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Wednesday, 17 January 2024

To All Councillors:

As a Member of the **Council**, please treat this as your summons to attend a meeting on **Thursday, 25 January 2024 at 6.00 pm** in the **Council Chamber, Town Hall, Matlock, DE4 3NN**

Yours sincerely,

Helen Mitchell
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. CHAIRMAN'S ANNOUNCEMENTS

Announcements of the Civic Chairman of Derbyshire Dales District Council, Councillor David Burton.

5. COMMITTEES (MINUTE BOOK TO FOLLOW)

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

Non-exempt Minutes to be received:	Date
Licensing and Appeals Committee	05 December 2023
Scrutiny Committee	06 December 2023
Community and Environment Committee	07 December 2023
Planning Committee	12 December 2023
Council	14 December 2023
Local Plan Sub-Committee	20 December 2023

6. QUESTIONS (RULE OF PROCEDURE 15)

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

7. APPROVAL OF MINUTES OF PREVIOUS MEETING (Pages 5 - 24)

14 December 2023

8. DERBY AND DERBYSHIRE STRATEGIC LEADERSHIP BOARD (Pages 25 - 52)

This report provides the Council with an update on work taking place with Derby and Derbyshire councils on a revised approach to collaborative and partnership working. The report seeks approval from Council to participate in a new Joint Committee of Derby and Derbyshire's councils – the 'D2 Strategic Leadership Board'.

9. STRUCTURAL CHANGES TO THE ORGANISATIONAL ESTABLISHMENT (Pages 53 - 64)

The report sets out the Chief Executive's proposals to realign organisational resources in order to ensure that the Council is adequately resourced to deal with existing and future priorities and challenges.

10. LOCAL COUNCIL TAX SUPPORT SCHEME FOR 2024/25 (Pages 65 - 74)

This report provides information relating to proposed changes to, and seeks approval to adopt, the Local Council Tax Support Scheme for the financial year 2024/25.

11. REVIEW OF POLLING DISTRICTS AND POLLING PLACES (Pages 75 - 82)

This report seeks approval to progress outline plans for a statutory review of polling districts and polling places within the District. It also recommends officer delegation to make amendments to polling places for elections to be held between now and completion of the review.

12. REFERRED ITEM - RECOMMENDATIONS OF THE COMMUNITY & ENVIRONMENT COMMITTEE (Pages 83 - 92)

To consider the recommendations of the Community & Environment Committee regarding the approval of a supplementary budget estimate of £10,000 to facilitate a 12-month subscription to Earthsense.

13. VEHICLE REPLACEMENT PROGRAMME - 2023/24 (Pages 93 - 98)

The report requests the transfer £166,133 of funds already approved and allocated to the Vehicle Replacement Programme for 2024/25 into the current financial year.

14. EXCLUSION OF PUBLIC AND PRESS

At this point the Committee will consider excluding the public and press from the meeting in order to consider the exempt information contained within appendix 1 to Item 15. The reasons for this exemption are detailed below, as per paragraphs 3 of Schedule 12A of the Local Government Act 1972:

3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).

15. FREEDOM LEISURE - ADDITIONAL FUNDING DUE TO THE INCREASED COST OF ENERGY (Pages 99 - 150)

This report outlines the request for additional funding to support Freedom Leisure with the increased utility costs for the 3 financial years from 2023/24 to 2025/26.

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, 14th December, 2023 in the Council Chamber, Town Hall, Matlock, DE4 3NN.

PRESENT Councillor Dawn Greatorex - In the Chair

Councillors: Dawn Greatorex, Matt Buckler, Martin Burfoot, Sue Burfoot, Neil Buttle, David Chapman, Susan Hobson, David Hughes, Dermot Murphy, Peter O'Brien, Peter Slack, Roger Shelley, Nick Wilton, Peter Dobbs, Gareth Gee, Anthony Bates, Kelda Boothroyd, Andy Nash, Lucy Peacock, Simon Ripton, David Burton, Geoff Bond, Nigel Norman Edwards-Walker, John Bointon, Laura Mellstrom and Steve Flitter

Paul Wilson (Chief Executive), Tim Braund (Director of Regulatory Services), Steve Capes (Director of Regeneration & Policy), Robert Cogings (Director of Housing), Karen Henriksen (Director of Resources), Helen Mitchell (Director of Corporate and Customer Services (Monitoring Officer)), Giles Dann (Regeneration and Place 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): Steve Wain, Robert Archer, Stuart Lees, Mark Wakeman, Marilyn Franks, Nick Whitehead and Joanne Linthwaite.

267/23 - INTERESTS

Item 11 Proposal of a Notice of Motion (Rule of Procedure 16) – Motion A

Councillors Susan Hobson, Martin Burfoot, Sue Burfoot, Matt Buckler and John Bointon declared pecuniary interests in Item 11 – Motion A due to holding a pension within the Derbyshire Pension Fund.

Item 19 – Public Sector Biodiversity Duty – Update

Councillor Matt Buckler declared a pecuniary interest in Item 19 due to his employment with Derbyshire Wildlife Trust.

268/23 - PART A) LAND AT BAKEWELL ROAD MATLOCK: OUTCOME OF OPTIONS ASSESSMENT AND PROPOSED APPROACH

The Regeneration and Place Manager introduced a report which provided a summary of, and conclusions from, the economic and financial assessment completed by external consultants on development options for the site. The report also asked Members to consider an initial package of works to be commenced during the remainder of 2023/24.

The Updated Business Case for the proposed conversion of the former Market Hall, enabling provision of a new indoor leisure attraction was approved at the meeting of Community & Environment Committee held on 1 March 2022. The scheme received detailed planning consent on 8 February 2022. Project development had been overseen by the Project Management Group (PMG) with input from the Council's Legal and Finance teams.

Following this, several Invitation To Tender (ITT) exercises had been completed, unfortunately no acceptable/affordable tender was received. These therefore concluded without a contractor appointment, illustrating the significant challenge of delivering the proposed scheme within the volatile construction market, impacted by high cost inflation. As a result of this, in July Members were asked to consider a list of development options which were detailed within the report. Further assessment work was then completed by Thomas Lister and AMION consulting, the updated assessment was included as an addendum to the updated business case, this was presented to Members as an appendix to Part B of this report.

It was moved by Councillor Steve Flitter and seconded by Councillor Martin Burfoot that the recommendations as set out within the report be accepted. During debate, an amendment was proposed by Councillor Peter O'Brien and seconded by Councillor Roger Shelley to include the additional point as shown below:

9. That the Bakewell Road project be re-scoped as the "Matlock Western Gateway" initiative, in order to generate a wider range of community, environmental, commercial and residential opportunities to support the priorities in the Council Plan and that an all-Party Working Group be established to steer the re-scoping exercise, supported by appropriate external partners.

The proposed amendment was debated and put to the vote as follows:

08 For
14 Against
03 Abstentions

The Chair declared the amendment **LOST**.

It was moved that the substantive motion be put to the vote by Councillor Geoff Bond, this was seconded by Councillor Martin Burfoot.

I was then moved by Councillor Steve Flitter that a recorded vote taken, this was seconded by Councillor Sue Burfoot. The substantive motion, as moved and seconded, was then put to a recorded vote as follows:

For: 24, Councillors: Anthony Bates, John Bointon, Geoff Bond, Kelda Boothroyd, Matt Buckler, Martin Burfoot, Sue Burfoot, David Burton, Neil Buttle, David Chapman, Peter Dobbs, Nigel Edwards-Walker, Steve Flitter, Dawn Greatorex, Susan Hobson, David Hughes, Laura Mellstrom, Dermot Murphy, Andy Nash, Lucy Peacock, Simon Ripton, Roger Shelley, Peter Slack, Nick Wilton.

Against: 1, Councillor: Gareth Gee

Abstention: 1, Councillor: Peter O'Brien

It was therefore **RESOLVED**

1. That Members note the continuing challenges in delivering the project within the current economic climate.
2. That Members note the outcome of the updated economic and financial assessment of the project / development options agreed by Council (updating the previous business case) and completed by external consultants, and wider cost benefit / financial analysis prepared for the scheme.
3. That the long-standing commitment of the proposed cinema operator to working with the Council to this stage to pursue a scheme for Matlock be acknowledged and minuted.
4. That previous input to the project and close working with Matlock Community Vision Steering Group be acknowledged and minuted.
5. That, taking account of the updated economic and financial assessment of the project and current economic climate, the proposed conversion of the former Market Hall comprising a two-screen cinema and food and beverage unit be deferred with a review of the position to be undertaken in approx. 18 months' time should economic conditions improve.
6. That an initial Phase 1 works package to the existing bus station as proposed in the report be progressed in early 2024 comprising: external works to the building; internal works to the bus station area to improve waiting facilities for bus passengers and taxi users and public realm works in the immediate vicinity.

7. That the existing District Council Capital Programme allocation to the wider development scheme be retained subject to review of the scheme as per recommendation 5.
8. That proposals for re-allocating UK Shared Prosperity Fund and Rural England Prosperity Fund capital funding allocated to the project in 2024/25 be developed for consideration by the Derbyshire Dales UKSPF Partnership Board, both for the Bakewell Road Site and alternative schemes, in accordance with the criteria set out in Section 6, and a further report be brought back to Members at the earliest opportunity.

The Chair declared the motion **CARRIED**.

269/23 - PUBLIC PARTICIPATION

Re: Agenda Item 13 – Gypsies and Travellers – Update

In accordance with the procedure for public participation, Mr Stephen Walton (Local Resident) and Mr Richard Walsh (Local Resident) made statements regarding the Gypsies and Travellers - update report.

The following representations were received in writing prior to the meeting and were distributed to Members:

STATEMENT from Ms Victoria Friend, Chair Rowsley Parish Council

“Dear Councillors,

The Parish Council and residents of Rowsley are extremely concerned that the decision to designate the car park at Old Station Close in Rowsley as a temporary traveller site has only been postponed and not removed completely. The postponement prior to the meeting on 28th September was due to the extensive representation of local opposition to use of the car park in Rowsley as a temporary site due to its complete unsuitability and the detrimental impact it would have on local business which employ local people, as well as on the local community and tourism industry within the Derbyshire Dales and Peak District National Park. Rowsley is a small village and the car park is essential to our local businesses on the Industrial Estate as well as to tourists using the Derwent Valley Heritage Way, Cycle Trail and numerous popular walks through the National Park to Chatsworth, Bakewell, Stanton Moor and Haddon Hall that all start in the village. The contemporary arts centre, The Level was located on Old Station Close because of the essential amenity of the car park close by. This car park is full of cars all day every day. If the car park is taken out of use the detrimental impact on the village will be enormous and disproportionate. In addition, the site is situated on the river bank within the flood zone that has caused such distress to residents of the village in recent years, not least just a few weeks ago when several houses were flooded yet again and the village was completely inaccessible for several hours due to flood water.

The residents of Rowsley would like the assurance of the council that the Old Station Close car park will not be considered as a Traveller site at any point in the future.”

STATEMENT from Ms Sarah Porter, Clerk to Baslow and Bubnell Parish Council

“Hello,

On behalf of Baslow and Bubnell Parish Council I am writing to raise concerns about the traveller item on the agenda for 14th December.

Having expressed concerns over this topic before, I am surprised I was not notified about this report and only heard about it via our District Councillor.

The Council is concerned that any consultation on site will be online only. This is not an inclusive way of engaging the community and should only form one method of consultation.

The Council notes the proposal to appoint land agents to look for suitable sites. Will this include sites which the District Council has already considered and deemed unsuitable such as the sites within the Peak Park? To not do so would seem a waste of resources.

Previously, Baslow Nether End car park was included as a potential site. Baslow is one of the key gateways to the Peak District and leads to Chatsworth. Parking is already an issue in the village, particularly during holidays and weekends, and so reducing the available car parking spaces will cause a huge impact on the rest of the village. The Parish Council has recently undertaken consultation to look at this and can provide data to show this. The impact on a loss of parking to the village will be felt by the local businesses still trying to recover from the lockdowns of Covid.

The Parish Council urges the District Council to confirm that this site nor any other in Baslow is on a potential list?

I look forward to hearing from you on this matter.

Best wishes,

Sarah”

STATEMENT from Ms Julie Baranek, Clerk to Matlock Bath Parish Council

“We would very much like the following to be passed to Councillors in connection with tonight’s agenda item on Travellers.

I write on behalf of Matlock Bath Parish Council. Councillors watched with interest the debate at the DDDC Council meeting in September on the traveller situation in Derbyshire Dales.

Matlock Bath Parish Council were encouraged to hear that members of the Working Group felt that Station Car Park is not a suitable site for the traveller family. As you will all remember, Council only ever agreed that they should use this as a temporary site until 31st January 2023 although the residents of Matlock Bath have had to endure the travellers encamped there for a number of years.

We noted that the meeting agreed that finding a permanent site for the homeless traveller families was a top priority and should be expedited with great haste. The Parish Council would wholeheartedly agree with this. We would also agree that the whole of the Derbyshire Dales area should share the ‘burden’ of the traveller families whilst permanent sites are found and developed. However, Councillors felt that Matlock Bath over the years has done its bit already.

In previous correspondence to Derbyshire Dales, the Parish Council has expressed great concern regarding the effect the lack of coach parking in the village has had on local

businesses. This was echoed at the meeting. Our District Councillor, Cllr Nick Whitehead, spoke strongly and passionately about this and quoted the figures we had obtained from DDDC in 2019.

In 2019 – the last ‘normal’ year, 809 coaches purchased a parking ticket for the coach park bringing an estimated 20,225 visitors to the village (based on a figure of each coach bringing 25 occupants). This was a deliberately conservative estimate.

In comparison, 2023 no coaches were able to park in the coach park, this resulted in an estimated loss of over 20,000 visitors to the village with a resultant loss of income to the businesses in the village. As you will be aware, there is no other town or village in the Derbyshire Dales where businesses are so reliant on visitors transported to it by coach.

Even if each visitor had spent just £5, this is a loss of income to the businesses of the village of around £100,000.

In addition, the loss of income to DDDC – 809 x £5.50 (if they stay less than 3 hours) - £4450, toilets – 20,000 x 20p - £4,000.

The Parish Council is strongly requesting that the family on the coach park are moved to another temporary site as soon as possible until a permanent site is established for them. Although in previous years residents have tolerated these travellers over the winter period when tourism is most quiet, we would urge DDDC to move them no later than 31st January – 12 months after they should have been removed. Earlier would be preferable but understand that it might not be possible.

The Parish Council is extremely concerned that some coach companies will not return to Matlock Bath after such a lengthy time the coach park has been out of action. We would appreciate it if some kind of recompense could be given to these companies to encourage them to return. Perhaps free coach parking until the end of May. This might ensure that coaches return during the early part of the year and the Easter holidays and then subsequently the summer. We are aware that coaches which do not come around Easter time are more likely not to come in the summer.

Although we know that investigation was made into fitting a height barrier some years ago in Station Car Park, we would ask that it be re-visited into possibly finding a solution to prevent other traveller families from using the coach park area. We are aware that many other travellers have visited the site during the time the family have been permitted to use it, which has resulted in an increase in defecation on Lovers Walks, litter, noise and anti-social behaviour.

On behalf of all residents and businesses in Matlock Bath, we strongly urge the Working Group and Derbyshire Dales District Council to find an alternative temporary, and in due course, a permanent site for these homeless travellers.

Unfortunately, Matlock Bath residents have ‘had enough’ and businesses are greatly feeling the squeeze with the loss of income that has resulted in the travellers being in the village.

We are now another 11 weeks down the line and no action has been taken and the prospect of the coach park returning to its proper use is no nearer. The 2024 tourist season in Matlock Bath starts with the February half term holiday which, because Easter is at the end of March, is even earlier than usual. It would appear that our village is to continue to suffer the following for the foreseeable future.

Environmental issues – I understand that the Council has given this a top policy priority and consider them with every decision they make:

- *Noise – the geography of the village means that noise issue echo around the valley. The village suffers the continual barking of dogs often 24 hours a day. Shouting is another issue again often from 5am in the morning until late at night.*
- *Rubbish dumped on the site which has to be cleared by DDDC staff.*
- *The surrounding footpaths in a conservation area/grade 2 listed park are being used as a human toilet making them unusable by both residents and visitors.*

Behaviour such as this would not be tolerated from any other residents of Derbyshire Dales.

The economic effect on businesses in the village:

- *As highlighted in the paragraph above*
- *Less quantifiable is the effect that it has on visitors who drive into the car park, the largest and most popular in the village, see the traveller encampment and do not stop. We know it does have an effect as the Parish Council has received correspondence to that effect (which have been passed on to DDDC).*

We now call on the Council to take immediate action and move this family to another tolerated site so that the coach park can return to its correct use. Once this has happened follow the other proposals we have put forward to help restore the tourist economy of the village to its previous level. The Parish Council did send an e-mail to Paul Wilson, Steve Flitter and Marilyn Franks on 8th October but to date no response has been received.

Kind regards,

Julie”

STATEMENT from Mr Harry White, Chairman of Calver Parish Council

“Dear Councillors,

I am writing on behalf of Calver Parish Council with great concerns about your search for the Temporary Traveller Sites.

Back in September the decision was made by the council to rescind the decision taken on the subject of Potential Temporary traveller sites last year on the 24th of November 2022.

We have particular concerns for the sites proposed local to Calver, these being the land to the rear of Edge View Stoney Middleton, Hawkhill road Car park Eyam, Nether End Car Park Baslow, the two sites in Bakewell, and Old Station Close Car Park Rowsley.

Just before your full Council meeting in September the agenda item was 'Postponed'.

We ask that this agenda item be permanently withdrawn for future consideration.

None of these sites are appropriate for Traveller families as they are all too close to local residents' properties and local businesses in the area.

We totally object to any of the above sites being considered and we expect a reply with decisions made by the council.

I ask that this please be shared with ALL councillors and with Paul Wilson the Chief Executive.

Kind Regards

Harry White, Chairman of Calver Parish Council

270/23 - LEADERS' ANNOUNCEMENTS

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

"I'd first like to thank all those who sent messages of condolence to both my wife and I and Councillor Steve Wain and his wife following recent losses.

As you will be aware, a comprehensive Organisational Update was circulated earlier this month to all Members and if you haven't had the opportunity to read it yet then I would strongly encourage you to do so as it contains a lot of information about the fantastic work which has been undertaken by this Council.

In relation to the proposed closure of the Natwest Bank in Bakewell, on behalf of the Council I have sent a strongly worded letter to the CEO, Mr Paul Thwaite, and encouraged him to meet with us, the MP, and other interested parties to work together to find a future solution to in person banking in this part of the Dales. I received a response earlier this afternoon which reiterates the previous standard responses issued and offers a meeting with the local Director for the branch, rather than the requested meeting with the senior leadership of Natwest. This is very disappointing, however I will continue to explore with colleagues how we can continue to exert influence on Natwest.

I would also like to talk about a recent meeting of the Vision Derbyshire Joint Committee for Economic Prosperity, it was good to see that the Business Start Up Grants Scheme has currently funded 100 projects with a combined value of nearly £350,000, with a further £99,000 currently being appraised. I also noted that the client investment, within the private sector, totalled £485,000 taking the total for project investment so far to £835,000. A decision was made that the remainder of the Retained Business Rates would go to the new Strategic Leadership Board to support their ongoing work. It is also worth noting that we hope to bring the draft terms of reference for this Board to the January meeting of this Council for consideration.

At the most recent meeting of Vision Derbyshire, we were presented with graphs showing which issues District Councils would be unable to vote on, due to being out of the remit of their responsibilities. I raised a question regarding the ability for District Councils to vote on issues relating to Public Transport, as whilst this is not strictly within the roles and responsibilities of the District Council, it does have large impacts on the lives of our residents via the planning system, housing, traffic, and most of all the connectivity of a rural area such as the Derbyshire Dales. I hope to receive a response to my queries soon.

I was delighted to hear that Jason Spencer, the Council's Democratic and Electoral Services Manager, has been formally recognised for his distinguished service by the Association of Democratic Services Officers. At their recently held Annual Conference, Jason was robbed of winning the award, but his shortlisting for it clearly demonstrates his achievements over the past 30 years in corporate governance. I'm sure that you would all like to join me in congratulating Jason on this excellent achievement.

I'm sure all Members agree that the effectiveness of this Council is heavily influenced by the hard work and commitment of our staff. As an employer, we need to ensure that we have a workforce who are well-managed, respected and valued. I am therefore delighted to report that in the recent bi-annual staff survey, which was completed by 80% of our employees, the highest response rate ever recorded, staff satisfaction levels have again improved on the results recorded in 2021, 2019 and 2017.

Thirty-eight questions had more than 70% positive responses, this compares with thirty-one questions in 2021; 24 questions in 2019 and 10 questions in 2017. The top results are:

- *94% feel confident raising issues with their immediate line manager.*
- *87% state that their manager gives them support and guidance to do their job.*
- *86% state that their manager shows genuine concern for them.*
- *85% are satisfied with the District Council as an employer.*
- *85% feel well managed by their immediate line manager.*

The cross-party Traveller Working Group continues to meet with a view to progressing the identification of permanent and temporary Traveller sites, you will note that there is an update report from this group on the agenda today. I can't stress enough how important it is for Members of this Council to continue to work together in this regard. We must strive for a solution, not only for the Travellers but equally for the residents of the District.

I would also like to draw attention to the East Midlands Combined Mayoral Authority elections which will take place on the 2nd May 2024. It's vitally important that we engage and work hard to get the best for Derbyshire Dales as this new authority will naturally focus on the cities and larger towns within the area. There is an opportunity to foster good relations with the other Derbyshire Leaders on the Strategic Leadership Board where there is an appetite for refreshed collaborative activity in Derbyshire especially on matters relating to the combined authority. At this morning's meeting it showed that there is recognition that a future partnership approach should specifically align with proposals for the East Midlands Mayoral Combined Authority to secure collective influence.

I'm pleased to report that the decarbonisation works have now been completed at the Agricultural Business Centre and also here at the Town Hall, you can find out more information relating to this Council's current work towards our climate change goals in the most recent Organisational Update.

Before I finish, I would also like to take this opportunity to encourage you to shop locally across the District by taking advantage of free parking in all of our car parks after 2pm every day for the rest of December.

And Finally, it just leaves me to say a massive thank you to all of the Officers who work hard to support Members and to take this opportunity to wish you all a very Merry Christmas and a Happy New Year."

271/23 - CIVIC CHAIR'S ANNOUNCEMENTS

The Civic-Chair of the Council, Councillor David Burton introduced Rector Stephen Monk, of St Helen's Church, who provided some words of reflection.

The deputy Civic-Chair of the Council, Councillor Peter Slack, spoke on the events that he had attended throughout the year:

“On Thursday 31st August, I attended a charity reception and dinner held by the Lord-Lieutenant, Mrs Elizabeth Fothergill, fundraising for ABF, The Soldiers Charity, at the Carriage House Restaurant, Chatsworth.

I was extremely impressed by a former soldier that had lost his legs in Afghanistan, He explained that he had been a young soldier and loved serving his country, having been in hospital a long time where he was fitted with artificial legs. He did not give up and started a new life, getting married and having two children and today he works for the charity all around the country, he is truly a brave man.

On Saturday 30th September, I attended Derby Cathedral for the appointment of Reverend Canon Nicky Fenton as Archdeacon of Derbyshire Peak and Dales. Nicky said that she was looking forward to working within the High Peak and the Derbyshire Dales.

I was once again at Derby Cathedral, on Sunday 8th October, to attend the Legal Service of the High Sheriff of Derbyshire, Theresa Peltier. I am pleased to say that Theresa is a resident of the Wirksworth Ward, and I celebrate the appointment.

On Thursday 19th October, I was pleased to attend the 771st Ilkeston Chartered Fair, which is one of the largest street fairs in the country. It was a lovely October morning, large crowds assembled with many school children, His Worship the Mayor Cllr Frank Phillips invited children on to the stage to help ring the celebrated bell which opens the fair. We were all invited to go to the Dodgems, Big Wheel, and other fairground attractions and afterwards a lovely buffet lunch was served, which completed a wonderful morning and early afternoon.

On Friday 10th November, my daughter and I travelled up to the top of the district to Great Hucklow for a Remembrance Service. Even though it was a cold day there was good turnout, the children had made incredibly beautiful poppies and little teddy bears. As Great Hucklow has no village bells, all the Children had hand bells which they rang in sequence, the memorial for the village is set in the lovely chapel of the Unitarian Church.

On remembrance Sunday, I attended Wirksworth memorial, which forms part of the new market area of Wirksworth. As we stood silently for two minutes, leaves slowly drifted down from the trees, it reminded me so much of the fallen soldiers.

In the afternoon, I attended Matlock remembrance service parading from the Imperial Rooms to the Parkhead where an exceptionally large crowd had assembled, and the Council Leader, Cllr Steve Fitter, gave the British Legion tribute to the fallen.

On Tuesday 5th December, my daughter and I attended the University of Derby for the carol service. I was extremely impressed by the wonderful singing, poetry and dancing of the students and the great multiculturalism of the university. The dancing of two young students was very impressive, keeping absolutely in sequence. There must have been a great amount of practice put into the dance. The event was well attended by many Derbyshire Mayors and Civic Chairs, which all enjoyed it, with mince pies, and mulled wine being served afterwards.

Finally, I attended the Derbyshire County Council Carol Service of Councillor David Taylor, Civic Chairman, at Belper Christ Church. Again, the service was well attended by Mayors

and Civic Chairs of Derbyshire and the Lord High Sheriff, coffee and mince pies were served afterwards.”

