



Scan code to view reports

Wednesday, 21 September 2022

To All Councillors:

As a Member of the **Council**, please treat this as your summons to attend a meeting on **Thursday, 29 September 2022 at 6.00 pm** in the **Council Chamber, Town Hall, Matlock, DE4 3NN**

Yours sincerely,

James McLaughlin
Director of Corporate and Customer Services

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

For assistance in understanding or reading this document or specific information about this Agenda or on the “Public Participation” initiative please call the Committee Team on 01629 761133 or email committee@derbyshiredales.gov.uk

AGENDA

1. APOLOGIES FOR ABSENCE

Please advise the Democratic Services Team on 01629 761133 or email committee@derbyshiredales.gov.uk of any apologies for absence.

2. APPROVAL OF MINUTES OF PREVIOUS MEETING (Pages 5 - 28)

26th July 2022 (Extraordinary Meeting) and 28th July 2022

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. LEADERS' ANNOUNCEMENTS

Announcements of the Leader of the Council.

6. CHAIRMAN'S ANNOUNCEMENTS

Announcements of the Civic Chairman.

7. COMMITTEES

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

Non-exempt Minutes to be received:	Date
Governance and Resources Committee	14 July 2022
Council (Extraordinary)	26 July 2022
Council	28 July 2022
Planning Committee	16 August 2022
Community and Environment Committee	08 September 2022

Minute Book to follow.

8. QUESTIONS (RULE OF PROCEDURE 15)

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

9. PROPOSAL OF A NOTICE OF MOTION (RULE OF PROCEDURE 16)

The Council will debate the following Motion, submitted by Councillor Garry Purdy, in accordance with Rule of Procedure 16.

"This Council, on behalf of the residents of the Derbyshire Dales, place on record our sincere and deepest appreciation for the life of service and dedication given by Her late Majesty, Queen Elizabeth II. Her Majesty was a much loved and respected Monarch, who visited our district a number of times during her long reign and touched the lives of residents, companies and organisations in the Derbyshire Dales. She will be greatly

missed and forever remembered by the people of our District. We celebrate an amazing life of duty and give thanks that Her late Majesty was part of our lives. We send our heartfelt condolences to His Majesty, King Charles III and his family at this saddest of times.”

10. COMMITTEE MEMBERSHIP

To note that Councillor Janet Rose is to be appointed to the Planning Committee.

11. COMMUNITY GOVERNANCE REVIEWS- FINAL RECOMMENDATIONS (Pages 29 - 78)

This report provides details of responses received and sets out proposals to make a Community Governance Order in response to the issues raised in respect of the proposals to move Civil Parish Borders.

12. DISPENSATIONS FOR NON-ATTENDANCE AT COUNCIL MEETINGS (Pages 79 - 82)

This report seeks a dispensation for two Councillors in respect of a continued period of absence from Council and committee meetings for a period of two consecutive months until 30 November 2022 for Councillor Michele Morley and three months until 31 December 2022 for Councillor Sue Bull.

13. APPOINTMENT OF INDEPENDENT PERSON AND ADDITIONAL MEMBERS OF THE INDEPENDENT REMUNERATION PANEL (Pages 83 - 100)

To recommend the appointment of independent persons to support the Monitoring Officer in the assessment of complaints about elected Members. In addition, the report recommends the appointment of persons to sit on the Independent Remuneration Panel to review Members' Allowances.

14. RESILIENCE, RESOURCES, PRIORITIES (Pages 101 - 108) EXEMPT REPORT

The report sets out the Chief Executive's proposals to invest in a comprehensive package of external support in order to implement a programme of organisational transformation to ensure that the Council is adequately resourced to deal with existing and future priorities / challenges.

15. URGENT MATTERS REQUIRING UPDATE TO THE 2022/23 CAPITAL PROGRAMME (Pages 109 - 116)

The report requests further changes to the 2022/23 Capital Programme to address urgent operational matters and recognise the impact of rising inflation is having on the estimated costs of existing projects.

16. ANTI-SOCIAL BEHAVIOUR POLICY (Pages 117 - 154)

The District Council does not currently have an Anti-Social Behaviour (ASB) Policy although it is addressing and tackling such behaviour, it is prudent to have something formally adopted to help manage people's expectations and have the ASB Policy available

on the Council's website. The Draft ASB Policy (Appendix A) formalises the work which is already undertaken by the District Council when ASB cases are referred to the District Council from other partners, such as the police, or members of the public.

17. ESTABLISHMENT OF GYPSY AND TRAVELLER SITE PROVISION WORKING GROUP (Pages 155 - 162)

To propose the establishment of a working group to consider criteria and options for the provision of Gypsy and Traveller sites in the district and to make recommendations for determination to the full Council to the full Council within 8 weeks.

18. PROCUREMENT STRATEGY 2022-26 AND SUSTAINABLE PROCUREMENT POLICY (Pages 163 - 190)

As well as proposing the adoption of a revised Procurement Strategy for the period from now until 2026 and a new Sustainable Procurement Policy to meet the Council's commitments under the Climate Change Action Plan by 2030, this report also seeks approval of £54,068 of funding to provide a new internal Procurement and Contract Management resource to ensure that the Council is better supported in meeting its obligations under the law, as well as delivering better value on external contractual and commercial activities.

19. PROPOSED AMENDMENTS TO THE CONSTITUTION - FINANCIAL REGULATIONS AND CONTRACT STANDING ORDERS (Pages 191 - 282)

To recommend the adoption of revised Contract Standing Orders (attached at Appendix 1) and Financial Regulations (attached at Appendix 2) following a review to ensure that the rules comply with current legislative and best practice requirements. These two technical parts of the Constitution have multiple links and the Council is required to consider them every two years with the previous review taking place in July 2020.

NOTE

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



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

For assistance in understanding or reading this document or specific information about this Agenda or on the “Public Participation” initiative please call the Committee Team on 01629 761133 or email committee@derbyshiredales.gov.uk

Council

Minutes of a Council meeting held at 6.00 pm on Thursday, 28th July, 2022 in the Council Chamber, Town Hall, Matlock, DE4 3NN.

PRESENT Councillor Sue Bull - In the Chair

Councillors: Jacqueline Allison, Jason Atkin, Martin Burfoot, Sue Burfoot, David Chapman, Tom Donnelly, Graham Elliott, Richard FitzHerbert, Helen Froggatt, Chris Furness, Clare Gamble, Dawn Greatorex, Alyson Hill, Susan Hobson, David Hughes, Stuart Lees, Tony Morley, Dermot Murphy, Peter O'Brien, Garry Purdy, Mike Ratcliffe, Peter Slack, Andrew Statham, Alasdair Sutton, Mark Wakeman and Janet Rose

Tim Braund (Director of Regulatory Services), Robert Cogings (Director of Housing), Karen Henriksen (Director of Resources), James McLaughlin (Director of Corporate and Customer Services (Monitoring Officer)), Jim Fearn (Communications & Marketing Manager) and Lucy Harrison (Democratic Services Assistant)

Public – 9 Members

APOLOGIES

Apologies for absence were received from Councillor(s): Andrew Shirley, Robert Archer, Richard Bright, Matt Buckler, Paul Cruise, Steve Flitter, Michele Morley, Colin Swindell and Steve Wain.

83/22 - PUBLIC PARTICIPATION

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.”

ITEM 9 – PROPOSAL OF A NOTICE OF MOTION (RULE OF PROCEDURE 16)

In accordance with the procedure for public participation, Mr Rob Tamlyn (Grindleford Parish Council) and Mr John Davies (Grindleford Resident) made statements on Agenda Item 9 – Proposal of a Notice of Motion (Rule of Procedure 16).

The further following statements were submitted in writing:

STATEMENT from Mr Paul Thorpe and Ms Deborah Wright, Grindleford Local Resident

To The Leader of the Council,

We would like to whole heartedly support Councillor Peter O'Brien's motion as tabled above regarding the totally unacceptable noise nuisance from Grindleford station sidings by Network Rail at unsociable hours. The noises are sudden loud clunking sounds, presumably rails being dropped, which wake us up in the middle of the night, and loud reversing alarms which continue to keep us awake.

We have complained to Network Rail on numerous occasions to no effect.

We have also complained on numerous occasions to the Environmental health department and our MP.

Whilst we appreciate that Network Rail has to maintain the rail line, we do not accept that they have to make a terrible noise in the middle of the night at Grindleford station sidings for work that is being done up and down the Hope Valley line, not at Grindleford.

We would like to stress to the Leader of the Council that both the anticipation of the noise and the noise itself at unsociable hours is having a direct negative impact on the physical and mental health of the both of us.

STATEMENT from Mr Steve Burton, Upper Padley Local Resident

It is matter of record that Network Rail has never carried out a formal consultation with all the residents who have been impacted by the expansion, development and change of use of the Grindleford railway siding. I strongly support the motion and hope that it meets with the council's approval. However, if the council is unable to approve the motion then would the council be prepared to support and fund an independent consultation exercise that could provide a clearer understanding of the issues and make recommendations that might lead to more amicable arrangements between Network Rail and local residents.

STATEMENT from Mr and Mrs Slingsby, Upper Padley Local Residents

Dear Councillors,

With reference to Councillor Peter O'Brien's motion regarding Grindleford Station Railway Sidings.

As residents of Upper Padley for 36 years we have seen a steady increase Year on Year to the usage of the Sidings. Resulting in more noise, light pollution and impact on the local area. We fully endorse Councillor Peter O'Brien's proposed motion to request that Network Rail reduce their use of Grindleford Sidings to a minimum. i.e. The maintenance of Topley Tunnel and Emergencies only.

STATEMENT from Tony and Gillie Jenkinson, Grindleford Local Residents

We are writing as residents of Nether Padley, Grindleford, to give our strong support to Councillor Peter O'Brien's motion concerning Network Rail activities near Grindleford Station.

We are often disturbed on weekend nights by the noise of heavy machinery and of metal crashing. Continual sleep disturbances and related anxiety can be harmful to both physical and mental health.

It is intolerable that Network Rail can use a legal loophole to continue to cause this serious disturbance in a residential area.

It is clear that determined action is needed to force them to move these operations to a non-residential area, and we urge the Council to take all necessary steps to bring this about.

STATEMENT from Mr John Davies, Grindleford Local Resident

When we moved to Midland Cottages 36 years ago there were two coal merchants operating from the disused railway sidings (we still call it 'the coal yard'). When they ceased using the site it became unoccupied (apart from a couple of incursions by groups of 'travellers'). It was a 'dark space' at night and a range of wildlife could be seen and heard there - this is no longer the case.

The juxtaposition of the National Trust posters on Grindleford Station platform inviting visitors to enjoy "A breath of fresh air" and "Peaceful Views" with pictures of scenery and wildlife, and the industrial landscape Network Rail have created right next to the platform could not be more striking.

In recent years the site has become a major hub for multiple rail projects to the point where we now expect some kind of disruption on a daily basis - and increasingly overnight. The level of noise and light pollution, along with the added air pollution that comes from the hundreds of visiting rail related vehicles is, for the many residents living within 50 yards of the site (and others living within earshot), unacceptable and completely out of keeping with the setting - a Conservation Area within the Peak District National Park and adjacent to two National Trust areas.

Fleets of 40 foot articulated low loaders come and go bringing huge JCB type machines, other heavy equipment and tons of rail ballast to the site and then uploaded for use on the rail line. 30 foot sections of old rail that are brought back to the site from rail replacement operations are (literally) dropped to the ground (usually at night) and then uploaded to large lorries to be taken away - each time creating extremely loud crashing and banging.

The result of this constant disruption has been that we are often unable to sleep or enjoy the sort of peace and quiet in our gardens that you'd expect in this location. As a result a number of residents are suffering from anxiety or depression. We are frustrated that 5+ years of complaints to and discussions with Network Rail and involvement of our Environmental Health teams have led to no improvement in the situation - in fact it has got more intense with our complaints falling on deaf ears. Indeed, Network Rail are now saying to us that they have done all they can to mitigate the disruption (as far as we are concerned they have put up one sign that most workmen ignore) and they will no longer respond to our complaints !

Recent projects in the Bamford and Dore areas to improve the flow of rail traffic have (we think) led Network Rail and their contractors to set up new access points for delivering those projects. We feel Network Rail should be pressed to make more use of those access points in future and limit use of Grindleford to emergency access and basic maintenance of the nearby track and tunnel.

STATEMENT from Ms Gillian Hutchinson, Upper Padley Local Resident

We write as local residents of Upper Padley living immediately adjacent to the railway line and sidings since 2007. We wish to comment on both parts of this agenda item.

1a. While we accept that live right next to a railway line and that from time to time the sidings will be used for work on the tracks, we seem to have become a base for both for extensive operations that run not only at weekends and also a dump for stored equipment (usually bright yellow) and materiel. As I write (Wednesday morning) I can hear a lorry, lifting equipment and the clatter of loading and unloading heaving equipment. (This may go on for several hours.) This is not unusual, but weekend after weekend and at night this is very wearing due to the on-going loss of sleep such disturbance causes (several nights a week, week after week). We regularly get letters from Network Rail about disruptions on Saturday nights (often after the run of work has started), however, this disruption is not just restricted to these nights i.e., deliveries and loading seem to take place through the week (last time at 5 AM).

As a regular railway user I have observed other track side open land (sidings?) near other stations on the Sheffield to Manchester line e.g., at Topley, Bamford, Hope and Edale. It would not seem unreasonable to spread the burden of noise and stored equipment / materiel across these sites (with smaller impact) and to therefore to reduce the use of Grindleford apparently as a base for work all along the railway line. The impact in terms of noise and visually is worse in winter without the leaf cover of trees around the sidings, but hiding the houses this way also seems to be part of the problem, as we are hidden from the workers on the site - see comments below.

2b. Network Rail 'own' the site but seem unable to effectively manage operations on the sidings at Grindleford. The issue seems to be that numerous contractors use the site and the impact on local residents is down to how they conduct themselves. There seems to be no oversight / practical management by Network Rail. Why does Network Rail not make 'random checks'? In the past we have asked for practical steps to be taken to help use such as parking vans at right angles to the houses (parallel to the tracks and turning headlights off promptly). This does not always happen illuminating the back of my house for long periods for example, but has got better. The same applies to the lighting on the containers and cabins used by contractors. This needs to point down and away from the housing and does not need to be on all night / all week. Track side workers do not seem to know or care there are local resident close by trying to sleep. If they did, why do they shout to one another at 4:30 AM? Is there no briefing for all jobs informing workers that people live nearby? The big sign apparently about this at the gate to the site clearly is ignored by some. As a practical step, a significant improvement could be made to the noise impact of operations if contractors were not permitted to power the site using a diesel / petrol generator, but were required to hook up to mains electricity. This has previously been suggested. There must be a power line close to the sidings given there is a lit platform at one end and a signal box at the other. Caravan sites seem to be able to provide and meter power hook ups, so why not here? However, this would require Network Rail to 'improve' the site by setting this up and making it available (and metering it) job by job. I assume its easier to let each contractor haul in power and fuel as part of the cost of the work. This may be simpler, but would be a way to reduce the impact of work at the site and an investment for years to come which would show some commitment to taking this issue seriously. Can this suggestion be explored?

A further practical step to reduced the visual impact of work at Grindleford would be better site management to ensure that equipment and 'left over' materiel is not left to on site for long periods after each job or allowed to accumulate longer term as an eyesore, not only for

local resident but also for visitors to the areas as the sidings are visible from the Station Road which is a popular access point for Padley Gorge and Woods.
Thank you for your consideration of these comments and suggestion.

ITEM 13 – GYPSIES AND TRAVELLERS – PROVISION OF TEMPORARY SITES

In accordance with the procedure for public participation, Councillor Vicki Raynes (Tansley Parish Council) and Ms Victoria Friend (Rowsley Resident) made statements on Agenda Item 13 – Gypsies And Travellers – Provision of Temporary Sites.

The further following statements were submitted in writing:

STATEMENT from Ms Kerry Andrews, Level Centre

I'm writing from Level Centre on Old Station Close in Rowsley to object to the proposed use of Old Station Close car park and land as a traveller site.

This proposal could have a significant impact on our business and people wanting to attend and visit LEVEL.

LEVEL was established to provide contemporary art experiences for Learning Disabled and Disabled members of our community. We have a year-round programme of events that are open to the public.

Although the building was RIBA award-winning, car parking is limited with only three parking spaces, two of which are for disabled parking. This does not provide sufficient parking for our staff, participants and visitors and Old Station Close car park is used as an overflow.

Much of Station Close is un-surfaced, with traffic to and from the other businesses. Our building occupies the full footprint of the land that it was built on, therefore we use Old Station Close car park as our fire assembly point for our team and vulnerable users. We are unable to change the location of our fire assembly point as much of Station Close is un-surfaced, with traffic to and from the other businesses and would not be safe for our users.

The trees have grown up around the LEVEL building on DDDC land, so the building is no longer visible from the A6. This makes signposting visitors to the centre already difficult, but combined with the potential loss of parking it would make it very difficult for us to not only open to the public but to operate at all.

STATEMENT from Ms Isobel McCormick, Chair of Chesterfield and Northeast Derbyshire Ramblers

I am writing to represent the views of Chesterfield and Northeast Derbyshire Ramblers, especially those who live in the Derbyshire Dales, regarding the possible use of the Old Station Road car park in Rowsley as a temporary site for Travellers and Gypsies. We understand that the council has a duty to provide accommodation for the homeless Traveller families but we would like to express our concern that the use of this site would result in the loss of use of a car park which we frequently utilise as a starting point for our walks. Our walks attract up to thirty people and this means we require a lot of parking spaces not readily available elsewhere in Rowsley. When the car park was occupied by Travellers previously, we used part of the Peak Village carpark near the auction rooms but this is not always available and our Walks Programme is organised several months in advance. This

makes unexpected closures difficult for us. We feel it is important that the council encourage walking as it improves mental and physical health.
Thank you for taking account of our views

STATEMENT from Ms Sarah Porter, Northwood and Tinkersley Parish Council

On behalf of Northwood and Tinkersley Parish Council I am writing to object to the inclusion of the recreation ground on Northwood Lane as a potential temporary traveller site. The access options to this site are both down a narrow poorly surfaced track within a high residential area. The recreation ground has just had repairs to a pipe that runs across the flattest part of the site and so vehicles should not go on this area in case the pipe is damaged again, it is also a wet part of the site. The recreation ground is well used by the community and losing this space will have a detrimental effect on the well being of the parish. The top of the recreation ground is a wildflower area and supported by the DDDC green team as one of their flagship areas. The whole site is grass and so unsuitable for caravans going into the winter. The Parish Council urges the District Council to remove this site from the list.

The site near Peak Rail may well be a better option but could have a detrimental effect on Peak Rail and other local businesses.

STATEMENT from Ms Sarah Porter, Baslow and Bubnell Parish Council

On behalf of Baslow and Bubnell Parish Council I am writing to object to the inclusion of the Baslow car park as a potential temporary traveller site. Baslow is one of the key gateways to the Peak District and leads to Chatsworth. Parking is already an issue in the village, particularly during holidays and weekends, and so reducing the available car parking spaces will cause a huge impact on the rest of the village. The Parish Council has recently undertaken consultation to look at this and can provide data to show this. The impact on a loss of parking to the village will be felt by the local businesses still trying to recover from the lockdowns of Covid. The Parish Council urges the District Council to remove this site from the list.

STATEMENT from Ms Laura Newbould, Bakewell Local Resident

Dear Councillors

I am writing to you all with regard the meeting you will be possibly attending on Thursday 28th July 2022.

Where I believe it will be discussed from looking on the agenda the siting of temporary travellers camps on DDDC land.

I live with my father and my two young children in the house directly behind the ABC in bakewell and adjacent to the showground land which the council lease and which has recently endured stays by said travellers. I wish to raise our concerns for those families and indeed any travellers to be located there.

This land is within the Peak District National Park and as such should **NOT** have any type of travelling camp within it (temporary or otherwise) Not only does it fall within the National park but Bakewell being a very profitable tourist location suffers heavily from having these sites located on its land, not only does the council lose revenue from parking but also the loss of much loved community events which would normally be held on the showground land, have recently had to to postponed or even cancelled. As lifelong resident of this town, I believe that siting travellers here would be to the detriment of both council revenues and to all the residents who live here. Not only that but the destruction and mess they leave behind once they move on is disgusting and dangerous.

I wrote to you all last year when the travellers were camped on the land adjacent to us, and I told you about the verbal abuse and threats my father had received from members of the travelling community which had led to him struggling with mental health, I also told you about the constant shouting and swearing we heard and how my children were scared to be in the garden alone, and also the verbal abuse tourists faced when walking into the centre of Bakewell from the Monsal trail, a much loved and very well used footpath which runs straight past the locations on your appendix sheet. One morning my 10 year old daughter, opened her curtains to one of the members of these family's, a fully grown man stark naked, urinating and defecating all over the showground grass. Is this really what you want local children and the tourists, who spend so much money in this town to be greeted with.

The ABC was built on this site adjacent to the showground land as a community hub and to make the cattle market and surrounding land a more successful and more profitable establishment, Housing members of the travelling community on it does neither of those things. DDDC have spent a lot of money improving parking, making low barriers, building premises, why would you be willing to put this at risk? Also why would you potentially take away the prospect of having much needed events for the residents of this town, things like the Christmas fairs, and the country show, Thornbridge festival, Eroica, circus, cycle rides, walks, dog shows and many more would all be at jeopardy if you were to house the travellers on any part of ABC or show ground land and after the last two years of pandemic we need these events to be able to get together as a community and start to rebuild confidence and relationships that have been so missed by so many, you will be potentially putting all of this at risk by considering housing two family's from the travelling community on this land in the future.

The residents on this road are made up of at least 75% elderly and or frail people who have all paid their taxes for years and been able to purchase property in what is regarded by many as a quiet and green part of Bakewell in the twilight of their years. I am disgusted therefore that you would even consider putting such travellers on their doorstep, I appreciate you have a duty of care to this travelling family however you also have a duty of care to towards the residents who pay their council taxes and to the tourists who pay handsomely to visit this town, if you house travellers on this land you will be failing us all. I ask you to take all my points into consideration and I trust you will all do the right thing and not consider this land suitable for habitation by the travelling community in the future. I have copied this email to all the local councillors, who I know have an interest in the wellbeing of Bakewell residents and also to Sarah Dines MP as a matter of courtesy as we have previously exchanged communication on this matter.

Best wishes

Laura Newbould on behalf of all my family and fellow residents of Coombs Road.

STATEMENT from Mr David Oakley, Darley Dale Town Council

I am a little disappointed that the Town Council weren't consulted in compiling the long list of potential gipsy and travellers' temporary sites which were only brought to our attention through Social Media. We have had strong local representations already from residents and below are our first thoughts on each location (though we could have done a more thorough analysis had we been consulted). I trust that this information will be taken into account when refining the list and that you will all give due consideration to the strong local feelings about these sites and their suitability.

1. Land NW of the Arc Leisure Centre – not clear where this location is .
2. Columbelle Way and Dale Road North – densely populated residential area with a high volume of older residents as it is directly adjacent to Underhall Respite and Resource Centre.

3. Broadwalk Park (The Tipping) – The only recreational facility in Darley Dale apart from the Whitworth and heavily used by local residents, children and local clubs. Vehicle access is difficult and through residential areas.
4. South Side of Old Road – busy junction with queuing traffic with noise and pollution.
5. Lime Grove and Dale Road North – heavily populated area with several blocks of flats adjacent, Directly next to main A6 with associated noise and pollution.
6. East of Bent Lane – rural area with no houses nearby so no easy access to local amenities. Winter access could be a problem.
7. West Side Newell Way – densely populated area with vehicle access through very busy estate.
8. ARC Leisure Car Park – Close to Morledge and locally used recreational facilities.
9. Land off Morledge – Residential area and busy thoroughfare. Designated wildflower area.
10. Crowstones Road – Busy local convenience store and established residential area.
11. Land North West of Pumping Station - used extensively for parking by local residents and main access route to Heritage Way. When large vehicles or camper vans have parked there overnight in the past we have been inundated with complaints from people unable to access their cars or the trail.

It is also worth pointing out that the general understanding from the travellers' own posts and comments on this issue that their preference is to located near to Ashbourne rather than Matlock.

STATEMENT from Ms Annemarie Fell, Local Resident

I understand there is a meeting on Thursday 28th July at 6pm to discuss the identification of possible sites for Travellers and that one possible site is the Old Station Road car park in Rowsley.

I strongly object to this proposal. On previous occasions when the site has been used by travellers we, the local residents, have experienced a number of problems including

- General waste being strewn around even when bins are provided.
- Nappies, human excrement and toilet paper being left on the footpath, despite the fact that chemical toilets are provided.
- Bonfires burning
- Caravans are parked across the footpath making it extremely difficult and intimidating to access the path. In addition fierce dogs are chained and barking near it meaning that it is not used for access when the Travellers are there.
- The feeling of intimidation was such that even using the car park to park stopped happening.
- On departure the site is generally left in an appalling state and not just the car park but the banks and paths in the area.

Even as a temporary site this causes disruption, upset and damage to the local environment including beautiful and much valued rivers with amazing diversity. I dread to think what would happen if it were to become a permanent site, as I have heard it may. The area would not even have time to recover between visits and the river quality would decline steadily; locals would be forced out of a wonderful and much used track for walking and cycling and local businesses would decline.

I am not against Travellers as such but I am against anti-social behaviour and locals feeling wary of using areas of their own village as well as feeling that everyone should be working to protect the river and its surrounding environment.

STATEMENT from Ms Sian Bacon, Rowsley Parish Council

Dear Cllr Purdy and Cllr Hobson,

Rowsley Parish Council wish to express their concerns regarding the situation with the Travellers that is once again up for discussion in the District Council meeting to be held on Thursday 28th July 2022. Over the past few years this issue has appeared with no resolution on at least 5 different occasions. During the periods where the Travellers have stayed in Rowsley, several anti-social behaviour incidents occurred. These incidents include aggressive and intimidating behaviour from individuals towards staff members of local businesses and users of the car park, defecation on a well-used public cycle trail and the Derwent Heritage Way both of which exit on to the car park. After the departure from Old Station Road car park, enormous levels of rubbish remained which were then cleared by local volunteers several months afterwards as opposed to the District Council. Realistically the list of rules for staying on sites do not show how they will be enforced or what will happen to the families if there are incidents, ultimately, they are homeless due to the lack of action by the District Council over the last twenty years to provide them with a proper managed site and will still need somewhere to go even if they do not follow the rules provided. Rowsley is a small village and so the impact falls greater on its residents and tourists who come to the area.

In addition to this the Traveller families are quite reasonably, due incidents with a very few residents, are unwilling to return to Rowsley. This was highlighted most recently in an article by the Derbyshire Times. They have expressed their wish to be placed down around Ashbourne due to family ties and the Parish Council believe this should be supported. The Old Station Road car park is not private, quiet, or realistically near facilities that would be desirable for people to live on it. There are better spaces even around the Matlock to Bakewell areas than a well-used car park on a busy trail used by tourists and next to businesses in the centre of a small village.

The Parish Council has observed that on permanent traveller sites in other areas there are permanent site managers who are employed to manage the issues raised above and keep the sites in good condition thus helping the local areas to remain clean and harmony to occur between all communities using the space. Derbyshire Dales however have been completely derelict in not providing this support for the temporary sites in the past and this is directly in contrast to the well being of both the Traveller community and the local residents. Rules that are put in place would be better enforced with a proper and familiar site management team which doesn't appear to be one of the suggestions put forward with any of these suggested sites.

Given the illegal dereliction of duty of the District Council to provide proper permanent sites for Travellers in the area at the very least the temporary sites should be properly managed and all issues either anticipated with a level of risk assessment or resolved promptly with all sites returned to a spotless condition shortly after the Travellers have moved or been moved to an alternative site. The failure of the District Council to deal with this issue has created bad feeling in both communities which has spilled over into residents around the Derbyshire Dales being opposed to Traveller sites entirely. This is deeply unfair to both the Travellers and the residents as had sites be properly managed from the beginning much of the bad feeling would not have occurred.

Rowsley Parish Council would request to see the permanent sites issue dealt with as quickly as possible but also that the selected temporary sites are properly managed by a site manager to see a reduction in anti-social behaviour and the rubbish left behind removed promptly and properly.

84/22 - APPROVAL OF MINUTES OF PREVIOUS MEETING

It was moved by Councillor Helen Froggatt, seconded by Councillor Mark Wakeman and

RESOLVED (Unanimously)

That the minutes of the meeting of Council held 26 May 2022 be approved as a correct record.

The Chairman declared the motion **CARRIED**.

85/22 - INTERESTS

There were no declarations of interest.

86/22 - LEADERS' ANNOUNCEMENTS

Councillor Garry Purdy, Leader of the Council, made the following statement:

"Members, you may recall that I informed you in past meetings that Vision Derbyshire was formed about two years ago when All Derbyshire Local Authority Leaders and Chief Execs met at the invitation of Cllr Barry Lewis, Leader of Derbyshire County Council at J28 Hotel off the M1 in order to discuss the then proposals on Devolution by Government. Present at that meeting were representatives of Derby City Council.

A unanimous vote was made by all Derbyshire Local Authority Leaders and Chief Execs that:

- 1. Vision Derbyshire should be formed*
- 2. That we did not want a Mayor or Mayoral Combined Authority.*
- 3. That regular meetings should take place with a view to engaging Consultants to help determine what kind of Authority Derbyshire wished to become.*

Derby City representatives stated that whilst they acknowledged and respected the formation of Vision Derbyshire, they did not wish to join. They were informed at the meeting that the door would be left open for them to join at any time.

Price Waterhouse Cooper were subsequently engaged and a series of Workshops took place between Leaders and Chief Execs at Lea Hurst, Holloway which resulted in a number of ideas for future collaboration and Workstreams were raised in order to deal with the business of the Two-Tier Authorities.

It is important to note that this work resulted in Derbyshire being at the Head of the Nine County Deals announced a few months ago by Government. Invitations to All Councillors were sent out from time to time to enable an update on progress. It is also important to note that the work of Vision Derbyshire preceded the White Paper on Devolution. The delivery of the White Paper was frequently delayed and was finally produced in February 2022.

The content of the White Paper revealed amongst many other issues – 3 x Funding Streams:

Level 1 – Status quo – As we are now with limited and diminishing funding from Government and being very much reliant on income.

Level 2 – A Derbyshire Combined Authority – which would result in slightly more devolved powers and funding

Level 3 – A Mayoral Combined Authority which ticked every box regarding devolved powers and funding.

Following the delivery of the White Paper we were subsequently informed by Cllr Barry Lewis at a virtual Vision Derbyshire meeting that talks has been held between the 4 x Leaders of Derbyshire (Cllr Barry Lewis – Derby City (Cllr Chris Poulter) – Nottingham (Cllr David Mellen) and Nottinghamshire – (Cllr Ben Bradley) with a view to the formation of an East Midlands Mayoral Combined Authority.

Naturally this led to a lot of disquiet, unease and anger in some cases especially due to the fact contained in the White Paper was No Power of Veto by 2nd Tier Authorities such as Derbyshire Dales.

We are though assured through Cllr Barry Lewis, and I have been present at a meeting with Cllr Chris Poulter, Leader of Derby City Council when he gave the same assurance, that all 4 Leaders are desirous that all 2nd Tier Authorities in Derbyshire and Nottinghamshire should be included in the Governance arrangements and have a Voice at the table.

At a virtual D2 Meeting last week Chaired by Elizabeth Fagan, Cllr David Mellen gave the same commitment and spoke of 4 x seats at the Board Meeting table being enabled for District and Borough Councils in Derbyshire & Nottinghamshire. Let us not forget that James McLaughlin is one of the architects of any new Governance arrangements for whatever construct is decided by Government.

Nonetheless, assisted by the District Council Network who are lobbying Government very hard re the lack of a Power of Veto and to allow a seat at the table for 2nd Tier Authorities, I have written to our MP Sarah Dines MP and the two Candidates for the Conservative Leadership – Liz Truss and Rishi Sunak, copies of which you will have seen, appealing for this wrong to be rectified.

Cllr Barry Lewis is currently meeting Leaders of all Eight District & Borough Councils in order to take stock of their views on the recent development. Paul and I met with Cllr Barry Lewis and Chris Henning Director of Place at DCC – at the Town Hall at 9am on Monday 11 July 2022 when I gave my view on the recent development.

That notwithstanding our still strongly held view that a Mayoral system is not right for our areas, that we have to do right by our residents and businesses and have no choice but to accept the fact that a Mayoral system of Governance is the only game in town that will receive extra powers and funding from Government. I also said that I would not wish to see a Mayor with full powers delegated to whoever it might be in the final analysis.

Cllr Barry Lewis explained that all 4 Leaders were aiming for a similar Mayoral system to that of the West Midlands under Mayor Andy Street where a strong Governance Board arrangement does not allow for full powers in a single individual.

We have to wait now to see what Government Civil Servants and Ministers decide what our fate will be and we are led to understand that we should know our fate by the end of Autumn – September 5th being cited as the decision date. I will continue to fight for a voice

at the table not only for our Authority but for all of the other 2nd Tier Authorities involved in this process.

If it is to be decided by Government that an East Midlands Mayoral Combined Authority should be formed, then Elections are anticipated to take place in May 2024.”

87/22 - CHAIRMAN'S ANNOUNCEMENTS

Councillor Graham Elliott, Civic Chairman, made the following statement:

“The charity I have chosen to support this year has over 35000 members, 95% of which are volunteers and come from all walks of life. They rely on fund raising events and donations to keep them afloat.

I’m sure most have already seen the press statement Jim has released.

The charity is of course the RNLI. In my view the 4th emergency service. I’m under no illusion as to how difficult it is in this present climate to raise funds for any charity what with the cost of living as it is.

However I am remaining positive and hope we can do them justice in our efforts to support them. A just giving page has been set up on the website.

I’ve also attended a number events as civic chair.

The first being on the 17th June at Castle View Primary School in Matlock where the Lord Lieutenant planted an apple tree donated by the Lieutenancy. Part of the Queens Green Canopy programme. That was followed by a short tour of the school and light refreshments. An interesting and enjoyable morning for all concerned.

On the 22nd June I was invited to attend Wirksworth Memorial Hall for the AGM of the Derwent and Dove Scout Council. I was amazed at the number of opportunities this hard working group of individuals provide for the scouting community. Much different to my day in the scouts. I was asked to pass on thanks to council for their support.

On June 30th I attended the home of Libby Lane in Duffield for a community and Civic gathering followed by a buffet meal in the garden. About 30 people attended from various districts of the county. Libby was installed as the Bishop of Derby at the Cathedral in 2019. Despite the pouring rain a pleasant evening was enjoyed by all.

With your permission chair I would like to call upon my deputy Cllr Atkin to comment on the events he attended in my absence”.

Councillor Jason Atkin, Deputy Civic Chairman, made the following statement:

“Thank you very much Chair and Councillor Elliott. I attended the handover of the together artwork in Hall Leys Park on the 30th June. I suggest if you haven’t gone and seen it, go and have a look, it’s a very good installation. On the 2nd July I attended the Buxton Tattoo in aid of the Royal British Legion which was a very lovely evening and raised lots of money. Thank you very much.”

88/22 - COMMITTEES

It was moved by Councillor Jason Atkin, seconded by Councillor Tom Donnelly and

RESOLVED (Unanimously)

That the non-exempt minutes of the Committees listed in the Minute book for the period 24th March 2022 to 12th July 2022 be received.

The Chairman declared the motion **CARRIED**.

89/22 - QUESTIONS (RULE OF PROCEDURE 15)

Question from Councillor Peter Slack to Councillor Garry Purdy, Leader of the Council:

“Over the last number of years we have seen an increase in the Derbyshire Dales of small dwelling being acquired by people or companies that use as holiday lets and holiday Homes, which I believe fall into the category of second homes.

Also at the same time many local young people looking to acquire homes for the first time in their local area near to their families are being priced out of the market by people that are purchasing the dwellings as investment and also making a great deal of money out of continually letting property weekly at inflated rates well above normal rents.

Yes we do need tourists to visit to Derbyshire Dales and we have many good Hotels, B&B and Self Catering flats in the Derbyshire Dales.

But the great problems are that many young people have to move from the Derbyshire Dales to get onto the property ladder, in turn this leads to families being split and villages with less children to sustain schools and community spirit diminishing.

Recently in Whitby North Yorkshire, the council had a local referendum on this very issue of holiday homes and holiday lets, and the vote was overwhelming for controls to restrict holiday homes and lets.

Also I know that this is a problem in Wales, Cornwall and Devon and recently a national survey found in the last four years that holiday lets and second homes had increased by 40%.

Also, recently in the Queens speech at the opening of parliament there was references made about second homes and there use as holiday homes and lets, in regards to Council Tax to help control this issue.

Earlier in the year we did vote to use Council Tax to bring back Empty homes back into use again.

So would you agree with me on the need for controls on the second homes problem.”

Councillor Purdy provided the following response:

The simple answer is that yes it would be good to see more controls to reduce the numbers of 2nd homes within the Dales and give local people more opportunity to buy such properties as their main home.

There are just under 1000 2nd homes in the Derbyshire Dales out of a total housing stock of approximately 34,000. The Derbyshire Dales has the 61st highest number of 2nd homes of all English local authorities.

There are very few controls available to councils to control the numbers of 2nd homes. The Government is currently taking the Levelling-Up and Regeneration Bill through Parliament and this includes provisions that both impact empty homes and 2nd homes. In relation to 2nd homes the Bill, it is likely any increase might only be in place by 2024-25. Any change in Council Tax policy would be subject to approval by Members, most likely in the next Council.

Question from Councillor Peter Slack to Councillor Garry Purdy, Leader of the Council:

“Wirksworth looks to be the market town that is being left behind in regards to having only one EV charging points installed on the old market place car park provided by local authority. There is one other EV charging point which is provided by local co-op which is very well used.

A Number of residents have contacted me about the lack of EV charging points in Wirksworth and many residents around the centre of the town have no facility for installing EV charging.

So in Wirksworth we have DDDC free car park off Wood Street Canterbury Road carpark, it would be ideal car park for EV charging points to be installed on the car park and would allow residents to pay for charging, but being free car park it would be a big incentive for many residents to move over to electric vehicles.

The EV charging points could be installed at the lower end near the recycling bin, or at the top end near wood street, and in the next few years with the increasing move over to electric vehicles they could be develop along the car park.

Recent reviews have identified the shortage of fast charging EV points all-round the Country except in London. So this needs to be addressed quickly if we are going to encourage residents to invest in electric cars.

Please consider my proposal for Wirksworth.”

Councillor Purdy provided the following response:

Nationally there is a huge challenge if, as a country, we are to meet the target of 300,000 public charge points by 2030. Locally we (DDDC and DDC) are working on developing the EV charging offer across the county.

DDDC are looking at submitting an application for funding to ORCS (on-Street Charge point Scheme) this year, which specifically looks at increasing the infrastructure for residents (7KW chargers). Looking at the criteria and geographical locations, we have shortlisted the following car parks to be assessed by the EV Charge point Operator once they have been appointed:

1. Cattle Market, Ashbourne
2. Artist Corner, Matlock
3. Granby Road, Bakewell
4. Oddfellows, Hathersage
5. Nether End, Baslow
6. Canterbury Road, Wirksworth
7. Market Place, Cromford
8. Town Hall Front, Matlock

(If the bid for ORCS funding is successful, those car parks which meet the criteria will be installed in 2023)

Further work has been carried out by DCC who are specifically looking at the provision of rapid chargers (22Kw) across the county and the following car parks have been shortlisted with a view to submitting a LEVI (Local Electric Vehicle Infrastructure) funding Bid. All locations will still need to be assessed and meet the relevant criteria before they can be progressed. They have shortlisted the following car parks within Derbyshire Dales:

1. Granby Road, Bakewell
2. Artist Corner, Matlock
3. Cattle Market, Ashbourne
4. Oddfellows Road, Hathersage
5. Nether End, Baslow

Question from Councillor Peter Slack to Councillor Garry Purdy, Leader of the Council:

“Would the Leader and Council consider joining the (Councils for fair tax declaration) which many Councils of different political persuasion have joined.

In research conducted by Datalab for Fair Tax Federation found that from 2014 to 2019 a huge £37.5 Billion of public procurement contracts has been won by companies that add links to Tax Haven overseas.

Recent research shows a loss of £17 Billion in corporation tax revenues the result of shifting profits to Tax Havens.

Significant recent polling showed that 66% of the public believe that the government and local government council's should at least consider ethics alongside value for money and quality of service provide in awarding of contracts won to companies.

It is more important than ever in this time of financial hardship to our communities, that we consider joining with other Councils from all parts of the country in (Councils for Fair Tax Declaration).

It will show that the council are adhering to good ethics and procurement of contracts.”

Councillor Purdy provided the following response:

Thank you for your question Councillor Slack.

This is ultimately a question of policy for the Council. I note that there is a template motion on the Fair Tax Mark website which has been used by other councils that have made the Fair Tax Declaration. You might want to bring this forward to a future Council meeting for debate if this is something that you support yourself, Councillor Slack.

In the meantime, I will commit to working with officers to understand the implications for the organisation of signing up to such a declaration. Given our limited resources we need to be careful about increasing the administrative burden on officers unless it is of value. I will be happy to write to you outside of the meeting once I have had the opportunity to full discuss the impact of this upon the Council.

Question from Councillor Peter O'Brien to Councillor Garry Purdy, Leader of the Council:

"In an excellent interview that you gave last week to Radio 4's Today programme about housing issues in the Derbyshire Dales, you said that 'if you grow up in a village, it's your life blood. If you want to stay in the village when you grow up, you should be enabled to stay there'.

Families and young people in the villages of Eyam and Hathersage (and many other Peak District villages) are in that position, and have been pleading for more affordable housing for many years. I'm sure you will agree that it is heartbreaking to listen to their stories, and to hear how they are being forced to move away.

Can I count on your support, and that of the Majority Group, for our officers to enable them to bring forward schemes in Eyam and Hathersage at the earliest possible opportunity. And to join with me in urging the Peak District National Park Authority, through its Chair and Members, to be part of the solution rather than the problem."

Councillor Purdy gave the following response:

As you know the provision of affordable housing has been a priority for both the Council and myself as Leader for many years. The Council has a good track record in the delivery of new affordable homes averaging 76 new affordable homes each year. The Council has also become a direct provider of Council housing again to further intervene in the housing market.

The Housing Team have the full support of the Council to enable and hopefully deliver new homes in Eyam and Hathersage as well as other villages across the Peak Park and our own Plan area. The development process can take time and the Peak District National Park have been working with the Housing Team to assess potential sites, a process that I understand you have also been part of as Ward Member.

90/22 - PROPOSAL OF A NOTICE OF MOTION (RULE OF PROCEDURE 16)

The Council considered a motion submitted by Councillor Peter O'Brien in accordance with Rule of Procedure 16.

At the meeting the motion was moved by Councillor Peter O'Brien and seconded by Councillor Garry Purdy as follows:

"For over 10 years residents in the Upper and Nether Padley areas of Grindleford have suffered increasing disturbance and nuisance from the operations undertaken by Network Rail on the former sidings area at the train station. Network Rail use the site regularly as a base for 6 different engineering and maintenance teams, who work on the rail network between Totley and Hope and beyond. Virtually all operations take place at weekends throughout the nights.

Grindleford Station is within a natural amphitheatre such that any noise is amplified and transmitted significant distances away from its source. As well as being within the National Park, it is located in a Conservation Area.

Network Rail acknowledge the significant increase in their use of the area, and the fact that it causes disturbance. However they maintain that are unable to do anything further to mitigate this. They have confirmed that its use is planned to continue; in fact it may well increase following the upgrade of the Hope Valley line, with the additional track lengths and more frequent train services.

Numerous meetings have taken place over the years between residents and Network Rail, and with the current and previous MP's, but have resulted in no significant improvements to the situation. Network Rail also declined to take up an offer by the PDNPA to use their expertise to achieve a more appropriate layout and design of the operational area, including landscaping.

The Council's Environmental Health Service has also been involved over a long period of time, and continues to receive significant numbers of complaints; they acknowledge that the level of noise in particular is a cause for concern.

However Network Rail are exempt from the provisions of the Town and Country Planning legislation, and are not subject to the same controls as other businesses under Environmental Health related legislation. This severely limits the ability of the Council and other public authorities to impose conditions on their operations, or to take enforcement action similar to that which would apply in other circumstances.

The residents acknowledge that the station area should be used by Network Rail in genuine emergency situations, in particular with regard to the adjacent Totley Tunnel, but believe that the location is entirely inappropriate as a base for routine engineering and maintenance operations. They consider that there are other more suitable locations which Network Rail should be encouraged to explore.

I am therefore submitting the following motion to the Council:

1 a) "in view of the continued and increasing disturbance caused by the operations of Network Rail and its contractors to local residents in the environmentally sensitive and residential area in the vicinity of Grindleford Station, the Council uses its best efforts commensurate with resources available to secure the relocation of the engineering and maintenance facility to a more appropriate location"

1 b) "pending the relocation of the engineering and maintenance facility, the Council continues to explore with Network Rail all means possible to mitigate the disturbance caused to residents in the vicinity of Grindleford Station; as a last resort, appropriate statutory and/or legal powers be utilised"

The motion was put to the vote and

RESOLVED (Unanimously)

1. In view of the continued and increasing disturbance caused by the operations of Network Rail and its contractors to local residents in the environmentally sensitive and residential area in the vicinity of Grindleford Station, the Council uses its best efforts to commensurate with resources available to secure the relocation of the engineering and maintenance facility to a more appropriate location.
2. Pending the relocation of the engineering and maintenance facility, the Council continues to explore with Network Rail all means possible to mitigate the disturbance caused to residents in the vicinity of Grindleford Station; as a last resort, appropriate statutory and/or legal powers be utilised.

The Chairman declared the motion **CARRIED**.

91/22 - PROVISIONAL REVENUE OUTTURN 2021/22

The Director of Resources introduced a report which provided details of the provisional financial outturn for the District Council's Revenue spending for the year ended 31st March 2022 and significant variations from the revised budget.

The report informed Members of the role that the Council's Revenue Budget plays in assisting in delivering the priorities and targets within the Corporate Plan, by allocating budgets to specific projects. The Revenue Budget specifically addresses the following priority area: "People: Achieve a sustainable financial position by prudent management of resources and reviewing services".

The report also detailed how the provisional financial position as at 31st March 2022 would be reflected in an updated Medium-Term Financial Plan which would be presented in the Autumn.

Members were informed that the provisional outturn on the revenue account for 2021/22 was a surplus of £732,113 against revised estimates. Key reasons for the surplus were detailed in the report. Subject to the approval of the Officer recommendations included in the report, the provisional outturn was that Council increased its general fund balances from £1,999,839 to £2,423,560 at 31 March 2022 and reduced the earmarked reserves from £20,970,179 to £17,664,545 for the same period.

It was moved by Councillor Garry Purdy, seconded by Councillor Mike Ratcliffe and

RESOLVED (Unanimously)

1. That the following transfers to reserves for 2021/22 be approved:

1. A budgeted transfer of £30,000 to the Elections Reserve.
 2. A budgeted transfer of £50,000 to the Local Plan Reserve.
 3. A budgeted transfer of £150,000 to the Vehicle Renewals Reserve.
 4. A budgeted transfer of £142,000 to the Waste Vehicle Reserve.
 5. A transfer of £4,129,0790 of Revenue Grants received in the year to Revenue Grants Unapplied Reserve.
 6. A transfer of £604,625 Capital Receipts received during the year to Capital Receipts Reserve.
 7. A transfer of £1,224,185 Capital Grants Received during the year to Capital Grants Unapplied Reserve.
 8. A transfer of £8,613,380 from Reserves to cover Revenue expenditure within the year.
 9. A transfer of £2,340,689 from Reserves to cover Capital expenditure within the year.
 10. The surplus of £732,113 be transferred to Reserves as follows:
 - (i) A transfer of £200,161 to General Reserve to top-up this reserve to £1.2m.
 - (ii) A transfer of £108,392 to Committed Expenditure Reserve.
 - (iii) A transfer of £200,000 to Customer Innovation Reserve.
 - (iv) A transfer of £223,560 to General Reserve to fund inflationary pressures in 2022/23 onwards.
2. That it be noted that the revenue account for 2021/22 is balanced.

The Chairman declared the motion **CARRIED**.

92/22 - CAPITAL PROGRAMME OUT-TURN 2021-22 & REVISED CAPITAL PROGRAMME 2022-23 TO 2024-25

The Director of Resources introduced a report outlining the out-turn position for 2021/22 and the revised Capital Programme for 2022/23 to 2024/25. A number of new projects were proposed for inclusion, subject to successful funding bids.

At a Meeting of Council on 25th March 2022, a revised capital budget of £5,167,703 was approved. During April 2022, delegated approval was given by the Chair of Community and Environment to add a project for the inclusion in the 2021/22 Capital Programme. This project was to complete an Energy Efficiency Upgrade to social and private housing. The project bought the Revised Capital Programme for 2021/22 value to £5,937,504.

The report informed Members that the total spend for 2021/22 was £4,451,000 therefore there was an overall underspend of £1,486,504. Generally, where projects were still continuing budget underspends have been carried forward and added to Original 2022/23 capital budget.

The additional requests and changes for Inclusion in the Capital Programme were also detailed in the report for Members information.

It was noted that there was considerable change to Capital Programme as the Council had been successful in obtaining further funding from a variety of sources to commence new projects. The proposed Capital Programme for 2022/23 to 2024/25 was shown in Appendix B.

It was moved by Councillor Tom Donnelly, seconded by Councillor Mark Wakeman and

RESOLVED (Unanimously)

1. That the provisional Capital Out-turn, as detailed in Appendix A, and financing arrangements for 2021/22, in the sum of £4,451,000 be approved.
2. That the explanations regarding significant variances in planned and actual capital expenditure for 2021/22 be noted.
3. That the revised Capital Programme as detailed in Appendix B and financing arrangements for 2022/23 to 2024/25, in the sum of £12,578,885 be approved, including new projects totalling £1,515,668 as outlined at paragraph 1.7 plus additional allocations for future year Disabled Facilities totalling £1,203,472.
4. That in respect of the UK Shared Growth Prosperity Fund, delegated authority be given to the Director Of Regeneration in consultation with the Director of Resources to revise Revenue and Capital allocations and the budget each year, subject to meeting the government funding conditions.
5. That the balance of funds available over the 3-year programme, shown in Appendix C, be noted.

The Chairman declared the motion **CARRIED**.

93/22 - FINANCIAL MANAGEMENT SYSTEM

The Director of Resources introduced a report seeking approval for a supplementary revenue budget of £39,778 a year from 2022/23 to allow for the increased annual costs for the Council's Financial Management System.

The report addressed that the Council uses Unit's "Agresso Business World" as its corporate Financial Management System. The servers that host Agresso use SQL 2012 as an operating system. The report informed Members that the Council had been notified that the support agreement for SQL 2012 would expire in July 2022. It was noted that arrangements were being made to extend this, but it could only be achieved for a temporary period. Members were informed that the running of an unsupported system was a risk.

As well as providing management information, such as for budget monitoring, Agresso is used to pay suppliers, to raise invoices for trade waste, rents and other fees and charges and account for VAT. If the service was not available, such transactions would be delayed resulting in service disruption for our suppliers and customers: there would also be the risk of a financial penalty for late submission of VAT claims.

The report noted that moving to a cloud-based version seemed inevitable, therefore it would be inefficient to upgrade on premise at present time and have to upgrade to the cloud later.

Based on a 3 year contract, the cost of the recommended option was £19,733 more than the annualised current cost and £39,778 above the amount included in the 2022/23 revenue budget.

It was moved by Councillor Chris Furness, seconded by Councillor David Chapman and

RESOLVED (Unanimously)

That approval be given to a supplementary revenue budget of £39,778 a year from 2022/23 to allow for increased annual costs for the Council's Financial Management System (Agresso Business World), to be financed from the General Reserve.

The Chairman declared the motion **CARRIED**.

The meeting was briefly adjourned from 7:41pm to 7:50pm.

94/22 - DURATION OF MEETINGS (MOTION TO CONTINUE)

At **8.25pm**, during the discussion of **Item 13 – Gypsies and Travellers – Provision of Temporary Sites**.

It was moved by Councillor Jason Atkin, seconded by Councillor Stuart Lees and

RESOLVED

That, in accordance with Rule of Procedure 13, the meeting continue beyond 2 hours 30 minutes to enable the business on the agenda to be concluded.

Voting

25 For

1 Against

1 Abstentions

95/22 - GYPSIES AND TRAVELLERS - PROVISION OF TEMPORARY SITES

The Director of Regulatory Services introduced a report to formally identify one or more sites within the District Council's control as suitable temporary Traveller sites for occupation by members of two Gypsy and Traveller families who had presented themselves as homeless.

The report detailed that it was the latest in a series that had been brought before Members since September 2016, in which the Council had recognised and accepted its duties towards Gypsies and Travellers under housing and planning legislation. It was noted that in particular the Council had specifically recognised its Homelessness duties towards two specific Traveller families who had been residents within the district for many years, on no less than seven occasions since September 2016. It was recognised that to date, those Traveller families to whom the Council owes a legal duty, had no temporary or permanent site on which they could legally place their caravans.

Members were informed that the Council had recognised that it had a duty to provide one or more permanent sites for these specific Traveller families and that it had a duty to provide on or more suitable temporary sites for the families whilst so ever a permanent site was not available for occupation.

The report highlighted that at the present time Officers had no delegated authority to direct members of the two specific families to suitable temporary sites, which prevents them from being able to take action to evict them if they should set up an encampment on an unsuitable site. It was noted that this was not a sustainable position for the Council to be in.

In considering the report and appendices, the Chairman invited those Members present to provide their own commentary in relation to Council owned land detailed in Appendix 1 and their view on its suitability for use as potential temporary sites for Gypsies and Travellers.

An amendment was proposed by Councillor Clare Gamble and seconded by Councillor David Hughes. This amendment was put to the vote

1. That the Council reiterates its commitment to identifying suitable sites for use as Gypsy and Traveller sites by those families to whom the authority has a homelessness duty.
2. That, in doing so, a working group comprising of one Member from each political group be established to work with officers to investigate the most appropriate options with the District for development as a temporary tolerated site(s) or a permanent site(s) for use by Gypsies and Travellers, according to the following approach:
 - (A) Determine a criteria for the assessment of potential sites, which would include consideration of:
 - The viability of Council owned assets; privately owned sites volunteered by individuals or organisations; and privately owned sites that could be selected for compulsory purchase – including the development of site services and facilities.
 - The needs and wishes of the Gypsy and Traveller families in respect of potential site location.
 - The proximity, relationship to existing land use and impact upon amenities and settled communities of any potential site locations.
3. That the working group provide a report and recommendations to Council in respect of potential locations for use as Gypsy and Traveller sites.

Voting

11 For

11 Against

1 Abstention

As there was equality of votes, the Chairman was entitled to use a casting vote in accordance with Procedure Rule 19.2. The Chairman declined to use the casting vote and as a result, the Chairman declared that the motion had automatically **FALLEN**.

An amendment was proposed by Councillor Richard FitzHerbert and seconded by Councillor Peter O'Brien. The amendment was put to vote and

RESOLVED

That Officers be tasked to use the feedback that has been provided by Ward Members on the sites discussed in Appendix 1 and develop further proposals based on that feedback for future consideration by Council.

Voting

19 For

3 Against

2 Abstention

The Chairman declared the motion **CARRIED**.

Councillor Chris Furness left the meeting at 8:25pm during consideration of this item.

Councillor Jacqueline Allison left the meeting at 8:59pm during consideration of this item.

Councillor Helen Froggatt left the meeting at 9:08pm during consideration of this item.

96/22 - SEALING OF DOCUMENTS

It was moved by Councillor Jason Atkin, seconded by Councillor Tom Donnelly

RESOLVED (Unanimously)

That the common seal of the Council be affixed to those documents, if any required to complete transactions undertaken by committees or by way of delegated authority to officers since the last meeting of the Council.

The Chairman declared the motion **CARRIED**.

Meeting Closed: 9.32 pm

Chairman

This page is intentionally left blank



Agenda Item 7

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

For assistance in understanding or reading this document or specific information about this Agenda or on the “Public Participation” initiative please call the Committee Team on 01629 761133 or email committee@derbyshiredales.gov.uk

GOVERNANCE & RESOURCES

Minutes of the Governance & Resources meeting held at 6.00 pm on Thursday, 14th July, 2022 in the Council Chamber, Town Hall, Matlock, DE4 3NN.

PRESENT Councillor Tom Donnelly - In the Chair

Councillors: Sue Bull, Alyson Hill, Stuart Lees, Dermot Murphy, Garry Purdy, Alasdair Sutton, Robert Archer, Paul Cruise, Steve Flitter, Neil Buttle and Claire Raw

Present as Substitute(s) Councillors: Jason Atkin and Mark Wakeman

Paul Wilson (Chief Executive), James McLaughlin (Director of Corporate and Customer Services (Monitoring Officer)), Karen Henriksen (Director of Resources), Tim Braund (Director of Regulatory Services), Jenny Williams (Head of the Internal Audit Consortium), Vikki Hatfield (Neighbourhoods Manager), Tommy Shaw (Democratic Services Team Leader), Lucy Harrison (Democratic Services Assistant), John Pressley (Audit Manager, Mazars) and James Sutton (Audit Assistant Manager, Mazars)

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): David Chapman, Helen Froggatt, Susan Hobson, Mike Ratcliffe and Colin Swindell

59/22 - APPROVAL OF MINUTES OF PREVIOUS MEETING

It was moved by Councillor Jason Atkin, Seconded by Councillor David Hughes and

RESOLVED That the minutes of the meeting of the Governance and Resources Committee held on 17 March 2022 be approved as a correct record.
(unanimously)

The Chairman declared the motion **CARRIED**.

60/22 - PUBLIC PARTICIPATION

Item 5 – Starkholmes Allotments

In accordance with the procedure for public participation, Ms Barbara Marriott, Ms Mary Derrick and Councillor David Hughes spoke regarding the compulsory purchase of Starkholmes Allotments. Ms Sharon Shirley presented a short video which supported the compulsory purchase of Starkholmes Allotments.

Councillor Claire Raw entered the meeting at 6:08PM.

61/22 - INTERESTS

Item 5 – Starkholmes Allotments

Councillor Mark Wakeman declared a personal interest in Item 5 due to having a business relationship with the owner of the allotment land. Councillors Paul Cruise and Steve Flitter also declared personal interests in Item 5 due to both being Members of Matlock Town Council.

62/22 - STARKHOLMES ALLOTMENTS

Councillor Mark Wakeman left the meeting at 6:18pm due to having previously declared a personal interest in this Item.

The Director of Regulatory Services introduced a report which updated the Committee on the work that had been undertaken in relation to Starkholmes Allotments, following the request from Starkholmes Allotment Association to proceed with compulsory purchase action. The report explained the roles and responsibilities of the District Council and of Matlock Town Council and set out the ways in which those two organisations had worked together on this issue. A number of recommendations were also made in relation to land adjacent to the Allotment site, which had been proposed to be transferred to Matlock Town Council, but which had been paused following consideration at an earlier meeting of this Committee.

Councillor Garry Purdy moved the Officer recommendations with an amendment to recommendation 3 to read as below:

3. That Council be requested to approve a supplementary revenue budget of £15,000 in 2022/23 for the costs associated with defending that Asset of Community Value decision, to be financed from the General Reserve. Should any additional funds be required above the proposed £15,000, this would return to Members for approval.

It was also proposed that an additional fifth recommendation be included as set out below:

5. That an additional sum of £5,000 be gifted to the Allotment Society to support their fundraising efforts.

The proposed motion was seconded by Councillor Jason Atkin and

RESOLVED

1. That the work undertaken to support Matlock Town Council in relation to compulsory hire of the allotment site be noted.
2. That the work undertaken to defend the appeal against the Asset of Community Value listing be noted.
3. That Council be requested to approve a supplementary revenue budget of £15,000 in 2022/23 for the costs associated with defending that Asset of Community Value decision, to be financed from the General Reserve. Should any additional funds be required above the proposed £15,000, this would return to Members for approval.
4. That work to undertake a community asset transfer of the site adjacent to the Starkholmes Allotments be recommenced.
5. That an additional sum of £5,000 be gifted to the Allotment Society to support their fundraising efforts.

Voting:

For	12
Against	0
Abstention	1

The Chairman declared the motion **CARRIED**.

Councillor Mark Wakeman re-entered the meeting at 6:43pm.

63/22 - REVIEW OF CAR PARKING POLICY

The Neighbourhoods Manager introduced a report which proposed a review of the Council's current car parking policy and sought Member agreement for the scope and timescale for a review to be undertaken. The report also proposed the establishment of a sub-group of Elected Members to monitor progress within established terms of reference.

The Council's current Car Parking Policy was last fundamentally reviewed in 2012/13 with changes introduced in January 2014. At the request of the Leader of the Council, a review of the current car parking policy was proposed to be undertaken in response to public concerns about specific aspects of the current policy.

The report informed Members of the significant revenue funding gathered via the Council's car parking service and therefore its critical importance to the Council's revenue budget and the delivery of high quality services to the residents, businesses and visitors of the Derbyshire Dales. The report also details the car parking revenue during 2021/22, which amounted to just under £2.5 million and represented almost 42% of the Council's total revenue income from fees and charges. By way of comparison, if the Council did not secure this level of income from car parking charges in 2022/23, the District Council's share of the Council Tax across the District would have to rise by over 36% to replace lost income. The report informed the Committee that this would not be possible as the level of council tax increase is subject to the government's capping limits. It was therefore noted that maintaining the recent level of car parking revenue would be critical to the sustainability of the Council's future financial position and that any recommendations arising from the review

must not undermine this critical income source unless compensatory savings/income streams could be identified.

