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Wednesday, 5 July 2023

To All Councillors:

As a Member or Substitute of the **Community & Environment Committee**, please treat this as your summons to attend a meeting on **Thursday, 13 July 2023 at 6.00 pm** in the **Council Chamber, Town Hall, Matlock, DE4 3NN**

Yours sincerely,

James McLaughlin  
Director of Corporate and Customer Services

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## AGENDA

### 1. APOLOGIES FOR ABSENCE

Please advise the Democratic Services Team on 01629 761133 or email [committee@derbyshiredales.gov.uk](mailto:committee@derbyshiredales.gov.uk) of any apologies for absence.

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

08 June 2023

### **3. PUBLIC PARTICIPATION**

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

### **4. INTERESTS**

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

### **5. QUESTIONS PURSUANT TO RULE OF PROCEDURE NUMBER 15**

To answer questions from Members who have given the appropriate notice.

### **6. DRAFT MINUTES OF THE LOCAL PLAN SUB-COMMITTEE MEETING - 3 JULY 2023 (Pages 9 - 30)**

### **7. UK SHARED PROSPERITY FUND: PROGRAMME UPDATE AND DELIVERY APPROACH (Pages 31 - 44)**

This report updates Members on implementation of the UK Shared Prosperity Fund Investment Plan for the Derbyshire Dales, including 'top-up' funding from the Rural England Prosperity Fund. The report covers progress with the programme, delivery challenges and proposals regarding grant administration.

### **8. CAPITAL BIDS FOR INCLUSION INTO THE CAPITAL PROGRAMME 2023/24 - 2027/28 (Pages 45 - 58)**

This report seeks the Committee's approval for 13 new bids for capital projects to be referred to Council for inclusion in the District Council's Capital Programme.

### **9. HOUSEHOLD SUPPORT FUND - ROUND 4 (Pages 59 - 66)**

The Household Support Fund Round 4 (HSF4) directly supports households experiencing financial difficulties relating to rent arrears, utility bills and other debts. Such issues can have a long-lasting detrimental impact on the ability of residents to maintain rental payments and can lead to homelessness. The Department for Work and Pensions (DWP) has made a further round of funding available to upper tier authorities. In Derbyshire the County Council has confirmed that it will allocate £185,459 to Derbyshire Dales DC. As with rounds 1,2 and 3 it is proposed to deliver grants directly to residents through the Housing Team and Revenues and Benefits service.

### **10. HOUSING RENEWAL POLICY 2023-2026 (Pages 67 - 92)**

This report seeks approval to update and amend the District Council's Housing Renewal Policy, which sets out the ways in which the Council will work to improve the

existing stock of good quality private sector housing. In particular it proposes the use of a relatively small amount of Disabled Facilities Grant funding to support applicants to the Homes Upgrade Grant scheme.

#### **11. HOME UPGRADE GRANT (HUG) 2 FUNDING (Pages 93 - 98)**

The report makes a recommendation to accept the offer of £1,897,500 of HUG2 grant funding to improve the energy efficiency of off gas private housing across the district where residents are in fuel poverty.

#### **12. ENVIRONMENTAL HEALTH COMMERCIAL TEAM SERVICE PLAN - FOOD HYGIENE AND HEALTH AND SAFETY AT WORK (Pages 99 - 122)**

This report informs Committee of the official interventions for food hygiene and health and safety at work undertaken by the Council's Environmental Health service during 2022/23 and predicts service demands for 2023/24.

#### **13. ASHBOURNE AIR QUALITY MANAGEMENT AREA ACTION PLAN (Pages 123 - 130)**

This report explains the progress that has been made in relation to public consultation on the draft Ashbourne Air Quality Management Area Action Plan and updates members on the results of air quality monitoring with the Air Quality Management Area.

Members of the Committee - Councillors Robert Archer, Anthony Bates, Kelda Boothroyd, Matt Buckler, Martin Burfoot (Chair), David Chapman, Peter Dobbs, Marilyn Franks, Gareth Gee, Susan Hobson, Dermot Murphy, Andy Nash, Peter O'Brien (Vice-Chair), Peter Slack and Steve Wain

Substitutes – Councillors John Bointon, David Burton, Neil Buttle, Nigel Norman Edwards-Walker, Joanne Linthwaite, Tony Morley, Roger Shelley and Nick Whitehead

#### **NOTE**

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## Community & Environment Committee

**Minutes of a Community & Environment Committee meeting held at 6.00 pm on Thursday, 8th June, 2023 in the Council Chamber, Town Hall, Matlock, DE4 3NN.**

### PRESENT

Councillor Martin Burfoot - In the Chair

Councillors: Robert Archer, Anthony Bates, Matt Buckler, Peter Dobbs, Marilyn Franks, Gareth Gee, Susan Hobson, Andy Nash, Peter O'Brien, Peter Slack and Steve Wain

Present as substitute – Councillor(s): Neil Buttle

James McLaughlin (Director of Corporate and Customer Services (Monitoring Officer)) and Tommy Shaw (Democratic Services Team Leader)

### Note:

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

### APOLOGIES

Apologies for absence were received from Councillor(s): Kelda Boothroyd, David Chapman and Dermot Murphy

### 16/23 - PUBLIC PARTICIPATION

There was no public participation.

### 17/23 - INTERESTS

There were no declarations of interest.

## **18/23 - APPOINTMENT OF MEMBERS TO BIODIVERSITY SUB-COMMITTEE AND LOCAL PLAN SUB-COMMITTEE**

The Director of Corporate and Customer Services introduced a report which sought Member approval to appoint those Members nominated to serve on the newly established sub-committees for Biodiversity and Derbyshire Dales Local Plan.

At the Annual Meeting on 25 May 2023 the Council agreed to establish two sub-committees under the remit of the Community and Environment Committee. In agreeing to establish these sub-committees, the Council agreed that the Biodiversity Sub-Committee would comprise of 6 Members and the Local Plan Sub-Committee would be made up of 10 Members, with seat entitlement on both reflecting the overall political make-up of the Council.

The following nominations had been received by the Proper Officer from political groups seeking to appoint to the Biodiversity Sub-Committee:

Councillors: Martin Burfoot, Roger Shelley, John Bointon, Stuart Lees, Peter Slack, Matt Buckler.

The following nominations had been received by the Proper Officer from political groups seeking to appoint to the Local Plan Sub-Committee:

Councillors: Rob Archer, Martin Burfoot, David Hughes, Roger Shelley, Nigel Edwards-Walker, Gareth Gee, Susan Hobson, Peter O'Brien, Lucy Peacock, Matt Buckler.

The recommendations as set out in the report were moved and seconded as detailed below:

- Recommendation 1 – Moved by Councillor Susan Hobson, seconded by Councillor Peter Slack.
- Recommendation 2 – Moved by Councillor Peter O'Brien, seconded by Councillor Steve Wain.
- Recommendation 3 – Moved by Councillor Matt Buckler, seconded by Councillor Peter Slack.
- Recommendation 4 – Moved by Councillor Peter O'Brien, seconded by Councillor Steve Wain.
- Recommendation 5 – Moved by Councillor Steve Wain, seconded by Councillor Neil Buttle.

These were then put to the vote, and it was

### **RESOLVED** (unanimously)

1. That those councillors nominated by their respective political groups be appointed to serve on the Biodiversity Sub-Committee for the 2023-24 municipal year.
2. That those councillors nominated by their respective political groups be appointed to serve on the Local Plan Sub-Committee for the 2023-24 municipal year.
3. That the Terms of Reference for the Biodiversity Sub-Committee be approved.
4. That the Terms of Reference for the Local Plan Sub-Committee be approved.

5. That the Director of Corporate and Customer Services be authorised to set meeting dates and times for the sub-committees for the 2023-24 municipal year.

The Chair declared the motion **CARRIED**.

**Meeting Closed: 6.15 pm**

**Chairman**

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## Local Plan Sub-Committee

**Minutes of a Local Plan Sub-Committee meeting held at 6.00 pm on Monday, 3rd July, 2023 in the Council Chamber, Town Hall, Matlock, DE4 3NN.**

### PRESENT

Councillor Peter O'Brien - In the Chair

Councillors: Nigel Norman Edwards-Walker, Susan Hobson, David Hughes and Roger Shelley

Steve Capes (Director of Regeneration & Policy), James McLaughlin (Director of Corporate and Customer Services (Monitoring Officer)), Mike Hase (Policy Manager) and Tommy Shaw (Democratic Services Team Leader)

### Note:

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### APOLOGIES

Apologies for absence were received from Councillor(s): Robert Archer, Matt Buckler, Martin Burfoot, Gareth Gee and Lucy Peacock

### 33/23 - ELECTION OF CHAIR FOR THE YEAR 2023/2024

The Director of Corporate and Customer Services opened the meeting and asked for nominations for Chair of the Sub-Committee for the 2023/24 municipal year.

It was moved by Councillor David Hughes, seconded by Councillor Roger Shelley and

### RESOLVED

That Councillor Peter O’Brien be elected as Chair of the Local Plan Sub-Committee for the 2023/24 municipal year.

## **Voting**

**03 For**

**00 Against**

**01 Abstentions**

The Chair declared the motion **CARRIED**.

### **34/23 - APPOINTMENT OF VICE-CHAIR FOR THE YEAR 2023/24**

The Chair asked the meeting for nominations for Vice-Chair for the 2023/24 municipal year.

It was moved by Councillor Roger Shelley, seconded by Councillor Peter O'Brien and

**RESOLVED** (unanimously)

That Councillor David Hughes be appointed as Vice-Chair for the 2023/24 municipal year.

The Chair declared the motion **CARRIED**.

### **35/23 - PUBLIC PARTICIPATION**

There was no public participation.

### **36/23 - INTERESTS**

#### **18:10 – Councillor Edwards-Walker entered the meeting**

There were no declarations of interest.

### **37/23 - DERBYSHIRE DALES LOCAL PLAN REVIEW**

Councillor David Hughes informed the Sub-Committee of the Progressive Alliance's intended approach to the review of the Derbyshire Dales Local Plan.

Two reports were distributed at the meeting and are included as appendices to these minutes. The first report, provided by the Policy Manager, set out the latest position in respect to the progress on the review of the Derbyshire Dales Local Plan. The report also identified those aspects of the Local Plan review process which were yet to be completed and gave recommendations to the Sub-Committee to enable the review of the Local Plan to progress.

The second report considered was prepared by Members of the Progressive Alliance and intended to brief members of the Sub-Committee on the administrations aims and targets for the outcome of the Local Plan review process. This report also gave detailed recommendations for the review of the Local Plan and associated policies.

It was moved by Councillor David Hughes, seconded by Councillor Roger Shelley and

**RESOLVED** (unanimously)

1. That the scope for the Local Plan and its policies be confirmed as:

- (a) To enable and strengthen flourishing communities within Derbyshire Dales.
  - (b) To ensure that the housing need in the Local Plan arises from the geographic area it covers, and that the proposed number and type of new housing units reflects a careful consideration of the actual likely needs of local people.
  - (c) To provide social and affordable housing where it is needed.
  - (d) To accommodate the requirements of a revised Economic Plan.
  - (e) To ensure a continued improvement in the biodiversity and natural capital of Derbyshire Dales.
  - (f) To ensure rapid progress towards net zero emissions in the Derbyshire Dales within the scope of the Local Plan.
  - (g) To ensure the Derbyshire Dales character in its landscape and townscapes is protected.
  - (h) To ensure the necessary infrastructures (grey, green and blue) and services are available for planned development.
  - (i) To ensure that the Plan will enable all residents to understand how their communities will change during the period of the Plan.
2. That progress on the review of the Derbyshire Dales Local Plan to date be noted.
  3. That an update to the Icen Projects Housing Needs Assessment (2021) is commissioned and the results of that exercise be reported to a future meeting of this Sub-Committee.
  4. That a review of the current Settlement Hierarchy be undertaken to determine the extent to which communities across the Local Plan area are 'sustainable'. The results of this review be reported to a future meeting of this Sub-Committee.
  5. That consultants be commissioned to prepare advice to the District Council as local planning authority on the design policies and proposals of the Local Plan, including setting out the most appropriate approach to preparing Design Codes. The results of this commission to be reported to a future meeting of this Sub-Committee.
  6. That the commissions identified in this report as already commissioned be completed as appropriate and reported to future meetings of this Sub-Committee as is considered necessary.
  7. That Members meet with the Peak District National Park to explore what options might be available to improving the delivery of housing within the Peak District National Park area of Derbyshire Dales.
  8. That officers meet Peak District National Park officers to explore what options might be available to improving the delivery of housing within the Peak District National Park area of Derbyshire Dales.

The Chair declared the motion **CARRIED**.

**Meeting Closed: 6.52 pm**

**Chairman**



**OPEN REPORT  
LOCAL PLAN SUB COMMITTEE**

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**Local Plan Sub Committee 3rd July 2023**

**DERBYSHIRE DALES LOCAL PLAN REVIEW**

**Report of Director of Regeneration and Policy**

**Report Author and Contact Details**

Mike Hase, Policy Manager

Tel No. 01629 761251 E-Mail [mike.hase@derbyshiredales.gov.uk](mailto:mike.hase@derbyshiredales.gov.uk)

**Wards Affected**

All Wards

**Report Summary**

This report set out the latest position in respect of the progress on the review of the Derbyshire Dales Local Plan. It also identifies those aspects of the Local Plan review process that are still yet to be completed.

**Recommendations**

1. That progress on the review of the Derbyshire Dales Local Plan to date be noted.
2. That an update to the Icení Projects Housing Needs Assessment (2021) is commissioned and the results of that exercise be reported to a future meeting of this Sub Committee.
3. That a review of the current Settlement Hierarchy be undertaken to determine the extent to which communities across the Local Plan area are 'sustainable'. The results of this review be reported to a future meeting of this Sub Committee.
4. That consultants be commissioned to prepare advice to the District Council as local planning authority on the design policies and proposals of the Local Plan, including setting out the most appropriate approach to preparing Design Codes. The results of this commission to be reported to a future meeting of this Sub Committee.
5. That the commissions identified in this report as already commissioned be completed as appropriate and reported to future meetings of this Sub Committee as is considered necessary.

6. That Members meet with the Peak District National Park to explore what options might be available to improving the delivery of housing within the Peak District National Park area of Derbyshire Dales.
7. That officers meet Peak District National Park officers to explore what options might be available to improving the delivery of housing within the Peak District National Park area of Derbyshire Dales.

**Background Papers**

Previous reports on Local Plan considered by Council from November 2020 to date

**Consideration of report by Council or other committee**

Community & Environment – 13<sup>th</sup> July 2023

**Council Approval Required**

No

**Exempt from Press or Public**

No

## DERBYSHIRE DALES LOCAL PLAN REVIEW

### 1. Background

1.1 Council on 9<sup>th</sup> November 2020 approved a timetable for the review of the Derbyshire Dales Local Plan, which had been adopted in December 2017.

1.2 Members were advised that the following issues were key:

- Overall housing requirements for the period up to 2040 – including amounts, and types of both market and affordable housing
- Housing allocations to meet these housing requirements
- The extent to which the current policies in the Local Plan remain in conformity with the NPPF/NPPG and valid for the use in the determination of planning applications
- The extent to which policies are considered sufficient to address matters relating to Climate Change
- The level of residential development within the National Park
- The necessity or otherwise for a new village to accommodate the future housing requirements
- Gypsy and Traveller provisions and
- Infrastructure Capacity and Future Requirements

1.3 Members agreed the following pieces of work to assist with the review:

- Strategic Housing Requirements 2017-2040
- Employment Land & Retail Capacity 2017-2040
- Infrastructure & Whole Plan Viability
- Strategic Flood Risk Assessment Update
- Strategic Environmental Assessment & Habitats Regulations Assessment

1.4 Consultants were subsequently commissioned to undertake these studies.

1.5 A detailed assessment of the availability of land to meet potential future housing needs has been undertaken.

1.6 A review of the existing policies in the adopted Derbyshire Dales Local Plan was also undertaken to ensure that they are up to date and in accordance with the National Planning Policy Framework. The policy review has been able to identify areas stemming from proposed changes in emphasis in national policy and local priorities expressed by Members.

1.7 The review was considered in a report presented to Council on 19<sup>th</sup> January 2022. At that Council meeting it was resolved that for the purposes of the legislation the review of the Derbyshire Dales Local Plan had been completed. The result was a need to:

- Prioritise a review of the policies in relation to Climate Change, Biodiversity and Design

- Review the options for the future housing need requirements and the future housing land allocations.
- 1.8 Since January 2022, work has been undertaken on detailed policy wording in relation to Climate Change, Biodiversity and Design. This was shared with the Member Local Plan Working Group throughout 2022.
- 1.9 In November 2022 a six-week public consultation was undertaken on the potential future Local Plan housing strategy. The results of the consultation were considered by the Local Plan Working Group in February 2023.
- 1.10 Since then, the Council has not yet made any substantive policy decisions.

## **2. Key Issues**

### Future steps

- 2.1 To bring revisions to the Local Plan into force requires that it undergoes further statutory public consultations and then review through an Examination in Public by a Government-appointed Planning Inspector.
- 2.2 Officers and Members have since January 2022 worked towards preparation for the statutory stages. This has included considering the approach to the three policy areas of Climate Change, Biodiversity and Design. It has also involved giving thought as to how the future housing requirements may be met.
- 2.3 There are at this time a number of key areas which Members may wish to consider further before making substantive decisions on how the Derbyshire Dales Local Plan may look in the future:
- Agreeing the key issues and strategic objectives for the plan
  - Setting the future strategic housing and economic development requirements
  - Agreeing the allocation sites to meet the future housing and economic development need
  - Identifying the infrastructure needs to meet future development requirements
  - Completing the Strategic Environmental Assessment & Habitats Regulations Assessment
  - Undertaking a series of level 2 flood risk assessments to determine site specific measures to address and mitigate flood risk
  - Complete a viability test of the emerging Local Plan to determine that once adopted it is capable of being implemented as taking account of the Plan's policy requirements.
  - Identifying a site to meet future gypsy & traveller needs
  - Complete the revised wording of existing and new policies

### Strategic focus on sustainable/flourishing communities

- 2.4 The Key Issues within the Local Plan could be amended to include more of a focus on sustainable or flourishing communities. To enable this, a review of the current Settlement Hierarchy in the adopted Derbyshire Dales Local Plan could be undertaken to identify what are the key features of a 'sustainable



community', and thereby ensure that features such as schools, jobs and community facilities are promoted in the policies and proposals of the revised Local Plan.

- 2.5 The review of the Settlement Hierarchy could also be used to take forward the concept of 'placemaking' where the Local Plan is used to set out specific policies and proposals for a particular locality. Typically, Neighbourhood Plans are used to elaborate proposals for individual communities. On specific individual strategic sites, a masterplanning approach may be appropriate. Such an approach is proposed for the wider Ashbourne Airfield strategic site.

### Strategic housing and economic development requirements

- 2.6 The Government has determined that the minimum housing requirements for the District Council are to be calculated using its 'Standard Methodology'. For the period 2017-2040 this has been assessed to be 230 units per annum. The NPPF does, however, allow for the future housing requirements of the whole of the Derbyshire Dales take into by the aspirations for economic growth.
- 2.7 It could therefore be appropriate to ask Icen Projects Ltd to revisit their modelling of underlying sectoral economic growth assumptions, to reflect the aspirations of the Economic Plan of replacing existing low paid jobs by higher wage, higher skilled jobs and what implications that would have on future housing scenarios.
- 2.8 Another issue that needs to be considered in respect of the future housing requirements is the relationship between the District Council and the Peak District National Park.
- 2.9 There are a number of factors that can influence this. At the present time the District Council could not submit a Local Plan which does not set out how it will deliver all future housing requirements for the Derbyshire Dales as whole. The plan would be found 'unsound' by an Inspector at Examination.
- 2.10 The District Council has advocated that proposed changes to NPPF should go further than published, and allow for the National Park to be seen as a constraint on the ability of the local planning authority to meet future housing needs. If this were to be accepted by the Government, which is by no means certain, it might allow the District Council to set aside what happens in the National Park.
- 2.11 The logical way to achieve this objective would be for PDNPA to agree to increasing housing development levels. The District Council has not been able to achieve such agreement in previous attempts over the past 20 years. This would require determined political leadership to take this forward with the National Park.
- 2.12 It is notable that whilst the District Council's economic and housing strategies already cover the National Park, they have not consistently been reflected in PDNPA policies or decisions. However, PDNPA have recently adopted their 'Management Plan' 2023-28. Two relevant objectives to housing and economic development are *Objective 10 - To support sustainable communities by improving opportunities for affordable housing and connection to services* and

*Objective 11 – To promote a flourishing economy in accordance with nature recovery and climate change mitigation.*

- 2.13 It is anticipated that these objectives will play a role in the approach that the National Park take to setting the policies in the emerging Peak District National Park Local Plan. This might therefore represent an opportune moment for Members to open discussions with the PDNPA on increasing its housing development levels/

#### Housing allocation sites

- 2.14 Site allocations will be determined by the overall level of housing set for the plan period 2017-2040, the level of development completed to date, and the level of existing commitments. Work undertaken on the Strategic Housing Land Availability Assessment will help determine which sites are suitable for allocation within the Local Plan.

#### Infrastructure limitations

- 2.15 The need to ensure that Infrastructure is considered in the development of the plan is acknowledged. As the specific requirements in the Local Plan develop, consultants will continue to work with the relevant agencies to identify infrastructure needs and their proposals for implementation. These will form part of an Infrastructure Delivery Plan which will be submitted with the plan to the Secretary of State and will underpin the viability testing of the plan.

#### Environmental assessments

- 2.16 The legislation requires the preparation of a Local Plan to be accompanied by a Strategic Environmental Assessment/Sustainability Appraisal. The purpose of this is to provide the District Council with a formal indication of the Social/Economic and Environmental impacts of the Plan's policies and proposals. It provides the District Council with the ability to make decisions on the contents of the Plan in full knowledge of both the positive and negative impacts that the policies and proposals will have on the key social, economic and environmental factors. The District Council has retained consultants Clearlead Ltd to undertake this work as part of the review of the Local Plan. As the options for the contents of the plan emerge then the relevant advantages and disadvantages will be identified.

#### Flood risk assessments

- 2.17 One of the recommendations of the updated Level 1 Strategic Flood Risk Assessment was that in High Sensitivity Flood Catchment Areas there should be more detailed Level 2 Flood Risk Assessment undertaken or other detailed Strategic Drainage Studies to consider further how the cumulative effects of development sites could impact peak flows, the duration of flooding and timing of flood peaks on receiving watercourses. The findings of these studies can then be utilised to identify opportunities where allocated sites could provide betterment to areas downstream. They can also be used to provide the evidence base to introduce, where necessary more stringent planning policies to each catchment above those required at a National/Local flood risk management policy.

## Viability testing

- 2.18 The NPPF sets out that policies contained within Local Plans should not work to undermine the deliverability of the plan as a whole. As such it is necessary for the District Council to prepare a high-level viability appraisal to establish that when taking the policies in the Plan as whole it does not undermine the achievement delivering sustainable development. An initial assessment has been undertaken of the policies within the adopted Local Plan. This will need to be undertaken for those that emerge through the review process.

