



**OPEN REPORT  
COUNCIL**

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**Council – 27 July 2023**

## **ASHBOURNE REBORN GOVERNANCE AND DELIVERY**

### **Report of the Director of Regeneration and Policy**

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#### **Wards Affected**

Ashbourne North and South

#### **Report Summary**

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

#### **Recommendations**

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

**List of Appendices**

Appendix 1 Activity to date

Appendix 2 Proposed Governance Structure

Appendix 3 Ashbourne Reborn Programme Board Draft Terms of Reference

Appendix 4 Strategic Risk Register (top ten risks)

**Background Papers**

Community and Environment Committee reports:

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

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

No

**Council Approval Required**

Yes

**Exempt from Press or Public**

No

## ASHBOURNE REBORN GOVERNANCE AND DELIVERY

### 1. Background

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

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

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

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

This project is led by Derbyshire County Council.

#### Project 2: Link Community Hub - £6.418m

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

This project is led by Ashbourne Methodist Church.

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

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

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

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

## 2. Key Issues

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

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

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

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

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

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

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

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

2.11 Current risks reflect:

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

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

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

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

### **4. Consultation**

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

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

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

### **6. Policy Implications**

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

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

## 7. Financial and Resource Implications

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

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

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



## **8. Procurement Implications**

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

## **9. Legal Advice and Implications**

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

## **10. Equalities Implications**

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

## **11. Climate Change Implications**

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

## **12. Risk Management**

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

## Report Authorisation

Approvals obtained from Statutory Officers:-

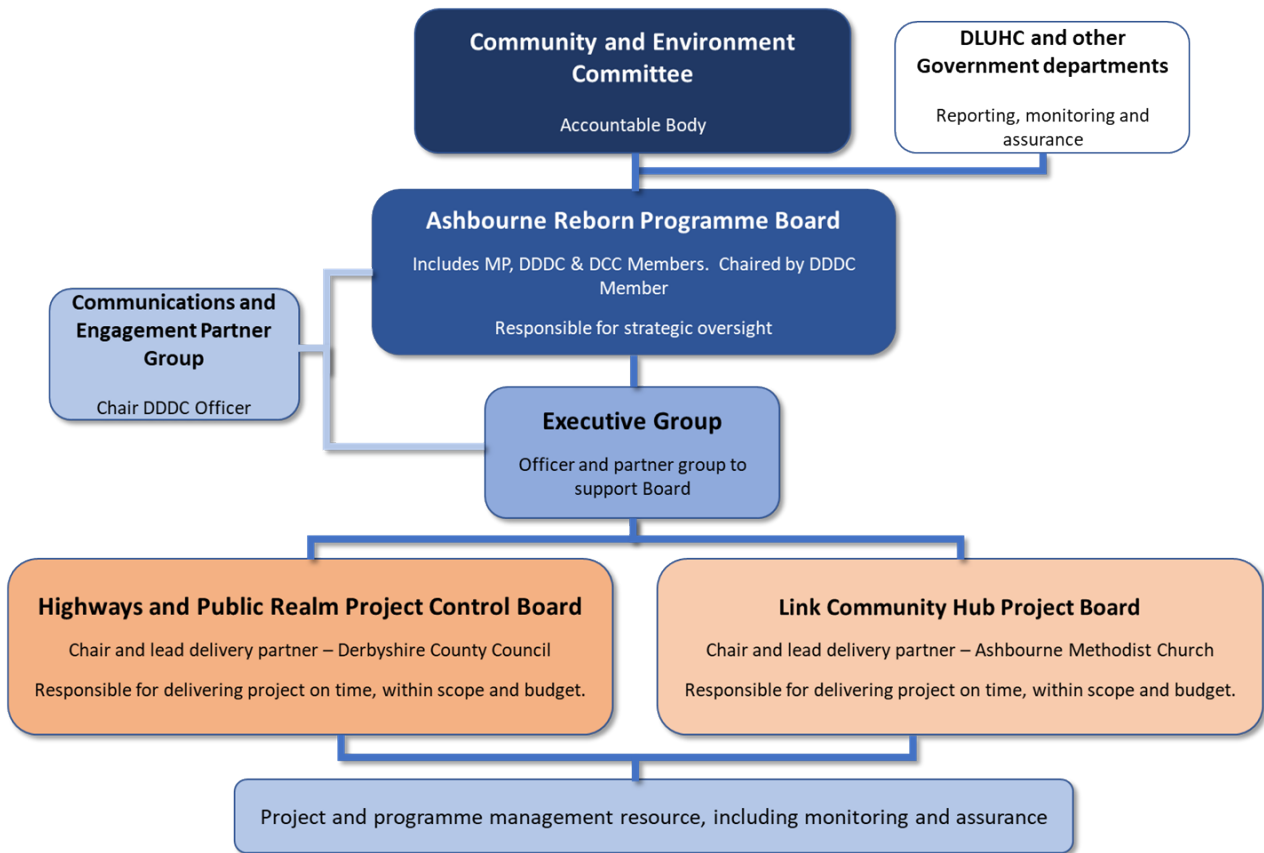
	<b>Named Officer</b>	<b>Date</b>
Chief Executive	Paul Wilson	19/07/2023
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	19/7/2023
Monitoring Officer (or Legal Services Manager)	James McLaughlin	19/07/2023

## Appendix 1

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

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

## Appendix 2 – Ashbourne Reborn Proposed Governance Structure



## Appendix 3

# ASHBOURNE REBORN PROGRAMME BOARD TERMS OF REFERENCE

## 1. Context

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

## 2. Membership of the Programme Board

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

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

### **3 Chairing the Programme Board**

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

3.2 The Chair will play a key role in facilitating collaboration between partners and supporting the Accountable Body to ensure the aims of the Ashbourne Reborn are delivered on time and within budget.

3.3 The Chair or Vice-Chair of the Programme Board will cease to hold such office when they cease to be a Member of the Programme Board or a Member of the authorities that have appointed them.

#### **4. Responsibilities**

4.1 The following responsibilities are allocated to the Programme Board:

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

#### **5. Reports**

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

## **6. Professional and Administrative Support**

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

## **7. Quorum**

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



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

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

## **8. Frequency of Meetings**

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

## **9. Conduct**

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

## **10 Notice and Publication of Agenda Papers**

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

## **11. Voting**

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

## **12. Minutes**

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

## **13. General Matters**

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

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

#### **14. Review**

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

## **ASHBOURNE REBORN PROGRAMME BOARD CODE OF CONDUCT**

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

### **SELFLESSNESS:**

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

### **INTEGRITY:**

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

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

### **OBJECTIVITY:**

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

### **ACCOUNTABILITY:**

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

### **OPENNESS:**

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

### **HONESTY:**

Holders of public office should be truthful.

### **LEADERSHIP:**

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

### **Conflict of Interests**

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

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

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

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

### **Registration of Gifts and Hospitality**

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

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

### **Complaints**

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

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

Or email [mo@derbyshiredales.gov.uk](mailto:mo@derbyshiredales.gov.uk)

The complaint should set out as follows:

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

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

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

### **Removal of an Ashbourne Reborn Programme Board Member**

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

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

### **Further information**

Please email any further queries to [mo@derbyshiredales.gov.uk](mailto:mo@derbyshiredales.gov.uk)

#### Appendix 4 - Strategic Risk Register (top ten risks)

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