It was moved by Councillor Garry Purdy, seconded by Councillor Sue Bull and

RESOLVED
(Unanimously)

1. That a review of the Council's Car Parking Policy be undertaken in accordance with the terms of reference outlined at Section 2 of the report.
2. That a Member Working Group comprising of up to five Members representing each political group is formulated to monitor progress and to work with officers on options for consideration of the relevant decision making body.
3. That once completed, the review of the Car Parking Policy be reported to a future meeting of this Committee for target implementation by Autumn 2023.

The Chairman declared the motion **CARRIED**.

64/22 - EXTERNAL AUDIT STRATEGY MEMORANDUM FOR THE FINANCIAL YEAR ENDING 31 MARCH 2022

The Director of Resources introduced a report which provided information about the external audit plan for the 2021/22 accounts. The Council's external auditor, Mazars LLP, provided an Audit Strategy Memorandum for the financial accounts for the year ending 31 March 2022. The purpose of this document was to summarise the audit approach, highlight significant audit risks and areas of key judgements and provide the committee with the details of the audit team. The external auditor requested that the Memorandum be brought to Members' attention.

The audit scope, approach and timeline was set out at Appendix 1 of the report. It could be seen from this that the intention was for the audit to be completed in time for a report on the outcome to be presented to the November meeting of this Committee

It was moved by Councillor Garry Purdy, seconded by Councillor Steve Flitter and

RESOLVED
(Unanimously)

1. That the External Audit Strategy Memorandum for the year ending 31 March 2022 be noted.
2. That Council be requested to approve a supplementary revenue estimate of £6,002 for 2022/23 in respect of the additional audit fee for work on the 2021/22 financial statements, to be financed from the General Reserve.

The Chairman declared the motion **CARRIED**.

65/22 - INTERNAL AUDIT REPORT 2021/22

The Head of the Internal Audit Consortium introduced a report which presented a summary of the internal audit work undertaken during 2021/22 from which the opinion on governance,

risk and internal control is derived. The report also provided an opinion on the overall adequacy and effectiveness of the Council's governance, risk and control arrangements including any qualifications to that opinion.

The 2021/22 Operational Audit Plan was originally approved by this Committee on the 11th March 2021. In November 2021 the Committee approved a revised plan with a reduced number of days. The number of audit days were reduced due to a failure to recruit a Senior Auditor and the continued redeployment of the current Senior Auditor to business grants work. Subsequently an Auditor was appointed. For operational reasons a few of the areas in the revised plan were supplemented by alternative areas.

Throughout 2021/22 the Senior Internal Audit continued to have a large involvement in Business Grants, this had a detrimental impact on the completion of the Operational Audit Plan. In order to be able to complete sufficient work to be able to provide an unlimited opinion, work on the 21/22 plan continued into June 2022. The Committee were informed that this was predicted to have a knock on effect on completion of the 2022/23 approved plan.

It was moved by Councillor Steve Flitter, seconded by Councillor Mark Wakeman and

RESOLVED That the Internal Audit Annual Report for 2021/22 be accepted.
(Unanimously)

The Chairman declared the motion **CARRIED**.

66/22 - PROGRESS UPDATE ON THE 2021/2022 INTERNAL AUDIT PLAN

The Head of the Internal Audit Consortium introduced a report which informed Members of a progress update in respect of the 2021/2022 Internal Audit Plan. The report included a summary of internal audit reports issued since the last meeting of this Committee.

As mentioned in the previous report, the 2021/22 Operational Audit Plan was originally approved by this Committee on the 11th March 2021. In November 2021 the Committee approved a revised plan with a reduced number of days. The plan provided a framework by which service functions would be reviewed to test and report on the adequacy and effectiveness of risk management systems and the internal control environment within the Council. The report detailed the results of the internal audit reviews undertaken since the last meeting. The internal audit annual report provided an update in terms of internal audit resource and progress on the revised plan.

It was moved by Councillor Mark Wakeman, seconded by Councillor Garry Purdy and

RESOLVED That the report be noted.
(Unanimously)

The Chairman declared the motion **CARRIED**.

67/22 - ANNUAL GOVERNANCE STATEMENT 2021/22

The Director of Resources introduced a report detailing the Annual Governance Statement, which provided Members with an overview of how the Council's governance arrangements operated.

Governance comprises the systems and processes, culture and values by which the Council is directed and controlled, and through which it is accountable to, engages with and leads the community. The report covered the annual review to ensure that governance arrangements remain effective. The report showed the extent to which the Council had complied with its own code of governance and described significant governance issues, alongside an explanation of what actions had been taken to bring about required improvements, and what work was still to be done. This provided transparency and gave assurance of the Council's commitment to continuously improve the way in which it functions.

It was moved by Councillor Jason Atkin, seconded by Councillor Sue Bull and

- RESOLVED** (Unanimously)
1. That the Annual Governance Statement for 2021/22 be approved.
 2. That the significant governance issues, and the action plan to address them, be noted.

The Chairman declared the motion **CARRIED**.

68/22 - STATEMENT OF ACCOUNTS 2021/22 - APPROVAL OF ACCOUNTING POLICIES

Councillor Claire Raw left the meeting at 7:37pm.

The Director of Resources introduced a report which sought Member approval of the Accounting Policies used within Derbyshire Dales District Council's Statement of Accounts 2021/22 and highlighted any changes from last year. Members were informed that the Council must publish its draft Statement of Accounts 2021/22 by the 31st July 2022.

The report presented the accounting policies that the Council would apply in the preparation of the Statement of Accounts for 2021/22. Members were informed that Officers had assessed the accounting policies deemed necessary to explain clearly and underpin the accounting treatment of transactions within the Council's Statement of Accounts for 2021/22.

With specific regard to the accounting policies proposed in respect of 2021/22, these were largely unchanged from previous years. However, it was proposed to amend the rolling revaluation programme for fixed assets from every 5 years, which is the minimum requirement, to every 3 years. It was expected that this amendment would improve the accuracy of the fixed asset valuations held within the Balance Sheet, whilst also reducing the impact of that the annual impairment review.

It was also noted that as the Statement of Accounts for 2021/22 is prepared, it may be necessary to amend a policy in order to adopt a more appropriate accounting policy. If this were to occur, the change and the reason for the change would be reported back to this

Committee at its next available meeting and / or would be highlighted within the report when the Statement of Accounts is presented to Members for approval.

It was moved by Councillor Garry Purdy, seconded by Councillor Jason Atkin and

RESOLVED That the 2021/22 Accounting Policies be approved for use within the
(Unanimously) Statement of Accounts.

The Chairman declared the motion **CARRIED**.

69/22 - DISTRICT COUNCIL'S ASSET LIST

The Director of Regulatory Services introduced a report which updated Members on the progress made in updating the District Council's official list of assets.

At its meeting on 14 December 2020, Council considered a report that provided information on the methodology and outcome of an independent review of assets. It had become clear during this review that the Council official asset list was not up-to-date. Council therefore resolved that the asset list should be reviewed annually and presented to this Committee for review.

In order to address this issue an officer working group was formed, with the purpose of updating this list. It became clear that there were in fact three separate lists of assets, these lists were maintained separately, for different purposes and appeared not to have been reconciled for some time. The group considered that the most appropriate way to begin to address these issues was to examine the assets held in specific geographical areas of the district, to check each record, complete any necessary legal paperwork and to then update the lists.

Because of the concerns that had previously been raised by Tansley Parish Council, it was agreed that asset records relating to Tansley would be examined first. Through working in this way, it was the aim of the group that the three separate asset lists could be rationalised into one central list, which would be held in the Uniform database and mapped on GIS. The report detailed the work completed regarding several identified sites in Tansley and the records of five public conveniences which required updating.

It was moved by Councillor Jason Atkin, seconded by Councillor Sue Bull and

RESOLVED That the report be noted.
(Unanimously)

The Chairman declared the motion **CARRIED**.

70/22 - ANNUAL REPORT ON THE REGULATION OF INVESTIGATORY POWERS ACT (RIPA)

The Director of Corporate and Customer Services introduced the annual report on the Council's use of RIPA and any related matters.

The Regulation of Investigatory Powers Act 2000 (RIPA) was put in place to ensure that the use of investigatory powers by certain organisations complies with the UK's obligations

under the European Convention on Human Rights (ECHR) including Article 8 (the right to privacy). The proper authorisation of certain covert surveillance powers under RIPA ensures that the Council is acting in accordance with such human rights. The purpose of this annual report was to set out the level and nature of the Council's use of covert surveillance under RIPA.

The District Council's RIPA Policy was approved by Council in January 2020. It clearly explained the type of surveillance the Council could and could not undertake and also explained those limited circumstances where covert surveillance, requiring external authorization, may be appropriate. It was noted in the report that the policy ensured compliance with the regulatory framework for the use of covert investigatory techniques by officers, as set out in the Regulation of Investigatory Powers Act 2000 and RIPA (Directed Surveillance and Covert Human Intelligence Sources CHIS) Order 2010 (and as amended 2012).

The Committee were informed that the Council had not used its RIPA surveillance powers during the 2021/22 financial year and the Council's RIPA Authorising Officers had not approved the use of covert surveillance techniques in any cases. The last time such powers were used dates back to 2014.

It was moved by Councillor Sue Bull, seconded by Councillor Mark Wakeman and

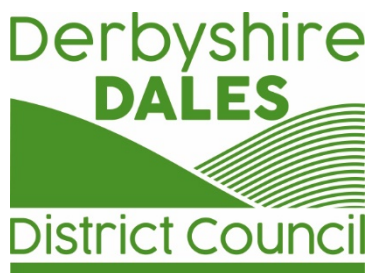
RESOLVED
(Unanimously)

1. That the report be noted.
2. That the procedure for the use of corporate social media accounts to access information be endorsed and included in the RIPA Policy.

The Chairman declared the motion **CARRIED**.

Meeting Closed: 7.46 pm

Chairman



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

For assistance in understanding or reading this document or specific information about this Agenda or on the "Public Participation" initiative please call the Committee Team on 01629 761133 or email committee@derbyshiredales.gov.uk

COUNCIL

Minutes of the Council meeting held at 6.00 pm on Tuesday, 26th July, 2022 in the Council Chamber, Town Hall, Matlock, DE4 3NN.

PRESENT Councillor Sue Bull - In the Chair

Councillors: Jacqueline Allison, Jason Atkin, Matt Buckler, Martin Burfoot, Sue Burfoot, Neil Buttle, David Chapman, Tom Donnelly, Graham Elliott, Richard FitzHerbert, Helen Froggatt, Chris Furness, Clare Gamble, Dawn Greatorex, Susan Hobson, David Hughes, Stuart Lees, Tony Morley, Dermot Murphy, Peter O'Brien, Garry Purdy, Mike Ratcliffe, Peter Slack, Colin Swindell, Steve Wain, Mark Wakeman and Janet Rose

Paul Wilson (Chief Executive), James McLaughlin (Director of Corporate and Customer Services (Monitoring Officer)), Tim Braund (Director of Regulatory Services), Steve Capes (Director of Regeneration & Policy), Giles Dann (Policy and Economic Development Manager), Jim Fearn (Communications & Marketing Manager) and Angela Gratton (Democratic Services Officer)

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): Robert Archer, Richard Bright, Paul Cruise, Steve Flitter, Alyson Hill, Michele Morley, Claire Raw, Mark Salt, Andrew Shirley, Andrew Statham and Alasdair Sutton.

71/22 - PUBLIC PARTICIPATION

Re: Agenda Item 6 – Community Governance and Polling Arrangement Reviews

In accordance with the procedure for public participation, Mr Julian Wallbank on behalf of South Darley Parish Council made a statement on the Community Governance and Polling Arrangement Reviews.

Re: Agenda Item 8 - Development of small Solar Farms on Council owned land

Letter submitted from Tansley Parish Council

In Law the Development Plan is a document adopted under the Planning and Compulsory Purchase Act 2004, a Legal Document. Planning Law requires that applications are determined in accordance with the Development Plan (NPPF 2021) Decisions made should reflect relevant obligations and statutory requirements. The Equalities Act 2010 is also an important issue which should be part of the 'Plan' and taken into account by decision takers.

Page 104 of the Officers Report for the above Council meeting contains a Report by APSE ENERGY Report V2. This independent Report examines potential sites 'owned' by DDDC, for a future solar farm.

Watery Lane Ashbourne which has been designated as a Travellers Site, is now to be considered as a Solar Farm.

The Report states that residents of Ashbourne may prefer a Solar Farm to a Travellers Site!

Whilst it is commendable to be seeking a location for a Solar Farm, the Local Authority have a legal duty to the travellers.

Whilst the Local Plan does refer to Climate Change, there is no allocation of land within the plan, for a Solar Farm, however there is an allocation of land for Travellers Site, as previously stated the Local Plan is a legal document.

Previously land at Watery Lane Ashbourne was deemed impossible to develop as a Travellers Site because it might be needed for the proposed Ashbourne by pass, residents were lead to believe the land belonged to DCC? Is this different land? however It now appears that the much needed by pass will not impact on this, Local Plan Site.

For Councillors to accept the recommendation to use land at Watery Lane as a Solar Farm would be contrary to Policy HC4 of the legally adopted Local Plan, HC4 states that ' the District council will safeguard 0.3 HA of land at Watery Lane Ashbourne as identified in the Local Plan Policies Map for at least 6 Travellers Pitches, the District Council will safeguard this authorized site' (Policies map Inset 5 ref HC6).

Councillors' are all aware that the Travellers have stated consistently their need to be near other family members in the South of the Dales, for support and for health reasons.

The Equalities Act could appear to being ignored by the Local Authority.

The designated land at Watery Lane Ashbourne is now available for its designated use, as a Travellers Site, DDDC need to comply with their own Local Plan.

72/22 - INTERESTS

Item 73/22 Land at Bakewell Road Matlock – Update on Proposed Conversion of Former Matlock Hall and Modifications to External Layout

Councillors Sue Burfoot and Martin Burfoot declared a non-pecuniary interest in item 73/22 as members of Matlock Community Vision (MCV).

Item 75/22 – Community Governance and Polling arrangement reviews.

Councillors Matt Buckler, Martin Burfoot, Sue Burfoot, David Hughes and Steve Wain declared a non-pecuniary interest in item 75/22 as members of Matlock Town Council. Councillor Jason Atkin declared a non-pecuniary interest in item 75/22 as a member of Darley Dale Town Council.

73/22 - LAND AT BAKEWELL ROAD, MATLOCK - UPDATE ON PROPOSED CONVERSION OF FORMER MARKET HALL AND MODIFICATIONS TO EXTERNAL LAYOUT

The Policy and Economic Development Manager introduced a report updating Members on the programme for the conversion of the former Market Hall and seeking approval for the proposed modifications to the external layout of the scheme with regard to bus, taxi and other provision laid out in the report.

The Policy and Economic Development Manager presented the proposed modifications to the external layout of the scheme with regards to the bus and taxi provision. On site consultation had been undertaken by officers with taxi drivers and users to seek views on the proposals and feedback was shown in Annex 1 of the report.

In addition to the consultation, Access for All UK were commissioned to undertake an access audit of the proposed modifications to the external layout. This has informed the Equality Impact Assessment undertaken (see Annex 2). The verbal feedback immediately following the site visit from Access for All was that the proposed modifications were considered reasonable within the constraints of the site and the proposed inclusion of the taxi waiting shelter and lighting column was welcomed.

To support the additional costs of the new arrangements it was proposed to seek external funding as part of the package of public realm improvements to the north side of Bakewell Road included within the Draft Derbyshire Dales UK Shared Prosperity Fund Investment Plan for considered in the next item (due for submission to Government on 1 August).

The RIBA Stage 4 programme had been updated by the Council's architect as follows:

- technical design pack due end of July
- tender pack ready for issue September 7
- tenders for the shell works due end of October
- tender assessment / value engineering / contract negotiation / contractor appointment November – December (subject to acceptable tender)
- proposed commencement of works January 2023 (subject to acceptable tender)

Councillor Peter O'Brien proposed an amendment that modifications to taxi waiting and passenger waiting arrangements within the site be subject to further appraisal to ensure the safety of pedestrians accessing the facilities. This was not seconded.

It was moved by Councillor Martin Burfoot, seconded by Councillor Sue Burfoot and

RESOLVED
(Unanimously)

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

The Chairman declared the motion **CARRIED**.

74/22 - UK SHARED PROSPERITY FUND: INVESTMENT PLAN SUBMISSION

The Policy and Economic Development Manager introduced a report in the context of the approved Economic Recovery Plan, Corporate Plan and Economic Plan for the Derbyshire Dales, seeking approval for submission of the District Council's Investment Plan for the Government's *UK Shared Prosperity Fund*.

To access the Fund, the District Council must submit an Investment Plan to include: proposed interventions; measurable outputs and outcomes; state how projects/activities will be procured and delivered; and set out governance arrangements. As lead local authority for UKSPF, the District Council must put in place appropriate project assessment; contracting; programme management, monitoring and evaluation procedures. The deadline for submission was 1 August 2022. Payments are expected from October 2022.

As a result of the work of Officers, Partners and Councillors a summary plan had been prepared (as agenda item 5, Annex 1) setting out a deliverable package of UKSPF interventions based on identified priorities. It was anticipated that, in accordance with UKSPF guidance, there will be a mixed approach including in-house delivery,

commissioned services and procured contracts. It was noted that potential outputs and outcomes were indicative at this stage and subject to finalisation of the plan prior to submission.

A summary of proposed interventions, activities and required funding is set out in Table 1 of the report.

The proposed activities had been costed through a combination of methods including: independent cost assessment for the public realm works; costs of delivering similar schemes in the past e.g. Peak Rural Innovation Programme and; using existing delivery costs as a basis for initiatives proposed for extension.

During debate Councillor Peter O'Brien **proposed** two amendments, these were **seconded** by Councillor Clare Gamble and are included below:

Amendment 1

That the element of the public realm programme relating to that section of Bakewell Road between the proposed cinema and Crown Square be deleted and that relevant funding be redistributed to one or more of the following:

- a.) An increase in value of the Community Resilience Fund and an increase in the maximum grant to £20,000.
- b.) A scoping report to examine the issues regarding the infrastructure capacity of the electricity grid to accommodate green energy investment.
- c.) An accelerated delivery of the Electric Vehicle Charging Point programme, focused on the more rural areas of the district.
- d.) Funding of the next stage of the feasibility study for the development of a solar farm at Watery Lane.

Amendment 2

That the element of the programme relating to generic business support be deleted and the relevant funding be redistributed to one of more of the following:

- a.) An increase in value of the Community Resilience Fund and an increase in the maximum grant to £20,000.
- b.) A scoping report to examine the issues regarding the infrastructure capacity of the electricity grid to accommodate green energy investment.
- c.) An accelerated delivery of the Electric Vehicle Charging Point programme, focused on the more rural areas of the district.
- d.) Funding of the next stage of the feasibility study for the development of a solar farm at Watery Lane.

These amendments were then put to the vote as follows:

Voting:

For	5
Against	22
Abstention	0

The Chairman declared the amendment **LOST**

It was moved by Councillor Garry Purdy, seconded by Councillor Mark Wakeman and

RESOLVED

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

Voting:

For	25
Against	0
Abstention	2

The Chairman declared motion **CARRIED**

75/22 - COMMUNITY GOVERNANCE AND POLLING ARRANGEMENT REVIEWS

The Director of Corporate and Customer Services introduced a report providing details of feedback received during the first stage of a Community Governance Review of the Parishes of Darley Dale, Matlock and South Darley carried out as a result of the new District Council warding and parish arrangements proposed by the Local Government Boundary Commission for England.

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

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

The report advised that any additional responses received between the statutory deadline for publishing the agenda and the deadline for consultation responses would be reported to the Council. The updated report provides details of additional responses, including South Darley Parish and Darley Dale and Matlock Town Councils and proposed additional recommendations 3 and 4 below to reflect the feedback.

It was moved by Councillor Susan Hobson, seconded by Councillor Colin Swindell and

RESOLVED
(Unanimously)

1. That the recommended changes to Polling Places and Polling Stations as set out in paragraphs 1.2.7 to 1.2.13 of the report be approved.
2. That the Director of Corporate and Customer Services be authorised to carry out further consultation on a proposal to move the shaded area identified in Appendix 3 from the Parish of South Darley to the Parish of Matlock.
3. That the Director of Corporate and Customer Services be authorised to carry out further consultation on a proposal to move the shaded area identified in Appendix 9 from the Parish of Darley Dale to the Parish of Matlock.
4. That the Director of Corporate and Customer Services be authorised to carry out further consultation on a proposal to incorporate the Parish of Northwood and Tinkersley in to the Parish of Darley Dale.
5. That any changes required as a result of this review be brought back to Council before 1 October 2022 to consider any proposed changes and any representations received before the arrangements are approved by Members.

The Chairman declared the motion **CARRIED**.

76/22 - HOUSEHOLD SUPPORT FUND

The Director of Regulatory Services introduced a report informing Members of the outcome of the initial Household Support Fund period 16 October 2021 to 31 March 2022 and seeking approval for the proposals as laid out in the report for the Household Support Fund 2 for period 1st April 2022 to 30 September 2022.

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

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

It was moved by Councillor Mike Ratcliffe, seconded by Councillor Garry Purdy and

RESOLVED
(Unanimously)

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

homelessness prevention grant).

The Chairman declared the motion **CARRIED**.

77/22 - DEVELOPMENT OF SMALL SOLAR FARMS ON COUNCIL OWNED LAND

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

The first part of the 'phase two' work is acceptance by the Council of a grid connection offer. As the grid connection situation changes regularly and capacity can be short, this is one of the early priorities for action. In simple terms a grid connection is not necessary where there is an offtaker, such as Severn Trent, who is willing to buy all of the generating asset's output. However, if the offtaker's business closes or relocates for any reason, the Council will be left with a 'stranded asset' i.e. a solar farm which cannot get its electricity to any buyers. For this reason, it is almost universal practice where public money is involved to go for a grid connection, even if it is considered unnecessary at the start. Then, if the situation changes, the Council would always have the option to switch to sales on the wholesale market via the grid.

During debate, a question was raised as to whether the Solar Farm would be on the Allotment ground, the Director of Regulatory Services confirmed it would not be on the Allotment ground and grazing rights could also continue on the Solar Farm ground.

During debate, Councillor David Hughes suggested a letter be written to Ofgem re connections into the National Grid asking for an upgrade to rural infrastructure to accept smaller and larger developments.

The Officer recommendations were moved by Councillor David Chapman with the following amendment:

'That authority be given to write to Ofgem to consider improving access for smaller and larger developments to feed into the National Grid.'

This was seconded by Councillor Mark Wakeman and

RESOLVED
(Unanimously)

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

The Chairman declared the motion **CARRIED**.

78/22 - INTERIM ELECTRIC VEHICLE STRATEGY

The Director of Regulatory Services introduced a report presenting an interim high level strategy setting out Council priorities for approval and the approach for encouraging the adoption of electric vehicles (EVs) and the installation of EV charging infrastructure in the Derbyshire Dales.

The interim strategy is intended to be directional, a high level vision rather than setting out a plan for delivery. It covers the period 2022-2024 and enables the Council to apply for funding from the On-street Residential Chargepoint Scheme in 2022/23

Officers will work in collaboration with DCC going forward, including a potential bid to the £450m LEVI (Low Emission Vehicle Infrastructure) fund. This will be launched later in 2022/23 including £50m of multi-year resource funding for local authorities, to enable them to have dedicated resource for the planning and delivery of local EV charging infrastructure in their areas. The funding will help provide the staff needed to deliver these projects, in all parts of the country. Details of the fund are not yet available but it is likely that a fully assessed and costed scheme, including investment from the private sector, would need to be developed prior to any application. The demands and needs assessment currently being undertaken by DCC is the first part of this scheme development. Indicative timings suggest that the LEVI bid will be submitted in Spring/Summer 2023 with mobilisation of contract and delivery of charging points from late 2024 onwards.

It was moved by Councillor Martin Burfoot, seconded by Councillor Tom Donnelly and

RESOLVED
(Unanimously)

1. That the interim strategy is approved.
2. That the Council continues to collaborate with partner local authorities on a more detailed strategic approach to charge point installation and plan for delivery.

The Chairman declared the motion **CARRIED**.

79/22 - DURATION OF MEETINGS (MOTION TO CONTINUE)

At **8.27pm**, prior to consideration of Item 10 Councillor Chris Furness and Councillor Jacqueline Allison left the meeting.

It was moved by Councillor Jason Atkin, seconded by Councillor Tom Donnelly and

RESOLVED
(unanimously)

That, in accordance with **Rule of procedure 13**, the meeting continue beyond 2 hours 30 minutes to enable the business on the agenda to be concluded.

The Chairman declared the motion **CARRIED**.

Meeting reconvened 8:38pm

80/22 - RECOMMENDATIONS FROM THE CONSTITUTION WORKING GROUP - PROPOSED AMENDMENTS TO THE ARTICLES OF THE CONSTITUTION, RESPONSIBILITY FOR FUNCTIONS AND PROCEDURE RULES

The Director of Corporate and Customer Services introduced a report submitting the recommendations of the Constitution Working Group in respect of proposed amendments to various parts of the Constitution and to seek the Council's approval and adoption of the proposed revisions.

In introducing the working group's recommendations, the Director reported that the full Council would continue to take all decisions in respect of new strategies or policies or where proposals represented a major departure from agreed policy. Within the proposed framework, policy committees would have authority to review and develop policy and make amendments to policies other than where the Council had reserved that function to itself or where the change was so politically significant that it would require a decision of the full Council.

The Constitution Working Group recommended the establishment of a Scrutiny Committee. The group have prepared draft terms of reference and procedure rules for the operation of the Scrutiny Committee, the functions are summarised as:

Holding Policy Committees to account for decisions taken – either through call-in prior to a decision being implemented or through post implementation review of a policy, procedure or service change

Developing or reviewing an existing policy, procedure or way of working within the Council

Monitoring and reviewing the performance indicators in respect of service provision

Scrutiny of external bodies

The Director of Corporate and Customer Services thanked all members of the Constitution Working Group for their input and Councillor Hughes for assisting with the development of the Scrutiny Procedure Rules.

It was moved by Councillor Tony Morley, seconded by Councillor Mike Ratcliffe and

RESOLVED

1. That the functions of the Council be confirmed as all new strategies and policies, those matters reserved by the law and any matters that the Council resolves to reserve to itself; as well as responsibility for the approval of the following specific strategies and policies:
 - a) Revenue and Capital Budgets, including determination of the Council Tax and the Local Council Tax Support Scheme
 - b) The Corporate Plan
 - c) The Performance Plan
 - d) The Crime and Disorder Reduction Strategy
 - e) The Development Plan documents and the plans and alterations which together comprise the Development Plan, known as the Local Plan
 - f) The Licensing Authority Policy Statement under the Licensing Act 2003 and Gambling Act 2005
 - g) The Medium Term Financial Strategy
 - h) The plan or strategy for the control of the Council's borrowing, investments or capital expenditure or for determining the Council's minimum revenue provision.
2. That the Policy Committees be authorised to review and approve amendments to existing policy matters that are not reserved to

- Council or delegated to officers relating to the functions within service areas listed in their respective terms of reference at Part 3 of the Constitution.
3. That the term of reference of the Policy Committees be amended to include the following:
 - a) The formulation, development and implementation of the Council's overall budget and policy framework, including recommending to Council where such matters are required in respect of new strategies or policies
 - b) The coordination of the implementation of policy and strategic objectives across the Council.
 - c) The implementation of Council approved strategies for the social, economic and environmental well-being of citizens in respect of functions and services not otherwise the responsibility of the full Council.
 - d) The promotion and maintenance of excellent services for citizens in line with the Council's corporate priorities.
 - e) Functions relating to personnel and health and safety to the extent that those functions are discharged in the Council's capacity as an employer.
 - f) The establishment of working groups, subject to available resources and to consultation with the Chief Executive, to develop or review policy in accordance with agreed priorities in the Corporate Plan or Budget and make recommendations back to Policy Committees for determination
 4. That, subject to the approval of recommendations 1, 2 and 3, the Council Procedure Rules be amended to allow for questions to be put to officers at meetings of Policy Committees and for multiple contributions from Members during debate at the discretion of the Chairman of the Policy Committee meeting.
 5. That reports for information no longer be submitted to Council or its Committees unless there is a statutory requirement for the matter to be considered formally.
 6. That a regular information briefing be issued to Members covering matters previously subject to information reports to Council or Committees.
 7. That a Scrutiny Committee be established, with terms of reference to be inserted in Part 3 of the Constitution (Responsibility for Functions) and procedure rules to be inserted in Part 4 of the Constitution (Rules of Procedure), as set out in Appendices 2 and 3.
 8. That the Independent Remuneration Panel be asked to review the role and remit of the Chairman and Vice-Chairman of the Scrutiny Committee and recommend at its earliest convenience a special responsibility allowance to be paid for the roles to the Council.
 9. That General Delegations to Officers, set out in Appendix 1, be inserted in Part 3 of the Constitution and the principle be approved that functions are to be discharged by officers unless expressly reserved to the Council or its committees within the Constitution or by way of resolution.

Voting:

For

23

47

Against 1
Abstention 1

The Chairman declared the motion **CARRIED**.

81/22 - MEMBERSHIP OF POLITICAL GROUPS, POLITICAL BALANCE AND ENTITLEMENT TO SEATS ON COMMITTEES

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

The Conservatives and Councillors Bright, Elliott & Salt Group continue to hold the majority of seats on the Council and is in overall control of the authority. The political balance of the Council is now:

Name of Group	Designated Leader	Number of Members
Conservative and Councillors Bright, Elliott & Salt	Councillor Purdy	22
Green & Independent	Councillor Buttle	4
Independent	Councillor Swindell	3
Labour	Councillor Ratcliffe	3
Liberal Democrat	Councillor Flitter	7

The Director of Corporate and Customer Services verbally reported a change to recommended number of seats on the Planning Committee and the Licensing and Appeals Committee, with the former recommended to have 15 seats and the latter to have 13 seats, albeit only 12 seats would be filled to meet the proportionality requirements.

It was moved by Councillor Jason Atkin, seconded by Councillor David Hughes and

RESOLVED
(Unanimously)

1. That the operation of five political groups on the Council and the detail of their designated Leaders be noted:
 - a) Conservative Group and Cllrs Bright, Elliott and Salt – Councillor Garry Purdy
 - b) Green and Independent Group – Councillor Neil Buttle
 - c) Independent Group – Councillor Colin Swindell
 - d) Labour Group – Councillor Mike Ratcliffe
 - e) Liberal Democrat Group – Councillor Steve Flitter
2. That the Council notes, and agrees, the entitlement of the membership of the political groups and that such entitlements have been reflected in the allocations to Committees.
3. That authority be delegated to Political Group leaders to nominate representatives from their groups to fill vacancies in accordance with the agreed seat entitlement, with those nominations taking immediate effect on committees and working groups.

The Chairman declared the motion **CARRIED**.

82/22 - PERFORMANCE MANAGEMENT - KEY AND CORPORATE PERFORMANCE INDICATORS OUTTURN 2021/22

The Director of Regeneration and Policy introduced a report for Members to note summarising the outturn performance against the District Council's Corporate Plan Targets and Key Performance Indicators for the full year 2021/22, which is the second year of the current Corporate Plan 2020-24, agreed at Council on 5th March 2020. The report highlighted where services have performed strongly and where improvements can be made.

It was moved by Councillor Susan Hobson, seconded by Councillor Tom Donnelly and

RESOLVED

(Unanimously)

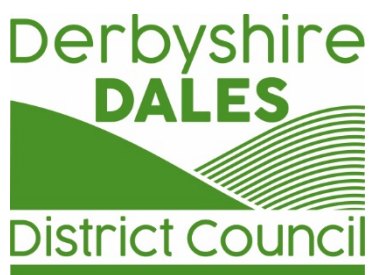
1. The outturn performance against Corporate Plan targets for 2021/22 be noted.
2. The outturn performance against the Key Performance Indicators for 2021/22 be noted.
3. That bi-annual reports continue to be brought to Members to highlight progress, demonstrate good performance, and address areas for improvement.

The Chairman declared the motion **CARRIED**.

Meeting Closed: 9.00 pm

Chairman

This page is intentionally left blank



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

For assistance in understanding or reading this document or specific information about this Agenda or on the "Public Participation" initiative please call the Committee Team on 01629 761133 or email committee@derbyshiredales.gov.uk

COUNCIL

Minutes of the Council meeting held at 6.00 pm on Thursday, 28th July, 2022 in the Council Chamber, Town Hall, Matlock, DE4 3NN.

PRESENT Councillor Sue Bull - In the Chair

Councillors: Jacqueline Allison, Jason Atkin, Martin Burfoot, Sue Burfoot, David Chapman, Tom Donnelly, Graham Elliott, Richard FitzHerbert, Helen Froggatt, Chris Furness, Clare Gamble, Dawn Greatorex, Alyson Hill, Susan Hobson, David Hughes, Stuart Lees, Tony Morley, Dermot Murphy, Peter O'Brien, Garry Purdy, Mike Ratcliffe, Peter Slack, Andrew Statham, Alasdair Sutton, Mark Wakeman and Janet Rose

Tim Braund (Director of Regulatory Services), Robert Cogings (Director of Housing), Karen Henriksen (Director of Resources), James McLaughlin (Director of Corporate and Customer Services (Monitoring Officer)), Jim Fearn (Communications & Marketing Manager) and Lucy Harrison (Democratic Services Assistant)

Public – 9 Members

APOLOGIES

Apologies for absence were received from Councillor(s): Andrew Shirley, Robert Archer, Richard Bright, Matt Buckler, Paul Cruise, Steve Flitter, Michele Morley, Colin Swindell and Steve Wain.

83/22 - PUBLIC PARTICIPATION

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."

ITEM 9 – PROPOSAL OF A NOTICE OF MOTION (RULE OF PROCEDURE 16)

In accordance with the procedure for public participation, Mr Rob Tamlyn (Grindleford Parish Council) and Mr John Davies (Grindleford Resident) made statements on Agenda Item 9 – Proposal of a Notice of Motion (Rule of Procedure 16).

The further following statements were submitted in writing:

STATEMENT from Mr Paul Thorpe and Ms Deborah Wright, Grindleford Local Resident

To The Leader of the Council,

We would like to whole heartedly support Councillor Peter O'Brien's motion as tabled above regarding the totally unacceptable noise nuisance from Grindleford station sidings by Network Rail at unsociable hours. The noises are sudden loud clunking sounds, presumably rails being dropped, which wake us up in the middle of the night, and loud reversing alarms which continue to keep us awake.

We have complained to Network Rail on numerous occasions to no effect.

We have also complained on numerous occasions to the Environmental health department and our MP.

Whilst we appreciate that Network Rail has to maintain the rail line, we do not accept that they have to make a terrible noise in the middle of the night at Grindleford station sidings for work that is being done up and down the Hope Valley line, not at Grindleford.

We would like to stress to the Leader of the Council that both the anticipation of the noise and the noise itself at unsociable hours is having a direct negative impact on the physical and mental health of the both of us.

STATEMENT from Mr Steve Burton, Upper Padley Local Resident

It is matter of record that Network Rail has never carried out a formal consultation with all the residents who have been impacted by the expansion, development and change of use of the Grindleford railway siding. I strongly support the motion and hope that it meets with the council's approval. However, if the council is unable to approve the motion then would the council be prepared to support and fund an independent consultation exercise that could provide a clearer understanding of the issues and make recommendations that might lead to more amicable arrangements between Network Rail and local residents.

STATEMENT from Mr and Mrs Slingsby, Upper Padley Local Residents

Dear Councillors,

With reference to Councillor Peter O'Brien's motion regarding Grindleford Station Railway Sidings.

As residents of Upper Padley for 36 years we have seen a steady increase Year on Year to the usage of the Sidings. Resulting in more noise, light pollution and impact on the local area. We fully endorse Councillor Peter O'Brien's proposed motion to request that Network Rail reduce their use of Grindleford Sidings to a minimum. i.e. The maintenance of Topley Tunnel and Emergencies only.

STATEMENT from Tony and Gillie Jenkinson, Grindleford Local Residents

We are writing as residents of Nether Padley, Grindleford, to give our strong support to Councillor Peter O'Brien's motion concerning Network Rail activities near Grindleford Station.

We are often disturbed on weekend nights by the noise of heavy machinery and of metal crashing. Continual sleep disturbances and related anxiety can be harmful to both physical and mental health.

It is intolerable that Network Rail can use a legal loophole to continue to cause this serious disturbance in a residential area.

It is clear that determined action is needed to force them to move these operations to a non-residential area, and we urge the Council to take all necessary steps to bring this about.

STATEMENT from Mr John Davies, Grindleford Local Resident

When we moved to Midland Cottages 36 years ago there were two coal merchants operating from the disused railway sidings (we still call it 'the coal yard'). When they ceased using the site it became unoccupied (apart from a couple of incursions by groups of 'travellers'). It was a 'dark space' at night and a range of wildlife could be seen and heard there - this is no longer the case.

The juxtaposition of the National Trust posters on Grindleford Station platform inviting visitors to enjoy "A breath of fresh air" and "Peaceful Views" with pictures of scenery and wildlife, and the industrial landscape Network Rail have created right next to the platform could not be more striking.

In recent years the site has become a major hub for multiple rail projects to the point where we now expect some kind of disruption on a daily basis - and increasingly overnight. The level of noise and light pollution, along with the added air pollution that comes from the hundreds of visiting rail related vehicles is, for the many residents living within 50 yards of the site (and others living within earshot), unacceptable and completely out of keeping with the setting - a Conservation Area within the Peak District National Park and adjacent to two National Trust areas.

Fleets of 40 foot articulated low loaders come and go bringing huge JCB type machines, other heavy equipment and tons of rail ballast to the site and then uploaded for use on the rail line. 30 foot sections of old rail that are brought back to the site from rail replacement operations are (literally) dropped to the ground (usually at night) and then uploaded to large lorries to be taken away - each time creating extremely loud crashing and banging.

The result of this constant disruption has been that we are often unable to sleep or enjoy the sort of peace and quiet in our gardens that you'd expect in this location. As a result a number of residents are suffering from anxiety or depression. We are frustrated that 5+ years of complaints to and discussions with Network Rail and involvement of our Environmental Health teams have led to no improvement in the situation - in fact it has got more intense with our complaints falling on deaf ears. Indeed, Network Rail are now saying to us that they have done all they can to mitigate the disruption (as far as we are concerned they have put up one sign that most workmen ignore) and they will no longer respond to our complaints !

Recent projects in the Bamford and Dore areas to improve the flow of rail traffic have (we think) led Network Rail and their contractors to set up new access points for delivering those projects. We feel Network Rail should be pressed to make more use of those access points in future and limit use of Grindleford to emergency access and basic maintenance of the nearby track and tunnel.

STATEMENT from Ms Gillian Hutchinson, Upper Padley Local Resident

We write as local residents of Upper Padley living immediately adjacent to the railway line and sidings since 2007. We wish to comment on both parts of this agenda item.

1a. While we accept that live right next to a railway line and that from time to time the sidings will be used for work on the tracks, we seem to have become a base for both for extensive operations that run not only at weekends and also a dump for stored equipment (usually bright yellow) and materiel. As I write (Wednesday morning) I can hear a lorry, lifting equipment and the clatter of loading and unloading heaving equipment. (This may go on for several hours.) This is not unusual, but weekend after weekend and at night this is very wearing due to the on-going loss of sleep such disturbance causes (several nights a week, week after week). We regularly get letters from Network Rail about disruptions on Saturday nights (often after the run of work has started), however, this disruption is not just restricted to these nights i.e., deliveries and loading seem to take place through the week (last time at 5 AM).

As a regular railway user I have observed other track side open land (sidings?) near other stations on the Sheffield to Manchester line e.g., at Topley, Bamford, Hope and Edale. It would not seem unreasonable to spread the burden of noise and stored equipment / materiel across these sites (with smaller impact) and to therefore to reduce the use of Grindleford apparently as a base for work all along the railway line. The impact in terms of noise and visually is worse in winter without the leaf cover of trees around the sidings, but hiding the houses this way also seems to be part of the problem, as we are hidden from the workers on the site - see comments below.

2b. Network Rail 'own' the site but seem unable to effectively manage operations on the sidings at Grindleford. The issue seems to be that numerous contractors use the site and the impact on local residents is down to how they conduct themselves. There seems to be no oversight / practical management by Network Rail. Why does Network Rail not make 'random checks'? In the past we have asked for practical steps to be taken to help use such as parking vans at right angles to the houses (parallel to the tracks and turning headlights off promptly). This does not always happen illuminating the back of my house for long periods for example, but has got better. The same applies to the lighting on the containers and cabins used by contractors. This needs to point down and away from the housing and does not need to be on all night / all week. Track side workers do not seem to know or care there are local residents close by trying to sleep. If they did, why do they shout to one another at 4:30 AM? Is there no briefing for all jobs informing workers that people live nearby? The big sign apparently about this at the gate to the site clearly is ignored by some. As a practical step, a significant improvement could be made to the noise impact of operations if contractors were not permitted to power the site using a diesel / petrol generator, but were required to hook up to mains electricity. This has previously been suggested. There must be a power line close to the sidings given there is a lit platform at one end and a signal box at the other. Caravan sites seem to be able to provide and meter power hook ups, so why not here? However, this would require Network Rail to 'improve' the site by setting this up and making it available (and metering it) job by job. I assume its easier to let each contractor haul in power and fuel as part of the cost of the work. This may be simpler, but would be a way to reduce the impact of work at the site and an investment for years to come which would show some commitment to taking this issue seriously. Can this suggestion be explored?

A further practical step to reduced the visual impact of work at Grindleford would be better site management to ensure that equipment and 'left over' materiel is not left to on site for long periods after each job or allowed to accumulate longer term as an eyesore, not only for

local resident but also for visitors to the areas as the sidings are visible from the Station Road which is a popular access point for Padley Gorge and Woods.
Thank you for your consideration of these comments and suggestion.

ITEM 13 – GYPSIES AND TRAVELLERS – PROVISION OF TEMPORARY SITES

In accordance with the procedure for public participation, Councillor Vicki Raynes (Tansley Parish Council) and Ms Victoria Friend (Rowsley Resident) made statements on Agenda Item 13 – Gypsies And Travellers – Provision of Temporary Sites.

The further following statements were submitted in writing:

STATEMENT from Ms Kerry Andrews, Level Centre

I'm writing from Level Centre on Old Station Close in Rowsley to object to the proposed use of Old Station Close car park and land as a traveller site.

This proposal could have a significant impact on our business and people wanting to attend and visit LEVEL.

LEVEL was established to provide contemporary art experiences for Learning Disabled and Disabled members of our community. We have a year-round programme of events that are open to the public.

Although the building was RIBA award-winning, car parking is limited with only three parking spaces, two of which are for disabled parking. This does not provide sufficient parking for our staff, participants and visitors and Old Station Close car park is used as an overflow.

Much of Station Close is un-surfaced, with traffic to and from the other businesses. Our building occupies the full footprint of the land that it was built on, therefore we use Old Station Close car park as our fire assembly point for our team and vulnerable users. We are unable to change the location of our fire assembly point as much of Station Close is un-surfaced, with traffic to and from the other businesses and would not be safe for our users.

The trees have grown up around the LEVEL building on DDDC land, so the building is no longer visible from the A6. This makes signposting visitors to the centre already difficult, but combined with the potential loss of parking it would make it very difficult for us to not only open to the public but to operate at all.

STATEMENT from Ms Isobel McCormick, Chair of Chesterfield and Northeast Derbyshire Ramblers

I am writing to represent the views of Chesterfield and Northeast Derbyshire Ramblers, especially those who live in the Derbyshire Dales, regarding the possible use of the Old Station Road car park in Rowsley as a temporary site for Travellers and Gypsies. We understand that the council has a duty to provide accommodation for the homeless Traveller families but we would like to express our concern that the use of this site would result in the loss of use of a car park which we frequently utilise as a starting point for our walks. Our walks attract up to thirty people and this means we require a lot of parking spaces not readily available elsewhere in Rowsley. When the car park was occupied by Travellers previously, we used part of the Peak Village carpark near the auction rooms but this is not always available and our Walks Programme is organised several months in advance. This

makes unexpected closures difficult for us. We feel it is important that the council encourage walking as it improves mental and physical health.
Thank you for taking account of our views

STATEMENT from Ms Sarah Porter, Northwood and Tinkersley Parish Council

On behalf of Northwood and Tinkersley Parish Council I am writing to object to the inclusion of the recreation ground on Northwood Lane as a potential temporary traveller site. The access options to this site are both down a narrow poorly surfaced track within a high residential area. The recreation ground has just had repairs to a pipe that runs across the flattest part of the site and so vehicles should not go on this area in case the pipe is damaged again, it is also a wet part of the site. The recreation ground is well used by the community and losing this space will have a detrimental effect on the well being of the parish. The top of the recreation ground is a wildflower area and supported by the DDDC green team as one of their flagship areas. The whole site is grass and so unsuitable for caravans going into the winter. The Parish Council urges the District Council to remove this site from the list.

The site near Peak Rail may well be a better option but could have a detrimental effect on Peak Rail and other local businesses.

STATEMENT from Ms Sarah Porter, Baslow and Bubnell Parish Council

On behalf of Baslow and Bubnell Parish Council I am writing to object to the inclusion of the Baslow car park as a potential temporary traveller site. Baslow is one of the key gateways to the Peak District and leads to Chatsworth. Parking is already an issue in the village, particularly during holidays and weekends, and so reducing the available car parking spaces will cause a huge impact on the rest of the village. The Parish Council has recently undertaken consultation to look at this and can provide data to show this. The impact on a loss of parking to the village will be felt by the local businesses still trying to recover from the lockdowns of Covid. The Parish Council urges the District Council to remove this site from the list.

STATEMENT from Ms Laura Newbould, Bakewell Local Resident

Dear Councillors

I am writing to you all with regard the meeting you will be possibly attending on Thursday 28th July 2022.

Where I believe it will be discussed from looking on the agenda the siting of temporary travellers camps on DDDC land.

I live with my father and my two young children in the house directly behind the ABC in bakewell and adjacent to the showground land which the council lease and which has recently endured stays by said travellers. I wish to raise our concerns for those families and indeed any travellers to be located there.

This land is within the Peak District National Park and as such should **NOT** have any type of travelling camp within it (temporary or otherwise) Not only does it fall within the National park but Bakewell being a very profitable tourist location suffers heavily from having these sites located on its land, not only does the council lose revenue from parking but also the loss of much loved community events which would normally be held on the showground land, have recently had to to postponed or even cancelled. As lifelong resident of this town, I believe that siting travellers here would be to the detriment of both council revenues and to all the residents who live here. Not only that but the destruction and mess they leave behind once they move on is disgusting and dangerous.

I wrote to you all last year when the travellers were camped on the land adjacent to us, and I told you about the verbal abuse and threats my father had received from members of the travelling community which had led to him struggling with mental health, I also told you about the constant shouting and swearing we heard and how my children were scared to be in the garden alone, and also the verbal abuse tourists faced when walking into the centre of Bakewell from the Monsal trail, a much loved and very well used footpath which runs straight past the locations on your appendix sheet. One morning my 10 year old daughter, opened her curtains to one of the members of these family's, a fully grown man stark naked, urinating and defecating all over the showground grass. Is this really what you want local children and the tourists, who spend so much money in this town to be greeted with.

The ABC was built on this site adjacent to the showground land as a community hub and to make the cattle market and surrounding land a more successful and more profitable establishment, Housing members of the travelling community on it does neither of those things. DDDC have spent a lot of money improving parking, making low barriers, building premises, why would you be willing to put this at risk? Also why would you potentially take away the prospect of having much needed events for the residents of this town, things like the Christmas fairs, and the country show, thornbridge festival, Eroica, circus, cycle rides, walks, dog shows and Many more would all be at jeopardy if you were to house the travellers on any part of abc or show ground land and after the last two years of pandemic we need these events to be able to get together as a community and start to rebuild confidence and relationships that have been so missed by so many, you will be potentially putting all of this at risk by considering housing two family's from the travelling community on this land in the future.

The residents on this road are made up of at least 75% elderly and or frail people who have all paid their taxes for years and been able to purchase property in what is regarded by many as a quiet and green part of Bakewell in the twilight of there years. I am disgusted therefore that you would even consider putting such travellers on their doorstep, I appreciate you have a duty of care to this travelling family however you also have a duty of care to towards the residents who pay their council taxes and to the tourists who pay handsomely to visit this town, if you house travellers on this land you will be failing us all.

I ask you to take all my points into consideration and I trust you will all do the right thing and not consider this land suitable for habitation by the travelling community in the future.

I have copied this email to all the local councillors, Who I know have an interest in the wellbeing of Bakewell residents and also to Sarah Dines MP as a matter of courtesy as we have previously exchanged communication on this matter.

Best wishes

Laura Newbould on behalf of all my family and fellow residents of Coombs Road.

STATEMENT from Mr David Oakley, Darley Dale Town Council

I am a little disappointed that the Town Council weren't consulted in compiling the long list of potential gipsy and travellers' temporary sites which were only brought to our attention through Social Media. We have had strong local representations already from residents and below are our first thoughts on each location (though we could have done a more thorough analysis had we been consulted). I trust that this information will be taken into account when refining the list and that you will all give due consideration to the strong local feelings about these sites and their suitability.

1. Land NW of the Arc Leisure Centre – not clear where this location is .
2. Columbello Way and Dale Road North – densely populated residential area with a high volume of older residents as it is directly adjacent to Underhall Respite and Resource Centre.

3. Broadwalk Park (The Tipping) – The only recreational facility in Darley Dale apart from the Whitworth and heavily used by local residents, children and local clubs. Vehicle access is difficult and through residential areas.
4. South Side of Old Road – busy junction with queuing traffic with noise and pollution.
5. Lime Grove and Dale Road North – heavily populated area with several blocks of flats adjacent, Directly next to main A6 with associated noise and pollution.
6. East of Bent Lane – rural area with no houses nearby so no easy access to local amenities. Winter access could be a problem.
7. West Side Newell Way – densely populated area with vehicle access through very busy estate.
8. ARC Leisure Car Park – Close to Morledge and locally used recreational facilities.
9. Land off Morledge – Residential area and busy thoroughfare. Designated wildflower area.
10. Crowstones Road – Busy local convenience store and established residential area.
11. Land North West of Pumping Station - used extensively for parking by local residents and main access route to Heritage Way. When large vehicles or camper vans have parked there overnight in the past we have been inundated with complaints from people unable to access their cars or the trail.

It is also worth pointing out that the general understanding from the travellers' own posts and comments on this issue that their preference is to located near to Ashbourne rather than Matlock.

STATEMENT from Ms Annemarie Fell, Local Resident

I understand there is a meeting on Thursday 28th July at 6pm to discuss the identification of possible sites for Travellers and that one possible site is the Old Station Road car park in Rowsley.

I strongly object to this proposal. On previous occasions when the site has been used by travellers we, the local residents, have experienced a number of problems including

- General waste being strewn around even when bins are provided.
- Nappies, human excrement and toilet paper being left on the footpath, despite the fact that chemical toilets are provided.
- Bonfires burning
- Caravans are parked across the footpath making it extremely difficult and intimidating to access the path. In addition fierce dogs are chained and barking near it meaning that it is not used for access when the Travellers are there.
- The feeling of intimidation was such that even using the car park to park stopped happening.
- On departure the site is generally left in an appalling state and not just the car park but the banks and paths in the area.

Even as a temporary site this causes disruption, upset and damage to the local environment including beautiful and much valued rivers with amazing diversity. I dread to think what would happen if it were to become a permanent site, as I have heard it may. The area would not even have time to recover between visits and the river quality would decline steadily; locals would be forced out of a wonderful and much used track for walking and cycling and local businesses would decline.

I am not against Travellers as such but I am against anti-social behaviour and locals feeling wary of using areas of their own village as well as feeling that everyone should be working to protect the river and its surrounding environment.

STATEMENT from Ms Sian Bacon, Rowsley Parish Council

Dear Cllr Purdy and Cllr Hobson,

Rowsley Parish Council wish to express their concerns regarding the situation with the Travellers that is once again up for discussion in the District Council meeting to be held on Thursday 28th July 2022. Over the past few years this issue has appeared with no resolution on at least 5 different occasions. During the periods where the Travellers have stayed in Rowsley, several anti-social behaviour incidents occurred. These incidents include aggressive and intimidating behaviour from individuals towards staff members of local businesses and users of the car park, defecation on a well-used public cycle trail and the Derwent Heritage Way both of which exit on to the car park. After the departure from Old Station Road car park, enormous levels of rubbish remained which were then cleared by local volunteers several months afterwards as opposed to the District Council. Realistically the list of rules for staying on sites do not show how they will be enforced or what will happen to the families if there are incidents, ultimately, they are homeless due to the lack of action by the District Council over the last twenty years to provide them with a proper managed site and will still need somewhere to go even if they do not follow the rules provided. Rowsley is a small village and so the impact falls greater on its residents and tourists who come to the area.

In addition to this the Traveller families are quite reasonably, due incidents with a very few residents, are unwilling to return to Rowsley. This was highlighted most recently in an article by the Derbyshire Times. They have expressed their wish to be placed down around Ashbourne due to family ties and the Parish Council believe this should be supported. The Old Station Road car park is not private, quiet, or realistically near facilities that would be desirable for people to live on it. There are better spaces even around the Matlock to Bakewell areas than a well-used car park on a busy trail used by tourists and next to businesses in the centre of a small village.

The Parish Council has observed that on permanent traveller sites in other areas there are permanent site managers who are employed to manage the issues raised above and keep the sites in good condition thus helping the local areas to remain clean and harmony to occur between all communities using the space. Derbyshire Dales however have been completely derelict in not providing this support for the temporary sites in the past and this is directly in contrast to the well being of both the Traveller community and the local residents. Rules that are put in place would be better enforced with a proper and familiar site management team which doesn't appear to be one of the suggestions put forward with any of these suggested sites.

Given the illegal dereliction of duty of the District Council to provide proper permanent sites for Travellers in the area at the very least the temporary sites should be properly managed and all issues either anticipated with a level of risk assessment or resolved promptly with all sites returned to a spotless condition shortly after the Travellers have moved or been moved to an alternative site. The failure of the District Council to deal with this issue has created bad feeling in both communities which has spilled over into residents around the Derbyshire Dales being opposed to Traveller sites entirely. This is deeply unfair to both the Travellers and the residents as had sites be properly managed from the beginning much of the bad feeling would not have occurred.

Rowsley Parish Council would request to see the permanent sites issue dealt with as quickly as possible but also that the selected temporary sites are properly managed by a site manager to see a reduction in anti-social behaviour and the rubbish left behind removed promptly and properly.

84/22 - APPROVAL OF MINUTES OF PREVIOUS MEETING

It was moved by Councillor Helen Froggatt, seconded by Councillor Mark Wakeman and

RESOLVED That the minutes of the meeting of Council held on 26 May 2022 be
(unanimously) approved as a correct record.

The Chairman declared the motion **CARRIED**.

85/22 - INTERESTS

There were no declarations of interest.

86/22 - LEADERS' ANNOUNCEMENTS

Councillor Garry Purdy, Leader of the Council, made the following statement:

“Members, you may recall that I informed you in past meetings that Vision Derbyshire was formed about two years ago when All Derbyshire Local Authority Leaders and Chief Execs met at the invitation of Cllr Barry Lewis, Leader of Derbyshire County Council at J28 Hotel off the M1 in order to discuss the then proposals on Devolution by Government. Present at that meeting were representatives of Derby City Council.

A unanimous vote was made by all Derbyshire Local Authority Leaders and Chief Execs that:

- 1. Vision Derbyshire should be formed*
- 2. That we did not want a Mayor or Mayoral Combined Authority.*
- 3. That regular meetings should take place with a view to engaging Consultants to help determine what kind of Authority Derbyshire wished to become.*

Derby City representatives stated that whilst they acknowledged and respected the formation of Vision Derbyshire, they did not wish to join. They were informed at the meeting that the door would be left open for them to join at any time.

Price Waterhouse Cooper were subsequently engaged and a series of Workshops took place between Leaders and Chief Execs at Lea Hurst, Holloway which resulted in a number of ideas for future collaboration and Workstreams were raised in order to deal with the business of the Two-Tier Authorities.

It is important to note that this work resulted in Derbyshire being at the Head of the Nine County Deals announced a few months ago by Government. Invitations to All Councillors were sent out from time to time to enable an update on progress. It is also important to note that the work of Vision Derbyshire preceded the White Paper on Devolution. The delivery of the White Paper was frequently delayed and was finally produced in February 2022.

The content of the White Paper revealed amongst many other issues – 3 x Funding Streams:

Level 1 – Status quo – As we are now with limited and diminishing funding from Government and being very much reliant on income.

Level 2 – A Derbyshire Combined Authority – which would result in slightly more devolved powers and funding

Level 3 – A Mayoral Combined Authority which ticked every box regarding devolved powers and funding.

Following the delivery of the White Paper we were subsequently informed by Cllr Barry Lewis at a virtual Vision Derbyshire meeting that talks has been held between the 4 x Leaders of Derbyshire (Cllr Barry Lewis – Derby City (Cllr Chris Poulter) – Nottingham (Cllr David Mellen) and Nottinghamshire – (Cllr Ben Bradley) with a view to the formation of an East Midlands Mayoral Combined Authority.

Naturally this led to a lot of disquiet, unease and anger in some cases especially due to the fact contained in the White Paper was No Power of Veto by 2nd Tier Authorities such as Derbyshire Dales.

We are though assured through Cllr Barry Lewis, and I have been present at a meeting with Cllr Chris Poulter, Leader of Derby City Council when he gave the same assurance, that all 4 Leaders are desirous that all 2nd Tier Authorities in Derbyshire and Nottinghamshire should be included in the Governance arrangements and have a Voice at the table.

At a virtual D2 Meeting last week Chaired by Elizabeth Fagan, Cllr David Mellen gave the same commitment and spoke of 4 x seats at the Board Meeting table being enabled for District and Borough Councils in Derbyshire & Nottinghamshire. Let us not forget that James McLaughlin is one of the architects of any new Governance arrangements for whatever construct is decided by Government.

Nonetheless, assisted by the District Council Network who are lobbying Government very hard re the lack of a Power of Veto and to allow a seat at the table for 2nd Tier Authorities, I have written to our MP Sarah Dines MP and the two Candidates for the Conservative Leadership – Liz Truss and Rishi Sunak, copies of which you will have seen, appealing for this wrong to be rectified.

Cllr Barry Lewis is currently meeting Leaders of all Eight District & Borough Councils in order to take stock of their views on the recent development. Paul and I met with Cllr Barry Lewis and Chris Henning Director of Place at DCC – at the Town Hall at 9am on Monday 11 July 2022 when I gave my view on the recent development.

That notwithstanding our still strongly held view that a Mayoral system is not right for our areas, that we have to do right by our residents and businesses and have no choice but to accept the fact that a Mayoral system of Governance is the only game in town that will receive extra powers and funding from Government. I also said that I would not wish to see a Mayor with full powers delegated to whoever it might be in the final analysis.

Cllr Barry Lewis explained that all 4 Leaders were aiming for a similar Mayoral system to that of the West Midlands under Mayor Andy Street where a strong Governance Board arrangement does not allow for full powers in a single individual.

We have to wait now to see what Government Civil Servants and Ministers decide what our fate will be and we are led to understand that we should know our fate by the end of Autumn – September 5th being cited as the decision date. I will continue to fight for a voice at the table not only for our Authority but for all of the other 2nd Tier Authorities involved in this process.

If it is to be decided by Government that an East Midlands Mayoral Combined Authority should be formed, then Elections are anticipated to take place in May 2024.”

87/22 - CHAIRMAN'S ANNOUNCEMENTS

Councillor Graham Elliott, Civic Chairman, made the following statement:

“The charity I have chosen to support this year has over 35000 members, 95% of which are volunteers and come from all walks of life. They rely on fund raising events and donations to keep them afloat.

I’m sure most have already seen the press statement Jim has released.

The charity is of course the RNLI. In my view the 4th emergency service. I’m under no illusion as to how difficult it is in this present climate to raise funds for any charity what with the cost of living as it is.

However I am remaining positive and hope we can do them justice in our efforts to support them. A just giving page has been set up on the website.

I’ve also attended a number events as civic chair.

The first being on the 17th June at Castle View Primary School in Matlock where the Lord Lieutenant planted an apple tree donated by the Lieutenancy. Part of the Queens Green Canopy programme. That was followed by a short tour of the school and light refreshments. An interesting and enjoyable morning for all concerned.

On the 22nd June I was invited to attend Wirksworth Memorial Hall for the AGM of the Derwent and Dove Scout Council. I was amazed at the number of opportunities this hard working group of individuals provide for the scouting community. Much different to my day in the scouts. I was asked to pass on thanks to council for their support.

On June 30th I attended the home of Libby Lane in Duffield for a community and Civic gathering followed by a buffet meal in the garden. About 30 people attended from various districts of the county. Libby was installed as the Bishop of Derby at the Cathedral in 2019. Despite the pouring rain a pleasant evening was enjoyed by all.

With your permission chair I would like to call upon my deputy Cllr Atkin to comment on the events he attended in my absence”.