## Gypsy and Traveller needs

- 2.19 The NPPF advises that local planning authorities should consider the needs of different groups within the community, including those of travellers. It also sets out that local planning authorities need to identify a five-year supply of deliverable sites for travellers. The Planning Policy for Traveller Sites sets out how travellers housing needs should be assessed. A revised Gypsy and Traveller Assessment has been commissioned and scheduled to be published in the near future. This will indicate the future requirements for Derbyshire Dales for the new plan period up to 2040, and will necessitate the allocation of a deliverable site(s) in the revised Local Plan. Failure to meet this requirement will result in the Local Plan being found 'unsound'.

## Climate Change, Biodiversity and Design policies

- 2.20 As some Members will be aware it has been identified that there are in general three priority policy areas that require addressing: Climate Change, Biodiversity and Design.
- 2.21 Since the declaration of the Climate Change Emergency by the District Council in May 2019, much work has been done to put in place measures to mitigate Climate Change. This has included the adoption of a Supplementary Planning Document on Climate Change. There is a need to bring much of the contents of the Climate Change SPD into the main body of the Local Plan. This and a revised focus on climate change within the other Local Plan policies should see a strengthening of the Local Plan in relation to Climate Change.
- 2.22 In respect of Biodiversity the County Council (as Responsible Authority) has indicated that Local Nature Recovery Strategy is most likely going to be finalised in 2024. Consideration will need to be given about how nature recovery can be incorporated within the plan and not to delay the plan preparation. We will need to seek guidance from agencies such as the Derbyshire Wildlife Trust to assist with regards to the forthcoming Biodiversity Net Gain requirements due to come into effect in November 2023.
- 2.23 The Government is now placing much more emphasis on the quality of design in new development. The NPPF sets out that local planning authorities should prepare Design Guides or Codes to reflect local character and design preferences as a means of setting a framework for creating beautiful and distinctive places. In order to achieve it is considered appropriate to engage consultants to undertake a commission to achieve these aims.

### **3. Options Considered and Recommended Proposal**

- 3.1 This report provides Members with an update on the review of the Local Plan. As set out in the main body of the report there are a number of areas of work that have yet to commenced, completed or will necessitate a decision in the future.
- 3.2 All of these will be brought forward under the jurisdiction of this Sub Committee. The recommendations set out propose actions to take forward these areas of work.

### **4. Consultation**

- 4.1 The advice in the National Planning Practice Guidance (NPPG) is that Local Plan reviews should be proportionate to the issues in hand. The guidance also suggests that policies age at different rates according to local circumstances and a plan does not become out-of-date automatically after five years. The review process is therefore a method to ensure that the Derbyshire Dales Local Plan remains effective at managing the use and development of land in the future.
- 4.2 Council on 19<sup>th</sup> January 2022 formally agreed to which aspects of the Derbyshire Dales Local Plan should be subject to detailed revisions. Council has not at any time resolved to undertake the preparation of a new Local Plan. As such Members have essentially determined that the principles of the strategy contained within the adopted Derbyshire Dales Local Plan remain valid and do not require significant wholesale change.
- 4.3 If Council had at that time decided to undertake the preparation of a whole new Local Plan then additional consultation on options, strategies etc. would have been merited. However Council decided not to take that approach, instead opting to retain the existing Local Plan and update it. If Council were to change that approach and start a new Local Plan from scratch, substantial additional consultation would be required.
- 4.4 All public consultation on the Derbyshire Dales Local Plan Review needs to be undertaken in accordance with the requirements set out in the District Council's Statement of Community Involvement<sup>1</sup>. This explains to local communities and stakeholders how they will be involved in the preparation, alteration and review of Local Plans and also in the determination of planning applications.
- 4.5 In relation to Plan Making the SCI sets out that in line with current Government advice, and the move to preparation of more digital plan that the District Council will adopt a 'digital by default' approach to consultation and engagement. It goes on that the District Council will employ a range of methods at each stage of the preparation and revision of the Local Plan.

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<sup>1</sup> [https://www.derbyshiredales.gov.uk/images/Adopted\\_DDDC\\_SCI\\_Feb\\_2021.pdf](https://www.derbyshiredales.gov.uk/images/Adopted_DDDC_SCI_Feb_2021.pdf)

- 4.6 It advises that new evidence prepared by the Government will be published on the District Council's website. Online workshops and events with the local community and key stakeholders **may** be held to disseminate and discuss the potential implications that the updated evidence has for the preparation and review of the Derbyshire Dales Local Plan.
- 4.7 At Regulation 18 stage the SCI indicates that the District Council will use the following consultation methods in order to engage effectively with the public and consultation bodies:
- Documents made available for review at Council Offices and Libraries and on the website
  - Newsletters and Leaflets published which detail and provide an opportunity to comment on the issues and options
  - Public Meetings/Surgeries – Including online seminars, workshops and public meetings
  - Workshops with representatives of range of issue or interest areas – Including online sessions.
- 4.8 At Regulation 19 Stage the SCI indicates that a statement of the fact that the Local Plan should be available for inspection and sets out the places and times at which it can be inspected will also be published. As in previous steps the District Council will adopt a 'digital by default' approach to the publication of documents
- 4.9 At this time the adopted Local Development Scheme (timetable) envisages public consultation only taking place in respect of proposed modifications to the Plan, prior to the submission of the Plan to the Secretary of State, under Regulation 19.
- 4.10 Any further consultation in addition to this will need to be carefully planned, and will result in additional time being taken to complete the more formal aspects of the Local Plan review process. It will also necessitate an update to the Local Development Scheme being undertaken.

## **5. Timetable for Implementation**

- 5.1 The published timetable for the Local Plan envisages its adoption towards the end of 2024.
- 5.2 As set out above any additional work (such as revisiting the Icenii modelling of housing need) would add cost and time to the process. Additional time would mean the Local Plan takes longer to be adopted.
- 5.3 Depending on the additional stages, this would delay adoption to 2025 or perhaps later. The implication, however, of having no planned five year supply of housing land is vulnerability to speculative planning applications. Members would need to balance this risk against the desired policy framework and make a judgement as to their preferred approach

## **6. Policy Implications**

6.1 These will be advised as aspects of the Local Plan are presented to this Sub Committee.

## **7. Financial and Resource Implications**

7.1 £50,000 is earmarked for 2023/24 for expenditure associated with the review of the Derbyshire Dales Local Plan. In addition to this there is £47,763 held in the Committed Expenditure Reserve to continue to fund the currently ongoing Local Plan sub-projects. Finally, there is also £63,878 held in the Local Plan Reserve to fund future years expenditure alongside a current commitment in the approved Medium Term Financial Plan to contribute £30,000 a year to this reserve from 2024/25 onwards. This is expected to be sufficient for current commitments but may need to be reviewed before additional work is approved and undertaken as detailed in section 5.2 of the report.

7.2 The financial risk is therefore assessed as low.

## **8. Legal Advice and Implications**

8.1 As stated, this report set out the latest position in respect of the progress on the review of the Council's Local Plan together with identifying aspects of the Local Plan review process that are still yet to be completed.

8.2 It contains 6 recommended decisions for members to take. The recommendations sought are for works to furtherance the Local Plan.

8.3 The Legal risk associated with the recommended decisions has been assessed as low.

## **9. Equalities Implications**

9.1 None as a result of this report. An Equalities Impact Assessment will be prepared to identify the extent to which any emerging policies and proposal have any impact upon the Protected Characteristics as set out in the Equalities Act 2010.

## **10. Climate Change Implications**

10.1 There are significant potential climate change impacts arising from the review of the local plan. Early in the review process the District Council identified that there were three priority policy areas that needed to be addressed - Climate Change, Biodiversity and Design. The recommendations of this report support development of policy to address climate change.

10.2 A review of the current Settlement Hierarchy will identify keys features of a 'sustainable community'. A key aspect of a sustainable community will be how it addresses climate change – mitigation but also adaptation. Paragraph 11 of the National Planning Policy Framework states that all Local Plans: 'should promote a sustainable pattern of development that seeks to; meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change and adapt to its effects'

10.3 The overarching principles in the National Design Guide will need to be considered as part of the Local Plan review, including ensuring that the design, layout and appearance of new developments adapt and mitigate to the effects of climate change. By seeking out the most appropriate approach to preparing Design Codes advice will be received on how best to achieve these aims.

## 11 Risk Management

11.1 The Derbyshire Dales Local Plan is one of the pivotal plans and strategies for ensuring the delivery of the District Council's aims and objective as set out in its Corporate Plan.

11.2 The current Local Development Scheme sets out a timetable for the completion of the review of the Plan as the end of 2024. Any substantial delay to the completion of the review process will see the adopted Local Plan becoming further and further out of date.

11.3 The continued absence of a five year supply of land for housing, will result in the District Council being vulnerable to speculative planning applications for new residential development.

11.4 Members will need to balance this risk against the desired policy framework and make a judgement as to their preferred approach.

### Report Authorisation

Approvals obtained from:-

	Named Officer	Date
Chief Executive		
Director of Resources/ S.151 Officer (or Financial Services Manager)		
Monitoring Officer (or Legal Services Manager)		

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## **Report to the Local Plan Sub-Committee Meeting, 3<sup>rd</sup> July 2023**

We have prepared this short report to brief Sub-committee members about the Progressive Alliance thinking in relation to the Local Plan and to propose a set of recommendations for consideration at the meeting on 3<sup>rd</sup> July.

### **Overall recommendations**

The main recommendations are for the Local Plan and its policies:

1. To enable and strengthen flourishing communities within Derbyshire Dales.
2. To ensure that the housing need in the Local Plan arises from the geographic area it covers, and that the proposed number and type of new housing units reflects a careful consideration of the actual likely needs of local people.
3. To provide social and affordable housing where it is needed.
4. To accommodate the requirements of a revised Economic Plan.
5. To ensure a continued improvement in the biodiversity and natural capital of the Derbyshire Dales.
6. To ensure rapid progress towards net zero emissions in Derbyshire Dales within the scope of the Local Plan.
7. To ensure the Derbyshire Dales character in its landscape and townscapes is protected.
8. To meet the needs of a revised economic plan.
9. To ensure the necessary infrastructures (grey, green and blue) and services are available for planned development
10. To ensure that the Plan will enable all residents to understand how their communities will change during the period of the Plan.

Detailed recommendations are made in the sections that follow.

### **Flourishing Communities**

Flourishing communities are, in our view, communities in which people of all ages and income levels have access to facilities and services at a local level; for example a primary school and access to formal and informal community-based activities. They are communities where several generations of a family might reside because housing is available for them to do so, and that enable people to live close to where they work if they choose to do so. Flourishing communities have a “community spirit”, a common history and identity, which unites the residents and leads to pride in the locality and leads to community-based organisations and events. Inherent in this characterization of flourishing communities is the importance of planning for and providing dwellings for all income groups and demographic groups.

The Local Plan is one instrument that may be used by a local authority to develop flourishing communities. Housing is another. Therefore, Derbyshire Dales District Council can claim some responsibility for community development in the Peak District National Park as well as the rest of Derbyshire Dales.

One of the aims of the new administration is to strengthen existing flourishing communities and where necessary and appropriate establish new flourishing communities across Derbyshire Dales including the Peak District National Park. We propose that one of the aims of this Local Plan is therefore to strengthen existing flourishing communities and to establish new flourishing communities within the Local Plan area.

It is important that villages and towns across Derbyshire Dales can develop through new housing commensurate with their size, and to do so in a manner that will engender community support. Small and some medium sized development may detract from existing communities through increased demand on infrastructure, facilities and services. It may also impact on the community itself. Development within existing communities will need to be determined in part in relation to this potential impact.

Larger developments, particularly those outside existing communities, will need to be designed to stand alone, enabling a social fabric to develop and thrive, and with the facilities and services necessary for them to become new flourishing communities. The Ashbourne airfield site is an example of one such new community that needs to be designed in this manner.

It is important that the provision of new homes is not driven solely by commercial demands from developers. There are strong indications that the actual needs of our communities are not for more larger detached houses with four or more bedrooms (sometimes referred to as ‘family’ or ‘executive’ homes). Rather, there is a need to concentrate on more affordable social housing, and smaller homes for older people to downsize into. Building a limited number of these kinds of homes may well allow for the freeing up of the larger homes, still needed to ensure the effective functioning of the housing market and to enable new household formation based on new economic opportunities generated within Derbyshire Dales.

We note that many dwellings in some villages and towns are second homes or holiday lets. We believe these may impact communities and lead to a loss of community resources such as schools and community based organisations. We believe that communities with a large proportion of such dwellings may not flourish. Of course, the opposite may happen, but we don’t believe that to be the rule. Therefore, we feel that there should be policies to constrain second homes and holiday lets where they might otherwise be used as first homes. But we believe that the urgent first step is to determine the size of the problem.

Equally, it is important to recognize the changing pattern of paid employment, and to attempt both to measure, understand and project the impact of multiple household occupations and home working – particularly in terms of how this effects local community, infrastructure and transport needs.

To ensure that the local plan enables flourishing communities, we believe that the introductory paragraphs in the Local Plan which discuss community development need to be strengthened and that the implications need to be made explicit where relevant in local plan policies. These changes would align the local plan with the aim of enabling flourishing communities.

Therefore, with respect to flourishing communities, the following changes to the Local Plan are recommended.

1. Revise the introductory sections to the Local Plan to emphasize the flourishing communities aim.
2. Review and adapt Plan policies to ensure they are consistent with the aim of enabling flourishing communities and in particular:

- a. Distribute housing growth to maintain/enhance the sustainability of all tier 1 to 4 settlements
  - b. Ensure that housing policies meet the needs of existing and future residents and their families
  - c. Continue to investigate the potential for a new village, to further the aims and objectives of the Local Plan
3. Strengthen policies for second homes and holiday lets following from and consistent with a review to determine the size and locations of the problem.
  4. Review housing allocation policies for Tiers 1 to 4 to enable development for local people in all communities.

### **Alignment of the Local Plan housing allocation with those of the Peak District National Park**

The Peak District National Park Authority housing policies have a significant impact on the area of Derbyshire Dales outside the National Park. Other planning authorities adjacent to the National Park will have similar issues. The “duty to cooperate” has been weakened by government, and in addition, the duty to cooperate appears to operate in one direction only: Derbyshire Dales and other planning authorities are obliged to take most of the National Park housing requirements.

This is damaging to the environment, and inconsistent with the development of flourishing communities in the National Park and outside the National Park. It leads to excessive commuting and high house prices in the National Park area. It limits economic development in the National Park since staff are unable to find affordable housing there. It is detrimental to flourishing communities outside the National Park because of the excessive pressure on community facilities and services.

We noted that the local plans for the South Downs National Park and neighbouring planning authorities were based on a jointly developed housing requirement. We proposed that Derbyshire Dales, the PDNPA and neighbouring planning authorities follow a similar approach to ensure that a coherent approach to housing numbers is agreed and that the outcome from that approach is fair and reasonable.

The Derbyshire Dales Local Plan needs to take account of the problems associated with the present arrangement between Derbyshire Dales and the National Park Authority. To this end, we recommend the following.

1. Proceed on the basis that the ‘housing need’ for that part of the District within the National Park is provided for within the settlements in the Park.
2. And in parallel in order to justify the above:
  - a. Review the approach used in determining housing need in Derbyshire Dales in relation to the Peak District National Park by considering the approach used elsewhere, and in particular by the local authorities in and adjacent to the South Downs National Park.
  - b. Jointly develop future housing requirement and housing allocation for Derbyshire Dales, the National Park and other planning authorities adjacent to the National Park to ensure consistency and avoid an over-bearing impact on any individual planning authority and taking account of the capacity of Derbyshire Dales to accommodate housing growth without harm.

- c. Align housing need expressed in the Derbyshire Dales Local Plan with the jointly developed housing requirement.

### **Social and affordable housing**

Affordable housing is seldom affordable for those requiring social housing in Derbyshire Dales. In our view, the present Local Plan doesn't say enough about either affordable or social housing, nor about the imperative to make this carbon neutral (and therefore with negligible energy bills) and of quality design. While these are of course the subject of housing policies and strategies, the availability of such housing in particular locations to meet local needs are, we believe, important elements of the local plan. The means of achieving sufficient social and affordable housing may well be the role of a housing strategy, but the Local Plan has a role to play by bringing together housing need, geographic distribution, available sites and other inputs in one place. Therefore, the Local Plan needs to recognize the Derbyshire Dales housing strategy and set targets for social and affordable housing in Derbyshire Dales. The Local Plan may also enable particular types of development through its policies such as the use of Community Land Trusts.

We recommend to:

- Strengthen policies for affordable, carbon neutral social housing following from and consistent with an independent review of a social housing strategy.
- Consider and understand the need for social housing to reflect requirements for household development and home working (i.e. reviewing the need for two and three-bedroom properties rather than one-bedroom homes)

### **Protecting our Dales environment**

**Biodiversity and Natural Capital.** As well as addressing our legal obligations with regard to biodiversity, the Local Plan should recognise the values, both intrinsic and for our communities, that nature provides for us. We should also recognise that the Peak District National Park is a cornerstone of the Derbyshire Dales and UK's green infrastructure and that consideration should play an important part of its management. Decisions about land management within the National Park have implications on the communities outside of it, through the flows of ecosystem services that derive from its natural capital. For the Derbyshire Dales, this is particularly significant because of the rivers Derwent and Dove which flow from it, through the District. We will also look to assess natural capital as part of our economic strategy, in order to support the future residents of the Derbyshire Dales. Therefore we recommend:

- The implementation of a natural capital approach, using the information contained in the Derbyshire County Council's Natural Capital Strategy, as the basis for a proactive planning policy approach to the protection and enhancement of the whole District's green and blue infrastructure.
- Collation of evidence, such as through a locally focused Nature Recovery Network, Supplementary Planning Document on nature and natural capital and assessment of suitable sites, owned by DDDC and others, for biodiversity enhancement to allow appropriate decision making by Members on Biodiversity Net Gain and other obligations under the Local Nature Recovery Strategy.

**Climate emergency.** Local Plan policies associated with building standards, social housing, site layout, and site location will need to address the many issues arising from the climate emergency including the need for vastly improved insulation standards, zero carbon heating, on-site electricity generation, wind and solar farms, changes to the weather including extreme weather events and the impact of changing climate on infrastructure requirements. Policies will need to minimize net zero emissions and mitigate the consequences of climate change.

We believe that the climate emergency related measures in the Local Plan need to be strengthened to make them as near mandatory as possible. Therefore:

- The Local Plan policies associated with net zero emissions will be strengthened to ensure adoption by developers except under exceptional and documented circumstances.
- That there should be a special emphasis on leading by example with a requirement that all new social housing be designed to ensure minimal energy bills by adopting carbon neutral and if possible, passivhaus, standards.

**Preservation of the landscape and townscapes outside the Peak District National Park.** Much is written about the need to protect the Peak District National Park landscape. But the boundary of the National Park is arbitrary and many beautiful and important landscape features lie outside the boundary, and some areas within the National Park are of indifferent quality. The Local Plan needs to protect the landscape in Derbyshire Dales for itself and for the enjoyment of Derbyshire Dales residents and visitors, and not only for the views that may be had from within the National Park.

Indeed, it is worth noting that highest landscape protection within the District is not within the Peak District National Park, but is afforded to the Derwent Valley Mills World Heritage Site, recognised by UNESCO for its cultural significance.

The towns and villages in Derbyshire Dales are attractive. Their layout and the design of individual buildings have often been driven by landscape, geology and earlier economic activity. Most date from an age before motor vehicles and their layout reflects that. New developments are often built to another architectural grammar which conflicts with this earlier development. Indeed, the NPPF policies may drive the adoption of such an alternative grammar.

The Local Plan needs to take account of what makes each Derbyshire Dales village and town special and resist the encroachment of “cookie cutter” developer-led design solutions. It needs to ensure that the location and design of all housing development makes a positive contribution to the character of individual towns, neighbourhoods, and villages. We recommend therefore that:

- The Local Plan includes policies and references SPDs that protect the Derbyshire Dales characteristics. Where they are present, they should be strengthened to ensure adoption by developers as a default position.

### **Meeting the needs of a revised Economic Plan**

The 2019 Economic Plan is the assumed basis of the revised Local Plan. Given the significant changes that have taken place since that Economic Plan was prepared (particularly in relation to homeworking), there is a need to re-visit the plan and to use a revised version for the revised Local Plan. Also, that Economic Plan did not consider the impact of the National Park Local Plan and particularly its restriction on housing development. We believe that it needs to do so. While the formal approach to developing a housing requirement for a local plan is to map job growth to housing numbers, the inverse mapping from housing numbers to available workforce is also possible.

Therefore, there is a requirement to:

- Revise the Derbyshire Dales economic development plan 2019 with the constraints on house building in the PDNPA, and then map the new economic development plan onto the Derbyshire Dales Local Plan.

### **Infrastructure development plan**

An Infrastructure Plan would provide measures that enable the Local Plan to be delivered without significant adverse impacts on communities and the environment. An Infrastructure Plan typically covers the water, sewage, gas, electricity and telecommunications infrastructure, highways, traffic and public transport, car parking, (footpaths?), and public services including education and health services – but also community facilities that enable people to actively consider living more of their lives – including working time – within their home communities.

We note that the 2017 Local Plan does not have a companion Infrastructure Plan. We understand that such a plan is now a requirement and will be prepared for the revised Local Plan.

This infrastructure plan needs to take address the drainage problems arising along the Derwent and its tributaries, particularly in the Matlock – Darley Dale area where both communities now face regular incidents from an inability of the infrastructure to accommodate rainfall, sewage, and run off above and below ground from the developed areas and the surrounding hills.

The infrastructure plan will need to review present conditions, consider options for continued infrastructure development, and provide a plan agreed with infrastructure providers. This plan will comprise measures to develop infrastructure and services to accommodate additional demand and to mitigate adverse impacts of development and risks. It will need to determine the level of investment, funding sources, level of commitment from the funding agency and the delivery agency and timing for individual measures in the plan. The infrastructure plan will be a pillar of the Local Plan, and the dependencies between development goals and measures in the infrastructure plan should be shown in the Local Plan.

An infrastructure plan must also include green and blue infrastructure, as well as grey infrastructure.

Therefore there is a need to:

- Develop an Infrastructure Plan that will form a pillar of the Local Plan in conjunction with Infrastructure and Service stakeholders.

# Agenda Item 7

Community and Environment Committee – 13 July 2023

## UK SHARED PROSPERITY FUND: PROGRAMME UPDATE AND DELIVERY APPROACH

### Report of the Director of Regeneration and Policy

#### Report Author and Contact Details

Giles Dann, Regeneration and Place Manager  
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#### Wards Affected

District-wide

#### Report Summary

This report updates Members on implementation of the UK Shared Prosperity Fund Investment Plan for the Derbyshire Dales, including 'top-up' funding from the Rural England Prosperity Fund. The report covers progress with the programme, delivery challenges and proposals regarding grant administration.

#### Recommendations

1. That the update on the Derbyshire Dales UK Shared Prosperity Fund programme be welcomed, with progress to date and delivery risks be received and agreed.
2. That recruitment challenges impacting the delivery of the programme, and the approach to increase capacity set out in the report be received and agreed.
3. That the approach to delivering business grants under the Rural Innovation Grant scheme be received and agreed.
4. That proposals to secure additional enabling capacity to support strategic sites work as proposed in Section 2.7 Intervention E14 are developed for consideration by the UKSPF Partnership.
5. That the Council be recommended to consider an amendment to Contract Standing Orders in relation to the grants element of the UKSPF programme and requirements upon non-contracting authorities, specifically to increase the threshold for formal tenders for goods / supplies and works to over £75,000.