272/23 - COMMITTEES

It was moved by Councillor Kelda Boothroyd, seconded by Councillor Martin Burfoot and

RESOLVED (unanimously)

That the non-exempt minutes of the Committees listed in the Minute Book for the period 13 September 2023 to 30 November 2023 be received.

The Chair declared the motion **CARRIED**.

273/23 - QUESTIONS (RULE OF PROCEDURE 15)

Question from Councillor Mark Wakeman to Councillor Steve Flitter, Leader of the Council:

“On Tuesday 5th December, the Leader of DDDC wrote to Natwest about the forthcoming closure of Natwest bank in Bakewell, supporting the campaign launched by Sarah Dines MP and local Conservative Members on 24th November.

Has he also signed the petition started by our MP protesting against the closure?”

Councillor Flitter provided the following response.

RESPONSE:

I have not signed the petition because I do not see this as a party political issue or an issue solely affecting Bakewell. My reason for writing to Natwest was to express the concerns of residents and businesses in Bakewell and across the Derbyshire Dales that key facilities such as banks and post offices offer more than just financial transactions or mail delivery points: they are lifelines and community hubs that connect individuals to the wider social and economic network. The withdrawal of those services is more than an inconvenience; it is a disruption that risks leaving our rural communities feeling isolated and disconnected.

I will support every effort to encourage a review of this decision which has been taken with no public consultation with residents, businesses, the District Council or the MP.

Question from Councillor Susan Hobson to Councillor Steve Flitter, Leader of the Council:

“Despite my best efforts, the report of the Gypsy and Traveller Working Group presented to you today does not contain the email from Phil Mulligan, the CEO of the Peak District National Park Authority, clearly stating the position of the national park in relation to provision of Traveller Sites in the Peak Park.

Can the Council Leader explain why not?”

Councillor Flitter provided the following response.

RESPONSE:

The purpose of the report before Members this evening is to provide an update on the work undertaken by officers following the decisions taken by Council on the 28th September 2023.

The report seeks specific approval of revised site criteria to be adopted in the search for permanent and temporary tolerated Traveller sites and it is for members to determine whether this should include or exclude sites within the Peak District National Park.

274/23 - APPROVAL OF MINUTES OF PREVIOUS MEETING

It was moved by Councillor David Chapman, Seconded by Councillor Gareth Gee and

RESOLVED (unanimously)

That the minutes of a meeting of Council held on 28 September 2023 be approved as a correct record.

The Chair declared the motion **CARRIED**.

275/23 - GYPSIES AND TRAVELLERS - UPDATE

The Director of Housing introduced a report which provided an update on the implementation of the 28th September 2023 Council resolutions, and sought specific approval for a revised site search and assessment criteria to be adopted in the search for permanent and temporary tolerated Traveller sites.

At the previous meeting of Council, Members considered a report from the cross-party Member led Traveller Working Group, which proposed a range of measures to progress the identification of suitable sites for Gypsy and Traveller families to whom the District Council has a statutory homelessness duty. This subsequent report provided an update on the work that had been undertaken to date in progressing a number of the decisions made at the last meeting of Council.

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

RESOLVED (unanimously)

1. The site search and assessment criteria set out in Appendix 1 are adopted.
2. The Council formally discontinues work in relation to the Woodyard, Homesford.
3. That expenditure of £3,623 in relation to the Woodyard, Homesford is noted and that the unspent revenue budget of £21,377 is re-designated for the appointment of land agents.

The Chair declared the motion **CARRIED**.

276/23 - DURATION OF MEETINGS (MOTION TO CONTINUE)

At 20:30, it was moved by Councillor Matt Buckler, seconded by Councillor Peter Dobbs and

RESOLVED

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

Voting

16 For
09 Against
01 Abstained

The Chair declared the motion **CARRIED**.

The meeting adjourned at 20:35, and reconvened at 20:45.

Councillor David Burton and Councillor Lucy Peacock left the meeting.

277/23 - DERBYSHIRE DALES PLAN 2024-2028

The Leader of the Council introduced a report which proposed a process and timescale for the completion of the detailed Derbyshire Dales plan for the period 2024-28. This report reiterated the commitments of the Council's leadership, setting out the Aims, Themes and Principles which would guide the plan.

The Derbyshire Dales Plan (corporate plan) sets out the aims of the Council for the coming years and lists the key improvement projects. The plan is the over-arching strategy for the Council as it sets out specific areas to maintain and improve service delivery in the coming years.

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

RESOLVED (unanimously)

1. That the Aims, Themes and Principles set out in Appendix 1 be approved as the basis of the new Derbyshire Dales Plan.
2. That the draft Theme priorities and outcomes set out in Appendix 2 be noted as work in progress.
3. That a cross-party working group established for each of the five Themes (each with one member from each Political Group) responsible to policy committees, as set out in the report.
4. That each Political Group makes their nominations to the working groups directly to the Council's Director of Corporate and Customer Services (Monitoring Officer) by no later than 5pm, 15 December.
5. That the process and timescale for completing the development and adoption of the Derbyshire Dales Plan set out in the report be agreed.

The Chair declared the motion **CARRIED**.

20:56 – Councillor Dermot Murphy left the meeting.

278/23 - REFERRED ITEM - RECOMMENDATIONS OF THE LOCAL PLAN SUB-COMMITTEE

Members were asked to consider the recommendations of the Local Plan Sub-Committee which sought Council approval of a supplementary revenue budget of £13,922 for 2023/24 for a Principal Planning Policy Officer from 1st January 2024 to 31 March 2024. It was proposed that this be funded from the Revenue Grants Unapplied Reserve, noting that the estimated annual cost of £55,688 from 1st April 2024 would be built into the Medium-Term Financial Plan.

It was moved by Councillor Peter O'Brien, seconded by Councillor Matt Buckler and

RESOLVED (unanimously)

That a supplementary revenue budget of £13,922 for 2023/24 be approved for an appointment of a Principal Planning Policy Officer from 1 January 2024 to 31 March 2024, to be funded from the Revenue Grants Unapplied Reserve, and to note that the estimated annual cost of £55,688 from 1st April 2024 be built into the Medium-Term Financial Plan, financed from the Neighbourhood Planning Grant and the Custom Build Register Grant, that sit within the Revenue Grants Unapplied Reserve, until exhausted.

The Chair declared this motion **CARRIED**.

279/23 - REVENUE BUDGET MONITORING QUARTER 2 2023/24

The Director of Resources introduced a report which updated Members on the Council's revenue budget for 2023/24 and sought approval for virements and the revised budget for 2023/24.

Following the setting of a net revenue budget at the March 2023 meeting of Council, this was updated when the revised net revenue budget of £14,132,053 was approved at the September 2023 meeting of Council. The report informed Members that following the approval of the revised budget, there had been a number of virements approved, which had impacted directorate totals. These approved budget changes were detailed at Appendix 1 to the report. Additional requests for the use of earmarked reserves were summarised at Appendix 2 to the report.

The current forecast out-turn position at Quarter 2 was detailed at Appendix 3 to the report. Following the repeated increases of the Bank of England's base rate throughout the 23/24 financial year, the forecast for the investment income budget had been repeatedly amended. It was noted within the report that the current assumption was that a 5% average interest rate would be achieved on investments for the remainder of the financial year. A breakdown of the other key variances within the forecast out-turn position at Quarter 2 was presented within the report, and a full summary of reserves, with forecasts, was included at Appendix 4.

The budget amendments highlighted within the report had been introduced into an update of the Medium-Term financial Plan and the updated plan was presented in detail at Appendix 5 to the report.

It was moved by Councillor Steve Flitter, seconded by Councillor Nick Wilton and

RESOLVED (unanimously)

1. That the updated revised revenue budget for 2023/24, including the virements as identified in paragraphs 1.2 to 1.4 of the report, be approved.
2. That the forecast underspending of £795,579 for 2023/24 be received and agreed.
3. That any underspend at out-turn for 2023/24 be transferred to reserves as detailed in paragraph 1.18 of the report.
4. That the updated Medium Term Financial Plan (Appendix 5) be approved.

The Chair declared the motion **CARRIED**.

280/23 - CAPITAL PROGRAMME UPDATE

The Director of Resources introduced a report outlining spending for each project against the approved 2023/24 capital programme as at 30th September 2023 and sought approval for an updated capital programme for 2023/24 to 2027/28 and associated financing, taking account of the expected slippage into 2024/25. Two new projects were proposed for inclusion in the revised programme.

At the Council meeting on 27th July 2023 Members approved a revised capital programme totalling £38,450,376, covering the financial years 2023/24 to 2027/28, this was summarised in Table 1 of the report. The two new projects proposed for inclusion in the revised capital programme were set out in Table 4 of the report. These were the Local Authority Housing Fund Round 2 and the Devolution Retrofit projects.

It was moved by Councillor Peter Slack, seconded by Councillor Nick Wilton and

RESOLVED (unanimously)

1. That the Capital Programme expenditure to 30th September 2023 be noted.
2. That re-phasing of existing projects for completion over the next 4 years be approved.
3. That new projects totalling £1,259,100, set out in paragraphs 2.12 to 2.15 of the report, be approved for inclusion in the programme.
4. That the revised capital programme for 2023/24 to 2027/28, as shown in Appendix A, totalling £37,770,410 be approved.
5. That financing of the Capital Programme from sources summarised at paragraph 3.21 and shown in Appendix A be approved.
6. That the balance of funds available over the 5-year programme, shown at Appendix B, be noted.

The Chair declared the motion **CARRIED**.

281/23 - ASHBOURNE REBORN FINANCIAL RISK UPDATE

The Regeneration and Place Manager introduced a report which summarised the activity and progress relating to the Ashbourne Reborn Grant Funding Agreements for the Highways and Public Realm project and the Link Community Hub project, and the associated financial risks.

The report presented Members with a brief background to the programme and how it aimed to transform Ashbourne town centre through significant improvements to the highways and public realm and the development of the Link Community Hub. It was noted that the programme would principally be funded by the UK Government through a funding allocation from the Levelling Up Fund, Round 2.

The responsibilities of the District Council, as the accountable body for the programme, were outlined within the report, along with the requirement for Grant Funding Agreements to be completed to enable the defrayal of grant to delivery partners. The reasons for the delays and the procedure leading to the completion and approval of the Grant Funding Agreements were set out within the report.

It was moved by Councillor David Hughes, seconded by Councillor Anthony Bates and

RESOLVED

1. That completion of the Grant Funding Agreements between the District Council and Derbyshire County Council for the Highways and Public Realm project and between the District Council and Ashbourne Methodist Church for the Link Community Hub project be noted.
2. That the increased financial risk to the District Council associated with the Grant Funding Agreement for the Highways and Public Realm project, and proposed measures to help mitigate this risk, be noted.

Voting

22 For

00 Against

01 Abstention

The Chair declared the motion **CARRIED**.

21:05 – Councillor Matt Buckler left the meeting for consideration of the following item due to previously declaring a pecuniary interest.

282/23 - PUBLIC SECTOR BIODIVERSITY DUTY - UPDATE

The Director of Regulatory Services introduced a report which provided a further update to Members about the Biodiversity Duty and set out activities which the District Council had undertaken and was currently undertaking that would contribute to meeting the new requirement.

The report informed Members of recent legislation relating to the responsibilities of Local Authorities to conserve and enhance biodiversity in relation to their functions. This included the implementation of the Environment Act which would introduce mandatory 'Biodiversity Net Gain' (BNG) requirements from development sites from January 2024.

The report detailed the steps taken in the preparation of a biodiversity action plan designed to meet the enhanced Biodiversity Duty, including the indicative timeframes for the preparation of the plan. The approved specification was included in Appendix 1 to the report, this was approved by the Community and Environment Committee, along with a budget to commission the plan.

It was moved by Councillor David Chapman, seconded by Councillor Martin Burfoot and

RESOLVED (unanimously)

1. That the specialist professional services quotation brief for the preparation of a biodiversity action plan at Appendix 1 be approved.
2. That the updates on the preparation of the Local Nature Recovery Strategy be noted.
3. That the updated timeframe for the delivery of Biodiversity Net Gain be noted.
4. That the updates to the initial Assessment of District Council activities linked to the Biodiversity Duty and Biodiversity Resolution at Appendix 2 be noted.
5. That a delivery plan and costing be prepared for a collaborative project between the Council and the Derbyshire Swift Group to address the loss of swift nesting sites across the district and that this be presented to the appropriate committee for consideration.

The Chair declared the motion **CARRIED**.

283/23 - PROPOSAL OF A NOTICE OF MOTION (RULE OF PROCEDURE 16)

21:14: Councillor Nick Wilton left the meeting during consideration of the following motion due to declaring a pecuniary interest as an employee of National Rail.

The Council considered motion B as submitted by Councillor Andy Nash in accordance with rule of procedure 16, this is included below.

Motion B

Public Transport Motion

A good public transport system is a vital component of the administration's commitment to maintaining thriving and sustainable communities, and to enable our residents to live, work and study without dependence on the private car. It is also fundamental to the Council's commitment to reducing carbon emissions, in the context of the acknowledged climate emergency, and practically, through integration with active transport modes such as walking and cycling.

However, in many parts of the Derbyshire Dales, the reliability of local bus services has deteriorated to the point where residents are unable to rely on them and passengers are left stranded, with little or no information offered by the bus operators. At the same time, most of our rural communities are seeing little or no meaningful investment from the £47 million funding awarded to Derbyshire County Council through the Bus Service Improvement Plan.

It was moved by Councillor Andy Nash, seconded by Councillor Roger Shelley and

RESOLVED

That this Council:

1. Recognises that a sustainable, effective and integrated public transport network must serve our local communities and confirms its responsibilities to advance that network through all means possible including the planning process, advocacy and support for innovative provision including active transport.
2. Seeks an urgent meeting with relevant Members of the County Council to address the issues of reliability of local bus services.
3. Seeks an urgent meeting with Members of the County Council and Bus Service Improvement Plan Partnership, to advocate a reassessment of current investment proposals (including Demand Responsive Transport, rail, bus, cycle and footpath integration, Real Time Information, transport hubs, roadside shelters and environmentally friendly buses) within the Derbyshire Dales, and where these cross the authority's boundaries.
4. Establishes an all-Party Transport Group of Members through which issues relating to public transport can be raised, discussed and circulated.

Voting

19 For

00 Against

01 Abstention

The Chair declared the motion **CARRIED**.

21:29: Councillors Martin Burfoot, Sue Burfoot, John Bointon, Susan Hobson, and David Chapman left the meeting during consideration of the following motion due to declaring pecuniary interests in the matter concerned.

The Council then considered Motion A as submitted by Councillor Laura Mellstrom in accordance with rule of procedure 16, this is included below.

Motion A

Pension Divestment Motion

In May 2019, this Council declared a climate emergency and pledged to become carbon neutral by 2030. Since then, a number of significant actions have been taken towards achieving that goal, in terms of this Council's Scope 1 and 2 emissions. The climate impact of the investment of the Council's employee pension monies has not yet been addressed.

The most effective way an individual can reduce their carbon footprint is to switch their pension fund out of fossil fuels. It is estimated that this one step can be 21 times more effective than the combined effect of giving up flying, going vegetarian and switching energy

provider^[1]. Pension divestment from fossil fuels is supported by UNISON which actively assists its members to campaign for divestment^[2].

This Council's employees are members of the Derbyshire Pension Fund which is administered by Derbyshire County Council. Derbyshire is one of 8 counties in the Central area Pool of the Local Government Pension Scheme, but Derbyshire Pension Fund retains control of its own investment strategy.

This is set out in two documents written in November 2020: The Investment Strategy Statement^[3] and the Climate Strategy^[4]. The Fund's climate strategy is weak and unambitious:

- *to achieve net zero in its portfolio by 2050,*
- *to "monitor" the relative weight of oil and gas with sustainable investments, and*
- *to "engage" with the fossil fuel companies it invests in.*

The strategy of "engagement" is not only of doubtful effectiveness, but it ignores (a) the ethics and morality of continuing to fund climate-damaging businesses, and (b) the financial risks of investment in fossil fuels. By staying invested in fossil fuels, the Fund risks being left holding a portfolio of "stranded assets" after other major investors have pulled out of the sector. Sustainable investments regularly outperform fossil fuel investment products in the global markets.

This Council does not control the investment decisions of the Derbyshire Pension Fund, but it has a voice and should use it now to call on DCC to divest the Fund of fossil fuel investments.

The Fund's Investment Strategy Statement and Climate Strategy were to be reviewed after no later than 3 years. That review is now overdue, so this is the ideal moment to send a clear message to DCC that its approach to the investment of pension money needs to change, that "engagement" is not strong enough, that 2050 is not soon enough.

Divestment motions have already been passed by Derby City Council, Chesterfield Borough Council, Amber Valley Borough Council, Bolsover District Council and High Peak Borough Council.

It was moved by Councillor Laura Mellstrom, seconded by Councillor Peter Slack and

RESOLVED

1. That this Council calls upon Derbyshire County Council's Pensions and Investments Committee and the managers of the Derbyshire Pension Fund
 - a. With immediate effect, to freeze any further investment into publicly traded fossil fuel companies;
 - b. By 31 December 2025, to divest the Derbyshire Pension Fund of all investments in fossil fuel stocks, equities, and funds that include fossil fuel related assets or projects;
 - c. Urgently to review and update its Investment Strategy Statement and Climate Strategy to incorporate these objectives, and to adopt a method for quantifying and addressing climate change risks affecting other investments.

2. That this Council instructs the Council's Chief Executive to write to the Derbyshire County Council Pensions and Investments Committee with a copy of this Motion, asking them to take this action.
3. That this Council formally responds to the consultation launched by the Derbyshire Pension Fund on 13 December 2023, closing on 31 January 2024, and that this response will support the divestment objectives set out in the motion; the response is to be formulated in consultation with Councillor Laura Mellstrom and Councillor Peter Slack.
4. That this Council will publicise the Derbyshire Pension Fund's consultation process and encourage participation by individual Council Members, employees, residents and local businesses.

Voting

12 For

01 Against

02 Abstentions

The Chair declared the motion **CARRIED**.

^[1] <https://makemymoneymatter.co.uk/21x/>

^[2] <https://www.unison.org.uk/content/uploads/2018/01/Divest-from-carbon-campaign.pdf>

^[3] <https://www.derbyshirepensionfund.org.uk/site-elements/documents/pdf/derbyshire-pension-fund-investment-strategy-statement.pdf>

^[4] <https://www.derbyshirepensionfund.org.uk/site-elements/documents/pdf/derbyshire-pension-fund-climate-strategy.pdf>

Meeting Closed: 9.58 pm

Chair

Agenda Item 8

Council – 25 January 2024

DERBY AND DERBYSHIRE STRATEGIC LEADERSHIP BOARD

Report of the Chief Executive

Report Author and Contact Details

Paul Wilson, Chief Executive

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Wards Affected

District-wide

Report Summary

To provide Council with an update on work taking place with Derby and Derbyshire councils on a revised approach to collaborative and partnership working and to seek approval from Council to participate in a new Joint Committee of Derby and Derbyshire's councils – the 'D2 Strategic Leadership Board'.

Recommendations

1. That Council notes the outcome of the governance review undertaken by the Vision Derbyshire Joint Committee and the proposals to merge appropriate governance structures into a single new framework for Derbyshire Councils, which will include a new formal decision-making Joint Committee called the Derbyshire Strategic Leadership Board.
2. That Council approves proposals for the establishment of the D2 Strategic Leadership Board and delegates functions to the Joint Committee as set out in the Functions and Responsibilities document in Appendix 2.
3. That Council notes the draft the Terms of Reference, including the Introduction and Context, Functions and Responsibilities, Procedural Rules and Information Procedure Rules for the Strategic Leadership Board as set out at Appendix 2 and the position detailed in those documents regarding scrutiny and co-option.
4. That Council approves the Council's active participation in the D2 Strategic Leadership Board and appoints the Leader of the Council - Cllr Steve Flitter, as the Council's representative on the D2 Strategic Leadership Board plus a substitute.
5. That Council notes the intention that the SLB be the body for the nomination of district and Borough representatives to the East Midlands Combined County

Authority, when established, further noting that this is subject to the CCA's agreement that this be the mechanism.

6. That Council notes the intention that the County Council will act as the host authority for the Joint Committee.
7. That Council notes the dissolution of the D2 Joint Committee for Economic Prosperity, the enactment of which is subject to the establishment of the D2 Strategic Leadership Board, and that the Council's Constitution is amended accordingly.
8. That Council notes the dissolution of the Vision Derbyshire Joint Committee, the enactment of which is subject to the establishment of the D2 Strategic Leadership Board, and that the Council's Constitution is amended accordingly.

List of Appendices

Appendix 1 – Proposed single framework for the D2 Strategic Leadership Board

Appendix 2 – Draft articles, functions and procedure rules for the proposed D2 SLB Joint Committee

Appendix 3 – A short guide to the D2 SLB

Background Papers

A Review of Vision Derbyshire - Final Report (July 2023)

Vision Derbyshire Joint Committee - 20th July 2023 and 14th December 2023

D2 Economic Prosperity Committee - 20th July 2023 and 14th December 2023

Consideration of report by Council or other committee

No

Council Approval Required

Yes

Exempt from Press or Public

No

Derby and Derbyshire Strategic Leadership Board

1. Background

- 1.1 As work progresses towards the establishment of a proposed new East Midlands Mayoral Combined County Authority (EMCCA), which will bring new opportunities to improve outcomes for people and places throughout Derby and Derbyshire, it is important to ensure that Derby and Derbyshire councils strategic approach to collaborative and partnership working continues, has the flexibility to evolve to meet changing circumstances and is fit for purpose in managing the interface with this new authority, which will have key responsibilities for major investment strategies and programmes for the East Midlands region.
- 1.2 All Derby and Derbyshire's councils will have a stake in these agendas and there is recognition that shaping these effectively will be made more successful by doing so together.

- 1.3 As well as dovetailing with the new regional County Combined Authority, it is recognised that any new county wide governance needs to build on the collaborative working which has been maturing through existing partnership approaches embodied by the Economic Prosperity and Vision Derbyshire joint committees. It is important that the positives of current ways of working are carried forward and that all councils feel they have a full say in decisions as well as safeguards to protect their interests.
- 1.4 Notwithstanding this, there have been ongoing concerns about a proliferation of partnership arrangements with similar or overlapping remits that have led to calls for their rationalisation to clarify roles and reduce the bureaucratic burden on all authorities moving forward.
- 1.5 The case for a new single leadership board comprising all Derby and Derbyshire's councils, working collectively to tackle the county's challenges and speak as a collective where possible, has been further strengthened by the challenging financial circumstances that many local authorities up and down the country are facing. With the ever pressing need to collaborate, create new ways of working, and be more effective in the delivery of services for places, residents and business, effective partnership working is critical.

2. Reviewing Current D2 Strategic Governance Arrangements

Vision Derbyshire

- 2.1 In 2019, Derbyshire councils came together to explore a future collaborative approach to partnership working in Derbyshire, shaping a shared, ambitious leadership vision focused on achieving the greatest public value for local people and communities.
- 2.2 This approach, 'Vision Derbyshire', has involved a significant investment of time, hard work and goodwill from participating councils, including Leaders and Officers.
- 2.3 It is now over four years since work on Vision Derbyshire commenced. There have been a number of significant achievements during this time, in particular driving forward the Vision Derbyshire Business Development programme, the development of the Vision Derbyshire Climate Change Strategy and supplementary Planning Policy Guidance and the creation of the Vision Derbyshire Joint Committee.
- 2.4 A light touch review of Vision Derbyshire was undertaken by East Midlands Councils in early 2023, tasked with gathering local councils' views on the current arrangements, challenges and opportunities and ambitions for the future.
- 2.5 A report submitted to the Vision Derbyshire Joint Committee on 28 July 2023 outlined the reviews key findings:
 - Vision Derbyshire has supported a collegiate, shared understanding of the common challenges facing councils across the county and how collectively these challenges may be addressed.

- Vision Derbyshire provided a helpful platform upon which Derbyshire councils were able to develop and deliver elements of their collective programme response to the Covid-19 pandemic.
- The fulcrum for activity has likely accelerated the delivery of joint programmes and has been of benefit to wider work in Derbyshire.
- However, only a limited number of councils (including Derbyshire Dales) are full contributory members.
- The absence of some councils inhibits the ability of Vision Derbyshire to be an authoritative and representative partnership of all councils.
- Nevertheless, there is a potential appetite and opportunity to move forward.

2.6 In particular:

- a) There is an appetite for refreshed, collaborative activity between councils in Derbyshire, particularly on matters relating to the Combined Authority.
- b) There is an appetite to see existing partnership and governance arrangements in Derbyshire simplified and rationalised with a single Derbyshire-wide partnership vehicle comprising all Derbyshire councils.
- c) There is recognition that a future partnership approach should specifically align with proposals for the East Midlands Mayoral Combined County Authority to secure collective influence.
- d) There is a desire to discuss and share best practice in service delivery though progressing any shared services and procurement initiatives.
- e) There is a consensus that in order to support a fresh approach, the 'Vision Derbyshire' brand should be 'retired' as partners move to a fresh collaborative arrangement.

2.7 The report's findings were welcomed by members of the Vision Derbyshire Joint Committee, in particular the clear recognition that Council's collaborative objectives remain relevant and worthy and that the approach has helped to lock together county, district and borough relationships.

D2 Joint Committee for Economic Prosperity (D2 EPC)

2.8 In November 2013, Derby and Derbyshire Council's approved the establishment of a Joint Committee – the D2 Joint Committee for Economic Prosperity, to deliver economic growth and prosperity across the geographical county of Derbyshire.