Councillor Jason Atkin, Deputy Civic Chairman, made the following statement:

“Thank you very much Chair and Councillor Elliott. I attended the handover of the together artwork in Hall Leys Park on the 30th June. I suggest if you haven’t gone and seen it, go and have a look, it’s a very good installation. On the 2nd July I attended the Buxton Tattoo in aid of the Royal British Legion which was a very lovely evening and raised lots of money. Thank you very much.”

88/22 - COMMITTEES

It was moved by Councillor Jason Atkin, seconded by Councillor Tom Donnelly and

RESOLVED That the non-exempt minutes of the Committees listed in the Minute
(unanimously) book, for the period 24th March 2022 to 12th July 2022 be received.

The Chairman declared the motion **CARRIED**.

89/22 - QUESTIONS (RULE OF PROCEDURE 15)

Question from Councillor Peter Slack to Councillor Garry Purdy, Leader of the Council:

“Over the last number of years we have seen an increase in the Derbyshire Dales of small dwelling being acquired by people or companies that use as holiday lets and holiday Homes, which I believe fall into the category of second homes.

Also at the same time many local young people looking to acquire homes for the first time in their local area near to their families are being priced out of the market by people that are purchasing the dwellings as investment and also making a great deal of money out of continually letting property weekly at inflated rates well above normal rents.

Yes we do need tourists to visit to Derbyshire Dales and we have many good Hotels, B&B and Self Catering flats in the Derbyshire Dales.

But the great problems are that many young people have to move from the Derbyshire Dales to get onto the property ladder, in turn this leads to families being split and villages with less children to sustain schools and community spirit diminishing.

Recently in Whitby North Yorkshire, the council had a local referendum on this very issue of holiday homes and holiday lets, and the vote was overwhelming for controls to restrict holiday homes and lets.

Also I know that this is a problem in Wales, Cornwall and Devon and recently a national survey found in the last four years that holiday lets and second homes had increased by 40%.

Also, recently in the Queens speech at the opening of parliament there was references made about second homes and there use as holiday homes and lets, in regards to Council Tax to help control this issue.

Earlier in the year we did vote to use Council Tax to bring back Empty homes back into use again.

So would you agree with me on the need for controls on the second homes problem.”

Councillor Purdy provided the following response:

The simple answer is that yes it would be good to see more controls to reduce the numbers of 2nd homes within the Dales and give local people more opportunity to buy such properties as their main home.

There are just under 1000 2nd homes in the Derbyshire Dales out of a total housing stock of approximately 34,000. The Derbyshire Dales has the 61st highest number of 2nd homes of all English local authorities.

There are very few controls available to councils to control the numbers of 2nd homes. The Government is currently taking the Levelling-Up and Regeneration Bill through Parliament and this includes provisions that both impact empty homes and 2nd homes. In relation to 2nd homes the Bill, it is likely any increase might only be in place by 2024-25. Any change in Council Tax policy would be subject to approval by Members, most likely in the next Council.

Question from Councillor Peter Slack to Councillor Garry Purdy, Leader of the Council:

“Wirksworth looks to be the market town that is being left behind in regards to having only one EV charging points installed on the old market place car park provided by local authority. There is one other EV charging point which is provided by local co-op which is very well used.

A Number of residents have contacted me about the lack of EV charging points in Wirksworth and many residents around the centre of the town have no facility for installing EV charging.

So in Wirksworth we have DDDC free car park off Wood Street Canterbury Road carpark, it would be ideal car park for EV charging points to be installed on the car park and would allow residents to pay for charging, but being free car park it would be a big incentive for many residents to move over to electric vehicles.

The EV charging points could be installed at the lower end near the recycling bin, or at the top end near wood street, and in the next few years with the increasing move over to electric vehicles they could be develop along the car park.

Recent reviews have identified the shortage of fast charging EV points all-round the Country except in London. So this needs to be addressed quickly if we are going to encourage residents to invest in electric cars.

Please consider my proposal for Wirksworth.”

Councillor Purdy provided the following response:

Nationally there is a huge challenge if, as a country, we are to meet the target of 300,000 public charge points by 2030. Locally we (DDDC and DDC) are working on developing the EV charging offer across the county.

DDDC are looking at submitting an application for funding to ORCS (on-Street Charge point Scheme) this year, which specifically looks at increasing the infrastructure for residents (7KW chargers). Looking at the criteria and geographical locations, we have shortlisted the following car parks to be assessed by the EV Charge point Operator once they have been appointed:

1. Cattle Market, Ashbourne
2. Artist Corner, Matlock
3. Granby Road, Bakewell
4. Oddfellows, Hathersage
5. Nether End, Baslow
6. Canterbury Road, Wirksworth
7. Market Place, Cromford
8. Town Hall Front, Matlock

(If the bid for ORCS funding is successful, those car parks which meet the criteria will be installed in 2023)

Further work has been carried out by DCC who are specifically looking at the provision of rapid chargers (22Kw) across the county and the following car parks have been shortlisted with a view to submitting a LEVI (Local Electric Vehicle Infrastructure) funding Bid. All locations will still need to be assessed and meet the relevant criteria before they can be progressed. They have shortlisted the following car parks within Derbyshire Dales:

1. Granby Road, Bakewell
2. Artist Corner, Matlock
3. Cattle Market, Ashbourne
4. Oddfellows Road, Hathersage
5. Nether End, Baslow

Question from Councillor Peter Slack to Councillor Garry Purdy, Leader of the Council:

“Would the Leader and Council consider joining the (Councils for fair tax declaration) which many Councils of different political persuasion have joined.

In research conducted by Datalab for Fair Tax Federation found that from 2014 to 2019 a huge £37.5 Billion of public procurement contracts has been won by companies that add links to Tax Haven overseas.

Recent research shows a loss of £17 Billion in corporation tax revenues the result of shifting profits to Tax Havens.

Significant recent polling showed that 66% of the public believe that the government and local government council's should at least consider ethics alongside value for money and quality of service provide in awarding of contracts won to companies.

It is more important than ever in this time of financial hardship to our communities, that we consider joining with other Councils from all parts of the country in (Councils for Fair Tax Declaration).

It will show that the council are adhering to good ethics and procurement of contracts.”

Councillor Purdy provided the following response:

Thank you for your question Councillor Slack.

This is ultimately a question of policy for the Council. I note that there is a template motion on the Fair Tax Mark website which has been used by other councils that have made the Fair Tax Declaration. You might want to bring this forward to a future Council meeting for debate if this is something that you support yourself, Councillor Slack.

In the meantime, I will commit to working with officers to understand the implications for the organisation of signing up to such a declaration. Given our limited resources we need to be careful about increasing the administrative burden on officers unless it is of value. I will be happy to write to you outside of the meeting once I have had the opportunity to fully discuss the impact of this upon the Council.

Question from Councillor Peter O'Brien to Councillor Garry Purdy, Leader of the Council:

"In an excellent interview that you gave last week to Radio 4's Today programme about housing issues in the Derbyshire Dales, you said that 'if you grow up in a village, it's your life blood. If you want to stay in the village when you grow up, you should be enabled to stay there'.

Families and young people in the villages of Eyam and Hathersage (and many other Peak District villages) are in that position, and have been pleading for more affordable housing for many years. I'm sure you will agree that it is heartbreaking to listen to their stories, and to hear how they are being forced to move away.

Can I count on your support, and that of the Majority Group, for our officers to enable them to bring forward schemes in Eyam and Hathersage at the earliest possible opportunity. And to join with me in urging the Peak District National Park Authority, through its Chair and Members, to be part of the solution rather than the problem."

Councillor Purdy gave the following response:

As you know the provision of affordable housing has been a priority for both the Council and myself as Leader for many years. The Council has a good track record in the delivery of new affordable homes averaging 76 new affordable homes each year. The Council has also become a direct provider of Council housing again to further intervene in the housing market.

The Housing Team have the full support of the Council to enable and hopefully deliver new homes in Eyam and Hathersage as well as other villages across the Peak Park and our own Plan area. The development process can take time and the Peak District National Park have been working with the Housing Team to assess potential sites, a process that I understand you have also been part of as Ward Member.

90/22 - PROPOSAL OF A NOTICE OF MOTION (RULE OF PROCEDURE 16)

The Council considered a motion submitted by Councillor Peter O'Brien in accordance with Rule of Procedure 16.

At the meeting the motion was moved by Councillor Peter O'Brien and seconded by Councillor Garry Purdy as follows:

"For over 10 years residents in the Upper and Nether Padley areas of Grindleford have suffered increasing disturbance and nuisance from the operations undertaken by Network Rail on the former sidings area at the train station. Network Rail use the site regularly as a base for 6 different engineering and maintenance teams, who work on the rail network between Totley and Hope and beyond. Virtually all operations take place at weekends throughout the nights.

Grindleford Station is within a natural amphitheatre such that any noise is amplified and transmitted significant distances away from its source. As well as being within the National Park, it is located in a Conservation Area.

Network Rail acknowledge the significant increase in their use of the area, and the fact that it causes disturbance. However they maintain that are unable to do anything further to mitigate this. They have confirmed that its use is planned to continue; in fact it may well increase following the upgrade of the Hope Valley line, with the additional track lengths and more frequent train services.

Numerous meetings have taken place over the years between residents and Network Rail, and with the current and previous MP's, but have resulted in no significant improvements to the situation. Network Rail also declined to take up an offer by the PDNPA to use their expertise to achieve a more appropriate layout and design of the operational area, including landscaping.

The Council's Environmental Health Service has also been involved over a long period of time, and continues to receive significant numbers of complaints; they acknowledge that the level of noise in particular is a cause for concern.

However Network Rail are exempt from the provisions of the Town and Country Planning legislation, and are not subject to the same controls as other businesses under Environmental Health related legislation. This severely limits the ability of the Council and other public authorities to impose conditions on their operations, or to take enforcement action similar to that which would apply in other circumstances.

The residents acknowledge that the station area should be used by Network Rail in genuine emergency situations, in particular with regard to the adjacent Totley Tunnel, but believe that the location is entirely inappropriate as a base for routine engineering and maintenance operations. They consider that there are other more suitable locations which Network Rail should be encouraged to explore.

I am therefore submitting the following motion to the Council:

1 a) "in view of the continued and increasing disturbance caused by the operations of Network Rail and its contractors to local residents in the environmentally sensitive and residential area in the vicinity of Grindleford Station, the Council uses its best efforts commensurate with resources available to secure the relocation of the engineering and maintenance facility to a more appropriate location"

1 b) "pending the relocation of the engineering and maintenance facility, the Council continues to explore with Network Rail all means possible to mitigate the disturbance caused to residents in the vicinity of Grindleford Station; as a last resort, appropriate statutory and/or legal powers be utilised"

The motion was put to the vote and

RESOLVED
(unanimously)

1. In view of the continued and increasing disturbance caused by the operations of Network Rail and its contractors to local residents in the environmentally sensitive and residential area in the vicinity of Grindleford Station, the Council uses its best efforts to commensurate with resources available to secure the relocation of the engineering and maintenance facility to a more appropriate location.
2. Pending the relocation of the engineering and maintenance facility, the Council continues to explore with Network Rail all means possible to mitigate the disturbance caused to residents in the vicinity of Grindleford Station; as a last resort, appropriate statutory and/or legal powers be utilised.

The Chairman declared the motion **CARRIED**.

91/22 - PROVISIONAL REVENUE OUTTURN 2021/22

The Director of Resources introduced a report which provided details of the provisional financial outturn for the District Council's Revenue spending for the year ended 31st March 2022 and significant variations from the revised budget.

The report informed Members of the role that the Council's Revenue Budget plays in assisting in delivering the priorities and targets within the Corporate Plan, by allocating budgets to specific projects. The Revenue Budget specifically addresses the following priority area: "People: Achieve a sustainable financial position by prudent management of resources and reviewing services".

The report also detailed how the provisional financial position as at 31st March 2022 would be reflected in an updated Medium-Term Financial Plan which would be presented in the Autumn.

Members were informed that the provisional outturn on the revenue account for 2021/22 was a surplus of £732,113 against revised estimates. Key reasons for the surplus were detailed in the report. Subject to the approval of the Officer recommendations included in the report, the provisional outturn was that Council increased its general fund balances from £1,999,839 to £2,423,560 at 31 March 2022 and reduced the earmarked reserves from £20,970,179 to £17,664,545 for the same period.

It was moved by Councillor Garry Purdy, seconded by Councillor Mike Ratcliffe and

RESOLVED
(unanimously)

1. That the following transfers to reserves for 2021/22 be approved:
 1. A budgeted transfer of £30,000 to the Elections Reserve.
 2. A budgeted transfer of £50,000 to the Local Plan Reserve.
 3. A budgeted transfer of £150,000 to the Vehicle Renewals Reserve.
 4. A budgeted transfer of £142,000 to the Waste Vehicle Reserve.
 5. A transfer of £4,129,079 of Revenue Grants received in the year to Revenue Grants Unapplied Reserve.
 6. A transfer of £604,625 Capital Receipts received during the year to Capital Receipts Reserve.
 7. A transfer of £1,224,185 Capital Grants Received during the year to Capital Grants Unapplied Reserve.
 8. A transfer of £8,613,380 from Reserves to cover Revenue expenditure within the year.
 9. A transfer of £2,340,689 from Reserves to cover Capital expenditure within the year.
 10. The surplus of £732,113 be transferred to Reserves as follows:
 - (i) A transfer of £200,161 to General Reserve to top-up this reserve to £1.2m.
 - (ii) A transfer of £108,392 to Committed Expenditure Reserve.
 - (iii) A transfer of £200,000 to Customer Innovation Reserve.
 - (iv) A transfer of £223,560 to General Reserve to fund inflationary pressures in 2022/23 onwards.
2. That it be noted that the revenue account for 2021/22 is balanced.

The Chairman declared the motion **CARRIED**.

92/22 - CAPITAL PROGRAMME OUT-TURN 2021-22 & REVISED CAPITAL PROGRAMME 2022-23 TO 2024-25

The Director of Resources introduced a report outlining the out-turn position for 2021/22 and the revised Capital Programme for 2022/23 to 2024/25. A number of new projects were proposed for inclusion, subject to successful funding bids.

At a Meeting of Council on 25th March 2022, a revised capital budget of £5,167,703 was approved. During April 2022, delegated approval was given by the Chair of Community and Environment to add a project for the inclusion in the 2021/22 Capital Programme. This project was to complete an Energy Efficiency Upgrade to social and private housing. The project brought the Revised Capital Programme for 2021/22 value to £5,937,504.

The report informed Members that the total spend for 2021/22 was £4,451,000 therefore there was an overall underspend of £1,486,504. Generally, where projects were still continuing budget underspends have been carried forward and added to Original 2022/23 capital budget.

The additional requests and changes for Inclusion in the Capital Programme were also detailed in the report for Members information.

It was noted that there was considerable change to Capital Programme as the Council had been successful in obtaining further funding from a variety of sources to commence new projects. The proposed Capital Programme for 2022/23 to 2024/25 was shown in Appendix B.

It was moved by Councillor Tom Donnelly, seconded by Councillor Mark Wakeman and

RESOLVED
(unanimously)

1. That the provisional Capital Out-turn, as detailed in Appendix A, and financing arrangements for 2021/22, in the sum of £4,451,000 be approved.
2. That the explanations regarding significant variances in planned and actual capital expenditure for 2021/22 be noted.
3. That the revised Capital Programme as detailed in Appendix B and financing arrangements for 2022/23 to 2024/25, in the sum of £12,578,885 be approved, including new projects totalling £1,515,668 as outlined at paragraph 1.7 plus additional allocations for future year Disabled Facilities totalling £1,203,472.
4. That in respect of the UK Shared Growth Prosperity Fund, delegated authority be given to the Director of Regeneration in consultation with the Director of Resources to revise Revenue and Capital allocations and the budget each year, subject to meeting the government funding conditions.
5. That the balance of funds available over the 3-year programme, shown at Appendix C, be noted.

The Chairman declared the motion **CARRIED**.

93/22 - FINANCIAL MANAGEMENT SYSTEM

The Director of Resources introduced a report seeking approval for a supplementary revenue budget of £39,778 a year from 2022/23 to allow for the increased annual costs for the Council's Financial Management System.

The report addressed that the Council uses Unit's "Agresso Business World" as its corporate Financial Management System. The servers that host Agresso use SQL 2012 as an operating system. The report informed Members that the Council had been notified that the support agreement for SQL 2012 would expire in July 2022. It was noted that arrangements were being made to extend this, but it could only be achieved for a temporary period. Members were informed that the running of an unsupported system was a risk.

As well as providing management information, such as for budget monitoring, Agresso is used to pay suppliers, to raise invoices for trade waste, rents and other fees and charges and account for VAT. If the service was not available, such transactions would be delayed resulting in service disruption for our suppliers and customers: there would also be the risk of a financial penalty for late submission of VAT claims.

The report noted that moving to a cloud-based version seemed inevitable, therefore it would be inefficient to upgrade on premise at present time and have to upgrade to the cloud later.

Based on a 3 year contract, the cost of the recommended option was £19,733 more than the annualised current cost and £39,778 above the amount included in the 2022/23 revenue budget.

It was moved by Councillor Chris Furness, seconded by Councillor David Chapman and

RESOLVED That approval be given to a supplementary revenue budget of
(unanimously) £39,778 a year from 2022/23 to allow for the increased annual costs for the Council's Financial Management System (Agresso Business World), to be financed from the General Reserve.

The Chairman declared the motion **CARRIED**.

The meeting was briefly adjourned from 7:41pm to 7:50pm.

94/22 - DURATION OF MEETINGS (MOTION TO CONTINUE)

At **8.25pm**, during the discussion of **Item 13 – Gypsies and Travellers – Provision of Temporary Sites**.

It was moved by Councillor Jason Atkin, seconded by Councillor Stuart Lees and

RESOLVED That, in accordance with Rule of Procedure 13, the meeting continue beyond 2 hours 30 minutes to enable the business on the agenda to be concluded.

Voting:

For	25
Against	1
Abstention	1

95/22 - GYPSIES AND TRAVELLERS - PROVISION OF TEMPORARY SITES

The Director of Regulatory Services introduced a report to formally identify one or more sites within the District Council's control as suitable temporary Traveller sites for occupation by members of two Gypsy and Traveller families who had presented themselves as homeless.

The report detailed that it was the latest in a series that had been brought before Members since September 2016, in which the Council had recognised and accepted its duties towards Gypsies and Travellers under housing and planning legislation. It was noted that in particular the Council had specifically recognised its Homelessness duties towards two specific Traveller families who had been residents within the district for many years, on no less than seven occasions since September 2016. It was recognised that to date, those Traveller families to whom the Council owes a legal duty, had no temporary or permanent site on which they could legally place their caravans.

Members were informed that the Council had recognised that it had a duty to provide one or more permanent sites for these specific Traveller families and that it had a duty to provide on or more suitable temporary sites for the families whilst so ever a permanent site was not available for occupation.

The report highlighted that at the present time Officers had no delegated authority to direct members of the two specific families to suitable temporary sites, which prevents them from being able to take action to evict them if they should set up an encampment on an unsuitable site. It was noted that this was not a sustainable position for the Council to be in.

In considering the report and appendices, the Chairman invited those Members present to provide their own commentary in relation to Council owned land detailed in Appendix 1 and their view on its suitability for use as potential temporary sites for Gypsies and Travellers.

An amendment was proposed by Councillor Clare Gamble and seconded by Councillor David Hughes. This amendment was put to the vote

1. That the Council reiterates its commitment to identifying suitable sites for use as Gypsy and Traveller sites by those families to whom the authority has a homelessness duty.
2. That, in doing so, a working group comprising of one Member from each political group be established to work with officers to investigate the most appropriate options with the District for development as a temporary tolerated site(s) or a permanent site(s) for use by Gypsies and Travellers, according to the following approach:

(A) Determine a criteria for the assessment of potential sites, which would include consideration of:

- The viability of Council owned assets; privately owned sites volunteered by individuals or organisations; and privately owned sites that could be selected for compulsory purchase – including the development of site services and facilities.
- The needs and wishes of the Gypsy and Traveller families in respect of potential site location.
- The proximity, relationship to existing land use and impact upon

amenities and settled communities of any potential site locations.

3. That the working group provide a report and recommendations to Council in respect of potential locations for use as Gypsy and Traveller sites.

Voting:

For	11
Against	11
Abstention	1

As there was equality of votes, the Chairman was entitled to use a casting vote in accordance with Procedure Rule 19.2. The Chairman declined to use the casting vote and as a result, the Chairman declared that the motion had automatically **FALLEN**.

An amendment was proposed by Councillor Richard FitzHerbert and seconded by Councillor Peter O'Brien. The amendment was put to vote and

RESOLVED That Officers be tasked to use the feedback that has been provided by Ward Members on the sites discussed in Appendix 1 and develop further proposals based on that feedback for future consideration by Council.

Voting:

For	19
Against	3
Abstention	2

The Chairman declared the motion **CARRIED**.

Councillor Chris Furness left the meeting at 8:25pm during consideration of this item.

Councillor Jacqueline Allison left the meeting at 8:59pm during consideration of this item.

Councillor Helen Froggatt left the meeting at 9:08pm during consideration of this item.

96/22 - SEALING OF DOCUMENTS

It was moved by Councillor Jason Atkin, seconded by Councillor Tom Donnelly

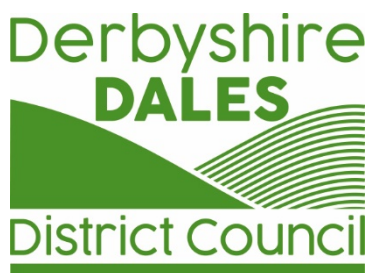
RESOLVED (unanimously) That the common seal of the Council be affixed to those documents, if any required to complete transactions undertaken by committees or by way of delegated authority to officers since the last meeting of the Council.

The Chairman declared the motion **CARRIED**.

Meeting Closed: 9.32 pm

Chairman

This page is intentionally left blank



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

For assistance in understanding or reading this document or specific information about this Agenda or on the "Public Participation" initiative please call the Committee Team on 01629 761133 or email committee@derbyshiredales.gov.uk

Planning Committee

Minutes of a Planning Committee meeting held at 6.00 pm on Tuesday, 16th August, 2022 in the Council Chamber, Town Hall, Matlock, DE4 3NN.

PRESENT Councillor Jason Atkin - In the Chair

Councillors: Sue Burfoot, Neil Buttle, Tom Donnelly, Graham Elliott, Helen Froggatt, David Hughes, Stuart Lees, Peter O'Brien and Peter Slack

Present as Substitute – Councillor(s): Chris Furness

Chris Whitmore (Development Control Manager), Adam Maxwell (Principal Planning Officer), Tommy Shaw (Democratic Services Team Leader) and Angela Gratton (Democratic Services Officer)

Members of the Public – 46

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): Jacqueline Allison, Robert Archer, Richard FitzHerbert and Garry Purdy

102/22 - APPROVAL OF MINUTES OF PREVIOUS MEETING

It was moved by Councillor Jason Atkin, Seconded by Councillor Tom Donnelly and

RESOLVED (Unanimously)

That the minutes of the meeting of the Planning Committee held on 12 July 2022 be approved as a correct record.

The Chairman declared the motion **CARRIED**.

103/22 - INTERESTS

There were no declarations of interest.

104/22 - APPLICATION NO. 22/00590/FUL

The Development Manager gave a presentation showing details of the application and photographs of the site and surroundings.

The Committee visited the site prior to the meeting to allow Members to appreciate the proposal in the context of its surroundings.

In accordance with the procedure for public participation, Mr Peter Sewell (Applicant) spoke in support of the application. Mrs June Holden, (Local Resident), Mr John Fell (Local Resident), Mr Roy Starbuck (Local Resident and Mr Simon Dutton (Local Resident) spoke against the application.

Consultation responses were set out in section 5 of the report.

Correspondence received after publication of the agenda was distributed at the meeting. This comprised of comments received from the County Councillor Dermot Murphy and further background information provided by a local resident.

It was moved by Councillor Peter O'Brien to defer, seconded by Councillor Tom Donnelly and

RESOLVED (Unanimously)

That consideration of the item be deferred to a future meeting of the Committee in order for further details of the planned construction to be gathered and a to allow for further investigation of the planned access to be undertaken by the Highways authority.

The Chairman declared the motion **CARRIED**.

105/22 - APPLICATION NO. 22/00398/FUL

The Principal Planning Officer gave a presentation showing details of the application and photographs of the site and surroundings.

The Committee visited the site prior to the meeting to allow Members to appreciate the proposal in the context of its surroundings.

In accordance with the procedure for public participation, Ms Diane Macarther (Local Resident), Ms Hannah Shakespeare (Local Resident), Ms Anne Toler (Local Resident), Councillor Colin Swindell (Ward Member) and Mr Mike Andrews (Local Resident) spoke against the application.

Consultation responses were set out in section 5 of the report.

Correspondence received after publication of the agenda was distributed at the meeting. This comprised of further representations received from the occupants of 22 Eversleigh Rise, 24 Eversleigh Rise and 26 Eversleigh Rise.

It was moved by Councillor Peter O'Brien, seconded by Councillor Sue Burfoot and

RESOLVED

That the application be refused for the following reasons:

The siting, scale, and massing of the proposed building and location of the associated car parking area would result in unacceptable overbearing and overshadowing effects, a loss of privacy, light intrusion and noise nuisance to the detriment of the residential amenity of the occupants of nearby dwellings contrary to the requirements of Policies PD1 and PD9 of the Adopted Derbyshire Dales Local Plan (2017).

Voting

10 For

1 Against

0 Abstentions

The Chairman declared the motion **CARRIED**.

There followed a short adjournment at **7.30pm**, returning at **7.40pm**.

106/22 - APPLICATION NO. 22/00409/FUL

The Development Manager gave a presentation showing details of the application and photographs of the site and surroundings.

The Committee visited the site prior to the meeting to allow Members to appreciate the proposal in the context of its surroundings.

In accordance with the procedure for public participation, Mr David Oulsnam (Agent) spoke in support of the application.

Consultation responses were set out in section 5 of the report.

Correspondence received after publication of the agenda was distributed at the meeting. This comprised of Further information from the Business Delivery Co-ordinator at Chesterfield Royal Hospital NHS Foundation Trust have been received to justify the need for a health care contribution should the application be approved.

It was moved by Councillor Tom Donnelly, seconded by Councillor Peter Slack and

RESOLVED (unanimously)

That planning permission be refused for the reasons set out in the report.

The Chairman declared the motion **CARRIED**.

107/22 - APPLICATION NO. 22/00575/FUL

The Development Manager gave a presentation showing details of the application and photographs of the site and surroundings.

The Committee visited the site prior to the meeting to allow Members to appreciate the proposal in the context of its surroundings.

Consultation responses were set out in section 5 of the report.

It was moved by Councillor Tom Donnelly, seconded by Councillor Peter Slack and

RESOLVED (unanimously)

That Planning permission be granted subject to conditions with regard to highway and amenity matters.

The Chairman declared the motion **CARRIED**.

108/22 - DURATION OF MEETING (MOTION TO CONTINUE)

At **8.30pm** it was moved to extend the meeting by 30 minutes by Councillor Jason Atkin, seconded by Councillor Tom Donnelly and

RESOLVED (Unanimously)

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

The Chairman declared the motion **CARRIED**.

109/22 - APPLICATION NO. 22/00610/OUT

The Principal Planning Officer gave a presentation showing details of the application and photographs of the site and surroundings.

The Committee visited the site prior to the meeting to allow Members to appreciate the proposal in the context of its surroundings.

In accordance with the procedure for public participation, Mr Tony Sharpe (Local Resident), Mr Pat Carlin (Local Resident), Councillor Janet Rose (Ward Member), Councillor Richard FitzHerbert (statement read by Democratic Services Officer) and Mr Daniel Smith (Applicant) spoke in support of the application.

Consultation responses were set out in section 5 of the report.

It was moved by Councillor Peter Slack, seconded by Councillor Sue Burfoot and

RESOLVED

That planning permission be approved subject to conditions, including the approval of reserved matters and related highway safety considerations (as recommended by the Local Highway Authority).

Voting

6 For
2 Against
2 Abstentions

The Chairman declared the motion **CARRIED**.

110/22 - DURATION OF MEETING (MOTION TO CONTINUE)

At **8.53pm** it was moved to extend the meeting by 30 minutes by Councillor Jason Atkin, seconded by Councillor Tom Donnelly and

RESOLVED (unanimously)

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

The Chairman declared the motion **CARRIED**.

8.55 Councillor Chris Furness left the meeting.

111/22 - APPLICATION NO. 22/00616/FUL

The Development Officer gave a presentation showing details of the application and photographs of the site and surroundings.

The Committee visited the site prior to the meeting to allow Members to appreciate the proposal in the context of its surroundings.

In accordance with the procedure for public participation, Ms Rachel Summerfield (Applicant) spoke in support of the application. Mr Phillip Johnson (Local Resident), Mrs Judith Ward (Local Resident), Mr Pat Carlin (Local Resident), Ms Annie Haigh (Local Resident – statement read out by Democratic Services Officer), and Councillor Janet Rose (Ward Member) spoke against the application.

Consultation responses were set out in section 5 of the report.

Correspondence received after publication of the agenda was distributed at the meeting. This comprised of further representations were received from Phillip Johnson (Shellboards Farm).

It was moved to defer by Councillor Sue Burfoot, seconded by Councillor Peter Slack and

RESOLVED

That consideration of the application be deferred to allow consultation with the Local Highway Authority and Environmental Health, to consider parking and manoeuvring within the site, access and noise.

Voting

9 For
1 Against
0 Abstentions

The Chairman declared the motion **CARRIED**.

112/22 - APPLICATION NO. 22/00640/FUL

The Principal Planning Officer gave a presentation showing details of the application and photographs of the site and surroundings.

The Committee visited the site prior to the meeting to allow Members to appreciate the proposal in the context of its surroundings.

In accordance with the procedure for public participation, Mr Andrew Stock (Agent) spoke in support of the application.

Consultation responses were set out in section 5 of the report.

It was moved by Councillor Peter Slack, seconded by Councillor Tom Donnelly and

RESOLVED (unanimously)

That planning permission be approved subject to the applicant entering into a Section 106 Agreement to provide for all dwellings on the site being principal residences, the provision of 3 dwellings as on-site affordable housing and a financial contribution towards part of an off-site affordable dwelling.

The Chairman declared the motion **CARRIED**.

9.00pm Councillor Graham Elliott left the meeting.

113/22 - DURATION OF MEETING (MOTION TO CONTINUE)

At **8.25pm** it was moved to extend the meeting by 15 minutes by Councillor Jason Atkin, seconded by Councillor Tom Donnelly and

RESOLVED (Unanimously)

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

The Chairman declared the motion **CARRIED**.

114/22 - APPLICATION NO. 22/00651/FUL

The Development Manager gave a presentation showing details of the application and photographs of the site and surroundings.

The Committee visited the site prior to the meeting to allow Members to appreciate the proposal in the context of its surroundings.

In accordance with the procedure for public participation, Mr Ian McHugh (Agent) spoke in support of the application.

Consultation responses were set out in section 5 of the report.

It was moved by Councillor Stuart Lees, seconded by Councillor Tom Donnelly and

RESOLVED

That planning permission be granted subject to conditions with regard to highway matters and hours of operation.

Voting

8 For

1 Against

0 Abstentions

The Chairman declared the motion **CARRIED**.

115/22 - APPEALS PROGRESS REPORT

It was moved by Councillor Jason Atkin seconded by Councillor Tom Donnelly and

RESOLVED (unanimously)

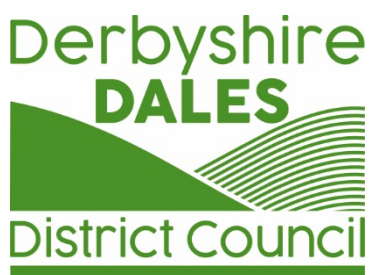
That the report be noted.

The Chairman declared the motion **CARRIED**.

Meeting Closed: 9.37 pm

Chairman

This page is intentionally left blank



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

For assistance in understanding or reading this document or specific information about this Agenda or on the "Public Participation" initiative please call the Committee Team on 01629 761133 or email

committee@derbyshiredales.gov.uk

Community & Environment Committee

Minutes of a Community & Environment Committee meeting held at 6.00 pm on Thursday, 8th September, 2022 in the Council Chamber, Town Hall, Matlock, DE4 3NN.

PRESENT

Councillor Helen Froggatt - In the Chair

Councillors: Chris Furness, Tony Morley, Dermot Murphy, Garry Purdy, Janet Rose, Andrew Statham, Alasdair Sutton, Susan Hobson, Martin Burfoot, David Hughes, Matt Buckler, Neil Buttle and Mike Ratcliffe

Present as substitute – Councillor(s): Robert Archer

Tim Braund (Director of Regulatory Services), David Cowley (Principal Environmental Health Officer), Amanda Goodwill (Environmental Health Manager), Mike Hase (Planning Policy Manager) and Tommy Shaw (Democratic Services Team Leader)

Note:

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

APOLOGIES

Apologies for absence were received from Councillor(s): Sue Bull, Steve Wain and Peter O'Brien

116/22 - PUBLIC PARTICIPATION

In accordance with the procedure for public participation, Mr Peter Dobbs made a statement and asked questions regarding the air quality management action plan (AQMA) for Ashbourne. A full response was published to the District Council website.

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.”

117/22 - APPROVAL OF MINUTES OF PREVIOUS MEETING

It was moved by Councillor Susan Hobson, seconded by Councillor Tony Morley and

RESOLVED (Unanimously)

That the minutes of the meeting of the Community and Environment Committee held on 29 June 2022 be approved as a correct record.

The Chairman declared the motion **CARRIED**.

118/22 - INTERESTS

There were no declarations of interest.

119/22 - ENVIRONMENTAL HEALTH COMMERCIAL TEAM SERVICE PLAN - FOOD HYGIENE AND HEALTH AND SAFETY AT WORK

The Director of Regulatory Services introduced a report informing Members of the official interventions for food hygiene and health and safety at work undertaken by the Council’s Environmental Health service during 2021/22 and predictions of service demands for 2022/23.

The Environmental Health Manager informed Members that the 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. It was also noted that the plan must set out how the Competent Authority intends to deliver and resource official food controls and other official activities in its area.

Service plans are an important part of the process to ensure that national priorities and standards are addressed and delivered locally. It was addressed that the service plan was required to review the qualitative and quantitative performance of delivery against the plan, at least once a year. However, in line with the Food Standards Agency recovery plan, it was noted that no service plan was published for 2021/22, taking into account the impacts that the Covid 19 pandemic had on service delivery in this area.

Appendix one detailed the Commercial Team Service Plan for 2022/23. The plan confirmed the key activities of the Authority during the Covid 19 pandemic and its plans for the future in line with Food Standards Agency criteria.

During consideration of this item, the death of Her Majesty Queen Elizabeth II was sadly announced. The Committee adjourned at 6:31pm, the Committee reconvened at 6:38pm to complete consideration of this item before ending the meeting.

It was moved by Councillor Mike Ratcliffe, seconded by Councillor Susan Hobson and

RESOLVED (Unanimously)

1. That the service plan for the delivery of official controls detailed at Appendix 1 to this report be approved.
2. That the operational sampling procedure contained within the service plan be approved.

The Chairman declared the motion **CARRIED**.

Meeting Closed: 6.40 pm

Chairman

This page is intentionally left blank

Agenda Item 11

Council – 29 September 2022

Community Governance Reviews – Final Recommendations

Report of Director of Corporate and Customer Services & Monitoring Officer

Report Author and Contact Details

James McLaughlin, Director of Corporate and Customer Services
01629 761281 or james.mclaughlin@derbyshiredales.gov.uk

Jason Spencer, Electoral and Democratic Services Manager
01629 761300 or jason.spencer@derbyshiredales.gov.uk

Wards Affected

Darley Dale; Matlock All Saints; Stanton;

Report Summary

At a meeting of the Council held on 26 July 2022 the Council delegated authority to the Director of Corporate and Customer Services to carry out further consultation on specific proposals to change Parish Council Boundaries in response to a Community Governance Review arising from the Local Government Boundary Commission for England proposals for the Derbyshire Dales.

This report provides details of responses received and sets out proposals to make a Community Governance Order in response to the issues raised in respect of the proposals to move Civil Parish Borders so that:

- part of the Civil Parish of South Darley would fall within the Civil Parish of Matlock
- the Morledge estate currently in the Civil Parish of Darley Dale moves to the Civil Parish of Matlock.
- the Civil Parish of Northwood and Tinkersley moves to the Civil Parish of Darley Dale

Recommendations

1. To make a Community Governance Order to change the boundaries of the civil parishes of Matlock and South Darley as proposed.
2. To make representations to the Local Government Boundary Commission for England asking them to make a related alteration order to amend the boundaries of the Matlock West Ward to reflect the revised parish boundaries.

3. To take no further action on proposed changes to the boundaries of the civil parishes of Darley Dale and Northwood and Tinkersley.

List of Appendices

Appendix 1 Community Governance Review Terms of Reference

Appendix 2 Draft Community Governance Order.

Appendix 3 Map of proposed changed to the boundaries of the civil parishes of Matlock and South Darley

Appendix 4- Representations received from:

a) South Darley Parish Council

b) Darley Dale Town Council

c) Northwood and Tinkersley Parish Council

Appendix 5 Representations Received in respect of:

a) Proposals for South Darley

b) Proposals for Northwood and Tinkersley

Background Papers

None

Consideration of report by Council or other committee

N/A

Council Approved Required

Yes

Exempt from Press or Public

No

Community Governance Reviews – Final Recommendations

1. Background

- 1.1 The Local Government and Public Involvement in Health Act 2007 devolves the power to take decisions about matters such as the creation of parishes and their electoral arrangements to local government and local communities in England. These powers are exercised through carrying out a Community Governance Review as and when required.
- 1.2 At a meeting of the Council held on 26 May 2022 authority was delegated to the Director of Corporate and Customer Services to commence initial general consultation in the first stage of a Community Governance Review to look at the electoral arrangements for Parish Councils situated in the new District Council Wards of Darley Dale and Matlock West.
- 1.3 In light of the feedback received during the initial consultation on 26 July 2022 the Council authorised the Director of Corporate and Customer Services to commence consultation on specific proposals to move Civil Parish Borders so that:
 - part of the Civil Parish of South Darley would fall within the Civil Parish of Matlock
 - the Morledge estate currently in the Civil Parish of Darley Dale moves to the Civil Parish of Matlock.
 - the Civil Parish of Northwood and Tinkersley moves to the Civil Parish of Darley Dale

2. Key Issues

- 2.1 The purpose of the review was to look at the electoral arrangements for the Parishes of Matlock and Darley Dale and South Darley to establish:
 - i) Should the Parish Boundaries remain the same or should they be changed to become coterminous with the new District Council Wards by, for example, moving wards from Darley Dale and South Darley into Matlock?
 - ii) Do the existing ward arrangements for the Parishes of Matlock, Darley Dale and South Darley reflect the relevant communities? Do the relevant local councils need more/less Wards or none?
 - iii) In terms of the size of the relevant Councils should there be more or fewer Councillors? Does the allocation of councillors to each ward need to be revisited to maintain equal levels of representation across the Parish?
- 2.2 The aim of the review is to achieve, improved local democracy, greater community engagement and better local service delivery by taking into account the following criteria:
 - The identities and interests of the community
 - The effective and convenient governance of the area
 - What, if any the proposed community governance arrangements might have on community cohesion

- Whether the size (area), the population and boundaries proposed for local governance make sense on the ground and contribute to the above criteria.

A copy of the terms of reference for the review are set out in Appendix 1.

3. Options Considered and Recommended Proposal

Changes to the boundaries of the Civil Parishes of Matlock and South Darley

- 3.1 The Director of Corporate and Customer Services has carried out further consultation on a proposal to move the blue shaded area identified in Appendix 3 from the Parish of South Darley to the Parish of Matlock. This proposal was put forward by the Parish Council following the initial consultation with a significant level of support from local residents. During the initial consultation the proposal received support from 16 residents and a further 30 residents have expressed support for the proposal since. Feedback from South Darley Parish Council supporting the proposal is set out in appendix 4a and the other representations received are set out in appendix 5a.
- 3.2 It is therefore proposed that a community Governance Order is made to change the boundaries of the Civil Parishes of Matlock and South Darley as proposed. A copy of the draft Order is attached as appendix 2.
- 3.3 The alternative options considered were to do nothing or move the entire Oaker and Snitterton Ward of South Darley Parish Council into the Parish of Civil Parish of Matlock. The latter option would have resulted in the Parish Boundaries coterminous with the new District Council Ward.
- 3.4 It is considered that the preferred option meets the objectives in the following ways:
- 3.5 The proposal reflects of the identities and interests of the Community living in the area. From the representations received it is clear that the current residents of the Oker and Snitterton Ward have a strong connection with the rest of South Darley. There is evidence that residents regularly use community facilities in the Parish and clearly identify with the Community.
- 3.6 It is therefore believed that moving the whole parish ward into Matlock would be likely to damage community relations and divide a long established community. However it is also recognised that residents of the new Matlock Spa development site, currently located in the Parish, will be unlikely to identify with the remainder of the Parish particularly as there will not be direct road access from the development into the Parish. On this basis it is believed the proposed new parish boundaries will have a positive impact on community cohesion by embedding the new community into Matlock.
- 3.7 As feedback from the majority of residents suggests that the governance arrangements for the existing Parish Council works well it is not proposed that any changes are made to the warding arrangements for South Darley Parish Council or the number of Councillors elected to the Council. If the

proposed boundary changes are made further work will be required on the warding arrangements for Matlock Town Council

- 3.8 During the consultation most respondents expressed concerns on how the inclusion of Oker and Snitterton in the new District Council ward of Matlock West may have an impact on community cohesion and effective and convenient local government, particularly as some of the area, like other parts of South Darley fall within the Peak District National Park. As a result there is strong support for the Council making representations to the Local Government Boundary Commission for England asking them to make a related alteration order to amend the boundaries of the Matlock West Ward to reflect the revised parish boundaries. Although the Commission has said that it will not normally look to move ward or division boundaries onto new parish ward boundaries, it has indicated that it will consider each proposal on its merits.

Changes to the boundaries of the Civil Parishes of Darley Dale and Matlock

- 3.9 In the initial consultation feedback from Darley Dale Town Council and Matlock Town Council suggested support for changing the civil parish boundary between Darley Dale and Matlock by moving properties in the Morledge Estate from the civil parish of Darley Dale into the civil parish of Matlock. The area is shaded grey in appendix 3. In light of the support for this option the District Council agreed to consult on a proposal to include this change in a Reorganisation of Community Governance Order to be implemented from the Parish Council elections in 2023.

- 3.10 The arguments in support of this proposal included:

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

- 3.11 The representations made by Darley Dale Town Council on the proposal are set out in appendix 4b. While the Town Council supports the proposal, during the consultation period the Council has not received any positive or negative representations on this proposal. This would suggest that in the relevant community there is little appetite for change. On this basis there is little evidence to suggest that a boundary change would strengthen community engagement and participation, generate a positive impact on community cohesion or deliver significant improvements to effective and convenient local government. Therefore it is proposed that this proposal is not progressed.

Changes to the boundaries of the Civil Parishes of Darley Dale and Northwood and Tinkersley

3.12 In their submission in the first stage of consultation Darley Dale Town Council proposed that, as the civil parish of Northwood and Tinkersley was included in the new District Council Ward of Darley Dale, it should be merged with the civil parish of Darley Dale to restore the historic boundaries of Darley Dale. As Northwood and Tinkersley Parish Council strongly objected to this suggestion the second round of consultation was used to explore the views of local residents on this proposal. 20 residents have responded all of which have objected to the proposal most of which give the following reasons:

- A loss of having a say in vital local matters and a loss of representation
- Northwood and Tinkersley Parish Council serve the area well and keep residents well informed of what's happening in the Parish
- As a rural parish Northwood and Tinkersley does not face the same issues experienced by the more urban parish of Darley Dale.

3.13 The views of Darley Dale Town Council and Northwood and Tinkersley Parish Council are set out in appendix 4(b) and 4(c) and the representation received in appendix 5(b).

3.14 On this basis there is little evidence to suggest that a boundary change would strengthen community engagement and participation, generate a positive impact on community cohesion or deliver significant improvements to effective and convenient local government. Therefore it is proposed that this proposal is not progressed.

Matlock and Derwent Divisions of Derbyshire County Council

3.15 It was suggested that following the review the Council could make representation to the LGBCE asking them to consider making changes to the County Division for Matlock to it coterminous with the revised District Council Wards. The Council has received one representation objecting to this proposal so in light of this and in the knowledge that the LGBCE are likely to commence a County review in the near future it is proposed that no further action is taken

4. Consultation

4.1 In accordance with Government guidance on carrying out Community Governance Reviews the following have been informed of the proposed changes and invited to submit their comments.

- All households in the Oaker and Snitterton Ward of South Darley Parish Council, the Morledge Estate in Darley Dale and the Civil Parish of Northwood and Tinkersley;
- The Town Councils of Matlock and Darley Dale;
- The Parish Councils of South Darley and Northwood and Tinkersley;
- Councillors representing the current District Council Wards of Darley Dale, Matlock, Stanton and Winster and South Darley;

- County Councillors representing the Derbyshire County Council Divisions of Matlock and Derwent Valley;
- Derbyshire County Council;
- Peak District National Park Authority;
- The MP for the Derbyshire Dales Parliamentary Constituency.

4.2 The review proposals have also been published on the Councils website and have been the subject of a media release.

5. Timetable for Implementation

5.1 Subject to the recommendations in this report being approved by the Council, the Order will be made on 1 October 2022 and would become effective on 16 October 2022. This would mean that changes would be made in time for the elections to be held in May 2023.

6. Policy Implications

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

7. Financial Advice and Implications

7.1 There are no financial and resource implications directly associated with the recommendations in this report and the risk is therefore assessed as low.

8. Legal Advice and Implications

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

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

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

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

8.4 Legal advice has been given in respect of the wording of the order and the legal risk associated with the recommendations is therefore low.

9. Equalities Implications

9.1 The approach to consultation has ensured that as many people as possible have had the opportunity to comment on the options and proposals in respect of the Community Governance Reviews. An equality impact assessment has identified a neutral impact for all protected characteristic groups.

10. Climate Change Implications

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

11. Risk Management

11.1 This report in itself is a mitigation to the risk that inappropriate community governance arrangements are in place within the District. Subject to Members approving the recommendations within this report, the risks associated with community governance will be addressed.

Report Authorisation

Approvals obtained on behalf of:-

	Named Officer	Date
Chief Executive	Paul Wilson	21/09/2022
Director of Resources/S.151 Officer (or Financial Services Manager)	Karen Henriksen	21/09/2022
Monitoring Officer (or Legal Services Manager)	James McLaughlin	21/09/2022

DERBYSHIRE DALES DISTRICT COUNCIL**COMMUNITY GOVERNANCE REVIEW****TERMS OF REFERENCE****What is a Community Governance Review?**

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

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

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

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

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

Introduction

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

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

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

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

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

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

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

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

Reasons for this Community Governance Review.

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

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

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

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

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

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

Criteria

The review will take account of the following criteria:

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

Aim

The aim of the Review is to achieve

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

Consultees

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

Proposals to be consulted on

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

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

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

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

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

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

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

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

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

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

Implementation

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

Who will undertake the Community Governance Review|?

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

Who to contact in respect of the review?

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

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

or by email to electoral@derbyshiredales.gov.uk

Consultation

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

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

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

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

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

Review Timetable

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

The timetable is attached as appendix 1.

Additional considerations

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

(i) Parish Areas

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

(ii) Names & Styles

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

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

(iii) Electoral Arrangements

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

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

(iv) Consequential Matters

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

- The transfer and management or custody of property

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

APPENDIX 1 –TIMETABLE

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

APPENDIX 2 – CURRENT AND FORCAST ELECTORATE

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

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

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

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

APPENDIX 2 – PARISH ELECTORATE CURRENT & PROJECTED

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

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

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

This page is intentionally left blank

**LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT
2007**

**The Derbyshire Dales District Council (Reorganisation of Community Governance)
Order 2022**

Made: 3 October 2022

Coming into force in accordance with article 1

To: The Secretary of State for Communities and Local Government
Chairman of Matlock Town Council
Chairman of South Darley Parish Council
The Electoral Commission
Managing Director, Derbyshire County Council
Electoral Registration Officer, Derbyshire Dales District Council
The Local Government Boundary Commission
The Office of National Statistics
The Director General of Ordnance Survey

Derbyshire Dales District Council, in accordance with section 82 of the Local Government and Public Involvement in Health Act 2007 (“the 2007 Act”), has undertaken a community governance review and made recommendations dated 22 September 2022.

The Council has decided to give effect to these recommendations and in accordance with section 93 of the 2007 Act, has consulted with the local government electors and other interested persons and has had regard to the need to secure that community governance reflects the identities and interests of the community and is effective and convenient:

The Council, in accordance with Section 100 of the 2007 Act, had had regard to guidance issued under that section.

The Council makes the following Order in exercise of the power conferred by Sections 86, 98(3) and 240(10) of the 2007 Act.

Citation and commencement

1. (1) This Order may be cited as the Derbyshire Dales District Council (Reorganisation of Community Governance) Order 2022
- (2) This order shall come into force on 15 October 2022.

Interpretation

2. In this Order –

“District” means the District of Derbyshire Dales

“1972 Act” means the Local Government Act 1972

“Map” means the map marked “Map referred to in the Derbyshire Dales District Council (Reorganisation of Community Governance) Order 2022” and deposited in accordance with Section 86(4) of the 2007 Act.

Effect of Order

3. This Order has effect subject to any agreement under section 99 (agreements about incidental matters) of the Local Government and Public Involvement in Health Act 2007 relevant to any provision of this Order.

Alteration of the part of the Oker and Snitterton Ward of South Daley Parish Council and the Matlock Bank and Sheriff Fields ward of Matlock Town Council.

4. The area coloured blue on the Map and contained within the red dotted line shall cease to be part of the Oaker and Snitterton Ward of South Darley Parish Council and will become part of the Matlock Bank and Sheriff Fields Ward of Matlock Town Council shaded blue on the Map.

Electoral Register

5. The Electoral Registration Officer for the District shall make such arrangements, or adaptation of the register of local government electors as may be necessary for the purposed of, and in consequence of, the Order.

Order Date

6. 1 October 2022 is the order date for the purposes of the Local Government (Parishes and Parish Councils) (England) Regulations 2008.

THE COMMON SEAL OF DERBYSHIRE DALES)

DISTRICT COUNCIL was hereunto affixed in)

The presence of:

Director of Corporate and Customer Services

No. in Deeds Register

SCHEDULE

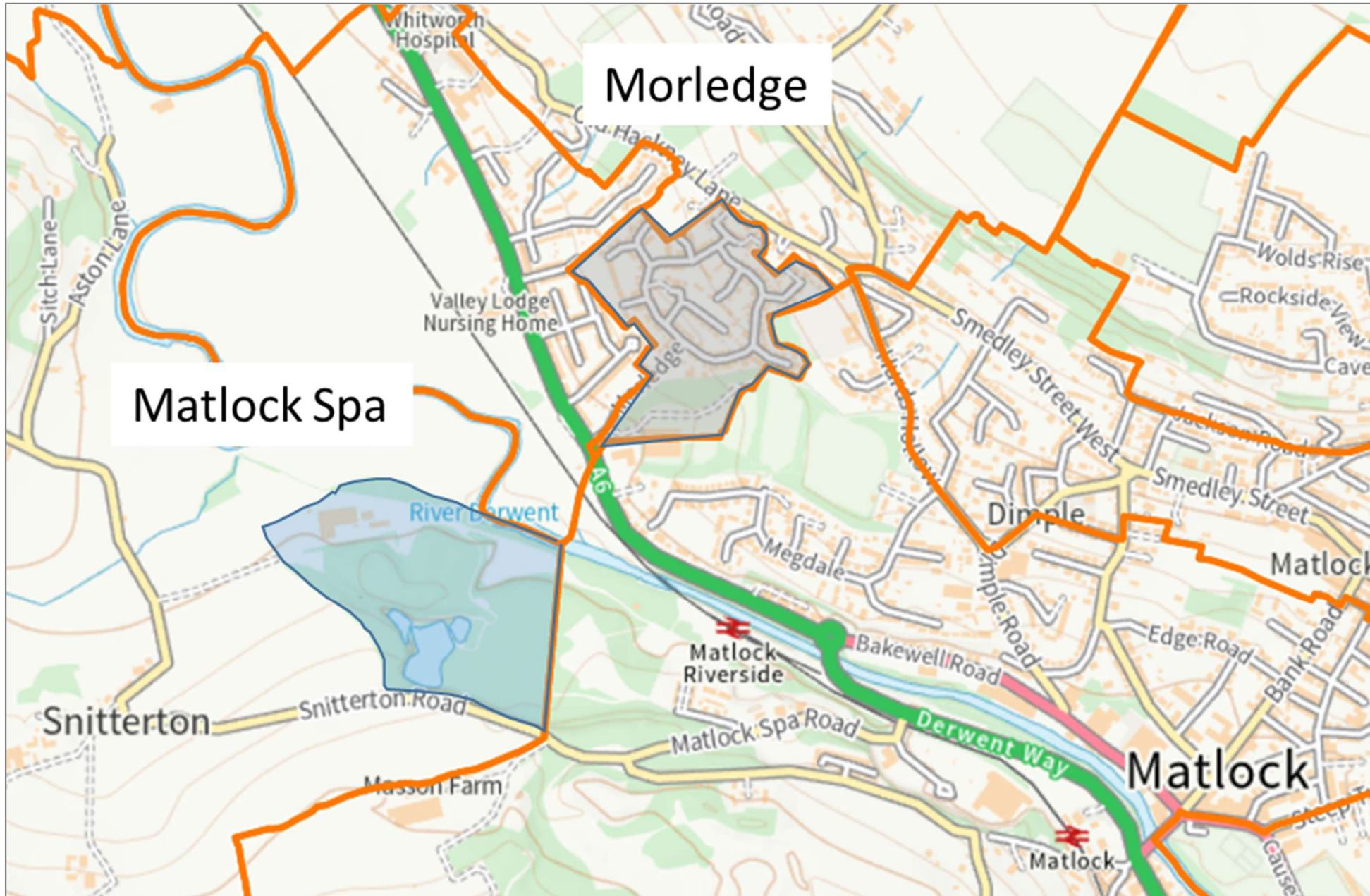
Article 1

ALTERATION OF AREAS OF PARISHES AND PARIS WARDS

Column 1	Column 2	Column 3	Column 4	Column 5
Area	Parish from which omitted	Parish ward from which omitted	Parish to which added	Parish ward to which added
Matlock Spa (Cawdor quarry and former Permanite site)	South Darley	Oker and Snitterton	Matlock	Matlock Bank and Sheriff Fields

This page is intentionally left blank

Map 1b – Close up of Matlock Spa (Blue) and Morledge (Grey)



111

This page is intentionally left blank



Community Governance Review South Darley Parish Second Consultation

Dear Sirs,

South Darley Parish Council wishes to make the following representations concerning parish boundary and warding arrangements for the parish, following the decision of the Local Government Boundary Commission to include the South Darley Parish ward of Oker and Snitterton within the District Council ward of Matlock West. The representations relate to:

1. The District Council's proposal that the area of proposed new housing in Cawdor Quarry (known as Matlock Spa) should be transferred to Matlock Town, and
2. The District Council's proposal to request the Local Government Boundary Commission to make a related alteration to Matlock West and Bonsall & Winster wards.

The Parish Council strongly supports both of these proposals for the reasons given below.

1. **Boundary Between South Darley and Matlock**

South Darley is a long-standing rural parish with a distinct shared identity and history. It covers the four small rural settlements of Darley Bridge, Oker, Snitterton and Wensley which share common facilities such as parish church, primary school and village hall, and forming a coherent rural area. It would, therefore, be wrong to hive off Oker and Snitterton from South Darley and place them under a different representative jurisdiction. These two hamlets, containing about 50 houses, would be subsumed into the bulk of Matlock Town and their needs would be swamped by the differing needs of the urban area.

Furthermore, it should be noted that about half of Oker and Snitterton ward lies within the Peak District National Park and is thus subject to Peak Park planning rules. From a planning perspective, it would make sense to keep this together with the rest of South Darley Parish (around two-thirds of which lies in the Peak Park) rather than to move it to an essentially urban parish which has no Peak Park territory.

In a recent poll of South Darley residents' opinions of the Boundary Commission's decision to include Oker and Snitterton within the new Matlock West DDDC ward, 118 of the 121 respondents strongly objected to the decision.

Leaving Oker and Snitterton as a ward of South Darley, with its existing boundaries, would not be acceptable when the development of Cawdor Quarry progresses. Some 230 of the properties in the new development would lie within the parish, which would add about 550 residents to an existing parish population of just over 700.

In accordance with the Local Plan, there will be no direct vehicular access from the new development into the parish. The new development will form a coherent whole with common needs and would be expected to identify with the town of Matlock rather than the surrounding rural villages. To split the development arbitrarily in two, with half forming part of Matlock Town and half part of South Darley Parish would be contrary to common sense.

The District Council proposes to leave Oker and Snitterton within South Darley Parish, but to revise the boundary between South Darley and Matlock such that the whole of the new development at Cawdor Quarry lies within Matlock Town. The boundary would be redrawn to skirt around the development. No existing properties (other than the derelict Permanite plant)

would be affected by by this change. South Darley Parish would remain intact and the future housing development would be correctly located within Matlock Town.

South Darley Parish Council therefore strongly urges that this proposal be adopted.

2. Request to LGBC to Revise Matlock West and Bonsall and Winster Ward Boundaries

South Darley Parish Council is deeply concerned at the recommendation of the Local Government Boundary Commission for the division of South Darley Parish into two separate District Council wards.

As noted in the preceding section, South Darley is a long-standing rural parish with a distinct shared identity.

The parish at present forms part of the Winster & South Darley ward of the District Council. The whole of the existing ward consists of a coherent rural area, the residents of which have generally felt that their concerns are well represented on the District Council. To hive off two of the four settlements of South Darley and place them under a different representative jurisdiction flies in the face of an established common identity and shared history.

In their draft Recommendations of February 2021, the Commission stated that they *“did not consider the grouping of South Darley, in whole or in part, with Matlock All Saints to be desirable. Not only would this group one rural community of 584 electors with an urban community of 4,607, but the Peak District National Park covers about two-thirds of the former, creating potential issues relating to effective and convenient local government.”* It therefore came as a great surprise when the final recommendations cut South Darley in half, placing Oker and Snitterton in Matlock West.

When the Parish Council requested the views of the residents, 118 out of 121 responses said that, had they been consulted, they would have strongly objected to the proposal.

Under the currently proposed arrangement, Oker and Snitterton would be subsumed into the bulk of Matlock town in the Matlock West ward. The needs of these two hamlets, containing about 50 houses, would probably be swamped by the differing needs of the urban area.

If it goes ahead, the LGBC’s current proposal will require the Parish Council to discuss matters of concern with four District Councillors: one from Bonsall & Winster and three from Matlock West. A most unsatisfactory arrangement.

It is clear that the LGBC’s proposal contravenes two of the three main criteria: *“ensuring that the recommendations reflect community interests”*; and *“providing arrangements that support effective and convenient local government.”* Thus, it appears that the only reason was *“equalising the number of electors that each councillor represents.”* The small number of electors in Oker and Snitterton cannot make a significant difference to the electors per councillor and such a difference is certainly not worth the detrimental effects of cutting South Darley Parish in two.

We therefore urge the District Council to request the Local Government Boundary Commission to make an alteration to Matlock West and Bonsall & Winster wards such that the boundary between them follows the revised boundary of Matlock Town at Cawdor Quarry and Oker and Snitterton form part of Bonsall & Winster.

Cllrs Haymes, Wallbank, Fuller, Glasson, Higham, Judson, Wayman and Wilks.

South Darley Parish Councillors



Darley Dale Town Council

*The Whitworth Centre
Station Road
Darley Dale
Derbyshire DE42EQ
Acting Town Clerk: Ian Adkin
Tel: 01629 735248
www.darleydale.gov.uk*

Director of Corporate and Customer Services
Town Hall
Matlock
DE4 3NN

13th September 2022

Dear Sir or Madam,

DDDC Community Governance Review – official response from Darley Dale Town Council

The Town Council met in August and discussed the issues raised by the recent Boundary Commission Review of District Council wards and the subsequent DDDC Community Governance Review. In particular, the Council concentrated on the potential changes to the Parish boundaries to the North and South of the town. Let me start with the simpler one of the two.

1. On the future of Morledge, Councillors felt that there were strong arguments for keeping the existing boundary which is widely recognised as the point at which you leave Matlock and enter Darley Dale. Councillors felt that, as well as the obvious financial impact on the Council, any change could blur this historical boundary and open the door for future expansion of the Matlock urban area into Darley Dale. Councillors though did accept that Morledge was a relatively new addition to the Parish and they would not oppose moving it into the Matlock Town Parish if there was strong support from residents of the estate itself. If this is the outcome then the current town sign may need to be moved.
2. The more Councillors discussed the boundary with Northwood and Tinkersley the more they felt that there was a strong case for bringing both parts of Darley Dale together so that all the residents of the town were represented by a single body with a single combined voice on the decisions that affect the whole of the town.
3. Historically, Darley Dale always began at Northwood and the town sign, which is sited between Rowley and Northwood Lane, still reflects that. An important factor for the review to consider is the link between communities and many people in N&T consider themselves residents of Darley Dale first and foremost with family across the town who don't even realise that Darley Dale is currently split in two for Council purposes. We know this because the Town Council regularly receives calls and enquiries from residents of N&T who believe that they fall under the Town Council and when DDDC issued the consultation letters to N&T residents one long standing resident even visited our office to clarify the position.