**List of Appendices**

None

**Background Papers**

- Council 26 July 2022: UK Shared Prosperity Fund: Investment Plan Submission
- Council 2 March 2023: Capital Programme 2022/23 to 2026/27 - Appendix E Supporting Information for UKSPF and REPF

**Consideration of report by Council or other committee**

Council – 27 July 2023

**Council Approval Required**

Yes

**Exempt from Press or Public**

No



# UK SHARED PROSPERITY FUND: PROGRAMME UPDATE AND DELIVERY APPROACH

## 1. Background

- 1.1 Funded by Government, the UK Shared Prosperity Fund (UKSPF) and Rural England Prosperity Fund (REPF) partially replace funding previously provided by the European Union. REPF is a rural 'top-up' to UKSPF and the combined fund is delivered as a single programme. Derbyshire Dales has been allocated a total of £2.7m capital and revenue to be spent by 31 March 2025.
- 1.2 Derbyshire Dales District Council is the Lead Local Authority (LLA) for UKSPF / REPF and a UKSPF Partnership Board been established to provide strategic oversight for the effective management and delivery of the programme. The Partnership Board, chaired by the Leader of the Council, is made up of local partners representing the public, private and voluntary sectors, and reflects UKSPF / REPF priorities.
- 1.3 Members were last updated on the position regarding the UKSPF Investment Plan and details of the REPF Addendum submission at the 2 March Council 2023 meeting. As a reminder, the programme was developed following Member workshops and partner engagement in 2022. It is based on clear evidence, and follows the UKSPF priorities of:
  - Communities and Place
  - Supporting Local Business
- 1.4 The programme aims to support business diversification, growth, adaptation and long-term resilience; as well as community projects which help strengthen local communities and foster local pride. Interventions include: business advice and grants; support to help businesses reduce their carbon footprint; site feasibility studies (strategic sites); a community resilience grant fund; and town centre improvements.
- 1.5 The UKSPF Investment Plan was approved in December 2022 and funding allocation for 2022/23 received on 27 January 2023. Approval of the REPF Addendum (approving top-up capital funding for 2023/24 and 204/25) was received on 6 April 2023.

## 2. Key Issues

### Recruitment

- 2.1 The post of Economic Development Manager, responsible for steering the programme, has been vacant since September 2022. It was advertised for a third time in April 2023 and the interview process has recently been concluded. A verbal update will be provided at the meeting. This permanent post is fully funded by the District Council.
- 2.2 The post of UKSPF Programme Co-ordinator has been vacant since December 2022. It was advertised for a second time in February 2023 but no appointment made. Subject to Job Evaluation, recruitment of a Claims and Monitoring Officer is now proposed in place of this role (post to be

shared with the Ashbourne Reborn LUF programme). UKSPF Programme Co-ordination is to be instead undertaken by the District Council's existing Economic Development Team (through re-prioritisation of roles). Alternative approaches to securing additional grant application appraisal capacity are also being pursued (see Section 3).

- 2.3 The challenge of recruiting staff in a competitive market, further constrained by the District Council's pay and grading structure and the temporary nature of posts, has unavoidably impacted on progressing elements of the programme.
- 2.4 The post of Derbyshire Dales Business Advisor (recently vacant) has been advertised (min 3 days per week fixed term contract until end of June 2025). The post is to be funded by UKSPF. Interviews were held on 22 June 2023. A verbal update will be provided at the meeting.

#### UKSPF Programme: Position and Progress

- 2.5 In line with government reporting requirements the District Council submitted a six-monthly monitoring return to the Department for Levelling Up Housing and Communities (DLUHC) on 2 May setting out progress during 2022/23. Within the report, the Council was also required to set out proposals for carrying forward expenditure from 2022/23 into 2023/24. As agreed at the Derbyshire Dales UKSPF Partnership Board meeting in February and reported to Council in March, as part of the change control process the majority of capital and revenue expenditure allocated in 2022/23 has been rolled forward into 2023/24. DLUHC require rolled forward funding from 2022/23 to be drawn down in 2023/24.
- 2.6 The submitted project level expenditure profile, incorporating REPF funding, is summarised below. The revised expenditure profile is subject to agreement with DLUHC (awaited at the time of writing).

<b>TABLE 1</b>				
<b>Activity</b>	<b>Expenditure 2022/23</b>	<b>Forecast expenditure 2023/24</b>	<b>Forecast expenditure 2024/25</b>	<b>Total 2022 - 2025</b>
Matlock Western Gateway / Sustainable Town Centres	£18,985	£218,348	£631,404	£868,737
Community Resilience Grants	£0	£60,000	£150,000	£210,000
Site feasibility studies	£0	£40,000	£210,000	£250,000
Rural Innovation Grants (business grants)	£0	£554,629	£371,371	£926,000
Business start-up programme	£0	£7,067	£62,377	£69,444
Derbyshire Dales Business Advice & Business Growth Programme	£0	£65,000	£90,103	£155,103
Energy audit and carbon reduction (project now split – see narrative)	£0	£77,985	£68,220	£146,205
Fund administration	£11,924	£36,076	£30,000	£78,000
<b>TOTALS</b>	<b>£30,909</b>	<b>£1,059,105</b>	<b>£1,613,475</b>	<b>£2,703,489</b>

2.7 The Derbyshire Dales registration process for UKSPF opened in December 2022, including inviting expressions of interest for the grants schemes. A brief description of each project and progress to date is summarised below (progress against programme output and outcome targets will be reported at future meetings of the Partnership Board and Committee):

### **Intervention E1 - Matlock Western Gateway / Sustainable Town Centres**

*Regeneration of the western entrance to Matlock town centre as part of the proposed Bakewell Road regeneration scheme, inc. public realm improvements and other town centre enhancements.*

The District Council went out to tender in November 2022 and again in February this year after securing planning permission and completing the detailed design for the proposed conversion of Matlock's former Market Hall into a two-screen cinema. The proposed regeneration scheme also includes enclosing part of the existing bus bay area to provide a new food & beverage/retail unit and a package of works to the north side of Bakewell Road, (Matlock Western Gateway) comprising enhanced public realm and new public transport arrangements.

Following evaluation, unfortunately the second tender exercise has again concluded without a contractor appointment, illustrating the significant challenge of delivering the proposed scheme within the current volatile construction market, impacted by high cost inflation.

Both the team at the District Council and the proposed cinema operator remain committed to working together to pursue the scheme. Options, including further value engineering, reviewing the scope and phasing of the project, alternative procurement approaches prior to revisiting the programme with a view to a further procurement exercise(s) are to be considered at the Council meeting on 27 July.

As Members will be aware, additional UKSPF/REPF funding was allocated to the scheme (subject to a review of final scheme proposals) at 2 March Council. The timescales for delivery of capital grant funding allocated to the project within the remaining period of UKSPF will be a key consideration and therefore this intervention is currently identified as a delivery risk.

### **Interventions E2/E9/E11 - Community Resilience Grant (CRG) scheme**

*For eligible voluntary and community sector organisations, not for profit organisations, social enterprises and parish and town councils. Grants to support community-led projects which maintain key services, facilities and community infrastructure; take local action on climate change; and support volunteering.*

The Invitation to Tender to administer the scheme was published in March with a closing date of 2 May. Following evaluation, the contract for a delivery partner has been awarded to Derbyshire Dales Council for Voluntary Services (CVS). The scheme is anticipated to start in the Summer.

The CRG scheme will typically support eligible capital and revenue projects between £5,000 and £15,000 with a grant intervention rate of up to 80%. The scheme also includes provision for larger community capital grants. The final

criteria for grants for larger capital projects will be developed in partnership with the CVS. It is anticipated that grants up to £20,000 to £25,000 may be available.

### **Intervention E14 - Site Feasibility Studies**

*This intervention prioritises site investigations, feasibility work, master-planning and other assessments to inform the delivery of strategic development sites, with a focus on sites on the edge of market towns.*

The first site for intervention is Ashbourne Airfield, with the preparation of a masterplan for the whole of the Airfield site i.e. both phases 1 and 2 as identified within the Derbyshire Dales Local Plan. Members will be aware that the new A52 link road, providing a much needed second access to the existing Airfield Industrial Estate and opening up phase 1 land for development was formally opened by Sarah Dines MP on 19 May. The overall site falls within two ownerships and discussions are to take place with the respective landowners regarding the draft specification and funding contributions towards this work.

Alongside commissioning feasibility studies, masterplans and other site-specific assessments it is proposed to utilise part of this allocation to develop additional 'enabling capacity' to support strategic sites work, particularly where private sector sites are stalled. This is likely to comprise additional temporary capacity within the Regeneration and Place team. Proposals will be developed for consideration by the Derbyshire Dales UKSPF Partnership.

### **Interventions E17/E23/E26/E32 Rural Innovation Grant (RIG) scheme**

Grants for eligible SMEs with a focus on small and micro-businesses. The objectives of the grant fund are to: stimulate enterprise and innovation; enable businesses to access new markets; encourage green business growth; enhance business resilience; enhance business productivity and enable the creation of higher skilled/higher paid roles.

The scheme incorporates three levels of grant:

- *Business Adaptation Grant* – for projects costing between £2,500 and £10,000. Grant intervention rate up to 80%. Open to a range of sectors including Retail, Visitor Economy and Farm Diversification;
- *Business Development Grant* – for projects costing between £10,001 and £50,000. Grant intervention rate up to 50%. Open to a range of sectors especially Manufacturing; Engineering; Knowledge Based and Digital sectors;
- *Business Growth Grant* – for projects costing between £50,001 up to £100,000. Grant intervention rate up to 40%. Open to the manufacturing (especially advanced manufacturing and food and drink manufacturing) and engineering (especially green and environmental engineering) sectors.

With the support of the Digital Transformation Team the grant criteria and on-line application form for the mid-tier Business Development Grant have been finalised and applications invited from registered eligible small and micro-businesses previously expressing an interest in grant funding. These grants will be administered 'in-house' and will operate under existing District Council Contract Standing Orders procurement thresholds which allow written quotations for all contracts with a value up to £30,000.

With regard to the Business Adaptation Grant (which involves the administration of a larger number of smaller grants), consideration is being given to procuring the delivery of this scheme through an external delivery partner (as per the approach with the CRG scheme), to be progressed when additional Economic Development team capacity is in place.

The position regarding the Business Growth Grant, this intervention is also identified as a delivery risk, is considered further at 2.8.

### **Intervention E23 - Business Start-Up Programme**

*Initiated under the Vision Derbyshire initiative and delivered by Derbyshire County Council, the business start-up programme provides free advice and grant support (up to £10,000 for eligible applications) to individuals starting their own business and new start businesses within the first year of trading. The service is provided by a dedicated advisor covering Derbyshire Dales and High Peak.*

Following extension of the existing service to the end of the year (funded from pooled business rates funds), UKSPF funding has been allocated to enable the continuation of the service from January 2024. During 2022/23 the service enabled 15 new businesses to start in the Derbyshire Dales.

### **Interventions E23/24 - Business Support/Advice**

*To support established SMEs to enhance productivity and grow, and reduce their carbon footprint.*

Generic support is to be delivered through the extension of the Council's established Derbyshire Dales Business Advice service (following the end of the ERDF funded Growth Hub contract).

The District Council is also working in partnership with five other Derbyshire districts to deliver a *Business Growth and Low Carbon Support Programme*, procured by North East Derbyshire DC. This programme will deliver business workshops and events, and more specialist de-carbonisation support. Subject to the outcome of the tender process (a verbal update will be provided at the meeting), the scheme is also due to start in the Summer.

### **Intervention E29 - Energy Audit and Carbon Reduction Support for SMEs**

Energy advice and audits are to be delivered through the *Business Growth and Low Carbon Support Programme* (see above). Regarding low carbon grants, the approach is under consideration with other district council partners. The Rural Innovation Grant scheme also provides a potential route. Should this route be adopted, the grant criteria for the respective grants under the Rural Innovation Grant scheme would apply, as would the proposals in Section 3.4iv).

### **Procurement Issues: UKSPF Grants**

2.8 With regard to delivery of the Business Growth Grant (first round closed 31 January 2023), additional government procurement guidance issued for UKSPF places similar requirements on business and community grant applicants – classed as ‘non-contracting authorities’ – as contracting authorities i.e. public sector organisations. Minimum procedures require a formal tender process for goods, supplies, services and works with a

contract value above £24,999 (3 written quotations are permissible below this limit) “...unless different thresholds have been approved internally via the LLA’s appropriate internal governance process.”

- 2.9 The threshold limit set for quotations is well below that operated by previous grant schemes such as the Defra and EU-funded Peak District LEADER and Rural Development Programme for England: these, as originally proposed for the UKSPF grant schemes, worked on the basis of three written quotations for items such as machinery and equipment.
- 2.10 Unfortunately, despite representations to government officials, the guidance / position remains unchanged. As a result, as the value of the main items of manufacturing and engineering equipment required by applicants typically exceeds this threshold (and the £30,000 threshold for quotations set by the District Council) – the main items of equipment on the first round of Business Growth Grant applications ranged from £25,000 to £88,000 – the Council has been unable to proceed with the Business Growth Grant as proposed. The first round of applicants have therefore been informed and supported (where possible) to access other funding opportunities (e.g. D2N2 Growth Hub Business Investment Fund underspend).
- 2.11 The requirement for small businesses and community organisations to seek formal tenders for relatively low value procurements, and for LLAs to be “responsible for ensuring that these policies and procedures are applied by non-contracting authorities as appropriate, reported on and monitored” is considered onerous, both for the organisations themselves and for the District Council to oversee.
- 2.12 The requirement is also likely to: a) act as a disincentive to potential grant applicants who would be required to prepare and advertise a formal invitation to tender for items of equipment (capital equipment is anticipated as being most in demand under the grant schemes) and b) slow down the grant application process considerably whilst tender processes are completed as applicants are required to submit firm costs with their application.
- 2.13 The matter was discussed at the UKSPF Partnership Board meeting held on 7 June and with the Leaders and Chair of the Committee on 19 June and officers have considered options for dealing with this matter. These are covered in the following section.

### 3. Options Considered and Recommended Proposal

#### Recruitment

- 3.1 With regard to recruitment, as indicated the Council has been unsuccessful on two occasions with the appointment of a UKSPF Programme Co-ordinator. Options considered included: (i) attempting recruitment (for the same post) for a third time; (ii) re-prioritising roles within the existing team to support programme co-ordination; (iii) recruiting a *Claims and Monitoring Officer* in place of the Programme Co-ordinator role to support financial and performance monitoring and claims preparation and (iv) seek additional grant appraisal capacity via a third party provider and/or self-employed business advisors / consultants to support the existing team. As indicated earlier, option (i) has been discounted based on the experience of previous recruitment attempts and options (ii), (iii) and (iv) are all being progressed.

#### Matlock Western Gateway

- 3.2 Regarding the delivery risk associated with the Matlock Western Gateway scheme (Bakewell Road, Matlock), options for further assessment are due to be considered by Council on 27 July.

#### Procurement

- 3.3 To effectively deliver the Business Growth Grants requires Members to consider the Council's own procurement procedures, and formal Council approval of a change for this purpose only. Advice from Government is that there is scope for the Council to manage the grant schemes more flexibly by approving different thresholds via appropriate internal governance process. The Government has indicated that the Council can run a grant scheme with different thresholds as long as there is internal approval for that within the Council.
- 3.4 Following a review of procurement thresholds of neighbouring councils and (where available) a sample of other LLAs operating UKSPF grant schemes, the following options have been considered:
- i) Retain existing Contract Standing Orders requirements for tenders for goods, supplies, services and works contracts with a value above £30,000 but less than £213,477 inclusive of VAT and require non-contracting authorities to follow District Council procedures. This approach incorporates time delay and is inappropriate for businesses seeking to buy equipment, some of which may be "off the shelf". This option is the 'do nothing' option and is not recommended.
  - ii) Retain existing Contract Standing Orders requirement for tenders for goods, supplies, services and works with a contract value above £30,000 but less than £213,477 inclusive of VAT and define minimum tender and advertising requirements for non-contracting authorities e.g. the advert would need to incorporate or direct any interested party to the following information:
    - details of the opportunity
    - what is required from all interested parties
    - how the successful tenderer will be chosen

- deadline and details of how to apply
- a conflict of interest statement.

Written justification would be required to demonstrate that the contract award is in-line with the advert and the opportunity would need to be advertised on the grant applicant's website (or other appropriate website) for a minimum of 10 days. Use of the government's Contracts Finder website would also be recommended.

Whilst such an approach has the advantage of a 'lighter touch' tendering regime, the disadvantages of this approach are that it still incorporates time delay but also imposes additional monitoring and approval requirements on the District Council – i.e. staff would need to audit procurement exercises to ensure compliance with the tender process. This option is not recommended.

- iii) Increase the Contract Standing Orders threshold requirement for tenders for *all* goods, supplies, services and works to contracts with a value over £75,000 but less than £213,477 inclusive of VAT. Whilst simple to apply, this option is not recommended because a universal cap of £75,000 for quotations for all goods, supplies, services and works procured by the Council (not just by businesses / organisations using Council / UKSPF grants) is considered too high.
- iv) Increase the Contract Standing Orders threshold requirement for tenders for goods / supplies and works to contracts with a value over £75,000 but less than £213,477 inclusive of VAT for the grants element of the UKSPF programme only. For contracts for the provision of goods / supplies (capital kit and equipment) and works with a value of £75,000 or below (ex VAT), the following requirements would apply:
  - 3 written quotations from relevant suppliers / competitive sources. The quotes must be based on: the same written specification (supplied to the Council with the quotations received); the same evaluation criteria and the same closing date. A minimum of 10 days for quotations would be recommended.

A documented record of the quotations sought, the evaluation process and decision to award must be retained by grant applicants for audit purposes. Only in exceptional circumstances e.g. contracts involving specialist items of equipment, will a lower number of quotations be acceptable.

- 3.5 The proposed approach is to make a specific amendment to Contract Standing Orders as set out in option iv) above. Members are asked to recommend to Council that the following waiver is added to Section 6 – Exceptional Waivers – of Contract Standing Orders:

*6.14 In the case of goods / supplies and works procured by businesses or community organisations seeking grant funding provided by the District Council acting in its role as Lead Local Authority for the UK Shared Prosperity Fund, the upper threshold for purchasing using three quotations shall be £75,000. A copy of the written specification and quotations obtained must be submitted with grant funding applications before such grant funding can be considered for approval. In such cases, a specific waiver report or record will not normally be required,*



*but the purchase will instead be recorded in the grant/monitoring information retained as part of the DLUHC claims process.*

#### **4. Consultation**

- 4.1 District Council Members and wider partners were consulted prior to submission of the UKSPF Investment Plan via workshops held in June 2022. Members subsequently approved the UKSPF Investment Plan for submission at 26 July 2022 Council. As reported at March 2023 Council, the UKSPF Partnership Board considered the options / approach to utilising REPF at its November 2022 meeting. The Partnership Board decided that the REPF top-up should be allocated to existing Derbyshire Dales UKSPF Investment Plan priorities / themes (in line with the existing evidence base and Member priorities) with business grants, community grants, and town centre improvements being the focus of the additional funding allocations.
- 4.2 The programme is based on consultation with Members and partners. Wider consultation has not been necessary as this report seeks to update on progress with the agreed programme and deal with operational matters.

#### **5. Timetable for Implementation**

- 5.1 As indicated earlier in the report, UKSPF and REPF funding must be drawn down by 31 March 2025. Current delivery risks considered by the UKSPF Partnership Board are identified within the report.

#### **6. Policy Implications**

- 6.1 The UKSPF proposals are closely linked to the Council's approved Economic Recovery Plan and Economic Plan.
- 6.2 Prosperity' is highlighted in the Corporate Plan 2020-24 as a District Council priority due to low local wages and high local house prices. The District Council specifically aims to: *Support businesses to encourage productivity, growth, and higher wage jobs in rural and urban locations; and to: Promote investment to stimulate the economy of our market towns.*

#### **7. Financial and Resource Implications**

- 7.1 With the exception of the Economic Development Manager post and agreed input from the existing Economic Development and Finance Teams, the remaining additional costs associated with the administration of the programme, including business grants, are to be met from the UKSPF programme within the funding allocations identified within Table 1. As identified, a number of approaches to increase staff capacity are being pursued.
- 7.2 The District Council's funding contribution towards Intervention E1: Matlock Western Gateway/Bakewell Road scheme has been the subject of previous reports to Council and funding is allocated with the Capital programme.
- 7.3 Existing funding for E23: Business Start-Up Programme is via pooled business rates funding agreed by Derbyshire councils.

- 7.4 As highlighted in the report, delivery risks potentially impacting spend on individual projects have been identified. A further update will be provided as the position becomes clearer with regard to these projects.
- 7.5 Forecast costs, financed by UKSPF and REPF grants, have been included in the revenue budget and capital programme. Where spending did not take place during 2022/23, the unspent allocations have been carried forward to 2023/24, as explained in this report. Officers will monitor spending against budgets and take action where necessary to reduce the risk of overspends.
- 7.6 At the time of writing the revised annual expenditure profile is subject to agreement with DLUHC.
- 7.7 Taking account of the above, the financial risk has been assessed as Medium.

## **8. Legal Advice and Implications**

- 8.1 The Council is required to demonstrate a competitive process has been undertaken regarding the selection of projects to deliver Investment Plan interventions. Other than in those areas where direct delivery is being undertaken by the District Council (to include procurement of services of works following the Council's established procedures or delivered through business grants requiring a grant application via a competitive process) or via a local authority partnership already delivering the same activity which UKSPF proposes to extend, new activity is to be procured by either the Council or local authority delivery partner following its/their established procedures.
- 8.2 Contracts or Grant Funding Agreements (or an agreement of a similar standing) will be put in place with third parties delivering projects on behalf of the Council or awarded business grants.
- 8.3 External legal support was obtained regarding subsidy control prior to the Investment Plan submission. Grant schemes will operate under the Minimal Financial Assistance procedure and there have been no material changes to the content of the Investment Plan.
- 8.4 The proposed amendment to Contract Standing Orders will ensure that third parties are able to progress with procurement activity in accordance with the Council's rules and central government requirements.
- 8.5 Taking account of the above the legal risk has been assessed as low.

## **9. Equalities Implications**

- 9.1 An Equality Impact Assessment (EIA) has previously been prepared for the UKSPF Investment Plan and was considered at the Council meeting of 26 July 2022. There have been no material changes to the content of the Investment Plan.

## **10. Climate Change Implications**

- 10.1 Government guidance indicates that: *Interventions supported by the UK Shared Prosperity Fund will need to take account of other local and national policies and priorities – including the government’s commitment to reach Net Zero by 2050 and clean growth.*
- 10.2 Derbyshire County Council’s Climate Change Strategy: Achieving Net Zero 2021-25 identifies the low carbon economy as a strategic priority and commits *‘to drive forward the transition to a zero carbon economy, through low carbon recovery and good growth, creating more and better jobs in the low carbon and clean technology sectors, increasing skill levels and fostering innovation within the county...’*
- 10.3 The District Council itself has an approved Climate Change Strategy and Action Plan, which acknowledges the authority’s role in *‘facilitating emissions reductions across the District’* and identifies ways in which support could be provided to local businesses to understand and reduce their emissions.
- 10.4 The interventions within the UKSPF Investment Plan align with the above local policies. Each has been evaluated in terms of climate change benefits, impacts and adaptations, and this was considered at the Council meeting of 26 July 2022. The evaluation was based on the principles identified and does not consider the delivery methods or attempt to quantify impacts. There have been no material changes to the content of the Investment Plan.
- 10.5 It should also be noted that delivery of each intervention will have an impact on the direct emissions of the authority where activities are delivered direct through the requirement for resource (e.g. principally through energy and travel requirements).