2.9 The D2 EPC's purpose was to act as the local public-sector decision-making body for strategic economic development at the D2 level and to oversee the planning, alignment, development, and delivery of investment related to economic growth and prosperity for the area, utilising funding from Government, the D2 Local Enterprise Partnership and the European Union.

2.10 The Joint Committee also maintained and supported ongoing dialogue with key strategic partners and relevant bodies whose work impacts on the area, including the D2 business community.

2.11 Key achievements and successes have included: establishment of a D2 investment pipeline; leadership of economic recovery from the COVID pandemic, targeted work on key sectors such as the rural economy and low carbon transport; support to businesses and inward investment activity; development of growth, skills and employment and transport strategies; delivery of regeneration programmes such as town deals; and management of the retained business rates pool. The development of strategic approaches in

response to Government initiatives such as the Freeport and HS2 have also occurred through D2 EPC.

2.12 During the course of 2023, the Committee agreed that a governance review be undertaken in which the work, purpose and terms of reference of the existing Boards was evaluated:

- The D2 Joint Committee for Economic Prosperity (D2 EPC)
- The Derbyshire Economic Recovery Board (DERB)
- The Derbyshire Economic Partnership (DEP)

2.13 While the review floated the idea of bringing together the EPC, DERB and DEP within what, at that stage, was to be called the Growth Board - with a Business advisory board potentially envisaged as sitting alongside – it was recognised that there needed to be a single decision-making arena that included all Leaders.

3. Future Strategic Governance Arrangements : The Strategic Leadership Board

3.1 Informed by the above reviews, the D2 Strategic Leadership Board (D2 SLB) is proposed as the successor to two existing joint committees, promising a streamlined, refreshed and fully inclusive approach to collaborative working across existing and new partnership activity.

3.2 The Committee is proposed as offering a single framework for discussion and decision making across agendas incorporating the remits of the Vision Derbyshire Joint Committee and the D2 Economic Prosperity Committee; and, additionally, accommodating the proposed D2 Growth Board alongside the proposed D2 Business Board. This means that the DERB and the DEP would also no longer exist.

3.3 The proposed structure for the new Board can be found at **Appendix 1**. The draft Terms of Reference, including the Articles, Procedure Rules and Access to Information Procedure Rules are attached at **Appendix 2**. A short Guide to the D2 SLB is at **Appendix 3** and provides a simple, accessible description of the D2 SLB's ambition and functions, and how it will work in practice.

3.4 This new Joint Committee would bring together Derby and Derbyshire's ten councils to:

- Provide collective leadership for Derby and Derbyshire, ensuring our authorities speak with a single, shared voice at the county, regional and national level.
- Collaborate as partners to develop joined-up approaches to the complex, connected and challenging agendas where our councils share common interests; and
- Progress shared ambitions for the people and places of Derbyshire, making decisions together to improve services and co-ordinate resources better and more sustainably.

3.5 All local authorities within Derby and Derbyshire would be invited to join D2 SLB as constituent members and to play a full part in co-ordinating and driving agendas where it is recognised and agreed that more can be achieved for all our localities, and for Derbyshire as a whole, by our councils working together.

- 3.6 Accordingly, D2 SLB's remit would include 'place', regeneration, broader economic development, business and skills, and transport, and wider agendas including climate and the environment, and health and wellbeing.
- 3.7 The Board, on behalf of the participating authorities, would be responsible for improving the delivery of functions already within the remit of local authorities through statute to improve the economic, environmental or social wellbeing of the areas within Derbyshire.
- 3.8 The Board would also provide an opportunity to explore rationalisation and alignment of existing partnership structures and approaches, which will be essential given limited capacity and expertise and reducing public sector resources.
- 3.9 In this context, it would be for the Board to establish any sub committees it chooses in order to provide support to the Board's work programme and for the Board to determine the membership of these sub committees. Any such sub committees would report into the full Board.
- 3.10 From a legal perspective, the Strategic Leadership Board would be constituted as a 'Joint Committee'. This means that, with decision making powers delegated to it by its constituent member councils, the Board would be empowered to jointly discharge and to exercise functions on their behalf within its agreed remit. (A Joint Committee is one comprising two or more councils established for the joint discharge of any functions of those councils in accordance with the Local Government Act 1972, s101.)
- 3.11 All local authorities would be encouraged to delegate functions to enable D2 SLB to act as the responsible decision-making body for those functions that participating councils confer upon it and to ensure full collaboration across the range of proposed activities that would form D2 SLB's agenda. The ambition is that through councils' active commitment and participation the Board will mature into a truly authoritative, representative and collaborative partnership of all Derby and Derbyshire councils – while duly acknowledging the sovereignty of participating councils and recognising that each would have separate as well as shared interests in partnership working.
- 3.12 It is proposed that membership and participation be open to all Derby and Derbyshire's councils, including councils who choose not to confer responsibilities in the way that is envisaged and who instead choose to retain full, separate local control.

Relationship to the proposed EMCCA

- 3.13 Once the East Midlands Combined County Authority is established it is vital that D2 councils come together to manage their interface with this new authority, which will lead the development and delivery of key expenditure programmes all of which will bring benefits to Derby and Derbyshire, including a Devolution Investment Fund ('Gainshare'), the Adult Education Budget and a consolidated transport budget.
- 3.14 All Derby and Derbyshire's councils will have a stake in these agendas and successfully influencing and shaping the CCA's thinking, planning and decision

making on local investment priorities is likely to be optimised by doing so together.

- 3.15 It is therefore suggested that the D2 Strategic Leadership Board in the future, will act as the platform in which to:
- Collectively discuss, agree and align Derby and Derbyshire councils' positions on EMCCA business.
 - Agree and then feed in Derbyshire's perspective and collective priorities via its representatives on the CCA Board.
 - Exercise all functions that the EMCCA is granting.
- 3.16 Additionally, the Board is envisaged as providing a potentially appropriate mechanism for agreeing formal nominations for district and borough representation on the proposed EMCCA. Under the arrangements establishing the EMCCA, Derbyshire's District and Borough Councils collectively will be entitled to two seats on the CCA board, with the City and County each having one seat by virtue of being Constituent Member Authorities. It is proposed that the D2 Strategic Leadership Board be designated the formal nominating body for appointments from non-constituent councils to the CCA board. The specific process for nominations will need to be developed and agreed with the EMCCA and is therefore subject to further approvals. However, assuming this is agreeable, it will be for districts and borough to determine their two nominations via the D2 SLB. These non-constituent members will sit on the EMCCA board as representatives of all Districts and Boroughs and not solely of the District or Borough for which they are a Councillor.
- 3.17 If the D2 SLB consents to the designation as a nominating body, the terms of reference of the D2 SLB will need to be amended to include the function of nominating non-constituent representatives to the proposed EMCCA and other associated committee/advisory group representatives as and when requested.

Terms of Reference for the SLB

- 3.18 The draft articles, functions and procedure rules for the proposed SLB Joint Committee are attached at **Appendix 2**, for consideration and agreement by Council as they include proposed delegations from Councils. These provide a framework for the Joint Committee to operate as the future joint decision-making body for matters where Derby and Derbyshire councils will work collaboratively.
- 3.19 These terms of reference are draft and need to be considered by all participating Councils before they can be ratified by the D2 SLB when it first convenes which is likely to be March / April 2024. They may therefore be subject to change before they are finalised.
- 3.20 The articles set out the main aims of the D2 SLB, which will:
- Provide collective strategic leadership for local government in Derby and Derbyshire.
 - Drive forward shared ambition and collective priorities for local government across Derby and Derbyshire.

- Improve joint working across local government in Derby and Derbyshire.
 - Form a collective view on matters impacting Derby and Derbyshire.
 - Ensure the proposed EMCCA is aware of Derby and Derbyshire's collective views and interests and exercise all functions that it agrees to accept from the Combined County Authority, if it is established.
 - Enable agile, timely and effective decision making.
- 3.21 As the Board's role develops, consideration will be given to the Joint Committee taking on additional responsibilities as these emerge and develop. This will be subject to further approval by the Council to delegate those additional functions to the Joint Committee.
- 3.22 Membership of the Board will comprise councillors from participating councils who will each be enabled to appoint one Elected Member and one substitute. While the Board is envisaged as making decisions on the basis of consensus, formally, in order to reserve the decision-making rights of authorities delegating functions, it is proposed that voting will be restricted to those representatives who are from authorities which have delegated functions to the Committee.
- 3.23 Given the role the Council has played in the D2 EPC and developing and reviewing the Vision Derbyshire approach it is recommended that the authority delegate functions to the Joint Committee as set out in this report to enable it to be formed, agreeing the draft governance arrangements at **Appendix 2**.

Host Authority and accountable body

- 3.24 The Joint Committee is not a legal entity in its own right and therefore to establish and operate the Joint Committee, a host organisation will be required. The host authority will be responsible for the administration of meetings of the Joint Committee, hold funding on behalf of the Joint Committee and act as the employing authority for the purposes of executive team supporting the Committee (the Programme Team). The host authority's Statutory Officers will act as the Statutory Officers for the Joint Committee.
- 3.25 It is proposed that Derbyshire County Council should act as the Host authority for the Joint Committee and provide the necessary executive support for its administration. The County Council was the Host Authority for the D2 EPC and Vision Derbyshire Joint Committee and therefore has sufficient capacity to assume this role.

Winding up the D2 Joint Committee for Economic Prosperity

- 3.26 On 14 December 2023 members of the D2 EPC approved to dissolution of the Joint Committee, for the purposes of establishing the D2 Strategic Leadership Board, to be ratified by constituent member councils.
- 3.27 The D2 EPC has had responsibility for managing the Retained Business Rate pool and resourced a range of successful projects (including capital grant and feasibility schemes, business start-up support and the youth hubs). Following the dissolution of the D2 EPC, £734,449 remains and there are no current commitments for spend. It was agreed in principle that this sum be absorbed into the Strategic Leadership Board's responsibilities. Spend against the remainder sum will be aligned to projects and proposals that support economic

growth and/or help sustain or increase the generation of business rates in the D2 geography, in line with Government's original criteria for the retained funding.

Winding up the Vision Derbyshire Joint Committee

- 3.28 On 14 December 2023 members of the Vision Derbyshire Joint Committee approved the dissolution of the Committee, for the purposes of establishing the D2 Strategic Leadership Board, to be ratified by constituent member councils.
- 3.29 As at the time of the dissolution of this Committee no commitments to the Vision Derbyshire budget were made. There are no outstanding financial liabilities and therefore constituent Councils exiting the arrangement have not needed to pay any outstanding amount to cover a share of their liability. Surplus outstanding funding will be returned to the constituent authorities on the basis from which they paid in. This represents a refund of £52,350 for Derbyshire Dales District Council.

The delivery programme and resource for the D2 SLB

- 3.30 There is agreement across Councils that capacity and capability, through the establishment of a programme team, is needed to support the Board. The Programme Team would be responsible for:
- Overseeing and managing the approach – including servicing meetings/committees.
 - Work with thematic delivery leads to identify, develop, and deliver programmes and projects across the Boards collectively agreed priorities.
 - Shape the future programme and support align with the proposed EMCCA, if it is established, to optimise benefits for Derbyshire.
- 3.31 As the host authority, Derbyshire County Council will be responsible for the establishment of the team. The team will be comprised of a number of permanent Programme Team posts, to be agreed by the Strategic Leadership Board when it convenes and on the commitment of the programme budget.
- 3.32 The Strategic Leadership Board, once established will direct the work of the programme team and a number of current funding streams have been identified to support this work, previously attributed to the Vision Derbyshire programme, the D2 EPC and the Derbyshire Economic Partnership. This is outlined in the table below.

Strategic Leadership Board Funding 2024/25	£'s
County Council Funding (40%)	156,324
Derbyshire Economic Partnership Funding	135,000
Business Rate Pool Contribution	99,485
Total	390,809

- 3.33 The D2 SLB proposals require no immediate additional funding commitments from the District Council as our 2024/25 contribution (subject to Council budget approval) towards the SLB can be funded through the £15,000 budget already committed to the Derbyshire Economic Partnership.

- 3.34 The current Business Rates Pool stands at £734,449. Funding for the Board beyond the 2024/25 period will be a decision to be taken by the Board at an appropriate time.

Next Steps – Taking Forward Proposals

- 3.35 All Derby and Derbyshire Councils have been asked to agree to join and participate in the D2 Strategic Leadership Board. Wider engagement with Leadership Teams within participating Councils, both at an Elected Member and Senior Management level, are recognised as being vital to secure shared commitment, including Q&A sessions with Members and development of an accessible 'short guide to the D2 SLB'. It will be important to ensure that the Council is engaged in development of the Board's work programme over the coming months to maximise the collaborative benefits for this authority, local people and communities in the Derbyshire Dales and beyond.
- 3.36 Identifying the key actions which the Council will need to undertake, and the resources and capacity required to participate fully in both the development and future implementation of collaborative working will also be important.

4. Options Considered and Recommended Proposal

- 4.1 Existing Joint Committees having been dissolved, the Council could take the option to not participate in the D2 SLB once established. This is not desirable as this report has indicated that the D2 SLB is a merger of two successful Joint Committees to support effective and efficient decision making. There is also significant interest in continuing to work collaboratively with Derby and Derbyshire Councils to work collectively in partnership to tackle the county's challenges and speak as a collective where possible. There would still however, need to be an alternative vehicle to make nominations to the CCA when established.

5. Consultation

- 5.1 All Derbyshire Councils have been engaged in the formulation of these proposals and are now being individually asked to agree to join and participate in the D2 Strategic Leadership Board.

6. Timetable for Implementation

- 6.1 The first meeting of the Strategic Leadership Board will take place once all Derby and Derbyshire Councils have considered the proposals outlined in this report.

7. Policy Implications

- 7.1 The purpose of this section is to demonstrate the link between your proposal and the Council's Corporate Plan priorities. All reports should link to one of the Council's priorities. This section should also be used to refer to existing policy or Service Plan in respect of the matter under consideration.

8. Financial and Resource Implications

- 8.1 Financial implications are set out in the report. Funding for the Strategic Leadership Board is shown as paragraph 3.32. The financial risk of this report's recommendations is assessed as low.

9. Legal Advice and Implications

- 9.1 Within the articles of the Joint Committee, ‘functions and responsibilities’ the Joint Committee, on behalf of the participating authorities, will be responsible for improving the delivery of functions through collaborative work which includes incorporating existing partnerships arrangements within the approach.

10. Equalities Implications

- 10.1 There are no particular implications arising from the actions that are proposed.

11. Climate Change and Biodiversity Implications

- 11.1 Funding for activity relating to climate change and in particular net zero ambitions is a key element and focus of a devolution deal as is the transfer of powers and flexibilities from central government to support the delivery of identified actions. A successful deal and funding from central government would be crucial in delivering the Vision Derbyshire Climate Change Strategy in meeting Derbyshire’s agreed climate change priorities and targets.

12. Risk Management

- 12.1 Financial and legal risks have been assessed above. There are no other significant risks arising from the report recommendations.

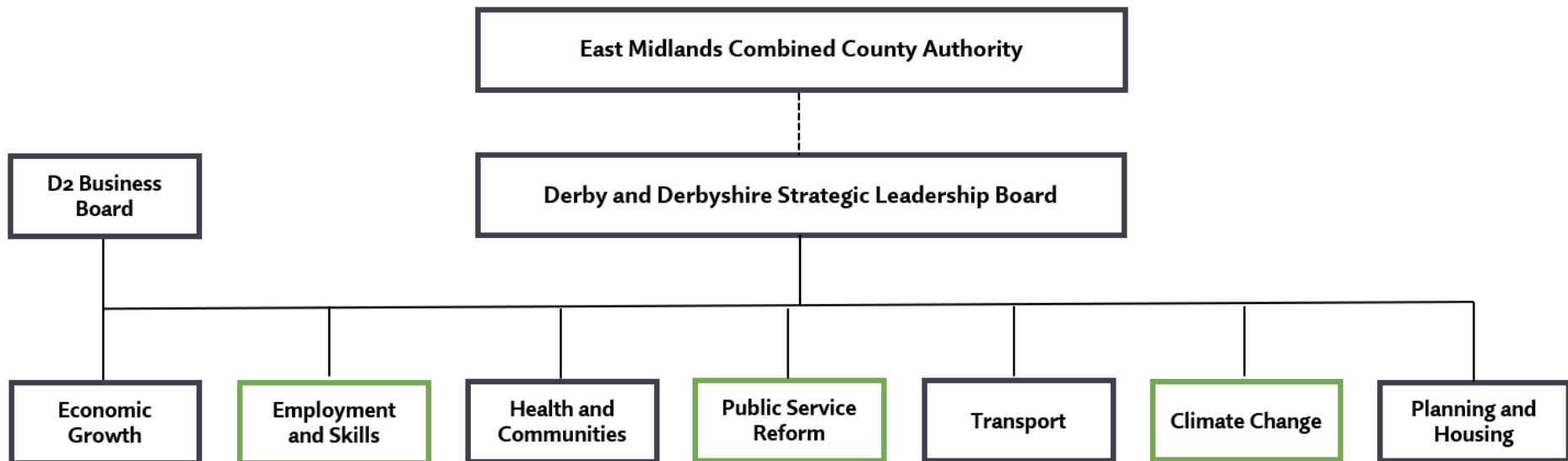
Report Authorisation

Approvals obtained from Statutory Officers:-

	Named Officer	Date
Chief Executive	Paul Wilson	15/01/2024
Director of Resources/ S.151 Officer	Karen Henriksen	15/01/2024
Monitoring Officer (or Legal Services Manager)	Helen Mitchell	16/01/2024

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Draft Proposed Structure for the D2 SLB (showing potential thematic areas, to be determined)



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**THE DERBY AND DERBYSHIRE
STRATEGIC LEADERSHIP BOARD**

[Draft] TERMS OF REFERENCE

ARTICLES

1. Introduction and Context

1.1 The **Derby and Derbyshire Strategic Leadership Board** (D2 SLB) brings together the County's ten local authorities in what is a **joint committee** with a refreshed and fully inclusive approach to collaborative working across existing and new partnership activity. D2 SLB will:

- Provide collective leadership for Derby and Derbyshire, ensuring our authorities are heard to speak with a single, shared voice at the county, regional and national level;
- Collaborate as partners to develop joined-up approaches to the complex, connected and sometimes challenging agendas where our councils share common interests; and additionally
- Progress shared ambitions for the area, co-ordinating resources better and more sustainably.

1.2 With the creation of the East Midlands Mayoral Combined County Authority bringing new opportunities to improve outcomes for people and places throughout Derby and Derbyshire, it makes sense for D2 councils to come together to manage their interface with this new authority as well as co-ordinating City, District, Borough and County agendas which are envisaged as becoming the remit of D2 SLB including economic development, skills, health and wellbeing, transport and the environment and potentially wider agendas where there is common recognition in the value of tackling challenges together.

1.3 Accordingly, the D2 SLB will:

- Achieve joined up approaches within and between a variety of **shared policy agendas and service delivery agendas**, including but not restricted to place and economic development;
- Rationalise and **simplify existing partnership and governance arrangements** related to these areas (with agreement that the work of existing County level committees (including the Vision Derbyshire Committee, the D2 Economic Policy Committee together with the Growth Board will be superseded by a single Derby and Derbyshire-wide partnership arrangement); and

- Provide the lead forum for collaborative activity between councils in Derbyshire on matters relating to the new **Combined County Authority** primarily to secure collective influence, especially concerning investment and growth.

1.4 In this context, the overall ambition of D2 SLB is to mature into a truly authoritative and representative partnership of all Derby and Derbyshire councils while duly acknowledging the sovereignty of participating Councils and recognising that each will have separate as well as shared interests in partnership working, including a choice about whether or not to participate in this new venture.

Guiding Principles for the D2 SLB

1.5 The joint committee will provide:-

- Strong collective leadership and seek to deliver better local outcomes and more joined-up public services.
- Clear, transparent and accountable decision-making which will ensure best value for taxpayers' money and maintain strong ethical standards.
- An inclusive model of governance across an appropriate geographical footprint in Derby and Derbyshire.
- Flexibility to work across organisational boundaries to deal with strategic and emergent challenges whilst maintaining local control.

1.6 It is envisaged that collaboration and decision making based on these principles will enable Derby and Derbyshire's local authorities to tackle challenges at regional, county and local place levels more effectively.

1.7 The D2 SLB will act as the responsible decision-making body for functions delegated to it by participating Councils within Derby and Derbyshire and, accordingly, membership of the D2 SLB will comprise councillors appointed by those participating authorities. Councils may choose to appoint members to the D2 SLB while not delegating decision-making responsibilities for functions. However, all participating authorities, whether or not agreeing to delegate functions, will be required to contribute towards the costs of funding the D2 SLB.

1.8 Councils participating in the D2 SLB 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.

2. Membership of the D2 SLB

2.1 All local authorities within the Derby and Derbyshire are invited to join the D2 SLB as constituent members (subject to agreement by respective councils) namely:

- Derbyshire County Council
- Derby City Council
- Amber Valley Borough Council
- Bolsover District Council
- Chesterfield Borough Council
- Derbyshire Dales District Council
- Erewash Borough Council
- High Peak Borough Council
- North-East Derbyshire District Council
- South Derbyshire District Council

2.2 All participating councils within Derby and Derbyshire will be permitted to appoint one elected member to the D2 SLB and to nominate one elected member as a substitute, whether or not they are delegating functions to the D2 SLB.

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 D2 SLB shall be for a term of one year from the Annual Meeting, 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 D2 SLB and the new appointment shall take effect from the point specified in the written notice.

2.6 Should a change of political control occur at a participating local authority, usually arising from local elections, it will be for that local authority to confirm any changes in appointments to the D2 SLB's membership in accordance with the constitutional arrangements of that Council. A Member or Substitute Member of the D2 SLB 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 D2 SLB, and the relevant Council shall as soon as practicable give written notice of this to the Monitoring Officer responsible for the D2 SLB 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 D2 SLB 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 D2 SLB 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 D2 SLB 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 D2 SLB by Councils shall be made by notice in writing addressed to the Monitoring Officer responsible for the D2 SLB. 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 that 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 and shall have no voting rights. An individual's co-option shall terminate as soon as her/his 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 D2 SLB (including any Substitute Members acting in place of Members of the D2 SLB) will:
- a) (subject to the D2 SLB's voting arrangements) collectively be the ultimate policy makers of the D2 SLB;
 - b) bring views of their Councils into the D2 SLB'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 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 D2 SLB Members other than allowances for travel and subsistence in accordance with the Members' Allowances Schemes in operation at participating Councils. (It is acknowledged that a participating Council may, in accordance with its own procedures, pay a special responsibility allowance to any Elected Member appointed by it to the D2 SLB in respect of duties and responsibilities undertaken as a Member or Substitute Member of the D2 SLB.)

3 Chairing the D2 SLB

- 3.1 The Chair of the D2 SLB will be appointed by the D2 SLB.
- 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 D2 SLB will appoint a Vice-Chair to deputise for the Chair when the latter is not present or available.
- 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 D2 SLB will cease to hold such office when they cease to be a Member of the D2 SLB, in accordance with the provisions set out at paragraphs 2.6 to 3.7 above.

4. Procedural Arrangements

- 4.1 The D2 SLB 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 While a guiding principle of D2 SLB will be decision making by consensus, which will lead the Board to coalesce around agendas where there is a shared view about how to proceed, should there be circumstances where a vote is required each Member of the D2 SLB shall have one vote, other than in the following circumstances:
- a) where matters reserved to upper tier authorities are to be discharged, eg. public transport functions that are reserved to county and unitary authorities;
 - b) where matters reserved to lower tier authorities are to be discharged, eg. housing functions that are reserved to borough, district and unitary authorities;
 - c) where matters reserved to specific geographies are to be discharged, eg. local planning functions that are reserved to Derbyshire councils only
 - d) where matters reserved in a combination of the above are to be discharged, eg. shared services arrangements involving specific councils not others.
- 4.3 In such circumstances Members from authorities that have no formal remit will not be entitled to vote. No authority represented on the Board will be empowered to vote on or to discharge a function belonging to another for which it has no responsibility in law. No authority will be entitled to vote on a matter to which they have not formally delegated to the D2 SLB.

4.4 The proceedings of the D2 SLB 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 D2 SLB 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 D2 SLB, or any sub-committee, shall be kept in such form as the D2 SLB 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 D2 SLB or sub-committee by the Member chairing that meeting.

5.4 A Member of the D2 SLB, 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.

5.5 Minutes of all minutes will be published on the websites of all participating Councils.

6. Sub-Committee

6.1 The D2 SLB may establish such sub-committees as it thinks fit to discharge its functions.

7. Officers

7.1 The 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 D2 SLB will serve as the statutory officers in support of the D2 SLB.

7.2 The D2 SLB may call upon any officer of any of the local authorities who have members on the D2 SLB 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 D2 SLB 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 D2 SLB according to its own specific governance arrangements.