DARLEY DALE

Darley Dale Town Council

*The Whitworth Centre
Station Road
Darley Dale
Derbyshire DE42EQ
Acting Town Clerk: Ian Adkin
Tel: 01629 735248
www.darleydale.gov.uk*

4. The Town Council has regular dealings too with businesses in N&T parish and again most believe that Darley Dale Town Council is responsible for the whole of the town as it should be. Recently we made a grant to Peak Rail and other businesses in our neighbouring parish have been sponsors or winners of the Annual Town Council Community Awards. The Town Mayor has been invited to visit Forged Solutions which lies in N&T, later this month.
5. On the consultation process itself, we expect that you will receive responses from Northwood and Tinkersley residents supporting the current position, having been encouraged to do so by their Parish Council and the DDDC letter they received. We believe though that if all the residents of both Parishes had been sent a consultation letter and encouraged by DDDC and both councils to respond, then it is very likely that the consensus would have been to create a single local authority covering the whole of the town, finally putting Darley Dale on a par with similar towns like Bakewell and Matlock when it comes to funding, services and town planning.

CLlr David Oakley
Chair of Council and Town Mayor

Appendix 4(c)

From: northwood.tinkersleypc@gmail.com
Sent: 16 September 2022 00:25
To: Electoral
Subject: Community Governance Review Consultation - Northwood & Tinkersley

Warning External

To whom it may concern (the letter was just signed the electoral registration officer),

Thank you for your letter dated 3rd August. Northwood and Tinkersley Parish Council met on 7th September were the proposal to merge with Darley Dale Town Council was discussed.

Firstly, please can I correct you that Northwood and Tinkersley has never been part of Darey Dale and so there would be no restoring historic boundaries. When Darley Dale Parish Council was formed so was Northwood and Tinkersley.

Secondly, the Parish Council has promoted the letter sent out by yourselves to all residents asking them to make sure they respond so their view is heard. At the meeting, some residents were present who were against a merger. However, most of the residents Councillors have spoken to in the community were against merging with Darley Dale Town Council, none were in favour and only a few were undecided.

At the meeting on 7th September, it was unanimously agreed that Northwood and Tinkersley Parish Council would not like to merge with Darley Dale Town Council. The main reason for this decision was that it is not clear how a merger would deliver improved community engagement, more cohesive communities, better local democracy and result in more efficient delivery of local services.

Best wishes,

Sarah

Sarah Porter
Northwood&Tinkersley Parish Council
07866695132
<https://northwoodtinkersleypc.com/>

This page is intentionally left blank

Appendix 5(a) Responses received on proposals for the civil parishes of Matlock and South Darley

We consider the inclusion of Oker and Snitterton into the new Matlock West ward to be a ridiculous idea. There seems to be no rational behind it.

1. Oker and Snitterton are physically separated from the built-up area of Matlock by open country and a river.
2. The whole of South Darley parish looks to Wensley, Cross Green and Darley Bridge for a school, church, village hall, reading room and pub.
3. The expansion of the Matlock Spa development will never extend up to Snitterton. It will always be separated by open country. Were the development to encroach into South Darley parish, a small change to the boundary would be easy to achieve to keep it within Matlock.
4. If one of the reasons for change is to equalise population sizes in the various wards, this will not work. Matlock will continue to grow rapidly. The population of Oker and Snitterton is small and unlikely to have any real influence on the size of the proposed Matlock West ward.

Therefore, the whole of South Darley should be kept within the Bonsall and Winster ward.

We oppose the proposed change.

I wish to add my support to Proposal One for Snitterton to stay in South Darley ward

support proposal 1.

I enclose my representation supporting the proposed change to the parish boundary between South Darley and Matlock and the proposed approach to the Local Government Boundary Commission.

1. South Darley/Matlock Parish Boundary

I strongly support the District Council's proposal to revise the boundary between South Darley Parish and Matlock Town such that the area of new housing at Cawdor Quarry will be entirely within Matlock and that Oker and Snitterton will remain within South Darley. My reasons for supporting this proposal were given in my representation dated 12th July to the first consultation.

2. Request to Local Government Boundary Commission

I also strongly support the District Council's proposal to request the Local Government Boundary Commission to make a corresponding alteration to the Matlock West and Bonsall & Winster wards. As a resident of Snitterton, I strongly object to the recommendation of the Local Government Boundary Commission to split South Darley Parish into two separate District Council wards. As noted in my previous submission, South Darley is a long-standing rural parish with a distinct shared identity. The parish at present forms part of the Winster & South Darley ward, which consists of a coherent rural area, the residents of which have generally felt that their concerns are well represented on the District Council. To hive off two

of the four settlements of South Darley and place them under a different representative jurisdiction flies in the face of an established common identity and shared history. In their draft Recommendations of February 2021, the Commission stated that they *“did not consider the grouping of South Darley, in whole or in part, with Matlock All Saints to be desirable. Not only would this group one rural community of 584 electors with an urban community of 4,607, but the Peak District National Park covers about two-thirds of the former, creating potential issues relating to effective and convenient local government.”* It therefore came as a great surprise when the final recommendations cut South Darley in half, placing Oker and Snitterton in Matlock West.

Under the currently proposed arrangement, Oker and Snitterton would be subsumed into the bulk of Matlock town in the Matlock West ward. The needs of these two hamlets, containing about 50 houses, would probably be swamped by the differing needs of the urban area. If it goes ahead, the LGBC’s current proposal will require the Parish Council to discuss matters of concern with four District Councillors: one from Bonsall & Winster and three from Matlock West. A most unsatisfactory arrangement. It is clear that the LGBC’s proposal contravenes two of the three main criteria: *“ensuring that the recommendations reflect community interests”*; and *“providing arrangements that support effective and convenient local government.”* Thus, it appears that the only reason was *“equalising the number of electors that each councillor represents.”* The small number of electors in Oker and Snitterton cannot make a significant difference to the electors per councillor and such a difference is certainly not worth the detrimental effects of cutting South Darley Parish in two. I therefore urge the District Council to request the Local Government Boundary Commission to make an alteration to Matlock West and Bonsall & Winster wards such that the boundary between them follows the revised boundary at Cawdor Quarry and Oker and Snitterton form part of Bonsall & Winster.

I recently received a letter concerning the community governance review consultation for Matlock West. I am a resident of Oker and I am strongly in favour of including Oker in the Bonsall and Winster ward. Our area is rural and so it seems more appropriate to be joined to a rural ward in which our local needs are likely to be in the majority.

Derbyshire Dales Community Governance Review – consultation response

Context: South Darley parish comprises three rural wards: Darley Bridge; Oker & Snitterton; Wensley. It lies within the Derbyshire Dales District and two thirds of the parish lies within the Peak District National Park. In the east, the parish extends towards the boundary with Matlock Town parish. Just outside Matlock lie two former quarries which are now being developed. The large-scale planned development of new homes on the quarry site straddles the two parishes.

Proposal 1:

I strongly support the proposed adjustment of parish boundaries, so that the area to be covered in the future by the large number of new homes in the quarry developments in Matlock is located in Matlock parish and the hamlets of Oker and Snitterton remain within their existing South Darley rural parish.

The long-standing, on-going and future-oriented identity of this rural parish lies with the four rural settlements working together (we share South Darley Parish Council, South Darley Village Hall, South Darley parish church; South Darley Village Hall, South Darley Primary School and many other facilities and joint activities) and there is only a limited identification

with the urban area of Matlock. Indeed the only vehicular access to the new development is in and out of Matlock, with only pedestrian access to Oker and Snitterton.

Residents in new housing developments in the Oker and Snitterton Ward of the parish of South Darley will surely consider themselves to live in Matlock but at the same time the residents of Oker and Snitterton clearly consider themselves to live in and identify with the rural parish of South Darley.

It should be noted that about half of the rural 'Oker and Snitterton' ward of South Darley Parish lies within the Peak District National Park and is thus subject to Peak Park planning rules. From a planning perspective, I believe that it would make sense to keep this together with the rest of South Darley Parish (around two-thirds of which lies in the Peak Park) rather than to move it to an essentially urban parish which has no Peak Park territory.

Proposal 2

I strongly support the putting forward of an alteration order to include the remainder of Oker and Snitterton in the Bonsall & Winster Ward along with the rest of the Parish of South Darley

The Local Government Boundary Commission for England's review of the District Council's electoral arrangements appropriately placed the two parish wards which comprise the villages of Darley Bridge and Wensley in the rural district ward of Bonsall and Winster. However, the rural ward of the hamlets of Oker and Snitterton which is mostly in the Peak Park has been unjustifiably separated off from the rest of South Darley Parish and located in Matlock West (formerly Matlock All Saints) urban district ward.

There are many substantive, cultural, logistic and democratic reasons why it does not make sense to locate the two small rural hamlets in with urban Matlock West, against community wishes. This was clearly reflected in a survey undertaken by South Darley Parish Council whereby very many residents of Oker and Snitterton (and a large number in South Darley as a whole) responded stating that they would have strongly objected to splitting the parish across district boundaries and thus to Oker and Snitterton hamlets being part of Matlock West if they had been aware of this recommendation. Well over a hundred questionnaires were returned and the results are that 97% would have Strongly Objected 2% would have Objected and 1% would have Supported. These responses were often accompanied by detailed explanation for residents' strong objection.

It is worth considering why neither residents nor local representative bodies such as the South Darley parish and Derbyshire Dales district councils felt the need to comment in the final round of consultation on the splitting off of two rural hamlets to an urban ward. They were dissuaded in responding for two central reasons:

- a) The entirely satisfactory proposal in the New Draft Recommendations consultation in August 2021 was as follows:
We noted that many of the submissions we received provided evidence on the relationships between various parishes which reinforced the existing ward boundaries of Lathkill & Bradford, Stanton, and Winster & South Darley. However, as none of these wards would have good electoral variances under the proposed council size, we have instead proposed to combine them in a single two-councillor Youlgrave ward (para. 51, page 13)
- b) There had in any case been clear reassurance in the previous Draft Recommendations report in February 2021 ([tinyurl.com/5n7wvaujw](https://www.tinyurl.com/5n7wvaujw)) that the Boundary Commission's position was that it:

did not consider the grouping of South Darley, in whole or in part, with Matlock All Saints to be desirable. Not only would this group one rural community of 584 electors with an urban community of 4,607, but the Peak District National Park covers about two-thirds of the former, creating potential issues relating to effective and convenient local government. (para. 52, page 14)

At this point, from both sets of Draft Recommendations, it was apparent that the Commission had a clear and settled view (across both sets of draft recommendations) on the appropriate location of South Darley (as a rural parish largely comprising the Peak Park) alongside other rural parishes located within the Peak Park. This, and the separation from urban Matlock, can be clearly seen in the map in the New Draft Recommendations (tinyurl.com/mrxn6whk).

South Darley Parish Council and the residents of South Darley were therefore reassured that both the integrity of the parish and its links with neighbouring rural parishes had been underlined in the reports and been taken account of in the draft recommendations. They were thus effectively dissuaded from bringing forward any further evidence to support what was already a settled recommendation or indeed to bring evidence countering a recommendation which did not and never had existed, indeed whose basis had earlier been publicly ruled out by the Boundary Commission as not meeting the criterion of 'Providing arrangements that support effective and convenient local government'.

When the Final Recommendations (tinyurl.com/mr4chrxb) were published in January 2022, residents were understandably shocked to see that a *volte face* had taken place: while the villages of Darley Bridge and Wensley had been located in the rural district ward of Bonsall & Winster, the parish ward of the rural hamlets of Oker and Snitterton was now in Matlock West (formerly Matlock All Saints) urban district ward.

In setting district council ward boundaries, key considerations are to have regard to the importance of electoral equality and to:

the need to reflect the identities and interests of local communities and in particular

- (i) the desirability of fixing boundaries which are and will remain easily identifiable, and
- (ii) the desirability of not breaking local ties when fixing boundaries, the need to secure effective and convenient local government.

In order to reflect the identities and interests of the community in South Darley, it is important to retain the local ties between the hamlets of Oker and Snitterton and the rest of their South Darley rural parish and keep the easily identifiable boundary by locating the two small rural hamlets of Oker and Snitterton (with much Peak Park planning territory) in with an urban Matlock ward, in line with community wishes.

The Boundary Commission itself recognises that “the grouping of South Darley, in whole or in part, with Matlock All Saints [... would be] creating potential issues relating to effective and convenient local government.” The rationale being two-fold: “Not only would this group one rural community of 584 electors with an urban community of 4,607, but the Peak District National Park covers about two-thirds of the former”. A third argument in favour of locating Oker and Snitterton in the same ward as the rest of the parish council is that otherwise South Darley Parish Council will need to discuss matters of concern with two different districts: rural Bonsall & Winster and urban Matlock West and be represented by four District councillors across these, rather than one councillor in one rural Bonsall and Winster district.

In terms of the criterion of electoral equality, to move the 142 residents of Oker and Snitterton (2026 projection) from Matlock West to Bonsall & Winster, would result in an acceptable 10% negative variance for Matlock West (noting of course that this deficit will be

gradually reduced as new homes are built in the former quarries), and a 16% positive electoral variance for Bonsall & Winster.

It is clear from current and historic practice that the Boundary Commission seeks to do its very best to maintain a variance of no more than 10%. It even reports on how many wards do and do not meet this criterion in each District review report. Indeed, 10% seems a reasonable variance target (NB a target, not a limit) to set subject to the other two criteria of the Local Democracy Act of 2009 also being met.

However, it is clear from the Local Democracy act that the none of the three criteria takes precedence, i.e. the number criterion must be balanced against the other two:

- b) the need to reflect the identities and interests of local communities
- c) the need to secure effective and convenient local government

Where a recommendation is clearly recognised to fail on both of these criteria, a degree of flexibility must come into play (as indeed it has on other rare occasions in previous district reviews) to allow the other two key criteria to be met.

It is worth noting the Boundary Commission's own criteria for instituting a electoral review define a electoral inequality as being a variance of 30%. One of two reasons for intervention is

- a) If one ward has an electorate of +/-30% from the average electorate for the authority
- or
- b) If 30% of all wards have an electorate of +/-10% from the average electorate for the authority.

<https://www.lgbce.org.uk/how-reviews-work>

To place South Darley in its entirety in the rural district ward of Bonsall and Winster, would not cause the 10% variance to be exceeded in respect of Matlock West (-10%) and would only result in a 16% positive variance in the case of Bonsall and Winster. This would result in a district with just 1 ward over the arbitrary 10% (but justifiably so in order to meet the other two criteria).

To view this in terms of the intervention criteria limits, this would neither exceed a) (no wards in Derbyshire Dales over 30%) nor b) (under 5% of wards in Derbyshire Dales of more than 10%).

I responded to the initial consultation and I am very supportive indeed of the new proposals – to move the boundary between South Darley Parish and Matlock Town Council to the edge of the Cawdor Quarry development as set out in the map, and to then request that the Boundary Commission consider moving the (now reduced) parish ward of Oker and Snitterton into the District Council Ward of Bonsall and Winster.

Thank you for being to responsive to the initial consultation – I thoroughly endorse your new recommendations

Thank you for the information about the Community Governance Review Consultation - Matlock West.

I would like the Parish boundary to alter so that the new housing development in the former quarries near Matlock (Matlock Spa) fall within the civil parish of Matlock, with the existing communities of Oker and Snitterton remaining in the civil parish of South Darley.

I would also like the Local Government Boundary Commission for England to make the related Alteration Order to include Oker and Snitterton in the Bonsall and Winster Ward.

Thank you for the opportunity to comment on the proposals for the above ward as a result of the Derbyshire Dales (Electoral Changes) Order 2022.

Frankly my wife and I were dismayed at the proposal to move Oker into a Matlock Ward. Such a change would sever the long standing link between the Church and Secular Parishes. All our connections, church, school, social events are with the existing parish. In this sense we have no connection with Matlock and it is almost certain that in any move to place us in a Matlock ward would be to our detriment, as any decisions made would almost certainly favour the town of Matlock.

We can understand that to place the new development in the old Cawdor Quarry in a Matlock ward would be a logical move. The residents are new and, given their location, are likely to relate to the town. For us it seems that the boundaries were drawn to make the numbers fit nicely. Set against that the populations of Oker and Snitterton are not high and there does not seem to be a compelling argument to make the change. Please leave us as we are.

Thank you for all the information about the Community Governance Review Consultation - Matlock West.

I would like the parish boundary to alter so that the new housing development in the former quarries near Matlock (Matlock Spa) fall within the civil parish of Matlock, with the existing communities of Oker and Snitterton remaining in the civil parish of South Darley.

I would also like the Local Government Boundary Commission for England to make the related alteration order to include the remainder of Oker and Snitterton in the Bonsall and Winster Ward.

I am pleased that you will consider my original response on the vexed proposals (for the villages of Oker and Snitterton) for the Boundaries changes. For the sake of clarity, we reaffirm our support and approval that the villages of Oker and Snitterton should be retained in the South Darley Parish and the developments in the former quarries would be in the civil parish of Matlock.

I would like to comment and express my views on the Derbyshire Dales community governance review regarding the parish of South Darley. I have lived in Wensley for 22 years and I am a Parish Councillor for South Darley.

I fully support proposal one to change the boundaries of the Parish so that the new housing development would be part of Matlock and that Oker and Snitterton would remain within the South Darley parish.

I would request under Proposal two that the Derbyshire Dales District Council asks the local government boundary commission to consider making an alteration order to incorporate Oker and Snitterton in the Bonsall & Winster (District) ward with the rest of the parish of South Darley.

1. South Darley/Matlock Parish Boundary

I strongly support the District Council's proposal to revise the boundary between South Darley Parish and Matlock Town such that the area of new housing at Cawdor Quarry will be entirely within Matlock and that Oker and Snitterton will remain within South Darley.

My reasons for supporting this proposal were given in my representation dated 12th July to the first consultation.

Request to Local Government Boundary Commission

I also strongly support the District Council's proposal to request the Local Government Boundary Commission to make a corresponding alteration to the Matlock West and Bonsall & Winster wards.

As a resident of Snitterton, I strongly object to the recommendation of the Local Government Boundary Commission to split South Darley Parish into two separate District Council wards.

As noted in my previous submission, South Darley is a long-standing rural parish with a distinct shared identity. The parish at present forms part of the Winster & South Darley ward, which consists of a coherent rural area, the residents of which have generally felt that their concerns are well represented on the District Council. To hive off two of the four settlements of South Darley and place them under a different representative jurisdiction flies in the face of an established common identity and shared history.

Under the currently proposed arrangement, Oker and Snitterton would be subsumed into the bulk of Matlock town in the Matlock West ward. The needs of these two hamlets, containing about 50 houses, would probably be swamped by the differing needs of the urban area.

I therefore urge the District Council to request the Local Government Boundary Commission to make an alteration to Matlock West and Bonsall & Winster wards such that the boundary between them follows the revised boundary at Cawdor Quarry and Oker and Snitterton form part of Bonsall & Winster.

I refer to your communication by post of 3 August inviting views in connection with the proposed district and parish boundary changes affecting South Darley.

As a resident of South Darley parish, I oppose any changes that would harm the identity of the settlements of Snitterton and Oker by being hived off and subsumed within the urban district ward of Matlock West. These settlements have close and long established social and cultural links with the companion rural communities of Darley Bridge, Cross Green and Wensley and as such (with the exception of the Matlock Spa development), should remain an integral part of South Darley parish when the district ward of Bonsall and Wensley is created. By way of elaboration, I offer the following reasoning behind my views on this matter:

It is important for the proposed boundary changes to take into account and:

- preserve the longstanding shared cultural and cohesive identity of the rural communities that form South Darley parish and whose interests would continue to be effectively, conveniently and best served by their parish council
- avoid the administrative problems that would arise when attempting to balance the differing and competing needs of the rural communities of Snitterton and Oker if amalgamated with, and under the jurisdiction of, the urban-centric town council of Matlock West
- ensure that the interests of the 400+ households in the new Matlock Spa development are capable of being effectively and appropriately served by the Matlock urban authority, unfettered by the needs of rural community members
- avoid the undermining of the rural identity of Snitterton and Oker, substantial portions of which lie within the Peak District National Park, due to being merged with, and dominated by, Matlock town council ... an outlier of the national park

I recognise the logic of incorporating the Matlock Spa development of 400+ modern dwellings, apartments and commercial units within the urban district ward of Matlock West and I would recommend that an appropriate and simple adjustment be made to the boundary at the western end of the development site.

On the matter of a likely approach being made by the District Council to the Local Government Boundary Commission to make a Related Alteration Order to adjust the district ward boundary so that Snitterton and Oker are part of Bonsall and Winster ward, and for Matlock Spa to form part of Matlock West ... this is a proposal that I would strongly support and which the Council should pursue with vigour.

For the reasons expressed above and in order to preserve the cohesive identity of all existing communities that form South Darley parish, I consider it important for a review to be conducted of the proposed boundary changes and for the district and parish ward boundaries to be made coterminous ... to my mind, what should be a logical and achievable solution. Attached is my marked up plan indicating the coterminous boundaries that would preserve the integrity of the whole of the existing parish of South Darley within the proposed district ward of Bonsall and Wensley.

Following the latest letter dated 3rd August ;

I note that the letter requested further feedback on the latest proposal but I only commented previously on the proposal to merge with Matlock West.

So to confirm, I agree with the proposal to merge the remainder of Oker and Snitterton (ie excludes new building development at Matlock Spa) with Bonsall and Winster if it is not possible for the boundaries to remain as they are.

I also remain opposed to merging with Matlock West.

I can confirm that myself and [my wife] would like us to stay in the civil parish of South Darley.

Thank you for acknowledging receipt of my response to the South Darley Consultation - Proposal One Parish Boundary. Regarding Proposal Two - District Ward, I have to say that many of the reasons that I indicated in my support for changing the proposed boundaries so as to retain Oker and Snitterton within the civil parish of South Darley also apply to the

proposal to include the remainder of Oker and Snitterton in the Bonsall and Winster Ward with the rest of the Parish of South Darley.

Essentially Oker and Snitterton are rural parishes as are Bonsall and Winster. These villages have a common history with families historically being occupied in common rural activity namely in agriculture and mining and although many of its inhabitants now work in towns - Matlock, Chesterfield, Belper and Derby - they have chosen to live in these places because of the type of country life these villages afford. Many of the inhabitants have their young children at the various primary schools all of which have at various times participated in collective events.

The same can be said of the way in which the village halls and churches have both functioned and relied on audiences from these villages to provide and support celebratory events and respond to common localised problems and this has helped to reinforce a sense of collective identity. Whilst one may argue that many of these activities could still take place notwithstanding being placed in Matlock West, I think many people do respond to that intangible notion of identity as being derived from a sense of place and if people feel they have been 'shut out' that will ultimately turn our area into one of those dreaded dormitory suburbs.

Thank you for your ongoing communications regarding the ongoing concerns re the Boundary Commission's proposed changes.

As per my previous communications on this subject you already know I have strong views against the proposed "merging" of the Villages of Oker and Snitterton into Matlock West. I would like to add a further point to emphasise the differences between "South Darley" constituencies and "Matlock West".

Matlock West is referred to as an "urban" constituency, neither Oker nor Snitterton can be considered "urban", neither has a Pub, neither has a "Shop" and neither has a bus service serving the villages.

This ludicrous proposal by people who simply count numbers with no regard for the needs of the villages must be fought.

As a resident of Oker I am very much in favour of Proposal One that Oker and Snitterton remain in the civil parish of South Darley, whilst the new developments are incorporated into the Matlock parish.

I also prefer that Oker and Snitterton are included in the Bonsall & Winster ward with South Darley as per Proposal Two.

I am writing with regard to the proposed changes to the boundaries for South Darley i believe that the new Matlock Spa development should become part of the Parish of Matlock and Oker and Snitterton should remain part of the existing South Darley parish I also do not support the parish of South Darley changing in any way If you do a search on the internet for South Darley, you will get many results that show just how many places have South Darley in their name, from schools, to village halls, to trees on hills, to books on Amazon !

I wish to submit my view in relation to the South Darley Consultation.

I object to the Local Government Boundary Commission proposed changes placing Oker and Snitterton in the Urban Matlock West District Ward. This seems appropriate for the new housing developments which are urban fringe but inappropriate for Oker and Snitterton which has no direct relationship with the edge of town, being entirely rural.

I therefore wish to support Proposal One -and Parish Boundary and DDDC's suggestion to alter the order to include the remainder of Oker and Snitterton in the Bonsall & Winster (District) Ward along with the rest of the parish of South Darley.

Thank you for this opportunity to express views on the matter.

We fully support Proposal One (Parish Boundary) "to change the boundaries of the civil parishes of South Darley and Matlock so that the new housing developments in the former quarries near Matlock would be in the civil parish of Matlock with the existing communities of Oker and Snitterton remaining in the civil parish of South Darley"

I feel that to remove two small hamlets from a rural environment into what would effectively be an urban environment where different issues very often occur and don't always coincide. I feel the residents of these hamlets would feel isolated by this move as town councillors have different objectives and views to those of rural councillors. So please consider these views when making your decision.

I wish to give my support to PROPOSAL ONE of the SOUTH DARLEY CONSULTATION.

I feel that that the hamlets of Snitterton and Oker should still be included in the Parish of South Darley as otherwise I feel they would lose their identity

Appendix 5(b) Responses received on proposals for the civil parishes of Darley Dale and Northwood and Tinkersley

I would like to register an objection to the proposal that Northwood and Tinkersley is incorporated in the new Darley Dale District Council Ward.

At a time when local voices should be heard this proposal would have the opposite effect. Northwood and Tinkersley is a small parish and if it was to be subsumed, our views could always be outvoted thus losing our say in vital local matters

We strongly object to this. Northwood and Tinkersley is a rural parish on the boundary of the Peak Park. We have lived here for 17 years and when we arrived Northwood was a recognised rural hamlet and formed part of our address until it was suddenly deemed to no longer exist by the Post Office, Council who knows - we were never told.

Darley Dale is now an ugly linear urban sprawl virtually joined up to Matlock and fast losing any belts of green land that remain to separate it from Matlock. Matlock itself has lost all its Victorian charm as it too succumbs to the power of the developers and the greed of the Derbyshire Dales local council. Derbyshire DALES is fast becoming a joke as it becomes a massive housing estate.

As residents of Northwood and Tinkersley we do not want to be swallowed up. We wish our Parish Council to have a say in the future of the area. We need a voice to stand up for our residents and to help retain our rural status, to stand against this insatiable desire for development, to fight for our protected woodland and SSSI moorland. We need to retain our Parish Council and its links with remaining rural areas of Rowsley, Stanton, Beeley and the Chatsworth Estate.

Given their recent inability to save Darley Dale from hideous development we have no confidence that Darley Dale town council would care for and protect our area and certainly feel that it is in our interest to retain our Parish Council as it stands.

Your letter of 3 August 2022 states that Darley Dale Town Council propose to redraw the civil parish boundary to reflect the historic boundary. If this is their intention then their proposal is flawed; Darley Dale civil parish stretched from Matlock to Beeley parish boundaries and did not stop at the brook between Rowsley and Northwood and Tinkersley, so the Town council need to either withdraw the current proposal or take on Rowsley civil parish council as well!

When the current civil parish boundaries were drawn up, residents of Northwood and Tinkersley elected to be independent from Darley Dale and all of the people that I have spoken to still wish for the status quo to be retained.

Is there a strong wish by Darley Dale Town Council to extend their powers, or has some politically motivated person, or authority made this suggestion to the said town Council?

I have spoken to members of Northwood and Tinkersley civil Parish Council and there does not appear to be any correspondence from Darley Dale town Council on this matter, do I smell a rat lurking in the district?

I object to any change in our civil parish council boundary and trust that the proposal from Darley Dale Town Council is rejected at the meeting to review civil parish borders,

I view with much distain that another council can without any consultation put forward this option.

When Northwood and Tinkersley parish council was established we had the option of being part of Darley Dale or to be an independent council for our area. During this time we had a consultation with out residents via a local petition and the overwhelming majority were in favour of having our own parish to look after our affairs

We have a very distinct separation from Darley Dale. I note that Darley Dale Parish Council say the boundaries should be redrawn to reflect the historic boundaries of Darley Dale. The historic boundaries of Darley Dale include Little Rowsley so there point is of no consequence as they are now parished by Greater Rowsley.

I object to this proposal very strongly, I feel the people living in the area known as Northwood and Tinkersley Parish Council will lose representation in being part of a larger council; Northwood and Tinkersley Parish Council must be allowed to retain it's own identity.

I object strongly to the proposal that the boundaries of Darley Dale are redrawn to incorporate the parish of Northwood and Tinkersley

- (1) Northwood and Tinkersley has always been a select area.
 - (2) Leave the boundaries as they are – like they have been over many, many years
 - (3) Why have Darley Dale Town Council submitted a proposal to alter the boundaries – could it be that if this proposal happens it means they will have more money in their budget.
 - (4) Northwood and Tinkersley Parish Council serve the area well and keep residents well informed of what's happening in the Parish. I would think that Northwood and Tinkersley Parish Council are now needed more than ever as new properties are being built increasing the population of the area.
 - (5) The area doesn't want to be classed as a Town as it isn't a Town but a Parish.
-

I wish to object to our parish of Northwood and Tinkersley being subsumed into Darley Dale Town Council.

Northwood and Tinkersley is a rural parish whereas Darley Dale Town Council is as its name confirms a council for the benefit of a town. This is even more the case following the amount of development in recent years.

I have a number of other concerns regarding the inappropriateness of this suggestion.

I would like to make a representation on behalf of the Northwood and Tinkersley Parish. I am just a local Northwood resident of the parish.

My wife and I and two children have lived in the parish for over 38 yrs and I have no connection to the district or local parish council besides living here.

I received your letter on the 3rd of August referencing the Community Governance and after reading it I thought it would be only correct to lay out my thoughts on why I believe we should not join forces with Darley Dale ward.

The NT Parish is situated on the edge of a much larger ward faced with much larger issues, our little parish is a successful operation and we are doing well looking after our Parish. The councillors are tuned into what the parish requires and the help needed for the parish.

Our Parish is situated on the edge of the peak district and joined to another small parish Beeley and Stanton. Our Parish seems well maintained by the councillors with the backup of big brother Matlock Town council.

I believe it would be hard to grow dramatically in our Parish, our Parish is unique, and we have a wonderful river in the valley with a lovely Matlock to Beeley walk/cycle path, the steam engine peak rail, farmland around us, moor land on top and the amazing Tinkersley wood.

We have small developments that match the size of the parish ie the Matlock Transport area and that will smarten up the bottom end of Northwood lane, well overdue, and we in the parish will welcome them and will be able look after the development.

As a resident of NT, it has always been, when driving home down the A6 passing Stancliffe like a little haven into Northwood and up Northwood Lane, the last street out of Darley Dale.

You can see from our Website and Facebook page how well the parish is run, look at the amazing job painting the recreation playground for the 70th Jubilee was done. My Children played on those swings and rocking horse as infants.

The community organised a wonderful jubilee party on the rec.

As for representation in the parish, I believe we have about 9 councillors and could increase to 12 if required, so we don't lack support in our parish. I am not sure but we also have one at Matlock Town council.

Part of governance or reason to marry NT parish to Darley Dale ward is to deliver improved Community engagement, more cohesive communities, better democracy and result in the more efficient delivery of local services, well we already have all that covered, so why would you feel we need to be swallowed up by our big brother. Big isn't always better. Yes, we have a few more people with the new development bottom of Northwood lane but not enough to say we can't handle it.

Our councillors are doing a great job, in fact, an excellent job.

I understand the need to modernise and restructure the district council and it's wards. After all, this is a regular review. However, I am rather startled that Darley Dale Town Council wish to use this modernising opportunity to revert to some ancient arrangement. I wholly support retention of our current parish council, and have no wish to become resident of a forgotten corner of Darley Dale Township, and largely represented by unelected Town Councillors living up to 4 miles away. By "unelected" I note that currently most of Darley Dale Town Councillors have had to be co-opted and have not faced election, and have the appearance of a clique. I can only guess why they have such high turnover of councillors, and why this clique have their eyes on Northwood & Tinkersley in view of their apparent own disorganisation. I hope they don't wish to redraw the plans regarding new housing quotas. The areas already agreed in this parish are quite sufficient and have raised little objection.

I feel that the parish of Northwood & Tinkersely is much more rural than Darley Dale township, and in having one large business (Forged Solutions / Firth Rixon's) and one public space (Northwood Playing Field, which the parish council has been attempting to secure the future of by leasing it from DDDC), and one heritage asset (Peak Rail) with most houses only 5 minutes from countryside or woodland, that our Parish has more in common with our northern neighbour, Rowsley. Rowsley is equally semi-rural, with their shopping centre, mill and playing field equivalent to our assets.

I would not be happy for the special character of our part of the valley to get lost and diluted in being managed by Darley Dale. I am also happy that I live among my local councillors, they work hard, and use what little resources they have prudently for the good of the area, and we have occasional updates when important things are happening. They all seem to be very community minded, and much better focussed than if they had to deal with distant matters at Darley Bridge or Hackney.

Might I dare add that I am proud to live in Northwood & Tinkersley, which has a character different from those estates and new developments in Darley Dale. I would say, from reading your letter, that Darley Dale Town Councillors seem to be making some sort of land or power grab with very little evidence of behaving democratically. They certainly don't seem to even suggest any benefits would come from this proposal.

I hope I have made it clear that I am very pleased to be represented by Northwood & Tinkersley Parish Council, by people I share these few streets with. I see no present need for the suggested change.

I am writing in response to your letter of 3 August 2022 outlining a proposal to redraw the boundary of Darley Dale and subsume Northwood and Tinkersley Parish council into Darley Dale Town Council.

I strongly object to this proposal. Northwood and Tinkersley Parish is distinctively different from Darley Dale Town and I understand this was acknowledged in the 1980s when the Parish Council was formed. Northwood and Tinkersley has its own separate community identity. It is more rural in nature and is geographically separated from the conurbation of Darley Dale by former quarries and agricultural land. As an area it relates far more closely with Rowsley and Stanton In Peak and has much more in common with these areas. Northwood and Tinkersley is in the catchment area of Rowsley Primary School, which is also federated with Stanton Primary School.

Matters pertaining to Northwood and Tinkersley Parish Council are more effectively addressed at a local community level. I am sure that as a small outpost of the Darley Dale District our local community interests would not be served effectively by a distant Town Council. If the District Council wishes to improve local democracy, promote greater community engagement and provide better local service delivery then subsuming our small parish into a Town Council is certainly not going to achieve these aims.

May we initially state that we are against these proposals, and if implemented they cause us several concerns with respect to how our community would be managed and represented in the future. Some of these concerns are;

1. If implemented the action would dramatically reduce our opportunity to voice our opinions on how the area should be managed and developed etc.. This being due

to the point that Darley Dale Town Council obviously have no interest in local residents views as they have had no contact or discussion with us to explain how this would happen in the future. In order to try to identify how this could occur a local residents meeting was organised and DDTC were invited to explain their proposal, however they turned down the invitation, and there has been absolutely no correspondence between them and local residents. This does not "bode well" for how they would manage the area in the future.

2. We cannot currently identify any advantages of DDTC taking over the management of the area (again DDTC have not identified any, or the reason why they think this is a good idea). Despite keeping an open mind on this and investigating the possible reasoning behind the idea, no advantages for the area have been identified. The only reason we have found is that as it appears DDTC are to lose control of the area of "Morledge" within their current boundaries and they want to compensate for this and keep the numbers of their current councillors by taking over the area of Northwood & Tinkersley. Whilst this could be an advantage to DDTC (spreading their costs/overheads whilst maintaining a higher level of funding), this would not improve or have any advantage to us as residents of Northwood and Tinkersley.
3. When considering the aspects of how the area would actually be funded in the future, or would existing projects/ideas be continued, again we can only be uncertain (as nobody from DDTC has had the courtesy to explain). Whilst this uncertainty is currently a worrying aspect, it could actually be far worse and result in the end of the current projects (the wildflower meadow, the environmental corridor, the community orchard etc), let alone any future ideas for improving the area.
4. Your letter and DDTC proposal states that redrawing the boundaries would reflect the historic boundaries of Darley Dale, is this statement correct? We have only lived in the area for 38 years and in that time the area has always had its own Parish Council. Residents who have lived here longer clearly state that "Northwood and Tinkersley has never been part of Darley Dale Council (either Parish or Town)". Again another reason why we would not support the proposal.

In brief the move by DDTC to take over the running of the Northwood and Tinkersley area appears to be at best "not thought through" and at worst completely undemocratic, and in industry would be described as a hostile takeover. DDTC actions in trying to achieve their aim appear to show how they would run the area in the future i.e. they would not discuss or listen to local residents.

After considering the above points we are against the idea proposed by DDTC, and would ask you to take these views into consideration.

Dear Derbyshire Dales, We wish to object to joining the parish with Darley Dale, Northwood would be far better partnered with Rowsley Stanton or Beeley.

As a resident of the parish of Northwood and Tinkersley I wish to **express my opposition** to the proposal from the Darley Dale Town Council **that the Northwood and Tinkersley Parish and Parish Council be incorporated into the Darley Dale Town Council.**

There are a number of reasons for my objection including, but not limited to:

- Northwood and Tinkersley Parish Council has far more in common with other rural parishes such as Rowsley and Beeley than we do with a town council such as Darley Dale
 - most primary school age pupils attend the Rowsley Primary School rather than Darley Dale schools so fewer family friendship links are formed with Darley Dale residents
 - issues facing Northwood and Tinkersley residents will become swamped by the issues facing the larger number of residents in Darley Dale
-

Dear Sir/Madam I am writing to express my sternest opposition towards a merger between Darley Dale and Northwood and Tinkersley parish council. This merger in my opinion of past plans by Darley Dale towards our recreation ground would oversee a degradation of living standards for all who live within Northwood and Tinkersley and I find this aggressive attempt at a merger to be another case of Darley Dale forcing their will upon our community and I for one will not stand for it. NO MERGER!!!! Our recreation ground is for our kids to play on!

I am writing to express my concerns regarding the proposed changes to Northwood and Tinkersley Parish Council.

I wish to object to Northwood and Tinkersley Parish council being considered to be incorporated into the District Council Ward of Darley Dale, as a whole.

I am worried that merging into the different boundaries could impact on our individual diverse rural community where currently councillors are available to support the public with the unique community cover, both across the farming community and the more populated community of Northwood, where our issues can be very different to other localities. We have quite an aging population and they are currently able to access the support of the Parish Council and talk through any local concerns. With the impact impending on energy crisis and food prices, access to the neighbourhood parish councillors may be even more relevant as we draw towards Winter, and start to feel the hardships.

Please can you note my objection, and update me on any future developments regarding this.

I have lived in this area for over 40 year and feel we need to keep our own Parish Council and our identity and not be swallowed up by a larger group that would possibly neglect our community interests. Therefore I am against the merger with Darley Dale Town Council.

I am writing to raise our objection to the proposed changes to our parish council, Northwood and Tinkersley, as stipulated in the Community Governance Review Consultation.

The reasons for this include the following:

- Northwood and Tinkersley is a rural area. The nature of the land, being largely moorland/agricultural, is very different to that of Darley Dale, and the grouping of policy and decision to align with this area may result in negative effects on the local landscape, residents and businesses.
- The population of Northwood is significantly smaller than that of Darley; as such, in the event of issues or developments which would directly affect our area, our opinion could go unheard and we could fair badly.

- Of special concern is the conservation area, the wildlife meadow, at the top of the recreation ground. This has already had a noticeable effect on the local bird, insect, and small mammal populations. Our Parish Council have tried to purchase this land, and we do not want our thriving wildlife corridor being handed over to another council to manage and utilise as it sees fit.

As tax-paying residents, we feel that the decision to remove our parish and so right to local, decentralised representation is unfair and unjust. The incorporation of it into the Darley Dale ward, a different area with different considerations and needs, would result in a less fair, less sympathetic representation, and diminish the efforts and achievements of our councillors.

I would like to note that the wording of your letter, '*this means that in future you will be voting,*' (i.e. will and not would, for example) implies that the decision is already made, which does not align with the ethos of a consultation.

If change is inevitable (for financial reasons), a sensible and fairer joining would be with Rowsley and Stanton—a locale with which we share boundaries, along with a similar environment and population density—in order that our voices are not lost. This matter is very important to us, and we would greatly appreciate your consideration.

We do not want Northwood & Tinkersley Parish Council to be incorporated with Darley Dale Town Council. Northwood & Tinkersley have always had a closer association with Rowsley PC, a similar rural area, more children attending the Rowsley and Lady Manners. A large percentage of worshippers at St Katherine's Church Rowsley are also from the Northwood area.

As Janet was a founder member of Northwood & Tinkersley PC in 1980 we can assure you that we were never part of the Darley Dale Parish Council.

At that time all settlements without a Parish Council we're invited to form Councils. Darley Dale residents were in the same position as ourselves without a council. The Northwood Residents Association petitioned every household to ascertain if they would like to merge with Darley Dale to form one large parish or to be independent. The overwhelming majority signed to state their wish to form a Northwood & Tinkersley Parish Council. The opinion was that we wouldn't have a voice in a larger organisation and would be outnumbered by the Darley Dale Councillors. At the time we were told Northwood would only have 2 representatives on the larger council. Since then Darley Dale has become a Town Council which further accentuates the difference in the two communities.

We feel strongly that we should stay independent of the larger authority and retain our own identity. We do hope the Derbyshire Dales District Council will respect our views.

I am writing to object to the proposal made by Darley Dale Town Council that Northwood and Tinkersley Parish be incorporated in their area. Northwood and Tinkersley is a clearly defined area, separate from the main area of Darley Dale with historical links to Rowsley (via the school and church) rather than with the remainder of Darley Dale. At the time that the Parish of Northwood and Tinkersley was set up, the previous residents association had petitioned every household to ascertain whether they would wish to merge with Darley Dale, or have an independent parish, and there was a clear majority in favour of an independent parish then, and I consider the same view remains today from consultations with neighbours.

This page is intentionally left blank

Agenda Item 12

Council – 29 September 2022

DISPENSATIONS FOR NON-ATTENDANCE AT COUNCIL MEETINGS

Report of the Director of Corporate and Customer Services

Report Author and Contact Details

James McLaughlin, Director of Corporate and Customer Services
01629 761281 or james.mclaughlin@derbyshiredales.gov.uk

Wards Affected

Brailsford

Report Summary

This report seeks a dispensation for two councillors in respect of a continued period of absence from Council and committee meetings for a period of two consecutive months until 30 November 2022 for Councillor Michele Morley and three months until 31 December 2022 for Councillor Sue Bull.

Recommendations

1. That approval be given to a dispensation for Councillor Michele Morley from attending meetings of the Council for a further period of two months until 30 November 2022, thus nullifying the disqualification to hold office for a six month period.
2. That approval be given to a dispensation for Councillor Sue Bull from attending meetings for a period of three months until 31 December 2022.

List of Appendices

None

Background Papers

[Report to Council - Dispensation for Non-Attendance at Council Meetings \(27 April 2022\)](#)

Minute 385/21 – Council Meeting (27 April 2022)

Consideration of report by Council or other committee

N/A

Council Approval Required

Yes

Exempt from Press or Public

No

Dispensation for Non-Attendance at Council Meetings

1. Background

- 1.1 In April 2022, Councillor Michele Morley gave notice to the Proper Officer that she would be unable to attend meetings of the Council, its committees or any outside bodies on which she represents the authority for medical reasons.
- 1.2 On 27 April 2022, the Council gave approval to a dispensation for Councillor Michele Morley from attending meetings of the Council for a period of six months commencing on 6 May 2022, thus nullifying the disqualification to hold office for a six month period (minute 385/21 refers). The current dispensation is due to end on 6 November 2022.
- 1.3 In the same meeting, Members noted that it would be necessary for the Council to consider a further report should an extension to the dispensation be necessary for a period of time beyond 6 November 2022.

2. Key Issues

- 2.1 Councillor Michele Morley has given notice to the Proper Officer that she will continue to be unable to attend meetings of the Council, its committees or any outside bodies on which she represents the authority for medical reasons. In providing this notice, an indication has been provided on her intention to return to Council duties before 30 November 2022.
- 2.2 Councillor Sue Bull has also given notice to the Proper Officer that she will be unable to attend meetings of the Council, its committees or any outside bodies on which she represents the authority for medical reasons. In providing this notice, an indication has been given that she intends to return to Council duties after 31 December 2022.
- 2.3 Section 85(1) of the Local Government Act 1972 states that "if a member of a local authority fails throughout a period of six consecutive months from the date of his last attendance to attend any meeting of the authority, he shall, unless the failure was due to some reason approved by the authority before the expiry of that period, cease to be a member of the Authority."

3. Options Considered and Recommended Proposal

- 3.1 Pursuant to the above legislation, Council is asked to approve a dispensation for Councillor Michele Morley from attending meetings of the Council, its Committees or outside bodies, effective from 30 September 2022 and ending on 30 November 2022. Council is also asked to approve a dispensation for Councillor Sue Bull from attending meetings of the Council, its committees or outside bodies, effective from 30 September and ending on 31 December 2022. These are the recommended proposals.

4. Consultation

- 4.1 No consultation has taken place in respect of this proposal.

5. Timetable for Implementation

- 5.1 In the event that the Council agrees to extend the dispensation for Councillor Morley, this will take immediate effect and continue until 30 November 2022. If circumstances were to change and Councillor Morley were to attend a meeting of the authority then the dispensation would cease immediately.
- 5.2 Should the Council agree to provide a dispensation for Councillor Sue Bull, this will take immediate effect and continue until 31 December 2022. If circumstances were to change and Councillor Bull were to attend a meeting of the authority then the dispensation would cease immediately.

6. Policy Implications

- 6.1 The role of our elected members is crucial to the effectiveness of the organisation and connects to the key priorities in the corporate plan.

7. Financial and Resource Implications

- 7.1 Should a dispensation for Councillors Bull or Morley not be granted and the seats became vacant, there would no by-election required to fill the vacancies on the Council as the next election is due to take place on 4 May 2023. The financial risk is therefore assessed as low.

8. Legal Advice and Implications

- 8.1 The legal issues associated with this recommendation are detailed in the key issues of this report. The legal risk is assessed as low

9. Equalities Implications

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

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

10. Climate Change Implications

- 10.1 A climate change impact assessment is not relevant in respect of the recommendations of this report. Therefore no assessment has been undertaken.

11. Risk Management

- 11.1 Failure to agree the requests for dispensation will not result in a by-election given the proximity to the next whole Council election in May 2023. There

may be reputational risks for the Council in failing to agree to a dispensation and an extension to the dispensation in a timely manner given the reasons for both councillors' absence.

Report Authorisation

Approvals obtained from:-

	Named Officer	Date
Chief Executive	Paul Wilson	21/09/2022
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	20/09/2022
Monitoring Officer (or Legal Services Manager)	James McLaughlin	20/09/2022

Agenda Item 13

Council – 29 September 2022

APPOINTMENT OF INDEPENDENT PERSON AND ADDITIONAL MEMBERS OF INDEPENDENT REMUNERATION PANEL

Report of Director of Corporate and Customer Services

Report Author and Contact Details

James McLaughlin, Director of Corporate and Customer Services
01629 761281 or james.mclaughlin@derbyshiredales.gov.uk

Wards Affected

District-wide

Report Summary

To recommend the appointment of independent persons to support the Monitoring Officer in the assessment of complaints about elected Members. In addition, the report recommends the appointment of persons to sit on the Independent Remuneration Panel to review Members' Allowances.

Recommendations

1. That, subject to the outcome of the interviews held on 28 September 2022, approval be given to appoint the recommended candidate(s) to the role of Independent Person for a four-year term until 30 September 2026.
2. That, subject to the outcome of the interviews held on 28 September 2022, approval be given to appoint the recommended candidate(s) to the Independent Remuneration Panel for a four-year term until 30 September 2026.

List of Appendices

Appendix 1 Recruitment Pack for Independent Person

Background Papers

Report to Council – [Review of Members' Allowances Scheme](#) (26 May 2022)

Consideration of report by Council or other committee

N/A

Council Approval Required

Yes

Exempt from Press or Public

No

Appointment of Independent Person and Additional Members of Independent Remuneration Panel

1. Background

- 1.1 Section 28(7) of the Localism Act 2011, requires the District Council to appoint one or more Independent Persons to assist the Authority in promoting and maintaining high standards of conduct.
- 1.2 The Independent Person will be consulted on the decision to investigate complaints, including those relating to the District's 71 parish councils, and before it makes a decision on an investigated complaint. The Independent Person may be consulted on other standards matters, including by the member who is subject to an allegation. Currently there is one permanent Independent Person and one vacancy.
- 1.3 Section 99 of the Local Government Act 2000 makes provision in relation to allowances and pensions for members of local authorities. Regulations made under this Section require local authorities to establish and maintain a panel to make recommendations about the Scheme. The Panel last met in 2016 and is due to conduct a full review of Members Allowances to report back to the Council before the end of this calendar year.

2. Key Issues

- 2.1 An advert for the position of Independent Person was published in August 2022 and the deadline for applications was 18 September 2022. The Monitoring Officer and Deputy Monitoring Officer undertook shortlisting of the applications on 20 September 2022 and identified six candidates for interview.
- 2.2 Interviews will take place on 28 September 2022 and will be undertaken by the Monitoring Officer, the Chairman of the Governance and Resources Committee (Councillor Donnelly) and the Deputy Monitoring Officer (Jason Spencer). The outcome of the interview process will be reported verbally to this meeting with details of recommended candidates being shared with Members in advance of the meeting.
- 2.3 During August 2022 officers were advised one existing member of the Independent Remuneration Panel (IRP) is currently unable to attend meetings or undertake any work in support of the panel's review. The remaining two members of the existing Independent Panel are willing to continue in that role. A supplementary appointment is now needed in order to enable the IRP to continue its review and report back to Council.
- 2.4 At the Annual Meeting on 26 May 2022, the Council delegated authority to the Director of Corporate and Customer Services to recruit and select replacement Panel Members when future vacancies arise and then make a recommendation to the Council to fill these vacancies. Members are asked to consider a recommendation to appoint a new member(s) to the IRP. This will be subject to appointable candidates being identified during the interviews for the Independent Person role on 28 September.

3. Options Considered and Recommended Proposal

- 3.1 The Council has the option to continue with one Independent Person for consultation on standards matters, but this is not recommended as there will be periods of absence or potential conflicts of interest. Consideration was given to sharing Independent Persons with a neighbouring local authority but this option is not recommended due to potential overburdening of responsibilities.
- 3.2 Consideration was given to authorising the IRP to continue with two Members, but this was not felt to comply with statutory regulations which requires a panel of at least 3 persons to review Members' Allowances and report back to the Council. Consideration was also given to delaying the review but this is not recommended given that the review has already been delayed due to the pandemic and the need to have clarity on allowances before the next municipal elections in May 2023.
- 3.3 The recommendation will be confirmed verbally at the Council meeting on 29 September 2022. In the event that appointable candidates are identified for the Independent Person role and for the IRP, it is recommended that those candidates are appointed to serve for a four-year term.

4. Consultation

- 4.1 No consultation has taken place in respect of the recommended appointments as interviews will not take place until 28 September 2022.

5. Timetable for Implementation

- 5.1 Subject to appointable candidates being identified at interviews to be held on 28 September 2022, the term of office for any person appointed will be effective following Council's approval of recommended candidates and will continue until September 2026.

6. Policy Implications

- 6.1 There are no specific policy implications associated with this report but the proposed appointments to the role of Independent Person and the Independent Remuneration Panel are key components of the ethical framework and contribute transparency in considering remuneration for elected representatives. In this sense, this proposal underpins all of the Council's corporate priorities.

7. Financial and Resource Implications

- 7.1 The Council has previously agreed a rate of payment for Independent Persons on a case by case basis of £25 for reading documents and £50 per meeting attended. The fees associated with payments to Independent Persons are already included within the budget for 2022/23. The law is clear that the payment of such expenses does not negate independence.
- 7.2 There are no financial implications associated with the appointment of additional persons to serve on the Independent Remuneration Panel.

7.3 The financial risk in respect of these proposals is therefore assessed as low.

8. Legal Advice and Implications

8.1 Section 28 of the Localism Act 2011 and our arrangements for dealing with Member Code of Conduct complaints require an Independent Person's views to be sought by the Monitoring Officer before making a decision on a Member Code of Conduct allegation. The Council is required to appoint at least one Independent Person, and it is good practice to have more than one to cover absence or conflicts of interest

8.2 The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, also requires at least two Independent Persons to be consulted and to sit on the disciplinary Panel when dealing with Statutory Officers disciplinary or dismissal processes.

8.3 The scheme of Member's Allowances is made in accordance with section 99 of the Local Government Act 2000 and the Local Authority (Members Allowances) (England) Regulations 2003.

8.4 The proposals contained in this report comply with the requirements of the legislation so the legal risk is low.

9. Equalities Implications

9.1 Public authorities are required to have due regard to the aims of the Public Sector Equality Duty (Equality Act 2010) when making decisions and setting policies. While there are no specific equalities implications arising from this report, the recruitment process has sought to find a variety of candidates that whilst meeting the profile, offer a variety of different backgrounds and experiences

10. Climate Change Implications

10.1 Whilst an impact assessment has not been undertaken, it is considered that there are no climate change implications associated with this report.

11. Risk Management

11.1 Whilst there remains one Independent Person in post, failing to appoint another Independent Person would place the Council in breach of its statutory duty under the Act and prevent the Monitoring Officer from dealing with complaints in accordance with the Council's code of conduct complaints procedure.

11.2 In addition in the event of there being a need to consider dismissal of a relevant officer and the Council not having appointed at least two Independent Persons the Council would be required to approach another local authority to seek to invite their appointed Independent Persons to form part of a Panel.

11.3 Failure to appoint at least one additional person to serve on the Independent Remuneration Panel will restrict the planned review of Members'

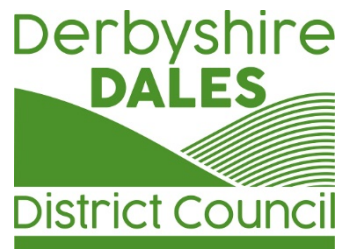
Allowances and increase the risk of the Council not considering recommendations from the IRP for a further year.

Report Authorisation

Approvals obtained from:-

	Named Officer	Date
Chief Executive	Paul Wilson	22/09/2022
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	22/09/2022
Monitoring Officer (or Legal Services Manager)	James McLaughlin	22/09/2022

This page is intentionally left blank



Appointment of Independent Persons

Recruitment Pack

1. Advertisement
2. Background Information
3. Role Profile including role description, person specification and Eligibility Criteria
4. Application form

August 2022

Appointment of Independent Persons

Derbyshire Dales District Council actively promotes and maintains high standards of conduct for 39 district councillors and 495 town and parish Councillors across the district. We are now looking to appoint up to three Independent Persons to help us continue this work.

The role of the Independent Person interesting and varied and involves being consulted on action to be taken following receipt of new allegations of misconduct and before the Council makes a decision following an investigation. Independent Persons would also have a role if the Council was to consider dismissing one of its three statutory officers.

The Independent Person will:

- be a person in whose impartiality and integrity the public can have confidence;
- understand and comply with confidentiality requirements;
- able to make reasoned judgements based on evidence;
- have a demonstrable interest in local issues;
- have an awareness of the importance of ethical behaviour;
- Be a good communicator.

For further details, including an information pack and eligibility criteria, please visit the Council's website, email memberservices@derbyshiredales.gov.uk or Tel. 01629 761133.

The post is not salaried but a small payment is made in respect of time spent on a complaint and travel costs are reimbursed.

The closing date for applications is 18 September 2022.

.

Thank you for considering applying to the Council to be an Independent Person. Here is some more information about the role. An application form is at the end of the pack.

Background Information

Derbyshire Dales District Council was established under the Local Government Act 1972 when it was known as West Derbyshire District Council. Its current corporate objectives are:

- To provide a high quality customer experience
- To keep the Derbyshire Dales Clean, Green and Safe
- To support better homes and jobs

Its elected Members have a pivotal role in bringing about these improvements to the quality of life of people living in the District. They do this by making decisions, delivering change, challenging and scrutinising proposed actions and taking up issues raised with them by their constituents

The Council currently has 39 councillors representing 25 wards. At the May 2023 elections the size of the Council will be reduced to 34 councillors representing 21 wards. The District is also fully parished which means that if all positions are filled there are 495 Parish and Town Councillors.

The Localism Act 2011 (“the Act”) requires the Council to promote and maintain high standards of conduct by Members and Co-opted Members of the Council. The Council has adopted a Members’ Code of Conduct which reflects the Nolan Principles of Public Life as required by the Act. The Nolan Principles are Selflessness; Integrity; Objectivity; Accountability; Openness; Honesty and Leadership. The Act established a new, lighter touch, standards system for councils, but one which still requires robust and objective application. On appointment District, Town and Parish Councillors commit to comply with the Code.

Governance and Resources Committee

The Council’s Governance and Resources Committee has specific responsibility for promoting and maintaining high standards of conduct amongst Councillors. This includes involvement in the process for dealing with allegations that a Councillor has breached the Code of Conduct.

The Independent Person does not have a seat on the Committee, but may be invited to give views at appropriate stages of the complaints process.

Arrangements for dealing with allegations of breaches of the Members' Code of Conduct

The Council has adopted formal arrangements for dealing with allegations of breaches of the Members' Code of Conduct. These provide for the appointment of at least one Independent Person. The views of the Independent Person may be sought by a Councillor against whom an allegation has been made. Their views must be sought by the Council before it takes a decision on an allegation which it has decided warrants an investigation and their view can be sought by the Council at any other stage.

The views of the Independent Person will usually be sought by the Monitoring Officer by e-mail or video conferencing, but occasionally contact may be by telephone, post or through face to face meetings. Which Independent Person is contacted will be at the Monitoring Officer's (or their deputy's) discretion, but attempts are made to ensure a balance between use of each Independent Person where possible. [View our code of conduct and the procedures for dealing with alleged breaches.](#)

Other Councils

There are currently 71 parish councils within the Derbyshire Dales.

Each parish council is responsible for adopting its own code of conduct which accords with the Nolan Principles. The District Council is responsible for dealing with allegations that parish councillors have broken their parish council's Members' Code of Conduct. The Arrangements adopted by the Council therefore also apply to Parish and Town Councils within the District. So, you may be asked to give views on complaints about parish council members as well as district councillors.

Derbyshire County Council has its own code of conduct and its own independent persons, as do other district and borough councils in the locality. You will not, without your agreement, need to give views on code of conduct matters relating to these other authorities.

Other standards

Standards are also relevant in terms of officer behaviour. In 2015 the government decided that Independent Persons should have an additional role. They are therefore involved in disciplinary matters that could lead to dismissal of an authority's statutory officer. At Derbyshire Dales the statutory officers are the head of paid service (the chief executive), the chief finance officer and the monitoring officer.

Role of Independent Person

Responsible to: The Council

Duties and Responsibilities

1. To assist the Council in promoting high standards of conduct by elected and co-opted members of Derbyshire Dales District Council and town and parish councillors.
2. To be consulted by the Council through the Monitoring Officer and/or the Governance & Resources Committee before it makes a decision on an investigated allegation and to be available to attend meetings of the Hearing Panel of the Standards Committee for this purpose.
3. To be available for consultation by the Monitoring Officer and/or the Standards Committee before a decision is taken as to whether to investigate a complaint or to seek local resolution of the same.
4. To be available for consultation by an elected member who is the subject of a standards complaint, including town and parish councillors,
5. To develop a sound understanding of the ethical framework as it operates within Derbyshire Dales District Council and its town and parish councils.
6. To participate in training events to develop skills, knowledge and experience and in networks developed for Independent Persons operating outside the District Council's area.
7. With at least one other Independent Person, as a panel, to be appointed consider any proposal that may lead to the authority dismissing a statutory officer and to make recommendations to full council.
8. To act as advocate and ambassador for the Council in promoting ethical behaviour.

Person Specification

The Independent Person will have

- A keen interest in standards in public life
- A wish to serve the local community and uphold local democracy
- The ability to be objective, independent and impartial
- Leadership qualities, particularly in respect of exercising sound judgement

Essential criteria

The Independent person will:

- Be a person in whose impartiality and integrity the public can have confidence
- Understand and comply with confidentiality requirements
- Have a demonstrable interest in local issues
- Have an awareness of the importance of ethical behaviours
- Be a good communicator

Desirable criteria

- Understanding of judicial/quasi judicial or complaints processes
- Knowledge of local government or other public services
- Awareness of and sensitivity to the political process

Eligibility

A person cannot be appointed as an Independent Person if they are or were within a period of 5 years prior to the appointment:

- (a) A member, co-opted member or officer of the authority
- (b) A member, co-opted member or officer of a parish council in the District Council's area, or
- (c) A relative or close friend of a person in (a) or (b)

A relative is defined as:

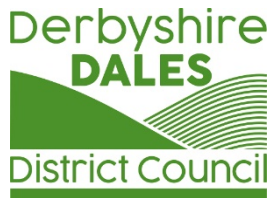
- (a) The candidate's spouse or civil partner;
- (b) Any person with whom the candidate is living as if they were spouses or civil partners;
- (c) The candidate's grandparent;

- (d) Any person who is a lineal descendent of the candidate's grandparent;
- (e) A parent, brother, sister or child of anyone in paragraphs (a) or (b);
- (f) The spouse or civil partner of anyone within paragraphs (c), (d) or (e); or
- (g) Any person living with a person within paragraphs (c), (d) or (e) as if they were spouse or civil partner to that person.