## **11. Risk Management**

- 11.1 The current main delivery risks for the programme have been highlighted within the report, specifically the:
- challenges regarding recruitment
  - risk to capital expenditure associated with the Matlock Western Gateway (Bakewell Road, Matlock) scheme
  - procurement thresholds for UKSPF grants
- 11.2 The existing mitigating actions for each risk have also been identified within the report. These risks will continue to be monitored by the Derbyshire Dales UKSPF Partnership and a further report will be presented to C&E Committee to escalating decisions to address delivery risks should this be required.

## Report Authorisation

Approvals obtained from Statutory Officers:-

	<b>Named Officer</b>	<b>Date</b>
Chief Executive	Tim Braund, on behalf of Paul Wilson	04/07/23
S.151 Officer (or Financial Services Manager)	Karen Henriksen	23/06/2023
Monitoring Officer (or Legal Services Manager)	James McLaughlin	05/07/2023



# Agenda Item 8

OPEN REPORT  
COMMUNITY AND ENVIRONMENT COMMITTEE

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Community and Environment Committee – 13 July 2023

## CAPITAL BIDS FOR INCLUSION INTO THE CAPITAL PROGRAMME 2023/24 TO 2027/28

### Report of Director of Resources

#### Report Author and Contact Details

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#### Wards Affected

District wide

#### Report Summary

This report seeks the Committee's approval for 13 new bids for capital projects to be referred to Council for inclusion in the District Council's Capital Programme.

#### Recommendation

That the 13 proposed Capital Bids for years 2023/24 to 2027/28, summarised in the report below and detailed in Appendix 1, be approved by this Committee and recommended to Council for inclusion in the capital programme.

#### List of Appendices

Appendix 1 Proposed New Bids

#### Background Papers

None

#### Consideration of report by Council or other committee

Council – 27 July 2023

#### Council Approval Required

Yes

#### Exempt from Press or Public

No

## **Capital Bids for Inclusion into the Capital Programme 2023/24 to 2027/28**

### **1. Background**

- 1.1 The Council's Financial Regulations specify that new bids for inclusion in the capital programme should be presented to the relevant policy committee for approval, prior to being recommended for approval to Council.

### **2. Key Issues**

- 2.1 Thirteen new bids have been put forward for Members' consideration and are set out in the table below. As required by financial regulations, a full business case has been completed for each proposed capital project.
- 2.2 Business cases for the proposed capital projects have been assessed firstly by the Capital Programme Working Group, who scored the new bids prior to making recommendations to the Corporate Leadership Team. The Corporate Leadership Team has considered the projects for inclusion in the capital programme, considering the Council's priorities, availability of funding etc.

Continued.....

### 3. Options Considered and Recommended Proposal

3.1 The Table below summarises the new bids that have been proposed for inclusion in the revised Capital Programme that will be presented to Council on 27 July. The proposed projects can be financed from grants or the Council's capital reserves and do not incur any external borrowing. Further details of each project are set out in Appendix 1.

Ranked	Scheme	Score	Funding Stream	2023-24 (£)	2024-25 (£)	2025-26 (£)	2026-27 (£)	2027-28 (£)	Total
1	Home Upgrade Grant (HUG) 2	N/A	Grant Funded	759,000	1,138,500	-	-	-	1,897,500
2	Acquisition of 4 homes in Doveridge	82	Section 106/Capital Receipt	350,000	350,000	-	-	-	700,000
3	Social Housing Grant - Wash Green, Wirksworth x 3 Affordable Homes	72	Section 106/Capital Grant	586,505	-	-	-	-	586,505
4	Brabourne - Small Sewer Site	70	Capital Receipts	45,000	-	-	-	-	45,000
5	Garage Vehicle Lift	67	Capital Receipts	20,000	-	-	-	-	20,000
6	Social Housing Grant - Edgefold Road Matlock x 2 Affordable Homes	65	Section 106/Capital Grant	288,395	-	-	-	-	288,395
7	Harrison Alms-houses Phase 3 Renovation of house in Matlock Green & conversion to 2 flats	64	Section 106	195,000	-	-	-	-	195,000
7	John Higgs Almshouses - Smedley Street, Matlock	64	Capital Receipts		500,000	-	-	-	500,000
8	Automated Toilet Locking Facility - Ashbourne, Matlock & Bakewell	62	Capital Programme Reserve	15,000	-	-	-	-	15,000
9	Cemetery Paths	56	Capital Programme Reserve/Capital Receipts	45,000	25,000	25,000	25,000	25,000	145,000
9	Lych Gate Ashbourne Cemetery	56	Insurance Reserve	25,000	-	-	-	-	25,000
9	Parks and Recreation Grounds Paths (include Dimple)	56	Capital Receipts	75,000	50,000	25,000	25,000	25,000	200,000
9	Ashbourne Fishpond Foot Bridge - Moved from project 651	56	Capital Receipts	35,000	-	-	-	-	35,000
	<b>Total</b>			<b>2,438,900</b>	<b>2,063,500</b>	<b>50,000</b>	<b>50,000</b>	<b>50,000</b>	<b>4,652,400</b>

#### **4. Consultation**

4.1 None

#### **5. Timetable for Implementation**

5.1 Bids that are approved by this Committee will be included in the proposed Capital Programme that will be presented to full Council on 27<sup>th</sup> July 2023.

5.2 If approved by Council, officers will have the authority to incur expenditure within project budgets.

#### **6. Policy Implications**

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

#### **7. Financial and Resource Implications**

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

7.2 As explained in the report, sufficient resources are available to finance these proposed new bids for inclusion in the capital programme. However, Council will need to assess the overall affordability of the capital programme, considering potential future liabilities and sources of funding.

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

#### **8. Legal Advice and Implications**

8.1 As stated above this report seeks the Committee's approval for 13 new bids for capital projects to be referred to Council for inclusion in the District Council's Capital Programme.

8.2 There is one recommended decision relating to the 13 proposed Capital Bids for years 2023-24 – 2027-28.

8.3 The legal risk associated with taking the recommended decision has been assessed as low.



## 9. Equalities Implications

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

## 10. Climate Change Implications

The climate change implications of each of the bids has been assessed as part of the preparation of the business case. Some of the benefits in terms of the climate are detailed in Appendix 1.

## 11. Risk Management

- 11.1 Financial and legal risks have been assessed above.
- 11.2 Each project business case includes a risk assessment. The risks vary depending on the particular project but common risks and mitigations include:
- Cost Inflation. Mitigation measures include inflation allowances and contingencies within the estimated project cost.
  - Delays on site due to adverse weather conditions and delayed deliveries. Mitigation measures include undertaking the works outside of peak times to minimise the impact on the service.
  - Delays due to staff resources/competing priorities. This risk is mitigated by good project planning and inclusion within action plans and scheduled workloads.
  - Complaints, Bad Publicity etc. Publicity by appropriate notices and use of the website and social media will be used to update the public on the project and timescales.

## Report Authorisation

Approvals obtained from Statutory Officers:-

	<b>Named Officer</b>	<b>Date</b>
Chief Executive	Steve Capes (on behalf of Paul Wilson)	03/07/2023
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	03/07/2023
Monitoring Officer (or Legal Services Manager)	Kerry France	29/06/2023

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## **Details of bids for Inclusion into the Capital Programme 2023/24 to 2027/28**

### **Business Case 1 – Home Upgrade Grant (HUG) 2**

No Score - fully grant awarded project

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

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

The Council manages the installation of the measures through its own contractors and provides support to the resident via a partnership with the fuel poverty charity “Marches Energy Agency” throughout the process. The schemes have the dual benefit of reducing district-wide emissions and improving the quality of living for residents.

In the financial year 2023/24 the grant’s first year allocation will be £759,000, followed by an allocation of £1,138,500 for 2024/25 making a grand total of £1,897,500 grant funding over a 2-year period.

### **Climate Change Implications**

The average home emits 6t of CO<sub>2</sub>e a year. Homes that are off gas typically have higher emissions associated with their use of high carbon heating such as oil, LPG or solid fuel. Improving the energy efficiency of homes and, in particular supporting the transition to low carbon heating, therefore has clear district-wide emissions reductions benefits.

### **Business Case 2 – Acquisition of 4 homes in Doveridge**

Matrix Score – 82

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

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

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

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

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

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

### **Climate Change Implications**

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

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

Matrix Score – 72

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

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

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

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

### **Climate Change Implications**

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

### **Business Case 4 – Bradbourne Small Sewer Site Replacement**

Matrix Score - 70

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

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

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

### **Climate Change Implications**

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

### **Business Case 5 – Garage Vehicle Lift**

Matrix Score – 67

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

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

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

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

### **Climate Change Implications**

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

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

Matrix Score – 65

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

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

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

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

### **Climate Change Implications**

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

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

Matrix Score – 64

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

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

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

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

### **Climate Change Implications**

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

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

Matrix Score – 64

Total cost of Project - £500,000 Funded from Capital Receipts

This project seeks to deliver renovation and retrofit of 6 Alms-house bungalows in Matlock including solar PV, air source heat pumps and battery 'power walls'. The Trust is contributing £54,000 to cover the cost of the battery technology.

In the financial year 2024/25 an allocation of £500k funded from Capital Receipts is requested to enable the above works.

This scheme supports the need to improve energy efficiency of the local housing stock and safeguard social housing. The benefit to the council is not a financial one. Investing in Alms-house properties highlights the techniques and energy efficiency measures that can be used to treat 'hard to treat' homes.

### **Climate Change Implications**

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

## **Business Case 8 – Automated Public Toilet Locking Facility**

Scoring Matrix – 62

Total cost of Project - £15,000 – Funded from Capital Programme Reserve

DDDC currently operates nine public toilets. The toilets at Matlock Bath operate with an auto locking system which allows this facility to be open beyond normal staff operating times i.e. 8:30am until 8:30pm, whereas other toilets are open 8:30am – 5:30pm in the summer and 9:30am – 4.30pm in the winter. The reasons for the current opening times of our public toilets derive from limited resources and the amount of vandalism that the facilities experience outside of normal working hours. However, due to the number of complaints from the public received during the summer relating to the opening times, it has always been an aspiration to address this in the main towns. The auto locking system was installed by a current DDDC contractor Overtons, which is managed by the Estates Team and supported by Healthmatic who provide the operational paddle-gate system across all our public toilets.

With high levels of security and cleaning standard, the toilets are fit to open to the public for longer hours without supervision using autolocking systems that can be pre-programmed. Not only will this achieve more income (although all locations would be different, the Council currently receives £350 per month in Matlock Bath between 5.00pm - 8.30pm) allowing the service to be more reactive to sudden increase in visitors during local events, bank holidays, and warmer weather.

In the financial year 2023/24 an allocation of £15,000 is requested to enable the purchase and installation of three autolocking systems at Ashbourne, Bakewell, and Matlock Hall Leys.

### **Climate Change Implications**

The automation of the facility will result in less resources i.e. labour and transport costs; the latter is expected to result in a small reduction in emissions.

### **Business Case 9a - Cemetery Paths Resurfacing Programme**

Scoring Matrix – 56

Total cost of Project - £145,000 Funded from Capital Programme Reserve £45,000 and Capital Receipts Reserve £100,000.

This project comprises a 5-year programme of replacement of poor-quality life expired paths in operational District Council Cemeteries and closed churchyards where the District Council has a liability for paths.

In financial year 2023/24 an allocation of £45,000 is requested to enable the complete replacement of poor-quality life expired paths and roadways in and around Ashbourne Mayfield Road, Cemetery and for footpath extensions in Wirksworth Steeple Arch Cemetery.

In the following 4 financial years, an annual allocation of £25,000 is requested.

### **Climate Change Implications**

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

### **Business Case 9b – Cemetery Lych Gate Refurbishment, Mayfield Road, Ashbourne**

Scoring Matrix – 56

Total cost of Project - £25,000 – Funded from Insurance Reserve

This project addresses HGV vehicle impact damage to an ornate stone and oak Lych Gate to Ashbourne Mayfield Road Cemetery.

In financial year 2023/24 an allocation of £25K is requested from the Insurance Reserve to enable a schedule of works to be developed following a structural survey which can then be procured to take place over the summer months. Works are likely to involve the partial dismantling of the roof and walls and reconstruction to address the structural damage.

### **Climate Change Implications**



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

### **Business Case 9c – Parks and Recreation Grounds Paths Resurfacing Programme**

Scoring Matrix – 56

Total cost of Project - £200,000 Funded from Capital Receipts

This project comprises a 5year programme of replacement of poor-quality life expired and new paths in District Council Parks and Recreation Grounds.

In financial year 2023/24 an allocation of £75,000 is requested to enable the complete replacement of poor-quality life expired paths and roadways in Bath Gardens, Bakewell and Dimple Recreation Ground, Matlock.

In financial year 2024/25 an allocation of £50,000 is requested to enable the construction of a new path in Ashbourne Memorial Gardens to surface the well-used but unsurfaced main pedestrian route through the gardens.

In the following 3 financial years, an annual allocation of £25,000 is requested.

#### **Climate Change Implications**

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

### **Business Case 9d – Ashbourne Fishpond Replacement Footbridge**

Scoring Matrix – 56

Total cost of Project - £35,000 Funded from Capital Receipts

This project comprises the replacement of an existing life expired pedestrian footbridge with a modern timber structure which meets accessibility requirements to improve this well used pedestrian access route from the Town Centre to the Memorial Park and Recreation Ground at a cost of £25,000 in Financial Year 2023/24.

#### **Climate Change Implications**

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

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# Agenda Item 9

**OPEN REPORT  
COMMUNITY AND ENVIRONMENT COMMITTEE**

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**Community and Environment Committee – 13 July 2023**

## **HOUSEHOLD SUPPORT FUND – ROUND 4**

### **Report of Director of Housing**

#### **Report Author and Contact Details**

Robert Cogings, Director of Housing,  
01629 761354 or robert.cogings@derbyshiredlaes.gov.uk

Simon Beynon, Housing Strategy Officer (Homelessness and Inclusion),  
01629 761306 or simon.beynon@derbyshiredales.gov.uk

#### **Wards Affected**

District wide

### **Report Summary**

The Household Support Fund Round 4 (HSF4) directly supports households experiencing financial difficulties relating to rent arrears, utility bills and other debts. Such issues can have a long-lasting detrimental impact on the ability of residents to maintain rental payments and can lead to homelessness. The Department for Work and Pensions (DWP) has made a further round of funding available to upper tier authorities. In Derbyshire the County Council has confirmed that it will allocate £185,459 to Derbyshire Dales DC. As with rounds 1, 2 and 3 it is proposed to deliver grants directly to residents through the Housing Team and Revenues and Benefits service.

### **Recommendation**

1. That approval be given to the delivery of Round 4 of the Household Support Fund as set out in the report.

### **List of Appendices**

Appendix 1 DDDC bid to DCC

### **Background Papers**

Household Support Fund report to Full Council 26<sup>th</sup> July 2022

Household Support Fund report to Community and Environment Committee Nov 2022

### **Consideration of report by Council or other committee**

No

**Council Approval Required**

No

**Exempt from Press or Public**

No

## Household Support Fund – Round 3

### 1. Background

- 1.1 The government has made various grant awards to local authorities in order to deliver targeted financial support to business, communities and households as a result of Covid and to support the post-Covid recovery. The Household Support Fund is one such grant and in May 2023 government announced a significant fund for county councils and unitary authorities. The funding has to be spent between 1<sup>st</sup> April 2023 and 31<sup>st</sup> March 2024. Upper tier councils were encouraged to pass on a proportion of this fund to lower tier authorities. In Derbyshire this meant that the County Council received approx. £10.8m and passed on £1.8m to district and borough councils. The Derbyshire Dales allocation is £185,459 for the full financial year. Previous allocations have been for periods of 6 months.

Amber Valley	£243,975
Bolsover	£206,737
Chesterfield	£248,915
Derbyshire Dales	£185,459
Erewash	£257,084
High Peak	£219,467
North East Derbyshire	£221,366
South Derbyshire	£216,997

Table show distribution - £1,280,000 split equally (£160k each), £520k split using deprivation model

- 1.2 This programme has moved at some pace, not least because of the tight timeframe to spend the grant but also because the exact allocation was not confirmed before the start of the financial year. Each district and borough council was asked to submit a brief bid showing how they would spend the grant against the grant criteria. The expectation was that it should primarily be used to support households in the most need of support for food, energy and water bills. These areas are typically covered by the whole HSF4 grant managed by DCC. HSF4 can also be used to support households with essential housing costs, typically delivered by district and borough councils. In exceptional cases of genuine emergency, HSF can additionally be used to support housing costs where existing housing support schemes do not meet this exceptional need.
- 1.3 The areas of work funded by DCC via HSF4 include;
- £2.25m for the Derbyshire Discretionary Fund,
  - £450,000 via child support professionals
  - £2.356m for grocery vouchers
  - £3.2m for pensioners in receipt of Council Tax support and Adult Social Care
  - £400,000 third sector grants to pensioners and unpaid carers
  - £1.8m for district and borough councils to support housing and homelessness issues
  - £20,000 care leavers

- £80,000 to cover DCC admin
  - £252,000 contingency
- 1.4 The District Council's bid to Derbyshire County Council for the Household Support Fund Round 4 is attached at Appendix 1. In summary the proposal focuses on expanding the Council's existing scheme of financial support including helping with rent arrears, utility costs, food, transport, council tax and housing benefit arrears. A small proportion of the fund will be used to cover staff costs.
  - 1.5 The Council's work through HSF1 supported 358 vulnerable households, spending £201,921. Through HSF2 it supported 177 vulnerable households, spending £99,899. HSF3 supported 140 vulnerable households spending £92,729.
  - 1.6 The HSF is just one of the many services the District Council either provides directly or through commissioning of services to vulnerable households. The cost of living crisis is a very real issue for residents but help is available through the Council's own Housing Advice and Homelessness Service, the Home-Options Support Service, Citizens Advice and Age UK. Collectively these services both reduce debt and help residents to access benefits and other financial support.

## **2. Key Issues**

- 2.1 The Chancellor announced a final round of HSF funds to cover the period up to the end of March 2024. The additional £185,459 Household Support Fund allocation will complement the existing financial support measures available, including those from the Derbyshire Discretionary Fund. All payments provided by the HSF4 must be made by the end of March 2024.
- 2.2 The timetable for the delivery of the HSF is again challenging as we are already part way through the financial year. As with previous rounds, it is proposed to focus on housing related costs. A proportion will also be available to colleagues in Revenues and Benefits. The primary aim will be to reduce the threat of eviction and help vulnerable residents maintain their tenancy. In terms of delivery by the housing team, rather than rely on staff working additional hours, it is proposed to maintain the extended working hours of one part time member of the team for a fixed period. The cost can be covered by the grant.
- 2.3 The Chancellor indicated this will be the final round of HSF funding.

## **3. Options Considered and Recommended Proposal**

- 3.1 Delivery of HSF4 has clear benefits to residents of the Dales and will support the council in the delivery of its services, particularly Housing and Revenues and Benefits.
- 3.2 As with previous rounds it is considered appropriate to split the allocation between the direct prevention of homelessness and provision of support to people with Council Tax and Housing Benefit arrears.

#### **4. Consultation**

- 4.1 There is limited opportunity for consultation given the pressing timetable, however the Council is spending the grant within the remit of the HSF4 grant award.

#### **5. Timetable for Implementation**

- 5.1 The national grant announcement was made in April 2023 but Derbyshire County Council did not receive formal notification until mid May. DDDC must spend the grant by the end of March 2024. HSF periods, 1, 2 and 3 were all half year allocations whereas HSF4 is an allocation for the full financial year 2023/24.

#### **6. Policy Implications**

- 6.1 The HSF4 directly supports people affected by the cost of living crisis. The fund will also help the Council to discharge its statutory homeless duties to vulnerable families. HSF4 therefore has a positive impact on the Council's ability to meet the housing needs of residents.

#### **7. Financial and Resource Implications**

- 7.1 The grant allocation for HSF 4 is £185,459. As the report states, spending must take place before 31 March 2024 to meet grant conditions.
- 7.2 It is proposed to use part of the allocation to maintain the extended working hours of one part time member of the team for a fixed period at a cost of £3000. It is proposed that the remaining allocation will be split between the direct prevention of homelessness (£136,459) and provision of support to people with Council Tax and Housing Benefit arrears (£46,000) – See Appendix 1.
- 7.3 There is no revenue budget for this expenditure, so it is necessary to seek approval for a supplementary revenue estimate of £185,459 in 2023/24. As the amount is fully funded by grant and spending must commence promptly i.e., to avoid a potential delay in a referral to the next Council, the Director of Resources has authority to approve a supplementary revenue budget for 2023/24 under Financial Regulation 2.14.2.
- 7.4 Expenditure will be monitored by officers to ensure that it does not exceed the grant available. The financial risk is therefore assessed as low.

#### **8. Legal Advice and Implications**

- 8.1 This is a central government scheme which is now into its 4th round. The legal risk connected to this report has been assessed as low.

#### **9. Equalities Implications**

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

## 10. Climate Change Implications

- 10.1 There are limited climate change implications resulting from the HSF and so a CCIA has not been completed.

## 11. Risk Management

- 11.1 The main risk associated with HSF4 is the concerns the ability to spend the grant within the timeframe remaining. However the Housing Team has well developed systems in place to deliver the grant support to residents and so the risk of failing to spend is relatively low. Spend against the grant will be monitored by the Director of Housing.

### Report Authorisation

Approvals obtained from Statutory Officers:-

	<b>Named Officer</b>	<b>Date</b>
Chief Executive	Tim Braund (on behalf of Paul Wilson)	30/06/2023
S.151 Officer (or Financial Services Manager)	Karen Henriksen	29/06/2023
Monitoring Officer (or Legal Services Manager)	James McLaughlin	05/07/2023



## Appendix 1

### Proposal to Obtain Funding Allocation for Derbyshire Dales

#### Introduction

DDDC successfully delivered HSF1, HSF2 and HSF3 spending the full allocation within the required timeframe. We have an existing homelessness prevention scheme in place. This scheme, which draws on the annual homelessness prevention grant allows us to help vulnerable households (families and singles) across the housing sector who are threatened with or experiencing homelessness. As with HSF1, 2 and 3 we will expand this scheme and so remove the need to create any new processes. DDDC will not advertise the fund, instead staff from the Housing Team and Housing Benefit & Council Tax will review existing cases. We will also work with Citizens Advice, Age UK and our unique Housing Support Service to target vulnerable households experiencing financial hardship.

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

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

#### Current climate and future risks

Applications relating to rent arrears and threats of eviction from the private and social rented sectors remain high and we anticipate this to continue in to 2023/24. Rent arrears will be the number one issue and we are now seeing families who were furloughed needing help with rent arrears in order to prevent homelessness

#### Uses for the household support grant (£185,459)

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

Our proposal at this stage is;

- £46,000 for the discretionary housing benefit payment fund to alleviate financial hardship
- Additional homeless prevention funds to assist those threatened with homelessness in social tenancies £133,459
- Admin costs £3000.

The Council have considered the use of these funds for administration. To ensure we deliver the proposals in a timely manner we have extended the contract of one part time member of staff in the Homelessness Team at an estimated cost of £3000.