9 Winding up of the D2 SLB and Cessation of Membership

- 9.1 The D2 SLB 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 D2 SLB, 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 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 D2 SLB 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 D2 SLB is established for the following purposes:
- Provide collective strategic leadership for local government in Derby and Derbyshire
 - Drive forward shared ambition and collective priorities for local government across Derby and Derbyshire
 - Improve joint working across local government in Derby and Derbyshire
 - Form a collective view on matters impacting Derby and Derbyshire
 - Enable agile, timely and effective decision making.
- b. The D2 SLB, 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 Derby and Derbyshire from the following broad definitions:
- Incorporating existing partnership arrangements
 - Areas for collaborative system changes across authorities
 - Specific thematic projects and priorities
- c. Within those broad definitions, the D2 SLB will:
- i) Provide a forum for consideration of opportunities for joint working across Derby and Derbyshire
 - ii) Provide or assume democratic oversight for existing joint committee and partnership arrangements

- iii) Inform and support the work of the East Midlands Mayoral Combined County Authority, in particular feeding into the EMCCA led Investment Strategy for the region
- iv) Determine the prioritisation of issues affecting Derby and Derbyshire to influence commissioning at a regional level
- v) Determine commissioning arrangements on matters for which funding is provided on a sub-regional basis
- vi) In particular, act as the local public sector decision-making body for strategic economic development across Derby and Derbyshire (including potential alignment of resources, commissioning, and performance / contract management) in respect of
 - (a) Skills and training
 - (b) Inward Investment
 - (c) Investor Development
 - (d) Sector Development
 - (e) Regeneration Delivery
 - (f) Climate Change and Low carbon
 - (g) Supporting debates on Land Use policy
- vii) Own, monitor and review the Derbyshire Growth Plans and associated investment plans
- viii) Act as the accountable body for decision making on funding streams allocated to the D2 SLB by other bodies
- ix) Oversee the planning, alignment and performance of delivery partners and organisations to achieve more effective and efficient commissioning, monitoring and implementation, and ultimately better outcomes
- x) Engage and maintain an active, ongoing dialogue with the Derby and Derbyshire business community through relevant economic advisory boards
- xi) Hold to account relevant bodies whose work impacts on the economic well-being of Derbyshire
- xii) Determine the programme of projects and work streams, how those will be managed and communicated to stakeholders and the public

- xiii) Monitor and review performance in respect of services delivered in partnership through the D2 SLB and authorise the publication of an annual report of performance and outcomes
 - xiv) Commission strategic outline and full business cases for individual councils to consider opportunities for more collaborative working
 - xv) Determine requests from individual authorities or groups of authorities to work collaboratively on specific projects or work streams
 - xvi) 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
 - xvii) Delegate functions and responsibilities to sub-committees or officers as the D2 SLB deems appropriate and keep any governance arrangements associated with the D2 SLB under review.
- d. In the above context, it will be for the Board to establish any sub committees it chooses to in order to provide support with specific tasks within the Board's work programme and for the Board to determine the membership of such sub committees. Any sub committees will report into the full Board.
- e. The D2 SLB 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 D2 SLB are:
- Derbyshire County Council
 - Derby City Council
 - Amber Valley Borough Council
 - Bolsover District Council
 - Chesterfield Borough Council
 - Derbyshire Dales District Council
 - Erewash Borough Council
 - High Peak Borough Council
 - North-East Derbyshire District Council
 - South Derbyshire District Council
- [MEMBERSHIP TO BE AGREED BY RESPECTIVE AUTHORITIES]
- g. It is for individual Councils participating in the D2 SLB to determine which functions and responsibilities they are willing to delegate to the D2 SLB in accordance with their own decision-making arrangements. Conversely, the D2 SLB in determining its agenda, priorities and forward programme will wish to take a view on whether or not to accept such responsibilities.
- h. No authority represented on the D2 SLB may participate in voting upon or discharging a function for which it has no responsibility in law. ---- Ends ----

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A short guide to the D2 Strategic Leadership Board (D2 SLB)

a) Aims and ambitions – what is it; and why should my council join?

D2 SLB is exactly as its name implies, a **leadership board**, bringing together Derby and Derbyshire's ten councils to lead and direct existing and new partnership agendas and activity:

- Providing collective **leadership for Derby and Derbyshire**, ensuring our authorities speak with a single, shared voice at the county, regional and national level;
- Collaborating as partners to develop **joined-up approaches** to the complex, connected and challenging agendas where our councils share common interests; and
- Progressing **shared ambitions** for the people and places of Derbyshire, making decisions together to improve services and co-ordinate resources better and more sustainably.

All local authorities within Derby and Derbyshire are invited to join D2 SLB as constituent members and to play a full part in co-ordinating and driving agendas where it is recognised and agreed that more can be achieved for all our localities, and for Derbyshire as a whole, by our councils **working together**.

Those agendas will incorporate the remits of the dissolved D2 Economic Prosperity and Vision Derbyshire Joint Committees – including, **'place', regeneration, broader economic development, business and skills, and transport**, and strengthening the focus of wider agendas including **climate and the environment, and health and wellbeing**.

Legally, the D2 Strategic Leadership Board will be constituted as a **'Joint Committee'**. This means that, with decision making powers delegated to it by its constituent member councils, the Board will be empowered to jointly discharge and to exercise functions on their behalf within its agreed remit. (A Joint Committee is one comprising two or more councils established for the joint discharge of any functions of those councils in accordance with the Local Government Act 1972, s101.)

A further consideration behind the proposed D2 Strategic Leadership Board is the creation of a Combined County Authority for the East Midlands, which will bring new opportunities to improve outcomes for people and places throughout Derbyshire. Once established, it makes sense for D2 councils to come together to manage their interface with this new authority which is envisaged as having a key role in determining agendas, such an investment programme and adult

education strategy for the East Midlands region. All Derby and Derbyshire's councils will have a stake in these agendas and shaping these effectively will be made more possible by doing so together.

b) Functions – what will it do; what is my Council agreeing to, getting from it; and giving up?

The D2 Strategic Leadership Board is intended to:

- achieve joined up approaches within and between **shared policy and service delivery agendas**, in the first instance, place, growth, regeneration and economic development – including business support, inward investment, skills and transport; and, potentially, oversight of related future funding from the new Combined County Authority or Government;
- rationalise and **simplify existing partnership and governance arrangements** related to these areas (with agreement that the work of existing County level committees (including the Vision Derbyshire Committee, the D2 Economic Prosperity Committee together with the proposed D2 Growth Board will be superseded by a single Derbyshire-wide partnership arrangement); and
- provide a possible forum for collaborative activity between councils in Derbyshire on matters relating to the anticipated new **Combined County Authority**, to generate and secure collective influence, especially concerning investment and growth strategies; and additionally, because a mechanism is needed to agree nominations and appointments from Derbyshire Councils to the CCA Board (though this is subject to EMCCA delegation and further approvals).

By joining, Derby and Derbyshire's councils are, first, signalling their intention to work together in the provision of improved services for Derby and Derbyshire's residents and the general betterment of the city and county; and secondly, councils are enabling the D2 Strategic Leadership Board to act as the responsible decision-making body for such functions as those identified above that are conferred upon it by participating councils.

The County's local authorities have, therefore, nothing to lose and everything to gain from membership of the Strategic Leadership Board. The hope is that their active commitment and participation will allow the Board to mature into a truly authoritative, representative and collaborative partnership of all Derbyshire councils – while duly acknowledging the sovereignty of participating councils and recognising that each will have separate as well as shared interests in partnership working. This includes a choice about whether or not to participate in specific agendas (or indeed whether or not to participate at all).

c) Arrangements – how it will work in practice; how is my Council assured of getting a say?

Within the remit conferred upon it by participating Councils, it will be for the D2 SLB itself to determine its agenda and priorities, forward programme of activities together with the frequency of its meetings and working methods.

In doing so, the D2 SLB's guiding principles will be:

- Strong collective leadership which seeks to deliver better local outcomes and more joined-up public services
- Clear, transparent and accountable decision-making which will ensure best value for taxpayers' money and maintain strong ethical standards
- An inclusive model of governance reflecting the geographical footprint of Derbyshire
- Flexibility to work across organisational boundaries to deal with strategic and emergent challenges whilst maintaining local control; and last but not least
- Decision making by consensus.

Membership of the Board will comprise councillors from participating councils who will each be enabled to **appoint one Elected Member and one substitute**.

Although it is assumed that Councils joining the D2 Strategic Leadership Board will wish to delegate responsibilities for collective decision making in respect of agreed agendas identified above, whether or not Councils choose to do so is entirely a matter for them. Membership and participation by all Derbyshire's councils is welcome, including by councils who choose not to confer responsibilities in the way that is envisaged and who instead choose to retain full, separate local control.

While the Board is envisaged as reaching decisions on the basis of consensus, formally, should there be circumstances where a vote is called for, no authority represented on the Board will be empowered to vote on or to discharge a function belonging to another for which it has no responsibility in law. Accordingly, the **Terms of Reference are drafted to ensure safeguards** are in place regarding Councils' discharge of their own statutory and non-statutory responsibilities.

All participating authorities, whether or not agreeing to delegate functions, will be required to contribute towards the costs of funding the Board. **It is proposed that the County Council will act as host Authority for the Board.**

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Agenda Item 9

Council – 25 January 2024

STRUCTURAL CHANGES TO THE ORGANISATIONAL ESTABLISHMENT

Report of the Chief Executive

Report Author and Contact Details

Paul Wilson, Chief Executive

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Wards Affected

District-wide

Report Summary

The report sets out the Chief Executive's proposals to realign organisational resources in order to ensure that the Council is adequately resourced to deal with existing and future priorities and challenges.

Recommendations

1. That approval be granted for the implementation of the changes to the Council's establishment structure as outlined at Section 2.

List of Appendices

Appendix 1 : Current Organisation Structure

Appendix 2 : Proposed Organisation Structure

Background Papers

Circling Squares Member Presentation 25th September 2023.

Consideration of report by Council or other committee

No

Council Approval Required

Yes

Exempt from Press or Public

No

STRUCTURAL CHANGES TO THE COUNCILS ESTABLISHMENT

1. Background

- 1.1 As Head of Paid Service, it is my responsibility to inform Council of the staffing resources required to discharge the functions of the authority. It is also my responsibility to reflect upon the future ambition of the Council and advise whether we have the resources in place to deliver on the collective ambition of the Council.
- 1.2 In September 2022, members agreed to invest in a comprehensive package of external support measures provided by 'Circling Squares', to support the Chief Executive, Corporate Leadership Team, Senior Management Team and elected members. A member briefing was held on the outcome of this work on 25th September 2023.
- 1.3 The Circling Squares report made a number of recommendations, including that:
 - There was a need for a simplified structure to effectively shape, lead and deliver the emerging corporate objectives of a realigned political administration.
 - The span of control of the current corporate leadership team is reduced and re-focussed by re-aligning the objectives, responsibility and size of this important tier.
 - Performance management and reporting should be strengthened with service directors held to account for the delivery of key services.
- 1.4 Other recommendations made by Circling Squares were that the current statutory officers (Monitoring Officer and s.151 Officer) should be redesignated as Strategic Directors with the appointment of a new, third Strategic Director to provide corporate focus and leadership across all areas of the Council. Whilst there is a cogent case for making these changes in order to create additional, much needed, strategic capacity at a senior level, it is not considered appropriate at the present time to do so until such time that the future funding position of the Council becomes clearer. Whilst the objectives of the Circling Squares recommendations can be partially achieved by pursuing an alternative approach within the limitations of current resources, if the organisation is to deliver on the corporate ambitions of the Council, there remains a need to create additional strategic capacity within the organisation at a senior level. There is also a need to ensure that the expectations placed upon the organisation by members are realistic and deliverable within current resource limits.
- 1.5 In addition to considering implementation of the findings of the Circling Squares report, an opportunity has presented itself through the retirement of the Director of Regulatory Services (1st April 2024) to look at the distribution and alignment of the Council's functions across the respective directorates and identify areas where service alignment can be improved in response to the new priorities of the Progressive Alliance.

2. Organisational Structure

2.1 The Council is currently structured across a number of directorates, managed by the Corporate Leadership Team (CLT) which comprises the Chief Executive and 6 Directors (Resources; Regeneration and Policy; Corporate and Customer Services; Regulatory Services; Community and Environmental Services; and Housing Services). The current structure is attached at *Appendix 1*.

2.2 As outlined above, the retirement of the Director of Regulatory Services presents an opportunity to look at the distribution and alignment of the Council's functions across the respective directorates and identify areas where service alignment can be improved in response to the new priorities of the Progressive Alliance.

2.3 One of the main aims of the Council as expressed in the recently approved (14th December 2023) Derbyshire Dales Corporate Plan is to:

'Build flourishing and sustainable communities for residents and businesses through our housing policies, economic development plans, local development plan, and service provision.'

2.4 The delivery of this aim will be reliant upon a number of the Council's key '*place shaping*' functions being closely aligned and working effectively together, including Development Management, Planning Policy and Economic Development. There is therefore an opportunity to realise this objective by reconfiguring the current organisational establishment by merging the majority, but not all, of the services within the current Regulatory Services Directorate with the Regeneration and Policy Directorate. A new directorate would be created to place increased focus upon '*Place and Economy*'. The new Director will be appointed in accordance with the Council's Change Management Policy. The post of Director of Regulatory Services and the Regulatory Services directorate would then be disestablished upon the retirement of the current postholder.

2.5 Functions and responsibilities currently residing within the Regulatory Services directorate which would not transfer to the new Place and Economy directorate would be redistributed as follows:

- Tree Services - move to Community & Environmental Services Directorate to link with Countryside Management and Grounds Maintenance functions.
- Estates and Facilities - move to Community & Environmental Services Directorate to reflect the extensive joint working that currently occurs.
- Climate Change - move to Community & Environmental Services Directorate to reflect the existing and potential for enhanced future joint working.
- Assets of Community Value - move to Community & Environmental Services Directorate.
- Emergency Planning - move to Chief Executive as a strategic responsibility.

The proposed organisational structure is attached at *Appendix 2*.

- 2.6 In accordance with the Council's Change Management and Job Evaluation policies, the grading of any posts impacted by the proposed changes will be reviewed to reflect changes in duties and responsibilities.
- 2.7 The revised structure proposals outlined above (excluding job evaluation impacts), would release £96,285 on the costs of the current establishment. In order to address areas of capacity weakness across the organisation, it is proposed that this is reinvested into the following areas with any balance remaining being retained in the salaries budget to address current recruitment and retention challenges as reported to Council on 28th September 2023 or further organisational changes.

Corporate Performance and Project Delivery

- 2.8 One of the areas highlighted by the Circling Squares work is that at the present time, there are insufficient resources and capacity within the organisation to lead on the delivery of key 'corporate' projects or to co-ordinate, facilitate and deliver on projects across a number of service areas. There is also a need to ensure the effective delivery of Corporate Plan objectives through a robust performance management framework.
- 2.9 It is therefore proposed that Council invests some additional resources to supplement existing knowledge / skills in the organisation, to address some of the strategic capacity issues highlighted in the Circling Squares report. This resource would work across the organisation and will provide additional corporate capacity at a senior level. It would be focussed upon the following areas:
- Development of Corporate policy and strategy.
 - Corporate project planning and performance, including annual business planning and performance management cycles, ensuring that the organisation's objectives align with the Corporate Plan.
 - Supporting delivery of the Council's overarching programme of projects, offering particular expertise in programme and project management.
 - Corporate risk management.
 - Reactive project work in relation to specific, unforeseen events.
- 2.10 These resources will sit within the Corporate and Customer Services directorate. Further work is required to determine the scope and form of these resources if approved by Council.

- 2.11 The scope and grading of any new posts created would need to be determined through the Council's Job Evaluation process and will be within the existing senior managers' grading structure.

Corporate Health and Safety

- 2.12 The Chief Executive as the Head of Paid Service has the overall responsibility for the management of health and safety throughout the organisation. In this regard, the Chief Executive is required to ensure that adequate resources are allocated to enable the effective implementation of all relevant legislation and that arrangements exist for the effective management of health and safety.

- 2.13 Under the Council's Health and Safety Policy, Directors are responsible for the effective management of health and safety within their department. In this regard, they must ensure that appropriate procedures and systems are formulated for any risks or work activities which are not covered by the corporate policy and where necessary formulate additional procedures to those within the corporate policy.
- 2.14 Adequate resources in terms of finance and staffing must be allocated to ensure that health and safety can be managed effectively. The Council should therefore be satisfied that it has sufficient staff time allocated to health and safety and that the staff involved are adequately experienced and knowledgeable to carry out this function. The current Director of Regulatory Services has played a significant co-ordination role in ensuring compliance with relevant health and safety legislation due to his knowledge and experience, however this will be lost once he retires from the Council's employment. In order to ensure effective management of health and safety across the organisation, the Council needs to invest in this area through the appointment of a dedicated Health and Safety resource. This may be a dedicated appointment or provided through a partnership arrangement.
- 2.15 An initial approach has been made to Derbyshire councils and interest has been expressed in the potential for a joint service delivery arrangement with Bolsover District Council and North East Derbyshire District Council. Further discussions have been scheduled to take place and if agreement can be reached on a joint service delivery model, that arrangements be made for implementation from 1st April 2024 or as soon as possible thereafter.

Development Management

- 2.16 The Council's Development Management service currently consists of 10.6 FTE officers delivering the processing of planning applications, providing pre-application advice, a planning enforcement service, a tree and landscape service, and a conservation and design service. At the present time, the team is under significant pressure with vacancies for a Principal Planning Officer (advertised 3 times without success) and a Senior Planning Officer. There is a national shortage of skilled and experienced planning professionals at the present time and we are in a very competitive market.
- 2.17 The current structure was established following a comprehensive review of the Development Management service which was undertaken in 2014/15 and implemented in 2016. This structure has served the authority well since its implementation, with stable performance achieved. However, due to the current challenges in recruitment and retention and the increased demands and expectations placed upon the service by elected members and members of the public, there is a need for a fundamental review of the structure of the Development Management service to be undertaken which may require further investment. There are also changes arising from the recently updated National Planning Policy Framework and the Levelling up and Regeneration Act 2023, including a reduction in the planning guarantee from 26 to 16 weeks which will require applications to be determined within the prescribed statutory timescales (without agreed extensions) or risk the refund of the planning application fee paid by the applicant.

- 2.18 Work on a revised structure for the Development Management service is to commence immediately. In the meantime, in accordance with Progressive Alliance priorities to improve performance on planning enforcement, it is necessary to review current resource allocation in this specific area in advance of any wider proposals.
- 2.19 At the present time the enforcement service consists of 0.5 FTE Enforcement Team Leader (the remaining 0.5 FTE of this post undertakes a Senior Planning Officer role) plus 1.6 FTE Enforcement Officers. In order to increase resources in this area, it is proposed to disestablish the current Enforcement Team Leader / Senior Planning Officer position and establish 2 new posts - a dedicated full-time Enforcement Team Leader post and an a full-time Senior Planning Officer post. It is also proposed to increase Enforcement Officer resources within the enforcement team by an additional 0.4FTE. In order to facilitate this change, the existing post holder of the combined ETL/SPO post has expressed a desire to transfer into the current vacant full time Senior Planning Officer role.
- 2.20 The estimated costs of these changes amount to £74,541 per annum.
- 2.21 On 6th December 2023, the Government introduced a national increase in planning application fees of 35% for applications for major development and 25% for all other applications. In addition, government introduced an annual indexation of planning applications fees, capped at 10% from 1 April 2025.
- 2.22 It is expected that this increase in fees will be specifically utilised by Local Planning Authorities to increase professional planning resources in order to deliver the levels of service expected and for which the performance of the District Council is to be measured against. Taking average income from Planning fees across the last 5 years and assuming an average of 25% increase in planning fees across all application types, additional revenue in the region of £112,069 per annum is anticipated. The anticipated increase in planning application fee income is therefore sufficient to cover the increased costs.

3 Financial Resources

- 3.1 Implementation of any meaningful measures to improve organisational resilience needs have regard to the overall impact upon the Council's finances and specifically, the Medium-Term Financial Plan.
- 3.2 The Director of Resources has previously advised Council that it is difficult to predict the level of finance settlement that might be received from 2025/26 onwards given the lack of clarity over future funding levels. However, with the prospect of a future Fair Funding Review and baseline business rates reset, there is no certainty that previous levels of funding will continue into the medium term as significant changes in local government finance are expected to take place from 2026/27, which could have a significant impact on the Council's revenue account.
- 3.3 The Council has strategic reserves for specific purposes which are earmarked for identified purpose. This ensures the availability of the amounts in these reserves for those purposes and defrays demands on the revenue spending and general balances. These reserves are reviewed on at least an annual basis

to ensure they are adequate for the purpose, but not excessive, based on an assessment of needs, an understanding of risks, and taking into account the opportunity costs of maintaining reserves. It is therefore financially prudent to seek to utilise existing resources and reserves wherever possible in order to minimise long-term impacts upon the Council's revenue budget.

4. Options Considered and Recommended Proposal

- 4.1 One alternative option would be to retain the current organisational structure, however this would not realise an opportunity to bring closer alignment of 'place shaping' functions under a single directorate in accordance with Corporate Plan ambitions. The recommended proposal delivers organisational improvements within the existing revenue budget and is thus cost neutral. Changes to Development Management realise the Progressive Alliance's ambition to strengthen planning enforcement functions which can be financed through the increase in planning fee income. Further investment in the Council's planning service will help to sustain and potentially improve the Council's overall performance levels in accordance with national objectives.

5. Consultation

- 5.1 Corporate Leadership Team (CLT) and HR Manager has been engaged in the development of these proposals. Staff within Regulatory Services Directorate have also been consulted. All staff have been informed of these proposals.

6. Timetable for Implementation

- 6.1 Subject to the approval of the above recommendations, work to implement the proposals will commence immediately.

7. Policy Implications

- 7.1 An effective organisational structure that is appropriately resourced and aligned to the delivery of the Council's priorities helps to deliver the Council's ambitions and plans for the District as a whole.

8. Financial and Resource Implications

- 8.1 Financial implications have been addressed in sections 2 and 3 of this report. The recommended changes to the Council's establishment structure as outlined at Section 2 of this report can be met from existing budgets and an expected increase in income from planning applications. The financial risk is assessed as low to medium.

9. Legal Advice and Implications

- 9.1 The Head of Paid Service is required by Section 4 of the Local Government and Housing Act 1989 to report to Council on proposals concerning the organisation of the Council's staff and appointment and proper management of the Council's staff.

9.2 The legal risk associated with the recommended decision in this report has been assessed as low.

10. Equalities Implications

10.1 There are no specific equalities or diversity issues associated with this report. The council is committed to fulfilling its obligations under the Equality Act 2010, including the Public Sector Equality Duty (Section 149). This duty includes a general duty and specific duties. The general duty requires public bodies to have 'due regard' to the need to:

- eliminate unlawful discrimination, harassment and victimisation and conduct prohibited by the Act,
- advance equality of opportunity between people from different groups; and
- foster good relations between people from different groups.

11. Climate Change Implications

11.1 A climate change impact assessment is not necessary in respect of the recommendations in this report.

12. Risk Management

12.1 The Head of Paid Service is required by Section 4 of the Local Government and Housing Act 1989 to report to Council on proposals concerning the organisation of the Council's staff and appointment and proper management of the Council's staff. Implementation of the proposals outlined within this report, will seek to ensure that the District Council is better able to manage future risks around organisational resilience, resources and priorities. If implemented, the strategic risk is assessed as low.

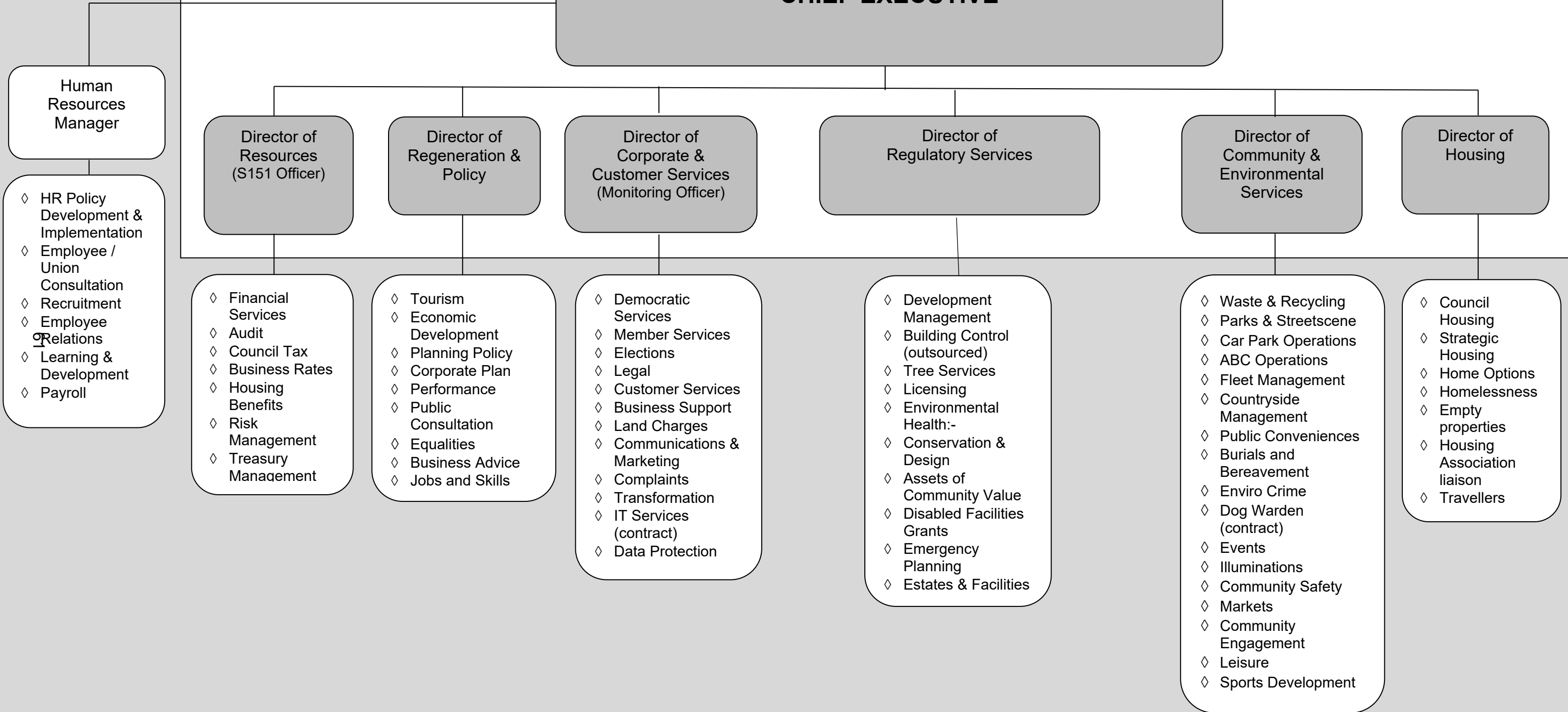
Report Authorisation

Approvals obtained from:-

	Named Officer	Date
Chief Executive	Paul Wilson	15/01/2024
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	17/01/2024
Monitoring Officer (or Legal Services Manager)	Helen Mitchell	16/01/2024

CORPORATE LEADERSHIP TEAM

CHIEF EXECUTIVE



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ONE TEAM, ONE COUNCIL, ONE PURPOSE



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Agenda Item 10



**OPEN REPORT
COUNCIL**

Council - 25 January 2024

LOCAL COUNCIL TAX SUPPORT SCHEME FOR 2024/25

Report of the Director of Resources

Report Author and Contact Details

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Wards Affected

District Wide

Report Summary

This report provides information relating to proposed changes to, and seeks approval to adopt, the Local Council Tax Support Scheme for the financial year 2024/25.

