowances	176	Expenditure higher than expected - not all eligible for grant (difference is 2% of a £9m budget)
Contract agreed for software and maintenance less than budgeted	(29)	2023/24 budget set reflects this reduction to budget
Underspend in the purchase of computer equipment	(13)	One-off
Underspend in the maintenance of computer equipment budget due to delay in rolling out of project.	(19)	One-off
Other non-material variances	(30)	
Total Net cost of service (under)/overspend	(864)	
Improved return on investments	(574)	Increase in investment return factored into 23/24 approved budget however it is anticipated we will overachieve on this again due to increases in interest rates to date
Funding:		
Additional S31 Grant received due to increased reliefs awarded in year	(448)	One-off
Additional Grants received - unbudgeted	(71)	One-off grants
Total underspend to transfer to reserves	(1,957)	

APPENDIX 3: SUMMARY OF REVENUE BALANCES, PROVISIONS AND EARMARKED RESERVES

Appendix 3a: Movements in 2022/23 and 2023/24 (Note this includes the proposed transfers set out in appendix 3b).

Revenue Funding	Balance at 31st March 2022 £	Contribution in 2022/23 £	Approved Use in 2022/23 Revenue £	Requested transfers to/(from) reserves in 2022/23* £	Use in 2022/23 Capital £	Balance at 31st March 2023 £	Budgeted Contribution in 2023/24 £	Budgeted Use in 2023/24 Revenue £	Anticipated Use in 2023/24 Revenue * £	Estimated (Use)/contribution in 2023/24 Capital £	Estimated Balance at 31st March 2024 £
Revenue Balances											
General Fund Working Balance	1,000,014	0	0	0	0	1,000,014	0	0	0	0	1,000,014
General Reserve	3,034,132	0	(369,980)	1,113,234	0	3,777,386	0	0	0	0	3,777,386
	4,034,146	0	(369,980)	1,113,234	0	4,777,401	0	0		0	4,777,401
Capital Balances											
Capital Receipts	1,921,784	476,541	0	0	(420,511)	1,977,814	160,000	0	0	(1,150,631)	987,183
Capital Grants Unapplied	892,024	3,111,495	0	0	(2,102,705)	1,900,813	11,090,309	0	0	(12,353,191)	637,931
	2,813,808	3,588,036	0	0	(2,523,216)	3,878,628	11,250,309	0	0	(13,503,822)	1,625,115
Earmarked Reserves											
Business Rates Fluctuations Reserve	716,496	510,669	0	448,331	0	1,675,496	0	0	0	0	1,675,496
Capital Programme reserve	1,134,383	177,068	0	0	(354,467)	956,984	0	0	0	(925,409)	31,575
Carsington Improvements	33,452	0	0	0	0	33,452	0	0	0	0	33,452
Committed Expenditure Reserve	479,610	0	(162,989)	221,384	0	538,005	0	(104,049)	(8,376)	0	425,579
Corporate Plan Priority Reserve	201,471	0	0	0	0	201,471	0	0	0	(201,471)	0
COVID Funding Reserve	43,000	0	(43,000)	0	0	0	0	0	0	0	0
Customer Innovation Project	247,600	0	(171,434)	0	0	76,166	0	(76,166)	0	0	0
Economic Development Reserve	227,787	150,000	(235,559)	8,541	(10,000)	140,769	0	(54,931)	0	(48,000)	37,838
Elections Reserve	158,056	30,000	0	0	0	188,056	30,000	(197,757)	0	0	20,300
Funding Uncertainties Reserve	508,406	0	0	0	0	508,406	0	0	0	0	508,406
Information Technology Reserve	307,991	0	(71,125)	64,000	(18,700)	282,166	0	0	0	(191,852)	90,314
Insurances Reserve	464,473	0	0	0	0	464,473	0	0	0	(25,000)	439,473
Investment Fund / Invest to Save Reserve	562,510	0	0	0	0	562,510	0	0	0	(562,510)	0
Job Evaluation	150,000	0	0	0	0	150,000	0	0	0	0	150,000
Local Plan Reserve	200,104	30,000	(134,829)	18,604	0	113,879	0	(50,000)	0	0	63,879
Member / Officer Indemnity	25,000	0	0	0	0	25,000	0	0	0	0	25,000
Major Repairs Reserve	0	12,660	0	0	0	12,660	16,955	0	0	0	29,615
Revenue Grants Unapplied	11,000,477	532,919	(3,158,702)	1,945,334	(1,014,563)	9,305,465	0	(1,077,590)	0	(5,690,155)	2,537,720
Vehicle Renewals reserve	723,379	300,000	0	0	(474,077)	549,302	50,000	0	0	(288,000)	311,302
Ashbourne Reborn Reserve	0	0	0	175,000	0	175,000	0	0	0	0	175,000
Waste Fluctuations Reserve	555,188	0	(30,000)	386,928	0	912,116	0	0	0	0	912,116
	17,739,385	1,743,316	(4,007,638)	3,268,121	(1,871,808)	16,871,376	96,955	(1,560,493)	(8,376)	(7,932,396)	7,467,065
TOTAL	24,587,340	5,331,352	(4,377,618)	4,381,355	(4,395,024)	25,527,405	11,347,264	(1,560,493)	(8,376)	(21,436,218)	13,869,580

Appendix 3b: Transfers to/(from) reserves requiring approval

	£
Creation of Ashbourne Reborn Reserve - from unused 22/23 approved funding to be used in 23/24 and 24/25	175,000
Carry forward of budgets not used in 2022/23 but required for 2023/24 to the Committed Expenditure Reserve	229,040
Use of committed expenditure reserve	(7,657)
Transfer into Economic Development Reserve unspent LUF budget for use on project in 2023/24, 2024/25	8,541
Transfer of Biodiversity Grant into earmarked reserve and unspent reserves transferred back to General Reserve	(8,335)
Transfer unspent IT budgets back into IT reserve	64,000
Transfer unspent Local Plan budgets back into local plan reserve	18,604
Transfer unspent revenue grants with restrictions into reserves for use in future years	1,059,989
Transfer unspent S106 funding into reserves for use in future years	1,248,911
Use of Revenue Grants unapplied reserve to fund expenditure in 2022/23	(363,566)
Transfer additional S31 Grant received for Business Rates Reliefs to Business Rates Fluctuations Reserve	448,331
Transfer additional income from default notices on waste contract to Waste Fluctuations Reserve	386,928
Transfer Remainder of out-turn surplus to General Reserve	1,121,569
Total requested transfers (to)/from reserves	4,381,355

Appendix 3c: Summary of Useable Reserves and Balances

(Note this includes the proposed transfers for 2022/23 set out in appendix 3b).

	Actual Balance at 31st. March 2023 £	Estimated Balance at 31st. March 2024 £	Estimated Balance at 31st. March 2025 £	Estimated Balance at 31st. March 2026 £	Estimated Balance at 31st. March 2027 £	Estimated Balance at 31st. March 2028 £
Revenue Balances						
General Fund Working Balance	(1,000,014)	(1,000,014)	(1,000,014)	(1,000,014)	(1,000,014)	(1,000,014)
General Reserve	(3,777,386)	(3,777,386)	(3,777,386)	(3,777,386)	(3,777,386)	(3,777,386)
	(4,777,401)	(4,777,401)	(4,777,401)	(4,777,401)	(4,777,401)	(4,777,401)
Earmarked Reserves						
Business Rates Fluctuations Reserve	(1,675,496)	(1,675,496)	(1,675,496)	(1,675,496)	(1,675,496)	(1,675,496)
Capital Programme Reserve	(956,984)	(31,575)	(31,575)	(31,575)	(31,575)	(31,575)
Carsington Improvements	(33,452)	(33,452)	(33,452)	(33,452)	(33,452)	(33,452)
Committed Expenditure	(538,005)	(425,579)	(425,579)	(425,579)	(425,579)	(425,579)
Corporate Plan Priority Reserve	(201,471)	0	0	0	0	0
Customer Innovation Project	(76,166)	(0)	(0)	(0)	(0)	(0)
Economic Development	(140,769)	(37,838)	(37,838)	(37,838)	(37,838)	(37,838)
Elections	(188,056)	(20,300)	(50,300)	(80,300)	(110,300)	(140,300)
Funding Uncertainties Reserve	(508,406)	(508,406)	(508,406)	(508,406)	(508,406)	(508,406)
ICT Renewals	(282,166)	(90,314)	(90,314)	(90,314)	(90,314)	(90,314)
Insurances Reserve	(464,473)	(439,473)	(439,473)	(439,473)	(439,473)	(439,473)
Investment Fund / Invest to Save Reserve	(562,510)	0	0	0	0	0
Job Evaluation Reserve	(150,000)	(150,000)	(150,000)	(150,000)	(150,000)	(150,000)
Local Plan	(113,879)	(63,879)	(93,879)	(123,879)	(153,879)	(183,879)
Ashbourne Reborn Reserve	(175,000)	(175,000)	(175,000)	(175,000)	(175,000)	(175,000)
Member / Officer Indemnity	(25,000)	(25,000)	(25,000)	(25,000)	(25,000)	(25,000)
Major Repairs Reserve	(12,660)	(29,615)	(56,132)	(89,478)	(122,824)	(156,170)
Revenue Grants Unapplied	(9,305,465)	(2,537,720)	(2,110,386)	(2,068,601)	(2,068,601)	(2,068,601)
Vehicle Renewals	(549,302)	(311,302)	(225,302)	(357,302)	(261,302)	(561,302)
Waste & Recycling Reserve	(912,116)	(912,116)	(386,928)	(386,928)	(386,928)	(386,928)
	(16,871,376)	(7,467,065)	(6,515,060)	(6,698,621)	(6,695,967)	(7,089,313)
Capital Expenditure Financing						
Capital Receipts	(1,977,814)	(987,183)	(372,183)	(342,183)	(312,183)	(262,183)
Capital Grants Unapplied	(1,900,813)	(637,931)	(597,931)	(597,931)	(597,931)	(597,931)
	(3,878,628)	(1,625,115)	(970,115)	(940,115)	(910,115)	(860,115)
TOTAL	(25,527,405)	(13,869,580)	(12,262,575)	(12,416,137)	(12,383,483)	(12,726,829)

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**OPEN REPORT
COUNCIL**

Agenda Item 15

Council – 27 July 2023

PROVISIONAL CAPITAL OUT-TURN 2022/23 & REVISED CAPITAL PROGRAMME 2023/24 TO 2027/28

Report of the Director of Resources

Report Author and Contact Details

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Wards Affected

District-wide

Report Summary

This report outlines the provisional (subject to audit) out-turn position for 2022/23 and the revised Capital Programme for 2023/24 to 2027/28. Thirteen new projects are proposed for inclusion in the revised programme.