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

# Agenda Item 10

**OPEN REPORT  
COMMUNITY AND ENVIRONMENT COMMITTEE**

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**Community and Environment Committee – 13 July 2023**

## **HOUSING RENEWAL POLICY 2023-2026**

### **Report of Director of Regulatory Services**

#### **Report Author and Contact Details**

Tim Braund, Director of Regulatory Services  
01629 761118 or [tim.braund@derbyshiredales.gov.uk](mailto:tim.braund@derbyshiredales.gov.uk)

#### **Wards Affected**

District-wide

#### **Report Summary**

This report seeks approval to update and amend the District Council's Housing Renewal Policy, which sets out the ways in which the Council will work to improve the existing stock of good quality private sector housing. In particular it proposes the use of a relatively small amount of Disabled Facilities Grant funding to support applicants to the Homes Upgrade Grant scheme.

#### **Recommendations**

1. That the draft Housing Renewal Policy 2023-2026 attached as Appendix 1 to this report be approved.

#### **List of Appendices**

Appendix 1 Draft Housing Renewal Policy 2023-2026

#### **Background Papers**

Minutes of the Community and Environment Committee 14 October 2020

#### **Consideration of report by Council or other committee**

Not required

#### **Council Approval Required**

No

#### **Exempt from Press or Public**

No

## **Housing Renewal Policy 2023-2026**

### **1. Background**

- 1.1 The Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 enables local authorities to use specific disabled facilities grant funding for wider purposes, to support the strategic priorities which integrate health, wellbeing and housing, for the benefit of local residents. In order to make use of these flexibilities local authorities are required to have adopted a specific policy setting out how they intend to use that funding. This policy is known as the Housing Renewal Policy.
- 1.2 Derbyshire Dales District Council adopted its first Housing Renewal Policy in March 2003 and has updated the policy through Committee, when amendments have been required. Systems have worked well and relatively few amendments have been required in recent years. However, there is now an opportunity to enhance the level of support given applicants for Homes Upgrade Grants where costs might exceed the average allowed under the scheme. As the aspirations of the Homes Upgrade Grant are aligned with those of the Disabled Facilities Grant (DFG) there is the opportunity to use DFG funding to support the scheme in relation to 'hard-to-treat' properties.
- 1.3 Disabled Facilities Grant funding is provided to housing authorities from the Better Care Fund (BCF), which is a programme that supports local systems to successfully deliver the integration of health and social care in a way that supports person-centred care, sustainability and better outcomes for people and carers. Whilst DFG funding represents a relatively small part of the overall BCF, it is recognised as an important way of supporting the overall aims and objectives of BCF and as a consequence housing authorities are encouraged to investigate innovative methods of supporting householders and carers in their homes.

### **2. Key Issues**

- 2.1 Derbyshire Dales District Council has successfully run Disabled Facilities Grant programmes for more than 30 years. Throughout most of this period the programmes have concentrated on the delivery of mandatory DFGs only, as the funding allocated to the Council was only sufficient to meet the level of demand for mandatory grants. However, in recent years demand has fallen. The reasons for this decline are not fully understood, but there has been a noticeable and significant fall in the number of enquires and completed schemes since the advent of the Covid pandemic. This decline has, in turn, led to significant underspends, such that the Council held £782,136 in reserve as of 1 April 2023. As DFG funding is ring-fenced for work that supports the aims of the Better Care Fund, these reserves cannot be used to support other, unrelated District Council priorities.
- 2.2 In 2020 Committee approved an amendment to the Housing Renewal Policy which waived the Test of Resources contributions of DFG applicants who were assessed as having to make a contribution of up to £5,000 and this has been found to work well, having had the desired effect of supporting applicants who might otherwise have dropped out of the system whilst still being unable to self-fund an adaptation. It is estimated that increased demand on the DFG budget by approximately £19,000 in 2022/23.

- 2.3 The District Council is now also delivering Homes Upgrade Grants (HUG), which are centrally funded grants aimed at retrofitting homes with no connection to the mains gas network. Whilst the Council has successfully delivered round 1 of HUG funding, it has been noted that additional costs associated with a number of 'hard-to-treat' properties have the potential to be a significant barrier to delivering the scheme for those living in such properties, impacting as they do, on the need to maintain average HUG funding to £18,000 per property. Officers are of the view that it is inequitable to exclude these properties from the scheme and it is therefore recommended that DFG funding be utilised to support these applications. It is estimated that a funding pot of £35,000 per year would be sufficient to provide this support and it is recommended that this level of funding should be made available for 2 years, to match the current HUG programme.
- 2.4 Colleagues at Derbyshire County Council Adult Social Care and Health have been consulted on this proposal and they are in support. It is recognised that improving the energy efficiency of homes and making warmth more affordable matches the aims of the Better Care Fund and that this proposal should therefore be supported.
- 2.5 Members are asked to approve these changes to the Council's Housing Renewal Policy, which will allow the amendments to come into effect, and to note the potential for further innovation, should the level of demand for mandatory DFGs not return to its pre-pandemic level.

### **3. Options Considered and Recommended Proposal**

- 3.1 The option to increase levels of HUG funding in relation to hard-to-treat properties is not available to the District Council as funding levels are controlled centrally. Therefore the only option has been to exclude these properties from the scheme. This is seen as inequitable and therefore it is recommended that sufficient funding is provided from the DFG reserve to support HUG applications in relation to listed properties.

### **4. Consultation**

- 4.1 Derbyshire County Council Adult Social Care and Health have been consulted on the proposed changes and are in support.

### **5. Timetable for Implementation**

- 5.1 A small number of expressions of interest from the owners of har-to-treat properties have already been received but have not been able to progress. The approval of the changes outlined above will enable these schemes to progress towards full applications immediately following approval. It is currently proposed that the funding be made available for 2 years to match the known availability of HUG funding.

### **6. Policy Implications**

- 6.1 In order for the proposed fund to be established it is necessary for the recommended amendments to the Council's Housing Renewal Policy to be approved.

## **7. Financial and Resource Implications**

- 7.1 The total financial implications of the proposed amendments are £70,000 over a 2 year period. This level of commitment can be financed from the Disabled Facilities Grant funding currently held in reserve.
- 7.2 Subject to the committee's approval of this report, it will be necessary to increase the amount included in the capital programme for DFG expenditure by £30,000 for 2023/24 and by £40,000 for 2024/25. This will be reflected in the updated capital programme that will be presented to full Council on 27 July 2023.
- 7.3 The proposed expenditure is fully financed by grants held in reserves and will be monitored by officers to ensure that it is within budget. Therefore, the financial risk is assessed as low.

## **8. Legal Advice and Implications**

- 8.1 It is a duty that local authorities publish a policy on their interventions in the private housing sector in order to maintain and improve as necessary the housing stock in their area, and also that the local authority publish their enforcement policy for the application of their legal powers and duties. As this report proposes an update to the policy, the legal risks are assessed as low.

## **9. Equalities Implications**

- 9.1 Currently householders living in hard-to-treat properties have not been able to access the HUG scheme. Approval of the proposed changes would have the benefit of making the scheme equally available to those householders. Other eligibility requirements of the scheme are set centrally and therefore there are no other equalities implications for the Council at this time.

## **10. Climate Change Implications**

- 10.1 In addition to improving the energy efficiency of domestic properties, HUG assists in reducing carbon emissions from housing. As such the scheme has positive climate change implications.

## **11. Risk Management**

- 11.1 The delivery of the Homes Upgrade Grant scheme is covered by its own specific risk register. The use of DFG funding to support this scheme is considered to be low risk, given that the proposal has the support of the administrators of the Better Care Fund, from which the DFG funding is derived.

## Report Authorisation

Approvals obtained from Statutory Officers:-

	<b>Named Officer</b>	<b>Date</b>
Chief Executive	Robert Cogings on behalf of Paul Wilson	04/07/23
S.151 Officer (or Financial Services Manager)	Karen Henriksen	29/06/2023
Monitoring Officer (or Legal Services Manager)	James McLaughlin	05/07/2023

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# HOUSING RENEWAL POLICY

(2023 – 2026)



**Draft June 2023**

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## INTRODUCTION

The purpose of this Policy is to set out the principles by which Derbyshire Dales District Council will assist owner-occupiers, tenants and landlords in the private sector with housing renewals in light of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 made by Government on 18 July 2002 and the changes introduced by the Housing Act 2004 in April 2006.

The Regulatory Reform Order repealed much of the previous prescriptive range of home improvement grants, together with the associated detailed rules, procedures and conditions. The exception to this statement is the system of Mandatory Disabled Facilities Grants, which remains largely unaltered. To replace the previous prescriptive grant system the Council now has a general power to provide grants, loans, advice, materials, or to directly carry out works, for the purpose of repairing, improving, extending, converting or adapting housing accommodation. The Council also has discretion to decide on rates of grant, grant conditions and all other such issues

The Housing Act 2004 introduced new methods of enforcing housing standards, including the Housing Health and Safety Rating System (HHSRS) and the mandatory licensing of certain types of houses in multiple occupation.

## LINKS TO CORPORATE OBJECTIVES AND STRATEGIES

This Housing Renewal Policy forms an integral part of the Council's wider Housing Strategy and through it links with corporate objectives. In particular private sector housing renewal contributes to:

Affordable, decent housing (**Corporate Plan**)

Enabling independent living (**Corporate Plan**)

Providing adaptations to the homes of disabled people (**Corporate Plan**)

Improving energy efficiency and reducing fuel poverty (**Home Energy Conservation Act Report and Action Plan**)

## PRINCIPLES OF THE POLICY

Government has made it clear with previous renewal policies that the responsibility to maintain private property rests firmly with the owner. Therefore it is not desirable for the District Council to offer assistance for all private sector housing problems. In addition financial constraints are such that this would not be possible even if it were desirable. Nevertheless it is recognised that the private sector housing stock is a major public asset. Previously the District Council has offered assistance as a form of investment for long-term public benefit as well as to directly assist vulnerable groups to remain in their own homes and to address certain high priority themes.

The total amount of assistance that can be offered is directly related to the levels of funding that are available. Derbyshire Dales District Council will work to ensure that it levers in the maximum amount of finance from all sectors to make the best improvement in private sector housing conditions that it can. In the past the majority of this funding has come from the Department for Communities and Local Government via the Regional Housing Group. In more recent times this source of funding has ceased and as a consequence there is currently no general discretionary housing grant fund.

Derbyshire Dales District Council will continue to investigate sources of funding for one-off housing projects and for low-level repairs. As and when these funding streams become available the Housing Renewal Policy will be updated to reflect their availability.

Derbyshire Dales District Council does not suffer from well-defined, large-scale areas of housing disrepair. Properties in poor repair tend to be scattered around the district, either individually or in small pockets. For this reason it is difficult to adopt a Policy that is based on a large-scale area renewal approach (which is not to say that small 'group repair' schemes would not be appropriate in certain circumstances). The Council is committed to the collection of housing data through the commissioning of local house condition surveys from time-to-time and as funding allows. The last such survey was undertaken in 2019/20 and finalised in August 2020.

The priorities for assistance set out in this Policy have been informed by the principles set out in the Council's Housing Strategy, by Central Government priorities and by previous renewal approaches. They may be summarised as follows:

- The provision of affordable housing;
- Adapting homes for disabled residents.
- Addressing category 1 hazards under the HHSRS;
- Removing households from fuel poverty;
- Bringing empty properties and under-used properties back into use;
- Dealing with local housing problems;

Whilst the provision of affordable housing is addressed by other means this Policy sets out the mechanisms by which the Council will achieve the other priorities and outlines the general procedures to be followed. The detailed procedures and conditions are contained in a series of appendices to this Policy. In this way it will be easier to add, amend and remove mechanisms as they are developed or taken out of use.

## REVIEWING THE POLICY

The Policy will be reviewed formally at annual intervals to ensure that it remains responsive to local needs and makes best use of the funding available. However, the Policy is a 'live' document and it is intended that the mechanisms by which the Council offers assistance will be kept under development throughout the life of the Policy. The modular nature of the appendices will enable the removal and addition of ways of offering assistance as new mechanisms become available and are tested. As such, revisions may be made at any time.

## MAIN PRIORITIES FOR ASSISTANCE

As stated above the Council has identified 6 priorities for assistance and intends to address them as follows:

### 1. Adapting Homes for Disabled Residents

Mandatory Disabled Facilities Grants will continue to be provided to adapt the homes of disabled people so that their needs are met. Typical works include the installation of stairlifts and bathroom adaptations. The Council works closely with Derbyshire County Council Social Services and Architects in order to ensure that the best possible service is offered.

Discretionary grants will continue to be offered as finances permit. Prior to the Covid 19 pandemic the level of funding had only allowed the Council to offer mandatory DFG, however, since then reductions in demand have enabled significant reserves to be built up and it is now possible to consider the use of these reserves to fund other interventions that contribute to the aims of the Better Care Fund, from which DFG funding is derived. As DFG funding is provided through the Better Care Fund and is monitored locally by the Better Care Fund Board, any spend other than on mandatory DFG has to be approved and then monitored through the Board.

### 2. Addressing Category 1 Hazards

The Housing Act 2004 changed the way in which local authorities enforce housing standards. The long-established fitness standard was replaced by a system called the Housing Health and Safety Rating System (HHSRS). Under this system any housing defects have to be considered in relation to 29 separate hazards and a process undertaken to determine how likely the hazards are to result in harm. A score is allocated and action may be taken depending upon which category the hazard falls into. Some form of enforcement action must be taken for category 1 hazards, whereas enforcement action is discretionary for category 2 hazards.

Derbyshire Dales District Council will use the full range of enforcement tools to ensure that hazards are remedied in the most appropriate manner, in line with its Enforcement Policy.

### 3. Removing Households from Fuel Poverty

Fuel poverty is the set of circumstances where a lower income household is living in a home that they cannot afford to keep warm at reasonable cost. Households in fuel poverty are likely to live in non-decent homes, as the Decent Homes Standard requires a dwelling to have reasonable levels of thermal comfort. For a number of years the Government's main route for bring vulnerable households out of fuel poverty has been by imposing and

regulating the Energy Company Obligation, but recently additional funding has been made available to improve the energy efficiency of private housing initially through the Green Homes Grant and latterly through local authorities via a competitive bidding process.

This Strategy sets out the ways in which Derbyshire Dales District Council will try to help those households who are in fuel poverty to access the means by which they can be removed from fuel poverty. In the main this is through strategic intervention with the Local Authorities' Energy Partnership and other partners to shape the schemes that are on offer, and by then signposting to those services.

In addition the Council will continue to offer advice and referral services to all, regardless of whether they are fuel poor or fuel rich.

#### **4. Empty Properties**

Empty properties often attract vandalism, crime, and rubbish dumping and can easily become detrimental to the amenity of an area. They are also a waste of valuable housing accommodation. Within the Derbyshire Dales there are approximately 400 to 500 long-term empty properties at any one time. Their re-use can reduce pressure for development on Greenfield sites and contribute towards sustainable development.

This Strategy indicates the ways in which the Council will bring these properties back into use. In addition the Council will use the full range of enforcement tools to secure the re-use of empty property, including the provision of advice, the use of Empty Dwelling Management Orders and, where appropriate, the use of enforced sale and compulsory purchase powers. The District Council intends applying the Council Tax premium on long-term empty properties from April 2019.

Actions in relation to empty properties are managed across the District Council through a cross-departmental Hub.

#### **5. Dealing with Local Housing Problems**

Where local issues arise that have an impact on the housing stock this Policy will be used to formulate and monitor appropriate responses. In the past much work has been done in connection with radon in homes and whilst this issue has declined in profile in recent years this Policy enables the District Council to respond to other local housing problems as appropriate and to amend this Policy to ensure that its actions are effective in tackling them as they emerge.

## **GRANTS AND OTHER FORMS OF ASSISTANCE**

In recent times the amount of recurrent funding available to the District Council to provide home improvement grants has reduced dramatically. As a consequence the only housing grant funding that is now available on a regular basis is Disabled Facilities Grant.

The District Council will continue to look for sources of funding as they become available and this Policy will be amended as and when any such funding becomes available.

The information below provides an oversight of the funding available at the current time.

### **1. Disabled Facilities Grants (DFG)**

These are the only grants remaining that are mandatory and the rules for their provision are given in the Housing Grants, Construction and Regeneration Act 1996 and further explained in the publication 'Delivering Housing Adaptations for Disabled People: A Good Practice Guide' issued by the Office of the Deputy Prime Minister. Provision is made to undertake works above and beyond those required by the mandatory system. Both mandatory and discretionary assistance are explained in detail in Appendix A.

DFGs are provided to adapt the homes of disabled people to meet their needs. The need for the adaptation is determined by an occupational therapist (OT) from Derbyshire County Council Social Services Department. Applications for grant will only be considered following a recommendation from an OT. All such applications will be assessed by the Council's Public Health and Housing Team to ensure that the work is necessary and appropriate.

DFGs may also be provided to assist disabled people to move to a more suitable property where this is more cost effective than adapting their current properties.

All DFG applications are subject to a test of the financial resources of the grant applicant. The form of this test is prescribed in legislation and is not under the control of the Council. Applicants will be screened using a 'cut-down' preliminary test of financial resources where appropriate, before progressing to a full test at the time of formal application, in order to simplify the process for applicants.

The grants cover any reasonable costs in excess of the applicant's assessed contribution, subject to a mandatory grant limit of £30,000.

To be referred for a DFG assessment applicants should contact Derbyshire County Council's Call Derbyshire on:

Telephone: 01629 533190

### **2. Affordable Warmth Support**

The District Council is committed to helping residents to be able to live comfortably in their own homes. The resource that the Council is able to provide towards this issue is mainly strategic in nature and most actual interventions are provided through other agencies. In particular the Council is a member of the Nottinghamshire and Derbyshire Local Authorities' Energy Partnership (LAEP) and is able to make use of the Healthy Homes scheme provided through Derbyshire County Council's Public Health service.

Wherever possible the District Council will look to take advantage of funding provided through schemes such as the Energy Company Obligation (ECO) and will support residents through the ECO scheme via a partnership with Derbyshire County Council. The Council has jointly published a statement of intent for delivery of the scheme and this statement currently sets out the Council's flexible eligibility criteria for the latest iteration of the scheme, ECO4, which will be delivered until March 2026.

The Council will also continue to maximise the funding available to residents through Government fuel poverty schemes administered through local authorities.

The current Government focus is the worst-performing off-gas grid owner occupied and privately rented homes which are eligible for upgrades through the Home Upgrade Grant Scheme (HUG).

The current round of funding (HUG2) is available until March 2025 and has two key objectives.

- To deliver progress towards the statutory fuel poverty target for England, by improving as many fuel-poor homes as reasonably practicable to a minimum energy efficiency rating of Band C by 2030
- To progress the UK's target to reach Net Zero by 2050, by supporting the phase out of off-gas grid fossil fuels and the transition to low-carbon heating systems

The schemes allow fully funded energy efficiency measures such as insulation, solar panels and low carbon heating to be installed in homes with the poorest EPC ratings where residents are on a low income. The Council identifies eligible households and manages the installation of the measures through its own contractors.



## **ADVICE**

Through the LAEP membership the Council has access to the services of the fuel poverty charity Marches Energy Agency. They provide free impartial energy advice through their Warmer Derby and Derbyshire Scheme including a dedicated telephone line and home visits where appropriate.

The Housing Team offers advice on various housing options and is able to provide support for those seeking accommodation within the District. The Environmental Health Section offers advice on private sector renewal (that is: grants and enforcement in the private sector, including advice on illegal eviction and harassment) and on affordable warmth and fuel poverty issues.

The District Council is committed to working with landlords and tenants to maintain and improve housing standards in the private rented sector, including houses in multiple occupation.

## **LICENSING OF HOUSES IN MULTIPLE OCCUPATION**

Through its Public Health and Housing Team Derbyshire Dales District Council operates a licensing scheme for houses in multiple occupation (HMOs), in accordance with Part 2 of the Housing Act 2004. Only those HMOs that require mandatory licensing are covered by the scheme at the present time.

The categories of HMO covered by mandatory licensing are those:

- Occupied by 5 or more persons forming more than one household;
- With shared facilities such as bathrooms, WCs or kitchens; or comprising flats provided by conversion before 1 June 1992.

This system of licensing is supported by a full inspection and enforcement service as detailed below.

## **ENFORCEMENT**

The Housing Act 2004 introduced the new statutory minimum standard for housing called the Housing Health and Safety Rating System. This system works by assigning housing defects to one or more of 29 separate hazards and by then assigning scores to the hazards based on the risks they present to the potential occupants of the house. These scores are then divided them into categories 1 and 2.

Where a hazard falls into category 1 the Council has a duty to take some form of enforcement action and where it falls into category 2 the Council may take enforcement action at its discretion. In these circumstances emergency measures cannot be used and authorities cannot make demolition orders or declare clearance areas.

The actions available to the Council are:

- Improvement Notice;
- Prohibition Order;
- Hazard Awareness Notice;
- Emergency Remedial Action\*;
- Emergency Prohibition Order\*;
- Demolition Order\*;
- Clearance Area\*
- Civil Penalties
- Banning Orders.

(\* not available where a property contains category 2 hazards only).

Derbyshire Dales District Council is committed to dealing with housing hazards within its area and intends to use the whole range of enforcement options where appropriate. In the main it is expected that enforcement action will be centred on the private rented sector. All decisions on enforcement action will be taken in accordance with the Council's Enforcement Policy.

Enforcement action can take many forms and Derbyshire Dales District Council is committed to a phased approach to enforcement. Wherever possible housing issues are resolved without the need to serve notices and pursue formal enforcement through the Courts and/or works in default. However, where no other option is open to the Council the appropriate notices will be served. The service of certain notices attracts a charge to cover the Council's costs in taking formal enforcement action. These costs are agreed each year through the review of the Council's Fees and Charges and are published on the District Council's website.

The issue of radon in private rented sector homes is one that is likely to affect Derbyshire Dales District Council more than the vast majority of other local authorities. The District Council is committed to ensuring its residents are protected from radon and it intends to use these enforcement powers to require landlords to assess their properties for the presence of radon and to take remedial action where levels are found to exceed the action level of 200Bq/m<sup>3</sup>.

## **COMMENTS AND COMPLAINTS ABOUT THE POLICY**

The Council welcomes any comments, complaints, queries or suggestions about this Policy. You should set out any such matters in writing to the following address:

Environmental Health Manager  
 Derbyshire Dales District Council  
 Town Hall  
 Matlock  
 Derbyshire  
 DE4 3NN  
 Email: [envhealth@derbyshiredales.gov.uk](mailto:envhealth@derbyshiredales.gov.uk)

All comments will be carefully considered and you will receive a written reply. Where appropriate the Council may contact you to discuss the views you have put forward.

## **APPEALS**

Appeals about how the Policy is operated in individual cases will be considered initially by a Review Panel consisting of the Director of Regulatory Services and the Environmental Health Manager. The purpose of the panel is to ensure consistency of decisions and to provide a forum for the consideration of the merits of each individual appeal.

Appeals must be set out in writing and must include the specific grounds on which the appeal is based. Appeals will only be considered on the following grounds:

- That the Policy has been incorrectly applied in the case in question; or
- That the case in question is exceptional in some way that justifies an exception to the general policy.

Appeals will not be considered on the grounds that the appellant disagrees with the Policy. Any such comments should be dealt with under the mechanism for comments and complaints.

A written response will be given in all cases where an appeal is heard. The reasons for the decision reached by the Review panel will be fully explained in the written response.

All appeals will be carefully reviewed to ensure that any lessons that are learned are incorporated into this Policy.