Recommendations

1. That the Council approves and adopts the scheme detailed in this report as the Local Council Tax Reduction Scheme for 2024/25.
2. That £20,000 be set as the budgeted amount for all Discretionary Hardship Fund applications under Schedule 11 of the scheme for 2024/25 (to be reviewed by a further report to Council during the year if it appears that this amount may be insufficient).

List of Appendices

None

Background Papers

Council Tax Reduction Scheme 2023/24

DWP HB A8/2023 DWP 'Housing Benefit uprating for the financial year ending March 2025'

The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2024 No. 29

Consideration of report by Council or other committee

No

Council Approval Required

Yes

Exempt from Press or Public

No

Local Council Tax Support Scheme for 2024/25

1. Background

- 1.1 The government requires each billing authority to determine a Council Tax Reduction Scheme for each financial year.
- 1.2 Local authorities do not have complete freedom in the design of their schemes, as pensioners are protected from any losses under local schemes. This means that only working age claimants are subject to any revised calculation in respect of their Council Tax Support awards.
- 1.3 The scheme that has been in place at Derbyshire Dales District Council since 2013/14 is based on the government's default scheme as set down in The Council Tax Reduction Schemes (Default Scheme) (England) Regulations 2012 (S.I. 2012 No 2886, as amended) which replicated the provisions for Council Tax Benefit but subject to the following amendments:
 - (a) The amount of any reduction for working age claimants is reduced by 8.5%;
 - (b) The period for extended payments is increased from four to eight weeks to assist claimants who move back into work;
 - (c) The full amount of income from war widow pensions etc. is disregarded in the calculation of income (instead of standard £10 disregard);
 - (d) Provision is made for additional awards in cases of hardship, with the budget available in 2023/24 being £20,000.
- 1.4 It should be noted that the local scheme originally adopted from 1st April 2013 and retained for subsequent years, continues to be well received and unlike similar schemes elsewhere has neither been subject to Judicial Review or criticism from the Valuation Tribunal Service (who hear appeals on council tax support calculations). It should also be noted that the Council has not been required to attend a VOA Appeal Tribunal to defend decision making on individual claims under the terms of its scheme. This has not been the case for some neighbouring councils.
- 1.5 The Council has previously consulted widely on this scheme that protected working age claimants from significant reductions with the remaining savings achieved from other changes to Council Tax discounts on empty properties and second homes.
- 1.6 It should be noted that the decision of the billing authority regarding the scheme to be adopted commits the major precepting bodies to the same scheme.

2. Key Issues for 2024/25

- 2.1 The local Council Tax Reduction Scheme must be reviewed annually, and any changes made approved no later than 31st January in the financial year preceding that for which the changes are to have effect. **No significant technical changes are proposed to the scheme to be adopted for 2024/25 and so no new consultation with the public or with precepting authorities has been necessary.** The Benefits Manager is required to monitor expenditure in-year and is satisfied that based on projected caseload and relevant changes occurring that the costs of the 2023/24 scheme falls within budget.
- 2.2 A regular in-year review continues to monitor the impact of Full-Service Universal Credit on local residents' entitlements and their ability to budget for the payment of council tax. These findings will inform our decisions on changes to our future year's scheme. A small number of local authorities have replaced their income related means tested scheme with a 'banded scheme'; but no such change is proposed for the coming year.
- 2.3 The government makes annual changes to the prescribed elements of the scheme for pensioners by uprating the allowances, premiums and non-dependent deductions used in the calculation of a reduction.
- 2.4 Working age equivalent figures are also subject to annual uprating and so will increase by a set percentage during the coming financial year. Any changes to the allowances, premiums and non-dependent deductions for working age claimants remain at the discretion of the local authority but the practice has been to update these amounts in advance of next year's scheme by reference to the annual uprating circular published by the Department for Work & Pensions for housing benefit purposes. The DWP published Circular HB A8/2023 "Housing Benefit uprating for the financial year ending March 2025" on 20 December 2023; this does not contain any significant changes to the amounts used during 2023/24.
- 2.5 The amounts in the DWP circular are replicated in The Council Tax Reduction Schemes (Prescribed Requirements) (England) (Amendment) Regulations 2024 No.29. The circular also contains the working age up-ratings to be used for housing benefit calculations. These changes are reflected in the Council's scheme for 2024/25.
- 2.6 As part of the Government's ongoing Welfare Reform, some technical changes to the national Housing Benefit Scheme have occurred over successive years. The decision has previously been made not to mirror these changes within the Local Council Tax Reduction Scheme for working age households as the impacts concerned lead to individual families being affected disproportionately. The overall impact of this decision on the cost to the Council's scheme is minimal but will again be subject to an ongoing review in planning subsequent years' schemes.

- 2.7 It is proposed, in the interests of clarity and equity, that all allowances, premiums and non-dependent deductions and any other associated amounts in the scheme be uprated for both pensioner and working age claimants in line with the 'Prescribed Requirements' regulations and the DWP Uprating Circular mentioned in paragraphs 2.4 and 2.5. **No other changes to the local scheme for 2024/25 are proposed.** These documents provide changes to the financial amounts used in the means test adopted to calculate entitlements and are not significant and will be incorporated into the Council's scheme for 2024/25.
- 2.8 The anticipated cost of the Council Tax Support Scheme (including the discretionary scheme) in 2023/24 is expected to be approximately £3.696 million, split between £1.772 million in respect of pension age claimants and £1.924 million for working age claimants. This cost includes 'special' 2023/24 awards totalling £83,755 for hardship awards resulting from 'cost of living crisis affecting low-income households, which was funded by Government. This additional funding is unlikely to be repeated for 2024/2025.
- 2.9 The cost of the Council Tax Support Scheme in 2024/25 will increase in line with council tax increases and will reflect changes in the numbers of eligible applications for CTS and the level of support required (not known at the time of writing the report). The cost of the scheme is shared with major precepting bodies, effectively reducing council tax income levels for each organisation relative to the value of precepts issued. It is considered in setting the tax base.
- 2.10 Approximately 3,138 Council Taxpayers currently receive assistance towards their Council Tax Bills due to low household income. The protection given to pensioners has meant that since 2013 those of working age have received less help than those of pension age. Many working age claimants have also been affected by other welfare reforms which have reduced entitlement to Housing Benefit in some cases. Those making new claims for help with housing costs now need to claim Universal Credit, which has been problematic in some cases.
- 2.11 Full Service Universal Credit was introduced across Derbyshire Dales from 2018. Councils will still be administering Housing Benefit schemes until the migration of current Housing Benefit cases to Universal Credit takes place. The proposed Council Tax Support scheme would continue to largely mirror the current Housing Benefit scheme, as far as the calculation of entitlement is concerned, which would reduce complexity and confusion for those claiming and administering both awards. The amounts used in the calculation of awards in the scheme for 2024/25 will be uprated in the same manner as those up-ratings which apply to the Housing Benefit scheme.
- 2.12 Some council taxpayers face difficulties in making payments. While there is a Revenues Debt Recovery Policy in place, officers judge each case on its merits. Payment arrangements can be put in place and the Council Tax Team and / or the Revenues & Benefits Manager has the flexibility to suspend recovery action, propose a write off (subject to approval by the Director of Resources) or reduce a debt based on the individual circumstances of the

case. There is also the ability to award discretionary discounts to those suffering hardship if appropriate. As such, processes are in place to assist those who may be experiencing financial difficulty, whether that is a result of welfare reform, the cost-of-living crisis or other financial constraints.

- 2.13 Alongside the 'main' Local Council Tax Support Scheme, the Council also has a Discretionary Hardship Fund (see below) to provide further financial support to CTS applicants facing undue financial hardship. This is intended to help those low-income households that have council tax to pay after a main CTS reduction, giving them extra help to pay that balance. It is also used to pay the 8.5% remaining council tax liability (after the CTS has been deducted from the council tax bill) for working age claimants who have other debts or challenging circumstances. Referrals are taken from Citizens Advice and from other similar partner agencies, who all insist how important this provision is in supporting low-income households locally.
- 2.14 When setting the budget for 2023/24 a budget of £20,000 was approved for the Discretionary Hardship Fund. While the Council does not have limitless financial resources, it is suggested that the Discretionary Hardship Fund budget remain as £20,000 for 2024/25. (This increased from £17,000 in 2020/21). Should the amount appear to be insufficient during 2024/25, the Director of Resources will present a further report to Council to explain the reasons and to request additional funding.
- 2.15 One set of Local Scheme Regulations are prepared comprising sections dealing with applications from pensioner claimants (formerly the prescribed regulations) and a separate section for working age customers. Due to their combined size (more than 100 pages), the complete proposed local Council Tax Reduction Scheme for 2024/25 is intended as a background paper to this report and will be available to Members on request. The final adopted scheme for 2024/25 will be published in full on the Council's website by 31st March 2024.
- 2.13 An Equality Impact Assessment (EIA) is in place for the LCTS scheme. The changes proposed in this report are not significant so do not necessitate an immediate refresh of the EIA.
- 2.14 It should also be noted that Derbyshire District Citizens Advice and Age UK continue to give positive feedback to the Council's Revenues & Benefits Manager for its fairness of treatment of low-income households under the provisions of the Local Scheme compared to neighbouring schemes within the east midlands area.

3. Options Considered and Recommended Proposal

- 3.1 The District Council has no choice in adopting a new scheme from 1st April 2024; it remains the Council's legal responsibility. Given the existing scheme receives positive responses from support agencies locally it is proposed that the scheme from 1st April 2024 remains technically the same and only includes the uprating amounts for allowances, premiums and non-dependent deductions used in the calculation of a reduction

suggested by Government. This also means that it is not necessary to undertake public consultation or to refresh the equality impact assessment.

- 3.2 It is proposed that the Council adopts the proposals included within this report concerning the technical changes due to be adopted and accepts the amount of £20,000 initially set as the scheme's discretionary hardship fund. The latter reflects the budgeting pressures felt by low-income households due to the costs of living rises etc.
- 3.3 Aside from the additional amounts from the Council Tax Support Fund (see paragraph 2.15 above), the scheme proposed for year 2024/25 will maintain the amount of assistance given to working age claimants in receipt of Council Tax Support so that the calculation matches the calculation that was in place under the previous Council Tax Benefit scheme. This will mean that from 1 April 2024 working age claimants can receive full help towards their Council Tax if they are on a low income in the same way as pension age claimants.
- 3.4 If the current scheme is not maintained, based on current caseload, approximately 1,417 pension age claimants would be protected from reductions in their awards, whereas approximately around 1,721 working age claimants would receive less assistance towards their Council Tax payments than they would have received under the old Council Tax Benefit scheme. If the proposal to maintain the scheme from 1 April 2024 is agreed those 1,721 working age claimants would receive increased assistance.
- 3.5 A change to the scheme, to increase the amount that those in receipt of Council Tax Support are asked to pay, may jeopardise continued good performance in collection rates by placing an unrealistic burden on those affected by reductions to Council Tax Support.
- 3.6 A change in the scheme, to reduce the amount that those in receipt of Council Tax Support are asked to pay, would impact major preceptors (especially Derbyshire County Council) as the costs would be shared. Given the uncertainty relating to local authority finances at the current time, it is the view of officers that such a change is not affordable at the current time. If such an approach was to be considered, it would be necessary to consult with major preceptors.

4. Consultation

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

5. Timetable for Implementation

- 5.1 Subject to approval at this meeting, the new scheme will be implemented before the budget and council tax are set for 2024/25 and will be reflected in the annual council tax billing for that year, due in March 2024.

6. Policy Implications

- 6.1 The adoption of a local Council Tax Reduction Scheme is a statutory requirement. It links to the Council's priorities of "people" and "prosperity" as it provides financial support to pensioners and working-age people on low incomes. This benefits the recipients directly but also benefits the local economy if spent in the area.
- 6.2 One of the Council's Corporate Plan actions is to achieve a sustainable financial position. This relies upon effective budget management, of which Council Tax plays a significant part. The proposed scheme will help to achieve this objective at the same time as offering financial help to those who require some assistance in paying their Council Tax due to reduced means.

7. Financial and Resource Implications

- 7.1 Decisions regarding the Council Tax Support scheme and changes to discounts and exemptions will affect the determination of the Council Tax base for each financial year. An accurate Council Tax base and achieving a high Council Tax collection rate benefits the Council's overall cash flow.
- 7.2 Expenditure on Council Tax Support (CTS) is anticipated to cost around £3.696 million in 2023/24, an increase of 4.5% above the cost of £3.534 million in 2022/23. The increase is higher than the increase in council tax (2.94% for 2023/24), reflecting the fact that local families are financially worse off as a result of social security benefit changes and changes in the economy leading to the cost-of-living crisis.
- 7.3 Caseload itself (the numbers of households claiming CTS at any one time) is subject to unpredictable fluctuations prompted by variations in the local economy with current cost of living increases having an obvious adverse effect. The previous eighteen months/ two years introduced unforeseen factors which at times increased caseload and the cost of the scheme. The Consumer Price Index for November 2023 showed a year-on-year increase of 3.9%. The Bank of England has maintained the Bank Base Rate at 5.25%. This means that higher borrowing costs will continue to contribute to cost of living increases, affecting households' ability to budget.
- 7.4 All of the above has a direct impact on collection rates and the council tax base. Should there be future significant increases in claims for LCTS, over and above that already reflected in the council tax base, the financial risks may increase.
- 7.5 To reassure all, the cost of the scheme together with an analysis of case load size is routinely monitored by the Council's Benefit Manager to identify financial risks. No significant changes are proposed for the 2024/25 scheme. Any significant changes to LCTS for future years would require public consultation in order to meet Government guidelines for implementation of such changes, and the financial risks would be re-assessed at that time..

- 7.6 As explained above, certain factors have increased the cost of the Local Scheme. With the exception of the level of its own council tax charge, these economic and social factors are generally outside the Council's control or direct influence. While careful monitoring does take place, it is impossible to mitigate fully against the risk of increased claims for assistance. The financial risk is therefore assessed as "high".

8. Legal Advice and Implications

- 8.1 Section 33 of the Welfare Reform Act 2012 abolished Council Tax Benefit from 1 April 2013.
- 8.2 Section 13A (1)(a) of the Local Government Finance Act 1992 requires Billing Authorities to adopt a Local Council Tax Support scheme.
- 8.3 Section 13A (1) (c) of the Local Government Finance Act 1992 (as amended by Section 10 of the Local Government Act 2012) allows the Council (in its capacity as billing authority) to reduce the amount of Council Tax payable to such extent as it thinks fit. This includes the power to award a discount such as for the delivery of the Council Tax Support Fund.
- 8.4 The District Council operates within the legislative framework provided by Government for the purposes of meeting its legal responsibilities. This should provide assurance to elected members that no legal action against the Council would occur. Essentially the same scheme implemented in year 1 (2013/14) persists for 2023/24 and, as already stated, no challenge has been made in previous years nor has there been a Judicial Review or criticism from the Valuation Tribunal Service (who hear appeals on council tax support calculations).
- 8.5 The legal risk of a challenge against the recommend decision has been assessed as low.

9. Equalities Implications

- 9.1 No major or material changes are proposed that would impact on people with protected characteristics. Changes pertain to the adoption of the allowance, premiums and non-dependent amounts proposed by Government, which are used to calculate individual claim entitlements. Previous EIAs have assessed the scheme and no issues were identified.

10. Climate Change Implications

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

11. Risk Management

- 11.1 Financial and legal risks have been assessed above. There are no other significant risks arising from the report recommendations.

Report Authorisation

Approvals obtained from:-

	Named Officer	Date
Chief Executive	Paul Wilson	15/01/2024
Director of Resources/ S.151 Officer	Karen Henriksen	15/01/2024
Monitoring Officer	Helen Mitchell	15/01/2024

Agenda Item 11

Council - 25th January 2024

REVIEW OF POLLING DISTRICTS AND POLLING PLACES

Report of the Electoral Registration Officer

Report Author and Contact Details

Paul Wilson, Electoral Registration Officer
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Jason Spencer, Electoral and Democratic Services Manager
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Wards Affected

All Wards

Report Summary

The purpose of this report is to seek approval to progress outline plans for a statutory review of polling districts and polling places within the District. It also recommends officer delegation to make amendments to polling places for elections to be held between now and completion of the review.

Recommendations

1. To note that the compulsory polling district and places review commenced on Monday 4 December 2023.
2. To note the outline timetable for the review and the process described in this report.
3. To authorise the Electoral Registration Officer to take the necessary measures as soon as possible to give effect to parliamentary constituency changes, ensuring that the register reflects existing and new constituency boundaries, until they are fully in force.
4. To authorise the Electoral Registration Officer to take the necessary measures to give effect to any new or amended polling districts on completion of the polling district review, ensuring that the register reflects existing and new boundaries, until the boundaries are fully in force.

5. To delegate to the Governance and Resources Committee the power to designate polling districts in accordance with section 18 and 18A of the Representation of the People Act 1983.
6. To delegate the power to designate polling places in accordance with section 18 and 18B of the Representation of the People Act 1983 to the Director of Corporate and Customer Services including the changes set out in paragraph 2.11.

List of Appendices

None

Background Papers

None

Consideration of report by Council or other committee

None

Council Approval Required

Yes

Exempt from Press or Public

No

REVIEW OF POLLING DISTRICTS AND POLLING PLACES

1. Background

- 1.1 Under the Representation of the People Act 1983, the council has a duty to divide its area into polling districts and to designate a polling place for each district. The following definitions may be helpful when reading the report.
- “Polling districts” are geographical electoral areas into which wards and constituencies may be sub-divided.
 - “Polling places” are the buildings or areas designated by the council where electors in a polling district go to vote in person.
 - “Polling stations” are the number of issuing desks in the building or area that is the designated polling place.
- 1.2 The Electoral Administration Act 2006, as amended, introduced a duty on all local authorities in Great Britain to review their polling districts and polling places at least once every five years. Under section 18C of the Representation of the People Act 1983, the next compulsory review must be undertaken within a 16-month window between 1 October 2023 and 31 January 2025.
- 1.3 The intention of the legislation was that reviews would be completed by the January before a UK parliamentary general election. However, since the repeal of the Fixed Term Parliaments Act 2011, there is no longer any certainty as to when the next general election will be. The Dissolution and Calling of Parliament Act 2022 means that:
- the UK Parliament can be dissolved by the King on request of the Prime Minister, at any time within the 5 years of the life of the Parliament.
 - the next general election must take place before Tuesday 28 January 2025, but it could happen at any point before then.
 - there is no longer a link between the timing of the compulsory polling district and places review falling in a 16-month period ending 3 months before a scheduled general election.
- 1.4 In addition, the Boundary Commission for England has recently undertaken a review of parliamentary constituency boundaries. The Commission has published its final recommendations, and Orders for the new parliamentary constituency boundaries have been made and will be used for the next general election. The revised boundaries for the Derbyshire Dales Parliamentary Constituency still comprise of the whole of the District and the Amber Valley Ward of Alport and South West Parishes but it now includes the Hilton Ward of South Derbyshire District Council.
- 1.5 If a parliamentary by election is called in the meantime, it would be run on existing boundaries.

2. Key Issues

- 2.1 Although we have been unable to commence the review itself earlier, we have carried out some preparatory work by writing to contacts at all existing

polling places to establish whether the premises are still available and to assess their suitability.

2.2 It would have been desirable for any changes in polling districts to be reflected in the electoral register published on 1 December 2023. However, due to capacity issues arising from the introduction of tranche 2 of the Elections Act 2022, it is unlikely that the review will be complete before the next scheduled election timetable which starts in March 2024.

2.3 This would mean that the electoral register would need to be republished to take account of any changes to polling districts. It is however unlikely that the Review will result in significant changes to existing polling districts because the whole of the District remains in a single parliamentary constituency

Review process

Legal requirements

2.4 The process for a polling district and places review is set out in Schedule A1, Representation of the People Act 1983.

2.5 The Council must:

- publish a notice of the holding of a review.
- consult the Acting Returning Officer (ARO) for every parliamentary constituency which is wholly or partly in its area.
- publish all representations made by an ARO within 30 days of receipt by posting a copy of them at the local authority's office and in at least one conspicuous place in their area and, if the authority maintains a website, by placing a copy on the authority's website.
- seek representations from such persons as it thinks have particular expertise in relation to access to premises or facilities for persons who have different forms of disability. Such persons must have an opportunity to make representations and to comment on the representations made by the ARO.

2.6 On completion of the review, the council must give reasons for its decisions and publish:

- all correspondence sent to an ARO in connection with the review.
- all correspondence sent to any person whom the authority thinks has particular expertise in relation to access to premises or facilities for persons who have different forms of disability.
- all representations made by any person in connection with the review.
- the minutes of any meeting held by the council to consider any revision to the designation of polling districts or polling places within its area as a result of the review.
- details of the designation of polling districts and polling places within the local authority area as a result of the review.
- details of the places where the results of the review have been published.

Preparatory work

- 2.7 Even though the formal review period has not commenced we have carried out a range of preparatory activity.
- 2.8 This includes:
- Reading the final proposals published by the Boundary Commission on and understanding the impact for this area.
 - Contacting Elections Teams in neighbouring authorities which will be sharing our constituency.
 - Liaising with electoral software suppliers about structuring the electoral register to accommodate boundary changes.
 - Preparing data for the start of the review (electorate figures, turnout from previous elections, information about new housing developments)
 - Obtaining detailed up to date maps to enable accurate designation of polling district boundaries.
 - Identifying organisations with a special interest/expertise in disabled access to consult.
 - Sending out a survey to existing polling places to test their suitability.

Preliminary review

- 2.9 Electoral Services are also has carried out a preliminary review of the current polling districts and places in the District to assess their suitability.
- 2.10 This involved:
- Compiling details of current polling places with a summary of their suitability.
 - Checking the continued availability of polling places.
 - Reviewing feedback from stakeholders at previous elections.
 - Inviting comments from polling station inspectors
 - Identifying potential alternative buildings where appropriate.
 - Ensuring that polling places can support the requirements of the Elections Act, for example with sufficient space to undertake Voter ID checks, and to accommodate equipment to assist disabled voters.
 - Referring to guidance around accessibility.
- 2.11 As a result of this initial review, it is recommended that the following permanent changes are made to polling places. (Please note that in some cases these “new” venues were used in the May 2023 elections as temporary alternatives)

Current Polling Place	New Polling Place	Reason for change
Sudbury Primary School	The Gas Works Sudbury	This new venue is a short walking distance from the existing polling station and avoids the disruption caused by using the school on polling

		day. It has been recently refurbished so it is fully accessible and has good off-street parking.
Marston Montgomery Coronation Hall	Marston Montgomery Village Hall.	The existing venue is no longer in use. The new venue is a short walking distance from the existing polling station, was constructed recently and is fully accessible with good off-street parking.
Darley Dale Mencap Centre	The Green Away Workshop	The existing venue is no longer in use. The new venue is a short walking distance from the existing polling station and is fully accessible. It has limited off-street parking but there is on-street parking close by.
Carsington Primary School	Carsington Parish Church	The room used as a polling station in the school is not accessible and is too small. Alternative locations in the school are not suitable. With temporary adaptations the new venue is accessible and provides more space.
Hurst Farm Community Centre	Farmers View, Hurst Farm (Formerly Hurst Farm Social Club)	The room used as a polling place is no longer available the new venue is accessible and has off street parking.

Implementing parliamentary boundary changes

- 2.12 The Boundary Commission for England recently undertook a review of parliamentary constituency boundaries. They have published their final recommendations, and Orders for the new parliamentary constituency boundaries were made in November 2023. The new boundaries will be used for the next general election. If a parliamentary by election is called in the meantime, it would be run on existing boundaries.
- 2.13 This means the Register of Electors needs to be able to reflect both the existing and new constituencies. However, the boundary review has not resulted in any change for the district as it remains in a single parliamentary constituency.