Recommendations

1. That the provisional Capital Out-turn of £4,233,274, as detailed in Appendix A, is approved.
2. That the explanations regarding significant variances in planned and actual capital expenditure for 2022/23 are noted.
3. That an underspend of £1,814,037 be carried forward at 31 March 2023 and other revisions totalling £96,000 set out in paragraphs 3.1 and 3.2 and Appendix A be approved for inclusion into the capital programme.
4. That new projects totalling £4,652,400 set out in paragraphs 3.5 to 3.18 of the report are approved for inclusion in the programme.
5. That the updated capital programme for 2023/24 to 2027/28 set out in Appendix B to the report totalling £38,450,376 be approved.
6. That financing of the Capital Programme from sources summarised at paragraph 3.21 and shown in Appendix C be approved.

7. That the balance of funds available over the 5-year programme, shown at Appendix C, is noted.

List of Appendices

Appendix A Capital Out-turn 2022/23

Appendix B Revised Capital Programme 2023/24 – 2027/28

Appendix C Proposed financing of the Capital Programme 2022/23 to 2027/28

Appendix D Details of bids for Inclusion into the Capital Programme 2023/24 to 2027/28

Background Papers

None

Consideration of report by Council or other committee

Not applicable

Council Approval Required

Yes

Exempt from Press or Public

No

Provisional Capital Out-turn 2022/23 and Revised Capital Programme 2023/24 to 2027/28

1. Background

- 1.1 At Council on 2nd March 2023 Members approved a revised capital programme totalling £35,858,944, covering the financial years 2022/23 to 2026/27, as summarised in table 1 below:

Table 1: Capital Programme approved 2nd March 2023

Financial year	£
2022/23	6,160,505
2023/24	14,843,110
2024/25	13,027,857
2025/26	799,736
2026/27	1,027,736
Total	35,858,944

- 1.2 This report provides information relating to the provisional outturn (subject to audit) for 2022/23 and seeks approval for a revised capital programme for 2023/24 to 2027/28, taking account of slippage from 2022/23 and including bids for 13 new projects and other changes.

2. Provisional Out-turn for 2023/23

- 2.1 At Council on 2nd March a revised capital budget of £6,160,505 was approved for 2022/23.
- 2.2 The actual total capital expenditure for 2022/23 was £4,233,274. Therefore, there was an overall underspend of £1,927,231. The Programme has been financed as shown in table 2 below:-

Table 2: Capital financing arrangements for 2022/23

Sources of Financing	£
Capital Receipts	420,511
Capital Programme Reserve	£354,467
S106 Contributions	1,014,563
Grants	1,940,965
Economic Development Reserve	10,000
IT Reserve	18,700
Vehicle Reserve	474,077
Total	4,233,274

- 2.3 The expenditure incurred against each project is outlined at Appendix A, which provides explanations for under- and over-spends and whether each project has concluded. Where projects are continuing beyond the end of 2022/23, budget underspends have been carried forward and added to the budget for 2023/24. It is proposed to carry forward £1,814,037 of the provisional underspend from 2022/23 into 2023/24.

2.4 Material project under- and over-spends in 2022/23 are explained below.

- Project 270 – Disabled Facilities Grants (funded by the Better Care Fund): overspent by £24,739

Spending of this grant is demand led. The overspend in 2022/23 is to be funded from DFG balances that were unspent in previous financial years and have been held in the capital grants reserve.

- Project 290 - Social Housing Scheme Calver (funded by grant): £44,000 underspent.

This project has been slipped into 2023/24. This scheme is likely to increase in costs, therefore an additional amount of £26,000 is requested for 2023/24 to increase the budget to £70,000.

- Project 305 – Housing Acquisitions in Tansley: £839,498 Underspent.

Due to timing issues this was carried forward to 2023/24 and has now been spent in the first quarter of 2023/24.

- Project 308 – Eyam/Wirksworth/Matlock Site Appraisals. £55,600 Overspent

Originally profiled to be spent in 2023/24. The profiling has been adjusted to reflect the earlier start and account for expenditure to date.

- Project 313 – LADS Scheme Phase 2. £175,000 Underspent
The budget included an amount to be returned to central government which was paid back in the year.

- Project 360 - Vehicle Replacement Scheme. £207,133 Underspent
The underspend has been carried forward to 2023/24 as per the updated vehicle replacement programme.

- Project 370 - Capital Salaries. Overspent £29,416
The more ambitious capital programme has resulted in increased officer time on capital schemes.

- Projects 621 & 622 - Climate Change / Energy Efficiency projects at Matlock Town Hall and Bakewell Agricultural Business Centre. Underspend £36,383
Projects ongoing; underspend slipped to 2023/24.

- Project 654 - Energy Efficiency (off gas grid homes) HUG1 £265,042
Ongoing project – underspend slipped to 2023/24.

- Project 655 - Energy Efficiency (on gas grid homes) LAD3 £159,665
Ongoing project – underspend slipped to 2023/24.

- Project 662 - Wash Down facility. Overspend £37,440

Works started in 2022/23 ahead of schedule. The 2023/24 budget has been adjusted to account for profiling.

- Project 680 Ashbourne Reborn – Highways and Public Realm – Underspent £95,032
A delayed start to the project has meant the allocated profiled budget for the year has underspent. The 2023/24 budget has been adjusted to account for this.
- Project 681 – Ashbourne Reborn – Community Hub. Underspend £117,672.
A delayed start to the project has meant the allocated profiled budget for the year has underspent. The 2023/24 budget has been adjusted to account for this.
- Project 676 - Rural Innovation Grants (UKSPF) – Underspend £30,000.
The budgeted expenditure was profiled to begin in 2022/23. This will now commence in full in the year 2023/24. The budget has been reprofiled.
- Project 673 – Local Authority Housing Fund. Underspend £61,000.
One property has been financed through this project within 2022/23. The budget has been reprofiled and the underspend from 2022/23 has been slipped to 2023/24.

2.5 The Council has received capital receipts of £476,541 in the year. Housing “Right to buy” receipts total £447,381. Receipts from vehicle sales totalled £29,160.

2.6 Capital Grants received in the year total £3,111,495.

2.7 Capital Grants repaid in the year total £175,072. This repayment relates to the underspend on the LAD scheme green homes work that was undertaken throughout 2020/21 and 2021/22.

2.8 Section 106 monies invoiced in the year total £1,248,911. £39,592 is earmarked for sports facilities with the balance of £1,209,319 earmarked for affordable housing.

3. Proposed changes to the capital programme for 2023/24 to 2027/28

2.9 The housing scheme at Calver (project 290) is expected to cost more than the current allocated capital budget. It is therefore requested to increase this budget by £26,000 to £70,000 in 2023/24.

2.10 With regard the Disabled Facility Grant budget (project 270) increases of £30,000 for 2023/24 and £40,000 in 2024/25 are requested. This increase in expenditure is required to finance the Housing Renewal Policy. A separate report which outlined the details of this scheme, was approved by the Community and Environment committee on 13th July.

2.11 Several projects are no longer proceeding or have resulted in an underspend. It is proposed to move the following schemes totalling £849,126 to the Local

Authority Housing Fund, and £45,000 to Ashbourne Footbridge as detailed in tables 3 and 4 below.

Table 3: Transfers to the Local Authority Housing Scheme – Project 673

Reason	Project Ref.	Scheme	Amount £
Not Proceeding	280	Social Housing Grant – Cromford/Matlock Bath	(100,000)
Not Proceeding	286	Social Housing Grant – Wirksworth Community Land Trust	(350,000)
Not Proceeding	287	Social Housing Grant – Bakewell Alms-houses Trust	(35,000)
Not Proceeding	293	Retained House – Station House Matlock	(104,000)
Underspend on Project	298	Empty Homes – Council Houses	(10,219)
Merged	306	Empty Homes Round 2	(249,907)
	673	Total	(849,126)

Table 4: Transfer to Ashbourne Footbridge – Project 630

Reason	Project Ref.	Scheme	Amount £
No longer required	651	Matlock Hall Leys Park Footbridge Refurbishment	(45,000)

Other Revisions to the Capital Programme

- 2.12 As required by financial regulations, business cases for the proposed capital projects have been assessed firstly by the Capital Programme Working Group, who examined the business cases, scored the new bids and made recommendations to the Corporate Leadership Team. The Corporate Leadership Team has proposed 13 new projects for inclusion in the capital programme, considering the Council's priorities, the availability of funding etc.
- 2.13 Proposed new bids are set out in in table 5 below and in more detail in Appendix D. Under financial regulations, where a bid for a capital project is for £25,000 or more, or is of a political nature, a report is required to the relevant policy committee. The 13 new bids were approved by Community and Environment committee on the 13 July.