# **APPENDIX A: DISABLED FACILITIES GRANTS**

## Purpose of Disabled Facilities Grants

The main purpose of disabled facilities grants is to improve the dwellings of disabled people so that it is easier for them to use their properties. This may mean enabling disabled people to be more able to care for themselves or making it easier for carers to look after a disabled person.

The Good Practice Guide specifies the types of works that fall into the scheme as follows:

- **Facilitating access and provision** – these include works to remove or overcome any obstacles that prevent a disabled person moving freely into and around the dwelling and enjoying its use. The presumption is that a disabled person should have reasonable access into his home, to its main habitable rooms and to the bathroom or shower room. Grants for stairlifts are given under this section;
- **Making a dwelling or building safe** – It is considered inappropriate to be prescriptive on the particular works that might be carried out under this section as the specification will depend on circumstances. However, they may include improving a lighting system, providing an enhanced alarm system or adapting the dwelling to minimise the risk of danger where a disabled person has behavioural problems which occasionally cause him to act in a boisterous or violent manner damaging the dwelling, himself or other people;
- **Room usable for sleeping** – the provision of a room usable for sleeping may be considered if the adaptation of an existing room or the access to that room is unsuitable;
- **Bathroom** – a disabled person should have access to a wash-hand basin, a WC and a shower or a bath (or if appropriate, a shower and a bath). This section may be used to provide these facilities and/or to facilitate their use;
- **Facilitating preparation and cooking of food** – this section allows the Council to offer disabled facilities grant to adapt kitchens to enable a disabled person to cater independently. It should be noted that where most of the cooking and preparation is done by another family member it will not normally be appropriate to carry out full adaptation of the kitchen;
- **Heating, lighting and power** – this section provides for the provision or improvement of a heating system to meet a disabled person's needs. Heating will not normally be provided in rooms that the disabled person does not use and the installation of a full central heating system should only be considered where the well-being and mobility of the disabled person would otherwise be affected. In addition this section allows for the adaptation of heating, lighting and power controls to make them suitable for use by a disabled person;
- **Dependent residents** – disabled facilities grant may be given for works to enable a disabled occupant better access and movement around the dwelling in order to care for another person who normally resides there;
- **Common parts** – disabled facilities grant may be given for works to facilitate access to a dwelling through the common parts of a building.

## **DISCRETIONARY ASSISTANCE FOR DISABLED FACILITIES AND ADAPTATIONS**

Article 3 of the Regulatory Reform Order enables local authorities to give discretionary assistance in any form for adaptations or to help the occupant to move to alternative living accommodation.

Derbyshire Dales District Council may give such assistance in the form of grants according to the financial resources available at the time of the application and at the discretion of the Environmental Health Manager. Works that may qualify for discretionary disabled facilities grants include:

- Particularly expensive works costing above the normal maximum of £30,000, where the applicant cannot fund the additional costs by any other reasonable means;
- Providing adaptations to allow disabled occupants to receive specialised care or medical treatment in their own homes;
- Adapting or providing a room to be used by a disabled person who is housebound but is able to work from home;
- Providing more satisfactory internal living arrangements for a disabled occupant where the works are of direct benefit to the disabled occupant rather than other members of the household. Such works might include extending or enlarging a dwelling that is already suitable for the disabled person in all other respects;
- Assisting a disabled person to move to a more suitable property where it is more cost effective than adapting the current home to make it suitable for the occupant's present and future needs, even though the new property may require some adaptation.

### **Eligibility**

In all cases it is necessary that the works specified in a disabled facilities grant scheme will meet the needs of the disabled person. For this reason it is essential that close liaison is maintained with the social services authority. The Good Practice Guide sets out the exact roles that both Social Services and Environmental Health should take, but in general terms Social Services will determine the needs of a disabled person and Environmental Health will determine whether it is reasonable and practicable to carry out the proposed works.

In practice this means that grant applications will normally be accompanied by a referral (Derbyshire Adaptation Partnership Referral form, or DAPR) from Derbyshire County Council's Social Services Department. Occasionally a referral may be provided by another agency, such as the Disability Resource Team and in these cases it is required that the grants officer will also liaise with Social Services.

In all cases it is essential that the wishes of the disabled person and, where applicable his or her family, are taken into account in designing the adaptation. Whilst there are necessary limits on what may be provided in terms of what will meet the disabled person's needs, and what is reasonable and practicable, wherever possible all efforts should be made to accommodate the disabled person's wishes.

Disabled facilities grants are available for owner-occupiers and tenants. The circumstances in which each of these groups of people may be eligible for grant are set out in the 1996 Act and the Good Practice Guide. This section summarises these rules but in any situation where there is doubt as to eligibility reference must be made to the two main documents.

- **Owner-occupiers** – may apply for disabled facilities grants subject to a test of financial resources. There is no prior qualification period and the property does not have to have been a dwelling for 10 years, as is the case with some discretionary renovation grants. Whilst there is no grant condition requiring repayment of the grant an ‘owner’s certificate’ must be provided;
- **Tenants** – may also apply for disabled facilities grants subject to the conditions above and the provision of a ‘tenant’s certificate’. In addition the landlord of the dwelling should provide an ‘owner’s certificate’ unless it is considered to be unreasonable to require him to do so.

## Amount of Grant

The amount of grant offered to applicants will depend on the result of their test of financial resources calculation but is subject to a maximum of £30,000.

Occasionally applications are received from disabled people whose conditions are degenerative and in these cases it may be anticipated that further adaptations may be required in the future. The 1996 Act provides for this situation by allowing Councils to reduce the amount of an applicant’s contributions by the amount that was contributed to a previous adaptation. This means that if the second application is made during the period of the notional loan assumed for the first application (10 years for owners and 5 years for tenants), then the amount of the second contribution should be reduced by the amount that the applicant contributed to the first adaptation. Thus if an applicant contributed £8,000 towards an adaptation and then made an application for further works towards which his contribution was £10,000 the second contribution would be reduced by the amount of the first leaving a contribution of £2,000.

## Test of Resources

Adult applicants for disabled facilities grants are subject to a test of financial resources. The full details are given in the Circular, but can be summarised as follows:

The relevant person for the purposes of a disabled facilities grant is:

- the disabled occupant for whom the works are to be undertaken; and
- his/her spouse or partner; or

Where the person for whom the adaptation is intended is a child or young person 18 years old or younger then no test of resources is applied to him/her or to his/her parents.

This definition of a relevant person recognises that other members of the household do not benefit from the provision of adaptations for a disabled occupant.

Experience has shown that the Test of Resources is not an exact tool and that applicants who are required to make a relatively small contribution towards the cost of an adaptation are often unable to do so, resulting in no adaptation being made. In recognition of this, from 1 April 2020 Derbyshire Dales District Council will waive Test of Resources contribution where the applicant is assessed as having to make a contribution of less than £5,000 and in those circumstances will fund the full cost of the eligible works, where ongoing Better Care Funding permits.

## Grant Conditions and Repayment

DFG will be provided for the only or main residence of an applicant. They are given subject to the following condition:

- If the grant recipient disposes of the property within 10 years of the date on which the local authority certifies that the works have been completed the local housing authority may demand repayment of that part of the grant that exceeds £5,000, subject to a maximum demand of £10,000

Repayment will only be demanded where the local housing authority is satisfied that it is reasonable to do so, having regard to:

- The extent to which the recipient would suffer financial hardship;
- Whether the disposal of the property is to enable the recipient to take up employment or to change the location of his/her employment;
- Whether the disposal is made for reasons connected with the physical or mental health or well being of the recipient or of a disabled occupant of the property; and
- Whether the disposal is made to enable the recipient to live with, or near, any person who is disabled or infirm and in need of care, which the recipient is intending to provide, or who is intending to provide care which the recipient is in need by reason of disability or infirmity.

## Alternative Use of DFG Funding

Under the terms of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 it is possible to use DFG funding to support housing activities other than DFG, where those activities support the broad aims of the Better Care Fund, to enable residents to remain comfortably in their own homes rather than requiring some form of supported accommodation. It is this flexibility that has been used by Derbyshire Dales District Council to waive Test of Resources contributions below £5,000 as set out above in the section on Test of Resources. It is now proposed to utilise a proportion of the funding to support the provision of Homes Upgrade Grants as set out in Appendix B below.



# **APPENDIX B: HOMES UPGRADE GRANTS**

## **Purpose of Home Upgrade Grants**

Fuel poverty is the problem faced by households living on a low income in a home which cannot be kept warm at reasonable cost. Having a home that is adequately and safely heated, enables our residents to stay well, safe and independent at home for longer in accordance with the aims of the Better Care Fund.

The fuel poverty strategy 'Sustainable warmth: protecting vulnerable households in England' (2021) set out how the Government intends to tackle fuel poverty, while at the same time decarbonising buildings, so that those in fuel poverty are not left behind on the move to net zero, and, where possible, can be some of the earliest to benefit.

The strategy announced details of new funding of £150 million for the Home Upgrade Grant to be delivered to 2025. The Home Upgrade Grant (HUG) will provide energy efficiency measures and low carbon heating to low income households living in the worst performing, off gas grid homes in England to tackle fuel poverty and make progress towards net zero 2050.

## **Eligibility**

One of the scheme's key eligibility parameters is that funding must be targeted at low-income households likely to be in fuel poverty.

In summary the eligibility criteria are:

- Domestic dwellings;
- Off-gas grid dwellings (electricity, oil, coal, LPG, or solid fuels used for heating purposes rather than mains gas);
- Dwellings with an EPC rating of band D, E, F or G (this is a SAP score of 68 or below);
- Owner occupier and private rented sector (PRS) dwellings. PRS dwellings are only eligible with the following restrictions:
  - Landlords with a portfolio of four properties or fewer;
  - Landlords will have to declare that they have not received subsidy over the Minimal Financial Assistance limit of £315k
- Dwellings the most economically deprived neighbourhoods (income deciles 1- 3) providing the home is off-gas grid and rated EPC Band D or below or;
- Households receiving a means-tested benefit and/or with a combined annual income of below £31,000 (before tax).

The Council has a defined process for assessing eligibility that has been reviewed and approved by the Government department providing funding.

Residents may be directly targeted by the Council through use of a combination of available data sets (e.g. EPC register, Council Tax Reduction data), referred by other Council departments or partner organisations or they may self-refer.

## **Amount of Grant**

The amount of HUG offered to applicants is subject to cost caps and varies depending on the assessment carried out of their property and the energy efficiency works required to upgrade the dwelling in accordance with the aims of the scheme - EPC F-G homes to be

upgraded to a minimum band D and EPC E-D homes to be upgraded to a minimum band C.

Low-income owner occupiers can access full grant funding and should not contribute towards the cost of upgrades. Landlords who have low-income tenants, who meet the eligibility criteria, can access grant funding. Landlords are required to make a minimum contribution of one third towards the total cost of works, in line with the scheme's cost caps. This means that the maximum subsidy a landlord can receive is equivalent to two thirds of the subsidy received by an owner occupier (in a dwelling of the same heating type and starting EPC).

The Council is provided with a small administrative and ancillary (A&A) budget to enable delivery of the HUG. This budget covers, amongst other things, the costs of submitting planning applications for works on behalf of residents, where these are required. However, where eligible residents are living in a listed building, a building in a conservation area or a building that is otherwise 'hard to treat' by the nature of archetype or location this A&A budget is not always sufficient to cover these enabling costs. This means that the fuel poor resident may be left unable to benefit from the grant funding. There are significant numbers of dwellings in the Derbyshire Dales to which this may apply.

### **Use of DFG funding**

A maximum of £5000 will be allocated to each 'hard to treat' property.

DFG funding will be used to:

- Procure the expert advice required to support the preparation of planning applications for 'hard to treat' dwellings – both in the pre application and full application stages
- Support enabling works for energy efficiency works to 'hard to treat' properties to take place

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# Agenda Item 11

**Community and Environment Committee – 13<sup>th</sup> July 2023**

## **HOME UPGRADE GRANT (HUG) 2 FUNDING**

### **Report of Director of Regulatory Services**

#### **Report Author and Contact Details**

Jo Hill, Climate Change Project Officer  
01629 761243 or [joanna.hill@derbyshiredales.gov.uk](mailto:joanna.hill@derbyshiredales.gov.uk)

Tim Braund, Director of Regulatory Services  
01629 761118 or [tim.braund@derbyshiredales.gov.uk](mailto:tim.braund@derbyshiredales.gov.uk)

#### **Wards Affected**

District-wide

#### **Report Summary**

The report makes a recommendation to accept the offer of £1,897,500 of HUG2 grant funding to improve the energy efficiency of off gas private housing across the district where residents are in fuel poverty.

#### **Recommendation**

That Council be requested to agree the decision to accept HUG2 funding of £1,897,500.

#### **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

## Home Upgrade Grant (HUG) 2 Funding

### 1. Background

- 1.1 This latest round of funding builds on previous Local Authority Delivery (LAD) and HUG schemes through which the Council has improved the energy efficiency of over 250 homes, across all tenures, where residents were in fuel poverty since the original pilot project in 2019.
- 1.2 To date the Council has delivered the following:
  - Pilot Hurst Farm scheme – 11 homes
  - LAD1A (£760k plus partner contributions) – 120 homes
  - LAD2 (£626k plus partner contributions) – 70 homes
  - SWC (HUG1/LAD3) (£907k) – 65 homes (to complete by September 2023).
- 1.3 The schemes will reduce emissions from homes across the district by an estimated 290 tonnes of carbon each year.
- 1.4 The schemes enable fully funded energy efficiency measures such as insulation, solar panels and low carbon heating to be installed in homes with the poorest EPC ratings (D or below) where residents are on a low income.
- 1.5 The Council manages the installation of the measures through its own contractors and provides support to the resident, latterly via a partnership with the fuel poverty charity Marches Energy Agency, throughout the process.
- 1.6 The schemes have the dual benefit of reducing district wide emissions and improving quality of living for residents. Feedback from residents has been generally very positive.
- 1.7 The HUG2 scheme has two key objectives:
  - To deliver progress towards the statutory fuel poverty target for England, by improving as many fuel-poor homes as reasonably practicable to a minimum energy efficiency rating of Band C by 2030, with the interim milestone of Band D by 2025.
  - To enable the delivery of the wider Net Zero programme to phase out high-carbon heating for homes off the mains gas grid, by growing supply chains and ensuring such policies do not act to the detriment of fuel-poor households.
- 1.8 HUG2 is specifically targeted at owner occupied and private rented sector fuel-poor homes off the gas grid.
- 1.9 Where data is available, residents that may meet the key criteria of the scheme will be contacted and asked to apply for the scheme. There will also be a programme of promotion to encourage applications from any resident who thinks they may meet the criteria. All applications will be made

through Marches Energy Agency in the first instance, who can provide support where residents are not eligible

## **2. Key Issues**

2.1 As part of a Midlands Net Zero Hub led consortium bid (administered through Nottingham City Council) the Council has been awarded:

**Year 1 (2023/24) - £690,000 (target 38 homes)**

**Year 2 (2024/25) - £1,035,000 (target 58 homes)**

2.2 In addition, 10% of the above funding can be claimed for administrative and ancillary costs, acknowledging that Councils will have ongoing costs to administer and evaluate projects and to enable the funding to be capitalised. This funding will be received upfront at the beginning of each delivery year along with a capital deposit payment.

2.3 The remaining forecasted funding can be claimed in portions over the course of the delivery window each time a batch application – a group of homes that are ready for installation - is approved.

## **3. Options Considered and Recommended Proposal**

3.1 The recommendation is to accept the grant offer. The alternative option considered was to decline the offer. This option was rejected. Without the availability of grant funding the Council has limited means to support residents in fuel poverty. Declining the grant offer could lead to reputational issues where such grant funding is available in neighbouring authorities.

## **4. Consultation**

4.1 None

## **5. Timetable for Implementation**

5.1 Grant Offer Letters sent to Lead Authorities – early May 2023.

5.2 Grant funded works delivered to March 2024 (year 1 funding) and March 2025 (year 2 funding).

## **6. Policy Implications**

6.1 The Corporate Plan 2020-24 identified climate change as a key strategic priority under the theme 'Place - keeping the Derbyshire Dales clean green & safe'. The delivery of this scheme also accords with the strategic vision and priorities of the Vision Derbyshire Climate Change Strategy 'Decarbonising Derbyshire's Housing'.

## **7. Financial and Resource Implications**

7.1 The most recent fuel poverty schemes have been led and delivered by the Climate Change Project Officer. The targeting, resident engagement, management of contractors and the required reporting is very time consuming and requires significant resource. As such it is proposed that

the Climate Change Project Officer leads on the delivery of HUG2 but with dedicated support through the creation of a new role.

- 7.2 The Director of Regulatory Services will continue to provide oversight of the scheme.
- 7.3 In order to ensure that the Council can effectively support the scheme alongside other priorities, a ‘Customer Journey Support’ partner will be used – as per the delivery model in HUG1. The partner, Marches Energy Agency, has been procured and will be funded via the Midlands Net Zero Hub using a portion of the grant funding. They will be responsible for resident engagement on behalf of the Council, eligibility checking (of both property and resident) and post install support. All communication will take place jointly, with Council having approval of all formal external communication.
- 7.4 The existing contract for installation of measures has been extended – this is with Broad Oak Properties who have been the delivery partner on HUG1.
- 7.5 Ongoing support will be required from planning officers, where properties fall within the district Council planning area. This is in the form of the provision of free pre application advice i.e., whether measures such as solar panels and heat pumps can be installed under permitted development rights or whether planning applications are required.
- 7.6 The grant offer and associated documentation was received on 2 May 2023. If the Council wished to accept the grant offer, it had to be assessed and signed off by the Section 151 Officer (Director of Resources) by 31 May 2023. As there were no relevant committee or Council meetings within this timeframe, the grant offer was signed by the Director of Resources following a discussion at a Corporate Leadership Team meeting. This report seeks approval from this Committee to request Council to agree the decision to accept HUG2 funding of £1,897,500. This will be used to finance associated expenditure to be included in the capital programme.
- 7.7 As the grant offer has only recently been received, the associated expenditure has not yet been included in the approved capital programme. Elsewhere on the agenda for this meeting is a report that seeks the Committee’s approval for 13 new bids for capital projects to be referred to Council for inclusion in the District Council’s Capital Programme. The expenditure that will be funded by this HUG 2 grant has been included within that report as follows:

<b>Year</b>	<b>Expenditure</b>	<b>Notes</b>
2023/24	£759,000	£690,000 for works and £69,000 for administrative and ancillary costs
2024/25	£1,138,500	£1,035,000 for works and £103,500 for administrative and ancillary costs
<b>Total</b>	<b>£1,897,500</b>	

- 7.8 Financial risks have increased at this time of rapidly increasing inflation. Experience from previous energy efficiency schemes and working with a known partner should help to mitigate financial risks. The partner, Marches Energy Agency, has been procured and will be funded via the Midlands Net



Zero Hub using a portion of the grant funding. This in turn should minimise the risk of overspend. In addition, officers will monitor spending closely against the grant allocation. However, the risk of overspend cannot be eliminated and, therefore, the financial risk is assessed as 'medium'.

## **8. Legal Advice and Implications**

- 8.1 As stated, this report makes a recommendation for the Council to accept the offer of £1,897,500 of HUG2 grant funding to improve the energy efficiency of off gas private housing across the district where residents are in fuel poverty
- 8.2 There are two recommended decisions for the Council take in connection with this report, one is to ratify a decision and the second is to ensure required amounts are added to the relevant capital program.
- 8.3 Therefore, the legal risk associated with the recommendations as drafted has been assessed as low.
- 8.4 Advice has been sought from the Data Protection Officer and a DPIA completed. Relevant DSAs will be in place where data is shared between the partner organisations

## **9. Equalities Implications**

- 9.1 There are no equality implications for this proposal

## **10. Climate Change Implications**

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

## **11. Risk Management**

- 11.1 A specific risk register has been developed for the delivery of this scheme identifying relevant risks

### **Report Authorisation**

Approvals obtained from Statutory Officers:-

	<b>Named Officer</b>	<b>Date</b>
Director of Regulatory Services	Tim Braund	05/07/23
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	28/06/2023
Monitoring Officer (or Legal Services Manager)	Kerry France	27/06/2023





# Agenda Item 12

**OPEN REPORT  
COMMUNITY AND ENVIRONMENT COMMITTEE**

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**Community and Environment Committee – 13 July 2023**

## **ENVIRONMENTAL HEALTH COMMERCIAL TEAM SERVICE PLAN – FOOD HYGIENE AND HEALTH AND SAFETY AT WORK**

### **Report of Director of Regulatory Services**

#### **Report Author and Contact Details**

Amanda Goodwill, Environmental Health Manager  
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David Cowley, Principal Environmental Health Officer  
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#### **Wards Affected**

District-wide

#### **Report Summary**

This report informs Committee of the official interventions for food hygiene and health and safety at work undertaken by the Council's Environmental Health service during 2022/23 and predicts service demands for 2023/24.

#### **Recommendation**

That the service plan for the delivery of official controls detailed at Appendix 1 to this report be approved.

#### **List of Appendices**

Appendix 1 Commercial Team service plan 2023-2024

#### **Background Papers**

None

#### **Consideration of report by Council or other committee**

N/A

#### **Council Approval Required**

No

#### **Exempt from Press or Public**

No

# Environmental Health Commercial Team Service Plan – Food Hygiene and Health and Safety at Work

## 1. Background

- 1.1 The District Council is required under the Food Law Code of Practice to submit a Service Plan to cover all areas of food law the Competent Authority has a duty to enforce. The plan must set out how the Competent Authority intends to deliver and resource official food controls and other official activities in its area. A performance review must be carried out at least once per year. This performance review occurs on 1 April every year, and the findings are also directly provided to the Food Standards Agency.
- 1.2 Service plans are an important part of the process to ensure that national priorities and standards are addressed and delivered locally. Service plans also help ‘competent authorities’ to:
  - Focus on the principles of good regulation;
  - Focus on key delivery issues and outcomes;
  - Provide an essential link with corporate and financial planning;
  - Set objectives for the future and identify major issues that cross service boundaries;
  - Provide a means of managing performance and making performance comparisons;
  - Provide information on an authority’s service delivery to stakeholders, including businesses and consumers.
- 1.3 The service plan is drafted in accordance with guidelines issued by the Food Standards Agency, following a structured, common format, with chapters and subject headings specified and flexibility for competent authorities to include additional items under specific headings.
- 1.4 The service plan is required to review the qualitative and quantitative performance of delivery against the plan, at least once per year.
- 1.5 The Environmental Health service is also required to submit the service plan for approval by Members and to make the information contained within the plan available to the public.

## 2. Key Issues

- 2.1 Since the 1 April 2023 the Food Standards Agency have confirmed that all temporary flexibility from the Food Law Approved Code of Practice have been removed. The service must therefore follow the requirements of the Code.
- 2.2 The service visited / inspected all food establishments with a risk rating of **A / B** and **C** which is in-line with the Food Standards Agency expectations. The service undertook a significant amount of work on lower risk **D** and **E** establishments.