3. Options Considered and Recommended Proposal

- 3.1 Legislation requires that the Council must carry out a review.

- 3.2 The proposals to delegate the designation of Polling Districts and Polling Places are not a requirement but having them in place in advance of an election will help if there is a need to change a Polling Place at short notice.

4. Consultation

- 4.1 Consultation will involve the publication of statutory notices and invitations to comment on proposals. Where there are proposals to change polling places the relevant parish or town council will be consulted.
- 4.2 We will also be making direct contact with local organisations that support groups or individuals that may wish to comment on proposals, for example organisations which may wish to contribute to issues such as accessibility.

5. Timetable for Implementation

- 5.1 A timetable for the review is set out below:

Review of polling districts and places 2023/24

Preparatory work	started 4 December 2023
Resolution from council providing for commencement of review	25 January 2024
Preliminary review – including informal consultation	28 January to March 2024
Notice of review published	28 January 2024
Council proposals published	11 March 2024
Commencement of formal consultation	11 March 2024
End of formal consultation	12 April 2024
Consider responses	13 May 2024
Final proposals published via meeting agenda papers and website	23 May 2024
Publish electoral register	1 June 2024
Conclude review	By end June 2024
Republish electoral register (if any new or amended polling districts)	1 July 2024

6. Policy Implications

- 6.1 As set out above.

7. Financial and Resource Implications

- 7.1 The cost of carrying out the review will be contained within existing revenue budgets. The financial risk is, therefore, assessed as low.

8. Legal Advice and Implications

Delegated decision making

- 8.1 The designation of polling districts and places is a function of the Council, whereas decisions about polling stations are for the Returning Officer.

- 8.2 The Council's constitution identifies the determination of polling district reviews as a matter to be reserved for Full Council.
- 8.3 Due to the desirability of approving the polling districts and places in a compacted timetable, it is considered that the authority to designate polling districts and places be delegated to the Governance & Resources Committee for this review and all future reviews.
- 8.4 The Council's constitution identifies the determination of polling places as a matter to be reserved for Full Council. In certain situations, it might not be practicable to await formal Committee or Council approval to designate a polling place for example, where a building becomes unavailable at short notice due to unforeseen circumstances.
- 8.5 Due to the potential need to identify alternative locations as polling stations, it is considered that the authority to re-designate polling places be delegated to the Director of Corporate and Customer Services following consultation with the Chair of the Governance and Resources Committee.
- 8.6 The legal risk of taking the recommended decision contained within this report has been assessed as low.

9. Equalities Implications

- 9.1 Equality issues are a significant part of the review, particularly in the designation of Polling Places which must be accessible. The ARO has a legal duty to make sure Polling Stations are accessible.

10. Climate Change Implications

- 10.1 There are no climate change proposals arising from the proposals in this report.

11. Risk Management

- 11.1 The delegation proposals in this report will allow the designation of alternative polling places if an existing location becomes unsuitable or unusable in the run up to an election.

Report Authorisation

Approvals obtained from:-

	Named Officer	Date
Chief Executive	Paul Wilson	17/01/2024
Director of Resources/ S.151 Officer	Karen Henriksen	15/01/2024
Monitoring Officer (or Legal Services Manager)	Helen Mitchell	17/01/2024



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committee@derbyshiredales.gov.uk

Community & Environment Committee

Minutes of a Community & Environment Committee meeting held at 6.00 pm on Thursday, 7th December, 2023 in the Council Chamber, Town Hall, Matlock, DE4 3NN.

PRESENT

Councillor Martin Burfoot - In the Chair

Councillors: Peter O'Brien, Robert Archer, Anthony Bates, Kelda Boothroyd, Matt Buckler, David Chapman, Peter Dobbs, Marilyn Franks, Gareth Gee, Susan Hobson, Andy Nash, Peter Slack, Steve Wain and Nigel Norman Edwards-Walker

Present as substitute – Councillor(s): Nigel Norman Edwards-Walker

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): Dermot Murphy

246/23 - APPROVAL OF MINUTES OF PREVIOUS MEETING

It was moved by Councillor Peter O'Brien, Seconded by Councillor Andy Nash and

RESOLVED (unanimously)

That the minutes of the meeting of the Community and Environment Committee held on 26 October 2023 be approved as a correct record.

The Chair declared the motion **CARRIED**.

247/23 - RECEIVE THE MINUTES OF SUB-COMMITTEE MEETINGS

It was moved by Councillor Peter Slack, seconded by Councillor Matt Buckler and

RESOLVED

That the minutes of the following Sub-Committee meetings be received:

- Biodiversity Sub-Committee – 24 October 2023

Voting

13 For

00 Against

02 Abstained

The Chair declared the motion **CARRIED**.

248/23 - PUBLIC PARTICIPATION

There was no public participation.

249/23 - INTERESTS

There were no declarations of interest.

250/23 - QUESTIONS PURSUANT TO RULE OF PROCEDURE NUMBER 15

No questions were received.

251/23 - DERBYSHIRE DALES LOCAL DEVELOPMENT SCHEME 2023-2026

The Policy Manager introduced a report which sought Member approval of a revised Local Development Scheme (LDS) for the period covering 2023-26, to be published on the Council's website. It was noted within the report, as a requirement of section 15 of the Planning and Compulsory Purchase Act 2004, that local planning authorities prepare an LDS. This sets out the Council's programme for the preparation and adoption of local development documents over a three-year period.

Members were informed that, following changes in legislation, there was no longer a requirement for local planning authorities to specify the timetables for producing other planning documents. However, it was noted within the report that where being prepared, details of such documents and their timetable for preparation should be set out on the Council's website. It was also noted that Local Planning Authorities were encouraged to include within their LDS the details of all other documents which form part of the development plan for the area.

It was moved by Councillor Matt Buckler, seconded by Councillor Kelda Boothroyd and

RESOLVED (unanimously)

1. That the Derbyshire Dales Local Development Scheme 2023-26 as set out in Appendix 1 to this report be approved and brought into immediate effect.

2. That the approved Local Development Scheme be published on the District Council's website as soon as practically possible.

The Chair declared the motion **CARRIED**.

252/23 - ASHBOURNE AIR QUALITY MANAGEMENT AREA ACTION PLAN AND AIR QUALITY MONITORING

The Director of Regulatory Services introduced a report which provided a further update in relation to the Ashbourne Air Quality Management Area Action Plan and requested the provision of a supplementary revenue budget for the real time monitoring of a suite of air pollutants.

At the previous meeting of this Committee, the outcomes of the first meeting of the Air Quality Action Plan Working Group core group were discussed. These discussions included the position regarding the inclusion of (following consultation) the public support for a 20-mph zone within the action plan. The potential synergies between the air quality action plan and the ambitions of the Ashbourne Reborn programme were also noted. It was therefore resolved that a further updating report should be submitted to the December meeting of this Committee.

It was moved by Councillor Peter Dobbs, seconded by Councillor Matt Buckler and

RESOLVED

1. That the updates available in relation to the draft Air Quality Action Plan be noted.

Voting: Unanimous

2. That a supplementary budget estimate of £10,000 to facilitate a 12-month subscription to Earthsense be recommended to Council for approval.

Voting: 14 For, 0 Against, 1 Abstention

3. That Derbyshire County Council be formally requested to provide an explanation regarding their opposition to the implementation of a 20mph speed limit zone within Ashbourne Town Centre, given the level of public support expressed during the consultation period.

Voting: Unanimous

4. That Derbyshire County Council be formally requested to provide an explanation of their objection to implementation of a weight limit on traffic entering Ashbourne Town Centre via the A515, in order to divert heavy goods traffic.

Voting: 13 For, 0 Against, 2 Abstentions

The Chair declared the motion **CARRIED**.

Meeting Closed: 6.56 pm

Chairman

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OPEN REPORT COMMUNITY AND ENVIRONMENT COMMITTEE

Community and Environment Committee 7 December 2023

Ashbourne Air Quality Management Area Action Plan and Air Quality Monitoring

Report of Director of Regulatory Services

Report Author and Contact Details

Amanda Goodwill, Environmental Health Manager
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Karen Carpenter, Environmental Health Officer
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Wards Affected

Ashbourne North

Report Summary

This report provides a further update in relation to the Ashbourne Air Quality Management Area Action Plan and requests the provision of a supplementary revenue budget for the real time monitoring of a suite of air pollutants.

Recommendations

1. That the updates available in relation to the draft Air Quality Action Plan be noted.
2. That a supplementary budget estimate of £10,000 to facilitate a 12-month subscription to Earthsense be recommended to Council for approval.

List of Appendices

None

Background Papers

Reports to the Community and Environment Committee – 7 April 2021, 23 June 2021, 17 November 2021, 23 February 2022, 29 June 2022, 1 November 2022, 9 February 2023, 13 July 2023, 7 September 2023, 26 October 2023

Consideration of report by Council or other committee

Since the declaration of the Ashbourne Air Quality Management Area in April 2021 a number of updating reports have been considered by the Community and Environment Committee as detailed under the Background Papers heading above.

Council Approval Required

Yes, in relation to the requested budget for real time air quality monitoring.

Exempt from Press or Public

No

Ashbourne Air Quality Management Area Action Plan and Air Quality Monitoring

1. Background

- 1.1 At the meeting of the Community and Environment Committee held on 26 October 2023 discussions from the first meeting of the Air Quality Action Plan Working Group core group were discussed. It was noted that these discussions included the position regarding actions for inclusion in the action plan following the public consultation, the public support for a 20-mph zone within the town and the potential synergies between the air quality action plan and the ambitions of the Ashbourne Reborn programme. It was resolved that a further updating report should be submitted to this meeting of the Community and Environment Committee.

2. Key Issues

- 2.1 Since the October meeting of the Community and Environment Committee officers have continued to work with colleagues from Derbyshire County Council to seek updates in relation to the actions previously suggested for inclusion within the Action Plan. In particular officers have been informed that the wording of the first three proposed actions (Investigate the use of Urban Traffic Management Control to optimise traffic flows within Ashbourne town centre; Investigate town centre priority or capacity changes to improve heavy goods and other vehicle flows on A515 Buxton Road; Influence route selection via live information systems) is to be updated and that a round table discussion with mineral and logistics operators is projected for the New Year, which is intended to focus on transport issues in the High Peak and Ashbourne. In addition we understand that signals are being considered for Station Street, which the County Council believe will help to act as a gateway to control northbound traffic through Ashbourne.
- 2.2 Whilst this work is ongoing, there was no more specific update available from Derbyshire County Council at the time of writing this report.
- 2.3 In addition to working directly with Derbyshire County Council colleagues, officers have liaised with our Senior Regeneration Officer, who leads on the Ashbourne Reborn programme. The purpose of this liaison has been to record progress on developing potential synergies between the 2 strands of work, particularly in relation to the 20-mph zone issue. Officers now understand that Derbyshire County Council's position is that they will not support the creation of a 20-mph zone through either programme of work and as such the ability to further negotiate on this issue is curtailed.
- 2.4 Discussions have progressed more productively in relation to the real-time monitoring of air pollution. It is now understood that Derbyshire County Council are purchasing 3x Earthsense Zephyr air quality monitors for deployment in Ashbourne. These monitors provide real-time measurement of a suite of pollutants, including nitrogen monoxide, nitrogen dioxide, ozone and particulates (PM₁₀, PM_{2.5} and PM₁). Whilst the sites for deployment have not yet been decided or communicated to officers, this has the potential to add considerably to the information available about pollution levels within the town. Through the work of the Progressive Alliance's Pollution Working Group and the development of the emerging Derbyshire

Dales Plan, members have been clear that they have an ambition to monitor air pollution in the district to a greater extent than has previously been the case. Therefore it is recommended that in addition to the network of devices being established by Derbyshire County Council, the District Council also purchases such a monitor, initially on a pilot basis.

- 2.5 Whilst a number of devices are available for monitoring air pollution, officers consider that there are considerable benefits from sourcing devices that are compatible with others in use in the district and wider county. The Derbyshire Environmental Protection Group (DEPG) is evaluating devices but it is known that High Peak Borough Council also operate a number of Earthsense monitors.
- 2.6 The Earthsense model works on a leasing system, whereby users subscribe to the service for a set period of time. In addition to the monitors themselves, users have the option to subscribe to a fully supported public facing web portal, which could include all Zephyr locations. To subscribe for 1 monitor for 12 months would cost £4,050 (exc VAT) and to subscribe to the public portal for 12 months would cost £5,500 (exc VAT), giving a total cost of £9,550 for the first 12 months. To renew the subscription the cost has been quoted as £1,500 (exc VAT) for the monitor and a further £5,500 (ex VAT) for the web portal.
- 2.7 Currently there is no budget to purchase this subscription. Therefore officers are requesting the provision of up to £10,000 to purchase a 12-months' subscription for 1 monitor plus the web portal, on the understanding that further work is undertaken with colleagues at Derbyshire County Council to understand the potential for economies. For example, it may be possible for the various authorities to share one web portal. It is also recommended that the value of the monitoring be examined over the first 12 months, prior to a decision being made regarding renewal.

3. Options Considered and Recommended Proposal

- 3.1 Three different air quality monitors have been considered as part of this report. Whilst the Earthsense Zephyr is the most expensive option of these three, at least in year 1, it is considered to offer potential benefits in terms of helping to establish a monitoring network for the district and county. The leasing model enables the option of not renewing, if these benefits are not forthcoming.

4. Consultation

- 4.1 The measures currently approved by Derbyshire County Council, along with the concepts of a 20-mph zone and a Clean Air Zone have already been subject to public consultation.

5. Timetable for Implementation

- 5.1 A further report will be brought to the February meeting of the Community and Environment Committee to update on the Action Plan itself.

- 5.2 In order to progress the purchase of the real time air quality monitoring system the requested budget will need to be reported to the next available meeting of Council for confirmation.

6. Policy Implications

- 6.1 Local authorities have a legal duty to provide an Air Quality Action Plan as a means to address areas of poor air quality that have been identified with Air Quality Management Areas. These action plans should develop measures that will provide the necessary emissions reductions to achieve the air quality objectives and act as a live document which is continually reviewed and developed to ensure that current measures are being progressed and new measures are brought forward.

7. Financial and Resource Implications

- 7.1 It will be necessary to seek approval from Council for a supplementary revenue budget in 2023/24 to reflect the proposed expenditure of up to £10,000. This would be financed by the use of the General Reserve. As this expenditure is “one-off”, the General Reserve is permitted under the Council’s Medium Term Financial Strategy. This report includes a recommendation for a referral to full Council to seek approval for this supplementary revenue budget and its financing, this approval will be requested in quarter 2 revenue monitoring reported to Council 14 December.
- 7.2 The financial risk associated with the approval of the report’s recommendations is assessed as low.

8. Legal Advice and Implications

- 8.1 An Air Quality Action Plan will ensure that the Council meets its statutory duties as set out in the Environment Act 1995 to regularly review and assess air quality in its area. As the proposal seeks to establish a route for the agreement of an action plan through partnership working it therefore contributes to the authority fulfilling its obligations under the 1995 Act. As such, the legal risk of challenge associated with this report is low

9. Equalities Implications

- 9.1 Decision-makers are reminded of the requirement under the Public Sector Equality Duty (s149 of the Equality Act 2010) to have due regard to:
- (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act
 - (ii) advance equality of opportunity between people from different groups, and
 - (iii) foster good relations between people from different groups.
- 9.2 The decisions recommended through this paper could directly impact on end users. The air quality action plan is relevant to younger and older age groups, and people with disabilities, who are more vulnerable from the effects of poor air quality. The air quality action plan aims to have a positive impact on people’s health, including those with protected characteristics.

The consultation on the draft air quality action plan has not raised any issues with regards to the protected characteristics.

10. Climate Change Implications

- 10.1 Whilst the Air Quality Action Plan is aimed at reducing health related air pollution, any reduction in traffic emissions will also have a beneficial impact in relation to climate change and should be supported.

11. Risk Management

- 11.1 The District Council has a duty to develop an Air Quality Action Plan following the identification and declaration of Air Quality Management Areas. Failure to comply with this requirement could leave this authority open to legal action and potential fines.

Report Authorisation

Approvals obtained from:-

	Named Officer	Date
Chief Executive	Paul Wilson	29/11/2023
Director of Resources/ S.151 Officer (or Financial Services Manager)	Gemma Hadfield	23/11/2023
Monitoring Officer (or Legal Services Manager)	Helen Mitchell	29/11/2023



Agenda Item 13

**OPEN REPORT
COUNCIL**

Council - 25 January 2024

VEHICLE REPLACEMENT PROGRAMME - 2023/2024

Report of the Director of Community & Environmental Services

Report Author and Contact Details

Samantha Grisman, Clean and Green Manager

01629 761386

samantha.grisman@derbyshiredales.gov.uk

Report Summary

The report requests the transfer £166,133 of funds already approved and allocated to the Vehicle Replacement Programme for 2024/25 into the current financial year.

Recommendations

1. To approve the transfer of £166,133 from the 2024/25 Vehicle Replacement Programme capital budget to the current year for the purchase of fleet vehicles.

Background Paper

Capital Programme Update Report (December – Council)

Member Approval Required

Yes

Which Committee

Council - Thursday 25th January 2024

Vehicle Replacement Programme 2023/2024

1. Background

- 1.1 On Thursday 14th December 2023, Council was presented with the Capital Programme Update Report (Appendix 1).
- 1.2 The report indicated that the Vehicle Replacement Programme, which forms parts of the Council's Capital Programme, was going to be underspent by £166,133. Therefore, the amount was moved into the following financial year as slippage.

2. Key Issues

- 2.1 The Clean and Green Manager has been working with the Council's Procurement Officer to purchase replacement vehicles for the Clean and Green service in line with the Council's Procurement Policy and funds already approved.
- 2.2 The underspend of £166,133 would not have been used as a saving and would have been used for the same purpose but in the following financial year. It is, however, required in this current financial year.
- 2.3 This does not require any increase in funds to those already approved by Members.
- 2.4 The procurement of the replacement fleet is a complex and well planned process that has proved successful in sourcing vehicles with the necessary additions, immediate availability, a competitive purchase price with a maintenance agreement included.
- 2.5 The current quote for the vehicles is on hold until 1st February. There is no guarantee that this price will be available past this point, should the procurement have to be repeated in April, when the funds become available under the current slippage programme.

3. Options Considered and Recommended Proposal

- 3.1 The recommendations are as follows:
 1. To approve the transfer of £166,133 from the 2024/25 Vehicle Replacement Programme budget to the current year for the purchase of fleet vehicles.
- 3.2 The above recommendation has been put forward as the most effective use of Council funds.

4. Consultation

- 4.1 The relevant officers have been consulted as part of this report. They include The Section 105 Officer, The Climate Change Officer and The Procurement Officer.

5. Timetable for Implementation

5.1

Date	Action
Thursday 25 th January	Approval from Elected Members
Friday 26 th January	The Clean and Green Managers raises the Purchase Order for the approval of the Director of Service (The Director of Community and Environmental Services). The Clean and Green Manager to place order with the supplier in line with the Council's Procurement Policy.
Friday 2 nd February	Expected delivery date.

5.2 The purchase of the vehicles includes a maintenance agreement which will be managed by the Clean and Green Manager.

6. Policy Implications

6.1 This report refers to the purchase of new vehicles to the Clean and Green Fleet. Ensuring the vehicles on the fleet are efficient and cost effective requires a renewal plan that balances their use with their maintenance costs. This contributes to the Corporate Plan Priority to keep the Derbyshire Dales Clean Green and Safe.

7. Resources Implications

7.1 The financial implications of the report's recommendations are minimal as the requested funds are already available within the approved budget for the 5-year capital programme. This report seeks a transfer of budget from 2024/25 to 2023/24. Approval of this report's recommendation will assist in obtaining the best price for these vehicles, before expected price increases in March, and while the required vehicles are available. The financial risk is assessed as low.

7.2 There are no implications to the Human Resources Team.

7.3 There are no implications to the Estates Team.

7.4 There are no implications to the Transformation and Joint IT Team.

8. Legal Advice and Implications

8.1 This report has taken consultation from Helen Mitchell, Director of Corporate and Customer Services.

8.2 There are no implications to the Data Protection Team.

9. Equalities Implications

9.1 There are no implications to the Equalities Team.

10. Climate Change Implications

- 10.1 The 2020 approved 'Path to net zero' strategy identified that the decarbonisation of fleet (shifting to vehicles with lower emissions) was vital if the Council is to achieve the target of being net zero by 2030
- 10.2 Fleet fuel use represented 31% of Council emissions in 2022/23
- 10.3 Since the strategy was developed fleet fuel use has decreased by approximately 25% due in part to:
- Changes in fleet composition, less efficient vehicles being replaced
 - Regular use of Hydrogen cleaning to remove a build-up of carbon deposits
- 10.4 The 'Path to net zero' assumed that there would be a commercially available and financially viable electric equivalent for any vehicle up to the size of a Ford Transit by 2030.
- 10.5 During the procurement process, electric equivalents to the vehicles requiring replacement were considered. The shift to electric vehicles (EVs) is something that needs to be carefully planned. While there are commercially electric alternatives available, officers did not have sufficient confidence to recommend them at this stage.
- 10.6 The following work needs to be undertaken to provide this level of confidence:
- Trials of EVs to be undertaken, proving their ability to meet operational needs in all local conditions
 - The Depot needs to be modified to allow a safe space for EV maintenance, with specialist tools provided
 - While the mechanics are all currently trained to EV/hybrid IMI Level 3 it is recommended that at least two mechanics complete the Level 4 course
- 10.7 EV charging points were installed at the Depot in November 2023. This means that trials of EVs can now begin, with the other work required to be undertaken in parallel (subject to a budget being available).
- 10.8 It is the intention of officers to trial replacement EVs in the classes of vehicles identified for replacement in the upcoming vehicle replacement programme and, where appropriate, make recommendations for the purchase of EVs.

11. Risk Management

- 11.1 The risk associated with this project has been identified as low. The finances have been approved previously as part of the Vehicle Replacement Programme budget and the relevant procurement procedures have been adhered to.

Report Authorisation

Approvals obtained from:-

	Named Officer	Date
Chief Executive	Paul Wilson	17/01/2024
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	17/01/2024
Monitoring Officer (or Legal Services Manager)	Helen Mitchell	17/01/2024

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Agenda Item 15

COUNCIL - 25 January 2024

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

Report of the Director of Community & Environmental Services

Report Author and Contact Details

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Wards Affected

District wide

Report Summary

This report outlines the request for additional funding to support Freedom Leisure with the increased utility costs for the 3 financial years from 2023/24 to 2025/26.

Recommendations

1. That approval be given to a supplementary revenue budget for 2023/24, financed from the General Reserve, to support the partnership in addressing the significant increase in energy costs up to the value of £85,587.
2. That approval be given to financial support to assist the partnership in addressing the significant increase in energy costs up to the value of £34,116 in 2024/25 and £31,682 in 2025/26, with these amounts to be reflected in the budget for 2024/25 and the Medium-Term Financial Plan for 2025/26.
3. That this financial support is to be ring-fenced to the Derbyshire Dales contract and paid to Freedom Leisure on a monthly basis through open book accounting and monthly meetings with the contract managers up until 31st March 2026.

List of Appendices

Appendix 1 - Freedom Leisure 3-year business plan (Restricted)

Appendix 2 - Freedom Leisure 3-year business plan (Redacted, Public)

Appendix 3 - Freedom Leisure Mitigation Report

Background Papers

[Urgent support for public sport and leisure services | Local Government Association](#)

Consideration of report by Council or other committee

No

Council Approval Required

Yes

Exempt from Press or Public

No

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

1. Background

- 1.1 The District Council has four leisure centres, sited in Ashbourne, Bakewell, Matlock and Wirksworth. The leisure centres provide vital health, leisure and wellbeing services to our local communities, with over 841,322 visitors to the facilities in 2022/23. (A rise from 755,466 21/22 showing the recovery from Covid).
- 1.2 Following a strategic review of the Leisure service in 2016 and a subsequent options appraisal in 2018, the management and development of the leisure centres was outsourced to Freedom Leisure, a not for profit organisation, in August 2018. The procurement was achieved through a competitive tendering process, with final approval given by Members on 3 May 2018.
- 1.3 Freedom Leisure is one of the UK’s leading charitable and not-for-profit leisure trusts. They manage leisure and cultural services on behalf of over 25 Local Authority partners and operate more than 100 leisure and cultural venues across England and Wales, including over 60 swimming pools.
- 1.4 As a result of outsourcing the service, the District Council was set to achieve savings of circa £4.9m over the 10-year contract life.
- 1.5 The annual management fee paid to Freedom Leisure reduces over the life of the contract, as noted in the table below, and is paid on a quarterly basis.

2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
£'000	£'000	£'000	£'000	£'000	£'000	£'000
177.48	90.70	90.59	90.49	90.40	90.31	-44.84

- 1.6 Unfortunately, during the final stages of securing the contract, a national agreement on the Local Government Pay Award took place, resulting in a reduction in the level of savings. Under the terms of the contract, adjustments are made each year to reflect the 2018/19 and 2019/20 pay awards. The table above reflects the payments due to Freedom Leisure as a management fee after adjustments made to date (around £115,000 per annum).
- 1.7 In August and November 2020, the Council approved financial support for Freedom Leisure up to a total of £366,613, due to the COVID-19 pandemic and associated restrictions, including a 9 month closure of the leisure centres.
- 1.8 Following the relaxation of COVID-19 restrictions, officers worked closely with Freedom Leisure’s senior management team in assessing mitigating measures and levels of spend, including the introduction of open book accounting. This approach, along with a quick recovery in the performance of the business, meant that the “Covid-19” support paid to Freedom Leisure in 2020/21 was £182,670, resulting in a budget underspend of £184,000, which the Council transferred back into reserves.