Table 5: New Projects that are proposed for inclusion in this revised capital programme (see Appendix D for further details)

Project Name	Budget Required £	Score	Funded by:
HUG 2	1,897,500	*	Grant
Acquisition of 4 homes in Doveridge	700,000	82	Section 106 £610,000 Capital Receipts £90,000
Social Housing Grant – 3 affordable homes at Wash Green Wirksworth	586,505	72	Section 106 £436,505 Grants £150,000
Bradbourne small sewer site	45,000	70	Capital Receipts
Garage vehicle lift	20,000	67	Capital Receipts
Social Housing Grant – Edgefold Road Matlock - 2 affordable housing units	288,395	65	Section 106 £198,395 Grants £90,000
Harrison Alms-houses phase 3 – renovation of houses to flats	195,000	64	Section 106
John Higgs Alms-houses – Smedley Street Matlock	500,000	64	Capital Receipts
Automated toilet locking facilities. Ashbourne, Matlock & Bakewell	15,000	62	Capital Programme Reserve
Cemetery paths	145,000	56	Capital Receipts £100,000, Capital Programme Reserve £45,000
Lychgate at Ashbourne Cemetery	25,000	56	Insurance Reserve
Parks & Recreation grounds paths	200,000	56	Capital Receipts
Ashbourne Fishpond footbridge	35,000	56	Capital Receipts
Total New bids	£4,652,400		

*Not scored as fully grant funded

Summary of changes to the capital programme

2.14 If the proposed new bids and changes are accepted, the capital programme for 2023/24 to 2027/28 will be increased as shown in table 6 below.

Table 6: Increases to the capital programme

	£
New Bids (see table 5 & Appendix D)	£4,652,400
Slippage brought forward from 2022/23 (see Appendix A)	£1,814,037
Growth to existing projects (see paragraphs 3.1 & 3.2)	£96,000
Total additional expenditure requested	£6,562,437

2.15 The updated programme is set out in appendix B and summarised in table 7 below.

Table 7: Summary of revisions to capital programme 2023/24 to 2027/28

	2023/24 £	2024/25 £	2025/26 £	2026/27 £	2027/28 £	Total £
Approved Capital Programme (2nd March 2023)	14,843,110	13,027,857	799,736	1,027,736	0	29,698,439
Project Approved by Council 16th March - Decarbonisation Arc Leisure Matlock / Wirksworth LC	2,189,500					2,189,500
Approved Programme 16 March 2023	17,032,610	13,027,857	799,736	1,027,736	0	31,887,939
New bids approved by Community & Environment Committee 13 July 2023	2,438,900	2,063,500	50,000	50,000	50,000	4,652,400
Underspends on continuing projects to add to 2023/24	1,736,911					1,736,911
Underspends on projects to transfer to the Local Authority Housing Fund	77,126					77,126
Transfers From Projects not Progressing to The Local Authority Housing Fund	772,000					772,000
Transfer projects in 2023/24 not proceeding to The Local Authority Housing fund	-387,000	-385,000				-772,000
Transfers From Matlock Footbridge to Ashbourne Footbridge	-45,000					-45,000
Transfers From Projects not Progressing to Ashbourne Footbridge	45,000					45,000
Growth to Existing Projects	56,000	40,000				96,000
Total change to the programme	4,693,937	1,718,500	50,000	50,000	50,000	6,562,437
Revised capital programme for approval 27th July 2023	21,726,547	14,746,357	849,736	1,077,736	50,000	38,450,376

Financing Arrangements for the capital programme

2.16 The proposed financing arrangements are set out in table 8 below.

Table 8: Proposed financing arrangements 2022/23 to 2027/28

	2022/23 (Outturn) £	2023/24 £	2024/25 £	2025/26 £	2026/27 £	2027/28 £	Totals £
Proposed Capital Programme (including New Bids)	4,233,274	21,726,548	14,746,357	849,736	1,077,736	50,000	42,633,651
Financed by:-							
Capital Receipts Reserve	420,511	1,150,631	725,000	80,000	80,000	50,000	2,456,142
Capital Programme Reserve	354,467	925,409	-	-	-	-	1,279,876
S106 Contributions	1,014,563	5,773,352	260,000	-	-	-	7,047,915
Grants	1,940,955	12,353,191	13,375,357	601,736	601,736	-	28,872,975
Economic Development Reserve	10,000	48,000	-	-	-	-	58,000
IT Reserve	18,700	191,852	-	-	-	-	210,552
Invest to Save Reserve	-	562,510	-	-	-	-	562,510
Corporate Plan Priority Reserve	-	201,471	-	-	-	-	201,471
Vehicle Reserve	474,077	495,133	386,000	168,000	396,000	-	1,919,210
Insurance Reserve	-	25,000	-	-	-	-	25,000
Borrowing	-	-	-	-	-	-	-
Total	4,233,274	21,726,548	14,746,357	849,736	1,077,736	50,000	42,633,651

- 2.17 A summary of reserve movements and balances is provided in Appendix C. This demonstrates that sufficient resources are available to finance the proposed capital programme. However, it also shows that if the capital programme proposals set out in the report are accepted, sources of capital funding are forecast to reduce from £12.320m at 1st April 2022 to £1.476m by 31st March 2028. It should also be noted that grants and contributions, section 106 contributions and the amounts in other strategic reserves are set aside for specific purposes; if these are excluded the amount available for new capital schemes in the capital receipts reserve and the capital programme reserve is only circa £294k. This reflects a prudent forecast of the capital receipts that might be received in the coming 5 years.

4. Options considered and Recommended Proposal

- 4.1 The changes to the capital programme, and associated financing, set out in this report are recommended for approval, including additional expenditure from 2023/24 to 2027/28 totalling £6,562,437 (see table 6 above).
- 4.2 An alternative option would be to NOT approve the recommended changes, including the proposed new projects. This alternative option is rejected as this approach would not generate the benefits for each project, which are described in the business cases set out in Appendix D. Such an approach could mean that these elements of the Council's priorities and Corporate Plan actions would not be delivered (without their inclusion in the capital programme, there is no authority to incur expenditure).

5. Consultation

- 5.1 None at this stage. The need for consultation will be assessed for each project as more detailed planning takes place

6. Timetable for Implementation

- 6.1 If approved, the budget will be updated shortly after notification of Council approval and officers will have the authority to incur expenditure within project budgets.
- 6.2 Timetables for tendering and completion of all schemes have been established and incorporated into the programme.

7. Policy Implications

- 7.1 Capital investment in the Council's assets is necessary to continue to provide effective services and to deliver the Council's corporate Plan and priorities. The Council's Capital Programme takes into account all the priorities and targets within the Corporate Plan and these are identified in the Capital Strategy. The proposed Capital Programme will assist in delivering Council services that are important to residents' well-being and the Dales economy.

Table 9: Proposed capital programme 2023/24 to 2027/28 analysed by Corporate Plan Priority

Priority	2023/24 £	2024/25 £	2025/26 £	2026/27 £	2027/28 £	Total Capital Programme £
People	5,199	0	0	0	0	5,199
Place	2,247,192	75,000	50,000	50,000	50,000	2,472,192
Prosperity	18,497,430	14,225,357	601,736	601,736	0	33,926,259
Other	976,727	446,000	198,000	426,000	0	2,046,727
Total	21,726,548	14,746,357	849,736	1,077,736	50,000	38,450,377

- 7.2 It is important that the Capital Programme contains the appropriate budget within which projects should be managed. Approval of this report will provide financial approval and enable projects to commence / continue.

8. Financial and Resource Implications

- 8.1 While rising inflation presents a high financial risk to the overall capital programme, this report seeks to set accurate budgets for projects based upon previous tendering experience. Some of the larger projects include contingencies for price increases. Even with these measures in place, the risk of overspend cannot be eliminated and therefore the risk is assessed as 'medium'.

- 8.2 As explained in the report, sufficient resources are available to finance the proposed capital programme. However, the amount available in the capital receipts reserve and the capital programme reserve after funding this programme is forecast to reduce to around £294,000. This presents a high risk in terms of funding availability for future projects. The Council could, of course, consider borrowing for future capital schemes, but the resulting borrowing costs are unlikely to be affordable for the revenue account, given the Council's medium term financial position.

- 8.3 Staffing requirements and availability have been considered as part of the business cases and by the Corporate Leadership Team, as part of the process for new bids.

9. Legal Advice and Implications

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

10. Equalities Implications

- 10.1 Equality implications will be assessed for each project as more detailed planning takes place. An EIA on the location and range of planned housing is recommended to ensure it is fairly distributed in the district and to ensure the range of housing types made available meet the needs of all residents e.g. bungalows and houses, larger homes for big families.

11. Climate Change Implications

11.1 The climate change implications of each of the bids has been assessed as part of the preparation of the business cases. Some of the benefits in terms of the climate are detailed in Appendix D to the report.