In addition, to ensure that the role is non-political and remains independent you should not be a member of any political party, or have/had a public profile in relation to political activities.

Terms of Appointment

- Appointment will be on a fixed basis agreed by Full Council for a period of up to four years and may be extended at any time during that period.
- Appointment will be terminable by the Council at any time in the event of:
 - Incapacity;
 - Failure to comply with any training requirements;
 - Persistent failure to be available for consultation without good reason;
 - Failure to observe the standards reasonably expected from an Independent Person. In this context the Independent Person would be expected to refrain from any activity, political or otherwise, which would conflict with the impartial nature of the appointment;
 - The Council giving three months' written notice;
 - Any other reason/action which, in the view of the Council, is considered not to be commensurate with the expected standards from an Independent Person involved in the work of the Governance & Resources Committee and warrants termination.
- Additionally, the Independent Person may, by giving three months' written notice, resign the appointment at any time. The Independent Person may decline to accept any renewal of a term of appointment.
- The role of the Independent Person is unsalaried, but a sum of **£50 for up to 4 hours work, and £100 for 4 hours and over, up to a maximum of £500** per person per annum is payable in recognition of the role undertaken. This is in addition to reasonable expenses claimed for travel and subsistence when meetings have been attended. Otherwise, the work is entirely voluntary.
- In accordance with the Localism Act 2011, the appointment of the Independent Person has to be approved by a majority of the Members of the Full Council. As full council meetings are held approximately one every two months this can lead to some delay in the final decision on appointment.



Application for the position of Independent Person

Please complete the sections below. All information provided will be treated in the strictest confidence and will only be used for the purpose of selection. Please feel free if you wish to expand upon your answer to any question outlined below.

1. Personal Details

Name:

Address:

Postcode

Contact Details:

Telephone number

Email address:

2. Qualifications

Please list in particular any qualifications which you think are relevant to the position of Independent Person

3. Summary of Experience

Please give a brief account of your experience including career, public and voluntary work together with the nature of your current or most recent occupation.

4. Relevant Expertise/Skills

Please outline briefly any knowledge or expertise which you believe would be particularly relevant to your role as an Independent Person having regard to the selection criteria and role description).

5. Why do you wish to be considered for appointment as Independent Person and what particular attributes do you believe you would bring to the role?

6. Please provide any additional information you may wish to give in support of your application.

7. References will be taken up for applicants who are invited for interview.

Name:

Name:

Address

Address

.....

.....

.....

.....

.....

.....

Tel. No.

Tel No.

Eligibility

I wish to apply to be an Independent Person and in submitting this application, certify that

- I am not and have not during the past five years been a Member or Officer of the District Council
- I am not related to, or a close friend of any Member or Officer of the District Council
- I am not currently an Officer or Member of any other relevant authority (this includes parish, district county and unitary councils and Police, Fire and National Park Authorities).

Signed Date

Please return this application from by 18 September 2022 to

The Monitoring Officer
Derbyshire Dales District Council
Town Hall
MATLOCK. DE4 3NN

Or email memberservices@derbyshiredales.gov.uk

This page is intentionally left blank

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

Agenda Item 14

Document is Restricted

This page is intentionally left blank

Agenda Item 15

Council - 29 September 2022

URGENT MATTERS REQUIRING UPDATE TO THE 2022/23 CAPITAL PROGRAMME

Report of the Director of Resources

Report Author and Contact Details

Karen Henriksen, Director of Resources
01629 761284 or karen.henriksen@derbyshiredales.gov.uk

Wards Affected

District-wide

Report Summary

The report requests further changes to the 2022/23 Capital Programme to address urgent operational matters and recognise the impact of rising inflation is having on the estimated costs of existing projects.

Recommendations

1. That project 624 for the purchase of land at Longcliffe for £250,000 be removed from the Capital Programme.
2. That a business case evaluating options to purchase land to provide an owned site for the delivery of waste operations be submitted to a future meeting of the Council.
3. That two new projects – Works to flooring at the Tipping Room Floor at Longcliffe Depot £25,000 and Contribution towards Flood Prevention works at Longford of £20,000 be added to the 2022/23 Capital Programme.
4. That increases in budget totalling £70,000 be approved for existing projects (project 617- Ashbourne Bandstand £35,000, project 627 Matlock Hall Leys Park Clock Tower £30,000 and project 652 Lovers Walk Shelter £5,000) and the Capital Programme be updated accordingly.
5. That the additional capital expenditure arising from the above changes be financed from Capital Receipts Reserve and that the Revised Capital Programme of £8,801,014 for 2022/23 be approved (net reduction of £135,000).

List of Appendices

None

Background Papers

None

Council Approval Required

Yes

Exempt from Press or Public

No

Urgent Revisions to the Capital Programme 2022/23

1. Background

- 1.1 The Revised Capital Programme for 2022/23 of £8,936,014 was approved on 28th July 2022. This took into consideration slippage where projects had not commenced or where projects had commenced but had not completed during 2021/22 as planned.

2. Key Issues

- 2.1 Since the July 2022 report two operational issues have arisen which require capital funding.

Longcliffe Waste Depot – Tipping Room Floor

- 2.2 As part of the 2020 Waste Contract currently operated by Serco, the Council leased a depot site at Longcliffe (already occupied by Serco pre current contract) from a private landlord. The site is leased by the Council from the private landlord on commercial terms for a 24 year term from August 2020 with break clauses at years 8 and 16 in line with the waste contract. As part of the Waste Contract, the Council leases the site to Serco at a peppercorn rent and Serco is responsible for day to day repairs but not latent defects. The current issue with the Tipping Room floor was raised by Serco as a latent defect and a legal dispute ensued. The legal dispute has now been resolved based on legal advice with an agreement for each party to fund 50% of the repairs cost. Serco will arrange and procure the works and the expected total cost is £50,000 with the Council's 50% contribution being £25,000.
- 2.3 Delivery of the project will provide a suitable new surface to the Tipping Room, which will become Serco's responsibility thereafter. Failure to undertake these works would mean that this part of the Tipping Room could no longer be used, which would impact on/delay the collection of recyclables by Serco and could result in reputational damage and further legal/financial claims.
- 2.4 Project 624 for the purchase of land at Longcliffe currently forms part of the Capital Programme. The project was included to explore the purchase of land at Longcliffe to provide the Council with an owned Depot with reduced or no reliance upon the current leasing arrangements. A sale of the land required is not imminent but the Council will continue to review and submit a business case for evaluation and consideration should the situation change. Therefore, it is recommended that project 624 for the purchase of land at Longcliffe be removed from the current capital programme.

Flood Defence Scheme Contribution

- 2.5 This project comprises the completion of a Derbyshire Dales District Council flood alleviation scheme in Longford, which was commissioned in the early 2000s and for some reason was only partially completed. A number of

properties are still at risk of flooding and indeed have flooded in the last 2 years. Although Derbyshire County Council is now the lead local flood authority and has responsibility for flood alleviation schemes, it is considered that Derbyshire Dales District Council has a responsibility in this case, due to its failure to complete the scheme when first constructed. Officers from the County Council have drawn up a scheme valued at £40,000 and have requested a 50% contribution, amounting to £20,000.

Increased Estimates relating to Current Project Costs

Project 617 – Ashbourne Memorial Gardens and Bandstand

- 2.6 A recent tender exercise has been completed for this project with only one bid being received for circa £97,000. However, additional professional fees are also payable. The revised estimate of this project has therefore increased by £35,000 from £72,500 to £107,500. Cost re-engineering has been considered but is not viable in this situation, given the size of overall increase.

An increase of £35,000, funded from the Capital Receipts Reserve, is therefore requested.

- 2.7 Rising inflation is having an impact on project costs and therefore a reassessment of other estimates has also been undertaken.

Project 627 – Matlock Hall Leys Park Clock Tower

The tender for this project is currently being evaluated but, based upon the initial return, a revision to the original estimate of £30,000 is requested. This will increase the project budget cost from £42,500 to £72,500, the additional costs being funded from the Capital Receipts Reserve.

Project 652 – Matlock Lovers Walk Shelter

This project is currently being tendered but based upon the outcome of other tender exercises a revision to the original estimate of £5,000 is requested. This will increase the project budget cost from £32,500 to £37,500, with the additional amount being funded from the Capital Receipts Reserve.

3. Options Considered and Recommended Proposal

Longcliffe Waste Depot – Tipping Room Floor

- 3.1 Tender Cost Inflation risk is mitigated as the cost will be based on a fixed price quotation to be obtained by Serco and checked by DDDC Facilities Team.
- 3.2 Failure to undertake these works would mean that this part of the Tipping Room could no longer be used which would impact on/delay the collection of recyclables by Serco and could result in reputational damage and further legal claims, consequently no other options are being considered.

Flood Defence Scheme Contribution

- 3.3 Tender Cost Inflation risk is mitigated as the cost will be based on a fixed price quotation to be obtained by Derbyshire County Council and checked by DDDC.
- 3.4 Failure to undertake these works would mean that a significant residual flooding risk would remain and could result in reputational damage and legal claims. The amount payable to Derbyshire County Council could be re-negotiated but it is considered that 50% is a fair contribution.

Increased Estimates relating to Current Project Costs

- 3.5 A higher tender than budget has already been received in respect of Ashbourne Memorial Gardens and Bandstand. Other than not completing the project, no other options are being proposed.
- 3.6 The tender closing date for the other two projects is not until the end of September 2022, therefore only at this stage will the full cost be known. It is hoped that by updating estimates in this report, based upon previous recent tender exercises, projects will be contained within the budget and are able to proceed. Every effort will be made to reduce costs where possible without providing a material detriment to overall delivery of the scheme. Both projects are in Conservation Areas.

4. Consultation

- 4.1 As highlighted in the report above, consultation has taken place with all parties to establish a solution and financing of the Longcliffe Waste Depot floor.
- 4.2 The Council has been in negotiation with Derbyshire County Council in respect of the Flood Defence Scheme.
- 4.3 In terms of the Ashbourne Memorial Gardens and Bandstand project, the Council has consulted Friends of Ashbourne Park and the Ashbourne British Legion and their comments have informed the design.

5. Timetable for Implementation

- 5.1 If approved, the budget will be updated shortly after notification of Committee Approval.
- 5.2 Timetables for tendering and completion of all schemes has been established. All existing schemes are anticipated for completion by 31st March 2023. Works at Longcliffe Depot and the Flood Defence Contribution is expected to be completed by 31st March 2023.

6. Policy Implications

- 6.1 Capital investment in the Council's assets is necessary to continue to provide effective services.
- 6.2 It is important the Capital Programme contains the appropriate budget within which projects should be managed. Approval of this report will provide financial approval and enable projects to commence / continue.

7. Financial and Resource Implications

- 7.1 If the proposed changes are approved the overall Capital Programme for 2022/23 will reduce by £135,000 to £8,801,014, providing reduced contributions from Capital Receipts Reserve and increasing the resources available for other potential projects (new or increased costs).
- 7.2 While rising inflation presents a high financial risk to the overall capital programme, this report seeks to set more accurate budgets for projects based upon previous tendering experience, which in turn should minimise the risk of overspend. The risk of overspend cannot be completely eliminated therefore the risk remains at 'medium'.
- 7.3 There are no staffing implications.

8. Legal Advice and Implications

- 8.1 This report requests further changes to the 2022/23 Capital Programme to address urgent operational matters and recognise the impact of rising inflation is having on the estimated costs of existing projects.
- 8.2 There are 5 recommendations contained within the report, in brief (1) Relates to removal of project 624 (2) Advises that further works are ongoing (3) Introduces 2 new projects (4) Requests budget increases (5) Requests that the changes be met from the Capital Receipts Reserve.

Specific Legal Advice has been sought in respect of the work at Longcliffe Depot.

- 8.3 Taking into account the above the legal risk associated to this report has been assessed as low.

9. Equalities Implications

- 9.1 There are no equalities implications for this report.

10. Climate Change Implications

Longcliffe Waste Depot – Tipping Room Floor

- 10.1 If the work at Longcliffe Depot is not completed this will impact upon the Council's ability via Serco to collect recyclables, potentially increasing the volume of waste going to landfill.

Flood Defence Scheme Contribution

- 10.2 By undertaking this work the Council is contributing towards flood prevention within the District. A changing climate change is likely to mean more frequent and intense flooding. Flood defences are one means by which to reduce the risk of flooding.

Increased budgets for existing schemes

- 10.3 No implications

11. Risk Management

- 11.1 This report seeks to set more accurate budgets for projects based upon previous tendering experience, which in turn should minimise the risk of overspend. The risk of overspend cannot be completely eliminated therefore the risk remains at 'medium'.

Report Authorisation

Approvals obtained from:-

	Named Officer	Date
Chief Executive	Paul Wilson	22/09/2022
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	22/09/2022
Monitoring Officer (or Legal Services Manager)	Kerry France	22/09/2022

This page is intentionally left blank

Agenda Item 16

Council – 29 September 2022

ANTI-SOCIAL BEHAVIOUR POLICY

Report of Director of Community & Environmental Services

Report Author and Contact Details

Alena Greenwood, Community Safety Officer
01629 761187 or alena.greenwood@derbyshiredales.gov.uk

Vikki Hatfield, Neighbourhoods Manager
01629 761377 or vikki.hatfield@derbyshiredales.gov.uk

Wards Affected

District Wide

Report Summary

The District Council does not currently have an Anti-Social Behaviour (ASB) Policy although it is addressing and tackling such behaviour; is it prudent to have something formally adopted to help manage people's expectations and have the ASB Policy available on the Council's website.

The Draft ASB Policy (Appendix A) formalises the work which is already undertaken by the District Council when ASB cases are referred to the District Council from other partners, such as the police, or members of the public.

Recommendations

1. That the Anti-Social Policy be approved and adopted, as outlined in Appendix A, as the District Council's process and procedures for addressing and tackling such behaviour.

List of Appendices

Appendix A Draft ASB Policy
Appendix B Equality Impact Assessment

Background Papers

None

Consideration of report by Council or other committee

No

Council Approval Required

Yes

Exempt from Press or Public
No

Anti-Social Behaviour Policy

1. Background

- 1.1 This ASB Policy aims to set out clear procedures for dealing with reports of ASB and what the community can expect. It also advises complainants of their responsibilities and behaviour that is acceptable.

2. Key Issues

- 2.1 Under the Crime and Disorder Act 1998, the District Council has a duty to work with the Police and other agencies to reduce crime and disorder, and to consider the possible impact of this in all its decision making. The District Council plays a key role in dealing with Anti-Social Behaviour (ASB) of all kinds and undertakes projects and preventative work.
- 2.2 The Anti-Social Behaviour, Crime and Policing Act 2014 gives the council a range of tools and powers to deal with ASB. These tools and powers are explained in more detail in the policy. The policy has been designed with an emphasis on early intervention and prevention, with an incremental approach taken whereby enforcement action is the final measure. The incremental approach often swiftly alleviates the issues but it also provides additional evidence, if needed, for any further legal proceedings should matters escalate. Currently the District Council has no written procedures on the work that is done with partners, or how we respond to reports of ASB.

3. Options Considered and Recommended Proposal

- 3.1 As the powers contained within the Anti-Social Behaviour, Crime and Policing Act 2014 are discretionary and not statutory there would be the option to not enforce the legislation. Such an approach would not be consistent with the position that the Council has taken and seeks to take in relation to tackling anti-social behaviour and working with partners across Derbyshire. Therefore this is not recommended.
- 3.2 The proposed policy is based on good practice from elsewhere and reflects how the council currently enforces other pieces of legislation. It is believed to strike the right balance between enforcing problems that are causing or likely to cause significant harm and preventing the need to carry out formal enforcement; which should always be seen as a last resort. Members may wish to alter the draft policy but when doing so be mindful that the impact of altering the policy may significantly impact on this balance.
- 3.3 The proposed policy set out in Appendix A is therefore recommended for adoption and approval.

4. Consultation

- 4.1 All relevant internal departments and external statutory organisations have been consulted and comments fed into this document, along with health and the voluntary sectors. They include:
- DDDC – Environmental Health, Housing and Licensing

- Derbyshire Police =SNT/Force/Licensing
- Derbyshire Fire and Rescue Service
- Derbyshire County Council – Community Safety and Public Health
- Derbyshire County Council
- Platform Housing Group
- CVS
- Domestic Abuse Services
- Peak District National Park Authority
- Office of the Police and Crime Commissioner for Derbyshire
- Derbyshire Association of Local councils
- Victim Services
- Age UK
- Derbyshire Autism Services
- African Caribbean Community Association
- Derbyshire Dales Youth Forum

5. Timetable for Implementation

5.1 If approved, this policy will be adopted immediately and will be published on the Council’s website.

5.2 The ASB Policy will be reviewed:

- Every three years – next review due September 2025
- Or on the introduction of new legislation/guidance
- Or at the request of the Community and Environment Committee

6. Policy Implications

6.1 Adopting an ASB Policy would link to the Council’s priority ‘Keeping the Derbyshire Dales clean, green and safe place for residents and visitors’.

7. Financial and Resource Implications

7.1 There are no direct financial implications associated with the recommendations in this report. The costs of dealing with anti-social behaviour are included in current budgets, so the financial risk is assessed as low.

8. Legal Advice and Implications

8.1 The Anti-social Behaviour, Crime and Policing Act 2014 places statutory duties on and gives powers to local authorities in challenging ASB in the community. The application of any enforcement powers under the Act will also take into account any statutory guidance / regulations and will reflect the requirements of the Act and the Council’s adopted Enforcement Policy. The Council’s scheme of delegation gives clarity and legal certainty over who is able to exercise the various powers within the Act which fall within the remit of the Council. In this context, the legal risk is assessed as low.

9. Equalities Implications

9.1 An Equalities Impact Assessment has been completed (Appendix B) as has the consultation with specific groups.

10. Climate Change Implications

- 10.1 This has been reviewed with the Climate Change Officer and it has been deemed that there is no impact, negative or positive on climate change by introducing the ASB policy

11. Risk Management

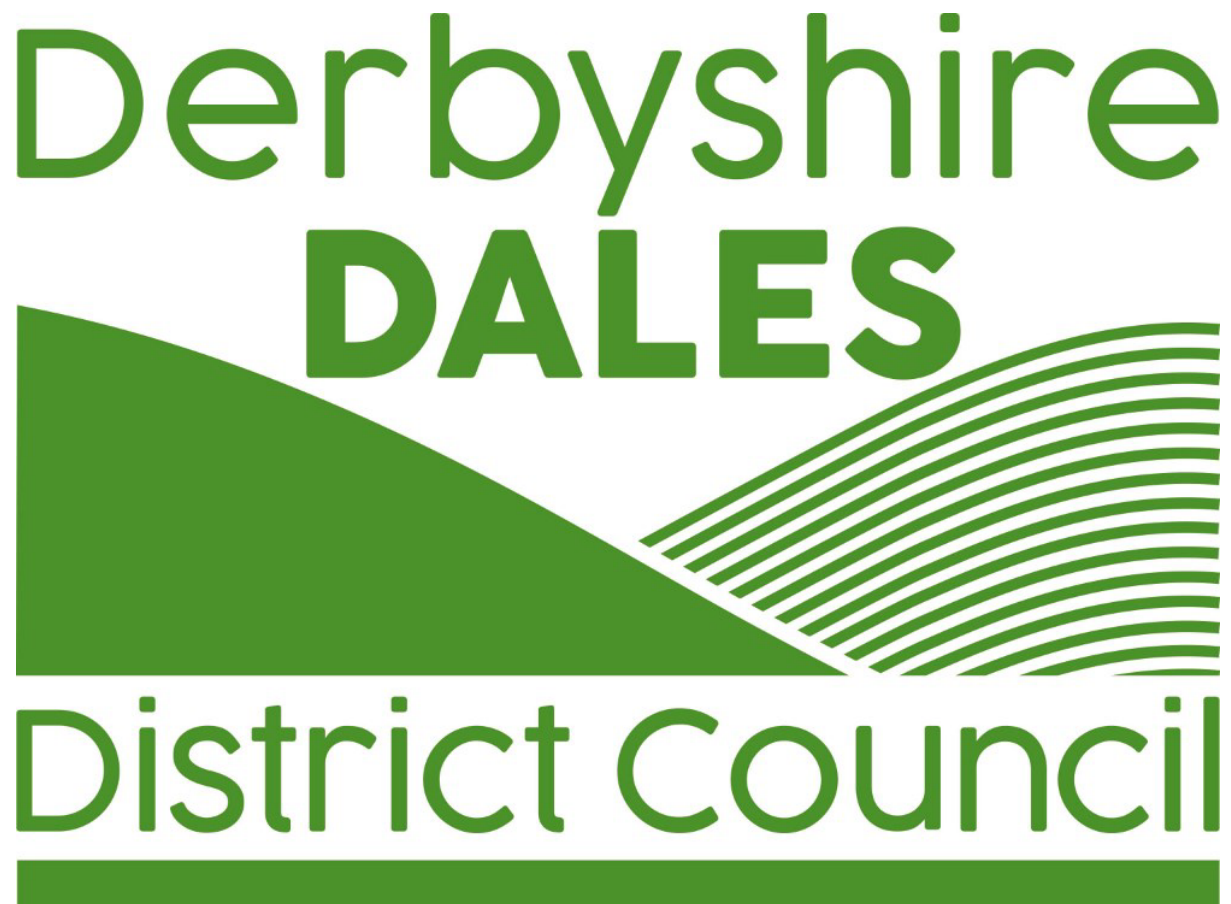
- 11.1 The Council does not currently have an approved ASB Policy, although we currently address and tackle such behaviour in the District. By adopting this Policy, it helps everyone understand what the District Council responsibilities are and what actions can be taken to address ASB when this is reported through to us.

Report Authorisation

Approvals obtained from:-

	Named Officer	Date
Chief Executive	Paul Wilson	21/09/2022
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	20/09/2022
Monitoring Officer (or Legal Services Manager)	James McLaughlin	21/09/2022

This page is intentionally left blank



Derbyshire Dales Anti-Social Behaviour Policy
September 2022

Anti-Social Behaviour Policy
September 2022

Contents	Page
Section 1	Statement of Policy 4
1.2	Policy Aims 4
1.3	Promotion of Respect & Tolerance 4
1.4	Partnership Working 5
1.5	The Role of the Community 5
1.6	Derbyshire Dales District Council Response 5
Section 2	ASB Definitions/Tools and Powers 6
2.1	Definition of ASB 6
2.2	What behaviour can be Anti-Social? 6
2.2.1	Personal Anti-Social Behaviour 6
2.2.2	Nuisance Anti-Social Behaviour 6
2.2.3	Environmental anti-Social Behaviour 7
2.3	What <u>may not</u> be Anti-Social Behaviour? 7
2.4	ASB Tools and Powers 8
2.4.1	Early Interventions and Prevention 8
2.4.2	Enforcement Powers 8
Section 3	Our General Approach 8
3.1	How does the District Council respond to reports of ASB? 8
3.2	Investigating Complaints 9
Section 4	Early Interventions and Prevention 10
4.1	Mediation Services 10
4.2	Warning or Advice Letters 10
4.3	Home Visits 10
4.4	Acceptable Behaviour Contracts/Parental Control Agreements 10
4.5	Good Neighbour Contracts 11
4.6	Community Protection Warnings (CPW) 11
Section 5	Enforcement Options 11
5.1	Community Protection Warnings & Notices 11

Anti-Social Behaviour Policy
September 2022

5.2	Civil Injunctions	11
5.3	Criminal Behaviour Orders (CBO)	11
5.4	Closure Order	12
5.5	Fixed Penalty Notices	12
5.6	Recovery of Court Costs	12
5.7	Incremental Approach	15
Section 6	Closure of Cases	12
Section 7	Community Trigger	13
Section 8	Malicious & Vexatious Complaints/Counter allegations	13
8.1	Unreasonable Persistent Complaints	13
8.2	Un Co-operative complaints	14
Section 9	Putting the Victim First	14
Section 10	Safeguarding	14
Section 11	Vulnerable Perpetrators of Anti-Social Behaviour	14
Section 12	Juvenile Perpetrators of Anti-Social Behaviour	15
Section 13	Information Sharing and Confidentiality	15
13.1	Sharing Information with other Agencies'	15
Section 14	Publicity	16
Section 15	Staff training and development	16
Section 16	Glossary	17

Please Note:

If you are the tenant of a registered social landlord or have a complaint regarding one of their tenants. Please address your concerns in the first instance, directly with the appropriate housing provider.

1. Statement of Policy

1.1 This policy sets out Derbyshire Dales District Council's commitment to reducing anti-social behaviour (ASB). It supports one of the District Council's three Priorities, Place – Keeping the Derbyshire Dales Clean, Green and Safe.

1.2 Policy Aims

We recognise that left unchallenged, ASB can have a significant negative impact on the lives of our communities, including those who live, work and visit our District. In order to support our commitment to reducing ASB, our aims are to:

- Raise awareness of what behaviour constitutes ASB
- Place victims and witnesses at the centre of our procedures and support them throughout their case
- Publicise and promote our service and others that are available to tackle ASB
- Participate fully in joint working with partner agencies to enable the best possible outcomes
- Where possible ensure that challenging families or individuals receive support to help them modify their behaviour
- Encourage people to report ASB to the relevant services
- Make effective use of the powers, orders and mechanisms available to deal with ASB.
- Deal firmly but fairly with any incidents

Other policies and documents which should be read together with this policy are available on our website, www.derbyshiredales.gov.uk/your-council/policies-plans-a-strategies and in particular the Corporate Enforcement Policy www.derbyshiredales.gov.uk/your-council/policies-plans-a-strategies/corporate-enforcement-policy

County wide policies of relevance can be found on the Safer Derbyshire Website – County-wide ASB Policies and procedures – www.saferderbyshire.gov.uk/what-we-do/anti-social-behaviour-policies-and-resources.aspx

1.3 Promotion of Tolerance and respect for others

Derbyshire Dales District Council recognises that individuals have the right to live the way they want as long as it doesn't affect or impact on the quality of life of others, being tolerant and respecting the needs and choices of other people. The District Council will encourage and help individuals to solve their differences, wherever possible through mediation. This is often the easiest way to solve a problem, as sometimes people don't realise they are causing a nuisance. With the permission of the people involved, we will refer suitable cases to Remedi a free, impartial mediation service.

1.4 Partnership Working

We may work with all relevant services and partners to tackle anti-social behaviour. Partners could include; the Police, Fire Service, Housing Providers, the County Council, victim services for example depending on the nature of the ASB.

ASB is tackled at all levels:

- At strategic level (e.g. By active participation in the Derbyshire Dales Community Safety Partnership and the County wide ASB sub group of the Safer Derbyshire Partnership)
- With projects (e.g. to reduce crime and disorder in a particular area or to tackle a particular type of anti-social behaviour throughout the District.)
- With individual cases where appropriate.
The ASB Officer will liaise with other District Council Departments when considering the appropriate action to take. There will also be times when a multi-agency team approach is needed.

1.5 The Role of the Community

People in the community have the most important role in reducing ASB. Organisations that tackle ASB can only act where there is a partnership with the community. Where possible, we encourage informal resolutions of disputes before we are asked to intervene.

1.6 Derbyshire Dales District Council Response

Under the Crime and Disorder Act 1998, the District Council has a duty to work with the Police and other agencies to reduce crime and disorder and to consider the possible impact of this in all its decision making. The District Council plays a key part in dealing with ASB of all kinds and undertakes projects and preventative work. As a district Council, we have a range of powers to deal with antisocial, disorderly, offensive and criminal behaviour on public land, residential accommodation and other premises. In such cases, we will work with partners to decide what the most appropriate action is and who is best placed to take it.

When dealing with ASB complaints the District Council may be faced with behaviour that is also a criminal offence or that could involve enforcement actions that could lead to a potential prosecution. In all situations the District Council will consider what actions are the most appropriate in the circumstances to address the behaviour. This could mean that the District Council may use a mixture of tools, both formal and informal, civil and criminal to curtail the behaviour. Nothing in any District Council policy is intended to limit the choice of actions the District Council can take. If however the District Council decide to use formal enforcement powers and/or prosecution then the District Council's Corporate Enforcement Policy will be applied.

The Equality Act 2010 (as may be amended from time to time) will also be taken into account when decisions are being made and enforcement action is being considered. The District Council will undertake Equality Act Impact Assessments when such

decisions are being made and will be reviewed and updated as investigations and proceedings are progressed.

Where the alleged victim or perpetrator of the ASB is a tenant of a Registered Social Landlord (RSL) the District Council will work with and support the RSL to resolve the complaint, however the decision and responsibility to take any action lies with the RSL, unless it is agreed that the most appropriate way to deal with the behaviour is to take action that the RSL cannot legally undertake. I.e. Where the District Council is the Prosecuting Authority (for example issuing a Community Protection Warning/Notice) or a Public Spaces Protection Order.

2. ASB Definitions/ Tools and Powers

2.1 Definition of Anti-Social Behaviour

ASB is defined in the ASB, Crime and Policing Act 2014 as ‘conduct that has caused or is likely to cause, harassment, alarm or distress to any person’. Additionally, for housing related ASB the Act states, ‘conduct capable of causing nuisance or annoyance to a person in relation to that person’s occupation of residential premises,’ and ‘conduct capable of causing housing related nuisance or annoyance to any person’.

2.2 What behaviour can be Anti-Social?

The key factor in deciding whether particular behaviour is anti-social or not, will be the impact of that behaviour on others.

Types of behaviours can include, but is not limited to, the following examples:

2.2.1 Personal Anti-Social Behaviour which targets a particular individual or a specific group:

- Verbal or written abuse
- Threats of violence
- Assault
- Damage to property
- Harassment – including hate related incidents or racial harassment

2.2.2 Nuisance Anti-Social Behaviour that causes trouble, annoyance, inconvenience, offence or suffering to people in the local community

- Playing amplified sounds from televisions, radios or mobile phones
- Bullying
- Persistent, unnecessary or excessive noise
- Shouting or yelling
- Swearing
- Excessively loud and frequent parties
- Persistent alarms
- Persistent dog barking

Anti-Social Behaviour Policy
September 2022

- People congregating and causing nuisance or intimidation
- Problems surrounding alcohol (street drinking/public drunkenness) and substance abuse
- Using or handling weapons or bladed articles
- Domestic Abuse
- Begging
- Using or allowing premises to be used for illegal or immoral activity for example prostitution, handling/storing of stolen goods, handling/storing of drugs

2.2.3. Environmental Anti-Social Behaviour:

- Littering
- Fly-tipping
- Graffiti
- Vehicles – burnt out/abandoned, parking obstructions/noisy vehicles
- Dog fouling
- Flyposting
- Burning of controlled waste or nuisance burning
- Waste in gardens
- Property damage

2.3 What may not be Anti-Social Behaviour?

The types of behaviour complained about may not always be clearly ASB and there are some circumstances that might not constitute ASB. For example, some behaviour that individuals perceive as being 'anti-social' are unavoidable and may be day to day activities or out of the control of the other person. The District Council will consider how to effectively address these types of issues to try to secure a positive outcome, for all parties, even the perceived perpetrator.

The type of issues, which can be frustrating for some however, in isolation, do not constitute ASB, these include many living or domestic noises:-

- A baby crying;
- Ordinary conversation levels through walls;
- Noise from children playing in a garden, on the street or in a communal area
- Domestic activities such as vacuuming, toilet flushing or using a washing machine.
- People gathering socially
- Parking
- DIY and car repairs
- Civil disputes between neighbours (e.g. shared driveways, boundaries).

Generally, the activities and behaviours above would be reasonable for someone to tolerate, however, some of these activities may become ASB depending on particular circumstances, for example, vacuuming in the early hours of the morning, doing car repairs that cause an obstruction.

2.4 ASB Tools and Powers

As a district council, we have a range of powers and responsibilities in dealing with anti-social behaviour, including:

2.4.1 Early Interventions and Prevention

The District Council will make use of interventions such as Mediation, Acceptable Behaviour Contracts, Parental Control Agreements, Good Neighbour Contracts and advisory/warning letters.

2.4.2 Enforcement Powers

In addition, the enforcement powers available are:

- Community Protection Warnings and Notices (CPW/CPN)
- Public Space Protection Orders (PSPO)
- Injunctions (with or without the power of arrest)
- Criminal Behaviour Order (CBO)
- Closure Notices/Orders

These interventions and powers are discussed in more detail later in this policy. ,

3. Our General Approach

3.1 How does the District Council respond to reports of Anti-Social Behaviour?

For the purposes of this policy, a report of Anti-Social Behaviour is a request for service made to the District Council to deal with the behaviour of one or more individuals within the community of Derbyshire Dales District Council. Reports of ASB may be made by letter, in person (Either at one of our offices or directly to an officer out and about on duty), by telephone or by email. There is no requirement for a report to be in writing. Anonymous reports of ASB cannot be progressed as they cannot be properly investigated, criminal allegations will be forwarded to the police. Malicious and vexatious reports are discussed later in this document. To report an incident of ASB to the District Council please email community safety on communitysafety@derbyshiredales.gov.uk or phone 01629 761 100.

However, if the ASB Report is about a tenant of a housing association or the complainant is a tenant, the complaint needs to be addressed to the housing provider in the first instance as they have specialist housing legislation and signed contracts with their tenants so are the more appropriate body to deal with the issue.

Some ASB issues can be complex and contain multiple issues. The District Council will address all cases of ASB and nuisance in a proportionate manner and in a staged approach, where appropriate.

The District Council will ensure that each victim/perpetrator is allocated to an appropriate officer who is trained and equipped to respond to that type of problem. To help resolve a case the appropriate officer may share information with additional and/or specialist service providers or other partner agencies to manage certain

aspects of the case, but will remain the lead officer and primary contact for the complainant, unless required to hand over the case to a different agency, for example, where there are safeguarding concerns.

The responsibility for dealing with ASB will be shared between agencies and the communities concerned. Permission will be sought for details to be shared. Information sharing – www.derbyshiredales.gov.uk/services-business/doing-business-with-us/sharing-information

Residents and communities themselves must play an active part in resolving issues. Officers will support residents to facilitate compromise and to find mutually agreeable and informal resolutions, where possible. In some cases, the District Council may not be able to use the powers available without the support and input from residents, or the wider community.

The District Council may work with a number of partner agencies to ‘problem solve’ ASB issues and share information to ensure the victims are at the heart of the District Council’s approach and to provide a consistent multi-agency approach to identify vulnerable and repeat ASB victims.

3.2 Investigating Complaints

The District Council will use different methods to investigate complaints of ASB. Such methods may include, but are not limited to:

- Use of diary sheets
- Home visits
- CCTV
- Noise monitoring equipment
- Officer observations
- Photographs
- Witness statements
- Evidence from/collected by other agencies

The District Council will assess the evidence, consider the legal requirements, as well as the reasonableness and proportionality of the action, taking into account the personal circumstances of both the victim and perpetrator. This Policy will be applied along with any other relevant District Council policy, which can be found on the District Council’s website.

The District Council will consider the facts of the complaint, the history and nature of the behaviour and will determine the action, if any, to be taken. We will take into account the views of all those involved, however, it will remain our decision about what action to take, or not to take.

4. Early interventions and prevention.

The District Council plays a significant role in addressing and managing ASB and takes its responsibility seriously both in responding to issues/complaints and in preventing occurrences in the first instance. The District Council has a broad range of tools to tackle ASB but, in the majority of cases, the ASB can be resolved without the need for legal action, particularly if people are willing to support early intervention action, for example, by completing nuisance diary sheets and participating in mediation solutions.

4.1 Mediation Services

If suitable and with permission, we can refer the ASB case to Remedi/ Derbyshire Victim Services. This is a free service run by trained personnel who will mediate disputes between parties with the aim of achieving a mutually acceptable conclusion. The complainant and alleged perpetrator might need to be neighbours for many years where a more amicable solution is preferable.

This type of conflict management has an excellent record of achieving results. www.remediuk.org/

Where the District Council considers that mediation would be suitable and one or both parties refuses to co-operate this might affect the type of action taken or whether the District Council progresses the complaint.

4.2 Warning or Advice letter

A letter sent to the alleged perpetrator (this could also be the parent/guardian of a young person) from the District Council (or one of our partners, for example, the Police) informing them of the allegations and the type of behaviour that is unacceptable and needs to stop. In the vast majority of cases, this warning will negate the need for any further action or legal enforcement because the behaviour is modified. In some cases, the perpetrator is unaware that their behaviour is causing a nuisance and often a parent/guardian is unaware of their child's behaviour. The letter states that legal action will be considered if the behaviour continues.

4.3 Home Visits

Meeting face to face can help to identify what needs or support may be required to address the problematic behaviour. These may be undertaken with other agencies.

4.4 Acceptable Behaviour Contract/Parental Control Agreement (ABC/PCA)

An ABC is completed voluntarily as part of an interview with the alleged perpetrator, who can be either an adult or a child. With agreement, a list of actions is proposed either to be completed or be refrained from. Agreement to attend interventions and support can also be arranged. An ABC can be signed by anyone over 10 years old, if under 10, then a Parental Control Agreement is needed, where the parent/guardian agrees to the action plan on behalf of the child. Non-compliance with the contract can

be used in legal action as evidence of the interventions used to stop ASB and the intent of the perpetrator to continue the behaviour.

4.5 Good Neighbour Contracts

Again, these contracts are voluntary. They are an agreement between neighbours, signed by all parties concerned, to try and solve their differences, setting out behaviours that will stop or identify action that needs to be done so that both parties can live in harmony. These contracts can be drawn up with the help of the mediation service, or the officer responsible for the case. Like the ABC, a breach can be seen as unwillingness to change behaviour.

4.6 Community Protection Warning (CPW) (See also 5.1)

It is a legal requirement that a Community Protection Warning letter is served before the service of a CPN (Community Protection Notice.) A CPW is an early intervention and further enforcement action may follow.

5. Enforcement Options

However, we do recognise that some cases can only be resolved through formal enforcement. The following are examples of tools available which the District Council may use:

5.1 Community Protection Warnings and Notices (CPW / CPN)

Community Protection Notices can be served to stop a person aged 16 or over, a business or organisation committing ASB which spoils the community's quality of life. A written warning (CPW) must be served before a notice can be issued.

Any breach of a CPN can result in a Fixed Penalty Notice (FPN) being served (see below) or could result in a prosecution.

(A CPW/CPN would not be appropriate in neighbour disputes as the behaviour needs to affect the community not just another person/family.)

5.2 Civil Injunctions

The injunction is a civil power which can be applied for to deal with anti-social individuals. An Injunction is an Order of the Court and prohibits certain acts or instructs a course of action, including exclusions from certain areas or property. A power of arrest can be attached to the injunction order.

5.3 Criminal Behaviour Order (CBO)

A CBO may be considered against a person who commits serious and persistent ASB. This is an order which is applied for once a person is convicted of a criminal offence. The criminal offences committed can be completely unrelated to the ASB.

The individual will be subject to prohibitions and/or positive requirements, depending on what is required to prevent further ASB.

5.4 Closure Order

A closure notice can be served by the Police or District Council which closes a premise for up to 24 hours but can be extended to 48 hours. The effect is that the premises is closed to a group or class of people save for the owner and persons habitually resident at the premises. The Notice has to be presented to the Magistrates Court who can then make a Closure Order for up to 3 months, whereby the property is closed to all, this can be extended for a further 3 months (a maximum total period of 6 months).

If the District Council obtain a Closure Order and the occupier was a Registered Social Landlord tenant, then the landlord can apply for a mandatory order for possession.

5.5 Fixed Penalty Notices (FPN)

Certain offences and behaviour are subject to fixed penalty notices, where prescribed by legislation. Fixed penalties provide the District Council with an effective and visible way of responding to low level incidents of non-compliance or unacceptable behaviour. Fixed penalty notices should only be used for the more minor offences, breaches of Statutory Orders or Notices.

Payment will be required within the specified period as set out on the notice.

5.6 Recovery of Court Costs

In all circumstances unless deemed inappropriate, the District Council will seek to recover any legal fees if Court action is taken.

5.7 Incremental Approach

Where appropriate, we will take an incremental approach, where legal action is only considered if other measures are not appropriate or have not worked, particularly where those engaging in anti-social behaviour are more vulnerable. However, we may take any action, including legal proceedings, without warning or consideration of other measures if, in our opinion, the circumstances warrant it.

6. Closure of Cases

The District Council will ensure that the ASB complainant is kept fully informed of action taken. When satisfied that no more can be done for a complainant they will be advised, in writing, when the case is closed.

A case may be closed for a number of reasons:

- Action that has been taken has resolved the matter
- If, after a reasonable amount of time, there has been no further problems.

- There is no evidence of nuisance being caused

The decision to close a case lies with the Neighbourhood Manager.

7. Community Trigger

Derbyshire Dales District Council always strives to provide a high level of service, but recognise that there may be times when, we don't get it right. This is where the Community Trigger comes in. The Community Trigger gives victims of anti-social behaviour the right to request a review of their case, if their concerns have not been dealt with, or acted upon, and organisations have been unable to resolve the serious persistent, or targeted, anti-social behaviour successfully. The Community Trigger is also known as an Anti-Social Behaviour Case Review. The aim of the review is to see whether anything else can be done and possibly find solutions that may not have been considered before

The Community Trigger process is managed by the District Council on behalf of the other organisations that will be involved in the review, such as the police, local health teams and housing providers.

You can use the Community Trigger if:-

- you have reported three or more related incidents of anti-social behaviour, within the last six months

It doesn't matter who the anti-social behaviour has been reported to (the District Council, the police or your landlord).

You can apply for the Community Trigger on behalf of someone else, but you must have their consent. A detailed explanation of the community trigger process and an application form can be found on our website. www.derbyshiredales.gov.uk/community-a-living/crime-prevention/community-trigger

8. Malicious and Vexatious Complaints/ Counter-allegations

If the District Council discovers that a complaint has been made maliciously or it is untrue, this may result in a referral to the Police or legal action against the complainant as the perpetrator of ASB or harassment.

The District Council realises that some complaints of ASB behaviour can be as a result of the behaviour of both parties. Just because one person complains does not mean they are the victim. If allegations are received by the accused against the original complainant, they will be investigated and treated with equal importance. Officers will consider the evidence gathered when deciding on further action which could result in action being taken against one or both parties and may be against the original complainant. If, however, the District Council consider immediate action is required to be taken in order to protect the original complainant, for example an immediate injunction, the actions will not be delayed pending these investigations.

8.1 Unreasonably Persistent Complaints

There are occasions when the behaviour of a small minority of complainants becomes unreasonable, in that they pursue their complaints in a way that can impede the investigation or can have a significant resource issue for the District Council. The District Council has adopted an Unreasonable and Persistent Complaints Policy to guide both employees and District Councillors when addressing such complaints. The Complaints team will provide a copy of the policy on request www.derbyshiredales.gov.uk/your-council/have-your-say/compliments-and-complaints

8.2 Uncooperative Behaviour

An unwillingness to provide information, get involved in mediation if required to, or to assist in the investigation may result in the closure of the case or even an adverse inference of guilt.

9. Putting Victims First

The safety of victims and witnesses will always come first. The District Council will endeavour to ensure that witnesses are supported and protected through the process of enforcement action.

Victims will be advised of the support provided by Derbyshire Victim Services. derbyshirevictimservices.co.uk/

The District Council may also undertake a risk assessment to ensure that victims and witnesses are fully supported in line with Derbyshire ASB Victims First Multi Agency Guidance document and it will be recorded on the Empowering Communities Inclusion and Neighbourhood Management system (E-CINS). E-CINS is a multi-agency case management system to help partners share information and manage ASB cases.

The District Council may also offer and undertake referrals to other agencies who can deal with specialist issues, such as domestic abuse, victim support and home security.

In general, anyone who reports ASB may need to provide evidence for court proceedings and may need to give evidence. In some circumstances, the identity of the witness can be protected, but the Court expects witnesses to give evidence unless there are justifiable reasons why they cannot, ie a real and justifiable belief of violence or reprisals from the accused.

10. Safeguarding

We recognise our role in protecting the most vulnerable members of our community. We will ensure that all members of staff are trained to enable them to respond appropriately to safeguarding concerns, including reporting anything that is a cause for concern. Any action necessary will be taken in accordance with the District Council's Safeguarding Policy. www.derbyshiredales.gov.uk/your-council/policies-plans-a-strategies/safeguarding-policy

11. Vulnerable Perpetrators of Anti-Social Behaviour

In some cases, the conduct of perpetrators of ASB can be as a consequence of their own vulnerabilities, for example, a disability, mental health problems or drug and alcohol abuse. In these cases, it may be appropriate to deal with the nuisance initially by offering support, which can help in stopping the behaviour, or reducing the impact on others. The risk assessment and the Equality Act Impact Assessment carried out will assist in identifying what, if any support should be provided.

If support is provided as an alternative to enforcement action, the perpetrator will be advised that failure to engage in support may lead to enforcement action being taken.

12. Juvenile Perpetrators of Anti-Social Behaviour

The District Council will always ensure that actions taken against juvenile perpetrators are compliant with our responsibilities under the Children Act 2004 and other legislation. It will seek to provide support and intervention in liaison with Derbyshire County Council's Children's Services, and other relevant youth services.

13. Information Sharing and Confidentiality

Any information provided to the District Council will be treated in confidence and will be used and managed in accordance with the Data Protection Act 2018, or as may be amended from time to time.

Information will not be shared without the consent of the person who provided the information unless the law allows it, and/or it is necessary to do so to protect life or prevent crime or harm. The District Council will accept information anonymously and will investigate this information as far as is possible. Anonymous information can be used for enforcement purposes but can easily be challenged, however, it can be valuable information and used to build a fuller picture of the ASB or support other evidence.

13.1 Sharing of Information with Other Agencies

The District Council and Community Safety Partnership are under a duty to act to reduce crime and disorder and will share information where it is necessary to do so to achieve this objective. This sharing has a clear basis in law including the Crime & Disorder Act 1988 and Anti-Social Behaviour, Crime and Policing Act 2014 and is in accordance with General Data Protection Regulations 2018 which has provisions for crime and legal proceedings. www.derbyshiredales.gov.uk/your-council/data-information/data-protection

The District Council is a signatory to the Derbyshire Safeguarding Adults Board (DSAB) Information Sharing Agreement which is an overarching document that sets out the framework for partner organisations across Derbyshire to manage, process and share personal and sensitive information on a lawful, fair and transparent basis. This enables us to meet both our statutory obligations and the needs and expectation of the people we serve.

Specifically, the District Council is a signatory to the Derbyshire Anti-Social Behaviour Information Sharing Agreement and to the Information Sharing Agreement for the Empowering Communities Inclusion and Neighbourhood Management System (E-SINS) for ASB. The purpose of these Information Sharing Agreements is to coordinate and facilitate the sharing of information between partner organisations, who have a duty, or specific objective, of working with the perpetrators and victims of ABS, with the aim of reducing the harm caused by ASB.

14. Publicity

It is important to ensure that any publicity relating to ASB is necessary, appropriate, proportionate and contemporaneous. A decision regarding the publicising of any Criminal Behaviour Orders and Injunctions will be made by senior officers of the relevant partner agencies.

All publicity will be approved by the District Council's Communication and Marketing Manager and Legal Services Manager.

15. Staff Training and Development

The District Council are committed to training our staff and will ensure that all staff dealing with ASB have appropriate training and refresher training for changes in legislation, safeguarding and data protection procedures and are aware of the latest best practice.

16. Glossary of Terms

Acceptable Behaviour Contracts (ABC)	An ABC is a written voluntary agreement between a person and Derbyshire Dales District Council, and often Derbyshire Constabulary, where conditions are agreed to prevent the person from engaging in ASB
Anti-Social Behaviour (ASB)	The term 'Anti-Social Behaviour' covers a wide range of unacceptable activity, sometimes serious and often persistent, which can be blight the lives of many people on a daily basis. ASB may or may not include, or consist of, criminal activity. The key factor in deciding whether particular behaviour is anti-social or not, will be the impact of that behaviour on others
Anti-Social Behaviour Victims First Project	ASB Victims First aims to: <ul style="list-style-type: none"> • Ensure the victim is at the heart of our approach to tackling ASB • Provide a consistent multi-agency approach to the identification of vulnerable and repeat ASB victims • Improve the service for ASB victims, especially the most vulnerable • Improve ASB case management for victims and offenders through IT
ASB Case Review	See Community Trigger
Closure Notice/Closure Order (closure Power)	The Closure Power (Anti-Social Behaviour Crime and Policing Act 2014) can be used to protect victims and communities by closing premises that are causing a nuisance or disorder. A Closure Notice can be issued by the District Council or the Police to close a premises for up to 48 hours. A Closure Order can be used by the Magistrates Court for a period of up to 3 months. This can be extended by the Court for a period of no more than 6 months.
Community Protection Notices (CPN)	A Community Protection Order (Anti-Social Behaviour Crime and Policing Act 2014) can be used to stop a person aged 16 or over, business or organisation committing ASB which spoils the communities quality of life. A breach of a CPN is a criminal offence.
Community Protection Warning (CPW)	Community Protection Warning must be issued prior to the use of a CPN.
Community Trigger	The Community Trigger enables victims to require agencies to carry out a review of their response to the ASB they reported where they feel they did not get a satisfactory response. It is also known as the ASB case Review. The two names are used interchangeably.
Criminal Behaviour Orders (CBO)	Issued by any criminal court. To apply for the order the person needs to have been convicted of an offence. A

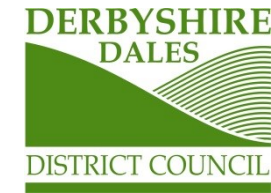
Anti-Social Behaviour Policy
September 2022

	CBO is used to tackle the most persistent anti-social individuals.
Empowering Communities Inclusion and Neighbourhood Management System (E-CINS)	A multi-agency IT system to help partners case manage medium and high risk ASB victims and perpetrators in Derbyshire.
Fixed Penalty Notices (FPN)	A Fixed Penalty Notice (sometimes referred to as a 'fine') is a financial penalty that can be issued in relation to come offences.
Mediation Service	Mediation is the process by which we help parties to talk about and agree a solution in an attempt to resolve a dispute. This tool can only be used if all parties are in agreement and it is appropriate.
Perpetrator	Someone who is responsible for causing ASB and/or committing an offence.
Police Community Support Officers (PSCO)	Police Community Support Officers (PSCO) are uniformed civilian employees of the Police, who have a number of powers to deal with low level crime and ASB.
Public Spaces Protection Order (PSPO)	Public Spaces Protection Orders are intended to deal with a particular nuisance or problem in a specific area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone.

This policy will be reviewed:

- Every three years – next review due September 2025
- Or on the introduction of new legislation/guidance
- Or at the request of the Community and Environment Committee

Derbyshire Dales District Council Equality Impact Assessment



Please refer to the guidance whilst completing this form.

Contact Elizabeth Wilson [elizabeth.wilson@derbyshiredales.gov.uk, or 01269 761240] for support.

1. Outline

a. Title of policy, practice, service or function being assessed	Anti-Social Behaviour Policy
b. Service and/or Corporate Plan Ref	Place – keeping Derbyshire Dales clean green and safe.
c. Name and Role of Officers conducting assessment	Alena Greenwood Community Safety Officer
d. Date of assessment	
e. Reason for assessment	New policy for Derbyshire Dales District Council formalising the processes and procedures that staff are currently undertaking.
f. What is the purpose of this policy, practice, service or function? (specify aims and objectives)	To have written procedures and processes detailing how the council will deal with reports of anti-social behaviour and to provide an easily accessible document listing the incremental approach we will take to tackle the complaint and improve the situation. Putting victims first at every stage.
g. Are there any other organisations involved in its implementation?	Not in the implementation of the policy but it is intended collaborative work will be undertaken with other statutory partners and organisations to help deliver some of the interventions to tackle anti-social behaviour. Statutory partners would include the Police, Victim Services, Youth service providers etc.
h. Likely customer groups to be impacted	People living and working in the Dales area. The local community including victims, witnesses and perpetrators of anti-social behaviour.
i. Other stakeholders likely to be impacted	Council departments such as community safety, environmental health, legal and housing. The police, registered social landlords, support service such as victim support. Youth services such as sports development to provide diversionary activities.

Which District Council departments are affected by the policy, practice, service or function?	The Policy will apply to all departments, primarily affecting community safety with implications for environmental health, legal and housing.
Do any of the objectives directly support or hinder another Council activity?	The objectives can be used to support environmental health, housing and legal departments. Possible impact on housing if possession notices issued and cost implications on legal if enforcement action is taken.

2. Assessing Relevance to the General Equality Duty

The General Equality Duty has three aims which require the District Council to have due regard to the need to:	Tick those which are relevant
1. Eliminate unlawful discrimination (both direct or indirect), harassment and victimisation	√
2. Advance equality of opportunity between all persons by <ul style="list-style-type: none"> • removing or minimising disadvantages suffered by protected groups; • taking steps to meet the needs of people from protected groups where these are different from the needs of other people • encouraging people from protected groups to participate in public life or other activities where participation is disproportionately low 	√
3. Foster good relations between different groups	√

3. What existing information / data do you have / monitor about different diverse groups in relation to this policy, practice, service or function?

For example: previous EIA's, reports, consultation, surveys, demographic data etc.

Information / Data	Data source and date	Information relevant to proposed policy/service/function
<p>Derbyshire Dales Equalities Profile https://observatory.derbyshire.gov.uk/wp-content/uploads/reports/profiles/census_profiles/equalities_profile/district/Derbyshire_Dales.pdf</p>	<p>Derbyshire Observatory; taken from Census 2011 - national survey of all households</p>	<p>The profile for the Derbyshire Dales area created for 2020-2021 draws together data from many sources including Public Health, local authorities and Police. This data provides an overview of the area:</p> <p>The district of Derbyshire Dales is mainly rural with around 80% of its population living in rural settlements. The district contains the market towns of Ashbourne, Bakewell, Matlock Town and Wirksworth. Derbyshire Dales has the smallest number of households of all Derbyshire districts at 30,744.</p> <p>19.7% of households are deprived in more than one dimension compared to 24.8% in England</p> <p>24.2% single person households, compared to England figure of 23.7%</p>

<p>Derbyshire Dales Profile https://www.nomisweb.co.uk/reports/localarea?compare=E07000035</p>	<p>NOMIS Official Labour Market Statistics Census 2011-national survey of all households</p>	<p>There are 71,477 Total Population. Aged 65+ 26%, aged 0-15, 15% and 59% aged 16-64.</p> <p>8.4% of children are living in poverty in Derbyshire Dales compared with 17% across England</p> <p>2.1% of pupils in Derbyshire Dales have statements of SEN or EHC compared with 3% across England</p> <p>Ethnic minority population (all groups except White British) 2,281 3.2 % of local population compared to 4.2% Derbyshire population with England being 20.2%</p> <p>21.5% of people have no qualifications in Derbyshire Dales compared with 22% across England</p> <p>72.4% of residents own their own home compared to 63% of people in England own their own homes.</p> <p>12.2% live in Social Housing compared to 17% in England</p> <p>12.6% live in private rented housing compared to 18.7% in England</p>
--	---	---

<p>SDRI – Safer Derbyshire Research & Information</p> <p>https://www.saferderbyshire.gov.uk/home.aspx</p> <p>Note – research and statistics information on the web page is only available to people with a log on</p>		<p>Community Safety is fortunate to have access to analysts (SDRI –Safer Derbyshire Research & Information) who collate recorded crime statistics on a regular bases. (Monthly and annually) We are provided with statistics on crime, anti-social behaviour calls for service and performance information.</p> <p>A strategic Intelligence Assessment is completed by Safer Derbyshire Research and Information analysts annually which takes into consideration census information, geography, economic factors and demographics to aid planning for ASB and crime purposes to feed into the partnerships’ annual plan.</p> <p>https://www.derbyshiredales.gov.uk/community-a-living/crime-prevention/derbyshire-dales-community-safety-partnership</p> <p>A recent Situational Risk Assessment has been completed to help focus activity around the Prevent agenda- safeguarding those who are vulnerable from becoming terrorists or engaging in terrorism.</p> <p>We use known facts and statistics e.g. what crime type is showing an increase or decrease and the results of the Community Safety survey which was completed during October – November 21. This allows us to gauge perceptions of crime and ASB. Initial findings indicate that although statistically Derbyshire Dales is a low crime area people’s perceptions and fears do not always agree with this.</p> <p>The Office of the Police Crime Commissioner also conducts an annual survey to determine perceptions.</p>
--	--	---

		<p>[The overall crime rate is lower than the average across England and the Dales has the lowest crime rates of all nine districts in Derbyshire according to national and regional police recorded crime.</p> <p>88.2% of people think Derbyshire Dales is a safe place to live, which is higher than the average across the County – According to the resident’s survey 2021.</p> <p>Despite that, crime figures show that ASB, particularly nuisance is the second largest volume crime in the Dales.</p> <p>There was a 20% increase in calls for service for the 12 months ending July 21 compared with 22% increase for the admin county. (2401 calls up by 400)</p>

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

Protected groups	Positive effects	Negative effects	Potential Improvement Actions
Age	The policy supports people of all ages and recognises that young people in particular can often be the alleged perpetrators of ASB. The policy aims to support behaviour through positive early interventions. For older people the policy might identify support needs also.	The policy might have an initial perceived negative impact on perpetrators if they have been asked to refrain from certain behaviours.	Additional support services identified. Best practice identified. ASB Alleviated. Young Perpetrators to receive coaching/support to understand the positive impact of changing their behaviour – to help them see that this is positive help, not punishment..
Disability or long term ill health Physical disabilities, sensory impairments, limiting long-term illnesses, learning disabilities or mental health issues	The Policy supports people with a disability or with long term ill health as often these individuals can be targeted, and the impact can be exacerbated by their vulnerability. The policy lays out clearly what action will be taken to resolve the issues and referrals made to support services if appropriate. Hate crime will also be reported to the police.	There might be an initial negative impact if individuals are the perpetrators of ASB and have been asked to change or curtail their behaviour and actions. However any negative impacts will not worsen or impact negatively on a disability.	Best practice updates and changes in legislation will be reflected in future policy reviews. Additional support agencies might be identified as individual needs/cases are addressed. Identify mental health support.
Race / ethnic groups	The policy aims to support all ethnic groups. ASB perpetrators can sometimes be motivated by discrimination against race and ethnic background, The policy	There could be a perceived negative effect if individuals are the perpetrators of ASB and have been asked to change or curtail their behaviour and	Policy review- additional support services identified, best practice and any legislation updates.

Protected groups	Positive effects	Negative effects	Potential Improvement Actions
	sets out how investigations will be carried out and the approach taken to intervention, prevention and enforcement. All incidents of Hate Crime will be reported to the police.	actions. Possibly an impact on the victim as they come forward to raise their concerns but within the policy provision is made to support those affected by ASB, through victim support.	
Women or men	Both women and men can be the victim of ASB. The policy will have a positive effect on both the genders. The policy clearly states the incremental approach it takes with a focus on early intervention and prevention. Support services are available. There have been cases where an ASB report, when investigated, highlights a domestic abuse concern. In such cases referrals can be made to appropriate support services.	There could be a perceived negative effect if individuals are the perpetrators of ASB and have been asked to change or curtail their behaviour and actions. Victims of domestic violence/abuse may experience higher levels of violence/abuse if the perpetrator is challenged by agencies	Policy review- Additional support services identified. Best practice and changes in legislation updated.
Sexual orientation	Sometimes individuals, because of their sexual orientation can find themselves a victim of ASB or even an 'alleged' perpetrator because of discrimination, The policy clearly states how complaints will be dealt with and what action will be taken if a	There could be a perceived negative effect if individuals are the perpetrators of ASB and have been asked to change or curtail their behaviour and actions.	Potential additional support agencies identified. Best practice and legislation updates. Policy review. If complaint has been provoked by discriminatory attitudes, then support to

Protected groups	Positive effects	Negative effects	Potential Improvement Actions
	<p>complaint is found to be malicious. During the investigation stage if a Hate Crime is suspected then a referral will be made to the police. Support services can be notified.</p>		<p>help complainant understand the law and the impact of their attitudes on others could be provided</p>
Religion or belief (including non-belief)	<p>The policy will have a positive effect on individuals in this category. ASB can often be fuelled by current and world events which can often lead to discrimination. The policy lays out clearly how complaints of ASB will be addressed irrespective of the complainant or perpetrator's religion, belief or non-belief. Report of ASB suspected of being Hate Crime motivated will be reported to the police and a PREVENT referral made if appropriate,</p>	<p>There could be a perceived negative effect if the individuals are the perpetrators of ASB and have been asked to change or curtail their behaviour and actions.</p>	<p>Policy review- best practice and legislation updates. Possibility of additional support services added – Prevent.</p> <p>If complaint has been provoked by discriminatory attitudes, then support to help complainant understand the law and the impact of their attitudes on others could be provided</p>
Transgender (including people planning to or going through gender reassignment)	<p>The policy will have a positive effect on transgender individuals who are often targeted by nuisance and ASB because of discrimination. The policy clearly sets out how incident will be investigated and what procedures</p>	<p>There could be a perceived negative effect if individuals are the perpetrators of ASB and have been asked to change or curtail their behaviour and actions.</p>	<p>Policy review. Additional support services identified. Best practice and legislation updates.</p> <p>If complaint has been provoked by discriminatory</p>

Protected groups	Positive effects	Negative effects	Potential Improvement Actions
	<p>will be taken to tackle the issues. The policy makes it clear what will happen if the complaint is deemed to be malicious and if it is suspected that a hate crime has been committed, it will be reported to the police.</p>		<p>attitudes, then support to help complainant understand the law and the impact of their attitudes on others could be provided</p>
<p>Pregnancy and maternity (including maternity and paternity leave)</p>	<p>No incidents received relating specifically to pregnancy and maternity.</p> <p>As above if a complaint is received, the policy clearly sets out the process for investigation. Officer experience acknowledges that complaints of ASB can be made when the root cause is domestic abuse which often starts with pregnancy.</p>		<p>Monitor- If issues arise provision to be made in the policy. Pregnancy as a secondary issue – query domestic abuse.</p>
<p>Marital status (including civil partnership & same sex marriage)</p>	<p>No incidents received relating specifically to marital status. ASB calls could be motivated by discrimination. The policy clearly states how complaints will be dealt with, what happens if a complaint is found to be malicious and Hate Crime incidents will be reported to the police.</p>	<p>There could be a perceived negative effect if the individuals are the perpetrators of ASB and have been asked to change or curtail their behaviour and actions.</p>	<p>Policy review. Additional support services included. Best practice and legislation updated.</p>

Protected groups	Positive effects	Negative effects	Potential Improvement Actions

4a. Are there any local priority groups / factors which should be considered?