- 1.9 Due to the extraordinary increase in utility costs nationally, the fitness and leisure sector is finding it extremely challenging to cover these costs and in September 2022 Freedom Leisure requested financial support.
- 1.10 On 24 November 2022 Council approved financial support for Freedom Leisure to cover 75% of their rise in utility costs, with payments being capped at £204,000. This was for a 6- month period up until 31 March 2023.
- 1.11 Following a national survey by UKactive in November 2022, The Local Government Association published the following:

'Without the Government's support it is anticipated that 40 per cent of council areas will lose their leisure centres or will see reduced services before 31 March 2023, and three quarters (74 per cent) of council areas are classified as 'unsecure', meaning there is risk of the closure of leisure centres or reduced services before 31 March 2024'.

- 1.12 Earlier in 2023, news reports regarding the potential closure of Belper Leisure Centre demonstrate the impact that the energy increases are having on the Leisure Industry, the centre's energy costs have risen from £112,000 to £480,000 and are looking for support to cover the £360,000 deficit in order to remain open.

2. Key Issues

- 2.1 In February Freedom Leisure provided a report to Officers which outlined a request for financial support of £730k to cover the increase of energy costs for 2022/23, which was an estimated 500% increase. This amount was revised to £626k in a follow up report.
- 2.2 In June 2023 Officers and representatives from Freedom attended a workshop with members to discuss the financial pressures the Leisure industry were under and the impact this had on Freedom Leisure in Derbyshire Dales District Council.
- 2.3 Freedom Leisure provided a 3-year business plan which showed a deficit of £405,147 over the 3 years, mainly attributed to the increase in energy costs.

Freedom Leisure were requesting the council support with these deficits broken down over the next 3 years.

- 2023/24 - £190,193
- 2024/25 - £109,279
- 2025/26 - £105,675

- 2.4 Shortly after the June meeting Sport England announced a £60million support fund to support Swimming Pool facilities with the impact of increased costs. Phase 1 - £20m revenue to support facilities at risk of closure and phase 2 - £40m capital to improve energy efficiencies within facilities to reduce long term costs. The report to members to request the financial support outlined in 2.3 was delayed allowing a bid to go in for phase 1 of the funding.

- 2.5 The joint partnership bid submitted by officers of the District Council and Freedom Leisure was successful in receiving £29,679 to support the increased costs at Bakewell Swimming Pool.
- 2.6 Following the successful funding bid and achievements of Freedom Leisure improving the financial position, the request for support is now a total of £151,385 (was £405,147) over the 3 years split into:
- 2023/24 - £85,587 (was £190,193)
 - 2024/25 - £34,116 (was £109,279)
 - 2025/26 - £31,682 (was £105,675)

3. Options Considered and Recommended Proposal

- 3.1 As well as Option 1 - the Council providing 100% of the requested revenue outlined in 2.6 of this report, there are 2 further options outlined below. Option 2 is included in the Freedom Leisure Mitigation report (appendix 2).

In Summary these are:

Option 2

Whilst continuing to work in partnership with Derbyshire Dales District Council further mitigation options would need to be considered to support the services across the community.

The agreement would need to be reached with Derbyshire Dales District Council with further mitigation that would need to include one or more potential options below:

- Reduction of service – This could include significant reductions in operations
- Reduction of operating hours – Operating hours of facilities could drastically decrease to support further savings, this could include sites only opening at peak times
- Reduction of employment hours – Employment hours and overall staffing levels across the 4 sites
- Reduction of maintenance within the facilities

Option 3

Do nothing – doing nothing in reality would not put an end to the matter. It would mean that the Council does nothing for now and simply waits for Freedom Leisure to instigate their various rights under the contract. It does not guarantee the centres continue to operate at the same level they currently do.

4. Consultation

- 4.1 No Consultation required at this stage.

5. Timetable for Implementation

- 5.1 If approved the financial support ring-fenced is to be paid to Freedom Leisure on a monthly basis through open book accounting and monthly meetings with the contract managers up until 31st March 2026.

6. Policy Implications

- 6.1 No policy implications.

7. Financial and Resource Implications

- 7.1 This report recommends that the District Council provides additional financial support to Freedom Leisure in the financial years 2023/24 to 2025/26 up to the value a total of £151,385 over 3 financial years as follows:
- 2023/24 - £85,587
 - 2024/25 - £34,116
 - 2025/26 - £31,682
- 7.2 There is no provision in the 2023/24 revenue budget for this amount. Therefore, approval is sought for a supplementary revenue budget of £85,587 in 2023/24. The additional spending could be financed from the General Reserve as the Council's Medium Term Financial Strategy allows the General Reserve to be used for "one-off" expenditure. The General Reserve currently has a balance of circa £3m.
- 7.3 Subject to Members' approval of this report, the sum of £34,116 would be included in the draft budget for 2024/25 and the sum of £31,682 would be included for 2025/26 in the as part of a revision of the Medium-Term Financial Plan, both of which are due to be approved by Council on 29th February.
- 7.4 It is recommended that this financial support is to be ring-fenced to the Derbyshire Dales contract and paid to Freedom Leisure on a monthly basis to cover actual expenditure by Freedom Leisure evidenced through open book accounting and monthly meetings with the contract managers up until 31st March 2026.
- 7.5 The financial risk is assessed as Medium.

8. Legal Advice and Implications

- 8.1 This report outlines the request for additional funding to support Freedom Leisure with the increased utility costs for the 3 financial years from 2023/24 to 2025/26.
- 8.2 There are 3 decisions recommended to be taken as detailed at the beginning of this report, the legal risk of challenge when taking the decisions as set out has been assessed as low.

9. Equalities Implications

- 9.1 There are currently no equality impacts contained within this report.

10. Climate Change Implications

10.1 No Climate Change implications within this report.

11. Risk Management

11.1 The risks of the financial support not being awarded would be to consider alternative options in line with mitigations within section 3 of the report. Any further considerations would be discussed between Council Officers and Freedom Leisure before returning to members in a further report.

Report Authorisation

Approvals obtained from:-

	Named Officer	Date
Chief Executive	Paul Wilson	17/01/2024
Director of Resources/ S.151 Officer	Karen Henriksen	15/01/2024
Monitoring Officer (or Legal Services Manager)	Helen Mitchell	17/01/2024

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Derbyshire **DALES**



District Council

3 YEAR BUSINESS PLAN
2023 - 2026

CONTENTS

1. Introduction
 - 1.1 Overview
2. Current trading position
 - 2.1 Reflection
 - 2.1.1 Arc Leisure Matlock
 - 2.1.2 Ashbourne Leisure Centre
 - 2.1.3 Bakewell Swimming Pool
 - 2.1.4 Wirksworth Leisure Centre
 - 2.1.5 Utility Reductions
 - 2.1.6 Contract financial position
3. Challenge
 - 3.1 Forecasted Challenge
4. Solution and 3 year forecast
 - 4.1 Year 1 - Forecast
 - 4.2 Year 2 - Forecast
 - 4.3 Year 3 – Forecast
5. Recommendation/Summary

1. INTRODUCTION

1.1 Overview

Freedom Leisure commenced a 10-year contract to manage Derbyshire Dales District Council's leisure facilities in August 2018. Facilities as part of the contract are Arc Leisure Matlock, Ashbourne Leisure Centre, Bakewell Swimming Pool and Wirksworth Leisure Centre

The Leisure Partnership Agreement will be entering its 5th year, having commenced on 1st August 2018.

Overall the contract has seen significant growth from its initial start point in 2018. However, this has been disrupted throughout multiple occasions with the pandemic. There were significant losses in overall customer bases after the COVID closures, which has caused the aim to return to a minimum of Pre-COVID levels. There has been a mixed performance across the contract with some individual sites back at Pre COVID figures, but some sites still have some growth needed to reach these numbers.

Capital Investment

Previous reports will reflect the capital investment that has been in the contract from the 1st August 2018, some of these investments have included:

Soft Play Addition to the Arc Leisure, Matlock :

Approximately £1m investment in the addition of a 5 storey soft play for the local community. This reduced the overall sports hall size, by 1 court and allowed the development of a dedicated Spinning Studio and an additional Group Exercise Studio.

Bakewell Pool Changing Rooms:

Changing areas have been updated to a modern style, improving accessibility for customers. As well as the addition of a dedicated fitness suite for the community of Bakewell.

Ashbourne Leisure Centre:

Squash court 1 upgrade, which was converted to a dedicated spinning studio, including virtual spinning. The remaining 2 Squash courts were also upgraded with refurbishment work to the floor and the walls.

Environmental focus

Freedom Leisure has a strong and clear commitment to Sustainability within our operations. It is important that we continue to focus on the things that we can control such as energy efficiency, providing our customers with a great experience and commerciality - ensuring we take every opportunity to maximise our income balanced with reducing our costs. An energy action plan has been created and reviewed including:

- Energy audits
- Review time schedules and set points of heating systems
- Efficient management of air conditioning
- Staff training on housekeeping
- Improve waste management across the contact

Freedom Strategy Wheel



objectives and purpose

Our leisure trust status means it is not all about the finances – our focus is on:

- Increasing participation
- Improving services
- Delivering quality services and experiences for our customers
- Supporting “Active Communities”
- Reducing negative environmental impact
- Delivering for clients and customers
- Developing and rewarding our people

2. CURRENT TRADING POSITION (August 2018 – April 2023)



2.1 Reflection

Freedom Leisure has had continued success in the contract since the commencement in August 2018. There has been significant investment in the contract to ensure that the facilities are best set to serve the community of Derbyshire Dales.

Since the transfer in 2018 we have seen an uplift of key participation lines that include:

- Learn to Swim Schemes +808 weekly participants.
- Membership +610 annual and direct debit members.
- Participation +131,322 increase on attendees.

2.1.1 Arc Leisure Matlock

The Arc has received significant investment in the development of Soft Play, which was able to provide another activity and purpose built area for younger children within the community. This has enabled the Arc to further target under 8's activity. The Arc, like many of the other centres across the contract, has seen significant growth in the Learn to Swim programme and the overall membership base since the beginning of the contract.

During this time the Arc has also delivered a 24% reduction in utility consumption in comparison to year 2019-20.

The Arc position in recovery from 2019-20 pre-pandemic figures is as follows:

- Overall Participation 93%
- Membership 98%
- Learn to Swim 126%

2.1.2 Ashbourne Leisure Centre

Ashbourne Leisure Centre has continued its growth throughout the commencement of the contract, with again a significant uplift in Learn to Swim numbers, as well as growth in the overall membership base.

Ashbourne has delivered a 10% reduction in utility consumption in comparison to the utility usage in 2019-20.

Ashbournes position in recovery from the pandemic is as follows:

- Participation 105%
- Membership 105%
- Learn to Swim 155%

2.1.3 Bakewell Swimming Pool

Bakewell Swimming Pool like the other centres has continued to increase on performance and figures since the beginning of the contract. The learn to swim numbers have significantly increased, as well as overall participation.

Bakewell delivered a 1% reduction in utility consumption in comparison to year 2019-20. This smaller reduction relates to the upgrade of the pool plant and the boilers within the centre resulting in the full facility being closed for a period of circa 3 weeks. A 2 week closure at the end of March 2020 within the pandemic also compounds the comparison between 2019-20 and current performance.

Bakewells position in recovery from the pandemic is as follows:

- Participation 100%
- Membership 87%
- Learn to Swim 115%

2.1.4 Wirksworth Leisure Centre

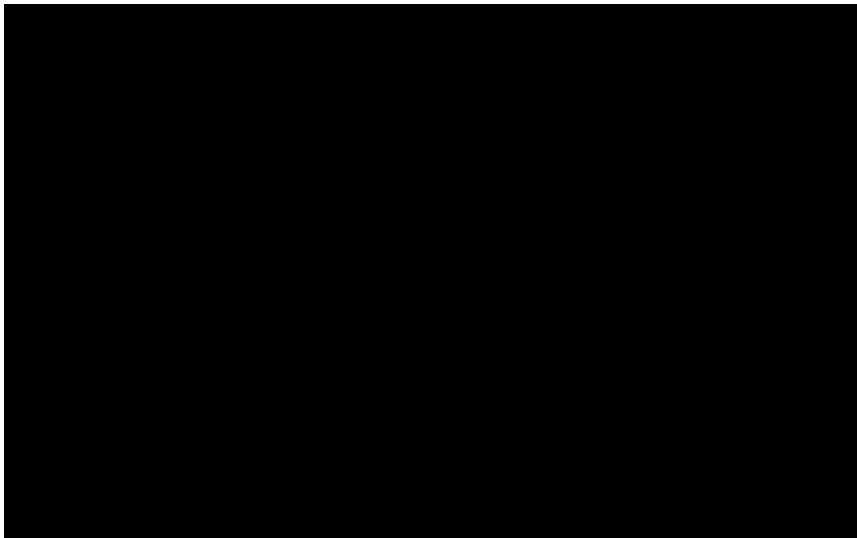
Wirksworth Leisure Centre like the other centres has continued to increase on performance and figures since the beginning of the contract.

Wirksworth has delivered a 28% reduction in utility consumption in comparison to year 2019-20.

Wirksworths position in recovery from the pandemic is as follows:

- Participation 93%
- Membership 89%

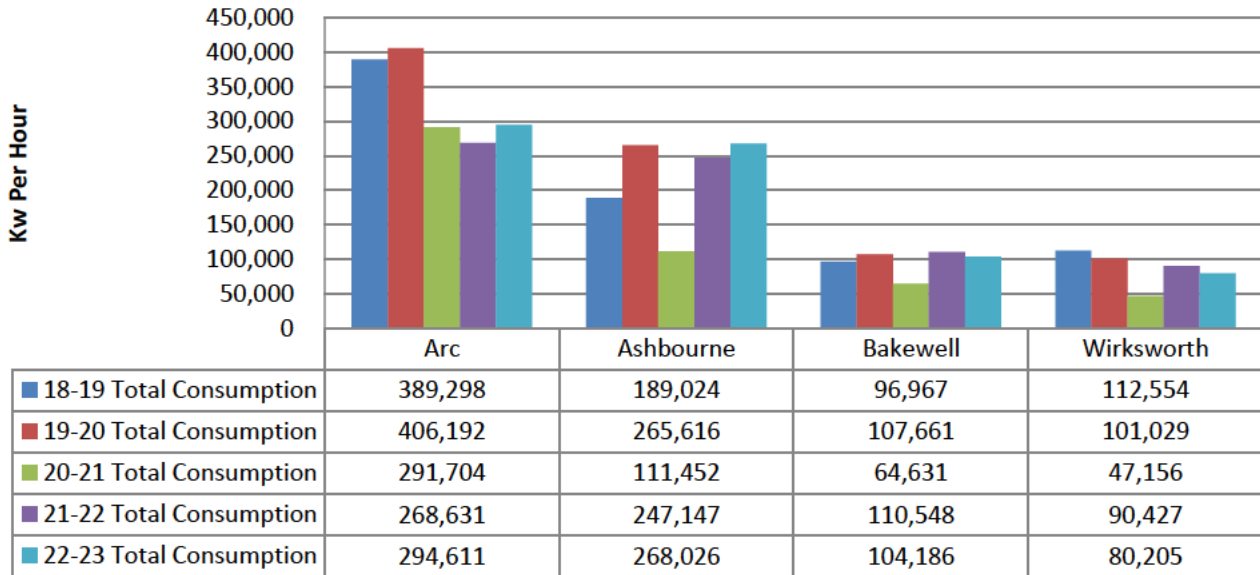
2.1.5 2022-23 Financial Performance



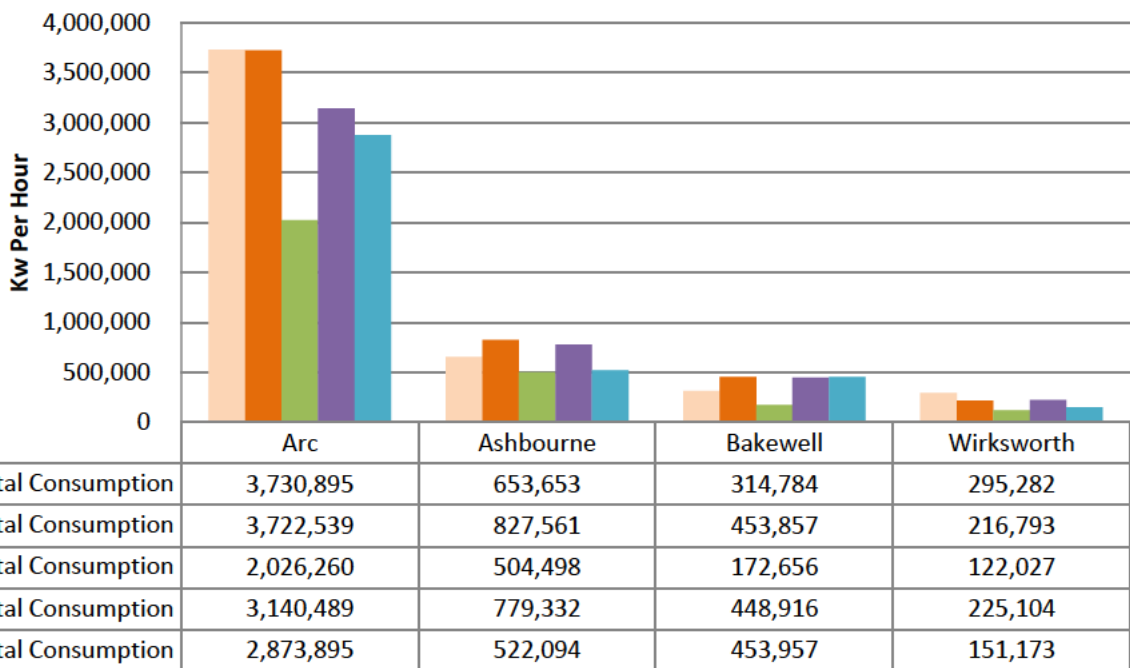
- The information and make-up of other costs are detailed on page 13.

2.2 Utility reduction – 2018 to date

Electric - Aug 2018 - March 2023



Gas - Aug 2018 - March 2023



3.0 Utility Challenge

3.1 Forecasted Utility Challenge – 3 Years

Site Name	Type	2019/20 Cost	2020/21 Cost	2021/22 Cost	2022/23 Cost	Forecasted 2023/24
Arc Leisure	Gas	£ 122,101	£ 66,388	£ 90,006	£ 229,294	£ 165,633
	Electricity	£ 57,362	£ 44,387	£ 40,795	£ 68,328	£ 73,845
Ashbourne Leisure Centre	Gas	£ 32,078	£ 15,746	£ 22,433	£ 45,834	£ 11,100
	Electricity	£ 47,767	£ 17,508	£ 37,592	£ 66,137	£ 195,502
Wirksworth Leisure Centre (DU)	Gas	£ 8,580	£ 5,129	£ 7,531	£ 15,063	£ 11,455
	Electricity	£ 19,987	£ 7,671	£ 14,131	£ 22,836	£ 26,690
Bakewell Swimming Pool	Gas	£ 16,012	£ 5,300	£ 12,177	£ 36,736	£ 24,114
	Electricity	£ 18,272	£ 9,732	£ 16,201	£ 23,858	£ 34,870
Area Total	Gas	£ 178,771	£ 92,563	£ 132,147	£ 326,927	£ 212,303
	Electricity	£ 143,388	£ 79,298	£ 108,719	£ 181,159	£ 330,907
	Total Utility Cost	£ 322,159	£ 171,861	£ 240,866	£ 508,086	£ 543,210
					Increase from last full year operation 2019-20	£ 221,051

In late February 2023, new contracts were negotiated and signed on the basis of a 2 year fixed Electricity contract and 3 year flexible Gas contract. These have resulted in an improved position where prices are now roughly 2 times the tariffs prior to October 2022. The reason for taking the flexible contract for Gas was to allow FL to benefit from the forecasted drop in wholesale prices. Unfortunately at the time of needing to sign the new contracts, there was not a Flexible Electricity contract available from any supplier. This strategy has worked well and we have been able to secure substantial savings compared to if we had bought gas at the fixed rate available at time of purchase.

Freedom Leisure are continuing to monitor the wholesale market, especially for Gas, and are taking advice from their brokers on buying periods for the coming 3 years to ensure opportunities for reduced pricing are taken. Options to extend the current fixed electricity contract and/or use a flexible strategy moving forward are currently being explored in order to secure the best possible rates into the future.

Years 2020/21 and 2021/22 have lower overall costs due to the closures throughout the pandemic period.

Ashbourne utility increase and changes

With Derbyshire Dales District Council and Freedom Leisure working on the continuous journey towards de-carbonisation the Ashbourne PSDS/ASHP project has progressed throughout the year of 2022-23. Unfortunately due to further issues within the project the current de-carbonisation project is now expected to be finalised in Q4 of the 2023-24 year. The ASHPs are now the main provider of energy to the site.

With this project there is a significant change in forecasted electricity consumption (Approx. 110,000 kWh), which reflects a decrease in the required gas forecast for the site.

To ensure the project continued on the required timescales, FL were required to sign a contract in December 2022. The charges are roughly double the rates we are paying at the other centres, however as you will see in the further forecasts a new energy tariff has been signed by FL from Jan 24, that has decreased the rates charged.

Arc forecast and projections

The Arc is forecast to see a larger reduction in electricity import from the grid due to an anticipated increase in self-generation from the CHP. Unlike Wirksworth and Bakewell, Arc therefore sees a disproportionately higher increase in gas budget.

4.0 Solution and Forecast

Performance year to date

The year 1 forecast has been updated to reflect year to date performance and predicted forecast for the remainder of the year.

It is worth noting that there continues to be a decrease in gas costs, which have supported the reduction in overall utility costs.

However, this year there has been further additional repair costs that were not budgeted for. Please see below a small summary of the additional costs totalling c£50k this year.

- Ashbourne – Pipework repairs relating to the PSDS project - £19k
- Ashbourne – Secondary system dosing and flushing – Relating to the PSDS project - £14k
- Arc – Supply fan motor (Poolside AHU) - £8k
- Arc – Moveable floor repairs - £7k

To ensure the continued growth and positive impact on the community Freedom Leisure have invested into the facilities these investments include

- c£45k investment into a new lead climbing wall at Wirksworth Leisure Centre (Expected completion early 2024)
- c£10k investment into a new pool hoist for the Arc Leisure, supporting accessibility of the facilities for the community

The figures reflect an overall improvement in the below forecasted position, whilst the above issues have presented a challenge we have managed to mitigate areas to support.

The below forecast for year 1 includes the Swimming Pool Support Fund to the sum of £30k that has been received for Bakewell. There has also been positive work on reducing the cost of repairs and maintenance, but what has significantly helped is the improved position of overall utility costs, this has reduced significantly from the previous report.

Ashbourne has entered into a new energy tariff from January, which the rates are roughly ½ of the previous rates from the short term deal.

4.1 Year 1 Forecast



**The above table for utilites includes water rates.*

With the utility impact already being a concern, the following areas will be key focuses for year 1 to mitigate the uplift in utility costs

- 10% Increase in income
- 10% Reduction in utility consumption
- 10% Reduction in colleague costs
- 3% Reduction in controllable expenditure

Increasing income :

This will be done through reviewing our current product offering to match the required level of service. A greater drive on marketing spend and exposure to display the positive impacts we are having on our communities health and wellbeing.

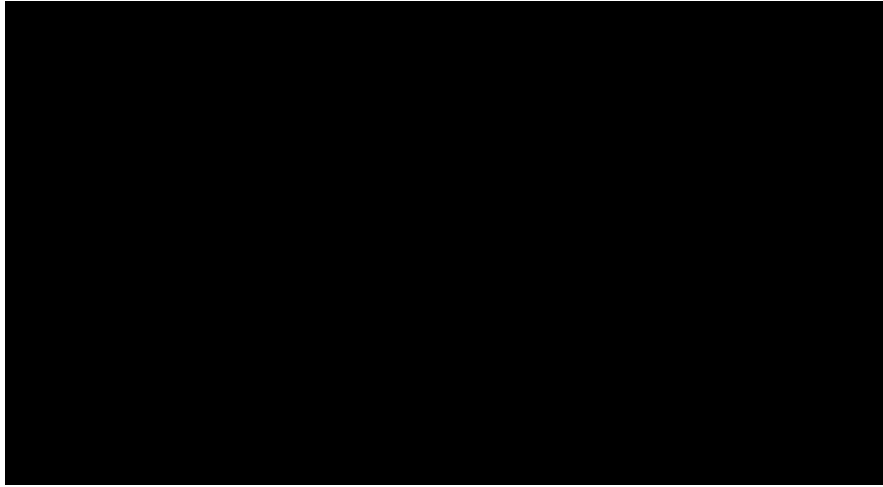
Reducing utility consumption :

Regular and continuous reviews of our current operating schedules and modules will be ongoing couple with a review of our operating temperatures including pools, fitness suites, studios and ambient room temperatures. Utilisation of in-depth reporting to take action of irregular readings is a key objective for the Area Facilities team.

Reducing colleague costs :

Constant review of operating levels and the viability of our products we offer. A planned approach to Up-Skilling colleagues to be able to support other departments rather than providing additional covering costs. We will conduct a regular review of roles to ensure business critical roles remain a focus.