12. Risk Management

12.1 Financial and legal risks have been explained above.

12.2 Each project business case includes a risk assessment. The risks vary depending on the project, but common risks and mitigations include:

- Cost Inflation. Mitigation measures include inflation allowances and contingencies within the estimated project cost.
- Delays on site due to adverse weather conditions and delayed deliveries. Mitigation measures include undertaking the works outside of peak times to minimise the impact on the service.
- Delays due to staff resources/competing priorities. This risk is mitigated by good project planning and inclusion within action plans and scheduled workloads.
- Complaints, Bad Publicity etc. Publicity by appropriate notices and use of the website and social media will be used to update the public on the project and timescales.

Report Authorisation

Approvals obtained from Statutory Officers:-

	Named Officer	Date
Chief Executive	Paul Wilson	17/07/2023
Director of Resources/ S.151 Officer	Karen Henriksen	18/07/2023
Monitoring Officer (or Legal Services Manager)	James McLaughlin	18/07/2023

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Appendix A: Capital Outturn 2022/23 and Proposed Changes

Project Title	Project Code	2022/23 Actual Expenditure (£)	2022/23 Revised Budget for Year (£)	2022/23 Over / (-Under) Spend (£)	Comments	2022/23 Budget Carried Forwards (£)	2023/24 Current Budget (£)	Proposed Additional amount to Original Budget 2023/24 (£)	2023/24 Proposed Revised Budget (£)	Proposed Additional Amount to Original Budget for 2024/25 (£)	Proposed Additional Amount to Original Budget for 2025/26 (£)	Proposed Additional Amount to Original Budget for 2026/27 (£)	Proposed Additional Amount to Original Budget for 2027/28 (£)
Car Parks - Planned Improvements	126	37,770	35,000	2,770	Completed	-	-	-	-	-	-	-	-
Disabled Facilities Grant	270	399,739	375,000	24,739	This is a demand led service. Funding for the overspend earmarked in reserves	-	828,472	30,000	858,472	40,000	-	-	-
Social Housing Grant - Housing Initiatives Cromford / Matlock Bath	280	-	-	-	This budget for 2023/24 is no longer required, it is proposed to merge this budget into Homes for Ukraine - The local authority housing fund	-	100,000	- 100,000	-	-	-	-	-
331 Social Housing Grant - Tideswell	281	-	-	-	Planning application in progress, left in the capital programme pending start	-	412,500	-	412,500	-	-	-	-
Social Housing Grant - Rural Village	282	90,000	90,000	-	Completed - Further budget as per approved programme	-	75,000	-	75,000	-	-	-	-
Social Housing Grant - Wirksworth Community Land Trust	286	-	-	-	This budget is no longer required for 2024/25, it is proposed to bring this budget forwards to 2023/24 and merge into Homes for Ukraine, The local authority housing fund	-	-	-	-	-350,000	-	-	-
Social Housing Grant - Bakewell Alms-house Grant	287	-	-	-	This budget is no longer required for 2024/25, it is proposed to bring this budget forwards to 2023/24 and merge into Homes for Ukraine, The local authority housing fund	-	-	-	-	- 35,000	-	-	-
Social Housing Grant - Calver	290	-	44,000	- 44,000	Slippage to 202/24 - Scheme is likely to increase to £70,000 - increased 2023/24 Budget to account	44,000	-	26,000	70,000	-	-	-	-
Social Housing Grant - Wirksworth	292	-	-	-	To start in 2023-24	-	395,615	-	395,615	-	-	-	-

Project Title	Project Code	2022/23 Actual Expenditure (£)	2022/23 Revised Budget for Year (£)	2022/23 Over / (-Under) Spend (£)	Comments	2022/23 Budget Carried Forwards (£)	2023/24 Current Budget (£)	Proposed Additional amount to Original Budget 2023/24 (£)	2023/24 Proposed Revised Budget (£)	Proposed Additional Amount to Original Budget for 2024/25 (£)	Proposed Additional Amount to Original Budget for 2025/26 (£)	Proposed Additional Amount to Original Budget for 2026/27 (£)	Proposed Additional Amount to Original Budget for 2027/28 (£)
Retained House - Station House Matlock	293	-	-	-	Not Proceeding Moves to Homes for Ukraine scheme The local authority housing scheme	-	104,000	-104,000	-				
Empty Homes - Council Houses	298	117,779	127,998	- 10,219	Completed - Proposed to move slippage to homes for Ukraine, The local authority housing scheme	10,219	-	-10,219	0				
Henmore Gardens New Homes Acquisition	302	58,942	46,942	12,000	Completed	-			-				
Monyash Homes Renovation	303	14,255	-	14,255	Professional fees paid in 2022/23. On course to complete	- 14,255	275,000		260,745				
Over Hadden Bequeathed Improvements	304	-	-	-	On course	-	60,000		60,000				
Housing Acquisitions - Tansley	305	1,502	841,000	- 839,498	Slippage into 2023/24	839,498	-		839,498				
Empty Homes - Round 2 2022/23	306	70,093	137,000	- 66,907	Move Budget into Homes for Ukraine, The local authority housing scheme	66,907	183,000	- 249,907	0				
Housing Acquisitions - Derby Road Ashbourne	307	1,407	-	1,407	On course	1,407	46,426		45,019				
Eyam/Wirksworth/Matlock Site Appraisals	308	55,602	-	55,602	On course - possibility of extra funding required	- 55,602	60,000		4,398				
Harrison Alms-house Trust Phase 2 (external works 2022-23)	309	70,000	70,000	-	Completed	-			-				
LADS Scheme (Phase 2)	313	387,299	562,371	- 175,072	Not actually slippage - Budget incorrect, included the amount to be returned	-			-				
Bakewell – Riverbank Erosion	324	-	-	-	On track for 2023/24	-	13,749		13,749				
Vehicles	360	474,077	681,210	-207,133	Slippage on VRP carried to 2023/24	207,133	288,000		495,133				
Capital Salaries	370	79,416	50,000	29,416	Time spent on capital increased due to increased programme	-	25,000		25,000				
Wirksworth Steeple Arch Landscaping and Footpath works	386	3,669	5,868	-2,199	carry forwards to 2023/24	2,199	-		2,199				

Project Title	Project Code	2022/23 Actual Expenditure (£)	2022/23 Revised Budget for Year (£)	2022/23 Over / (-Under) Spend (£)	Comments	2022/23 Budget Carried Forwards (£)	2023/24 Current Budget (£)	Proposed Additional amount to Original Budget 2023/24 (£)	2023/24 Proposed Revised Budget (£)	Proposed Additional Amount to Original Budget for 2024/25 (£)	Proposed Additional Amount to Original Budget for 2025/26 (£)	Proposed Additional Amount to Original Budget for 2026/27 (£)	Proposed Additional Amount to Original Budget for 2027/28 (£)
Public Conveniences - Condition surveys	495	4,000	7,000	-3,000	carry forwards to 2023/24	3,000	-		3,000				
Middleton Play Park	527	935	1,926	-991	carry forwards to 2023/24	991			991				
DDCVS	562	30,000	30,000	-	Grant Given to DDCVS	-	30,000		30,000				
Condition surveys - Parks & Pavilions	564	38,426	38,467	-41	Completed	-	-		-				
Blenheim Road - Ashbourne	572	30,779	30,779	0		-	15,379		15,379				
Aim Version 13 Upgrade	611		5,600	-5,600	No longer Required	-	-		-				
New Traditional Homes improvement schemes	614	5,468	5,468	0	Completed	-			-				
Ashbourne Pavilion Project	615		-	-	Retention to pay in 2023/24	-	4,998		4,998				
Holland Ward Recreation Ground	616		-	-	To start in 2023/24	-	22,000		22,000				
Ashbourne Memorial Gardens and Bandstand	617	32,859	30,000	2,859	Budget adjusted in 2023/24 to account for overspend in 2022/23	- 2,859	102,500		99,641				
Climate Change: Energy Efficiency -Town Hall	621	430,403	500,000	-69,597	Underspend slipped to 2023/24 commencing June	69,597	328,401		397,998				
Climate Change: Energy Efficiency - Agricultural Business Centre	622	210,694	177,480	33,214	This project is finishing in June 23 -budget adjusted in 2023/24 to account for spend to date	- 33,214	130,000		96,786				
Bakewell Road, Matlock Development	625	51,251	40,000	11,251	Budget adjusted in 2023/24 to account for overspend in 2022/23	- 11,251	1,154,594		1,143,343				
Extensive structural & roof repairs required at Hall Leys Park Clock Tower	627	59,897	62,500	-2,604	Completed - retention to carry forwards into 2023/24	2,604	-		2,604				
Ashbourne Recreation Ground Footbridge replacement	630		-	-	Commencing in 2023/24	-	42,500	45,000	87,500				
Ashbourne Recreation Building Rationalisation	631	15,979	20,600	- 4,621	Slippage	4,621	14,420		19,041				
Bakewell ABC Various	633	25,168	40,000	-14,833	Slippage	14,833	-		14,833				
Dimple Playing Fields, Matlock	634	29,751	30,000	- 249	Completed	-	-		-				
Hall Leys Park Play area - Plant Equipment	638	985	1,732	- 747	Completed	-	-		-				