- 2.3 The Food Standards Agency are consulting on changes to the Food Hygiene Delivery Model, and this will have consequences for the service. The aim of the new approach is targeting responses towards higher risk establishments.
- 2.4 The new hygiene delivery model is likely to involve a computer system update / configuration and officer training.
- 2.5 The implications for Officer time for the new delivery model is difficult to assess now as the current delivery model and proposed model use slightly different information. The FSA have confirmed that a slight reduction in official visits is required however for areas with lots of poor performance the number of interventions will increase. So, on this basis an increase in Officer time is unlikely. The implications should become clear as the computer system provider update their application.
- 2.6 The service has confirmed to NEC / Assure (the computer software supplier) the service would be capable of piloting the new delivery model with the Food Standards Agency and NEC, if another Local Authority using the same database is not involved with the Pilot.
- 2.7 The Food Standards Agency are considering introducing Key Performance Indicators (KPI's). Once the service starts to receive further information on this area of monitoring / reporting, the service will review service planning and delivery inline with these measures.
- 2.8 The School Foods Standards Pilot with the Food Standards Agency is due to complete on the close of this school year. A report into the study will be published in due course. The service trialled using Partial Inspections during the study to improve efficiency and reverted to a full inspection if areas of concern were noted during the visit.
- 2.9 Register a Food Business is now operational on-line, and all food and health and safety work activities are now operational on our Assure Database, including other functions of the wider service. The only areas left for configuration are Private Water Supplies and Environmental Permits and this work will continue in 2023 with completion in late 2023/early 2024.
- 2.10 The service plan confirms a slight change in the demographic of food hygiene rating within the district. This includes businesses which are closing or changing ownership.
- 2.11 The service plan includes details for regulating Health and Safety within the district, including projects on un-supervised swimming pools, and large events.
- 2.12 Each table with the report confirms matters of significance

Table 1 page 5 – shows the demographic of businesses by risk rating and shows a change in risk ratings generally – fewer **D & E** risk premises and

slightly more **C** risk establishments but also closure of a lot of records / business.

Table 2 page 5 – shows the premises which are subject to a hygiene score and the changes in demographic from last year. The total number of establishments.

Table 3 page 8 confirms the outstanding interventions from 2022/23 which includes 44 **D** risk premises and 62 **E** risk premises, and projects the number of official controls needed for the 2023/24.

Table 4 page 9 confirms the trends of complaints and enquires to the service. With the changes to Assure the way enquiries are recorded is slightly different and now in-line with the Food Standards Agency categories (concerns about a premises / food product concerns)

Table 5 page 13 includes details on staff allocation calculations

Table 6 provides details on Health and Safety interventions

- 2.13 The service has recruited and appointed an Environmental Health Officer to a vacant post and the Graduate programme for 2021/23 has been a great success generally for the service, with both graduates eventually securing permanent posts at the Council. We are also reviewing our recruitment approach for another graduate officer on an 18-month temporary contract. This has been advertised once without any suitable applications which was disappointing.

### **3. Options Considered and Recommended Proposal**

- 3.1 Food Standards Agency guidance to ‘competent authorities’ is that service plans of this type should be developed annually and submitted to Members for approval. It is considered that the service plan attached as Appendix 1 to this report is a proportionate response to these guidelines.

### **4. Consultation**

- 4.1 As outlined above, production of this service plan is a requirement of Food Standards Agency guidance and the draft plan has been developed in accordance with the specified template. It sets out how the authority will deliver its statutory requirements in relation to food safety and health and safety at work. Once approved the service plan will be published and made available to all stakeholders.

### **5. Timetable for Implementation**

- 5.1 The service plan sets out the broad programme of food safety and health and safety at work activity for 2023/24 and will be implemented immediately.

## **6. Policy Implications**

- 6.1 The production of this service plan is intended to address the District Council's responsibilities in respect of food safety and health and safety at work. As such it directly contributes towards the corporate Place priority to keep the District clean, green and safe.

## **7. Financial and Resource Implications**

- 7.1 In considering this report and approving the service plan, the Committee will ensure that the authority's statutory obligations are met. Demand for the service is expected to return to pre-pandemic levels. It is expected that costs (mainly employee costs) can be contained within existing budgets. Therefore, the financial risk of this report is assessed as low.

## **8. Legal Advice and Implications**

- 8.1 In considering this report and approving the service plan, the Committee will ensure that the authority's statutory obligations are met. Assuming that the proposals are approved, the legal risk in respect of this report is considered to be low.

## **9. Equalities Implications**

- 9.1 The service plan addresses the District Council's statutory obligations in respect of food safety and health and safety at work and there are no perceived equality impacts in relation to protected groups. Copies of the service plan will be available in languages other than English upon request, or where officers identify situations in which expertise in languages other than English would be appropriate.

## **10. Climate Change Implications**

- 10.1 The service plan sets out the District Council's statutory obligations in respect of food safety and health and safety at work and no positive or negative impacts upon climate change have been identified by comparison with previous years.

## **11. Risk Management**

- 11.1 The District Council has a statutory responsibility to undertake the duties outlined in the service plan. Failure to conform to the Food Standards Agency's expectations could result in censure or, in extreme cases, intervention by the Agency.
- 11.2 Progress against the service plan will be monitored throughout the year to ensure that the expectations of the Food Standards Agency and of the District Council are being met.

## Report Authorisation

Approvals obtained from Statutory Officers:-

	<b>Named Officer</b>	<b>Date</b>
Chief Executive	Steve Capes (on behalf of Paul Wilson)	30/06/2023
S.151 Officer (or Financial Services Manager)	Karen Henriksen	28/06/2023
Monitoring Officer (or Legal Services Manager)	James McLaughlin	05/07/2023





## Regulatory Services – Environmental Health

### **Commercial Team Service Plan 2023 - 2024**

This service plan is in addition to the Corporate Service Plan provided for the Environmental Health Service generally. The plan has been prepared in accordance with the Practice Guidance issued by the Food Standards Agency (FSA). The Plan also covers activities under Health and Safety Enforcement Activities.

On the 1<sup>st</sup> April 2023 the FSA confirmed that additional flexibilities, provided for within the Covid-19 Local Authority Recovery Plan are now removed, and the Approved Code of Practice (ACOP), must be implemented by Local Authorities. The ACOP is a statutory code of practice which details how local authorities must manage food hygiene related matters within their area. Covering issues such as competency, intervention approaches, enforcement, service planning and generally the service operations of the service as a Competent Authority.

The FSA are currently reviewing the Hygiene Delivery Model for England and the proposal are currently subject to a public consultation which will end on the 30 June 2023. The Lead Officer has attended an Engagement Event with the FSA in Nottingham on the 19 April 2023 to provide feedback to establish what the key proposals are for the regulation of Food Hygiene in the future. Further details are available here: <https://www.food.gov.uk/news-alerts/consultations/consultation-on-developing-a-modernised-food-hygiene-delivery-model-in-northern-ireland>

The FSA will be undertaking a Pilot Study on the new Delivery Model, with implementation of the new ACOP by June 2026. The changes will provide greater flexibility and re-prioritise interventions based on risk. The changes to the risk rating process will require systems update and Officer training as the changes are introduced.

The FSA have confirmed that Temperature Check Surveys collecting data from Local Authorities will continue throughout the year and on the 1<sup>st</sup> April 2024. The FSA have also confirmed that Local Authority Audits will occur focusing on Approved Establishments and Service Planning.

The Council provide information to the HSE within a LAE1 Survey on a yearly basis, on the 1<sup>st</sup> April.

## **Aims and objectives**

- To maintain and improve food safety and health and safety standards within the Derbyshire Dales areas.
- To promote safe practices and safe activities with residents, businesses and visitors to the Derbyshire Dales area.
- To support other services and partners which share the same aims and objectives.
- To contribute to the Council's Corporate plan.
- To undertake our functions in accordance with the Food Law Code of Practice, and other Statutory Guidance provided by the Health and Safety Executive.

## **Corporate Plan**

The Derbyshire Dales Corporate plan 2020 – 2024 is a public document available on the Council Website. The Commercial Team activities also fall within the following Corporate Priorities:

### **People: Providing you with a high-quality customer experience**

- The Environmental Health Department are currently working on updating our data management system. This will improve the customer experience.
- Register a Food Business, once the Council is setup with the FSA on the 'Register a Food Business'(on-line), this will improve the customer experience as the system is more user friendly.
- To maintain a high customer satisfaction from the service we provide.

### **Place: Keeping the Derbyshire Dales Clean, Green, and Safe**

- The fundamental aim of the Commercial Team is to ensure the Derbyshire Dales are a safe environment for everyone within the area.
- The Food Hygiene Rating information informs the public of safe places to eat which are clean, and well managed.

### **Supporting better homes and jobs for you**

- The Commercial Team provides advice to any business wishing to improve their activities.
- We will also respond to any employee who has concerns about the workplace and will direct any individual to the most appropriate person if we cannot help further.

This Service Plan is provided to supplement the Corporate Service Plan, setting out how the Commercial Team plan for managing Food Hygiene and Health and Safety

delivery matters. The Corporate plan sets out how Environmental Health generally contribute towards meeting the Corporate Priorities for 2023/ 2024

### **Profile of the Competent Authority**

Derbyshire Dales District Council is a large rural district (approx.800 Sq Km) with a low population density. The District Council is only responsible for Food Hygiene requirements under food safety regulations. Food Standards is the responsibility of Derbyshire County Council.

The Authority is located within the Peak District National Park Area, and the location attracts around 4.9 million visitors and tourists every year. This also can make food businesses seasonal in nature with high and low seasons.

The population is estimated at 72,325 in 2019, is evenly spread across the area, as opposed to being clustered around large towns. There is a low ethnic population of 2.9% of residents, and approximately 22% of the residents are of retirement age.

Large population centres such as Manchester, Sheffield, Derby, and Nottingham, are located within close proximity for day trips, and holidays within the Countryside.

### **Organisational Structure**

The Environmental Health service is split into two operational teams, namely Public Health and Housing, and the Commercial Team.

The Principal Environmental Health Officer is the designated Manager and Lead (Food) Officer for the Commercial Team, and works under the Environmental Health Manager, who has wider responsibilities for Environmental Health generally.

The Director of Regulatory Services is the designated Director responsible for the activities of the Environmental Health Service.

The service is based in the Town Hall, Matlock, Derbyshire, DE4 3NN. The Commercial Team work in an “agile” fashion. This results in Officers working from home, on District or from the Council Offices depending on the work activity requirements.

The ‘Business Support Unit’ (BSU), a Council Service under the Corporate and Customer Service Directorate provide assistance to the Commercial Team in the following areas:

- Initial responses to concerns and data entry
- Visitors / collect of food complaints from reception
- Processing letters and other communication streams
- Export Health Certificates Administration
- Facilitating in the General Administration of the service
- Processing new Food Business Registrations

## OFFICIAL

The Council operates a Committee System of governance, and the activities of the Environmental Health service report to the 'Community and Environment Committee', which then feeds into Full Council.

The Authority has a Service Level Agreement with the UK Health Security Agency York Laboratory for Food Examiner / and Sampling expertise.

### **Out of Hours**

The Environmental Health service does not operate a routine out of hours or call out service. Any member of the public reporting concerns out of hours should call the main Council Telephone number 01629 761100. This will direct Emergency calls to Derbyshire County Council's Emergency Planning Duty Officer. The on-call duty officer will refer the matter to an appropriate officer depending on the nature and urgency of the problem.

### **Service users may also contact the service**

1. Council reception at the Town Hall (as stated above), open Monday to Friday between 9am and 2pm (with the exception of Wednesday morning when the offices open at 9.30am). These times are being reviewed following the Covid 19 pandemic.
2. By telephone – 01629 761212, 8.30am to 5pm Monday to Friday.
3. By E-mail to officer's individual e-mail addresses or to the general address: [envhealth@derbyshiredales.gov.uk](mailto:envhealth@derbyshiredales.gov.uk)
4. The Council also operates a general enquiries on-line form [www.derbyshiredales.gov.uk/general-enquiries](http://www.derbyshiredales.gov.uk/general-enquiries)

The service follows the Communications and Market Strategy and Customer Services Standards to ensure that the service is accessible by all members of the local community.

### **Scope of the Commercial Team**

The Commercial Team have a wide range of responsibilities which are delivered alongside the food hygiene service namely:

- Health and Safety at Work
- Animal Welfare
- Public Health (Infectious Diseases Control)

The Commercial Team also allocate food inspection work depending on service demand to a contractor Environmental Health Officer. If the intervention establishes issues of concern, then the situation is reported back to the Commercial Team to consider the situation further, as contractors are not responsible for enforcement activities. The Service has budget for additional contractor resources should this be required later in the year Q3 / Q4.

## Demands on the Service

The service is currently establishing a lower level of compliance with food hygiene legislation during routine interventions. The factors for this are complex but is a reflection on the issues faced by other Local Authorities in Derbyshire. The service has noted the following issues within the catering industry which are concerning:

- Cleaning standards requiring improvement.
- Foodstuff being stored incorrectly / extending shelf-life's without considering safety.
- Staffing and Capacity issues generally.
- Poor awareness of Food Hygiene requirements and control measures.

Within the ACOP the FSA are now expecting that all food establishments are inspected in accordance with the intervention frequencies pre-pandemic.

The FSA Covid Recovery Plan gave Local Authorities a target for undertaking Official Interventions at Establishments : **A Risk** (6 monthly Official Intervention); **B Risk** (12 monthly Official Intervention); **C Risk** (18 monthly Official Intervention). The Environmental Health service achieved this requirement completing all the overdue interventions. The service has also undertaken a substantial number of Official Interventions for **D Risk (24 monthly)** and **E Risk (36 months)**.

The service has also undertaken pro-active and re-active samples in accordance with FSA expectations.

The Commercial Team has achieved the expectations of the FSA for year **2022/23**.

### Establishment's Profile by Risk Score Category on 1 April 2023

Risk Score Category	Total Number (1 <sup>st</sup> April 2022)	Total Number (1 <sup>st</sup> April 2023)	Establishments with Hygiene Rating 2 Improvement Necessary or below on the (1 <sup>st</sup> April 2023)
<b>A</b>	8	6	5
<b>B</b>	31	35	8
<b>C</b>	135	161	14
<b>D</b>	500	467	3
<b>E</b>	377	308	0
<b>UNRATED</b>	31	24	New Business so rating not yet determined
<b>Total</b>	<b>1,082</b>	<b>977</b>	

Table 1

From the establishment profile table, you can see the establishment's profiles for D and E risk have slightly reduced and the risk Profile for C has slightly increased. The Service have also undertaken a lot of data cleansing of the records to ensure the database is accurate and reflects the current landscape of establishments within the area.

### Establishment's Profile by Food Hygiene Rating

	1 April 2022	1 April 2023
<b>5</b> Very Good	<b>753</b>	<b>642</b>
<b>4</b> Good	<b>117</b>	<b>129</b>
<b>3</b> Generally Satisfactory	<b>47</b>	<b>63</b>
<b>2</b> Improvement Necessary	<b>13</b>	<b>15</b>
<b>1</b> Major Improvement Necessary	<b>15</b>	<b>11</b>
<b>0</b> Urgent Improvement Necessary	<b>2</b>	<b>1</b>
<b>Total Rating</b>	<b>947</b>	<b>861</b>

Table 2

From the table above you can see the total number of establishments with a food hygiene rating has reduced, however these establishments are mainly E risk establishments. However, the numbers of ratings at **4 Good** and **3 Generally Satisfactory** have increased slightly.

Hygiene Scores of 3, 4 and 5 are considered to be Broadly Compliant Food Businesses. Some sites registered with the authority are excluded, or exempt from a hygiene rating, and are therefore not included within these figures.

### Approved Establishments

The District Council currently has 9 Approved Establishments in total. 8 sites operate within the Dairy Industry namely Milk, Ice Cream and Cheese, and the one remainder is an Approved Cold Store. 1 Approved cold store closed within 12 months of gaining Approval.

### Seasonal Activities

Various businesses which rely on the tourism trade tend to close or reduce their opening hours and level of service during the winter period, also this can attract a frequent change in the registered person responsible.

### **Unrated Establishment (New Business)**

The Authority still have establishments showing as closed without a risk rating, following the pandemic. The service has written to all closed establishments which have the potential to re-open and will continue to monitor establishments which restart catering activities.

The Commercial Team consider unrated premises as a priority due to the risk from their activities being unknown until an Official Intervention has been undertaken, this may be a telephone call, email correspondence or a site inspection to determine the level of risk they pose. When a hygiene rating is awarded, this can only occur following an inspection of the establishment under the current code of practice.

The estimate number for new businesses in 2023/24 is taken from historical trends over the last 4 years.

### **Regulation Policy**

The Commercial Team aim to support positive business growth and development generally and follow the Government Guidance on undertaking regulatory activities in line with the Regulators Code.

The Council has adopted a Corporate Enforcement Policy to ensure that activities are proportionate, consistent, transparent and accountable. A copy of the Enforcement Policy is available on the Council's website:

[www.derbyshiredales.gov.uk/your-council/policies-plans-a-strategies/corporate-enforcement-policy](http://www.derbyshiredales.gov.uk/your-council/policies-plans-a-strategies/corporate-enforcement-policy)

The Commercial Team will ensure that any enforcement decisions are consistent with our policy and any other enforcement guidance and standards issued by a relevant Government Agency such as the Food Standards Agency, Home Office, and Health and Safety Executives, BEIS.

During the period of 2022/2023 the Commercial Team has overseen the following regulatory matters:

- 48 Hygiene Improvement Notices (Training, HACCP, structure and waste)
- 6 Remedial Action Notices (Approved Establishment)
- 2 Voluntary Closure
- 3 Voluntary Surrender / Destruction of Foodstuff

For context 6 sites required intervention with formal Hygiene Improvement Notices, all served on different matters e.g., a site received notices for HACCP / Waste Storage and Training Matters. The 6 Remedial Action Notices (RANs) were served on one Approved Establishment which is 'A' Risk. The RANs were served to introduce additional restrictions to control the risk associated with Listeria.

The number of enforcement activities with the 2022/23 was an increase on previous year's activities.

## OFFICIAL

The service has also undertaken two joint investigations with Trading Standards at Derbyshire County Council, one incident involved a serious allergic reaction following eating from a local take-away establishment.

### Interventions at food establishments

Due to the Pandemic the Commercial Team have a number of outstanding food safety interventions as below

Risk Score Category	Outstanding Interventions From 2022/23	2023-24 projections
A	0	12
B	0	35
C	0	111
D	44	259
E	62	172
UNRATED	24	
Total Number of Interventions A-C		158 (full inspection A & B full or partial inspection C risk only)
Total Number of Interventions D & E		431
Total Number of establishment suitable for Alternative Inspection approach (E rated)		28 (remote assessment)
Total Number of establishments rated D & E requiring an intervention		403 (partial inspection)
<u>Estimated</u> Number of Re-inspections 2023-24		30
<u>Estimated</u> Number of New Registration		126
Grand Total of interventions for 2023/24		<b>717 + 28</b> Alternative Enforcement Intervention
Grand Total of interventions achieved 2022/23		<b>691</b> (inspection)

Table 3

**The service also undertakes re-inspection of establishments when the officer is concerned that an additional intervention is required to ensure public safety. A business can request a re-inspection to review their hygiene rating.**

Within 2022-23 the Council received 15 requests for a re-inspection from food businesses to review the hygiene rating, the service will be monitoring this figure as a fee for these interventions can be adopted by the Council in the future if this situation becomes a burden on the service.



## Food complaints

The Commercial Team respond to complaints/ service requests regarding Food Hygiene matters within the district due to poor hygiene standards, specific foodstuff safety concerns, and provide general advice. All this information is recorded on the data management system as below.

### Trends

	2019-20	2020-21	2021-22	2022-23	Projection
<b>Concerns about a Premises</b>	42	38	31	<b>48</b>	<b>40</b>
<b>Food Product Concern</b>	27	35	48	<b>119</b>	<b>&gt;60</b>
<b>Health Certificate</b>	29	18	27	<b>22</b>	<b>24</b>
<b>Advice Requests</b>	223	206	295	<b>118</b>	<b>&lt;210</b>
<b>FHRS Inspections &amp; Appeals</b>	16	13	15	<b>16</b>	<b>15</b>
<b>FHRS Advice</b>	110	54	39	<b>22</b>	<b>52</b>
<b>New Business Registrations</b>	118	127	135	<b>108</b>	<b>126</b>

Table 4

On the 1 Jan 2023 the Environmental Health service implemented a new database for recording enquiries. This has resulted in data being collected in a more streamlined way. I.e. historically advice was record in lots of areas, but now a mandatory field on the database splits enquiries into Advice / Food Product Concerns / Concerns about a Premises / FHRS.

The concerns relating to food or hygiene of a premises may result in a site inspection / intervention depending on the situation explained by the member of the public. The service also looks for trends within service requests to establish whether a business is posing a higher risk. The service informs the business by letter or via telephone call when a concern is received by a member of the public.

During the year of 2022 – 2023, the Team is still dealing with 2 food business which are complex and require regular reviews by the service. These premises are rated as A (high risk).

**Poor Performance Premises** – establishment with a hygiene rating 2 Improvement Necessary or Lower. The FSA classification for these sites is not-broadly compliant businesses.

For any establishment which is not broadly compliant the premises is a priority for re-inspection, to check that any issues of concern have been addressed by the business.

All enforcement decisions in-relation to poor performance are made in accordance with the enforcement policy considering various factors namely: the public safety risk, and any mitigations by the business. Formal actions could result in voluntary or formal prohibitions and improvement notices, or prosecutions.

### **Home Authority and Primary Authority**

The Commercial Team currently has one Primary Authority Relationship with the YHA (Youth Hostel Association) based within Matlock. The company is based throughout the UK. The Council currently charge an hourly rate for any advice provided to this company. The resource implications for the team have been minimal since the partnership was agreed.

### **Advice to businesses**

The Commercial Team currently offer free advice to help businesses comply with legislation and guidance. Advice is provided during inspections, and specifically if a service request is received. The Team also aims to provide advice to new businesses upon receiving a food business registration form. The number of Service Requests received for advice is detail above.

### **Food Sampling Policy**

The Council work in partnership with the UK Health Security Agency to undertake microbiological food samples. When investigations result in food standards samples requiring investigations by the Public Analyst, the department will liaise with Trading Standards at Derbyshire County Council.

The Council undertake the following sampling activities namely:

**Surveillance and Interventions**– sites which demonstrate poor performance during a routine intervention can be selected for sampling activities i.e. swabbing chopping boards. These sites are normally rated 2 improvement necessary or lower. Or if an officer feels a certain situation may benefit from sampling i.e. routine sampling for a manufacturer to verify the shelf-life of a high risk product, i.e. cooked meats from a butcher shops, or products subject to commercial sterilization techniques.

**Imported food sampling** – the Council may be requested to sample a specific imported foodstuff at the point of sale, or processing within a food business.

**Interventions** in higher risk premises (site with a risk category A or B, or score for processing high risk foodstuff, or catering for a vulnerable group), sampling may be

appropriate during an inspection i.e. sampling while inspecting an approved establishment, or care home.

**Complaints** - a member of the public may be concerned about foodstuffs they have purchased; this may be suitable for laboratory analysis.

**Special Investigations** - Samples may be required in relation to special investigations, i.e. local outbreaks, or special directions by the FSA.

**National and Regional Studies** - The Derbyshire Sampling Group, and Cross Regional Sampling group may determine that a specific activity requires further investigations. This will result in them releasing a specific study to all local authorities.

The Commercial Team attend the local Sampling Group, to keep up to date with the latest sampling information, and activities of other Local Authorities.

The demand for sampling can vary, depending on what situations are observed during an intervention, and the Council has sufficient equipment and resources to undertake sampling when a situation arises.

If the sampling activity establishes bacteria of concern, then further investigation and / or enforcement actions may occur if the public are exposed to a health risk, in accordance with the Enforcement Policy. If the sample is unsatisfactory then the site maybe sampled again, until a satisfactory result is obtained. The business will also be offered advice on why the sample was unsatisfactory.