4.2 Year 2 Forecast



Due to the predicted result and forecast off of the back of the volatile utility market the following mitigating actions will be taken to ensure the financial impact is minimised.

Please note the below actions will be continued into year 3 forecast.

Increase in income:

- Regular reviews in pricing in line with the market
- Increase marketing activity to help sufficiently drive footfall into the centre
- Product offering – expansion of products on offer within the centres to help drive participation
- Reviews of viability and sustainability of in centre products

Reduction in utility consumption:

- Regular and continuous reviews of trackable utility consumption data
- Reviews into upcoming energy equipment
- Training and education of colleagues
- Continuous work on the Energy Action Plans
- Review of operating times and schedules for buildings

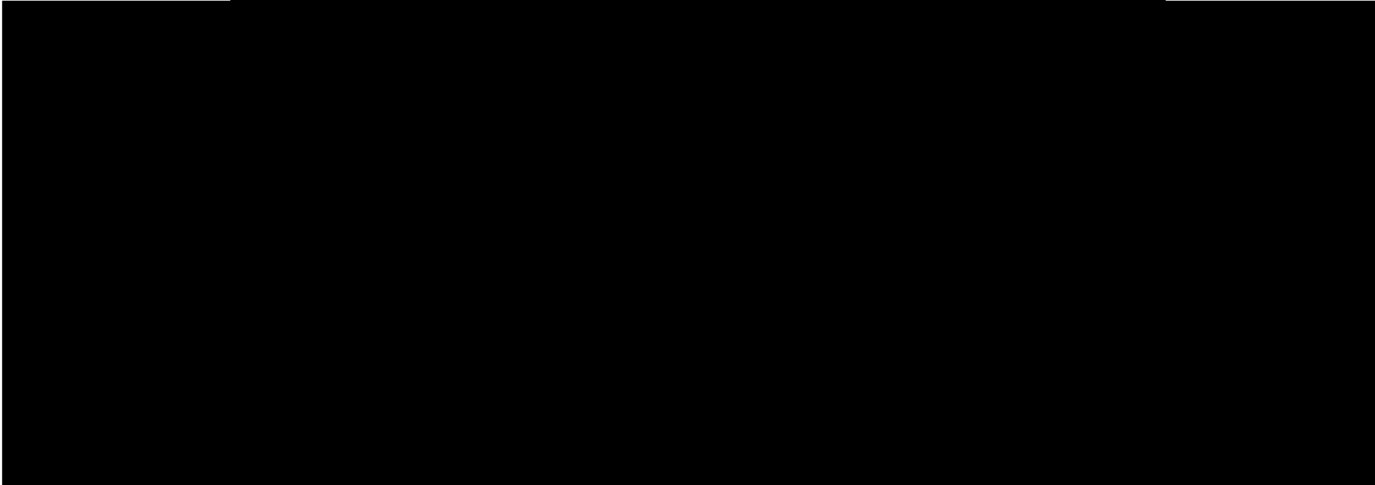
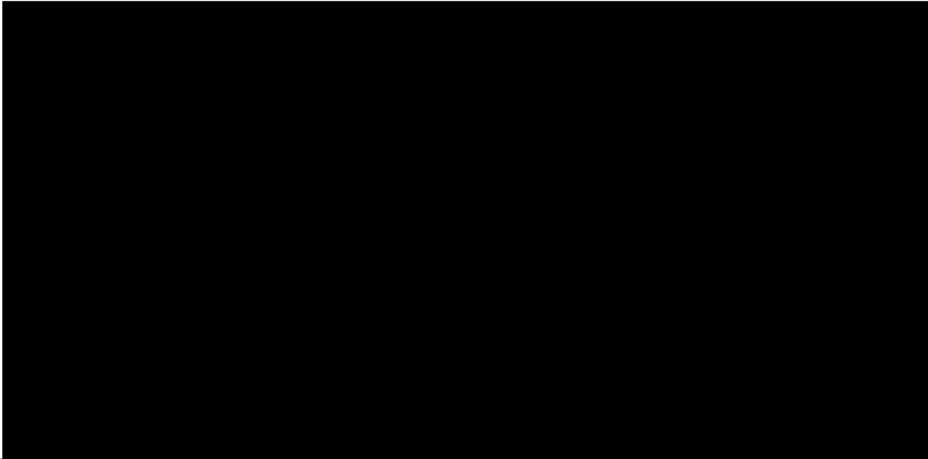
Reduction in colleague costs:

- Continued good governance of colleague rotas
- Regulated reviews of the viability of products/services
- Multi-Skilled colleagues throughout the centres
- Accuracy and reviews of colleague costings

Reduction in controllable expenditure:

- Regular review of centralised procurement costings
- Cost balanced in line with demand/need

4.3 Year 3 Forecast



Additional information for consideration

2022-23 Utility Support. This area displays the support provided by Derbyshire Dales District Council for the uplift in utility cost. Without this support the deficit position would have been -£213,315.

In the year 2022-23 the total impact of overall utility cost should be split into 2 sections – April 22 – Nov 22 was at the previous energy tariffs. Nov 22 – March 23 was at the increased energy tariffs. The year 2021/22 was £240,866 for total years utilities.

Other costs include

- Cleaning
- Administration
- Marketing and Advertising

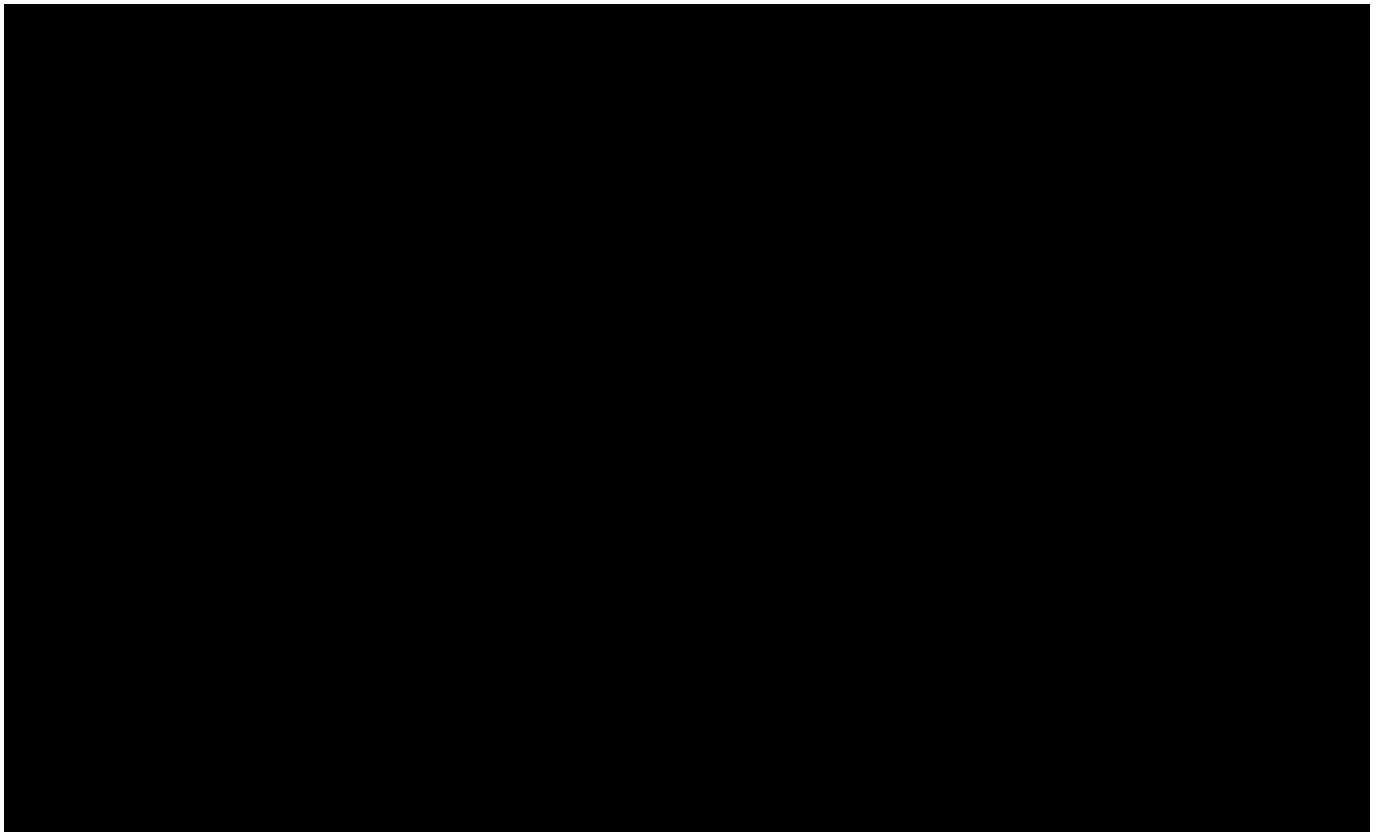
- ICT
- Events
- Goods for Resale
- Equipment
- Catering
- Management Fee
- Rent & Rates
- Insurance
- Finance Charges
- Professional Fees
- Central Overhead Recovery

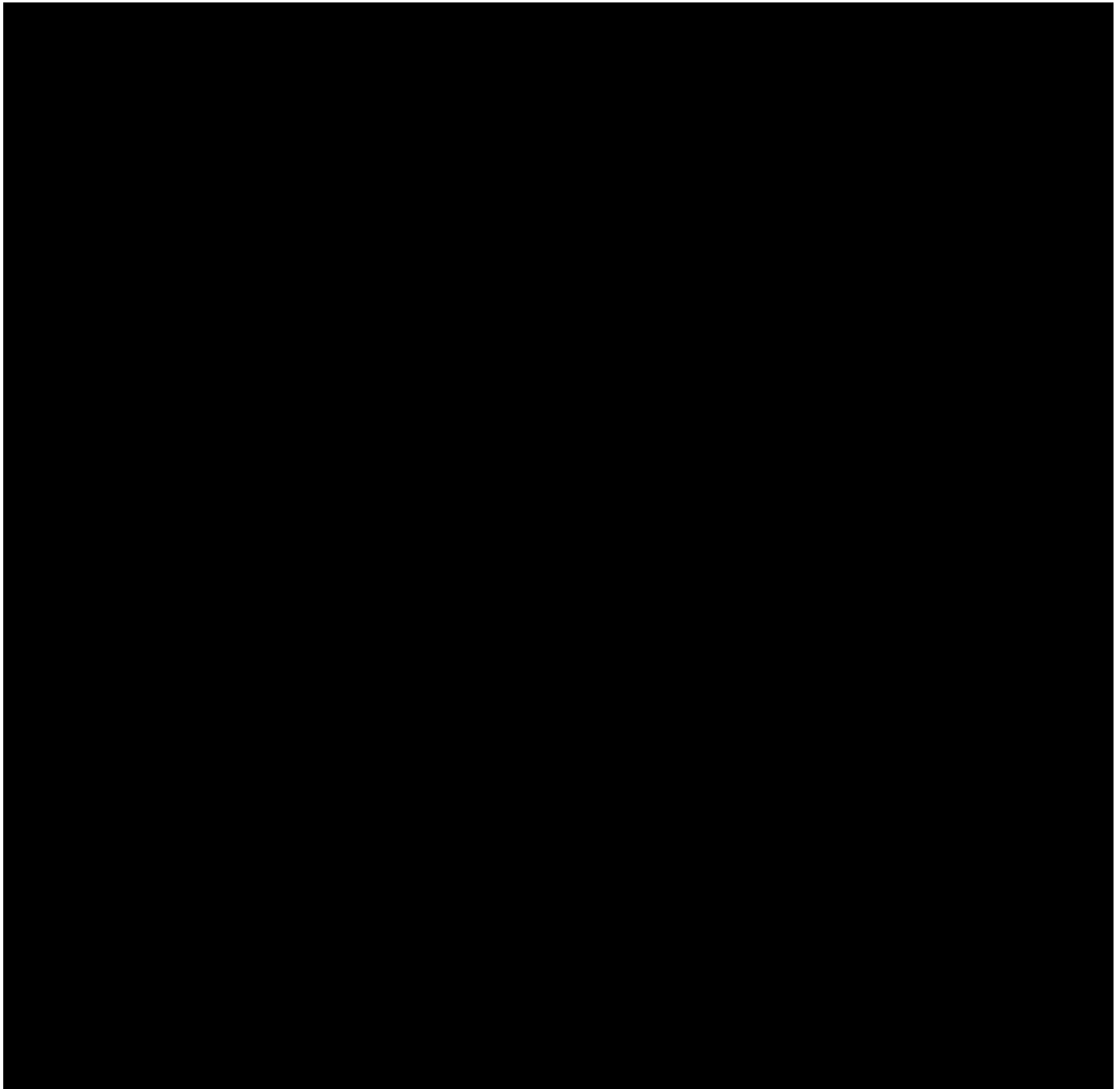
Staffing

Any increases in staffing costs are increases over RPI (National Minimum Wage etc)

The staffing costs do not consider the recent announcement of the additional national minimum wage increases from April 2024 which will increase the deficit further. At this point FL are determining the extent of this increase.

Below is the breakdown per site of the projection from 2023-26.





5.0 Recommendation/Summary

Freedom Leisure will continue in the coming years, to mitigate the challenges of the recovery from the utility crisis, but also other external factors including the cost of living challenge, by taking the action required as identified within this plan.

Our current position and forecast suggest that to deliver the full partnership offering to the community of the Derbyshire Dales we require financial support for the year of 2023 – 2024. With this level of support we will be able to continue to operate the full service level and positively “Improve Lives Through Leisure” in the Derbyshire Dales community.

Our 3 Year Plan identifies the steps we are proposing so that Freedom Leisure can ensure that we operate your service with reduced additional support moving into future financial years.

There is a further mitigation report that explains in detail some options that Derbyshire Dales District Council can also consider for 2023-26.



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Partnership: Derbyshire Dales
Region: Wales & The North
Author: Jeremy Rowe, Operations Director
Date: 22nd December 2023



Request for Support 2023/24

Leisure Partnership: Contract Review – Including Utility Update

1. Summary:

This report seeks to outline a request for support in relation to the deficit position of the Contract following the recovery of the increases in global energy costs. It provides detail of both the mitigating actions taken since contract commencement together with a range of support requests to enable the partnership to continue to deliver vital health & wellbeing services on behalf of Derbyshire Dales District Council.

2. Current Position (updated):

In late February 2023, new contracts were negotiated and signed on the basis of a 2 year fixed Electricity contract and 3 year flexible Gas contract. These have resulted in an improved position where prices are now roughly 2 times the tariffs prior to October 2022. The reason for taking the flexible contract for Gas was to allow FL to benefit from the forecasted drop in wholesale prices. Unfortunately, at the time of needing to sign the new contracts, there was not a Flexible Electricity contract available from any supplier. This strategy has worked well and we have been able to secure substantial savings compared to if we had bought gas at the fixed rate available at time of purchase.

Freedom Leisure are continuing to monitor the wholesale market, especially for Gas, and are taking advice from their brokers on buying periods for the coming 3 years to ensure opportunities for reduced pricing are taken. Options to extend the current fixed electricity contract and/or use a flexible strategy moving forward are currently being explored in order to secure the best possible rates into the future.

Government Support Update – Following the Swimming Pool Support Fund Phase 1 – “We” were successful in the application of funding to the amount of £30k to support Bakewell Swimming Pool.

Phase 2 – “We” have applied for Phase 2 of the Swimming Pool Support Fund, which is targeted at investment into centres that would help reduce utility consumption.

2023-24 Utilities

The additional utility costs predicted for 2023-24 are £221k (inc. VAT). The table below identifies the predicted increase, by site.

Site Name	Type	2019/20 Cost	2020/21 Cost	2021/22 Cost	2022/23 Cost	Forecasted 2023/24
Arc Leisure	Gas	£ 122,101	£ 66,388	£ 90,006	£ 229,294	£ 165,633
	Electricity	£ 57,362	£ 44,387	£ 40,795	£ 68,328	£ 73,845
Ashbourne Leisure Centre	Gas	£ 32,078	£ 15,746	£ 22,433	£ 45,834	£ 11,100
	Electricity	£ 47,767	£ 17,508	£ 37,592	£ 66,137	£ 195,502
Wirksworth Leisure Centre (DU)	Gas	£ 8,580	£ 5,129	£ 7,531	£ 15,063	£ 11,455
	Electricity	£ 19,987	£ 7,671	£ 14,131	£ 22,836	£ 26,690
Bakewell Swimming Pool	Gas	£ 16,012	£ 5,300	£ 12,177	£ 36,736	£ 24,114
	Electricity	£ 18,272	£ 9,732	£ 16,201	£ 23,858	£ 34,870
Area Total	Gas	£ 178,771	£ 92,563	£ 132,147	£ 326,927	£ 212,303
	Electricity	£ 143,388	£ 79,298	£ 108,719	£ 181,159	£ 330,907
	Total Utility Cost	£ 322,159	£ 171,861	£ 240,866	£ 508,086	£ 543,210
					Increase from last full year operation 2019-20	£ 221,051

3. Business Plan with Mitigating actions

Throughout 2022/23 Freedom Leisure have focussed on 4 key areas to mitigate against spiralling energy costs. The focus has centred around:

- Increasing Income
- Reducing Staffing Costs
- Reducing Utility Consumption
- Reducing Other Costs

Increasing Income

Throughout 2022/23 we have been focussing on increasing income and participation to fully recover and surpass pre COVID 2019/20 performance levels. This has resulted in an uplift in performance in key areas that are identified in the table below:

Site	Recovery % Based on 19-20 Performance		
	Membership	LTS	Participation
Arc	98%	126%	93%
Ashbourne	105%	155%	105%
Bakewell	87%	115%	100%
Wirksworth	89%		93%

Area Total	95%	132%	98%
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The planning that has supported the uplift has included programme changes and scheme management in Fitness, Aqua and Learn to Swim (LTS) membership. In addition, we have implemented an improvement in the service to support new sales, improve retention that has been balanced with strategic marketing and promotions to engage with the local community. Participation recovery has been driven by reviewing centre offerings, and scrutinizing the utilisation of space within the centres. This work has been led by the Healthy Community Manager targeting hard-to-reach areas.

- **Price Rises**

The partnership implemented a mid-term price rise on 1st October 2022, and 1st April 2023 to offset the spiralling increase in energy costs. This price rise equated to an average increase of 7% in October, and 6% in April 23 across all of our products and services.

In addition, we have now approved a further price increase equating to an average of 7% in January 2024.

Reducing Staffing Costs

Throughout 2022/23 we have been focused on reducing staff costs to counter the threat of increasing energy costs. This has resulted in the following roles being removed at a corporate and contract level:

Corporate Roles removed:

2 x IT Support
 1 x Payroll Officer
 1 x HR Admin
 1 x Procurement Admin
 1 x Regional Manager
 3 x Regional Swim Support Managers
 1 x Group Customer Experience Lead
 7 x Area Managers
 10% Salary Reductions for the Executive Leadership Team

Derbyshire Dales Roles removed (Positions not filled when vacant):

1 x Fitness Lead
 1 x Cleaner
 1 x Receptionist
 1 x Sales Advisor

The removal in Derbyshire Dales has had a direct impact on overall staffing expenditure. The above loss of roles equates to c93k per annum, however, the impact on service delivery will be affected if these roles are not supported and recruited moving forward.

Reducing Utility Consumption

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

Ashbourne

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

Bakewell LC

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

ARC Matlock LC

- LED lighting upgrades to Sports Hall, Pool Hall & Cycle Studio
- Pool Sentry System for increased day time speed control of circulation pumps
- Test Water Recycling
- Kelda Eco Showers to Wet and Dry Change
- Smart metering gas & electric
- £116,100 investment, £16,100 annual saving, 7.2year payback
- Savings on Gas 21,778 KWH 0.7%, Electricity 123,935 KWH 14%, CO2 59 TONNES 6% & Water 840 M3 10%
- LED upgrade Phase 1 completed Aug 22 to the fitness suite, reception lobby, café seating area and management office.
- LED upgrade Phase 2 - We are currently in the process of completing phase 2 to include change village, WC's all other changing facilities and plant rooms.

Wirksworth

- Smart metering gas & electric

In addition to the above works we have been implementing good housekeeping measures to include;

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

3% Reduction in Costs

Freedom Leisure have actively reviewed all other costs and Planned Preventative Maintenance schedules and looked to reduce in areas that would not impact the business. The business plan target is to reduce overall costs by 3%. The current year end forecasted position across these codes suggests that we will be at least 3% under budget.

This has included:

- Utilising in house maintenance where possible.
- Greater review and detail into orders and better stock control.
- Reviewing wastage and stock rotation for catering goods.

4. The Outcomes:

Since the start of the partnership in August 2018 there have been significant and successful outcomes including growth in participation. Facilities have been improved through partnership capital investment and continued development and review of programmes throughout the service has provided significant value to the residents and visitors of the district. Some of the key milestone outcomes are listed below:

Partnership Outcomes	19 / 20	21 / 22	Impact of the Partnership
Total Participation	845,948	755,466	<ul style="list-style-type: none"> • 2019 – 20 – First full year of operation from the contract start date on August 2018 – In comparison to August 18 – March 19 there had been an uplift of circa 100,000 visits. Capital works had begun to take place bringing in the addition of Soft Play to the centre. • 2021 – 22 – Only 10% down on pre-pandemic levels, with site re-opening fully 12th of April there has a significant increase in footfall later on in the year had to compare year on year due to the previous year closures/lockdown, but a significant rise in the same period's year on year. Swimming delivered the greatest uplift with

			significant growth in the swimming lesson scheme as well as casual footfall
Swimming Participation	159,836	156,133	<ul style="list-style-type: none"> Casual swimming has begun to get back to pre-pandemic levels with a smaller margin needed to recover to hit the previous levels. Casual swimming through COVID had to pre-book sessions and we had to minimise numbers in terms of per lane etc... and pool space. The pool programming remains a constant focus, but there has been positive growth in terms of family swimming as well.
No. Children on Swimming Lessons	1,775	2,372	<ul style="list-style-type: none"> There has been significant growth in the LTS programme over the years, with figures significantly higher. The demand Post Pandemic has been met with pool reconfiguration based on need has helped benefit growth. There have been active marketing and Water Safety Talks held with schools locally to promote the importance in this life skill.
No. of staff employed	69	66	<ul style="list-style-type: none"> Re-alignment of key roles – Commercial Manager role now in place, Healthy Communities Manager and Area Manager roles have been put in place. Roles have changed within centre to reflect demand – e.g. lifeguard switch to cleaners etc.

Other bespoke programmes to Derbyshire Dales District have included:

Healthy Communities

- Walking sports – Netball and Football Contract Wide;
- Aqua Rehab sessions at the Arc – Strong referral programme in place;
- Programmes for Ukrainian Refugees;
- Platform housing chair-based exercise delivered in the Community;
- On-site Chair based classes in operation;
- Partnership with client on HAF programming Contract Wide;
- Delivery of Water Safety Roadshows to promote the life skill of learning to swim;
- Aquatic funded projects to support deprived areas (Ongoing);
- Live Life Better Derbyshire partnership;
- Derby County Community Support Trust Partnership;

With the pressure that is now being placed on the partnership as a result of the significant increases in energy costs, the continuation of these successful outcomes is now at risk. Should the partnership not be able to withstand these external economic shocks then vital health and wellbeing opportunities and services could be lost and in turn increase pressure on other local and central government services such as Health & Social Care.

5. Options:

Freedom Leisure requests that the following options be considered by Derbyshire Dales District Council in support of its community leisure portfolio and associated services:

Option 1

DDDC support the partnership to the value of 100% forecasted financial deficit for the next 3 years equating to the following £85,587 in 2023/24, £34,116 in 2024/25 and £31,682 in 2025/26. Total support required £151,385

This will ensure the full service as specified in the contract continues.

We have reviewed the 2023-24 projections based on:

- Forecast of utility costs, based on the current cap/discount and current performance year to date
- Current performance year to date and forecasted performance, which could be subject to change for performance and other external factors

Option 2

Whilst continuing to work in partnership with Derbyshire Dales District Council further mitigation options would need to be considered to support the services across the community

The agreement would need to be reached with Derbyshire Dales District Council with further mitigation that would need to include one or more potential options below

- Reduction of operating hours – Operating hours of facilities could drastically decrease to support further savings, this could include sites only opening at peak times
- Reduction of employment hours – Employment hours and overall staffing levels across the 4 sites
- Reduction of maintenance within the facilities

6. The Conclusion:

Without appropriate support and mitigation, the sustainability of the service is at risk. Freedom Leisure requests that Derbyshire Dales District Council Officers & Members consider supporting the continued provision of vital community health and wellbeing services and facilities that Freedom Leisure deliver on behalf of Derbyshire Dales District Council.

As **Cllr Gerald Vernon-Jackson CBE** Chair, LGA Culture, Tourism and Sport Board outlined in a message to Local Authorities colleagues on 5th October at 4.45pm....

'I encourage you to engage in and continue to have conversations with your providers as this is a challenge that no council or provider will be able to address alone, whatever may have been written into contracts.'

.....

Name	Organisation	Position
Ivan Horsfall-Turner	Freedom Leisure	Chief Executive Officer
Matt Wickham	Freedom Leisure	Chief Operating Officer
Ian Morey	Freedom Leisure	Business Development Director
Jeremy Rowe	Freedom Leisure	Operations Director
Andy Harris	Freedom Leisure	Regional Manager
Alistair Gould	Freedom Leisure	Area Manager