Project Title	Project Code	2022/23 Actual Expenditure (£)	2022/23 Revised Budget for Year (£)	2022/23 Over / (-Under) Spend (£)	Comments	2022/23 Budget Carried Forwards (£)	2023/24 Current Budget (£)	Proposed Additional amount to Original Budget 2023/24 (£)	2023/24 Proposed Revised Budget (£)	Proposed Additional Amount to Original Budget for 2024/25 (£)	Proposed Additional Amount to Original Budget for 2025/26 (£)	Proposed Additional Amount to Original Budget for 2026/27 (£)	Proposed Additional Amount to Original Budget for 2027/28 (£)
Production Server (ESX) replacement	640	-	-	-	To start in 2023/24	-	30,000		30,000				
Network switch replacement	641	-	-	-	To start in 2023/24	-	65,000		65,000				
Disaster Recovery (SAN replacement)	642	-	-	-	To start in 2023/24	-	30,000		30,000				
VDI Server Replacement	643	-	-	-	To start in 2023/24	-	30,000		30,000				
SQL 2012 Replacement Server 2016	644	15,552	15,552	0	Completed	0	-		0				
Replacement Windows 2016 Server consultancy	645	3,148	3,148	0	Completed	-	36,852		36,852				
Ashbourne Leisure Centre	647	55,509	55,509	0	Retention to pay in 2023/24	-	3,833		3,833				
Matlock Hall Leys Park Footbridge Refurbishment	651	-	-	-	No longer required - transferred budget to Ashbourne Footbridge 2022/23 budget spent; no change to budget requirement for 2023/24	-	45,000	- 45,000	-				
Matlock Bath Lovers Walk Shelter Rebuild	652	2,970	2,970	0		0	44,530		44,530				
Installation of CCTV at 6 District Council Toilet Blocks	653	19,590	20,000	- 410	Completed	-			-				
Energy Efficiency (off gas grid homes) HUG1	654	134,958	400,000	- 265,042	Underspend slipped to 2023/24 - ongoing	265,042			265,042				
Energy Efficiency (on gas grid homes) LAD 3	655	310,102	469,767	- 159,665	Underspend slipped to 2023/24 - ongoing	159,665			159,665				
Changing Places Social Housing Grant - Former Dove Garage Site	656	34,725	34,725	-	2022/23 budget spent. No change to budget requirement for 2023/24	-	34,725		34,725				
Longcliffe Waste Depot - Tipping Room Floor	658	534,983	534,983	-	Completed	-			-				
Hurst Farm Heritage Trail	659	-	-	-	To start in 2023/24	-	25,000		25,000				
Upgrading of play Area & Recreation Facilities in Tansley	660	-	-	-	To start in 2023/24	-	682,885		682,885				
	661	-	-	-	To start in 2023/24	-	32,783		32,783				

Project Title	Project Code	2022/23 Actual Expenditure (£)	2022/23 Revised Budget for Year (£)	2022/23 Over / (-Under) Spend (£)	Comments	2022/23 Budget Carried Forwards (£)	2023/24 Current Budget (£)	Proposed Additional amount to Original Budget 2023/24 (£)	2023/24 Proposed Revised Budget (£)	Proposed Additional Amount to Original Budget for 2024/25 (£)	Proposed Additional Amount to Original Budget for 2025/26 (£)	Proposed Additional Amount to Original Budget for 2026/27 (£)	Proposed Additional Amount to Original Budget for 2027/28 (£)
Wash-Down Facility Darley Dale Depot	662	37,440	-	37,440	Proportion spent in 2022/23; 2023/24 budget altered to reflect spend to date	- 37,440	50,000		12,560				
Fleet De-carbonisation Charging Point - Depot	663	-	-	-	To start in 2023/24	-	50,000		50,000				
EV Charging Infrastructure (car parks)	664	-	-	-	To start in 2023/24	-	320,000		320,000				
Car parks resurfacing	665	-	-	-	To start in 2023/24	-	68,000		68,000				
Rationalisation of Storage Facilities at depot	666	10,432	15,000	- 4,568	Slippage carried forward to 2023/24	4,568	-		4,568				
Wi-Fi Replacement	667	-	-	-	To start in 2023/24	-	50,000		50,000				
Production SAN Storage	668	-	-	-	To start in 2023/24	-	40,000		40,000				
Back-up Storage, Server licences	669	-	-	-	To start in 2024/25	-	-		-				
Longford Flood Defence Committee Management System	670	-	-	-	To start in 2023/24	-	20,000		20,000				
Leisure Centre Development - Freedom Hall Leys Park Matlock, Tennis Courts Resurfacing	671	21,000	21,000	-	Completed	-	-		-				
Ashbourne Reborn: Highways and Public Realm	LCF	27,439	16,410	11,029	Slippage carried forward to 2023/24	- 11,029	18,938		7,909				
Ashbourne Reborn: Community Hub	672	-	-	-	To start in 2023/24	-	45,000		45,000				
Ashbourne Reborn: Highways and Public Realm	680	60,346	155,378	- 95,032	Slippage carried forward to 2023/24	95,031	3,468,719		3,563,750				
Ashbourne Reborn: Community Hub	681	45,450	163,122	- 117,672	Slippage carried forward to 2023/24	117,672	828,658		946,330				
Matlock Town Centre Public Realm	674	17,485	-	17,485	Spent ahead of Profile - Budget for 2023/24 amended	-17,485	135,000		117,515				
Community Resilience Grant (community grants) - UKSPF	675	-	-	-	To start in 2024/25	-	-		-				
Community Resilience Grant (community grants) - REPF	683	-	-	-	To start in 2023/24	-	27,000		27,000				
Rural Innovation Grants (business grants) - UKSPF	676	-	30,000	- 30,000	Budget adjusted in 2023/24 to account for overspend in 2022/23	30,000	24,000		54,000				

Project Title	Project Code	2022/23 Actual Expenditure (£)	2022/23 Revised Budget for Year (£)	2022/23 Over / (-Under) Spend (£)	Comments	2022/23 Budget Carried Forwards (£)	2023/24 Current Budget (£)	Proposed Additional amount to Original Budget 2023/24 (£)	2023/24 Proposed Revised Budget (£)	Proposed Additional Amount to Original Budget for 2024/25 (£)	Proposed Additional Amount to Original Budget for 2025/26 (£)	Proposed Additional Amount to Original Budget for 2026/27 (£)	Proposed Additional Amount to Original Budget for 2027/28 (£)
Rural Innovation Grants (business grants) - REPF	682		-	-	To start in 2023/24	-	318,000		318,000				
Energy audit & carbon reduction	677		-	-	To start in 2023/24	-	35,300		35,300				
Market Town Centre – proposed to support Bakewell Road scheme	678		-	-	To start in 2023/24	-	69,000		69,000				
Town Centres Sustainable Communities Programme – proposed to support Bakewell Road scheme	679		-	-	To start in 2023/24	-	33,333		33,333				
Local Authority Housing Fund	673	74,000	135,000	- 61,000		61,000	3,450,000	849,126	4,360,126				
Arc Leisure & Wirksworth Leisure Centre Decarbonisation Schemes	684/685				This was approved at March Council - Not in the original capital programme		2,189,500		2,189,500				
HUG 2	NEW				NEW			759,000	759,000	1,138,500			
Acquisition of 4 homes in Doonbarrow	NEW				NEW			350,000	350,000	350,000			
Social Housing Grant - Wash green Wirksworth x 3 Affordable Homes	NEW				NEW			586,505	586,505				
Bradbourne - Small Sewer Site	NEW				NEW			45,000	45,000				
Garage Vehicle Lift	NEW				NEW			20,000	20,000				
Social Housing Grant - Edgefold Road Matlock x2 Affordable Homes	NEW				NEW			288,395	288,395				
Harrisons Alms Houses Phase 3 Renovation of house to flats	NEW				NEW			195,000	195,000				
John Higgs Alms-houses - Smedley Street Matlock	NEW				NEW			-	-	500,000			
Automated Toilet Locking Facility - Ashbourne, Matlock & Bakewell	NEW				NEW			15,000	15,000				
Cemetery Paths	NEW				NEW			45,000	45,000	25,000	25,000	25,000	25,000
Lychgate Ashbourne Cemetery	NEW				NEW			25,000	25,000				

Project Title	Project Code	2022/23 Actual Expenditure (£)	2022/23 Revised Budget for Year (£)	2022/23 Over / (-Under) Spend (£)	Comments	2022/23 Budget Carried Forwards (£)	2023/24 Current Budget (£)	Proposed Additional amount to Original Budget 2023/24 (£)	2023/24 Proposed Revised Budget (£)	Proposed Additional Amount to Original Budget for 2024/25 (£)	Proposed Additional Amount to Original Budget for 2025/26 (£)	Proposed Additional Amount to Original Budget for 2026/27 (£)	Proposed Additional Amount to Original Budget for 2027/28 (£)
Parks and Recreation Grounds Paths (include Dimple)	NEW				NEW			75,000	75,000	50,000	25,000	25,000	25,000
Ashbourne Fishpond Foot Bridge - Moved from project 651	NEW				NEW			35,000	35,000				
		4,233,274	6,160,505	- 1,927,231		1,814,037	17,032,610	2,879,900	21,726,547	1,718,500	50,000	50,000	50,000

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APPENDIX B

CAPITAL PROGRAMME 2023/24 - 2027/28 (FOR APPROVAL 27TH JULY 2023)