Other factors	Positive effects	Negative effects	Improvement actions
Rural areas	The policy clearly sets out that there are measures that can be taken to tackle ASB. The Dales is predominately rural and this policy only formalises what has already been done successfully	There could be a perceived negative effect if support services were unable to deliver because of the rurality of the area.	Continue to work closely with the rural action group, rural crime team and rural domestic abuse services.
Poverty / deprivation	Support put in place for both victims and perpetrators through specialist support services. The policy clear sets out the multi-agency approach that will be adopted.	May be a significant factor in the cause of ASB. There could be a perceived negative effect if this category are the perpetrators of ASB and have been asked to change or curtail their behaviour and actions. They might be asked to take part in interventions with a cost implication.	Free interventions where necessary. Work with other DDDC team and partners to lessen the impact of poverty on families and residents in Derbyshire Dales

5. Consultation and engagement

Whose views do you need to gather? How will you gather it? By when? If no consultation is necessary, please explain why.

Consultation list supplied separately- No comments received.

6. Commissioned / outsourced services

<p>Is your policy, practice, service or function is partly or wholly provided by any external organisation / agency?</p>	<p>No. But interventions and support will be supported by other statutory organisations and charities paid for through county wide community safety budgets – Crossroads domestic abuse services, Remedi mediation service etc. Diversionary youth projects paid through community safety funding.</p>
<p>If yes, please list any contractual or other arrangements which aim to ensure that the provider promotes equality and diversity (<i>e.g. monitoring data</i>)</p>	

210

6. Summary

Use this space to summarise key data and its implications, the key issues to be addressed, potential actions to address them and any other points relevant to the Policy/service

Despite Derbyshire Dales having the lowest crime rate of all nine districts in Derbyshire, combatting Anti-Social behaviour is a key target in the Community Safety Partnership Plan 2020-2023 (which is refreshed annually). It is a key target because of the impact this behaviour has on people's quality of life and the fact that recorded crime statistics show ASB as a high volume crime type for the Dales. Recent statistics show that neighbour nuisance and disputes are the most common types of ASB followed by young people causing a nuisance.

The Anti-Social Behaviour Policy has been devised to reduce the amount and impact of ASB - to help ensure people experiencing nuisance behaviour are aware that the council takes such complaints seriously and will apply the procedures and processes within the policy to deal with them.

People with protected characteristics named by law, people in rural areas and those experiencing poverty are very often vulnerable to becoming victims of ASB. This policy aims to alleviate the distress frequently experienced by victims by placing them first, making sure there is an appropriate response to complaints and signposting/referring to support services available if necessary.

Sometimes people with the above characteristics, by nature of their vulnerability, can be the perpetrator of ASB (both deliberately and unwittingly) – For example – poverty could lead to shoplifting or street begging which can be dealt with under ASB legislation. Mental health issues not managed properly can cause neighbours harassment, alarm and distress which is the definition of ASB which can be dealt with under ASB legislation.

If complaint has been provoked by discriminatory attitudes, then support to help complainant understand the law and the impact of their attitudes on others could be provided [I don't really understand what this means and again the policy's incremental approach in tackling issues ensures that interventions and preventions are fully explored prior to any criminal proceedings being commenced.

8. Improvement Plan

Key issues identified	Actions

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

Signed _____(Completing Officer)

Agenda Item 17

Council – 29 September 2022

ESTABLISHMENT OF GYPSY AND TRAVELLER SITE PROVISION WORKING GROUP

Report of Director of Corporate and Customer Services

Report Author and Contact Details

James McLaughlin, Director of Corporate and Customer Services
01629 761281 or james.mclaughlin@derbyshiredales.gov.uk

Wards Affected

District-wide

Report Summary

To propose the establishment of a working group to consider criteria and options for the provision of temporary Gypsy and Traveller sites in the district and to make recommendations for determination to the full Council within the next 8 weeks.

Recommendations

1. That a Gypsy and Traveller Site Provision Working Group be established with a remit defined within the Terms of Reference detailed in Appendix 1.
2. That the recommendations of the Gypsy and Traveller Site Provision Working Group be reported to an extraordinary meeting of the Council in October or November 2022.
3. That Political Group Leaders to submit names of nominated Members to the Proper Officer by 7 October 2022 and those Members be appointed to serve on the Working Group according to the agreed entitlement of their political group.

List of Appendices

Appendix 1 Draft Terms of Reference – Gypsy and Traveller Site Provision Working Group

Background Papers

Minutes – Council Meeting (28 July 2022)

Consideration of report by Council or other committee

No

Council Approval Required

Yes

Exempt from Press or Public

No

Establishment of Gypsy and Traveller Site Provision Working Group

1. Background

- 1.1 At its meeting on 29 September 2016, the Council formally accepted its duties and responsibilities towards Gypsies and Travellers under housing and planning legislation. In particular the Council recognised its duties under Homelessness legislation towards a specific Traveller family, who had been resident within the district for many years, but who did not have a site on which they could legally place their caravans.
- 1.2 Since that time the Council has failed to provide either permanent or temporary sites within the District for use by this specific Traveller family. The most recent attempt to reach a decision on 28 July 2022 did not result in a definitive way forward, but rather a request for officers to take on board the feedback provided during a debate on 133 sites across the district and bring forward developed proposals for consideration by the Council. The decision taken on 28 July 2022 did not rule in or rule out any of the 133 sites reported to that meeting.
- 1.3 In the meantime, the Council continues to have a homelessness duty to the specific Traveller family who have been resident on Clifton Road Coach and Car Park in Ashbourne since the end of June 2022. Given that site's location to amenities and residential properties the Council has received numerous complaints from local residents and visitors to Ashbourne.

2. Key Issues

- 2.1 The effect of the debate and decision taken by the Council on 28 July 2022 was to ask officers to take account of anecdotal feedback from ward Members present at the meeting in respect of 133 sites that were listed as being in Council ownership which could possibly be considered for development as permanent or temporary sites for Gypsies and Travellers.
- 2.2 Having reviewed the recording and minutes of the meeting, the Monitoring Officer has concluded that no decision was taken explicitly to rule in or rule out any of the 133 sites. Aside from suggestions from two Members in respect of sites in Matlock Bath and Middleton, no positive suggestions or comments were made in respect of any site.
- 2.3 An amendment was proposed in the meeting which sought to establish a working group to investigate the most appropriate options with the District for development as a temporary tolerated site(s) or a permanent site(s) for use by Gypsies and Travellers. This amendment was lost in the meeting despite receiving support across all political groups.
- 2.4 Having reviewed the previous attempts at reaching a decision in respect of the provision of either permanent or temporary sites through debates at Council meetings has led the Monitoring Officer to conclude that no solution is likely to be reached through the submission of further officer recommendations to a meeting of the Council.

3. Options Considered and Recommended Proposal

- 3.1 Consideration has been given to continuing with the current approach of bringing recommendations from officers directly to meetings of the full Council. There is limited confidence in pursuing this course any longer given that it has not resulted in a decision for the provision of either a viable permanent or temporary site. Whilst the Council will hold ultimate decision making power, it is no longer recommended that officers report their recommendations directly to the Council on this matter.
- 3.2 This Council has a good track record of collaborative and consensual development of proposals and policies through working groups. This approach enables constructive conversations between Members and officers to develop options for consideration by the Council which are likely to receive the political support necessary to take action. This approach is considered to be the most appropriate, proportionate and feasible means of developing proposals for the provision of either permanent or temporary sites for Gypsies and Travellers. Therefore the establishment of a working group of 11 Members with terms of reference detailed in Appendix 1 is recommended.

4. Consultation

- 4.1 No consultation has taken place in the development of this report and recommendation.
- 4.2 The working group may choose to recommend an approach to consultation and engagement in respect of any proposed permanent or temporary sites in future which ensures that all relevant representations are considered by the Council in decisions that will be required.

5. Timetable for Implementation

- 5.1 Subject to the approval of the above recommendations, the Gypsy and Traveller Site Provision Working Group would have effect from the time that all political group leaders had nominated representatives to serve on it.
- 5.2 Given the need to consider the options and identify potential solutions in a relatively short period of time, it is recommended that political group leaders submit their nominations to the Monitoring Officer by Friday 7 October at the latest.

6. Policy Implications

- 6.1 The District Council's duties under Planning and Housing legislation underpin its corporate objectives in relation to the whole of the District. The delivery of a permanent Traveller site is a specific priority for the Council within its Corporate Plan, under the theme of 'Prosperity: Supporting better homes and jobs for you'.
- 6.2 The Derbyshire Dales Local Plan made provision for six pitches for Gypsies and Travellers in the district over the first five years of the Plan period, as well as identifying the approach to addressing the needs beyond that 5 year

period. The first five years of the Plan period have passed and as yet no pitches have been provided.

7. Financial and Resource Implications

- 7.1 The cost of officers' time associated with the report recommendations can be met from within existing budgets. The financial risk is, therefore, assessed as low.

8. Legal Advice and Implications

- 8.1 The District Council is seeking to address the lack of authorised Gypsy and Traveller Sites within the District to meet its duties under the Planning Policy for Traveller Sites 2015. In the absence of a permanent site, the temporary site will minimise the risk of legal action being taken against the Council for failing in its statutory duty to provide such a site.
- 8.2 The Council also has duties under the Homelessness Reduction Act 2017. The temporary site, reduces the risk of challenge against the Council for failing in its duties under the homelessness legislation.
- 8.3 The Council is also under a duty to protect its assets and ensure they are used for their intended purpose. Therefore eviction of illegal encampments is a necessary but temporary solution to the lack of authorised sites within the District. However due to the lack of a permanent site the risk of a legal challenge is medium to high and without the use of a temporary site to place families, the risk would be high. Therefore the recommended approach of developing proposals through a working group of Members to make recommendations to future meetings of the Council will contribute to reducing the legal risk facing the authority presently.

9. Equalities Implications

- 9.1 The establishment of a working group for this purpose would be a positive move which would enable full analysis of the equalities implications associated with any sites that may potentially be considered.

10. Climate Change Implications

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

11. Risk Management

- 11.1 The corporate risk in terms of the Council's reputation and failing to fulfil a legal obligation, is high. The recommended proposal seeks to increase the likelihood of reaching a decision on the provision of both permanent and temporary sites for Gypsies and Travellers.
- 11.2 There is a risk of significant public opposition to the designation of locations in the district as permanent or temporary sites for Gypsies and Travellers. This will be mitigated by working with the Council's Communications Team to enable effective communication and engagement and consultation throughout the process of determining sites in the district. There will also be

a role to play for Ward Members in supporting residents and explaining the decisions of the Council and reasons for them.

Report Authorisation

Approvals obtained from:-

	Named Officer	Date
Chief Executive	Paul Wilson	21/09/2022
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	20/09/2022
Monitoring Officer (or Legal Services Manager)	James McLaughlin	21/09/2022

APPENDIX 1

PROPOSED TERMS OF REFERENCE GYPSY AND TRAVELLER SITE PROVISION WORKING GROUP

1. Role and Function

- 1.1 The Gypsy and Traveller Site Provision Working Group provides a mechanism by which Council can carry out focused cross-party development of proposals in respect of prospective temporary Gypsy and Traveller sites. It will undertake this role by:
- a) Considering the viability of options against the criteria established in Policy HC6 of the Derbyshire Dales Local Plan
 - b) Undertaking site visits to any location under consideration to gain an appreciation of the issues associated
 - c) Recommending proposals for the development of temporary sites to the Council for approval.
- 1.2 The Group will have no decision making powers other than in advising in relation to any decision to undertake consultation or engagement activity in respect of proposed sites where it is considered timely to do so.
- 1.3 The group will report to the Council for approval of any recommendations that it develops.

2. Composition and Membership

- 3.1 The Gypsy and Traveller Site Provision Working Group shall comprise of 11 Members with the following entitlement:
- | | |
|---|-----------|
| Conservative & Cllrs Bright, Elliott and Salt Group | 6 Members |
| Green and Independent Group | 1 Member |
| Independent Group | 1 Member |
| Labour Group | 1 Member |
| Liberal Democrat Group | 2 Members |
- 3.2 Members will be appointed to the Gypsy and Traveller Site Provision Working Group by Political Group Leaders according to their group's entitlement through authority delegated by the Council.
- 3.3 The Chairman of the Gypsy and Traveller Site Provision Group will be elected by the Members of the Group.

This page is intentionally left blank

Agenda Item 18

Council – 29 September 2022

PROCUREMENT STRATEGY 2022-26 & SUSTAINABLE PROCUREMENT POLICY

Report of the Director of Corporate and Customer Services

Report Author and Contact Details

Caroline Leatherday, Business Support Manager
01629 761105 or caroline.leatherday@derbyshiredales.gov.uk

Wards Affected

District-wide

Report Summary

The Council adopted its first formal Procurement Strategy in 2003. The original strategy has since been updated in 2006, 2010, 2015 and 2018.

The increasing pressures on budgets have made the procurement activity a vital factor in the successful delivery of supply and services. The Council recognises that procurement plays a key role in ensuring that it continues to deliver what our residents/customers want e.g. value for money, equal treatment and transparency and in contributing towards economic, social and environmental wellbeing.

As well as proposing the adoption of a revised Procurement Strategy for the period from now until 2026 and a new Sustainable Procurement Policy to meet the Council's commitments under the Climate Change Action Plan by 2030, this report also seeks approval of £54,068 of funding to provide a new internal Procurement and Contract Management resource to ensure that the Council is better supported in meeting its obligations under the law, as well as delivering better value on external contractual and commercial activities.

Recommendations

1. That the Procurement Strategy 2022-2026 be adopted.
2. That the Sustainable Procurement Policy be adopted.
3. That the Council supports the establishment of a Procurement and Contracts Officer post and approves a supplementary revenue budget of £14,000 to cover the cost in 2022/23 and that the estimated annual cost of £54,068 (plus pay awards) be built into the Medium Term Financial Plan from 2023/24 onwards, funded from the General Reserve.

List of Appendices

Appendix 1 Procurement Strategy 2022-26
Appendix 2 Sustainable Procurement Policy

Background Papers

None

Consideration of report by Council or other committee

N/A

Council Approval Required

Yes

Exempt from Press or Public

No

Procurement Strategy 2022-2026 and Sustainable Procurement Policy

1. Background

- 1.1 The aim of the Procurement Strategy is to ensure the Council continues to make sure that every penny is spent wisely to get more value from every pound spent, by either cashable returns, or better operational efficiencies whilst delivering environmental, social and economic benefits.
- 1.2 The Sustainable Procurement Policy is designed to ensure that the climate change and environmental impact of the Council's procurement of goods, services and works is minimised in line with our response to the climate emergency and commitment to achieve net zero carbon emissions from Council operations by 2030.

2. Key Issues

- 2.1 The procurement function plays an important role in achieving and ensuring good governance. It is an integral component of the Council's capacity to provide the required goods and services. In times of such great uncertainty, procurement must provide stability to the Council and the services it provides to our customers through cost reduction and supply assurance. However, whilst the Procurement Strategy focuses on making sure that every penny is spent wisely to minimise costs and reducing risks it should not be our only focus. The Council has a responsibility, where possible, to identify and reduce their environmental impacts through their supply chain. It is a strategic decision that goes beyond the requirements of economics. The Sustainable Procurement Policy is there to help and guide us when to acquire goods and services and select the products based on their social and environmental impact. Without this policy, the Council will have a hard time ensuring that all acquired products or services can contribute to our social and environmental responsibilities.
- 2.2 The Council has previously considered reports from the Chief Executive in respect of the capacity of the organisation to meet its priorities and sought Member approval for budgetary support to provide greater resilience. Given the increasing complexity and importance of procurement activity this is causing senior managers to become more involved in navigating the procedural processes associated with tendering and contract management. Whilst the proposed amendments to Contract Standing Orders have been developed with a view to strengthening governance, they are also intended to reduce some administrative burden. The Council has never previously employed a dedicated resource to support procurement and contract management activity. The Procurement Policy Note (PPN 05/21) sets out information and guidance for contracting authorities which specifically states '*All contracting authorities should consider whether they have the right organisational capability and capacity with regard to the procurement skills and resources required to deliver value for money*'. It is therefore time to evaluate existing arrangements for procurement support and future needs to meet the requirements of the Council's Procurement Strategy and the revised Contract Standing Orders.

3. Options Considered and Recommended Proposal

Procurement Strategy

- 3.1 An alternative option, which is not recommended, is to not have a defined Strategy. This option might be considered to give services more freedom and flexibility in their work without the constraints of a defined corporate framework to operate within. However, this option would increase the risk of procurements being undertaken that do not support the councils' priorities and strategic themes and/or procurements being non-compliant and opening the councils up to challenge, and the associated costs that can bring.
- 3.2 The recommended course of action is for the Strategy to be agreed and adopted. This will give the Council, and importantly individual services, clear direction, and guidance of matters to be considered and procedures to be followed when purchasing goods, services and works. In turn, this will ensure resources are focussed on delivering the council's priorities. Additionally, and not to be underestimated, is by having a clear Strategy it will minimise the risk of non-compliant procurements which could be subject to challenge.

Sustainable Procurement Policy

- 3.3 The alternative option would be to not adopt a Sustainable Procurement Policy. This option is not recommended as it would directly contradict the Council's policy position in relation to addressing climate change. The policy is recommended on the basis that it commits to changes that will benefit the Council in ensuring our products and services are provided in the most sustainable way, as well as ensuring our procurement activity impacts the economy and the environment in a positive way.
- 3.4 In developing the policy, alternative sustainable actions were considered, and the final policy is considered achievable within the Council's statutory duties and role as a community leader, subject to the necessary resources being available. The role of other organisations and businesses in becoming more sustainable was also considered and the policy sets out how the Council can use its influence supporting others to become more sustainable.

Procurement and Contract Management Resources

- 3.5 The Council currently purchases procurement support from Derbyshire County Council and this has served the authority well for a number of years. However, an evaluation of the arrangements for supporting the Council's procurement activity by Corporate Leadership Team has concluded that an internal resource is now required to provide greater assurance and confidence that procurement activity delivers best value, legal compliance and transparency. It is recommended that approval be given to the establishment of a Procurement and Contracts Officer post with a salary range of £38,553 to £41,591 (pay award pending), which would require a budget of up to £54,068. This post is anticipated to have the following main duties and responsibilities:

- To be the specialist and professional lead for the review of all contracts and ensure procurement activities are compliant with the law and Council's procedures and regulations
- To provide specialist and professional advice to Contract Managers in all procurement and contract compliance and management activities
- To lead and coordinate the implementation and delivery of the Procurement Strategy and Sustainable Procurement Policy
- To deliver better value for money and customer satisfaction from procurement activities
- To report to the Corporate Leadership Team on compliance in respect of procurement and contract management activity.

3.6 Consideration has been given to seeking additional resources from other local or public authorities. This option is not recommended as there is a need for an individual to be located within the Council who will be accessible and responsive to the organisation's needs and demands, as well as having a greater understanding of the rules and priorities of the authority.

4. Consultation

4.1 There has been no public consultation on the updated Procurement Strategy or the proposed Sustainable Procurement Policy. This strategy and policy, whilst important documents, are of limited public interest. Consultation has therefore been focused on seeking feedback from key officers across the authority on the implications in respect of sustainable procurement and achieving social value through our procurement activity. There has also been consultation with Derbyshire County Council in view of the relationship with that authority in supporting the District Council's procurement activity.

5. Timetable for Implementation

5.1 The Procurement Strategy and Sustainable Procurement Policy will take immediate effect subject to the agreement of Council.

5.2 Once approved, the Council proposes to commence procurement training to Officers ensuring awareness and understanding of both the Procurement Strategy and Sustainable Procurement Policy when procuring supplies, services and works on behalf of the Council.

6. Policy Implications

6.1 Adopting both the Procurement Strategy and Sustainable Procurement Policy would link to the Council's Corporate Plan 2020-2024 target. Specifically by contributing to:

- **People** – Maintaining high customer satisfaction about the quality of services we deliver.
- **Place** – Achieve net zero carbon emissions from District Council operations by 2030
- **Prosperity** – Making it easier for local firms to do business with us through our procurement processes.

7. Financial and Resource Implications

- 7.1 By having a clear Strategy, the Council will be better placed to ensure value for money is achieved in its procurement activities.
- 7.2 The establishment of a Procurement and Contracts Officer post with a salary range of £38,553 to £41,591 (pay award pending), would require an additional revenue budget of up to £54,068 per annum (after allowing for oncosts), plus pay awards. It will be necessary to seek Council approval for a supplementary revenue budget of £14,000 to cover the cost in 2022/23 (assuming an appointment from January 2023) and for the estimated annual cost of £54,068 (plus pay awards) to be built into the Medium Term Financial Plan from 2023/24 onwards, funded from the General Reserve
- 7.3 Additionally, as mentioned above, this course of action will reduce the likelihood of subsequent (costly) challenges to non-compliant procurements.
- 7.4 Taking all of the above into account, the financial risk of the report's recommendations is therefore assessed as low to medium.

8. Legal Advice and Implications

- 7.1 There are no legal implications arising directly from this report's recommendation. In general terms the Council's procurement activities must be carried out in accordance with the Council's Contract Standing Order and Financial Regulations and procurement legislation and regulations (UK).

9. Equalities Implications

- 9.1 When considering its approach to contracting, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who do not (the public sector equality duty). Officers are expected to continuously consider, at every stage, the way in which procurements conducted and contracts awarded satisfy the requirements of the public-sector equality duty. This will include, where appropriate, completing an equality impact assessment.

10. Climate Change Implications

- 9.1 There are not considered to be any direct climate change impacts resulting from the recommendations in the report and therefore a detailed assessment has not been carried out. However adoption of both the strategy and policy are crucial to support the Council's commitment to be net zero in respect of its own carbon emissions by 2030.
- 9.2 It is estimated that 70-80% of a Councils total carbon (greenhouse gas) emissions are a consequence of operations that occur at sources the Council does not own or control – known as scope 3 emissions. Scope 3 emissions are difficult to account for and control, because the required data

and responsibility often lies with other organisations or individuals i.e. suppliers or contractors.

- 9.3 The UK Government currently recommends that public sector organisations measure their carbon emissions annually but there is no requirement for local authorities to report or reduce scope 3 emissions.
- 9.4 Following the approval of the Council’s Climate Change Strategy and action plan an internal mapping/screening activity was undertaken to understand the scale of the emissions that could be reported as scope 3. This approach identified all possible sources of emissions and then undertook a prioritisation activity to focus in on those emission sources where meaningful data could be reported, and where there was opportunity to manage and reduce emissions.
- 9.5 Through a report to Council on 14 October 2021 it was agreed that one of those focus areas should be ‘working with suppliers to improve the environmental impact, carbon emissions and sustainability of our procurement’.
- 9.6 The Sustainable Procurement Policy, aligned with the new strategy, supports the above focus – providing a framework for officers to work within to meet the aim of achieving net zero emissions from Council operations by 2030 and enhancing resilience and adaptation to climate change impacts. It increases awareness of climate change within the supply chain, and gives opportunity to challenge and support suppliers and contractors to take into account the climate change and environmental impacts of their policies and practices.
- 9.7 The direct impact of the policy will be felt following the appropriate training, as outlined in paragraph 4.2 above.

10. Risk Management

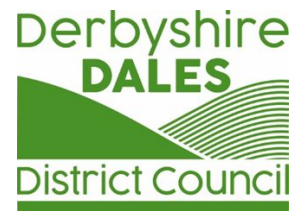
- 10.1 The Council does not currently have a Sustainable Procurement Policy, but by adopting this Policy along with the updated Procurement Strategy it will promote awareness and understanding of key objectives within the procurement process and that Environmental and Social objectives should also be considered not just value for money.

Report Authorisation

Approvals obtained from:-

	Named Officer	Date
Chief Executive	Paul Wilson	22/09/2022
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	22/09/2022
Monitoring Officer (or Legal Services Manager)	James McLaughlin	21/09/2022

This page is intentionally left blank



DERBYSHIRE DALES DISTRICT COUNCIL
PROCUREMENT STRATEGY
2022-2026

Contents

- 1 Introduction
- 2 Purpose of Strategy
- 3 The Vision for Procurement
- 4 Training and Development
- 5 Relationships with Suppliers
- 6 Equality
- 7 Our Conduct

Useful Contacts

Please contact me if you have any questions or comments about this Procurement Strategy or about tendering for Council business:

Caroline Leatherday
Business Support Manager

Telephone: 01629 761105

E-mail: procurement@derbyshiredales.gov.uk

Address: Derbyshire Dales District Council
Town Hall
Matlock
Derbyshire
DE4 3NN

Derbyshire Dales District Council support the Fair Trade Initiative



1 Introduction

The aim of this Strategy is to ensure the Council continue to make sure that every penny is spent wisely to get more value from every pound spent by, either cashable returns, or better operational efficiencies. This would maximise benefits from our procurement spend within the Derbyshire Dales.

The Strategy aims to align with the Council's commitment to address the existential threat of climate change and loss of biodiversity by challenging and supporting our suppliers to take measures to reduce their carbon emissions and environmental impact.

Procurement has a key role to play in ensuring that the Council continues to deliver what our residents/customers want e.g. value for money, equal treatment and transparency and in contributing towards economic, social and environmental wellbeing.

Procurement is a strategic process that follows a clear pattern starting with identifying a need right through to reviewing the delivery of the contract and learning any lessons for future procurements.

DRAFT

2 Purpose of the Strategy

The strategy aims to:

- 2.1 Increase value for money (defined, for the purposes of this Strategy as the best whole-life cost and quality ratio to fulfil the stated requirements) and reduce processing costs.
- 2.2 Continue to take a long-term strategic view of the Council's procurement requirements, including the potential for innovative procurement and the opportunity for working with other authorities especially for goods and services which can be procured more cost-effectively in a collaborative group.
- 2.3 To minimise harm to the environment and to promote conservation of natural resources and to acknowledge and address the threat of climate change and loss of biodiversity in any procurement decisions working towards our Corporate Plan target of achieving net zero carbon* emissions from District Council operations by 2030.
- 2.4 To not only achieve savings through improved procurement and contract management but also improve transparency and accountability.
- 2.5 To assess the risk associated with each procurement project in order to achieve a balance with commercial outcomes and placing risk where it is best managed.
- 2.6 Promote social value through the Council's procurement practices.
- 2.7 To transform the District Council's procurement function to ensure that it is best able to support the Council's Corporate Plan 2020-2024. Specifically by contributing to:

People – Maintaining high customer satisfaction about the quality of services we deliver.

Place – Achieve net zero carbon emissions from District Council operations by 2030

Prosperity – Making it easier for local firms to do business with us through our procurement processes.

3 The Vision for Procurement

The vision for Procurement — where we want to be - is to enable the Council to procure what it needs to deliver the best services possible for Derbyshire Dales residents and customers within its available resources. To do this we have adopted the following Strategic Themes for the period covered by the Strategy.

3.1 Strategic Theme 1 Straightforward:

- To make procurement as straightforward as possible for the Council and potential suppliers, in particular to improve access for local suppliers and small and medium enterprises and to eliminate anything that does not add value to the procurement process

- Take a more corporate approach to procure items to maximise the benefits of economy and scale.

3.2 Strategic Theme 2 Professional:

- Embed professional procurement and contract management skills across the Council. This goes hand in hand with moves to increase the commercial outlook of the Council.
- Ensure all procurement activities are carried out in accordance with the Council's Contract Standing Orders and Financial Regulations and latest procurement legislation and regulations (UK).

3.3 Strategic Theme 3 Support a vibrant local economy:

- Give opportunity to local SMEs to participate in procurement opportunities by identifying and removing barriers to participation. This can be achieved for straightforward low value procurements by moving from frameworks to competition through a simple quotation exercise.
- Encourage suppliers to support a sustainable local economy – wherever they operate.

3.4 Strategic Theme 4 Strategic:

- Increase officer awareness and understanding of opportunities to support the Council's corporate priorities through procurements
- For each procurement consider how and what is being procured might improve the economic, social and environmental wellbeing of Derbyshire Dales residents (where proportionate and relevant) For example this could be achieved by the inclusion of a comment or question within the tender documentation.
- Working in collaboration with others to improve and develop sound procurement practices and innovative solutions to promote sustainability and deliver value for money and outcomes which benefit Derbyshire Dales residents / customers, making use of clear and detailed procurement/purchasing data, collaboration and partnership opportunities.

3.5 Strategic Theme 5 Savings:

- Work in collaboration with partners across services and maximise on economies of scale to deliver savings
- Actively seek price reductions on contract renewal – seek 10% savings target reduction as contracts are renewed.
- Renegotiations of contracts where appropriate to seek earlier savings.

3.6 Strategic Theme 6 Climate Change:

- Reducing carbon emissions to net zero by 2030.
- Build a requirement for carbon emissions reduction into the specification of certain contracts, where appropriate. This should include steps to reduce the emissions from direct activities as well as goods and services.
- Consider environmental sustainability in the early stages of each project identifying goods, works and services that may have a significant impact
- For each procurement consider impact on climate change, potential environment harm (including loss of biodiversity) and conservation of natural resources
- Ensure suppliers take into account the climate change and environmental impacts of their policies and practices.
- Positively promote procurement that supports or does not conflict with the Council's climate change and biodiversity agendas
- Encourage sourcing of innovative and sustainable green solutions

4 Training and Development

4.1 The Council acknowledges that all members and officers responsible for making procurement decisions need the appropriate skills, knowledge and guidance in order to make the right decision and achieve continuous improvement. Accordingly members and employees with procurement responsibilities will be:-

- Given the appropriate training in order to undertake effective procurement and purchasing;
- Made aware of their responsibilities under the corporate procurement framework and related policies including the Sustainability Procurement Policy through induction and the PDR process; and
- Advised on the budgetary implications of procurement decisions

5 Relationships with suppliers

5.1 In longer-term contracts, the Council will incorporate provisions for continuous improvement both within the contracted service and to the benefit of the community / customers it is serving.

5.2 In higher value contracts the specification will challenge contractors to demonstrate other methods of contributing to improving the economic, social and environmental well-being of the Derbyshire Dales provided they relate to the contract.

5.3 New suppliers may be required to ensure that they possess the necessary resource and financial capacity to perform the contract.

For example:

- the new supplier may be required to have a certain minimum annual turnover, including a certain minimum turnover in the area covered by the contract;
- provide information on their annual accounts;
- have an appropriate level of professional risk indemnity insurance.

6 Equality, Economic, Social & Environmental

- 6.1 The Council will take equality, economic, social, climate change and environmental issues into consideration alongside financial factors in decision-making. The business case for procurements will be required to address equalities issues and sustainability issues to identify whether there is scope to improve the social, economic, climate change impacts of the proposed contract.
- 6.2 In procuring contracts, the District Council aims to ensure that all businesses have fair access to opportunities to work with the Council. In the delivery of these contracts, we will ensure that evaluation models, specification of services, contract conditions, quality requirements and monitoring procedures fully address equalities issues. To help us achieve this, we will ensure compliance with equalities legislation (The Equality Act 2010) and Public Services (Social Value) Act (2012) and use positive action provisions in assessing the commitment of tendering firms to the aims and values of the Council's Equality and Diversity Policy.
- 6.3 The Procurement Strategy also requires officers of the District Council to:
- Consider the climate change and environmental impact of each procurement at the planning phase. Include a section in the tender specification related to climate change and environmental impact setting out key 'asks' of our suppliers.
 - undertake a (proportionate) Equality Impact Assessment when planning a procurement when appropriate and consider opportunities for economic, social and environmental benefits within the business case for projects (and build appropriate questions into the tender pack);
 - make provision within the tender specification (where appropriate) to include equality related award criteria or specific equalities outcomes to reflect the needs of different services users.
 - establish the need for secure systems to be put in place for the transfer of personal sensitive information by email or other means.

7 Our conduct

- 7.1 In all our dealings in the procurement process, the Council will preserve the highest standards of honesty, integrity, impartiality and objectivity and shall comply with the Council's Codes of Conduct, Contract Standing Orders and Financial Regulations at all times.

*Carbon is used as a shorthand for Carbon Dioxide (CO₂), the primary greenhouse gas and by extension greenhouse gases as a whole.

This page is intentionally left blank

Sustainable Procurement Policy

What is the policy for?	This Sustainable Procurement Policy sets out how Derbyshire Dales District Council will achieve value for money and deliver environmental, social and economic benefits through its procurement and commissioning of goods, works and services.
Who does the policy affect?	The Sustainable Procurement Policy will affect: <ul style="list-style-type: none"> • All staff employed by Derbyshire Dales District Council • Suppliers of Derbyshire Dales District Council contracts
Authors	Stuart Etchells – DCC & Caroline Leatherday - DDDC
Does the policy relate to any laws?	The Public Services (Social Value) Act 2012
Other key relevant documents	<ul style="list-style-type: none"> • Corporate Plan 2020-24 • Corporate Procurement Strategy 2022-26 • Contract Standing Orders • Climate Change Strategy and Action Plan 2020 to 2030 • Derbyshire Dales Economic Recovery Plan 2023-2033 • Equality, Diversity and Inclusion Policy

1. Sustainable Procurement Policy

1.1 Purpose

This Sustainable Procurement Policy sets out how Derbyshire Dales District Council will set out to achieve the best commercial outcome and value for money from our procurement activities whilst delivering environmental, social and economic benefits.

Derbyshire Dales District Council recognises its responsibility to carry out procurement and commissioning activities collaboratively and in an economically, environmentally and socially responsible manner. The Councils supply chain must have a strong focus on people, the environment and ethics within their business.

The sustainable procurement policy is designed to:

- Increase awareness of sustainable procurement principles within the Council
- Embed good practice in sustainable procurement in day to day working and as part of the procurement process
- Consider the whole life cycle impacts of procurement
- Assist in measuring, understanding, monitoring and reducing negative environmental, social and economic impacts of procurement activities
- Ensure that environmental, social and economic impacts are appropriately considered in the assessment of value for money when setting up contracts or framework agreements
- Promote the value and principles of sustainable procurement to key external stakeholders including suppliers

1.2 Sustainable Procurement

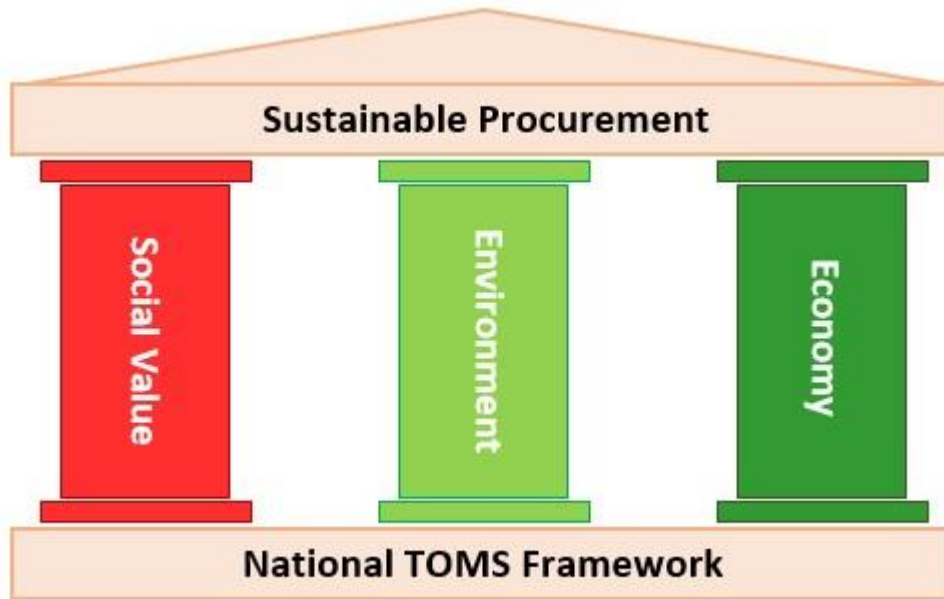
Sustainable procurement is a process whereby organisations meet their needs for goods, services, works and utilities in a way that achieves value for money on a whole life basis. This means generating benefits not only to the organisation, but also to society and the economy, whilst minimising damage to the environment.

Local government expenditure on goods, works and services has significant economic, social and environmental impacts. Minimising our impact in these areas, and where possible having a positive influence helps to improve local quality of life and promote sustainability.

Sustainable procurement requires the Council to work in partnership with suppliers and the supply chain to take into account the whole lifecycle, environmental, social and economic impact of procured goods and services.

The three key principles of Sustainable procurement are:

- 1. Social**
- 2. Environmental**
- 3. Economic**



Derbyshire Dales District Council aim to embed all three principles of sustainable procurement in the procurement process, so they become an integral part of all relevant contracts. Sustainable procurement will be included and monitored at pre-tender, tender and post-contract award stages (including monitoring and evaluation), through to the end of the life of the contract and including any disposal of equipment or handover costs for services.

To enable us to do this, we are proposing to work in partnership with Derbyshire County Council to use a national framework that has been developed by the Social Value Taskforce. This is known as the TOMs Framework – it identifies specific Themes, Outcomes & Measures that relate to the different areas that sit under the banner of Sustainable procurement. We will look to compare and align this to the Corporate Plan in order to develop a ‘Derbyshire’ version of the framework which will ensure that we are focussing on the areas that are most relevant to us. This will be something that can then be used across all procurements.

1.3 Sustainability in the Procurement Process

We can address sustainability in various areas of procurement process, primarily:

- Carrying out a sustainability assessment of the business need for any procurement, namely:
 - Do we need this product, service or construction project?
 - Can the need be met in another way?
 - Can the requirement be met by renting or sharing, rather than procurement?
 - Is the quantity requested essential?
 - Does the product/service/project need to meet the specification currently used?
 - Can the product serve a useful purpose after its initial use?

- Using output-based specifications to avoid restricting the potential suppliers offered solution with a detailed specification. We will allow the markets to respond with innovative sustainable solutions.
- Asking specific, target-setting questions at the Tender stage of relevant procurements – allowing bidders to propose specific targets and delivery plans to reduce emissions, create local employment opportunities, and provide other sustainable outcomes.
- Including sustainable requirements as part of the specification of contracts, where possible, for example to ensure that purchased products meet sustainable environmental standards.
- Reserving below threshold contracts by supplier location or for Small and Medium sized Enterprises (SMEs), Voluntary, Community and Social Enterprises (VCSEs) where appropriate. We will instigate changes in our procurement decision-making process to ensure that the potential to reserve a contract is properly considered.
- Life-cycle costing techniques shall be employed wherever possible when awarding contracts.
- Taking steps to improve the accessibility of the procurement process itself, allowing a diverse range of bidders to participate. For example:
 - Dividing contracts into lots so that small organisations with limited capacity can bid for part of the contract.
 - Ensuring the procurement process is accessible to bids from consortia or partnerships.
 - Carrying out supplier engagement with the market, prior to major tender exercises, to ensure local bidders understand the process.
- We will work closely with key suppliers and those that pose a high risk in ensuring that they are compliant with relevant legal and ethical responsibilities with consideration on the three key themes (environmental, social, and economic).

1.4 Key areas of focus

The key areas on which our sustainable procurement approach is focused, and their alignment across the three overall themes, are summarised in the following table:

Area	Theme		
	Social	Economic	Environmental
Achieve net zero carbon emissions from Council operations by 2030		✓	✓
Enhance resilience and adaptation to climate change impacts	✓	✓	✓
Promote waste reduction, re-use and recycling	✓	✓	✓
Protect and enhance the natural and built environment	✓		✓
Improve air quality and identifying any appropriate mitigation measures for areas of low air quality	✓		✓
Consider equality, diversity and employee well-being	✓		
Ensure ethical supply	✓	✓	✓
Promote the procurement of local goods or services	✓	✓	✓
Support regeneration	✓	✓	✓
Support SMEs, Third Sector, Social Enterprise and local business	✓	✓	
Ensure timber and other materials are sourced sustainably		✓	✓
Encourage training, education & employment opportunities	✓	✓	
Engage stakeholders & raising awareness	✓	✓	

Specific Policy Commitments

The addressing the Key Focus areas above the Council makes the following commitments:

Achieve net zero emissions from Council operations by 2030

We will:

- Build a requirement for CO₂e reduction into the specification of certain contracts, where appropriate. This should include steps to reduce the CO₂ emissions of their business activities as well as in the goods and services that they provide.
- Ask and support suppliers in setting ambitious targets for CO₂e reduction throughout the life of relevant contracts, and set out clear ways for measuring and reporting these impacts.

Enhancing resilience and adaptation to climate change impacts

We will:

- Ask suppliers to take steps to ensure the goods and services that they provide do not increase the District's vulnerability to the negative impacts of climate change.
- Encourage suppliers to take steps to understand the likely long-term implications of climate change on their supply chain, and to consider taking steps to mitigate or adapt for such effects.

Waste reduction, re-use and recycling

We will:

- Encourage suppliers to take action to reduce waste and promote re-use, remanufacture and recycling at every level of the supply chain.
- Consider opportunities for reduced or more efficient use of resources, especially when preparing to re-tender for existing contracts and set out specific requirements in contracts with a potentially high waste impact.
- Where available the Council will specify products which:
 - conserve raw materials
 - are sustainably sourced with low embodied energy (the energy used to extract, process and manufacture materials)
 - are made from recycled materials, or can be recycled or reused
 - cause minimal damage to the environment and limited or mitigated carbon emissions in their production, distribution, use and disposal
 - have low transport emissions, using locally sourced goods where possible
 - reduce use of packaging, utilising recycled and recyclable materials
 - are not single use and can easily be repaired

- are A-rated for energy efficiency
- have low impact at the end of their usable life, avoiding landfill if possible
- Engage with appropriate sources of expertise to identify emerging technologies and new approaches which can further reduce waste.

Protecting and enhancing the natural and built environment

We will:

- Consider the Councils duty to protect, conserve and enhance the environment, habitats, biodiversity and heritage when scoping and procuring contracts.
- Encourage suppliers to consider the biodiversity impacts of their operations, and those of their supply chain, and to take steps to prevent or mitigate any negative impacts.
- Encourage suppliers to consider the impact of their operations on land use, and to take steps to ensure efficient and responsible land use throughout their supply chain.

Improve air quality and identifying any appropriate mitigation measures for areas of low air quality

We will:

- Consider the Councils duty to improve air quality when scoping and procuring contracts.
- Encourage suppliers to consider the air quality impacts of their operations, and those of their supply chain, and to take steps to prevent or mitigate any negative impacts.

Equality, diversity, and employee well-being

We will:

- Encourage suppliers to be aware of, and to tackle, equalities issues in the industries and market sectors in which they operate.
- Encourage suppliers to consider accessibility in the workplace for the benefit of both employees and visitors, and to make accessibility arrangements a specific requirement of relevant contracts.
- Recognise the benefits of workforce volunteering in providing well-being to both employees in our supply chain, and to the communities they live and work in.
- Encourage suppliers to consider how, in other ways, they can look after the health and wellbeing of their workforce.

Ethical supply

We will:

- Promote the sourcing of 'fair-trade' alternatives where these are available – both in terms of goods supplied to the Council and in our suppliers' own purchasing.
- Encourage suppliers who source products, raw materials or labour from overseas, especially in the developing world, to be aware of the impact of these sourcing decisions.

Local goods and services

We will:

- Recognise the importance of sourcing local goods, where possible, taking account of the complexities of local sourcing - noting that locally-based suppliers may not always source products locally, whereas non-local firms may sometimes be able to offer us locally-made goods.
- When letting major supply contracts, consider opportunities for local primary producers to be included in the supply chain.
- Support local businesses with advice and easier access to our procurement process

Regeneration

We will:

- Encourage suppliers to support economic regeneration initiatives in the communities in which they operate – in particular encouraging productivity, growth, and higher wage jobs, the investment of resources in developing key employment sites and to stimulate the economy of our market towns
- Encourage suppliers to support socially beneficial cultural and heritage projects in the communities in which they operate.

Supporting SMEs, Third Sector, Social Enterprise and local business

We will:

- Take steps to ensure our procurement process is as accessible as possible to SME bidders, local third sector organisations and social enterprises by identifying and removing barriers to participation and by recognising alternative bidding models, including partnership and consortium bids.
- Encourage suppliers to support a sustainable local economy – wherever they operate.

- Support suppliers in identifying local supply chain and sub-contracting partners.
- Encourage suppliers to take steps to make supply chain opportunities accessible to local organisations, including SMEs, relevant local third sector organisations and social enterprises.

Timber and other sustainable materials

We will:

- Ensure that where possible all timber and paper products purchased by the Council are recycled, or sourced from sustainable forests, with a clear chain of custody.
- Encourage suppliers of timber and paper products to source sustainably at all points of their supply chain.
- Not purchase products for soil enrichment purposes that contain peat

Training, education & employment

We will:

- Encourage suppliers to support employment opportunities for people from disadvantaged categories – such as those not in education, employment or training (NEET), long term unemployed, people with physical disabilities, learning disabilities or mental health problems, ex-offenders, and ex-armed forces personnel.

Engaging stakeholders & raising awareness

We will:

- Encourage suppliers to communicate with their supply chain, their customers, and the communities in which they operate, to raise awareness of the importance of doing business sustainably.
- Consult with service users and other client-side stakeholders, when procuring major contracts for social and community services, to clearly define their needs and to design and establish methods to meet these needs in a sustainable manner

1.5 Sustainable Buying Standards

To help implement the Sustainable Policy commitments outlined above, and to ensure the goods and services the Council procures, and commissions meet acceptable environmental and social standards the Council will endeavour to meet the minimum mandatory [Government Buying Standards \(GBS\)](#).

The GBS are part of public procurement policy, with individual standards developed with input from across government, industry and wider stakeholders. The standards have been extensively reviewed with market research and analysis to establish criteria that take long-term cost effectiveness and market capacity into account.

2 Sustainable Procurement Road Map 2022-23 – Targets and Achievement

Target	Timeframe to review	Achieved
Promotion of the Sustainable Procurement Policy.	October 2022	
Release a Sustainable Procurement Bulletin to promote the new policy and procurement success stories.	October 2022	
To engage with Social Value Portal in order to access their end-to-end support with a small number of pilot projects. Requirements for any ongoing support to be evaluated following pilot stage.	December 2022	
Develop a sustainability assessment tool to be used with all procurements.	January 2022	
Develop and Issue guidance on PPN 11/20 Reserving below threshold procurements by supplier location or for Small and Medium sized Enterprises (SMEs), Voluntary, Community and Social Enterprises (VCSEs).	December 2022	
Review of the Councils Tender documentation and processes to ensure compliance with current Public Procurement Regulations 2015 as well as accessibility to SMEs and VCSE.	December 2022	

This page is intentionally left blank

Agenda Item 19

Council – 29 September 2022

PROPOSED AMENDMENTS TO THE CONSTITUTION – CONTRACT STANDING ORDERS AND FINANCIAL REGULATIONS

**Joint Report of the Director of Corporate and Customer Services and the
Director of Resources**

Report Authors and Contact Details

Karen Henriksen, Director of Resources & Section 151 Officer
01629 761284 or karen.henriksen@derbyshiredales.gov.uk

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

Wards Affected

District-wide

Report Summary

To recommend the adoption of revised Contract Standing Orders (attached at Appendix 1) and Financial Regulations (attached at Appendix 2) following a review to ensure that the rules comply with current legislative and best practice requirements. These two technical parts of the Constitution have multiple links and the Council is required to consider them every two years with the previous review taking place in July 2020.

Recommendations

1. That the draft Contract Standing Orders be approved and adopted as Part 8 of the Council's Constitution.
2. That the draft Financial Regulations be approved and adopted as Part 9 of the Council's Constitution.
3. That authority be delegated to the Monitoring Officer to make consequential changes to the Constitution to reflect the provisions of the Financial Regulations

List of Appendices

Appendix 1 Draft Contract Standing Orders
Appendix 2 Draft Financial Regulations

Background Papers

None

Consideration of report by Council or other committee

N/A

Council Approval Required

Yes

Exempt from Press or Public

No

Proposed Amendments to the Constitution – Contract Standing Orders and Financial Regulations

1. Background

- 1.1 Section 135 of the Local Government Act 1972 requires Local Authorities “to make standing orders with respect to the making by them or on their behalf of contracts for the supply of goods or materials or for the execution of works”. The Standing Orders must include provisions for securing competition and for regulating the manner in which tenders are to be invited. They may exempt contracts for a price below that specified in the Standing Orders and may authorise the Council to exempt any contract from the relevant order when it is satisfied that the exemption is justified by special circumstances.
- 1.2 The Council has adopted Contract Standing Orders as part of the Constitution which have been amended from time to time as required to meet the Council’s operational needs. The Contract Standing Orders were last reviewed in 2020.
- 1.3 Section 151 of the Local Government Act 1972 requires the Council to make arrangements for the proper administration of its financial affairs. It is required to conduct its business efficiently and to ensure that it has sound financial management policies in place and that they are strictly adhered to. Financial regulations, which set out the financial policies of the Council, are the means by which the Council meets that requirement.
- 1.4 The Council has adopted Financial Regulations as part of the Constitution which have been amended from time to time as required to meet the Council’s operational needs. The Financial Regulations were last reviewed in 2020.

2. Key Issues

Contract Standing Orders

- 2.1 Since the UK left the European Union in 2019, there have been a number of developments which have affected the Council’s approach to procurement, including new Procurement Policy Notes which provide guidance on best practice within public sector procurements. A summary of the material changes is set out in the following paragraphs.
- 2.2 The Public Procurement (Agreement on Government Procurement) (Thresholds) (Amendment) Regulations 2021 and PPN 10/21, require the total value of all public contracts to be calculated including VAT, although the Council is generally able to recover the VAT element of a contract payment.
- 2.3 Updating the advertising requirements for contract opportunities and Find a Tender system which replaces the OJEU TED system. For contract awards, updating Cabinet Office PPN09/21 which requires Officers to publish a Contract Award Notice for all contracts with a value of, or greater than, £25,000 (inclusive of VAT) regardless of how the contract was procured and whether or not a contract opportunity was advertised.

- 2.4 The proposed Contract Standing Orders will make procurement process for low risk contracts for services the same as the existing process for goods. Given the increase in costs associated with the provision of services it is recommended that the same process be adopted in the case of goods and services to avoid unnecessary delay.
- 2.5 In making this change, it is also proposed to increase the threshold for budget holder (senior manager) authorisation for direct awards for contracts up to the value of £2,500. The current arrangements for contracts for services between £0.01 and £1,000 require the Contracting Officer to seek three quotes in writing. This is considerably lower than the thresholds at other local authorities in Derbyshire and is creating additional work and incurring time delays for relatively low levels of procurement, at a time when resources across the organisation are stretched and officer capacity is limited.
- 2.6 The proposed revisions provide further clarification in respect of the responsibilities of officers in both procurement and contract management activities on behalf of the Council. This will provide greater confidence amongst officers and in officers and provides further assurance in respect of the governance underpinning procurement and contract management activities.

Financial Regulations

- 2.7 Financial Regulations are an essential part of good corporate governance. They set out a clear regulatory framework for managing the Council's financial affairs, and they define those accountable for the use of the Council's resources. They state not only what has to be done, but who is responsible for it. They apply to every Member and employee of the Council and anyone acting on its behalf, including partnerships which are subject to formal partnership arrangements.
- 2.8 Financial Regulations should be used in conjunction with the Constitution, and other internal regulatory frameworks such as Contract Standing Orders, Codes of Conduct and Scheme of Delegation.
- 2.9 The Director of Resources has carried out a review of Financial Regulations and a revised version is shown in Appendix 2. The key changes proposed in this report:
- bring the Financial Regulations into line with CIPFA's recommended framework;
 - set out more clearly where responsibilities lie e.g. full Council, Policy Committees, Chief Executive, Monitoring Officer, Director of Resources, other Directors;
 - reflect the proposed changes to Contract Standing Orders;
 - detail the requirement to comply with the Local Government Transparency Code in respect of the publication of financial data and information.
- 2.10 These Financial Regulations will be kept under review and when necessary amendments will be considered and recommendations made to Full

Council. Changes will be required to support the introduction of new regulations, technologies, inconsistencies in the current regulations and minor drafting amendments.

3. Options Considered and Recommended Proposal

- 3.1 This report recommends that the Council replaces its existing Contract Standing Orders with the version set out at Appendix 1 and its existing Financial Regulations with the version set out in Appendix 2.
- 3.2 The Sustainable Procurement Policy is also submitted for consideration at this meeting. This policy, which builds on the provisions within the proposed Contract Standing Orders, will set out how Derbyshire Dales District Council will achieve value for money and deliver environmental, social and economic benefits through its procurement and commissioning of goods, works and services.
- 3.3 In preparing this report and the proposed changes consideration was given by the Director of Resources to recommended practice from CIPFA, as well as reviewing where improvements can be made to existing provisions. In view of this, it is recommended that the updated financial regulations be approved.

4. Consultation

- 4.1 The review of Contract Standing Orders was undertaken by an external legal firm on behalf of the Council and their proposals were then refined to fit the existing governance framework of the authority. The draft Contract Standing Orders have been subject to consultation with the Chief Executive and Directors of Service. The Procurement Team at Derbyshire County Council have also been consulted on the proposed changes in view of the service that they provide to the District Council and they are supportive of the proposed increase in the threshold for direct awards up to £2,500.
- 4.2 The proposed changes to Financial Regulations have been subject to consultation with the Head of Paid Service (Chief Executive) and Monitoring Officer as statutory officers. Other Directors of Service also had the opportunity to comment on the proposed changes. As a set of procedures that act as internal controls for the authority, the proposed changes have not been subject to external consultation.

5. Timetable for Implementation

- 5.1 The revised Contract Standing Orders will take immediate effect subject to the agreement of Council. Once approved, the Council proposes to recommence Contract Standing Order training to Officers ensuring consistency in procurement processes throughout the Council.
- 5.2 The revised financial regulations will come into force immediately following their approval by full Council. A copy of the new Financial Regulations will be placed on the staff intranet and brought to the attention of employees.

6. Policy Implications

- 6.1 Good governance is the cornerstone for all the Council's corporate priorities and the adoption of revised Contract Standing Orders and Financial Regulations will provide further assurance to Members, officers and the electors of the Derbyshire Dales that the Council is operating to the highest standards in respect of its financial management, procurement and contract management functions.

7. Financial and Resource Implications

- 7.1 There are no direct financial risks arising from this report's recommendations. Should the Council's contract standing orders not reflect current legislation, there could be a possibility of a legal challenge that could be a medium to high financial risk.
- 7.2 It is hoped that these revised Financial Regulations will mitigate the risks associated with poor financial management. Should the Council's financial regulations be inadequate, it could lead to a financial loss that could be a medium to high financial risk and could result in reputational damage.

8. Legal Advice and Implications

- 8.1 The purpose of Contract Standing Orders is to set clear rules for the procurement of goods, works and services for the Council. The rules should ensure that the Council is fair and accountable in its dealings with contractors and suppliers. They are also intended to ensure that the Council obtains value for money and that it is taking good care of public funds. These are made in accordance with the requirements of Section 135 of the Local Government Act 1972.
- 8.2 The Contract Standing Orders are kept under review and when necessary amendments are for consideration and recommendations to Full Council. Additional changes are required to support the introduction of new regulations, technologies, inconsistencies in the current Contract Standing Orders and minor drafting amendments.
- 8.3 The report proposes effective financial regulations, which are to be read in conjunction with revised contract standing orders. Whilst not all risks can be mitigated, the measures currently in place provide for low legal risk.
- 8.4 The Council must prepare and keep up to date a constitution in accordance with s37 of the Local Government Act 2000. The minimum requirements for the content are set out in The Local Government Act 2000 (Constitutions) (England) Direction 2000 which includes a description of the rules and procedures for the management of the council's financial affairs including: procedures for auditing and financial rules. The finance regulations meet the requirements of the Local Government Act (Constitutions) (England) Direction 2000 and are the rules that officers follow in the day-to-day operation of the council as set out within this council's budget and statutory framework.

8.5 There are no legal reasons preventing Members from approving the recommendations in the report and therefore the legal risk is assessed as low.

9. Equalities Implications

9.1 When considering its approach to contracting, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who do not (the public sector equality duty). Officers are expected to continuously consider, at every stage, the way in which procurements conducted and contracts awarded satisfy the requirements of the public-sector equality duty.

10. Climate Change Implications

10.1 A Climate Change Impact Assessment has been undertaken and has indicated a neutral impact associated with the recommendations in this report.

11. Risk Management

11.1 The review of Contract Standing Orders and recommended amendments are a mitigation against the risks that the Council faces. A regular review of these important rules ensures that the Council continues to act in a legally compliant way in how it buys and sells and enters into contractual arrangements.

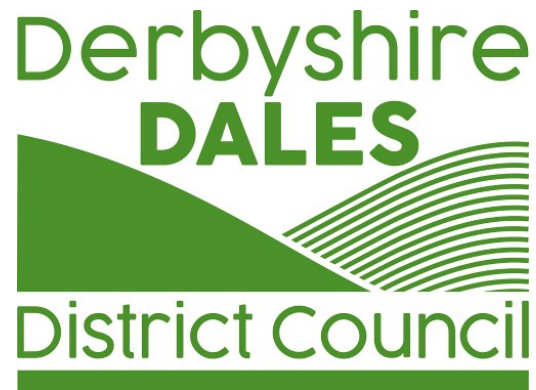
11.2 Financial regulations are designed to provide good corporate governance and to mitigate risks of poor financial management. The current regulations are out of date, in some places, and this creates potential for confusion, errors and misunderstandings. Updating the regulations will address these issues and problems and ensure that the council continues to have sound financial management policies in place.

Report Authorisation

Approvals obtained from:-

	Named Officer	Date
Chief Executive	Paul Wilson	21/09/2022
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	21/09/2022
Monitoring Officer (or Legal Services Manager)	James McLaughlin	22/09/2022

This page is intentionally left blank



CONTRACT **STANDING ORDERS**

CONTENTS:

1. [Introduction & Definitions](#)
2. [Authority](#)
3. [Declaration of Interest](#)
4. [Prevention of Corruption](#)
5. [Principles](#)
6. [Waivers](#)
7. [Framework Agreements](#)
8. [Sponsorship](#)
9. [Concession Contracts](#)
10. [Joint Ventures and Partnerships](#)
11. [Valuing the Contract](#)
12. [Thresholds and Procedures](#)
13. [Advertising](#)
14. [Evaluation Criteria](#)
15. [Obtaining Quotes](#)
16. [Invitation to Tender](#)
17. [Clarification Procedures](#)
18. [Evaluation, Award of Contract, and Debriefing of Organisations](#)
19. [Nominated Sub-Contractors](#)
20. [Risk Register](#)
21. [Guarantee Bonds](#)
22. [Contract Documentation](#)
23. [Signing the Contract Documentation](#)
24. [Storage of Contract Documentation](#)
25. [Contract Register](#)
26. [Records](#)
27. [Contract Supervision, Monitoring and Review](#)
28. [Varying the Contract Terms](#)
29. [Extending the Contract](#)
30. [Review and Amendment of the CSO](#)

1. INTRODUCTION & DEFINITIONS

- 1.1 The CSO have been issued in accordance with Section 135 of the Local Government Act 1972 and are intended to promote good practice and public accountability and deter corruption. They provide a corporate framework for the procurement of all goods, services and works for the Council.
- 1.2 The CSO are designed to ensure that all procurement activity is conducted with openness, probity and accountability.
- 1.3 All Officers must comply with the statutory requirements of the United Kingdom Government. All Officers must also comply with the CSO along with the Financial Regulations; the Code of Conduct; the Anti-Fraud, Bribery and Corruption Policy and the Procurement Strategy and Policies. Contracting All Officers must ensure that any Agents, Consultants and contractual partners acting on their behalf also comply.
- 1.4 Breach of the CSO will be taken very seriously as they are intended to both protect public money and demonstrate that the Council takes its role as a guardian of public money extremely seriously. Should any Officer be found to be in breach of these rules then it may be treated as gross misconduct and could result ultimately in the dismissal of the Officer. Similarly, anyone having knowledge of a failure to follow these rules must report a breach of the CSO to the Council's statutory Monitoring Officer as soon as possible afterwards. Any failure to report a breach by an Officer may also be treated as gross misconduct and could result in the Officer being dismissed.
- 1.5 At any point that the Monitoring Officer is required to be notified or consulted and the Monitoring Officer is not available, then Officers must contact one of the Deputy Monitoring Officers
- 1.6 DEFINITIONS

"CSO"	Contract Standing Orders
"Monitoring Officer"	Director of Corporate and Customer Service
"Officer(s)"	any person employed by the Council
"Deputy Monitoring Officer"	An officer designated as a Deputy Monitoring Officer, presently the Democratic & Electoral Services Manager and the Legal Services Manager
"Contracting Officers"	Officers of the Council responsible for entering into contracts and procuring goods and services.
"Section 151 Officer"	Director of Resources
"relevant Director of Service"	The Director with responsibility for the Officers Service. If the relevant Director is unavailable then the relevant Director will be the CEO or Monitoring Officer.
"CEO"	Chief Executive Officer and Head of Paid Service
"PCR 2015"	The Public Contract Regulations 2015
"Regulations 32 PCT 2015"	Found in full at Appendix 1 of these Contract Standing Orders

“Regulations 57 PCR 2015”	Found in full at Appendix 2 of these Contract Standing Orders
“Regulations 72 PCR 2015”	Found in full at Appendix 3 of these Contract Standing Orders

2. AUTHORITY

- 2.1 The first stage of procuring any contract is to ensure that the Contracting Officer has sufficient approved funding for the potential procurement of goods or services. Authority for funding must be sought and granted where it is not accounted for within the department’s current budget. Contracting Officers must have regard to the Financial Regulations if the department’s current budget is insufficient.
- 2.2 Once the appropriate authority has been obtained, the Contracting Officer may then place orders within approved budgets and in line with the CSO. If the proposed order exceeds the approved budget, the officer must obtain advice of the Section 151 Officer and a supplementary budget estimate may be required.