If a site has satisfactory samples results, then generally the site should not be sampled again for another 12 months.

The key factors for determining whether a site should be sampled are as follows:

- Risk (health concerns about a specific product or premises)
- Supply arrangements (is the product distributed widely)
- Verification – ensuring a premises is cleaning sufficiently

### **Sampling Programme**

The Commercial Team discuss what premises should be added to the sampling programme during monthly team meetings. If urgent samples are required these are instigated without delay outside the programme which identifies establishments which are in scope for a sampling intervention.

During 2022/23 the service collected 96 Microbiological Samples for analysis by the UKHSA. 14 samples were failures and required further investigations by the service.

## **Liaison with other organisations**

The Commercial Team liaise with other organisations by the following means:

- EHCNET – the team has access to this facility
- Knowledge Hub
- Working Groups – Namely Food Safety and Health and Safety
- Food Sampling Group (Derbyshire)

The team aim to be an 'active' member of any partnership working to provide other agencies with advice, or information we have encountered as a department.

## **Food safety and standards promotional work**

The Commercial Team are planning the following promotional work for 2023 / 24.

- "Here to Help" a national FSA campaign
- "Working Minds" a national HSE campaign

The planning for these events is still on-going. The Commercial Team liaise with the Communications Team on these matters.

## **School Foods Standards Pilot SFS**

During 2022/23 the Commercial Team participated in the FSA School Foods Pilot, which was a national study under the Levelling Up agenda. The Pilot is due to finalise in July 2023 with the FSA and Department for Education reviewing the findings.

Since 1 Sept 2022 the service has visited 63 Schools and looked at Food Schools Standards and Food Hygiene during the same intervention. We have also looked at some smaller School's which have not been visited by the service for a long while.

The aim for Derbyshire Dales taking part in this pilot, was to represent a rural authority within the UK.

## **Control and investigation of outbreaks and food related infectious disease**

During 2022/23 service requests / enquiries have been received relating to allegations of infectious disease. The service has investigated these cases within the team. The service is notified by the UKHSA of confirmed cases of notifiable infections. The service investigated a case of E.coli 0157 involving different premises, and sampling activities to try and establish the source.

If the service was required to respond to a significant outbreak, then officers may be moved away from normal duties during the investigation, until the situation is under control. This would involve close working with the Consultant in Communicable Disease Control (CCDC), and Derbyshire County Council Public Health service.

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BSU for example may be tasked with contact tracing and speaking with the public while food officers are inspecting establishments and gathering sampling for analysis etc.

If a major incident is declared with the District Council the FSA food incidents team would be notified without delay along with the UKHSA and DCC Public Health. The Environmental Health service would then make arrangements to investigate the situation in addition to providing a service to the public which may just result in reactive interventions until the situation is dealt with.

An incident of this nature could be outbreak related or food crime i.e. illegal meat activities within the District. The service has good links with the National Food Crime Unit and Trading Standards as part of the Derbyshire Food Liaison Group.

### Financial Allocation

Details of the Financial Allocation to Environmental Health, and the Commercial Team is detailed within the Main Corporate Service Plan.

### Staffing Allocation

In order to deliver the food hygiene programme, the authority needs to ensure that competent qualified staff are employed by the authority, with a sufficient number of staff working on food law enforcement.

No. of Posts	Officers Resource	Food	H & S etc
1	Director of Regulatory Services	0.05	0.10
1	Environmental Health Manager	0.10	0.10
1	Principal Environmental Health Officer	0.65	0.25
3	Environmental Health Officers	2.2	0.8
0.5	Technical Officers (currently on Maternity Leave)	0.5	0
0.5	Graduate Environmental Health Officer (Vacant)	0.3	0.2
0.5	Food Safety Consultant / Contractor	0.5	0
<b>FTE TOTALS</b>		<b>4.3 FTE</b>	<b>1.5 FTE</b>

Table 5

Please note that Officers within the Commercial Team also undertake enforcement activities for Health and Safety, Public Health, and Animal Welfare requirements.

The Environmental Health service is also supported by 2 FTE members of BSU, who also contribute to food hygiene work, along with other duties.

Please note that during 2022/23 one EHO post became vacant in May 2022 and one Technical Officer post due to retirement following long service with the Council.

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The Graduate Officers employed Nov / Dec 2021 are now permanent members of the team. Both have successfully been appointed to the vacant posts.

The Environmental Health Service currently has funding for a Graduate Environmental Health Officer 18-month temporary post, which covers the whole of the service. This has been out to advert once and is the subject of further considerations.

### **Staff Development Plan**

The Graduate Environmental Health Post is a professional development opportunity for a qualified person, to gain experience while also delivering food hygiene and safety interventions.

The Council are members of the East Midlands Council 5 plus 1 Training programme, Mallard legal training, and CIEH. There are corporate budgets for training that are available to bid to annually, plus the Regulatory Services directorate holds a budget for seminars and short courses. Food Safety Officers are required to achieve 10 Hours CPD in food safety matters, along with another 10 hours on other areas of work. The Council support Officers in reaching CPD requirements. The PDR (Personal Development Review) is also a key tool in developing staff within the team.

The team also undertake consistency exercises and discuss key safety matters during team meetings and internal training sessions.

### **Quality assessment and internal monitoring**

To monitor the quality of work and consistency of hygiene ratings BSU select 4 premises every month for internal monitoring. These records are checked by the Principal Environmental Health Officer. This monitoring is recorded on a spreadsheet.

Each inspection report contains a link for an online survey, for the public so they can report back any comments, or concerns with the food hygiene service.

The Principal Environmental Health Officer undertakes joint interventions with food officers to monitor performance generally. This is especially required for new employees, and or employees demonstrating competency under the FSA competency matrix.

### **Identification of any variation from the service plan**

The Service Plan for 2022/23 was broadly complied with, with only a few lower risk establishments outstanding. These sites are priority for the Q1 and have been included within the projections from 2023/24.

The Council should also consider the quality of the work undertaken, and outcomes achieved in addition to the total number of interventions achieved.

The FSA are working on KPI – Key Performance Indicators for Local Authorities as part of the Food Hygiene Delivery Model Review. Once further information on these KPI emerge then these will be incorporated into the service plan. During the Nottingham event the FSA confirmed about considering 5 headline KPI for the service e.g. *“new food registrations are being assessed on risk and triaged accordingly”*

## Areas of improvement

**Register a Food Business (RAFB)** the Council is now LIVE on gov.uk with food business registration. This is the only route for registrations, so all applications are filtered down one data stream. The service is currently reviewing whether to link our database (Assure) directly with the FSA. This would result in an update to our records when an application is made directly online at gov.uk.

**Assure** the service is migrating systems from M3PP (Northgate Public Protection) to Assure. The arrangements for Food Hygiene and Health and Safety are complete. This includes updating the FHSR ratings from our new database.

The configuration for capturing enquires, accidents, sampling, housing, grants is also completed. Work is still on-going for Private Water Supplies and Industrial Permits.

The Environmental Health service are also monitoring the requests for food hygiene rating re-inspections. Currently the Council does not charge for a food hygiene re-inspection, and the scheme is chargeable. Further information on this matter will be presented to Members as part of the Fees and Charges report if this is taken forward by the service.

## Health and Safety Functions

Under the Health and Safety at Work etc, Act 1974, the Commercial Team enforce safety standards within various sectors namely: Hospitality, Leisure, Retail, Offices, Nurseries and playgroups. Higher risk premises are inspected by the Health and Safety Executive (HSE) namely manufacturing and farming etc.

The service currently undertakes the following functions:

- Investigating reportable accidents under RIDDOR
- Participate in safety advisory groups for large events
- Undertake health and safety inspections and interventions
- Advise Licensing on Public Safety matters as a Responsible Authority
- Provide general advice to the public, and respond to workplace concerns

The HSE provide guidance to local authorities for planning interventions known as LAC67 (Local Authority Circular). The guidance is provided under Section 18 of the Health and Safety at Work etc, Act 1974, and provides tools for priority planning and targeting of interventions. The HSE has published a new LAC67 version 12 for 2023/24.

**Demands on Service**

	2019-20	2020-21	2021-22	2022-23	Projection
<b>H&amp;S Advice Requests</b>	29	260	329	<b>57</b>	<b>&lt;50</b>
<b>H&amp;S Inspections</b>	29	95	34	<b>73</b>	<b>58</b>
<b>RIDDOR Investigations</b>	45	19	45	<b>31</b>	<b>30</b>
<b>Significant RIDDOR Investigations</b>	3	0	4	<b>0</b>	<b>&lt;2</b>

Table 6

The Commercial Team closed the long-standing investigation into lead contamination which was complex and resource intensive in Q4 2023. The service monitored the activities at the site and served 6 Improvement Notices relating to Health and Safety matters on the premises.

The Team has also provided advice and guidance for Public Events with 2022/23 and this will again be a priority for 2023/24. The team considered the LAC during a meeting on 14 March 2023.

**National Priorities Planning for 2023/24**

The HSE have published the latest LAC67 guidance for Local Authorities, revision 12 confirming the following national priorities for the department as:

**Working Minds** – raising awareness of the work-related stress and mental health campaign “Working Minds” with businesses. Local Authorities are asked to raise aware of the campaign with appropriate SME’s.

The team have decided to provide Posters for Local GP surgeries and other meeting points on this scheme and will distribute these within Q1

**Electrical Safety in Hospitality Settings** – Local Authorities are asked to increase awareness to improve standards of compliance. The pandemic has meant that many hospitality venues have extended their outside space to make the most of the outdoor areas.

The team will be mindful when undertaking inspection to consider electrical safety in outside areas.



**Road Safety for Delivery Drivers** – this objective is surrounding the welfare and safety of delivery staff for take-away premises mainly using bicycles and motorbikes. It was considered this was not a common situation within the area.

**Fragile roofs** – the team confirmed about looking for fragile roofs during site visits, and also warning signs for the public on the dangers. If suitable signage is not visible or obviously located, then this will be notified to the duty holder.

**Petting Farms**, the team have historically undertaken a lot of work surrounding petting farms due to the infection control risks. If we become aware of any new petting farms, they will be a priority for an intervention.

**Promoting Employee Engagement**, while undertaking site visits we will aim to speak with any safety representative or employee who is concerned about Health and Safety.

**660 Litre Waste Bin**- cases of unsecure waste bin have resulted in serious injury as some people have been known to take shelter within them. The service has previously provided information to business surrounding this situation.

**Gas Safety in commercial catering premises** – The Commercial Team will raise awareness of these issues during routine food hygiene inspections especially when observations are noted. The standard letter for a food business will be updated with further guidance on this matter. The Council will be considering viewing gas safety records if after providing advice a situation still requires attentions.

#### **Priority sites for a Pro-Active Inspection**

The following activities within the Derbyshire Dales area will be suitable for a proactive inspection.

- LPG storage on Caravan and Camping sites.
- Wholesale premises (falls from height / machinery / lifting equipment)
- Bakeries and Flour Dust occupational exposure
- Large scale public gathering (festivals and live music)
- Fires and Explosions

Based on Local Intelligence within Derbyshire and from the UKHSA the service will be looking at un-supervised swimming pools. This is due to investigations elsewhere within Derbyshire. As part of this work, we will also be assessing bathing water quality.

For any unsupervised pool a sample will be collected for Analysis by the UKHSA and for any supervised pool such as Hathersage / Matlock the service will be requesting copies of their Microbiological Analysis and In-house pool monitoring records for free chlorine levels, pH, back washing and other indicators to ensure the bathing water is suitable for bathers.

The above are within the scope for an inspection by the Commercial Team regardless of whether a complaint has been received by the Public i.e. suitable for a pro-active intervention.

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During the summer of 2023 / 2024 the Commercial Team will be inspecting / visiting Large Scale public events to review Public Safety standards. These event operators normally attend an event safety management meeting formally known as DESAG (Derbyshire Events Safety Advisory Group).

### **Key Partners for the Commercial Team**

#### **Food and Water Examiner**

UK Health Security Agency, Food, Water and Environmental Microbiology Laboratory, York, Block 10, The National Agri-Food Innovation Campus, Sand Hutton, York, YO41 1LZ General Office Tel: 01904 468 948  
[YorkFWElab@phe.org.uk](mailto:YorkFWElab@phe.org.uk)

#### **CCDC Consultant in Communicable Disease Control**

UK Health Security Agency – East Midlands Health Protection Team, Seaton House, City Link, London Road, Nottingham, NG2 4LA General Office Tel 0344 2254 524

#### **Health and Safety Executive**

[concerns@hse.gov.uk](mailto:concerns@hse.gov.uk) – the Commercial Team has a dedicated HSE Liaison Officer for a point of contact for other HSE services.

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# Agenda Item 13

**Community and Environment Committee – 13 July 2023**

## **ASHBOURNE AIR QUALITY MANAGEMENT AREA ACTION PLAN**

### **Report of Director of Regulatory Services**

#### **Report Author and Contact Details**

Amanda Goodwill, Environmental Health Manager  
01629 761316 or [amanda.goodwill@derbyshiredales.gov.uk](mailto:amanda.goodwill@derbyshiredales.gov.uk)

Karen Carpenter, Environmental Health Officer  
01629 761227 or [karen.carpenter@derbyshiredales.gov.uk](mailto:karen.carpenter@derbyshiredales.gov.uk)

#### **Wards Affected**

Ashbourne North

#### **Report Summary**

This report explains the progress that has been made in relation to public consultation on the draft Ashbourne Air Quality Management Area Action Plan and updates members on the results of air quality monitoring with the Air Quality Management Area.

#### **Recommendations**

1. That the Council re-confirms its commitment to incorporating measures in the Action Plan that will bring about a significant and quantifiable reduction in nitrogen dioxide (NO<sub>2</sub>) pollution in Ashbourne town centre, pending the eventual construction of a relief road. The Council will continue to work with relevant partners to reach the earliest possible agreement on these measures.
2. That the update on air pollution monitoring within Ashbourne be received.

#### **List of Appendices**

None

#### **Background Papers**

Report to the Community and Environment Committee – 9 February 2023

#### **Consideration of report by Council or other committee**

Since the declaration of the Ashbourne Air Quality Management Area 5 updating reports have been considered by the Community and Environment Committee. This update provides an opportunity to reflect on the progress of the consultation on the draft Air Quality Action Plan and to receive updated results of air quality monitoring within the town.

**Council Approval Required**

No

**Exempt from Press or Public**

No

## **Ashbourne Air Quality Management Area Action Plan**

### **1. Background**

- 1.1 At the meeting of the Community and Environment Committee held on 7 April 2021 it was resolved to declare an Air Quality Management Area (AQMA) in respect of the following area in Ashbourne: Buxton Road from the junction with Windmill Lane and North Avenue to the junction with St John's Street; and St John's Street from number 22 St John's Street to the junction with Cokayne Avenue and Park Road.
- 1.2 The AQMA was declared in relation to exceedances of the annual average air quality objective for nitrogen dioxide, which is 40ug/m<sup>3</sup> and the area was defined to include all areas in which levels of nitrogen dioxide came within 10% of the air quality objective (ie those which were likely to exceed 36ug/m<sup>3</sup>).
- 1.3 The AQMA is formally known as the Derbyshire Dales District Council Air Quality Management Area (No 2; NO<sub>2</sub>) Order 2021 and came into effect on 5 May 2021.
- 1.4 At the 7 April 2021 meeting it was agreed that updating reports would be submitted to further meetings of the Community and Environment Committee and since that date 5 such updating reports have been submitted. This report reflects on the progress of the recently completed public consultation exercise on the draft Air Quality Action Plan, plus the actions included in the consultation following the meeting of the Community and Environment Committee on 9 February 2023.
- 1.5 Longer standing Members will recall that following the February 2023 meeting advice was received that the public consultation should not be undertaken during the pre-election period and therefore this was paused until 15 May 2023, at which point the 6 week consultation period commenced, concluding on 26 June 2023.

### **2. Key Issues**

- 2.1 Since the declaration of the AQMA work has been underway to develop an action plan aimed at addressing the exceedance of the air quality objective. As the main source of pollution in this case is road traffic, this has involved working with Derbyshire County Council as the Highways Authority. This is necessary as although the responsibility to produce the action plan rests with the District Council, responsibility for works relating to the road network falls mainly to the County Council. In addition, the technical expertise to identify measures considered likely to be both effective and technically feasible rests within the Highways Authority.
- 2.2 In order to enable greater engagement with the development of these proposals a working group consisting of representatives of Derbyshire Dales District Council's Environmental Health Team, Derbyshire County Council's Transport Strategy Team, Ashbourne Town Council and Ashbourne Town Team was formed. The purpose of the working group was to provide input into the formation of the long list of options and to critique the subsequent short list of options developed by the Transport Strategy Team.

2.3 This work resulted in the production of a draft Air Quality Action Plan by Derbyshire County Council and their consultants, which was presented to a meeting of the Community and Environment Committee on 9 February 2023. The draft Action Plan contained 9 proposed actions, as follows:

- Action 1 – Investigate the use of Urban Traffic Management Control to optimise traffic flows within Ashbourne town centre
- Action 2 – Investigate town centre priority or capacity changes to improve heavy goods and other vehicle flows on A515 Buxton Road, Ashbourne
- Action 3 – Influence route election via live traffic information systems
- Action 4 – Investigate improved tree canopy dispersal
- Action 5 – Active Travel promotion
  - 5a – St John Street and Dig Street/Compton public realm
  - 5b – Mobility Hub
- Action 6 – Electric vehicle charging points
- Action 7 – Business and school travel planning
  - 7a – Workplace travel plans
  - 7b - School travel plans
  - 7c – School streets
- Action 8 – Bus Service Improvement Plan implementation
  - 8a – Bus priority
  - 8b – Mobility Hub
- Action 9 – Engagement with minerals and logistics companies

2.4 Whilst Committee approved these items for public consultation, it also included additional measure, as follows:

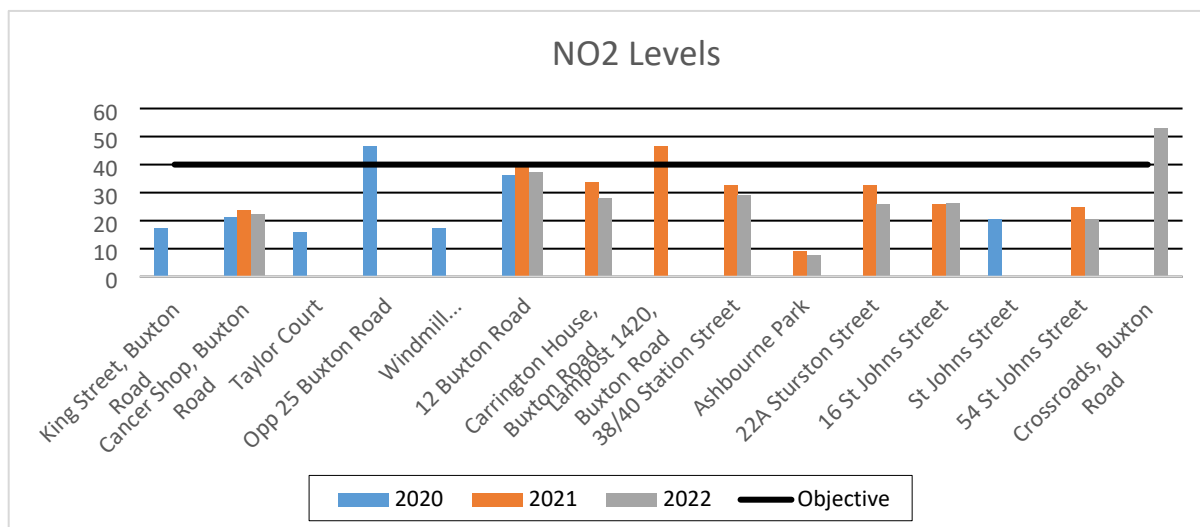
- A clean air zone covering the centre of Ashbourne with a charge levied on diesel commercial vehicles and taxis that are not Euro 6 compliant with an exemption for vehicles registered with keepers within the Ashbourne Civil Parish.
- An enforced 20mph zone within the centre of Ashbourne

2.5 Due to the high level of local interest in the issue, advice was received that the public consultation should not be commenced until after the pre-election period. Consequently, the consultation exercise was paused until 15 May 2023, whereupon a 6-week period of public consultation was commenced, completing on 26 June 2023. The formal consultation took the form of a Survey Monkey questionnaire, supplemented by paper copies of the questionnaire where requested, 2 public meetings, 4 drop-in sessions, plus media publicity and local postcard drops. The consultation generated 402 online responses, comprising straightforward responses to the questions plus 2,628 free-form comments, and 11 separate written submissions, which are currently being analysed in order to inform a final recommendation about the form of the final submission that should go forward to Defra.

2.6 In addition to the information about the consultation, Members may wish to consider the most recent monitoring results from the Council's Ashbourne diffusion tubes. These tubes are the means by which we undertake the routine assessment of NO<sub>2</sub> levels throughout the district and enable us to compare those levels against the air quality objective of 40ug/m<sup>3</sup>. Raw data

from the diffusion tubes is made available on a monthly basis. Although it is not possible to convert these to absolute values of NO<sub>2</sub> concentrations until the national stock of diffusion tubes has been bias corrected against real time monitoring stations, which is an annual process, it is possible to observe trends in the NO<sub>2</sub> levels in the main area of the Air Quality Management Area on Buxton Road.

- 2.7 The chart below shows corrected monitoring data within the Air Quality Management Area for the years 2020, 2021 and 2022. Members will note that the diffusion tube at the crossroads of Buxton Road, Windmill Lane and North Avenue shows an exceedance of the air quality objective in 2022 and that tube 12 on Buxton Road, whilst showing a reduction in NO<sub>2</sub> concentrations, remains within 10% of the air quality objective such that whilst it is compliant it is still an area of concern.



- 2.8 The data contained within this chart does come with the caveat that it is obtained from diffusion tubes and as such should be treated as indicative. It is expected that real time monitoring will be provided as part of the measures put forward by Derbyshire County Council, which will help to increase the accuracy of the monitoring in the area.

### 3. Options Considered and Recommended Proposal

- 3.1 At this stage this report is submitted to update Members on progress on the consultation. Until the submissions received as part of the consultation are fully analysed it is not possible to make further recommendations as to the form of the final draft Action Plan to be submitted to Defra.

### 4. Consultation

- 4.1 A 6-week period of public consultation on the proposals for the draft Air Quality Action Plan concluded on 26 June 2023. The results of the consultation exercise are currently being analysed and will be reported to the next meeting of this Committee, with a recommendation as to the final Action Plan to be submitted to Defra.

## **5. Timetable for Implementation**

- 5.1 It is proposed that a report with recommendations for a final draft Air Quality Action Plan will be submitted to the next meeting of the Community and Environment Committee. Once a final Action Plan is approved by Defra this will become the official mechanism by which Derbyshire Dales District Council and Derbyshire County Council will work towards meeting the air quality objectives in the Ashbourne Air Quality Management Area.

## **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 At this stage there are no financial implications beyond staff time to analyse the findings of the consultation exercise. The financial risk is therefore assessed as low.

## **8. Legal Advice and Implications**

- 8.1 The 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 contributes to the authority fulfilling its obligations under the 1995 Act, the legal risk 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 Statutory Officers:-

	<b>Named Officer</b>	<b>Date</b>
Director of Community & Environmental Service, in absence of the Chief Executive	Ashley Watts	04/07/2023
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	28/06/2023
Monitoring Officer (or Legal Services Manager)	James McLaughlin	05/07/2023

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