Priority	Service	Project	Project Title	Proposed Revised Budget 23/24 (£)	2024/25 (£)	2025/26 (£)	2026/27 (£)	2027/28 (£)	Total capital programme	Financed by:-
Prosperity	Regulatory	270	Disabled Facilities Grants	858,472	641,736	601,736	601,736	-	2,703,680	Grant
Prosperity	Housing	281	Social Housing Grant - Tideswell	412,500	-	-	-	-	412,500	S106 Contributions
Prosperity	Housing	282	Social Housing Grant - Rural Villages	75,000	-	-	-	-	75,000	S106 Contributions
Prosperity	Housing	290	Social Housing Grant - Calver	70,000	-	-	-	-	70,000	S106 Contributions
Prosperity	Housing	292	Social Housing Grant - Wirksworth	395,615	-	-	-	-	395,615	S106 Contributions
Prosperity	Housing	303	Monyash Homes Renovation	260,745	-	-	-	-	260,745	S106 Contributions
Prosperity	Housing	304	Over Haddon Bequeathed Property Improvements	60,000	-	-	-	-	60,000	S106 Contributions
Prosperity	Housing	305	Housing Acquisitions - Tansley	839,498	-	-	-	-	839,498	S106 Contributions
Prosperity	Housing	307	Housing Acquisitions - Derby Road Ashbourne	45,019	-	-	-	-	45,019	S106 Contributions
Prosperity	Housing	308	Eyam/Wirksworth/Matlock Site Appraisals	4,398	-	-	-	-	4,398	S106 Contributions
Place	Community	324	Bakewell - Riverbank Erosion	13,749	-	-	-	-	13,749	Capital Programme Reserve
Other	Community	360	Vehicles	495,133	386,000	168,000	396,000	-	1,445,133	Vehicle Renewals Reserve
Other	Regulatory	370	Capital Salaries	25,000	-	-	-	-	25,000	Capital Receipts Reserve
People	Community	386	Wirksworth Steeple Arch Cemetery Landscaping and Footpath works	2,199	-	-	-	-	2,199	Capital Receipts Reserve

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Priority	Service	Project	Project Title	Proposed Revised Budget 23/24 (£)	2024/25 (£)	2025/26 (£)	2026/27 (£)	2027/28 (£)	Total capital programme	Financed by:-
People	Community	495	Public Conveniences - Condition surveys	3,000	-				3,000	Capital Programme Reserve
Place	Community	527	Middleton Play Park	991					991	Grant
Other	Community	562	DDCVS: Grants	30,000	30,000	30,000	30,000		120,000	Capital Receipts Reserve
Prosperity	Regeneration	572	Blenheim Road - Ashbourne	15,379	-				15,379	Capital Programme Reserve £5,379, Economic Dev Reserve £10,000
Place	Community	615	Ashbourne Pavilion Project	4,998	-				4,998	Capital Programme Reserve
Other	Regulatory	616	Hulland Ward Recreation Ground	22,000	-				22,000	Capital Receipts Reserve
Place	Regulatory	617	Ashbourne Memorial Gardens and Bandstand	99,641	-				99,641	Capital Receipts Reserve
Place	Regulatory	621	Climate Change: Energy Efficiency -Town Hall	397,998	-				397,998	Grant £19,597, Capital Programme Reserve £378,401
Place	Regulatory	622	Climate Change: Energy Efficiency – Bakewell Agricultural Business Centre	96,786	-				96,786	Capital Programme Reserve
Prosperity	Regeneration	625	Bakewell Road, Matlock Development	1,143,343	-				1,143,343	Capital Programme Reserve £204,084, Invest to Save Reserve £562,510, Economic Development Reserve £48,000, Corporate Priority Reserve £201,471, Capital Receipts Reserve £127,278
Place	Community	627	Extensive structural & roof repairs required at Hall Leys Park Clock Tower	2,604	-				2,604	Capital Receipts Reserve

Priority	Service	Project	Project Title	Proposed Revised Budget 23/24 (£)	2024/25 (£)	2025/26 (£)	2026/27 (£)	2027/28 (£)	Total capital programme	Financed by:-
Place	Community	630	Ashbourne Recreation Ground Footbridge replacement	87,500	-				87,500	Capital Programme Reserve
Place	Community	631	Ashbourne Recreation Building Rationalisation	19,041	-				19,041	Capital Programme Reserve
Other	Community	633	Bakewell Agricultural Business Centre Various	14,833	-				14,833	Capital Programme Reserve
Other	Corporate	640	Production Server (ESX) replacement	30,000	-				30,000	IT Reserve
Other	Corporate	641	Network switch replacement	65,000	-				65,000	IT Reserve
Other	Corporate	642	Disaster Recovery (SAN replacement)	30,000	-				30,000	IT Reserve
Other	Corporate	643	VDI Server Replacement	30,000	-				30,000	IT Reserve
Other	Corporate	645	Server 2016 Replacement	36,852	-				36,852	IT Reserve £16,852 & Capital Receipts £20,000
Other	Corporate	646	Windows 2016 Server consultancy	20,000	-				20,000	IT Reserve
Place	Regulatory	647	Ashbourne Leisure Centre Energy Efficiency	3,833	-				3,833	Grant
Place	Regulatory	652	Matlock Bath Lovers Walk Shelter Rebuild	44,530					44,530	Capital Receipts Reserve
Prosperity	Housing	654	Energy Efficiency (off gas grid homes) HUG1	265,042					265,042	Grant
Prosperity	Housing	655	Energy Efficiency (on gas grid homes) LAD3	159,665					159,665	Grant
Place	Community	656	Changing Places (Public Toilets)	34,725					34,725	Grant
Place	Community	659	Longcliffe Waste Depot - Tipping Room Floor	25,000					25,000	Capital Receipts Reserve
Place	Housing	660	Hurst Farm Heritage Trail	682,885	-				682,885	HLF Grant
Place	Community	661	Upgrading of play area & Recreation Facilities in Tansley	32,783					32,783	S106 Contributions
Place	Community	662	Wash-Down Facility Darley Dale Depot	12,560					12,560	Capital Receipts Reserve

Priority	Service	Project	Project Title	Proposed Revised Budget 23/24 (£)	2024/25 (£)	2025/26 (£)	2026/27 (£)	2027/28 (£)	Total capital programme	Financed by:-
Place	Community	663	Fleet De-carbonisation Charging Point - Depot	50,000					50,000	Grant £16,000 + Capital Programme Reserve £34,000
Place	Community	664	EV Charging Infrastructure (car parks)	320,000					320,000	£256,000 grant £64,000 Capital Receipts Reserve
Place	Community	665	Car parks resurfacing	68,000					68,000	Capital Receipts Reserve
Place	Community	666	Rationalisation of Storage Facilities at depot	4,568					4,568	Capital Receipts Reserve
Other	Corporate	667	Wi-Fi Replacement	50,000					50,000	Capital Receipts Reserve
Other	Corporate	668	Production SAN Storage Back-up Storage, Server licences	40,000					40,000	Capital Receipts Reserve
Other	Corporate	669		-	30,000				30,000	Capital Receipts Reserve
Place	Regulatory	670	Longford Flood Defence Leisure Centre	20,000					20,000	Capital Receipts Reserve
Other	Community	LCF	Development - Freedom Hall Leys Park Matlock, Tennis Courts	7,909	-				7,909	Capital Programme Reserve
Place	Community	672	Resurfacing	45,000	-				45,000	Grant
Prosperity	Regeneration	680	Ashbourne Reborn: Highways and Public Realm	3,563,751	5,180,587				8,744,338	LUF Grant £8,341,938, DCC Contr'n £250,000, Ashbourne TC £64,400, Ashcom £48,000, Capital Programme Reserve £40,000
Prosperity	Regeneration	681	Ashbourne Reborn: Community Hub	946,330	5,426,195				6,372,525	LUF Grant £4,925,775, DCC Contr'n £38,750, Ashbourne Methodist Church £1,408,000

Priority	Service	Project	Project Title	Proposed Revised Budget 23/24 (£)	2024/25 (£)	2025/26 (£)	2026/27 (£)	2027/28 (£)	Total capital programme	Financed by:-
Prosperity	Regeneration	674	Matlock Town Centre Public Realm	117,515	325,000				442,515	Grant (UKSPF)
Prosperity	Regeneration	675	Community Resilience Grant (community grants) - UKSPF	-	36,000				36,000	Grant (UKSPF)
Prosperity	Regeneration	683	Community Resilience Grant (community grants) - REPF	27,000	63,000				90,000	Grant (REPF)
Prosperity	Regeneration	676	Rural Innovation Grants (business grants) - UKSPF	54,000					54,000	Grant (UKSPF)
Prosperity	Regeneration	682	Rural Innovation Grants (business grants) - REPF	318,000	205,000				523,000	Grant (REPF)
Prosperity	Regeneration	677	Energy audit & carbon reduction	35,300	52,935				88,235	Grant (UKSPF)
Prosperity	Regeneration	678	Market Town Centre – proposed to support Bakewell Road scheme	69,000	204,000				273,000	Grant (UKSPF)
Prosperity	Regeneration	679	Town Centres Sustainable Communities Programme – proposed to support Bakewell Road scheme	33,333	102,404				135,737	Grant (REPF)
Prosperity	Housing	673	Local Authority Housing Fund	4,360,126					4,360,126	£1,962,232 grant, S106 £2,397,894
Prosperity	Regulatory	684/685	Arc Leisure & Wirksworth Leisure Centre Decarbonisation Schemes	2,189,500					2,189,500	Grant £1,925,500 Capital receipts reserve £264,000
Prosperity	Regulatory	NEW	HUG 2	759,000	1,138,500	-	-	-	1,897,500	Grant
Prosperity	Housing	NEW	Acquisition of 4 homes in Doveridge	350,000	350,000	-	-	-	700,000	Capital Receipts
Prosperity	Housing	NEW	Social Housing Grant - Wash green Wirksworth x 3 Affordable Homes	586,505	-	-	-	-	586,505	Grant