3. DECLARATION OF INTEREST

- 3.1 If it comes to the knowledge of a Councillor or Contracting Officer of the Council that a contract in which he/she has a financial, non-financial or personal interest has been or is proposed to be entered into by the Council, he/she shall immediately give written notice to the Monitoring Officer. Failure to do so is a breach of the Employee Code of Conduct and an offence in accordance with section 117 of the Local Government Act 1972. Such failure may result in disciplinary action against the Officer.
- 3.2 A Contracting Officer’s interests shall not conflict with their public duty. Any official position or information acquired in the course of employment should not be used to further personal interests or for the interests of others.
- 3.3 Contracting Officers should declare in writing to the relevant Director of Service any interest which may be in conflict with their public duty. Any such declaration by the Chief Executive or a Director of Service should be made in writing. A copy of any declaration must also be sent to the Monitoring Officer.
- 3.4 Where the Monitoring Officer confirms that the interest declared prevents participation, the Officer or Councillor must not take part in the tender process except to the extent permitted by the Monitoring Officer. If the declaration is made by the Monitoring Officer then he above assessment will be made by the Deputy Monitoring Officer

4. PREVENTION OF CORRUPTION

- 4.1 Officers shall comply with the Employee Code of Conduct and must not invite or accept any gift or hospitality in respect of the award or performance of the contract. Officers will be required to prove that anything received was not received corruptly. High standards of conduct are mandatory. Corrupt behaviour may lead to dismissal and is a crime under the legislation referred to in CSO 4.4 below.

- 4.2 Officers should not accept significant personal gifts from contractors and outside suppliers. Token gifts of a very small value like pens marked with a company name, or calendars, which might be seen as advertisements, are acceptable.
- 4.3 Officers should notify the Monitoring Officer and Director of Service of any gifts received 'out of the blue' other than the token gifts outlined above. The Monitoring Officer should record receipt of the gift and decide whether the gift should be returned or forwarded to a local charity.
- 4.4 The following clause (or suitable alternative drafted by the Council's legal department) shall be put in every Council internally drafted contract:

"The Council may terminate this contract and recover all its losses if the Contractor, its employees or anyone on the Contractor's behalf does any of the following:

- i. Offer, give or agree to give to anyone, any inducement or reward in respect of this or any other Council contract (even if the Contractor does not know what has been done); or
- ii. Commit an offence under the Bribery Act 2010 or Section 117 (2) of the Local Government Act 1972; or
- iii. Commit any fraud in connection with this or any other Council contract whether alone or in conjunction with Council members, contractors or employees
- iv. Any clause limiting the Contractor's liability shall not apply to this clause."

5. **PRINCIPLES**

- 5.1 The CSO apply to any arrangement, **of any value**, made by, or on behalf of, the Council for the carrying out of works, supplies, goods, materials or services. '**Of any value**' includes where goods and services are provided free of charge under a framework panel agreement, or as a possible inducement to obtain future contracts.
- 5.2 The CSO do not apply to contracts for the acquisition, disposal or transfer of land or of any interest therein, for the lending or borrowing of money, or for a contract of employment which makes an individual a direct employee of the authority. Other Council policies and rules may apply to these types of contract, such as the Financial Regulations and Recruitment Policies. Further guidance should be obtained from Legal Services or the Business Support Manager as appropriate.
- 5.3 The following key principles apply to any procurement:-
- 5.3.1 All procurements must:-
- (a) realise value for money by achieving the best combination of highest quality of outcome and minimum whole life costs;
 - (b) achieve the highest standards of integrity;
 - (c) ensure fair and equal treatment of contractors;
 - (d) operate transparently, subject to any requirement for confidentiality;
 - (e) be in accordance with advice from Legal Services and Business Support Manager and as directed by the Monitoring Officer;
 - (f) comply with all legal requirements, Council priorities and policies; and

- (g) ensure that non-commercial considerations do not influence any contracting decision, except on ethical grounds or in the case of CSO 5.3.2.

5.3.2 For each procurement the Council must:

- (a) consider how the proposed procurement may improve the economic, social and environmental wellbeing of the District and how the Council can secure that improvement in carrying out the process of procurement;
- (b) ensure the contractor complies with relevant health and safety legislation and best practice in relation to the contractor's work force and business;
- (c) when there will be a TUPE transfer of Council staff, take steps to ensure that those staff are expressly given the right to join and participate in a trade union; and
- (d) consider whether to carry out any community consultation on the proposed procurement.

5.3.3 All contracts must be in writing and in accordance with CSO 23.

5.3.4 All contracts must be entered into prior to the commencement of the undertaking or the delivery of the goods or the performance of the services. If for any reason this is not possible the Monitoring Officer must be informed immediately by the Contracting Officer wanting to enter into the contract. The Monitoring Officer may allow the contract to commence before the agreement is signed in the exceptional circumstance where the harm caused by the delay in commencing the contract outweighs any risk in the contract not being completed. The Contracting Officer will need to show why it was not possible to complete the contract prior to commencement and ensure contracts are signed as soon as possible.

5.3.5 It is the Contracting Officer's responsibility to ensure all contracts are entered onto the Council's contract register and must be effectively monitored throughout the contract period. See CSO 24 for further information. All contracts with a specified duration should be recorded on the Contracts Register.

6. WAIVERS

6.1 Contracts made by the Council must comply with the CSO and the Procurement Strategy. However, if the Procurement Process in CSO 12 cannot be completed for an unforeseen reason, the process may be waived. A waiver allows a contract to be placed by direct negotiation with one or more suppliers rather than in accordance with the requirements to ensure competition.

6.2 Waivers can only be considered in exceptional circumstances, and only if the procurement is under the UK Procurement Threshold. Considering a waiver must be risk based and always a last resort after all other options have been considered.

6.3 Waivers may be considered in, but not limited to, the following circumstances:-

- 6.3.1 Where the purchase of supplies or the execution of works or services involve specialist or unique skills or knowledge which cannot be obtained from other providers;
- 6.3.2 where the Council require upgrades to existing software packages or require repairs to, or parts for, existing machinery or equipment that are specific to that machinery or equipment;
- 6.3.3 the purchase of supplies or the works or services to be carried out constitute an extension of an existing contract provided that:-
 - (a) the original contract was procured through a best value exercise; and
 - (b) there is budget approval in place for the extension;
- 6.3.4 if the Council has already engaged with an organisation for a similar and related procurement provided that the Council will not be exposed to unacceptable risk and there is significant benefit to extending the scope of the contract to cover this additional requirement;
- 6.3.5 where, after advertising in accordance with the CSO, it has not been possible to obtain competitive prices for works, supplies or services;
- 6.3.6 In relation to time-limited grant funding from an external body, where the time limitations will not allow a competitive procurement process to be completed and where the grant conditions allow this;
- 6.3.7 If works, supplies or services are urgently needed for the immediate protection of life or property or to maintain the immediate functioning of a public service that the Council is responsible for, on the basis of an unforeseeable emergency
- 6.4 Unique skills or knowledge under a waiver in CSO 6.3.1 does not include knowledge gained because the contractor has worked for the Council previously. Previous skills or knowledge gained by working for the Council previously can only be used where the contractor is providing additional advice on a same or very similar issue that was not previously contracted for.
- 6.5 In such circumstances Contracting Officers are required to seek advice from the Business Support Manager, namely with regards to Regulations [32](#) and [72](#) of the PCR 2015 and Legal Services in the first instance, and to notify the Section 151 Officer and Monitoring Officer of a potential failure to comply.
- 6.6 In order to request a waiver and for audit purposes the Contracting Officer must complete a waiver report having sought advice from the Business Support Manager. The waiver must address all of the following points:
 - 6.6.1 the reasons why the waiver is being requested and reasons why the waiver is being requested;
 - 6.6.2 the process which is intended to be followed instead;
 - 6.6.3 Confirmation of approved budget.

- 6.7 The waiver report is to be sent to Legal Services where a member of the team will review the report and provide advice to confirm if the waiver applies. The waiver report will be completed on the Council's Delegated/Urgent Decision Record Form.
- 6.8 Legal Services will send the waiver report with their advice and recommendation to the Section 151 Officer and Monitoring Officer to confirm the approval or refusal of the waiver.
- 6.9 Once approved the waiver report will be returned to the Contracting Officer and copied to Legal Services.
- 6.10 The Contracting Officer must send a copy of the waiver to the relevant Director of Service and the order, which was the subject of the waiver report may now be placed.

Exceptional Waivers

- 6.11 If unusual circumstances arise that are not listed in CSO 6.3, the Contracting Officer must refer the waiver to their Director of Service who may apply for an exceptional waiver with the agreement of the Section 151 Officer and Monitoring Officer.
- 6.12 If an exceptional waiver is agreed, the Director of Service must prepare a Delegated/Urgent Decision Record setting out full details of the particular circumstances, the reasons for requiring an exceptional waiver of the procurement process and provide a risk assessment. The Delegated/Urgent Decision Record must be sent to the Section 151 Officer and Monitoring Officer and follow the same process set out in CSOs 6.9 to 6.12.
- 6.13 The Business Support Manager will maintain a register of waivers and breaches on behalf of the Monitoring Officer.

7. FRAMEWORK AGREEMENTS

- 7.1 **Before considering calling off from a Framework Agreement, prior advice should be obtained from the Business Support Manager and Legal Services. Once advice is obtained a Business Case is to be submitted for approval by the relevant Director of Service in consultation with the Chief Executive.**
- 7.2 A framework agreement is an agreement between the Council and the supplier or suppliers for the provision of goods, services or works. The framework agreement contains agreed terms for how instructions will be called off from time to time during the life of the framework. Where framework agreements are procured on behalf of or for the benefit of several contracting authorities (including the Council, which must be specifically mentioned or clearly identified by reference to a category in procurement of the framework agreement), the Council may then place orders against the framework if and when required during the framework period. Some frameworks allow for the Council to contract from the framework (to 'call off') either:-
- (a) by applying the terms laid down in the framework agreement without reopening competition, provided that the terms laid down in the framework agreement are sufficiently precise as to cover the call off; or

(b) by holding a further competition if the terms in the framework agreement are not precise or complete enough for the particular call off, provided that the Council invite bids from the relevant organisations within the framework. The Council must give an appropriate time period for organisations to respond, taking into account the circumstances and complexity of the contract and must award the contract to the bidder who has submitted the best bid based on the award criteria set out in the framework agreement.

7.3 The Council is part of the EM Lawshare arrangement. This is a consortium of public sector providers who have joined together to procure a framework agreement for the provision of external legal advice. All successful legal firms appointed to the panel have provided fixed hourly rates and provide additional benefits, like free training. Instruction of external solicitors who are part of the panel do not require Legal Services to comply with the provision of CSO 7.1 or obtain 3 written quotes.

7.4 All requests for legal advice whether free or for payment must be obtained through Legal Services. If an officer wishes to request advice on an ongoing matter this request must also be made through Legal Services.

7.5 CSO 7.4 does not apply to legal advice and services provided for insurance claims instructed via the Council’s external insurance claims handlers.

8. SPONSORSHIP

8.1 Sponsorship agreements, at their simplest, involves the payment of a sponsorship fee in exchange for publicity related benefits.

8.2 Sponsorship agreements must be entered into in compliance with these CSO and the Council’s Sponsorship Policy.

Contract Type (Risk)	Total Value	Procurement Process	Advertising requirements
Sponsorship Agreement	ALL	Director of Service approval Refer ALL decisions over £25,000 to the relevant Committee	Council’s website Other appropriate channels as advised by Director of Service

9. CONCESSION CONTRACTS

9.1 Concession contracts are contracts for a financial interest, where the ‘payment’ is either that the contractor has the right to exploit (profit from) the contract works/services, or that the contractor has such right together with some payment from the Council. The operating risk which comes from exploiting the works or services must pass to the contractor, and this risk must be more than a slight possibility of loss and involve real exposure to the changes of the market. Contracting Officers must contact Legal Services for assistance if they are unsure whether they are dealing with the procurement of a concession contract.

9.2 The CSO and Financial Regulations apply to all concession contracts.

9.3 Depending on the contract value, concession contracts may also be subject to the Concession Contract Regulations 2016. The current UK threshold for concession contracts is £5,336,937 inclusive of VAT from 1 January 2022. If a concession contract is valued at under this threshold, further advice must be obtained from the Business Services Manager, who will approve the appropriate procedure to follow. If a concession contract is valued at over this threshold, the procedure set out in the Concession Contract Regulations 2016 must be followed - officers must obtain further Legal and Procurement advice.

Contract Type (Risk)	Total Value	Procurement Process	Advertising requirements
Concession Contracts (Low/Medium)	0.01p up to £5,336,937 inclusive of VAT from 1 January 2022.	Invitation to tender (See paragraph 12.4 of CSO)	Council's website Source Derbyshire Contracts Finder (for projects above the value of £25,000)
Concession Contracts (High)	£5,336,937 inclusive of VAT from 1 January 2022.	The UK Threshold Level Procurement Procedure must be followed: See paragraph 12.5 of CSO	Council's website Contracts Finder Source Derbyshire Find a Tender service

10. JOINT VENTURES AND PARTNERSHIPS

- 10.1 The CSO apply to any proposal for the Council to become involved in a joint venture, collaboration or partnership with third parties (whether with private or publicly funded providers), including the monitoring of any such arrangement.
- 10.2 Where purchases are proposed using arrangements with another local authority, government department, health authority, primary care trust, statutory undertaker or public service purchasing consortium the Monitoring Officer must be consulted and procurement and legal advice must be obtained.
- 10.3 The risks and resources required to undertake the relevant tasks and roles must be assessed before the project commences.
- 10.4 Both the CSO and the conditions of grant relating to procurement of goods and services must be followed if the procurement exercise is being undertaken and grant funding is being claimed. If there is any conflict between the CSO and the funder's conditions of grant, then the stricter requirement will prevail.
- 10.5 The partnership agreement must be signed in writing setting out the respective roles and responsibilities.

10.6 The partnership must remain under review and appropriate accounting and audit arrangements must be put in place.

11. VALUING THE CONTRACT

11.1 In estimating relevant contract values, Contracting Officers shall have regard to aggregation rules - this means the whole of the value or estimated value for a single contract, purchase or disposal calculated as follows:-

- (a) where the contract is for a fixed period, by taking the total price to be paid or which might be paid during the whole of the period
- (b) where the purchase involves recurrent transactions in the coming twelve months, by taking the total price which might be paid during that period;
- (c) where the contract is for an uncertain duration, by multiplying the monthly payment by 48

11.2 Contracting Officers shall also have regard to a contract whole life cost including any optional extension periods when estimating the contract value. Whole life cost is the value expected to be paid for the contract duration. A three year contract valued at £20,000 per annum would equate to a £60,000 whole life cost. If the Council is entitled to extend the contract for another year then the value of the contract will be £80,000.

11.3 Contracting Officers must not enter into separate contracts nor select a method of calculating the total value in order to minimise the application of the CSO.

11.4 All contracts must set out that payment will be paid in Great British Pounds (GBP). Payments shall not be made to a contractor in any other currencies.

11.5 From 1 January 2022, Contracting Officers should be aware that the thresholds are inclusive of VAT.

12. THRESHOLDS AND PROCEDURES

12.1 Contracting Officers should consider whether procuring within CSO 7 would be applicable to their particular procurement.

12.2 Where the estimated total value for a contract is within the values in the second column of the table below, as a minimum requirement, the procurement process in the third column must be followed. Contracting Officers should take procurement advice from the Business Support Manager or their appointed advisor (currently Derbyshire County Council).

Contract Type (Risk)	Total Value	Procurement Process	Advertising requirements
Goods and Services	Up to £2,500 Single Purchase	Budget Holders Authorisation	None
Goods, Services and Works (Low)	£2,501 up to £30,000	3 Quotes in writing (Details of the quotations should be provided to the Business Services Manager. Separate instructions should be sent to Legal Services to draft/review the contract to appoint before any order is placed). See paragraph 12.3 of the CSO	Optional Council's website Contracts Finder Source Derbyshire
Services (Medium)	£30,001 but less than £213,477 inclusive of VAT from 1 January 2022.	Invitation to tender (See paragraph 12.4 of CSO)	Council's website Contracts Finder Source Derbyshire
Works (Medium)	£30,001 up to £5,336,937 inclusive of VAT from 1 January 2022.	Invitation to tender (See paragraph 12.4 of CSO)	Council's website Contracts Finder Source Derbyshire
Goods (Medium)	£30,001 but less than £213,477 inclusive of VAT from 1 January 2022.	Invitation to tender (See paragraph 12.4 of CSO)	Council's website Contracts Finder Source Derbyshire
Supplies and Services (High)	£213,477 and above inclusive of VAT from 1 January 2022).	The UK Threshold Level Procurement Procedure must be followed: See Paragraph 12.5 of the CSO	Council's website Contracts Finder Source Derbyshire Find a Tender service

Contract Type (Risk)	Total Value	Procurement Process	Advertising requirements
Works (High)	£5,336,937 inclusive of VAT from 1 January 2022.	The UK Threshold Level Procurement Procedure must be followed: See paragraph 12.5 of CSO	Council's website Contracts Finder Source Derbyshire Find a Tender service
Social and other specific services (High)**	£663,540 Inclusive of VAT from 1 January 2022.	The UK Threshold Level Procurement Procedure must be followed: See Paragraph 12.5 of CSO	Council's website Contracts Finder Source Derbyshire Find a Tender service

Prior advice on any medium value procurement **must** be obtained from the Business Support Manager or Legal Services, as appropriate.

** The limit for the Light Touch Procurement Regime where the list of applicable services are contained in Schedule 3 of the CPR 2015

Risk	Example
Low Risk - Goods	Purchase of tools, office Equipment
Low Risk – Services and Works	Consultant Services
Medium Risk - Goods	Larger Purchases – Vehicles, Machinery – any procurement over £30,000 but < £213,477 inclusive of VAT from 1 January 2022.
Medium Risk – Services and Works	Building Repair works – Any procurement over £30,000 but < £213,477 inclusive of VAT from 1 January 2022.
High Risk	Any procurement over £213,477 inclusive of VAT from 1 January 2022.

Please note the above 'risks' are for guidance only – if you are unsure please refer your query to either the Business Support Manager or Legal Services

12.3 The Low Value Procurement Procedure

- Refer to the Council's Financial Regulations.

12.3.1 If the contract is uncomplicated and is of low business risk to the Council, three written competitive quotations must be obtained.

12.3.2 A quotation is a written priced offer to undertake a supply or service received in response to an invitation from a Contracting Officer. Quotations are processed routinely, as opposed to the sealed bids defined by the tender route.

- 12.3.3 Insofar as an officer uses the Council's Official Order, by raising a Purchase Order, for the purchase of low value Goods or Services, on the Council's standard terms and conditions, through the Agresso system, so as to award the Order to the best quote, Legal Services does not have to be consulted.
- 12.3.4 Insofar as Goods and Services are not purchased on the Council's standard terms and conditions the standard terms and conditions of the supplier or any bespoke terms and conditions agreed between the parties, Legal Services must be consulted before entering into the Order.
- 12.3.5 The Order is a legally binding contract and must be stored on Agresso, registered on the Contract Register in accordance with CSO 25 and monitored in accordance with CSO 27.
- 12.3.6 If the contract is of a complex nature or carries a business risk, officers must consider the risk to the Council and document this in writing.** In order to assess business risk the Contracting Officer should give consideration to the purpose of the contract and any political sensitivity. For example; a minor works or maintenance contract may be low value but can carry a high business risk. If the works are not carried out correctly the Council's facility may need to be closed to the public whilst this is corrected or if the works are carried out dangerously, the Council could be liable for any personal injury sustained by a member of the public. Each outcome puts the Council at a high financial risk and carries a risk of bringing the Council into disrepute. Carrying out a tender process ensures that contractors are adequately evaluated to demonstrate performance, have suitable insurance and provides best value. Contracting Officers should obtain further advice if they are unsure how to assess risk for a project.
- 12.3.7 If the contract is of a complex nature or the risk is assessed as high,** then the **Medium Value Procurement Procedure must be followed**; formal contract documents must be put in place to safeguard the Council against those risks. Further advice should be obtained from the Business Services Manager, who will advise on the appropriate procedure to follow.

12.4 The Medium Value Procurement Procedure

- **Refer to the Council's Financial Regulations.**

- 12.4.1 Prior advice on any medium value procurement **must** be obtained from the Monitoring Officer, or Business Services Manager, as appropriate. Insofar as the relevant contract for the procurement is the Council's standard terms and conditions, Legal Services does not have to be consulted with respect to the terms of the contract. Insofar as the procurement does not incorporate Council's standard terms and conditions including the standard terms and conditions of the successful bidder or any bespoke terms and conditions agreed between the parties, Legal Services must be consulted before entering into the procurement.

12.4.2 Subject to adequate provision having been made in the approved estimates, the relevant Director of Service has authority to:-

12.4.2.1 invite tenders for the execution of works, including Schedules of Rates and Prices or the supply of goods, materials or services to the Council;

12.4.2.2 invite offers for the execution of works, the supply of goods, materials and services by the Council; and

12.4.2.3 enter into contracts or place orders on the Council's behalf accordingly provided that this authority shall not extend to any tender, contract or order where the original total estimated value exceeds the UK Threshold;

12.4.3 A tender is a response to a written invitation from a Contracting Officer to price for a supply or service, received by a password secured email by a specific date, opened at an agreed time in accordance with the CSO.

12.4.4 The initiation to tender must be advertised in accordance with the "Medium Procurement Advertising" at CSO 13.

12.4.5 The award of a contract is based on a tender, which is the most economically advantageous tender in accordance with the pre-determined evaluation criteria. This can include assessment on the basis of price/cost as well as other methods equivalent to value for money, which can include social and environmental requirements provided they relate to the contract.

12.5 The UK Threshold Value Procurement Procedure

- **The UK Procurement Rules apply therefore the procurement process must comply with both the CSO and with the PCR 2015.**
- **Refer also to the Council's Financial Regulations.**

12.5.1 The Director of Service must have sought prior advice on the UK Procurement Rules, the form of tender, specification and evaluation criteria from the Business Services Manager or the Council's external procurement provider (currently Derbyshire County Council). A brief summary of the types of tender procurement options are noted below.

(a) Contract awards which are estimated to exceed the UK Thresholds in value or amount shall be subject to a suitability assessment. Advice should be obtained from the Business Services Manager or the Council's external procurement provider.

(b) Procurement of the supply of services, goods or materials or the execution of work shall be advertised in accordance with UK Procurement Advertising set out in CSO 13 below and as appropriate for the individual procurement, a trade journal or local press may be

required to allow the services market to be opened up to competition. Procurement advice must be obtained from the Business Services Manager or the Council's external procurement provider before sending any UK contract notices to the Find a Tender Service.

12.6 Tender Procurement Options

There are five tender procurement options which the Council may use. In summary they are:-

Open	All suppliers who request tender documentation will be invited to submit a tender by a set date. Following evaluation the contract will be awarded to the successful bidder. The open tender procedure is normally only used where the known marketplace is limited, and the Council needs to seek out extra interest, or where the timescale does not allow the two stage restricted tender procedure to be followed
Restricted	This is a two stage process. The first stage involves a suitability assessment where a short list of a minimum of 5 suppliers is identified. In the second stage suppliers are invited to respond to an Invitation to Tender (ITT). The contracts are awarded to the successful supplier following analysis of the ITT.
Competitive Dialogue	This is used for more complex procurements. The first stage involves a pre-qualification assessment, where a shortlist of a minimum of 3 suppliers is identified. The following stages, which allow for the reduction in the number of bidders involved in the process, include a successive series of dialogue sessions and submissions (outline solution, detailed solution, revised solution (optional) and final tender). After final tenders have been submitted limited post tender negotiations with the preferred bidder are permitted (as set out in PCR 2015 30(20) and an award is subsequently made.
Competitive Procedure with negotiation	This is multi-stage process. The first stage involves a prequalification assessment, where a shortlist of a minimum of 3 suppliers is identified. In the second stage suppliers are invited to respond to an Invitation to Tender (ITT). The Council may then award based on initial tenders or open negotiations with suppliers to seek improved offers, prior to a further invitation to submit revised and/or final tenders. After the final ITT has been issued no further negotiation is allowed, except discussion to clarify or fine tune the tender. An award is subsequently made.
Negotiated Position without prior publication	In certain narrowly defined permitted circumstances the contracting authority may also award a contract using the 'negotiated procedure without prior publication'. The Council approaches one or more suppliers seeking to negotiate the terms of the contract.
Innovation Partnership	This provides for a selection to be made of those who respond the advertisement. The Council uses a negotiated approach to invite suppliers to submit ideas to develop innovative products, services or

	works aimed at meeting a need for which there is no suitable existing products on the market.
--	---

13. ADVERTISING

- 13.1 The contract opportunity should be advertised in accordance with the relevant Tables at CSOs 8, 9 and 12 and be based on the individual circumstances of the procurement and in accordance with the Procurement Strategy. The methods chosen must allow the market to be opened up to competition and the impartiality of the procurement to be reviewed. Advice should be obtained from the Business Support Manager
- 13.2 The advertisement will include details of contracts to be awarded and the award method.
- 13.3 Officers should obtain guidance on the advertisement requirements for any particular procurement from the Business Support Manager via Council's external procurement provider

14. EVALUATION CRITERIA

- 14.1 All evaluation criteria must have been determined in advance of requesting quotes or entering into the tender process. Evaluation criteria must be put into order of importance on the evaluation sheet.
- 14.2 All criteria must relate to the subject matter of the contract, be in line with the Council's corporate objectives and must be objectively quantifiable and non-discriminatory.
- 14.3 Weighting between price and non-price elements of the tender will be strongly influenced by the contract type goods or services. All contracts need to use a cost effectiveness approach to weight the importance of the non-price elements against cost to achieve the most economically advantageous balance between quality and price. Non-price elements of the evaluation criteria can include life cycle costing, equalities, business continuity, environmental and sustainability considerations.
- 14.4 The evaluation criteria must be published in the tender pack and the documentation should clearly explain to bidders the basis of how the decision will be made. It should be made clear how the evaluation criteria specified will be applied, the weightings to be attached to each criteria, how the criteria are divided into any sub-criteria and the weightings attached to each of those sub criteria.

15. OBTAINING QUOTES

- 15.1 All contractors invited to quote must be given an adequate period in which to prepare and submit a proper quotation, consistent with the complexity of the contract requirement (typically at least one week should be allowed for submission of a quote).
- 15.2 All contractors invited to quote must be issued with the same information at the same time and subject to the same conditions. Any supplementary information must be given on the same basis.

15.3 All invitations to quote shall include:

- (a) the specification detailing the Council's requirements to enable the submission of competitive offers;
- (b) the Council's terms and conditions;
- (c) the closing date and time for the receipt of quotation and confirmation that no quotations received after that date and time will be considered

15.4 Legal Services must be consulted if the contractor refuses to accept the Council's Standard Terms and Conditions.

16. INVITATION TO TENDER

16.1 All contractors invited to tender must be given an adequate period in which to prepare and submit a proper tender, consistent with the complexity of the contract requirement (typically at least four weeks should be allowed for submission of tenders). Where the Public Contract Regulations 2015 apply the Regulations lay down specific minimum time periods for tenders; advice on this can be sought from the Business Support Manager.

16.2 All contractors invited to tender must be issued with the same information at the same time and subject to the same conditions. Any supplementary information must be given on the same basis.

16.3 All invitations to tender shall include:

- (a) the specification detailing the Council's requirements to enable the submission of competitive offers;
- (b) the Council's terms and conditions of contract that will apply which;
- (c) a requirement for candidates to complete fully and sign or show acceptance of all tender documents;
- (d) a requirement for tenderers to declare that the content, price or any other figure or particulars concerning the tender have not been disclosed by the candidate to any other party;
- (e) a requirement that the tender shall be sent electronically using the Council's approved e-tendering portal;
- (f) a statement that failure to comply with any of the foregoing requirements will render a tender liable to disqualification;
- (g) the closing date and time for the receipt of tenders and confirmation that no tenders received after that date and time will be considered
- (h) a statement that the Council shall not be liable for expenses incurred in the preparation of tenders; nor shall the Council be bound to accept the lowest or any tenders submitted; nor shall the Council have to give reasons for the rejection of any tender and shall have reserved to them the right to invite fresh tenders should they consider that course desirable.

16.4 Where the Council encounters a system failure of the e-tendering portal which disadvantages any potential bidder from submitting their bid; the Council has discretion to extend the period of submission for tenders. Where the Council chooses to extend a deadline it is important that all bidders are treated equally and are aware of, and, given the extension. Where a bidder is at fault for failing to comply with a tender

deadline the Council is under no obligation to extend the deadline but will consider each case on its merits and seek advice of the legal services department.

- 16.5 All tenders shall be kept within the secure area of the Council's e-tendering portal until the time appointed for their opening.
- 16.6 The electronic receipt issued within the Council's e-tendering portal will be accepted as proof of an electronic submission.

17. CLARIFICATION PROCEDURES

- 17.1 Clarifying an invitation to tender to potential or actual candidates or seeking clarification of a tender whether in writing or by way of a meeting is permitted, provided that any such clarification does not improve the bidding organisation's submission or provide additional information that may improve their score.
- 17.2 Where the circumstances so warrant a Director of Service following consultation with the Monitoring Officer may postpone, for a reasonable period, the closing time and date for receipt of tenders, provided that all persons from whom tenders have been invited are notified by the same method and that no tenders have been opened.

18. EVALUATION, AWARD OF CONTRACT, AND DEBRIEFING OF ORGANISATIONS

- 18.1 The evaluation of bids must be conducted in accordance with the evaluation criteria set out in the procurement documents provided to tenderers.
- 18.2 Appropriate financial checks should be made for those contractors invited to bid for medium or high value Goods and Services. The Contracting Officer should liaise with the Council's Internal Auditor who will undertake financial and resource appraisals.
- 18.3 For procurements over the UK Threshold, the evaluation team appointed to evaluate tenders received must act under the main principle of independence. The evaluation team should therefore consist of the Contracting Officers, other officers from independent service areas, the Business Support Manager (or a designated procurement officer from Derbyshire County Council) and a Finance Officer. Any officer who has any interest in the proposed contract (including any involvement in any product trials, etc.) must not be a member of the evaluation team and declare an interest as contained in CSO 3.
- 18.4 If an error or discrepancy is identified on examining tender submissions, the tenderer is to be given details of such error or discrepancy and afforded an opportunity of confirming or withdrawing their tender. An exception to this may be authorised only by Section 151 Officer following advice from Legal Services and completion of a record of decision.
- 18.5 In accordance with Regulation 57 of the Public Contract Regulations 2015, any company responding to a UK tender shall be excluded from the tender process if it or its directors have been convicted of conspiracy, corruption, bribery, fraud or money laundering, terrorist offences or offences linked to terrorist activities, Money laundering or terrorist financing, Child labour and other forms of trafficking human beings, Non-

payment of tax and social security contributions and any other offence within the meaning of Regulation 57. Any instances where a service has information relating to these practices must contact the Section 151 Officer.

- 18.6 Before any notification of award is provided to the bidders the final evaluation sheet must be signed off by the relevant Contracting Officer.
- 18.7 The Council must notify successful and unsuccessful bidders of the outcome of a procurement process, in writing, in as soon as reasonably possible. The notification of the award decision should advise the tenderer that they are successful without formally committing the Council to an implied form of contract. The notification should contain:-
- the award criteria
 - the score the tender obtained against those award criteria
 - the score of the winning tender achieved
 - the name of the winning tenderer
 - the relative advantages of the winning Tenderers bid
- 18.8 Tenderers should be offered a debrief, whether successful or not, to assist them in preparing future bids. The relevant officer should also retain a record of all debrief requests and responses.
- 18.9 If a standard form of contract is stipulated in the tender documents this should be prepared and issued as part of the tender documentation, but would need to be completed/populated by Legal Services at this stage.
- 18.10 Works must not commence on site nor should services be provided until the formal contract is executed and all terms and conditions have been agreed between the parties concerned.
- 18.11 Where procurement has been subject to the PCR 2015, there must be a standstill period of 10 days before a contract can be awarded. This is to allow an unsuccessful bidding organisation an opportunity to challenge the proposed decision to award. This period should be included in the procurement timetable before the contract can be awarded.

19. NOMINATED SUB-CONTRACTORS

- 19.1 In the CSO any reference to a contract shall, where appropriate, also be taken to include a sub-contract.
- 19.2 The appropriate Director of Service or person nominated by him/her shall, after advertising the procurement, regardless of the value of the sub-contract, be authorised to nominate to the main contractor the person/organisation whose tender or quotation is, in his/her opinion, the most economically advantageous tender.
- 19.3 The terms of the invitation shall require an undertaking by the tenderer that if he/she is selected he/she will be willing to enter into a contract with the main contractor on terms which indemnify the main contractor against his/her obligations under the main contract in relation to the work or goods included in the sub-contract.

20. RISK REGISTER

- 20.1 For contracts where risk is evident and for all contracts over the UK Threshold in force from time to time, the Contracting Officer is required to notify the Director of Service for inclusion on the corporate risk register.

21. GUARANTEE BONDS

- 21.1 The Director of Service may as part of a risk assessment decision require the contractor to provide a performance bond. The Section 151 Officer approval must be sought where the bond provision is waived. Such an approval should be in writing and documented on the file.

22. CONTRACT DOCUMENTATION

- 22.1 All contract documentation must be in writing, identify the terms and conditions that apply.

- 22.2 In the first instance, officers should seek to incorporate the Council's standard terms and conditions into the contract the Council is proposing to be a party to. It is recognised that there may be circumstances where incorporating the Council's standard terms and conditions may not be appropriate. This includes, but is not limited to:

22.2.1 Entering into licencing agreements wherein the licensor's standard terms and conditions will almost always apply e.g. licence to use Microsoft Software;

22.2.2 Contracts called off under a Framework Agreement as the Framework Agreement incorporates its own call-off contract terms;

22.2.3 Circumstances where the Council has a weak bargaining position e.g. entering into a contract with a utility provider; and

22.2.4 Circumstances where a bespoke form of contract is being entered into.

- 22.3 Legal Services must be consulted where the Council's standard terms and conditions are not to be incorporated into the proposed contract.

- 22.4 Save for the discrete circumstances noted at CSO 22.2 above, all contracts:

22.4.1 shall expressly prohibit the contractor from transferring, assigning or sub-letting the whole or any part of the contractor's contractual obligations without the prior written permission of the Council.

22.4.2 must specify that payments are to be paid in GBP.

22.4.3 include the Council's standard provisions regarding freedom of information and data protection compliance.

22.4.4 include the following provision "The Supplier/Contractor must comply with the Council's Safeguarding Children and Vulnerable Adults Policy

from time to time in force or, if the Supplier/Contractor has their own policy, this must have been approved as an adequate substitute by the Council”.

- 22.5 Every contract which is for the carrying out of works shall require the contractor to indemnify the Council against any claim which may be made in respect of personal injury to any person unless due to the negligence of the Council and against any claim for damage to property of third parties due the negligence of the contractor to the value approved by the Section 151 Officer. The contractor shall upon demand produce satisfactory evidence that he/she is insured against any such claims.
- 22.6 Wherever possible, Contracts shall require goods and materials used in their execution and all workmanship to be in accordance with a specified British Standard. Only if no British Standard exists should a European or other Equivalent Standard be stated.
- 22.7 Every contract which is for the carrying out of works shall specify the work, materials, matters or things to be furnished, had or done, the price to be paid with a statement of discounts or other reductions and the time or times within which the contract is to be performed.
- 22.8 A contract for the supply of goods or materials shall provide that if a contractor fails to deliver part or all of the goods or materials within the time(s) specified the Council may determine the contract either wholly or in part and purchase other goods or materials of the same or similar description to make good such default, or in the event of the contract being wholly determined to acquire goods or materials remaining to be delivered.
- 22.9 The contract shall also provide that the amount by which the cost of purchasing other goods or materials exceeds the corresponding amount which would have been payable to the contractor shall be recoverable from the contractor.
- 22.10 Where appropriate, and as advised by Legal Services, a contract shall provide for liquidated damages to be paid by the contractor in case the terms of the contract are not duly performed. If advised appropriate, the amount of liquidated damages to be specified in each such contract shall be determined by the Director of Service following consultation with the Monitoring Officer
- 22.11 A contract for more than £2,500, to be entered into on a supplier’s terms or negotiated terms must not be signed unless reviewed by Legal Services and until the Monitoring Officer has confirmed acceptance of the contract terms.

23. SIGNING THE CONTRACT DOCUMENTATION

- 23.1 All contracts must be signed by the Council before the contract provisions begin. Refer to CSO 5.3.4.
- 23.2 Where a contract is to be signed underhand, electronic signatures may not be used where statute imposes a requirement for the document to be in writing with an original signature. Advice should be sought from Legal Services where there is uncertainty.

Examples include property transactions, transfer of securities, assignments of copyright etc.

23.3 Where the contract is to be the form of a deed, the contract must be signed under the Council's seal and attested as required by the Constitution.

23.4 A contract must be executed as a Deed where:

- the Council wishes to enforce the contract for more than six years after it ends;
- the Monitoring Officer so directs.

Contract Value Signatory/Execution Requirements

Contract Type (Risk)	Value	Requirement
Goods & Services	Up to £2,500	Authorised budget holder
Goods, Services and Works	£2,501 up to £30,000	Formalised by the issue of an award letter (signed by the relevant Director of Service) and the subsequent issuing of a purchase order and the Council's standard Terms and Conditions (where appropriate).
Goods, Services and Works	Over £30,001	Formal contract documentation executed as a Deed
Sponsorship Agreements	ALL	Formal contract documentation signed by the Monitoring Officer, the Section 151 Officer or Chief Executive, or any Director of Service reporting to the Chief Executive
Concession Contracts	ALL	Formal contract documentation signed by the Monitoring Officer, the Section 151 Officer or Chief Executive or any Director of Service reporting to the Chief Executive

24. STORAGE OF CONTRACT DOCUMENTATION

24.1 Once the contract documentation has been signed and dated, the Contracting Officer must pass the documentation listed below to Legal Services who will then arrange for the documentation to be stored in the Council's strong room, in accordance with the Council's Document Retention Policy.

- Copy of Contract
- Copy of any waiver
- Copy of 3 written quotes with reasons for the decision to accept the successful quote (if applicable)
- Completion Notice
- Any formal tender documents as detailed in CSO 26

25. CONTRACT REGISTER

25.1 Contracts over £5000 are onto be entered onto the Contracts Register

25.2 Following the distribution of the completion memorandum referred to at CSO 24, the Contracting Officer will liaise with the Business Support Manager to arrange for the contract details to be entered onto the Council's Contract Register.

26. RECORDS

26.1 Contracting authorities are required by PCR 2015 to maintain comprehensive records of procurement activities, including:-

- (a) the rationale for the procurement route taken
- (b) the officer(s) undertaking the procurement process and taking the decisions
- (c) a copy of the business case and risk assessment (where appropriate)
- (d) names of bidding organisations, both successful and unsuccessful along with copies of all tenders and suitability assessment questions
- (e) the selection decision and reasons for selection, criteria, weighting and scores
- (f) copy of the award letter and other notification letters
- (g) the contract details including the value, how this is broken down and calculated
- (h) copy of the final contract
- (i) copy of the contract review and management process including the officer responsible for on-going contract management
- (j) reasons for abandoning a procedure.

27. CONTRACT SUPERVISION, MONITORING AND REVIEW

27.1 The Contracting Officer must ensure that the contract is performed as per the specification. For every contractual relationship the relevant Director of Service shall appoint a suitably qualified, experienced and trained officer to be the contract manager. The contract manager shall be responsible for actions such as:

- (a) Regularly reviewing management information and supplier performance (as detailed in the tender and contract documentation).
- (b) Meeting with the supplier at a frequency appropriate to the contract value (but no less than annually) to discuss contract compliance, performance, service development, innovation etc.
- (c) Dealing with instances of off and non-contract spend within the Council.
- (d) Benchmarking the Contract to ensure it continues to provide Best Value for Money.
- (e) Monitoring any ongoing efficiency savings and reporting these to the Director of Service.
- (f) Monitoring that all outputs and outcomes (including social value commitments) are delivered and take appropriate action where a Supplier fails to perform.
- (g) Make recommendations about options for future procurements / extensions to the Contract

27.2 The relevant Director of Service will be accountable for ensuring the contract performance is supervised, monitored and reviewed. Any failure to follow the terms and conditions of the contract must be reported to the Monitoring Officer.

27.3 If the Council appoint any person (not being an officer of the Council) to supervise a contract, then it shall be a condition of such appointment that in relation to such

contract he/she shall comply with the CSO and Financial Regulations as if he/she were a Director of Service of the Council.

28. VARYING THE CONTRACT TERMS

28.1 Any changes to contract terms during the contract period are not permitted without prior approval from Legal Services. A copy of the original contract must be supplied to Legal Services for review. Any variations must comply with the CSO or UK Regulations as applicable. The Decision to vary a contract must be recorded on a Delegated Decision Form signed by the relevant Director of Service unless the decision must be referred to members.

29. EXTENDING THE CONTRACT

29.1 Extensions of the contract beyond the contract period originally awarded or indicated spend are not permitted without prior consultation with Legal Services. A copy of the original contract must be supplied to Legal Services for review. Any extension must comply with the CSO or UK Regulations as applicable. The Decision to extend a contract must be recorded on a Delegated Decision Form signed by the relevant Director of Service unless the decision must be referred to members.

29.2 Following the extension of the contract the Contracting Office must ensure that CSOs 24 and 25 above are completed in relation to the extended contract

30. REVIEW AND AMENDMENT OF THE CSO

30.1 The Monitoring Officer is authorised to make technical amendments from time to time to ensure that these Rules are consistent with legislative requirements, best practice guidance issued from central government and changes in Council policies, procedures and personnel.

30.2 A formal review and update of the CSO Rules will take place at least every two years.

REGULATION 32 OF PCR 2015

32.— Use of the negotiated procedure without prior publication

(1) In the specific cases and circumstances laid down in this regulation, contracting authorities may award public contracts by a negotiated procedure without prior publication.

(2) *General grounds*

The negotiated procedure without prior publication may be used for public works contracts, public supply contracts and public service contracts in any of the following cases:—

a) where no tenders, no suitable tenders, no requests to participate or no suitable requests to participate have been submitted in response to an open procedure or a restricted procedure, provided that the initial conditions of the contract are not substantially altered and that a report is sent to the Cabinet Office if it so requests;

b) where the works, supplies or services can be supplied only by a particular economic operator for any of the following reasons:—

(i) the aim of the procurement is the creation or acquisition of a unique work of art or artistic performance,

(ii) competition is absent for technical reasons,

(iii) the protection of exclusive rights, including intellectual property rights,

but only, in the case of paragraphs (ii) and (iii), where no reasonable alternative or substitute exists and the absence of competition is not the result of an artificial narrowing down of the parameters of the procurement;

c) insofar as is strictly necessary where, for reasons of extreme urgency brought about by events unforeseeable by the contracting authority, the time limits for the open or restricted procedures or competitive procedures with negotiation cannot be complied with.

(3) For the purposes of paragraph (2)(a)—

a) a tender shall be considered not to be suitable where it is irrelevant to the contract, being manifestly incapable, without substantial changes, of meeting the contracting authority's needs and requirements as specified in the procurement documents;

b) a request to participate shall be considered not to be suitable where the economic operator concerned—

(i) is to be or may be excluded under regulation 57, or

(ii) does not meet the selection criteria.

(4) For the purposes of paragraph (2)(c), the circumstances invoked to justify extreme urgency must not in any event be attributable to the contracting authority.

(5) *Additional grounds relevant to public supply contracts*

The negotiated procedure without prior publication may be used for public supply contracts—

- (a) where the products involved are manufactured purely for the purpose of research, experimentation, study or development, but contracts awarded in reliance on this subparagraph shall not include quantity production to establish commercial viability or to recover research and development costs;
- (b) for additional deliveries by the original supplier which are intended either as a partial replacement of supplies or installations or as the extension of existing supplies or installations where a change of supplier would oblige the contracting authority to acquire supplies having different technical characteristics which would result in incompatibility or disproportionate technical difficulties in operation and maintenance;
- (c) for supplies quoted and purchased on a commodity market;
- (d) for the purchase of supplies or services on particularly advantageous terms, from either a supplier which is definitively winding up its business activities, or the liquidator in an insolvency procedure, an arrangement with creditors, or a similar procedure under national laws or regulations.

(6) In the case of paragraph (5)(b), the duration of the contract, as well as that of recurrent contracts, shall not, save in exceptional circumstances, exceed 3 years.

(7) *Additional ground relevant to public service contracts that follow a design contest*

The negotiated procedure without prior publication may be used for public service contracts where the contract concerned—

- (a) follows a design contest organised in accordance with this Part, and
- (b) is to be awarded, under the rules provided for in the design contest, to—
 - (i) the winner of the design contest, or
 - (ii) one of the winners of the design contest.

(8) Where paragraph (7)(b)(ii) applies, all winners must be invited to participate in the negotiation.

(9) *Additional ground relevant to new works or services which repeat similar ones*

The negotiated procedure without prior publication may be used for new works and services consisting of the repetition of similar works or services entrusted to the economic operator to which the same contracting authority awarded an original contract, provided that such works or services are in conformity with a basic project

for which the original contract was awarded following a procedure in accordance with regulation 26(1) and (2).

- (10) The basic project shall indicate the extent of possible additional works or services and the conditions under which they will be awarded.
- (11) As soon as the first project is put up for tender, the possible use of this procedure shall be disclosed and the total estimated cost of subsequent works or services shall be taken into consideration by the contracting authority when it applies regulation 5.
- (12) This procedure may be used only during the 3 years following the conclusion of the original contract.

REGULATIONS 57 PCR 2015”**57.— Exclusion grounds: Mandatory exclusions**

- (1) Contracting authorities shall exclude an economic operator from participation in a procurement procedure where they have established, by verifying in accordance with regulations 59, 60 and 61, or are otherwise aware, that that economic operator has been convicted of any of the following offences:—
- (a) conspiracy within the meaning of section 1 or 1A of the Criminal Law Act 19771 or article 9 or 9A of the Criminal Attempts and Conspiracy (Northern Ireland) Order 19832 where that conspiracy relates to participation in a criminal organisation as defined in Article 2 of Council Framework Decision 2008/841/JHA on the fight against organised crime³;
 - (b) corruption within the meaning of section 1(2) of the Public Bodies Corrupt Practices Act 18894 or section 1 of the Prevention of Corruption Act 19064;
 - (c) the common law offence of bribery;
 - (d) bribery within the meaning of sections 1, 2 or 6 of the Bribery Act 2010, or section 113 of the Representation of the People Act 19835;[...]⁶
 - (f) any offence listed—
 - (i) in section 41 of the Counter Terrorism Act 2008; or
 - (ii) in Schedule 2 to that Act where the court has determined that there is a terrorist connection;
 - (g) any offence under sections 44 to 46 of the Serious Crime Act 2007 which relates to an offence covered by subparagraph (f);
 - (h) money laundering within the meaning of sections 340(11) and 415 of the Proceeds of Crime Act 20027;
 - (i) an offence in connection with the proceeds of criminal conduct within the meaning of section 93A, 93B or 93C of the Criminal Justice Act 19888 or article 45, 46 or 47 of the Proceeds of Crime (Northern Ireland) Order 19969;
 - (j) an offence under section 4 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004¹⁰;
 - (k) an offence under section 59A of the Sexual Offences Act 2003¹¹;
 - (l) an offence under section 71 of the Coroners and Justice Act 2009;[...]¹²
 - (m) an offence in connection with the proceeds of drug trafficking within the meaning of section 49, 50 or 51 of the Drug Trafficking Act 1994¹³ ; [...]¹⁴ [(ma) an offence under section 1, 2 or 4 of the Modern Slavery Act 2015; or]¹⁴
 - (n) any other offence within the meaning of [Article 57(1)(a), (b), (d), (e) or (f)]¹⁵ of the Public Contracts Directive—
 - (i) as defined by the law of any jurisdiction outside England and Wales and Northern Ireland; or
 - (ii) created, after the day on which these Regulations were made, in the law of England and Wales or Northern Ireland.
- (2) The obligation to exclude an economic operator also applies where the person convicted is a member of the administrative, management or supervisory body of that economic operator or has powers of representation, decision or control in the economic operator.
- (3) *Mandatory and discretionary exclusions for non-payment of taxes etc*

An economic operator shall be excluded from participation in a procurement procedure where—

- (a) the contracting authority is aware that the economic operator is in breach of its obligations relating to the payment of taxes or social security contributions; and
- (b) the breach has been established by a judicial or administrative decision having final and binding effect in accordance with the legal provisions of the country in which it is established or with those of any of the jurisdictions of the United Kingdom.

(4) Contracting authorities may exclude an economic operator from participation in a procurement procedure where the contracting authority can demonstrate by any appropriate means that the economic operator is in breach of its obligations relating to the payment of taxes or social security contributions.

(5) Paragraphs (3) and (4) cease to apply when the economic operator has fulfilled its obligations by paying, or entering into a binding arrangement with a view to paying, the taxes or social security contributions due, including, where applicable, any interest accrued or fines.

(6) *Exceptions to mandatory exclusion*

A contracting authority may disregard any of the prohibitions imposed by paragraphs (1) to (3), on an exceptional basis, for overriding reasons relating to the public interest such as public health or protection of the environment.

(7) A contracting authority may also disregard the prohibition imposed by paragraph (3) where an exclusion would be clearly disproportionate, in particular—

- (a) where only minor amounts of taxes or social security contributions are unpaid; or
- (b) where the economic operator was informed of the exact amount due following its breach of its obligations relating to the payment of taxes or social security contributions at such time that it did not have the possibility of fulfilling its obligations in a manner described in paragraph (5) before expiration of the deadline for requesting participation or, in open procedures, the deadline for submitting its tender.

(8) *Discretionary exclusions*

Contracting authorities may exclude from participation in a procurement procedure any economic operator in any of the following situations:—

- (a) where the contracting authority can demonstrate by any appropriate means a violation of applicable obligations referred to in regulation 56(2);
- (b) where the economic operator is bankrupt or is the subject of insolvency or winding-up proceedings, where its assets are being administered by a liquidator or by the court, where it is in an arrangement with creditors, where its business

activities are suspended or it is in any analogous situation arising from a similar procedure under the laws and regulations of any State;

- (c) where the contracting authority can demonstrate by appropriate means that the economic operator is guilty of grave professional misconduct, which renders its integrity questionable;
- (d) where the contracting authority has sufficiently plausible indications to conclude that the economic operator has entered into agreements with other economic operators aimed at distorting competition;
- (e) where a conflict of interest within the meaning of regulation 24 cannot be effectively remedied by other, less intrusive, measures;
- (f) where a distortion of competition from the prior involvement of the economic operator in the preparation of the procurement procedure, as referred to in regulation 41, cannot be remedied by other, less intrusive, measures;
- (g) where the economic operator has shown significant or persistent deficiencies in the performance of a substantive requirement under a prior public contract, a prior contract with a contracting entity, or a prior concession contract, which led to early termination of that prior contract, damages or other comparable sanctions;
- (h) where the economic operator—
 - (i) has been guilty of serious misrepresentation in supplying the information required for the verification of the absence of grounds for exclusion or the fulfilment of the selection criteria; or
 - (ii) has withheld such information or is not able to submit supporting documents required under regulation 59; or
- (i) where the economic operator has—
 - (i) undertaken to—
 - (aa) unduly influence the decision-making process of the contracting authority, or
 - (bb) obtain confidential information that may confer upon it undue advantages in the procurement procedure; or
 - (ii) negligently provided misleading information that may have a material influence on decisions concerning exclusion, selection or award.

(9) *Exclusion during procedure*

Contracting authorities shall exclude an economic operator where they become aware, at any time during a procurement procedure, that the economic operator is, in view of acts committed or omitted either before or during the procedure, in one of the situations referred to in paragraphs (1) to (3).

(10) Contracting authorities may exclude an economic operator where they become aware, at any time during a procurement procedure, that the economic operator is, in view of acts committed or omitted either before or during the procedure, in one of the situations referred to in paragraphs (4) or (8).

(11) *Duration of exclusion*

In the cases referred to in [paragraphs (1) and (2)]¹⁶, the period during which the economic operator shall (subject to paragraphs (6), (7) and (14)) be excluded is 5 years from the date of the conviction.

(12) In the [situations referred to in paragraph (8)]¹⁷, the period during which the economic operator may (subject to paragraph (14)) be excluded is 3 years from the date of the relevant event.

(13) *Self-cleaning*

Any economic operator that is in one of the situations referred to in paragraph (1) or (8) may provide evidence to the effect that measures taken by the economic operator are sufficient to demonstrate its reliability despite the existence of a relevant ground for exclusion.

(14) If the contracting authority considers such evidence to be sufficient, the economic operator concerned shall not be excluded from the procurement procedure.

(15) For that purpose, the economic operator shall prove that it has—

- (a) paid or undertaken to pay compensation in respect of any damage caused by the criminal offence or misconduct;
- (b) clarified the facts and circumstances in a comprehensive manner by actively collaborating with the investigating authorities; and
- (c) taken concrete technical, organisational and personnel measures that are appropriate to prevent further criminal offences or misconduct.

(16) The measures taken by the economic operator shall be evaluated taking into account the gravity and particular circumstances of the criminal offence or misconduct.

(17) Where the contracting authority considers such measures to be insufficient, the contracting authority shall give the economic operator a statement of the reasons for that decision.

REGULATIONS 72 PCR 2015”*72.— Modification of contracts during their term*

- (1) Contracts and framework agreements may be modified without a new procurement procedure in accordance with this Part in any of the following cases:—
- (a) where the modifications, irrespective of their monetary value, have been provided for in the initial procurement documents in clear, precise and unequivocal review clauses, which may include price revision clauses or options, provided that such clauses—
- (i) state the scope and nature of possible modifications or options as well as the conditions under which they may be used, and
- (ii) do not provide for modifications or options that would alter the overall nature of the contract or the framework agreement;
- (b) for additional works, services or supplies by the original contractor that have become necessary and were not included in the initial procurement, where a change of contractor—
- (i) cannot be made for economic or technical reasons such as requirements of interchangeability or interoperability with existing equipment, services or installations procured under the initial procurement, and
- (ii) would cause significant inconvenience or substantial duplication of costs for the contracting authority,
- provided that any increase in price does not exceed 50% of the value of the original contract;
- (c) where all of the following conditions are fulfilled:—
- (i) the need for modification has been brought about by circumstances which a diligent contracting authority could not have foreseen;
- (ii) the modification does not alter the overall nature of the contract
- (iii) any increase in price does not exceed 50% of the value of the original contract or framework agreement.
- (d) where a new contractor replaces the one to which the contracting authority had initially awarded the contract as a consequence of—
- (i) an unequivocal review clause or option in conformity with sub-paragraph (a), or
- (ii) universal or partial succession into the position of the initial contractor, following corporate restructuring, including takeover, merger, acquisition or insolvency, of another economic operator that fulfils the criteria for qualitative

selection initially established, provided that this does not entail other substantial modifications to the contract and is not aimed at circumventing the application of this Part;

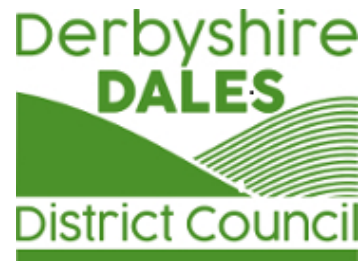
- (e) where the modifications, irrespective of their value, are not substantial within the meaning of paragraph (8); or
 - (f) where paragraph (5) applies.
- (2) Where several successive modifications are made:—
- (a) the limitations imposed by the proviso at the end of paragraph (1)(b) and by paragraph (c)(iii) shall apply to the value of each modification; and
 - (b) such successive modifications shall not be aimed at circumventing this Part.
- (3) Contracting authorities which have modified a contract in either of the cases described in paragraph (1)(b) and (c) shall [submit]² a notice to that effect, in accordance with regulation 51, for publication.
- (4) Such a notice shall contain the information set out in part G of Annex 5 to the Public Contracts Directive , but as if—
- (a) paragraph 9 (financing by EU funds) were omitted;
 - (b) in paragraph 11, "in the Official Journal of the European Union" read "on the UK e-notification service (within the meaning of the Public Contracts Regulations 2015)"; and
 - (c) in paragraph 12, "*date of dispatch*" were a reference to the date on which the notice is submitted to the UK e-notification service for the purposes of these Regulations.
- (5) This paragraph applies where the value of the modification is below both of the following values:—
- (a) the relevant threshold mentioned in regulation 5, and
 - (b) 10% of the initial contract value for service and supply contracts and 15% of the initial contract value for works contracts,
- provided that the modification does not alter the overall nature of the contract or framework agreement.
- (6) For the purposes of paragraph (5), where several successive modifications are made, the value shall be the net cumulative value of the successive modifications.
- (7) For the purpose of the calculation of—
- (a) the price mentioned in paragraph (1)(b) and (c), and

(b) the values mentioned in paragraph (5)(b),

the updated figure shall be the reference figure when the contract includes an indexation clause.

- (8) A modification of a contract or a framework agreement during its term shall be considered substantial for the purposes of paragraph (1)(e) where one or more of the following conditions is met:—
- (a) the modification renders the contract or the framework agreement materially different in character from the one initially concluded;
 - (b) the modification introduces conditions which, had they been part of the initial procurement procedure, would have—
 - (i) allowed for the admission of other candidates than those initially selected,
 - (ii) allowed for the acceptance of a tender other than that originally accepted, or
 - (iii) attracted additional participants in the procurement procedure;
 - (c) the modification changes the economic balance of the contract or the framework agreement in favour of the contractor in a manner which was not provided for in the initial contract or framework agreement;
 - (d) the modification extends the scope of the contract or framework agreement considerably;
 - (e) a new contractor replaces the one to which the contracting authority had initially awarded the contract in cases other than those provided for in paragraph (1)(d).
- (9) A new procurement procedure in accordance with this Part shall be required for modifications of the provisions of a public contract or a framework agreement during its term other than those provided for in this regulation.

This page is intentionally left blank



Financial Regulations 2022-23

To be approved by Full Council on 29 September 2022

TABLE OF CONTENTS

1	INTRODUCTION.....	4
1.1	Background	4
1.2	Status of financial regulations	4
2	FINANCIAL MANAGEMENT.....	7
2.1	The Full Council	7
2.2	The Governance and Resources Committee	7
2.3	The Scrutiny Committee.....	8
2.4	The Head of Paid Service	9
2.5	The Monitoring Officer.....	9
2.6	The Chief Financial Officer.....	9
2.7	Directors.....	10
2.8	The Money Laundering Reporting Officer	11
2.9	Accounting Arrangements.....	11
2.10	Financial Outturn.....	12
2.11	Annual Statement of Accounts	12
2.12	Virements (Budget Transfers).....	13
2.13	Carry forwards	13
2.14	Emergency expenditure	14
2.15	Financial Training.....	14
2.16	Accounting policies	14
3	FINANCIAL PLANNING AND BUDGETARY CONTROL	15
3.1	Policy Framework.....	15
3.2	Performance Management.....	15
3.3	Medium term planning and budgeting.....	15
3.4	Revenue budget setting and monitoring	16
3.5	Capital programme.....	19
3.6	Determination of Affordable Borrowing	21
3.7	Reserves	21
4	RISK MANAGEMENT AND CONTROL OF RESOURCES	22
4.1	Introduction to risk management.....	22
4.2	Responsibilities	22
4.3	Insurance	24
4.4	Internal control	25
4.5	Internal audit	26

4.6	External audit	27
4.7	Preventing fraud, corruption and money laundering	28
4.8	Land, Property and Other Physical Assets (including vehicles, plant, equipment and stocks)	30
4.9	Leasing.....	32
4.10	Treasury Management (Investments and borrowing)	32
4.11	Banking, Corporate Credit Cards and Imprest Accounts (including petty cash and other floats).....	33
4.12	Staffing.....	35
4.13	Use of Consultants and Agency Services.....	35
4.14	Trust funds and Funds held for Third Parties	36
5	FINANCIAL SYSTEMS AND PROCEDURES	37
5.1	General Responsibilities	37
5.2	Income	37
5.3	Ordering and paying for work, goods and services.....	39
5.4	Payments to employees and members.....	41
5.5	Taxation	42
5.6	Trading accounts and business units.....	42
5.7	Retention of documents and records	42
6	EXTERNAL ARRANGEMENTS.....	44
6.1	Partnerships	44
6.2	External funding	45
6.3	Work for third parties.....	45
6.4	Work by third parties	46
7	COMPLIANCE WITH THE LOCAL GOVERNMENT TRANSPARENCY CODE	47
7.1	Publication of Data.....	47

1 INTRODUCTION

1.1 Background

- 1.1.1. Section 151 of the Local Government Act 1972 requires the Council to make arrangements for the proper administration of its financial affairs. It is required to conduct its business efficiently and to ensure that it has sound financial management policies in place and that they are strictly adhered to. Financial regulations, which set out the financial policies of the Council, are the means by which the Council meets that requirement.
- 1.1.2. Financial regulations set out a clear regulatory framework and define those accountable for the use of the Council's resources. They state not only what has to be done, but who is responsible for it. They apply to every Member and employee of the Council and anyone acting on its behalf, including partnerships which are subject to formal partnership arrangements.
- 1.1.3. These Financial Regulations are based upon CIPFA guidance with amendments to reflect the Council's requirements and arrangements.
- 1.1.4. Readers of these financial regulations should link them to other internal regulatory frameworks which form part of the Council's constitution - for example – contract standing orders, schemes of delegation, Responsibility for Functions, and Employees' and Councillors' Codes of Conduct, which include specific issues such as hospitality and gifts. Consideration should also be given to the Council's policies relating to Anti-Fraud, Bribery and Corruption, Anti-Money Laundering, Confidential Reporting (Whistleblowing), Procurement and Employment.