Priority	Service	Project	Project Title	Proposed Revised Budget 23/24 (£)	2024/25 (£)	2025/26 (£)	2026/27 (£)	2027/28 (£)	Total capital programme	Financed by:-
Other	Regulatory	NEW	Bradbourne - Small Sewer Site	45,000	-	-	-	-	45,000	Capital Receipts
Other	Community	NEW	Garage Vehicle Lift	20,000	-	-	-	-	20,000	Capital Receipts
Prosperity	Housing	NEW	Social Housing Grant - Edgefold Road Matlock x2 Affordable Homes	288,395	-	-	-	-	288,395	Grant
Prosperity	Housing	NEW	Harrisons Alms Houses Phase 3 Renovation of house to flats	195,000	-	-	-	-	195,000	S106 Contributions
Prosperity	Housing	NEW	John Higgs Alms-houses - Smedley Street Matlock	-	500,000	-	-	-	500,000	Capital Receipts
Other	Community	NEW	Automated Toilet Locking Facility – Ashbourne, Matlock & Bakewell	15,000	-	-	-	-	15,000	Capital Programme Reserve
Place	Regulatory	NEW	Cemetery Paths	45,000	25,000	25,000	25,000	25,000	145,000	Capital Programme Reserve
Place	Regulatory	NEW	Lychgate Ashbourne Cemetery	25,000	-	-	-	-	25,000	Capital Receipts
Place	Regulatory	NEW	Parks and Recreation Grounds Paths (include Dimple)	75,000	50,000	25,000	25,000	25,000	200,000	Capital Receipts
Place	Regulatory	NEW	Ashbourne Fishpond Foot Bridge – Moved from project 651	35,000	-	-	-	-	35,000	Capital Receipts
				21,726,547	14,746,357	849,736	1,077,736	50,000	38,450,376	

PROPOSED FINANCING OF CAPITAL PROGRAMME 2022/23 to 2027/28

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

<u>Summary of balances</u>	<u>Capital Receipts*</u>	<u>Capital Programme Reserve</u>	<u>S106</u>	<u>Capital Grants</u>	<u>Carsington Grants</u>	<u>* Economic Dev Reserve</u>	<u>* IT Reserve</u>	<u>* Invest to save reserve</u>	<u>* Corp. Plan Priority Reserve</u>	<u>Vehicle Reserve</u>	<u>* Insurance Reserve</u>	<u>Total</u>
	£	£	£	£	£	£	£	£	£	£	£	£
Opening Balance 1st April 2022	-1,921,784	-1,134,383	-6,290,062	-892,024	-33,452	-227,787	-307,991	-562,510	-201,471	-723,379	-25,000	-12,319,843
Revenue Commitments & other adjustments	0	0	158,430	161,750		235,559	71,125					626,864
in-year Contributions	-476,541	-177,068	-1,248,911	-3,111,495		-150,000				-300,000		-5,464,015
Capital Programme 22/23	420,511	354,467	1,014,563	1,940,955		10,000	18,700	0	0	474,077	0	4,233,274
Opening Balance 1st April 2023	-1,977,814	-956,984	-6,365,980	-1,900,814	-33,452	-132,228	-218,166	-562,510	-201,471	-549,302	-25,000	-12,923,720
Revenue Commitments & other adjustments						54,931						54,931
in-year Contributions	-160,000	0	-83,197	-11,090,309						-50,000		-11,383,506
Capital Programme 23/24	1,150,631	925,409	5,773,352	12,353,191		48,000	191,852	562,510	201,471	495,133	25,000	21,726,548
Opening Balance 1st April 2024	-987,183	-31,575	-675,825	-637,932	-33,452	-29,297	-26,314	0	0	-104,169	0	-2,525,746
Revenue Commitments & other adjustments	0	0	0	0	0	0	0	0	0	0	0	0
in-year Contributions	-110,000			-13,335,357						-300,000		-13,745,357
Capital Programme 24/25	725,000	0	260,000	13,375,357		0	0	0	0	386,000		14,746,357
Opening Balance 1st April 2025	-372,183	-31,575	-415,825	-597,932	-33,452	-29,297	-26,314	0	0	-18,169	0	-1,524,746
Revenue Commitments & other adjustments	0	0	0	0	0	0	0	0	0	0		0
in-year Contributions	-50,000			-601,736						-300,000		-951,736
Capital Programme 25/26	80,000	0	0	601,736	0	0	0	0	0	168,000		849,736
Opening Balance 1st April 2026	-342,183	-31,575	-415,825	-597,932	-33,452	-29,297	-26,314	0	0	-150,169	0	-1,626,746
Revenue Commitments & other adjustments	0	0	0	0	0	0	0	0	0	0		0
in-year Contributions	-50,000			-601,736						-300,000		-951,736
Capital Programme 26/27	80,000	0	0	601,736	0	0	0	0	0	396,000		1,077,736
Opening Balance 1st April 2027	-312,183	-31,575	-415,825	-597,932	-33,452	-29,297	-26,314	0	0	-54,169	0	-1,500,746

<u>Summary of balances</u>	<u>Capital Receipts*</u>	<u>Capital Programme Reserve</u>	<u>S106</u>	<u>Capital Grants</u>	<u>Carsington Grants</u>	<u>* Economic Dev Reserve</u>	<u>* IT Reserve</u>	<u>* Invest to save reserve</u>	<u>* Corp. Plan Priority Reserve</u>	<u>Vehicle Reserve</u>	<u>* Insurance Reserve</u>	<u>Total</u>
	£	£	£	£	£	£	£	£	£	£	£	£
Opening Balance 1st April 2027	-312,183	-31,575	-415,825	-597,932	-33,452	-29,297	-26,314	0	0	-54,169	0	-1,500,746
Revenue Commitments & other adjustments												
in-year Contributions												0
Capital Programme 27/28	50,000	0	0	0		0	0	0		0		50,000
Opening Balance 1st April 2028	-262,183	-31,575	-415,825	-597,932	-33,452	-29,297	-26,314	0	0	-54,169	0	-1,450,746
*Funding agreed previously to be earmarked for capital schemes												

Details of bids for Inclusion into the Capital Programme 2023/24 to 2027/28 (approved by Community & Environment Committee on 13 July 2023)

Business Case 1 – Home Upgrade Grant (HUG) 2

No Score - fully grant awarded project

Total Cost of Project - £1,897,500 – Funded by Capital Grant

As part of a consortium bid led by the Midlands Net Zero Hub (MNZH) the Council has been offered £1,897,500 of HUG2 grant funding to improve the energy efficiency of off gas private housing across the district where residents are in fuel poverty. The schemes allow fully-funded energy efficiency measures such as insulation, solar panels and low-carbon heating to be installed in homes with the poorest EPC ratings where residents are on a low income.

The Council manages the installation of the measures through its own contractors and provides support to the resident via a partnership with the fuel poverty charity “Marches Energy Agency” throughout the process. The schemes have the dual benefit of reducing district-wide emissions and improving the quality of living for residents. In the financial year 2023/24 the grant’s first year allocation will be £759,000, followed by an allocation of £1,138,500 for 2024/25 making a grand total of £1,897,500 grant funding over a 2-year period.

Climate Change Implications

The average home emits 6t of CO₂e a year. Homes that are off gas typically have higher emissions associated with their use of high carbon heating such as oil, LPG or solid fuel. Improving the energy efficiency of homes and, in particular supporting the transition to low carbon heating, therefore has clear district-wide emissions reductions benefits.

Business Case 2 – Acquisition of 4 homes in Doveridge

Matrix Score – 82

Total Cost of Project - £700,000 – Funded from Section 106 £610,000 and Capital Receipts £90,000

District Council Housing Acquisition at Doveridge of £605,000, contingency for energy efficiency and extra specification works £60,000 and development fees of £35,000. Total £700,000.

Owl Homes have sought tenders for the purchase of 4 homes on the s106 site. The tender was for 2 houses for rent and 2 for shared ownership. The development has planning consent and will start on site in September 2023 and is planned to complete in late 2024. The Council has made a bid of £605,000 through NCHA for the 4

homes and this has been accepted by Owl Homes. The 2 shared ownership properties will create a capital receipt.

This project seeks to deliver affordable housing for the Council as the provider of affordable housing. This supports the Council's corporate priority to enable the provision of new affordable homes for local people. For the Council, this project also provides a new income stream for the service and delivers against the Council's objective to deliver energy efficient homes.

There is a substantial need for new affordable housing across the district and this scheme will help to deliver much needed affordable housing.

Climate Change Implications

The 4 homes at Doveridge are part of an allocated site in the Local Plan. The homes will achieve a rating of EPC B. The housing department will work with the developer to achieve an improved EPC score through solar PV. Part of the capital allocation includes a contingency to cover the costs of such work.

Business Case 3 - New-Build Council Housing Wash Green, Wirksworth

Matrix Score – 72

Total Cost of Project - £586,505 Funded by Section 106 £436,505 and Capital Grant £150,000.

This project seeks to deliver 3 new affordable homes on council owned land with a contribution of neighbouring land from Platform. This supports the Council's corporate priority to enable the provision of new affordable homes for local people. For the Council, this project also provides a new income stream and meets the Council's objective to deliver energy efficient homes. The scheme also delivers a Rural Exception Site, representing an important milestone in housing delivery for DDDC. The homes will be off gas and achieve EPC A.

In financial year 2023/24 an allocation of £586,505 funded from Section 106 and a grant from Homes England is requested.

There is a substantial need for new affordable housing across the district, this scheme will help to deliver much needed affordable housing.

Climate Change Implications

The 3 new homes will be off gas and utilise renewable energy and super insulation to achieve EPC A ratings

Business Case 4 – Bradbourne Small Sewer Site Replacement

Matrix Score - 70

Total Cost of Project - £45,000 Funded from Capital Receipts

This project comprises of the complete replacement of a life- expired small sewer site in Brabourne serving residential properties. The site is one of 7 such sites retained by the District Council at the time of the Housing Stock Transfer in 2002 and remains the Council's responsibility.

An allocation of £45,000 is requested to replace the existing plant with a new system which meets modern standards in Financial Year 23/24.

Climate Change Implications

There is no perceived impact resulting from this project; further information will be detailed as part of the tendering and procurement process.

Business Case 5 – Garage Vehicle Lift

Matrix Score – 67

Total Cost of Project - £20,000 Funded from Capital Receipts

The DDDC garage currently has two lifts: one a 5-tonne lift and the other with a 2-tonne capacity for servicing vehicles within the Clean and Green Team, The Agricultural Business Centre (ABC) and taxi inspections. The latter was installed in 1979 and is causing daily operational delays for the following reasons.

It is not long enough to fit the transit vehicles on safely and is too low for the work on taxi inspections. It can no longer hold the growing number of vehicles over 2 tonnes so cannot support the range of fleet which supports the functions of the Clean and Green Team. Therefore, should the 5-tonne lift be in use and a vehicle comes in for repair, this work is delayed causing operational hold-ups across the service.

In financial year 2023/24 an allocation of £20,000 is requested to enable the purchase and installation of a new lift. Not only will this ease the pressure of the present situation, but it will also support the electric vehicles we will be trialling in the near future. After the one-year guarantee, there will be a requirement for a yearly inspection to ensure the ramp is operating as it should and to maximise the lifespan of the equipment, this will be paid out of existing revenue budgets.

Climate Change Implications

This project supports the Council's priority to transition the fleet to electric vehicles, which is expected to reduce emissions.

Business Case 6 – New-Build Council Housing Edgefold Road, Matlock

Matrix Score – 65

Total Cost of Project - £288,395 Funded from Section 106 £198,395 and Capital Grant £90,000.

This project seeks to deliver 2 new affordable homes on council-owned land at Edgefold Road, Matlock. This supports the Council's corporate priority to enable the provision of new affordable homes for local people. For the Council, this project also provides a new income stream and meets the Council's objective to deliver energy efficient homes. The homes will be off gas and achieve EPC A.

In financial year 2023/24 an allocation of £288,395 funded from Section 106 and a grant from Homes England is requested.

There is a substantial need for new affordable housing across the district, this scheme will help to deliver much needed affordable housing.

Climate Change Implications

The two affordable homes make use of brownfield land. The homes will be off gas and utilise renewable energy and super insulation to achieve EPC A ratings.

Business Case 7a - Harrison Alms-house Trust Phase 3

Matrix Score – 64

Total Cost of Project – £195,000 Funded from Section 106

This project seeks to deliver the third and final phase of work with the Harrison Alms-house Trust. The trust owns 15 Matlock Green which has previously been let as a private rented property. The long-term tenant of 30 years recently died, and this has meant the timetable for renovation and conversion can be brought forward. The scheme will see two flats provided which will help to meet housing needs in Matlock. 50% of the Housing Register comprise of single households and there is a continuing shortage of 1 bed accommodation in Matlock. The two flats will be substantially renovated and include solar panels, Air Source Heat Pumps and Battery technology that will deliver highly efficient accommodation with an EPC of B.

The Harrison Alms-house Trust will bring the 2 flats within the legal protection of the Alms-house framework so protecting the Council's investment in perpetuity. Without this investment the Trust would be forced to sell the property and the opportunity to provide 2 flats would be lost.

In quarter 4 of 2023/24 a grant allocation of £195,000 (Funded from Section 106) is requested to complete the works enabling the provision of new affordable homes through housing associations and increase the number of homes directly provided by the Council as part of the new council housing programme.

Climate Change Implications

This retrofit scheme will improve the energy performance of the properties from E to B ratings, reflecting a substantial reduction in CO2 emissions and reducing the energy costs to residents. The improvement works will protect the building fabric and maintain the condition for many years to come.

Business Case 7b - John Higgs Alms-house Trust, Matlock

Matrix Score – 64

Total cost of Project - £500,000 Funded from Capital Receipts

This project seeks to deliver renovation and retrofit of 6 Alms-house bungalows in Matlock including solar PV, air source heat pumps and battery 'power walls'. The Trust is contributing £54,000 to cover the cost of the battery technology.

In the financial year 2024/25 an allocation of £500k funded from Capital Receipts is requested to enable the above works.

This scheme supports the need to improve energy efficiency of the local housing stock and safeguard social housing. The benefit to the council is not a financial one. Investing in Alms-house properties highlights the techniques and energy efficiency measures that can be used to treat 'hard to treat' homes.

Climate Change Implications

This retrofit scheme will improve the energy performance of the properties from E to B ratings, reflecting a substantial reduction in CO2 emissions and reducing the energy costs to residents. The improvement works will protect the building fabric and maintain the condition for many years to come.

Business Case 8 – Automated Public Toilet Locking Facility

Scoring Matrix – 62

Total cost of Project - £15,000 – Funded from Capital Programme Reserve

DDDC currently operates nine public toilets. The toilets at Matlock Bath operate with an auto locking system which allows this facility to be open beyond normal staff operating times i.e. 8:30am until 8:30pm, whereas other toilets are open 8:30am – 5:30pm in the summer and 9:30am – 4.30pm in the winter. The reasons for the current opening times of our public toilets derive from limited resources and the amount of vandalism that the facilities experience outside of normal working hours. However, due to the number of complaints from the public received during the summer relating to the opening times, it has always been an aspiration to address this in the main towns. The auto locking system was installed by a current DDDC contractor Overtons and is managed by the Estates Team and supported by Healthmatic who provide the operational paddle-gate system across all our public toilets.

With high levels of security and cleaning standard, the toilets are fit to open to the public for longer hours without supervision using autolocking systems that can be pre-programmed. Not only will this achieve more income (although all locations would be different, but the Council also currently receives £350 per month in Matlock Bath between 5.00pm - 8.30pm) allowing the service to be more reactive to sudden increase in visitors during local events, bank holidays, and warmer weather.

In the financial year 2023/24 an allocation of £15,000 is requested to enable the purchase and installation of three autolocking systems at Ashbourne, Bakewell, and Matlock Hall Leys.

Climate Change Implications

The automation of the facility will result in less resources i.e. labour and transport costs; the latter is expected to result in a small reduction in emissions.

Business Case 9a - Cemetery Paths Resurfacing Programme

Scoring Matrix – 56

Total cost of Project - £145,000 Funded from Capital Programme Reserve £45,000 and Capital Receipts Reserve £100,000.

This project comprises a 5-year programme of replacement of poor-quality life expired paths in operational District Council Cemeteries and closed churchyards where the District Council has a liability for paths.

In financial year 2023/24 an allocation of £45,000 is requested to enable the complete replacement of poor-quality life expired paths and roadways in and around Ashbourne Mayfield Road, Cemetery and for footpath extensions in Wirksworth Steeple Arch Cemetery.

In the following 4 financial years, an annual allocation of £25,000 is requested.

Climate Change Implications

There is no perceived impact of a result of this project; further information will be detailed as part of the tendering and procurement process.

Business Case 9b – Cemetery Lychgate Refurbishment, Mayfield Road, Ashbourne

Scoring Matrix – 56

Total cost of Project - £25,000 – Funded from Insurance Reserve

This project addresses HGV vehicle impact damage to an ornate stone and oak Lychgate to Ashbourne Mayfield Road Cemetery.

In financial year 2023/24 an allocation of £25K is requested from the Insurance Reserve to enable a schedule of works to be developed following a structural survey which can then be procured to take place over the summer months. Works are likely to involve the partial dismantling of the roof and walls and reconstruction to address the structural damage.

Climate Change Implications

There is no perceived impact of a result of this project; further information will be detailed as part of the tendering and procurement process.

Business Case 9c – Parks and Recreation Grounds Paths Resurfacing Programme

Scoring Matrix – 56

Total cost of Project - £200,000 Funded from Capital Receipts

This project comprises a 5year programme of replacement of poor-quality life expired and new paths in District Council Parks and Recreation Grounds.

In financial year 2023/24 an allocation of £75,000 is requested to enable the complete replacement of poor-quality life expired paths and roadways in Bath Gardens, Bakewell and Dimple Recreation Ground, Matlock.

In financial year 2024/25 an allocation of £50,000 is requested to enable the construction of a new path in Ashbourne Memorial Gardens to surface the well-used but unsurfaced main pedestrian route through the gardens.

In the following 3 financial years, an annual allocation of £25,000 is requested.

Climate Change Implications

There is no perceived impact of a result of this project; further information will be detailed as part of the tendering and procurement process.

Business Case 9d – Ashbourne Fishpond Replacement Footbridge

Scoring Matrix – 56

Total cost of Project - £35,000 Funded from Capital Receipts

This project comprises the replacement of an existing life expired pedestrian footbridge with a modern timber structure which meets accessibility requirements to improve this well used pedestrian access route from the Town Centre to the Memorial Park and Recreation Ground at a cost of £25,000 in Financial Year 2023/24.

Climate Change Implications

There is no perceived impact of a result of this project; further information will be detailed as part of the tendering and procurement process.

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