1.2 Status of financial regulations

- 1.2.1. Financial Regulations apply to every Member and employee of the Council and anyone acting on its behalf.
- 1.2.2. Financial Regulations provide the framework for managing the Council's financial affairs. They also form an important element in the Council's overall Corporate Governance Framework.
- 1.2.3. Financial Regulations are to be used in conjunction with the Constitution, Contract Standing Orders and Scheme of Delegation. The Director of Resources, in consultation with the Monitoring Officer, shall determine any matter on which conflict may arise.
- 1.2.4. Financial Regulations are approved by the Council and are usually reviewed at each annual meeting.
- 1.2.5. The Financial Regulations set out the responsibilities and expectations of:
 - Full Council, Committees and Members (Councillors)

- The Chief Financial Officer (CFO)*
- The Monitoring Officer (Director of Corporate & Customer Services)
- The Head of Paid Service (Chief Executive)
- The Corporate Leadership Team
- Designated budget holders and Senior Managers
- All other employees
- Organisations acting on behalf of the Council.

*Reference to the 'CFO' in this document means the Officer appointed to act as Section 151 Officer i.e. the Director of Resources.

1.2.6. All Members and employees have a general responsibility for taking reasonable action to provide for the security of the assets under their control, and for ensuring that the use of these resources is legal, properly authorised and provides value for money.

1.2.7. The Director of Resources shall be the responsible financial officer for the proper administration of the financial affairs of the Council in accordance with Section 151 of the Local Government Act 1972 and all accounting procedures, systems and records of the Council and its officers shall be determined by the Director of Resources. The Director of Corporate and Customer Services as Monitoring Officer has responsibilities for legal compliance.

1.2.8. The Director of Resources is also the responsible officer under Section 114 of the Local Government Finance Act 1988 for reporting to Council if the authority:

- (a) has made or is about to make a decision which involves or would involve the authority incurring expenditure which is unlawful,
- (b) has taken or is about to take a course of action which, if pursued to its conclusion, would be unlawful and likely to cause a loss or deficiency on the part of the authority,
- (c) is about to enter an item of account the entry of which is unlawful.

In addition, the Director of Resources is under a duty to report to Council if it appears that the expenditure of the authority incurs (including expenditure it proposes to incur) in a financial year is likely to exceed the resources (including sums borrowed) available to it to meet that expenditure.

1.2.9. The Director of Resources is responsible for:

- maintaining a continuous review of the Financial Regulations and submitting any additions or changes necessary to full Council for approval;
- reporting, where appropriate, breaches of the Financial Regulations to the Council and any other appropriate committees;
- issuing advice and guidance to underpin the Financial Regulations that Members, employees and others acting on behalf of the Council are required to follow.

- 1.2.10. No item shall be placed before the Council or its Committees without obtaining the Director of Resources' assessment of its financial implications and financial risk. Any report containing new proposals shall include a financial risk assessment by the Director of Resources.
- 1.2.11. The Director of Resources shall support these Financial Regulations with the issue of more detailed instructions to Directors from time to time, including the issue of formal Financial Procedures.
- 1.2.12. The Director of Resources is responsible for maintaining a continuous review of Financial Regulations. Any changes to Financial Regulations shall be subject to approval of the full Council.
- 1.2.13. The Chief Executive and Directors are responsible for ensuring that all employees within their respective service areas are aware of the existence and content of, and comply with, the Council's Financial Regulations, Contract Standing Orders and any other financial instructions the Director of Resources might issue from time to time. Copies of these Financial Regulations are available on the Council's intranet.
- 1.2.14. Any disagreement arising over the interpretation, intention or application of the Financial Regulations shall be determined by the Director of Resources.
- 1.2.15. It may be considered a disciplinary offence if any employee fails to comply with these Financial Regulations.
- 1.2.16. Employees have a duty to report apparent breaches of Financial Regulations to an appropriate senior manager. The senior manager should report breaches of the Regulations to the Director of Resources and the Monitoring Officer who will decide what, if any, further action needs to be taken. The Director of Resources or Monitoring Officer may report any breach of Financial Regulations to the Governance and Resources Committee.
- 1.2.17. If an employee is in any doubt about the appropriate action required, they should consult their senior manager in the first instance. If there remains any doubt, advice should be sought from the Director of Resources before proceeding.
- 1.2.18. In these Financial Regulations all references to authorisation or signatures apply to those on hard copy (paper) and electronic records. A digital signature authorisation carries no less weight and imposes no less responsibility on the authorising officer than a handwritten signature. Designated authorising officers must ensure that they maintain the security of their personal user identity and password details as these identifiers will be taken as the equivalent of a personal, handwritten signature for the purposes of authorisation.

2 FINANCIAL MANAGEMENT

2.1 The Full Council

2.1.1. The Council is responsible for:

- the approval of these Financial Regulations;
- approving and adopting the policy framework and strategies, including those relating to financial affairs such as the Medium Term Financial Strategy and the Investment Strategy;
- approving the revenue budget capital programme, supplementary estimates and revised revenue budget, setting the council tax and authorising the treatment of reserves and balances;
- approving or adopting a plan or strategy for the control of borrowing, investments or capital expenditure, or for determining the authority's minimum revenue provision;
- confirming the appointment or dismissal of the Head of Paid Service, Corporate Director, Monitoring Officer or Chief Financial Officer;
- considering reports of statutory Officers i.e. from the Chief Financial Officer or Monitoring Officer;
- considering the reports of the Head of Paid Service in relation to organisational review and resources;
- providing the Council's Director of Resources with the resources necessary to carry out their statutory duties.

2.1.2. The Council must ensure that it has a sound system of internal control which

- facilitates the effective exercise of its functions and the achievement of its aims and objectives;
- ensures that the financial and operational management of the authority is effective;
- includes effective arrangements for the management of risk.

2.2 The Governance and Resources Committee

2.2.1. The Governance and Resources Committee takes the statutory role of an "Audit Committee" and provides independent review, challenge and assurance of the adequacy of the risk management framework and the associated control environment.

2.2.2. This Committee will consider specific issues or aspects of policy, procedure or service relating to:

- Asset Management
- Financial Governance
- Internal and External Audit
- Human Resources
- Legal and Corporate Governance
- Procurement and Contract Management

- Revenues and Benefits.

2.2.3. Here are some of the key tasks that the Council has delegated to this Committee:

- To have an overview of the Governance framework and to develop and review supporting policies and procedures;
- To approve and review the Council's Code of Corporate Governance and other supporting material;
- To approve the Annual Governance Statement and the Annual Statement of Accounts;
- To consider the External Auditor's reports on issues arising from the Audit of Accounts, the External Audit Plan, the Annual Audit Completion Report etc.
- To approve and review the internal audit plan, consider major findings of internal audit investigations and management's response, and promote co-ordination between the internal and external auditors;
- To keep under review the effectiveness of internal control systems, to receive the External Audit Management Letter on behalf of the Council and any representations and refer any issues requiring attention to the relevant committee and/or officer;
- To consider the appointment of the external auditor, the audit fee, the provision of any non-audit services by the external auditor and any questions of resignation or dismissal of the external auditor;
- To approve the Council's Risk Management Policy and Strategy and consider the annual monitoring report as part of considering the effectiveness of Risk Management, including the risks of bribery, fraud and Corruption.
- To be responsible for the effective management of the Council's land, buildings and property holdings;
- To act as the main "financial committee" to regulate and control the finances of the Council as defined in the Local Government Act 1972;
- To determine policy in relation to the Council's duties and responsibilities as an "employer" and in relation to human resources, employee training and development and industrial relations issues;
- To determine policy and oversee arrangements in relation to the Council's duties and responsibilities under the Data Protection Act;
- To undertake the role of the standards committee.

2.3 The Scrutiny Committee

2.3.1. The primary purpose of the Scrutiny Committee is

- To provide an independent review of Council decisions either before or after they have been made;
- To provide an independent review of decisions made by certain partner authorities;
- To make recommendations regarding the decisions made.

2.4 The Head of Paid Service

- 2.4.1. The Head of Paid Service is one of the three statutory officers. At Derbyshire Dales District Council the Chief Executive is nominated as the Head of Paid Service and is responsible for the corporate and overall strategic management of the Council as a whole. They must report to and provide information for the Full Council and Committees. They are responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the organisation.

2.5 The Monitoring Officer

- 2.5.1. The Monitoring Officer is one of the three statutory officers. The Director of Corporate and Customer Services is the Council's appointed Monitoring Officer. The Monitoring Officer is responsible for the legal governance arrangements for the Council and reviews the Constitution, oversees the ethical framework, and has a personal duty to report to the Council any breaches in the rule of law. They are also responsible for promoting and maintaining high standards of conduct and for reporting any actual or potential breaches of the law or maladministration and for ensuring that the procedures for recording and reporting key decisions are operating effectively.
- 2.5.2. The Monitoring Officer is responsible for advising all Members and officers about who has the authority to take a particular decision and whether a decision is likely to be considered contrary to the policy framework. The Monitoring Officer and the Director of Resources are also responsible for advising the Full Council if a decision could be considered contrary to the budget.

2.6 The Chief Financial Officer

- 2.6.1. The Chief Financial Officer (CFO) is one of the three statutory officers. The responsibilities of the CFO are set out in statute, such as section 151 of the Local Government Act 1972. They refer to the totality of the financial affairs of the Council in all its dealings.
- 2.6.2. The Director of Resources is the Council's appointed Chief Financial Officer (CFO) and Section 151 Officer. This is a statutory post with overall responsibility for the financial affairs of the Council including the promotion of good financial management throughout the organisation, so that public money is safeguarded at all times, and used appropriately, economically, efficiently and effectively.
- 2.6.3. The CFO's responsibilities include setting and monitoring compliance with financial management standards, advising on the corporate financial position and on key financial controls, providing financial advice, advising on preparation of revenue and capital budgets, and treasury management.
- 2.6.4. The role of CFO conforms to the good practice requirements within the CIPFA statement on "The Role of the Chief Financial Officer in Local Government". The

Council's Chief Financial Officer is a full member of the Corporate Leadership Team and is supported by appropriately qualified and experienced staff.

- 2.6.5. The Director of Resources helps the Corporate Leadership Team to develop and implement strategy and to resource and deliver the organisation's objectives for the long term and in the public interest. They are actively involved in, and able to bring influence to bear on all material business decisions, to ensure that the immediate and longer term implications, opportunities and risks are fully considered, and consistent with the overall financial strategy.
- 2.6.6. The Director of Resources is responsible for advising committees on all financial matters. They must be consulted on all financial matters and given adequate opportunity to provide written comments in any report with financial implications.
- 2.6.7. Where the urgency procedures set out in the Council's Constitution are to be invoked, the Director of Resources must first be consulted on financial and other resource implications.
- 2.6.8. After consulting with the Head of the Paid Service and the Monitoring Officer, the Director of Resources will report to the Full Council and the Council's external auditor if he/she considers that any proposal, decision or course of action will involve incurring unlawful expenditure or is unlawful and is likely to cause a loss or deficiency or if the Council is about to enter an item of account unlawfully.
- 2.6.9. The Director of Resources, if necessary in conjunction with the Chief Executive and after consultation with the Leader of the Council, shall have the powers to take any action necessary to safeguard the interests of the Council.

2.7 Directors

- 2.7.1. Directors must operate efficient systems of financial control and are responsible for:
- proper financial administration of the services under their control in accordance with these Financial Regulations;
 - promoting these Financial regulations and issuing guidance on their application to their respective employees;
 - timely provision of such information on the financial affairs of their services as the Director of Resources may request;
 - ensuring that the financial implications of all proposals have been agreed by the Director of Resources;
 - consulting with the Director of Resources and seeking their approval on any matter that could materially affect the Authority's financial position before any commitments are incurred;
 - Informing the Director of Resources of any situation that may create a contingent liability, potential claim or litigation.

2.8 The Money Laundering Reporting Officer

- 2.8.1. The Council has nominated the Director of Resources as the Money Laundering Reporting Officer. They are responsible for notifying the National Criminal Intelligence Service (NCIS) of any suspected cases of money laundering committed within the accounts of the Council as soon as possible and for other duties as defined by legislation or regulation related to the post.

2.9 Accounting Arrangements

- 2.9.1. The Director of Resources is responsible for determining the accounting and supporting records of the Council and its financial control system.
- 2.9.2. The Director of Resources must ensure that the financial control systems are observed and that the accounting records are kept up to date. The accounting records must contain:
- entries from day to day of all sums of money received and spent by the Authority and the matters to which its income and expenditure or receipts and payments relate;
 - a record of the assets and liabilities of the Authority.
- 2.9.3. The financial control systems determined by the Director of Resources must include measures:
- to ensure that the financial transactions of the Authority are recorded as soon as, and as accurately as, reasonably practicable;
 - to enable the prevention and the detection of inaccuracies and fraud, and the reconstitution of any lost records;
 - to ensure that risk is appropriately managed;
 - identification of the duties of officers dealing with financial transactions and division of responsibilities of those officers.
- 2.9.4. Accounting procedures will reflect recommended professional practices, and follow accounting principles as determined by the Director of Resources. Accounting procedures will be reviewed as necessary by the Director of Resources in consultation with Directors. No change to existing accounting procedures may be made without prior consultation with the Director of Resources.
- 2.9.5. The Director of Resources must examine and certify where required any submission, estimate, or claim for payment of grant by a Government Department or funding from any other body. Officers responsible for the administration of such grants, funds and spending associated with them must ensure compliance with the conditions of the grant or funding.
- 2.9.6. The Director of Resources must examine and certify where required any financial return to a Government Department or other body.

2.10 Financial Outturn

- 2.10.1. The Director of Resources will prepare a report to full Council on the Revenue and Capital Outturn after the financial year-end.

2.11 Annual Statement of Accounts

- 2.11.1. The Director of Resources is responsible for ensuring that the annual statement of accounts is prepared in accordance with the *Code of Practice on Local Authority Accounting in the United Kingdom: A Statement of Recommended Practice* (CIPFA/LASAAC).
- 2.11.2. The Director of Resources shall advise the Corporate Leadership Team of any accounting changes that are likely to have a significant impact on the Council's financial position or any requirements for additional information or record keeping.
- 2.11.3. Following appropriate consultation, the Director of Resources shall issue a "Final Accounts Closedown Programme" before the financial year end. All officers are required to support the closedown programme and to alert the Director of Resources to any issues or delays in achieving the timetable.
- 2.11.4. The Director of Resources shall carry out the following in accordance with the deadlines set in the Accounts and Audit Regulations:
- sign and date the statement of accounts, and confirm that they are satisfied that it presents a true and fair view of the financial position of the authority at the end of the financial year to which it relates and the Authority's income and expenditure for that financial year;
 - publish the draft Statement of Accounts on the Council's website;
 - advertise the audit of the Statement of Accounts and the period of public inspection.
- 2.11.5. The Statement of Accounts is subject to external audit, to provide assurance that the accounts have been prepared correctly, that proper accounting practices have been followed and that proper arrangements have been made for securing economy, efficiency and effectiveness in the use of the Authority's resources.
- 2.11.6. The Director of Resources shall liaise with the external auditors to set the detailed external audit timetable. The Director of Resources shall ensure the external auditors have the facilities and systems access necessary to complete their audit.
- 2.11.7. The Director of Resources shall report the audited statement of accounts to the Governance and Resources Committee prior to 30 September following the financial year end. The Committee shall also consider the external audit completion report and the letter of representation. The Committee shall approve the statement of accounts on behalf of the Council. The Director of Resources must then publish the approved Statement of Accounts together with the external auditor's opinion on the Council's website.

2.12 Virements (Budget Transfers)

- 2.12.1. Transfers between budgets, known as virements, are an integral and important feature of budgetary control. They provide the Corporate Leadership Team and Budget Holders with the flexibility to adapt expenditure patterns to meet changing service needs and objectives, or to respond to unforeseen cost increases. Virements should not be made to balance over and underspends that have occurred.
- 2.12.2. Virements can be “one-off” for a single financial year or permanent. Permanent virements require an adjustment to the base budget. Transfers may be made where the management responsibility for a service has changed.
- 2.12.3. Virements will be allowed only where they are within the overall policy framework. They must not create an increasing commitment in future years which cannot be contained within existing approved budget allocations.
- 2.12.4. Directors may authorise virements of up to £10,000 from one service provision to another within a relevant service portfolio after consultation with the Director of Resources. Virements from £10,000 to £25,000 within or between service portfolios may be approved by the Director of Resources. For virements / budget transfers exceeding £25,000, a report shall be taken to the Governance and Resources Committee.
- 2.12.5. Budgets for salaries, wages and associated costs (such as agency cover, recruitment advertising etc.) may be amended, following approval by the Corporate Leadership Team, provided that the cost is within the overall employee budget.
- 2.12.6. Directors will notify the Director of Resources of all virement decisions before expenditure is committed.
- 2.12.7. The authorisation limits set out above do not apply to technical budget transfers necessitated by proper accounting practice that may be authorised by the Director of Resources.

2.13 Carry forwards

- 2.13.1. The Committed Expenditure Reserve may be used to carry forward budget under spending into the next financial year. This prevents the rush to spend up to budget at the end of the financial year, which can lead to poor spending decisions.
- 2.13.2. Carry forwards may also be permitted where it is known that material budgeted expenditure will not now be incurred until the next financial year.
- 2.13.3. Carry forwards will be determined in accordance with guidelines issued by the Director of Resources, considering the Authority’s overall financial position.

2.14 Emergency expenditure

- 2.14.1. The Chief Executive and / or Director of Resources has authority to carry out any function of the Council and to approve a supplementary revenue or capital budget of up to £25,000 in order to carry out that function, provided that the Chairman of the relevant policy committee has been consulted and the spending is in advancement of an approved policy position or project or in accordance with a specific Committee or Council decision.
- 2.14.2. The Director of Resources has authority to approve supplementary revenue and capital budgets where a grant has been awarded subsequent to the revenue budget or capital programme being approved and it is necessary, in order to meet grant conditions, to incur associated expenditure before a report can be taken to Council to request a supplementary revenue or capital budget. In such cases, the amounts will be reported to a future Council meeting as part of an updated capital programme or revenue budget monitoring.

2.15 Financial Training

- 2.15.1. The Corporate Leadership Team is responsible for ensuring that employees receive appropriate training to undertake their financial responsibilities, in accordance with any standards set by the Director of Resources.
- 2.15.2. The Director of Resources will provide training and advice to Members, to ensure that they have an understanding of the Council's strategic financial position.

2.16 Accounting policies

- 2.16.1. The Director of Resources is responsible for selecting accounting policies and ensuring that they are applied consistently.
- 2.16.2. The Governance and Resources Committee will be requested to endorse the accounting policies each year as part of the process for the Statement of Accounts.
- 2.16.3. Use of Capital Receipts - All capital receipts will be treated as corporate capital receipts unless specific approval for an alternative treatment is obtained from Full Council.

3 FINANCIAL PLANNING AND BUDGETARY CONTROL

3.1 Policy Framework

3.1.1. The Council has an integrated planning framework, which links the Corporate Plan and Service Plans with financial planning. Annual service plans for the coming financial year are approved at the budget setting Council meeting each March alongside the revenue budget, the capital programme and the Medium Term Financial Plan (MTFP). This enables scarce resources to be allocated in accordance with the Council's priorities.

3.2 Performance Management

3.2.1. Performance Management is a key element of the management of the organisation. It involves setting objectives, priorities, targets and plans, including financial plans, for all key service areas.

3.2.2. Performance against objectives, priorities and targets is monitored regularly with a view to achieving an integrated planning and review process across the Council. Appropriate action is taken to address the areas that are highlighted by monitoring as needing attention.

3.2.3. The Corporate Plan sets out the Council's objectives and priorities for a four year period. Annual Service Plans set out how the Council will achieve the outcomes and overall actions that are set out in the Corporate Plan. Both the Corporate Plan and annual Service Plans are set alongside the budget

3.3 Medium term planning and budgeting

3.3.1. To deliver the Corporate Plan the available money must be allocated in the most effective way, especially when resources are limited. The Council must have a Medium Term Financial Strategy and a sustainable Medium Term Financial Plan. A robust challenge process must be in place to ensure that the decisions made are achieving value for money. Budget setting and monitoring is an integral part of performance management.

3.3.2. Medium term financial planning requires:

- planning ahead
- linking resources to the corporate plan priorities
- ensuring that a balanced budget will be delivered
- looking at opportunities for efficiency savings and new income streams.

3.3.3. The Director of Resources shall prepare a Medium Term Financial Strategy (MTFS), which includes:

- A Medium-Term Financial Plan (MTFP), covering five financial years – the current year and the next four years;

- A policy in respect of reserves and provisions;
- A risk assessment.

- 3.3.4. The Medium Term Financial Strategy (MTFS) should be linked to corporate objectives, the Corporate Plan and other Council strategies/plans as appropriate.
- 3.3.5. The MTFS and MTFP should address reaching or maintaining the recommended level of reserves (see section on reserves below).
- 3.3.6. The MTFS should be updated by the Director of Resources and approved by the Council on an annual basis prior to the preparation of detailed budgets.

3.4 Revenue budget setting and monitoring

- 3.4.1. The Director of Resources is responsible for ensuring that a revenue budget for the coming year and a medium term financial forecast for the four subsequent financial years are prepared for consideration by Full Council in March each year. The budget and the medium term financial forecast are both driven by the corporate plan.
- 3.4.2. Annual revenue estimates and annual revised revenue estimates shall be prepared jointly by the respective Director of Service and the Director of Resources.
- 3.4.3. The Director of Resources shall make a budget report to the March Council meeting on the estimates for services for the following financial year. The proposed budget will reflect the Council's financial position taking account of potential government funding, council tax and business rates and medium term financial issues. The report will include the Director of Resources' assessment of the robustness of estimates contained within the proposed budget and the adequacy of reserves allowed for in the budget proposals.
- 3.4.4. The Council is legally obliged to set a balanced budget. The Full Council is responsible for approving the annual revenue budget and council tax for the coming financial year.
- 3.4.5. A rolling budget will be maintained throughout the year, reflecting budget changes arising from Council decisions made in the year after the budget was set, virements and supplementary estimates.
- 3.4.6. A mid-year report, reflecting income and expenditure to the 30 September (Q2), will be presented (usually to the October/November Council meeting) for approval of the annual revised estimates/budget for the current financial year.
- 3.4.7. The Director of Resources will present budget monitoring reports to the Governance and Resources Committee, and these reports will include a summary of any budget changes approved under delegated authority for the Committee to note, alongside any necessary budget changes for Member approval, as follows:

- To the July/August meeting, for the period ending 30 June (Q1);
- To the February / March meeting, for the period ending 31 December (Q3).

- 3.4.8. Following the financial year-end and prior to the statutory deadline to publish the Statement of Accounts, the Director of Resources shall present a provisional outturn report to Council. This report provides details of the provisional financial outturn for the year just ended and significant variations from the approved budget. It also seeks approval for the treatment of any under- or over-spending and transfers to and from reserves.
- 3.4.9. It is the responsibility of each Director of Service to ensure that the budgets for controllable expenditure on each Service (as shown in the circulated budgetary control reports) are not exceeded. Where it appears that such a service provision shall be exceeded by an amount in excess of £10,000, it shall be the duty of the Director of Service concerned, in consultation with the Director of Resources, to inform the relevant policy committee with recommendations on how the expenditure is to be funded or defrayed.
- 3.4.10. Directors may designate specific officers as budget holders. A budget holder is an individual who has been nominated by their Director as having responsibility for the managing specified budgets.
- 3.4.11. Directors must ensure that there is a clear allocation of responsibility for revenue budgets at cost centre level and for capital projects / schemes within their service areas. Budget responsibility should be aligned as closely as possible to the decision making that commits expenditure. Managers should be budget holders for their own areas and should be accountable for budget variances within them. Budget Holders must also take any action necessary to avoid exceeding their budget allocation or to address shortfalls in income. Directors must alert the Director of Resources to any significant financial variation (i.e. over £10,000) not previously reported in budget monitoring. The notification must also include an explanation of how the Director intends to ensure that any adverse variance is minimised. Directors must report any problem in delivering previously agreed savings in a format determined by the Director of Resources.
- 3.4.12. A budget holder is not expected to be an accountant but is required to manage their budgets effectively. This means ensuring that budgets are adhered to i.e. that expenditure does not exceed the budget and that income does not fall short. In addition, a budget holder must operate in a manner consistent with the Council's policies and be aware of any objectives or targets the Council has set relating to the particular cost centre(s) under his/her control.
- 3.4.13. A budget holder's responsibilities include:-
- Budget Preparation:
- a) To prepare estimates in accordance with deadlines and guidance specified by the Director of Resources, such as the Budget Holder's Manual;
 - b) To provide any budget data that the Director of Resources deems

necessary for the production of estimates;

- c) To respond promptly to any queries from the Director of Resources or the Financial Services Team regarding the above.

Budget Monitoring:

- a) To examine monthly budgetary control reports, supplying information required by the Director of Resources within specified timescales;
- b) To identify any budget variances and inform the Director of Resources and service director of variances exceeding (or likely to exceed) £10,000;
- c) To take action promptly to deal with budget variances.

Final Accounts

- a) To examine actual expenditure and income to ensure that it is fully accounted for in the correct financial year;
- b) To explain any budget variances that exceed £10,000 and to identify whether they are one-off or likely to recur in the following financial year;
- c) To complete accruals and other year-end processes as required by the Director of Resources.

- 3.4.14. No expenditure introducing major continuing liabilities to the Council, particularly new projects which involve financial commitments in future years, new policy or extension of services, may be incurred without prior consultation with the Director of Resources and the approval of Council either through the budget or separately in the course of the financial year. Such a report shall detail all the financial consequences and state whether sufficient financial provision is available in the budget for the proposal in current and future years and what action is proposed if such provision is not available.
- 3.4.15. A Director shall not incur a liability which would cause expenditure to exceed an approved budget head unless this can be met by way of a supplementary estimate or virement. The necessary approval must be obtained in advance of the relevant commitment being made. Any request for a Supplementary Estimate shall be made after consultation with the Director of Resources.
- 3.4.16. Additional income and savings that do not arise as a result of operational management decisions may be used to finance additional expenditure only after consultation with the Director of Resources who may require a report to the relevant policy committee or full Council.
- 3.4.17. Directors have a responsibility to ensure that value for money is being achieved e.g. comparing costs and looking at procurement practice and opportunities.

3.5 Capital programme

- 3.5.1. Capital expenditure relates to the acquisition or enhancement of fixed assets with a long-term value to the Authority, such as land, buildings, major items of plant and equipment, vehicles or new ICT. Capital assets shape the way services are delivered for the long term and create financial commitments for the future in the form of financing costs and revenue running costs.
- 3.5.2. Full Council is responsible for approving the capital programme and for monitoring actual expenditure against the programme. In order to provide sufficient challenge, policy committees will consider requests for new capital projects which, if approved, will be referred to Council for approval in the capital programme.
- 3.5.3. New capital projects: Where expenditure is required or anticipated which has not been included in the Capital Programme, a revision to the Capital Programme is required before that spending can proceed. A full business case must be completed for each proposed capital project. Business cases for new capital projects shall be assessed firstly by the Capital Programme Working Group, who will score the new bids prior to making recommendations to the Corporate Leadership Team. The Corporate Leadership Team will then consider the projects to be referred to Council for inclusion in the capital programme, taking into account the Council's priorities, the availability of funding etc. For projects over £25,000, or those of a political nature, a report is required to the relevant policy committee before the project is referred to Council for inclusion in the capital programme; if in doubt, the Director should seek the advice of the Director of Corporate and Customer Services.
- 3.5.4. Increased costs: Changes which result in an increase in the amount of an accepted tender or estimate by 10% or £50,000, whichever is the lower, shall be reported to the Director of Resources as soon as possible with an estimate of the probable new cost and an explanation of the additional cost. If the additional cost cannot be contained within the capital programme allocation, it will be necessary to seek approval from Council for any additional expenditure as part of the updated capital programme.
- 3.5.5. Revisions to the Capital Programme will generally be taken to Council only in March, May/June and October/November each year, unless there are exceptional circumstances. It is the role of the relevant policy committee to oversee the delivery of projects, within the approved capital programme.
- 3.5.6. The inclusion of a capital project within the Capital Programme will authorise the relevant Director to seek tenders to undertake the work subject to:
- compliance with the Council's Contract Standing Orders;
 - the Policy Committee or Council not having placed a specific requirement to report back prior to the issuing of tender documents.
- 3.5.7. The Director of Resources is responsible for:

- Recommending the Capital Programme covering the next four financial years to Council – this usually takes place in March (as part of budget setting), May/June (reporting the provisional out-turn) and October/November (a mid-year review) each year;
- Prescribing the items to be included in the business case template, to be used to assess proposed capital projects;
- Re-profiling projects already in the approved programme where expenditure is delayed or required sooner than anticipated;
- Changing the budget for projects already in the approved programme where appropriate;
- Ensuring that the capital programme is consistent with corporate, service and asset management objectives and priorities;
- Ensuring that projects to be recommended for inclusion in the capital programme have been evaluated using a robust business case process;
- Ensuring that the programme is fully funded and is affordable and sustainable in accordance with statute and the CIPFA Prudential Code;
- Ensuring that the Medium Term Financial Forecast makes appropriate revenue provision for capital financing cost and other revenue implications of capital programme projects;
- Ensuring that external funding for projects is maximised as far is appropriate;
- Preparing a Capital Strategy and a Minimum Revenue Provision Strategy;
- Ensuring that the Capital Programme is consistent with the recommended Treasury Management Strategy;
- Determining accounting policies on capitalisation in the Council's accounts.

3.5.8. The relevant Director is responsible for:

- Preparing a full business case for each proposed capital project and submitting it to the Capital Programme Working Group for consideration, within agreed timescales;
- Where business cases are approved by the CPWG and the Corporate Leadership Team for projects over £25,000, or those of a political nature, preparing a report to the relevant policy committee before the project is referred to Council for inclusion in the capital programme;
- Controlling and monitoring spending against the amount in the capital programme and reporting significant changes to the CPWG (and Director of Resources if appropriate – see above), with explanations for the changes.
- Providing the CPWG with proposals to re-profile projects already in the approved programme where expenditure is delayed or required sooner than anticipated;
- Entering financial monitoring information onto the monthly monitoring reports provided by the financial services team;
- Providing the Director of Resources with information that is required for inclusion in reports to policy committees, council or for accounting purposes;
- Compliance with contract standing orders.

- 3.5.9. Directors must not enter into credit arrangements, such as leasing agreements, without the prior approval of the Director of Resources and the Monitoring Officer and, if applicable, approval of the scheme should be included as part of the capital programme.

3.6 Determination of Affordable Borrowing

- 3.6.1. It is the responsibility of the Director of Resources to provide the Council with a written report on affordable levels of borrowing. This report is to be presented at the meeting when the annual budget is set and should have regard to the Prudential Code for Capital Finance issued by the Chartered Institute of Public Finance and Accountancy. The report will contain a number of prudential indicators that demonstrate that capital spending plans are affordable, prudent and sustainable.

3.7 Reserves

- 3.7.1. It is the responsibility of Director of Resources to provide the Council with a written report on levels of reserves that are considered prudent. This advice is usually included in the Budget Setting Report (see section on budget above).
- 3.7.2. The Authority's Medium Term Financial Strategy and Medium Term Financial Plan should address reaching or maintaining the recommended level of reserves.

4 RISK MANAGEMENT AND CONTROL OF RESOURCES

4.1 Introduction to risk management

- 4.1.1. All organisations face risks to their people, property, finances, services, reputation and continued operations. Risk management is about systematically identifying and actively managing these risks. It is an integral part of good business practice and is essential to securing the Council's assets and to ensuring continued financial and organisational wellbeing.
- 4.1.2. Risk can be mitigated by:
- transferring the risk to a third party, e.g. through insurance;
 - implementing additional controls to minimise the likelihood of the risk occurring and/or minimising its potential impact (e.g. through regular inspection and continuous monitoring of identified key risk areas);
 - establishing and regularly testing business continuity and disaster recovery procedures to deal with the consequences of events and minimise potential disruption.
- 4.1.3. The Council has a Risk Management Policy and Strategy. The Council's approach to managing risk is a continuous review of exposure to risk within service areas, overseen by the Chief Executive and the Risk Continuity Group. This is delivered through the maintenance and review of strategic and operational risk registers, which detail the risks and action plans, together with the maintenance of a business continuity plan, an emergency plan and disaster recovery processes, as well as adequate insurance cover. It is essential that risk management is incorporated into business processes in line with corporate guidelines. These processes include budget preparation and integrated service and financial planning, budget monitoring and performance management, programme and project management, procurement and contract management.

4.2 Responsibilities

- 4.2.1. All Councillors and Managers are responsible for ensuring that risks are considered in the decisions they take. The Council has a Risk Management Policy and Strategy that is usually reviewed every two years. It is the Council's policy to proactively identify, understand and manage the risks inherent in our services and associated within our plans and strategies, so as to encourage responsible, informed risk taking.
- 4.2.2. All Councillors and employees shall ensure that they identify, manage and act on opportunities as well as risks to enable the Council to achieve its objectives and integrate risk management into the culture and day to day working of the Council. Activities that are suspected to be high risks should be reported immediately to the relevant Director.
- 4.2.3. Service Managers shall carry out quarterly risk reviews and update the risks that sit within their respective service's risk register. Each Director will nominate a representative(s) to sit on the Risk Continuity Group (RCG).

- 4.2.4. The Risk Continuity Group (RCG) shall meet quarterly to review the Council's Strategic Risk Register and to ensure that there are adequate arrangements for risk reduction measures, training and risk management information to enable officers and members to perform their duties.
- 4.2.5. The RCG shall prepare a Risk Management Strategy (and review it every two years) and a Risk Management Annual Report. The Corporate Leadership Team shall consider these documents before they are presented to the Governance and Resources Committee for scrutiny and approval.
- 4.2.6. The Governance and Resources Committee is responsible for:
- Independent review, challenge and assurance of the adequacy of the risk management framework and the associated control environment;
 - Approval of the Council's Risk Management Policy and Strategy;
 - Consideration of the annual risk management monitoring report (as part of considering the effectiveness of Risk Management, including the risks of bribery, fraud and Corruption);
 - Reviewing the effectiveness of the risk management process.
- 4.2.7. The Chief Executive is responsible for:
- Ensuring that strategic risks are effectively managed within the Council; and
 - Providing an annual statement of assurance on strategic risks (the Risk Management Annual Report).
- 4.2.8. The Corporate Leadership Team is responsible for:
- Scrutinising significant risks in more detail as part of their annual work programme, as appropriate;
 - Taking corporate responsibility for risk;
 - Ensuring that a business continuity plan and emergency plan are in place;
 - Ensuring that disaster recovery processes are in place and are sufficient;
 - Addressing issues that cannot be addressed within service budgets or risk management fund of an extreme or high assessment;
 - Receiving reports of all extreme or high assessments.
- 4.2.9. Directors are responsible for:
- Championing and taking overall responsibility for implementing the Risk Management Strategy and embedding risk management throughout the Council;
 - Maintaining awareness of and promoting the approved risk management strategy to all employees;
 - Ensuring that there are regular reviews of risks within their respective services;
 - Maintaining an operational risk register for their respective services;
 - Reviewing risks identified by the line managers and team leaders;
 - Ensuring that risks which have been identified are addressed and mitigated

and that any high risks are addressed urgently;

- Reviewing risk action plans and ensuring that they are implemented;
- Ensuring that risk management is incorporated into service plans and project plans;
- Ensuring that a full risk assessment is included on all Committee / Council reports.

4.2.10. The Risk Continuity Group is responsible for:

- Preparing and recommending changes to the risk management strategy;
- Preparing, monitoring and reviewing the strategic risk register on a regular basis;
- Identifying and assessing / scoring risks on the strategic risk register;
- Recommending actions to address risks; and
- Arranging and providing risk management training as appropriate.

4.2.11. Managers and Team Leaders are responsible for:

- Identifying and analysing risks;
- Undertaking assessments at service level, at frequencies defining by Directors;
- Preparing risk register entries.

4.2.12. All employees are responsible for:

- Managing risk effectively in their job and reporting opportunities and risks to their managers or team leaders;
- Participating in risk assessment and action planning where appropriate;
- Adhering to Council policies and procedures; and
- Attending training and development sessions when requested.

4.3 Insurance

4.3.1. The Council maintains insurance cover to deal with the financial consequences of any incident which may give rise to a claim being made by/against the Council or result in financial cost or loss which may not otherwise be provided for.

4.3.2. The extent to which the Council “self-insures” is informed by the perceived risk and the Council’s claims history and is determined by the Director of Resources.

4.3.3. The Director of Resources shall be responsible for effecting and reviewing all necessary insurance and for effecting corporate insurance cover, through external insurance and internal funding, and negotiating all claims in consultation with other officers, where necessary, and for arranging suitable Fidelity Guarantee insurance in respect of all employees.

4.3.4. Directors shall be responsible for notifying the Director of Resources immediately of changes in any insurable risks (such as new properties or vehicles or disposals).

- 4.3.5. Directors shall notify the Director of Resources immediately of any loss, liability or damage that may lead to a claim against the Council.
- 4.3.6. Directors shall submit claims, or information in respect of claims, in accordance with arrangements made by Director of Resources. It is imperative that officers respond promptly to information requests and comply with the timescales for investigating claims and the insurer's conditions. Failure could directly affect the authority's ability to make or defend a claim or could result in financial penalties being imposed on the authority.
- 4.3.7. Directors shall consult the Director of Resources, the Director of Corporate and Customer Services and the Chief Executive before giving any indemnity, or making any admission of liability for or on behalf of the Council.
- 4.3.8. Directors should ensure that employees, or anyone covered by the authority's insurances, do not admit liability or make any offer to pay compensation that may prejudice the assessment of liability in respect of any insurance claim.
- 4.3.9. Directors should consult the Director of Resources and the Director of Corporate and Customer Services and seek legal advice on the terms of any indemnity that the authority is requested to give.

4.4 Internal control

- 4.4.1. Internal control refers to the systems devised by management to guard against risk and promote achievement of objectives. More specifically, internal controls promote:
- the achievement of business objectives and performance standards;
 - compliance with plans, policies, procedures, codes of conduct, laws and regulations;
 - the reliability, integrity, timeliness and usefulness of information;
 - the legality of transactions and compliance with approved budgets and procedures;
 - the safeguarding of people, property, finances, services, continued operations and reputation.
- 4.4.2. Internal controls are an essential part of the Council's risk management arrangements and should be reviewed on a regular basis. Control systems should provide for clarity of policies, objectives, targets, responsibilities and accountabilities, and appropriate authorisations and approvals, separation of duties, level of internal check, management information and physical safeguards.
- 4.4.3. The Director of Resources is responsible for assisting the Authority in putting in place an appropriate control environment and effective internal controls which provide reasonable assurance of effective and efficient operations, financial stewardship, probity and compliance with all applicable statutes, regulations and codes of practice.
- 4.4.4. The Account and Audit Regulations 2015 require the publication of an Annual

Governance Statement. The statement represents the end result of a review of internal control and risk management and includes a description and evaluation of the internal control environment, the review process, and any significant issues.

- 4.4.5. The Director of Resources, in consultation with the Director of Corporate and Customer Services, Internal Audit Consortium Manager and the Corporate Leadership Team, shall draft an Annual Governance Statement in accordance with the Accounts and Audit Regulations.
- 4.4.6. The Governance and Resources Committee is responsible for reviewing the Annual; Governance Statement and should seek to satisfy itself that it has obtained sufficient, relevant and reliable evidence to support the disclosures made.
- 4.4.7. Following approval by the Committee, the statement shall be signed by the Chief Executive and the Leader of the Council by the statutory deadline.

4.5 Internal audit

- 4.5.1. Internal audit is an independent appraisal function that advises management on the effectiveness of their governance, risk and internal control arrangements.
- 4.5.2. The key features of internal audit are:
- it is independent of service operations in its planning and operation;
 - it has sufficient organisational status to facilitate effective discussion and negotiation of the results of its work;
 - it utilises risk-based methodologies in planning and delivering its work and does not have undue limitations placed on its scope;
 - the Chief Internal Auditor / Head of the Internal Audit Consortium has direct access to senior managers, elected members and the external auditor as appropriate;
 - Internal auditors comply with guidance issued by professional bodies, mainly the Public Sector Internal Audit Standards.
- 4.5.3. Internal Audit employees are authorised to appraise the adequacy of procedures employed by Directors of Service to secure economy, efficiency and effectiveness in the use of resources.
- 4.5.4. In accordance with Regulation 5 of the Accounts and Audit (England) Regulations 2015, the Council must undertake an effective internal audit to evaluate the effectiveness of its risk management, control and governance processes, taking into account Public Sector Internal Auditing Standards or other guidance. This function shall be under the control of Director of Resources.
- 4.5.5. The Governance and Resources Committee shall be responsible for:-
- a) agreeing a 3-year strategic Internal Audit Plan and annual operational Internal Audit Plan;

- b) monitoring Internal Audit compliance therewith;
- c) considering reports produced in accordance with the Internal Audit Plan and responses to the recommendations made.

4.5.6. The Director of Resources or his/her authorised representative, shall have authority to:-

- a) enter any Council premises or land at any reasonable times;
- b) have access to all assets, records, documents, correspondence and control systems;
- c) receive any information and explanation considered necessary concerning any matter under consideration;
- d) require any employee of the Council to account for cash, stores or any other Council property under his/her control;
- e) access records belonging to third parties, such as contractors, when required (note that contracts should specify access rights);
- f) directly access the senior managers and elected members where appropriate.

4.5.7. The Director of Resources, supported by the Head of Internal Audit, will ensure that strategic and annual audit plans are prepared and that they take account of the characteristics and relative risks of the services being reviewed.

4.5.8. Directors are required to notify the Director of Resources of new areas of risk which may need to be subject to audit review. The Director of Resources' shall approve any new systems for the maintenance of financial records, or records of assets of the authority, or any changes to such systems.

4.6 External audit

4.6.1. The external auditor's responsibilities are defined in the Local Audit and Accountability Act 2014 and carried out in accordance with the Code of Audit Practice issued by the National Audit Office. This requires the auditor to review and report:

- I. that the accounts comply with the requirements of the enactments that apply to them;
- II. that proper practices have been observed in the preparation of the statement of accounts, and that the statement presents a true and fair view; and
- III. that the authority has made proper arrangements for securing economy, efficiency and effectiveness in its use of resources.

4.6.2. The Governance & Resources Committee's responsibilities relating to external audit are:

- To consider the External Auditor's reports on issues arising from the Audit of Accounts, the External Audit Plan, the Annual Audit Letter etc.;

- To promote co-ordination between the internal and external auditors;
- To receive the External Audit Management Letter on behalf of the Council and any representations and refer any issues requiring attention to the relevant committee and/or officer;
- To consider the appointment of the external auditor, the audit fee, the provision of any non-audit services by the external auditor and any questions of resignation or dismissal of the external auditor.

4.6.3. The Director of Resources is responsible for:

- procuring and managing the contract for the external auditor;
- liaising with the external auditor to make arrangements for the audit and to discuss the findings of the audit;
- preparing reports on external audit issues for the Governance and Resources Committee;
- giving advice on external audit issues to the Committee, Chief Executive, Directors and other officers on their responsibilities in relation to external audit and issues arising from the audit.

4.6.4. The Chief Executive, Director of Resources and other Directors are required to:

- ensure that external auditors are given access at all reasonable times to premises, personnel, documents, and assets;
- ensure that external auditors are provided with information and explanations that the external auditors consider necessary for the purposes of their work;
- consider and respond promptly to recommendations in external audit reports;
- ensure that agreed actions arising from audit recommendations are carried out in a timely and efficient fashion and in line with the timescale agreed with the external auditor; and
- report on progress.

4.7 Preventing fraud, corruption and money laundering

4.7.1. The Council is responsible for substantial public funds and other assets and has a duty to demonstrate the highest standards of probity and stewardship in the day to day management of its affairs.

4.7.2. It is therefore expected that Members and staff at all levels will lead by example in ensuring adherence to legal requirements, rules, procedures and practices.

The Council also expects that individuals and organisations, with which it comes into contact, will act towards the Council with honesty and integrity. The Council expects all partners in both public and private sectors to establish robust and transparent governance arrangements.

4.7.3. Money laundering involves the 'cleaning' of illegal proceeds in order to disguise their criminal origin. The proceeds of criminal activity, usually cash, are introduced into the financial system where they are laundered enabling them to leave the system appearing to come from a legitimate source. The Council could be subject to money laundering attempts when accepting payments by cash in relation to the payment of substantial bills.

4.7.4. Responsibility for the prevention and detection of fraud, corruption, bribery and money laundering rests with all Councillors and employees of the Council. The key controls regarding the prevention of financial irregularities are that:

- the Authority has an effective [Anti-Fraud, Bribery and Corruption Strategy \(including Anti-Money Laundering Policy\)](#) in place and maintains a culture that will not tolerate any form of fraud, corruption, bribery, money laundering, abuse of position or other malpractice, whether it is attempted by persons or organisations within or external to the Council;
- internal control systems exist to minimise the risk of fraud, corruption and money laundering occurring;
- Codes of Conduct require all Members and employees demonstrate the highest standards of behaviour in the conduct of public business and a register of interests is maintained;
- the Codes of Conduct are widely publicised;
- managers are expected to deal swiftly and firmly with those who defraud or attempt to defraud the Authority or who are found to be corrupt;
- the Council has Confidential Reporting (whistleblowing) procedures in place, which operate effectively;
- to prevent large scale money laundering, the Council has a ceiling of £10,000 on any one transaction (legislation states 15,000 euros).

4.7.5. Cases of suspected fraud, misappropriation of money, materials or equipment, or any mismanagement of money or other assets, or any other financial irregularities, shall be reported immediately to the Director of Resources, who shall investigate and report to the appropriate Director of Service, the Monitoring Officer and the Chief Executive. The roles and responsibilities of Internal Audit and individuals are set down in the Council's [Anti-Fraud, Bribery and Corruption Strategy \(including Anti-Money Laundering Policy\)](#).

4.7.6. Directors of Service shall be responsible for ensuring that relevant employees are aware of the requirements of the Council's Anti-Money Laundering Policy. Cases of known or suspected money laundering or terrorist financing activities shall be reported immediately to the Council's Money Laundering Reporting Officer (MLRO), currently the Director of Resources, who shall investigate as a matter of urgency. The procedure and reporting forms are detailed in the Anti-Money Laundering Policy which is incorporated within the Anti-Fraud, Bribery &

Corruption Strategy, available on the Council's [website](#).

4.7.7. The Director of Resources is responsible for:

- developing and maintaining an Anti-fraud, bribery and corruption policy, which includes laundering;
- ensuring that effective internal controls are in place to minimise the risk of fraud, corruption and financial irregularities
- ensuring that effective procedures are in place to identify both internal and external fraud;
- the investigation of reported cases of fraud, corruption, bribery, money laundering or other malpractice as a matter of urgency;
- where evidence of fraud etc. is found, reporting the outcome of investigations to the appropriate Director of Service, the Monitoring Officer and the Chief Executive and that all necessary steps are taken to prevent further loss and to secure records and documents against removal or alteration;
- providing advice, guidance and training on the policy to members and employees;
- determining whether the suspicions should be reported to the National Crime Agency.

4.7.8. All members and employees shall have due regard to the Council's [Anti-Fraud, Bribery and Corruption Strategy \(including Anti-Money Laundering Policy\)](#) and shall co-operate with investigations under the Policy and with regulatory authorities during any subsequent investigation.

4.7.9. All staff have a duty to report any suspicions to the Money Laundering Reporting Officer (Director of Resources).

4.7.10. The relevant Director must ensure the full cooperation of senior management in any investigation and instigate the authority's disciplinary procedures where the outcome of an audit investigation indicates improper behaviour.

4.8 Land, Property and Other Physical Assets (including vehicles, plant, equipment and stocks)

4.8.1. The Director of Regulatory Services (in conjunction with the Director of Resources and Director of Corporate & Customer Services) shall:

- make adequate arrangements to maintain an asset register of all assets with

a value in excess of £10,000 and ensure that all assets are valued in accordance with the Code of Practice on Local Authority Accounting in the United Kingdom, or such standards as may supersede it;

- issue guidelines for the disposal of assets.

4.8.2. The Chief Executive and Directors must ensure that records and assets are properly maintained and securely held. They should also ensure that contingency plans for the security of assets and continuity of service in the event of disaster or system failure are in place.

4.8.3. Directors shall be responsible for the safe custody of assets under their control, and the maintenance of records in accordance with advice issued from time to time by the Director of Resources. Directors are responsible for ensuring that all assets in their control are appropriately maintained and shall:

- make adequate arrangements to maintain a property database in a form agreed with the Director of Resources for all properties, plant and machinery and moveable assets;
- ensure the security of all buildings and other assets, including cash, under their control;
- maintain inventories in a form determined by the Director of Resources;
- ensure that stocks of goods and materials are held at a level appropriate to the business needs of the Council;
- carry out a stock check at least once a year and provide the Director of Resources with a stock certificate at the end of each financial year;
- annually write-off and dispose of obsolete stores and equipment in consultation with the Director of Resources;
- make arrangements with the Director of Resources to ensure that all items are appropriately insured against loss.

All Council assets (including tools and equipment) with a value of £100 or more should be clearly identified and marked as property of the Council.

Significant stores discrepancies shall be subject to Internal Audit scrutiny.

4.8.4. No Council asset should be subject to personal use by an employee without prior authorisation from their director.

4.8.5. The Corporate Leadership Team is responsible for all disposals of land and property and for identifying any revenue implications arising from the sale of assets. Service Directors may dispose of revenue assets through sale, donation or scrapping. They must assure themselves that the assets concerned are the property of the Council (rather than a leasing company) before disposing of them. Directors must ensure that value for money is obtained for every disposal and maintain adequate evidence (e.g. receipts, sealed bids) to support all asset disposals demonstrating value for money, the reasons for the disposal, and that the assets are obsolete or surplus to requirements. Directors should ensure that income from disposals is correctly accounted for and promptly banked.

4.8.6. All assets to be disposed of over the value of £25,000 must be cleared with the

Corporate Leadership Team before they can be disposed of.

- 4.8.7. Directors must ensure that legal, environmental and other statutory issues are addressed when disposing of any assets and must ensure they take advice from the Director of Resources on the appropriate method of disposal.

4.9 Leasing

- 4.9.1. The Director of Resources shall be responsible for the evaluation and arrangement of all Capital financing facilities. This excludes the short-term hiring of equipment for periods of less than 12 months.

- 4.9.2. Directors must take appropriate advice from the Director of Resources and the Director of Corporate and Customer Services before entering into any lease agreement.

4.10 Treasury Management (Investments and borrowing)

- 4.10.1. This Council has adopted CIPFA's Code of Practice for Treasury Management in the Public Services. The Council has delegated responsibility for the implementation and monitoring of its Treasury Management Policies and Practices to the Director of Resources.

- 4.10.2. Accordingly, the Council shall adopt a Treasury Management Strategy Statement (TMSS) setting out the policies and objectives of its Treasury Management activities. The Director of Resources shall review the TMSS annually and present a report for its approval by Full Council. The TMSS shall be considered for approval at the same meeting as the Council's Revenue Budget and Capital Programme. The Director of Resources shall report at least twice a year (a mid-year report and an out-turn report) to the Governance and Resources Committee to monitor treasury management activities against the Strategy.

- 4.10.3. As further required by the CIPFA Code, the Director of Resources shall prepare and maintain Treasury Management Practice Statements (TMPs). The Governance and Resources Committee will be responsible for the scrutiny of TMPs.

- 4.10.4. All money in the hands of the Council shall be under the control of the officer designated for the purposes of Section 151 of the Local Government Act 1972 referred to in the Code as the "Chief Financial Officer", i.e. the Director of Resources.

- 4.10.5. All Council decisions on borrowing, investment or financing shall be delegated to the Director of Resources who shall be required to act in accordance with CIPFA's "Treasury Management in the Public Services: Code of Practice".

- 4.10.6. The Director of Resources shall prepare an Annual Report on Treasury Management for presentation to the Council by 30 September of the succeeding financial year. The report will cover the activities of the treasury management operation and the exercise of delegated treasury management powers.

- 4.10.7. Should the Director of Resources wish to depart in any material respect from the main principles of the code, the reasons should be disclosed in the report to the Council.
- 4.10.8. All investments shall be made in the name of the Council or in the name of nominees approved by the Council. The Director of Resources shall be authorised to operate such investment accounts as he/she feels necessary, subject to compliance with the Council's Treasury Management Strategy Statement.
- 4.10.9. All Securities in the name of the Council or its nominees shall be held in the custody of the Director of Corporate and Customer Services.
- 4.10.10. All borrowings shall be in the name of the Council.
- 4.10.11. The Director of Resources shall arrange short-, medium- and long-term borrowing on the best available terms within the overall borrowing policy approved by the Council annually. The Director of Resources may appoint an external Cash Manager where appropriate.
- 4.10.12. No loans shall be made to third parties and no interests shall be acquired in companies, joint ventures or other enterprises without the approval of Council, following consultation with the Director of Resources.

4.11 Banking, Corporate Credit Cards and Imprest Accounts (including petty cash and other floats)

- 4.11.1. All arrangements with the Council's bankers shall be made by the Director of Resources, who will maintain and operate such bank accounts as they consider necessary. No bank account may be opened or closed except on the prior approval of the Director of Resources.
- 4.11.2. The Financial Services Manager is responsible for managing the banking contract and the day to day administration and reconciliation of accounts.
- 4.11.3. Employees must not open accounts in the name of the Council, Members or officers unless they are acting on the instructions of the Director of Resources. Opening an unauthorised bank account is a disciplinary offence.
- 4.11.4. Cheques will only be used for the Chairman's and Vice Chairman's Accounts. All cheques shall be ordered by the Director of Resources who shall make proper arrangements for their safe custody. Cheques drawn shall bear the signature of one of the authorised cheque signatories. Any amendments shall be approved by the signature of an authorised signatory.
- 4.11.5. All payments from the Council's main bank accounts shall be made by electronic methods e.g. Direct Debit, Bankers Automated Clearing System (BACS), Faster Payments or Clearing House Automated Payments System (CHAPS). All payments shall be authorised by an officer approved by the Director of Resources.

- 4.11.6. The Director of Resources shall make arrangements for a corporate credit card, PayPal and other such accounts as he/she considers are appropriate. Each individual transaction of this type shall not exceed £2,500.
- 4.11.7. The Corporate Credit Card is available for use by officers nominated by the Director of Resources to purchase goods up to £2,500 or to address specific requirements such as the payment of court costs. Key controls shall be built into the system through card limits, merchant categories, defined suppliers, and other measures. The Director of Resources is responsible for issuing guidance on the use of the Corporate Credit Cards.
- 4.11.8. Officers using the Corporate Credit Card must seek an assurance from the relevant budget manager that there is sufficient budget available to cover the cost of the transaction.
- 4.11.9. Corporate Credit Card balances are settled through the bank on a monthly basis. Statements are provided to enable employees from the Financial Services Team to check transactions and coding.
- 4.11.10. Misuse of a corporate credit card would normally constitute gross misconduct and could result in dismissal. The Director of Corporate and Customer Services and the Director of Resources are responsible for ensuring the cards are operated in a responsible manner.
- 4.11.11. All lost or stolen cards must be reported immediately.
- 4.11.12. Imprest and petty cash accounts can facilitate very minor items of expenditure where it would not be cost effective to use a corporate credit card or purchase order. Imprest and petty cash accounts must not be used to reimburse employee expenses, which must be made through payroll.
- 4.11.13. The Director of Resources shall provide such imprest accounts as he/she considers appropriate for the purposes of defraying petty cash or other expenses. Such accounts may be held as petty cash advances or as bank accounts as the Director of Resources may decide and should be maintained on the imprest system. The overall limit of the imprest account and the upper limit of the allowable expense shall be determined by the Director of Resources.
- 4.11.14. No income received may be paid into an imprest account and the account holder shall not permit the account to become overdrawn.
- 4.11.15. Payments from the imprest account, or those using the corporate credit card or PayPal account, shall be supported by the original invoice, or such other documentation as specified by the Director of Resources, including VAT receipts and the voucher should be authorised to confirm that the expenditure is reasonable and there is sufficient budget provision to cover the expenditure.
- 4.11.16. Imprest holders must reconcile their accounts to the finance system on a monthly basis or prior to seeking reimbursement. A certificate of value must be completed at 31st March each year and the records must be produced on demand.

- 4.11.17. Imprest accounts and the corporate credit card and PayPal account shall only be used for incurring properly authorised expenditure of the Council. They will not be used for personal expenditure, nor should any personal loans or advances be made from them.

4.12 Staffing

- 4.12.1. As Head of Paid Service the Chief Executive shall be responsible for ensuring the sufficiency of employee budgets and shall exercise adequate control over staffing costs including overtime, training and temporary staff. Directors will support the Chief Executive in this role by monitoring staffing in their respective departments and reporting significant issues to the Chief Executive.
- 4.12.2. The payment of salaries, wages, Members' allowances and allied payments shall be made only by the Chief Executive, or under arrangements approved by him/her and in accordance with Financial Procedures issued under these Regulations.
- 4.12.3. Claims for travelling and other expenses must be made on a monthly basis.
- 4.12.4. Accurate and effective systems must be in place and the following procedures and regulations must be followed:
- appointments shall be made in accordance with the approved Recruitment and Selection Procedures;
 - appointments shall be in accordance with the approved establishment and grade for the post; any requests to amend the approved establishment must be approved by the Corporate Leadership Team;
 - Salary payments shall only be made to bona fide employees;
 - costs associated with early retirements, redundancy payments and other similar events must be made through payroll and met from within the employee budget of the service involved unless there exists a specific corporate provision for this purpose.

4.13 Use of Consultants and Agency Services

- 4.13.1. Directors must ensure that their staff understand the distinction between employment and a contract for consultancy or agency services. If a consultant or agency worker is brought in to cover a vacant post or carry out a role similar to that of a member of staff then it is likely that the Council will be required to treat them as employed for tax purposes and pay them via the payroll. In these circumstances the Council's recruitment policies should be applied.
- 4.13.2. Where a consultant or agency worker is required to carry out a project which has a clear start and end date and is described in a brief or specification, and where the consultant will be taking on the risk and providing their own premises, equipment and insurance etc., then it is likely that the work will be governed by a contract and the consultant will be paid via the Accounts Payable system through the raising of an official order and goods receipt. In these circumstances the

Council's contract standing order rules should be applied. The insurance requirements must be clear in the documentation supporting the contract and evidence that the policy is in place should be obtained from the consultant or agency worker.

- 4.13.3. Directors must ensure that where payments are to be made to consultants or agency workers other than through the Council's payroll system, that there is a clear justification for this and that there are no tax implications that may arise. Directors should give careful consideration to the employment status of individuals employed on a self-employed consultant or subcontract basis. HMRC applies a tight definition for employee status, and in cases of doubt, advice should be sought from the Financial Services Manager or Senior Accountant.

4.14 Trust funds and Funds held for Third Parties

- 4.14.1. Directors of Service must ensure that all trust funds are in the name of the Council. Trust funds should not be held in the name of individual officers. All officers acting as trustees by virtue of their official position shall deposit securities etc. relating to the trust with the Director of Resources / Director of Corporate and Customer Services unless the deed otherwise provides.
- 4.14.2. Directors of Service must arrange, where funds are held on behalf of third parties, for their secure administration, approved by the Director of Resources and maintain written records of all transactions.
- 4.14.3. Directors of Service must ensure that trust funds are operated within any relevant legislation and the specific requirements for each trust, and to contact the Director of Corporate and Customer Services as appropriate.

5 FINANCIAL SYSTEMS AND PROCEDURES

5.1 General Responsibilities

5.1.1. The Director of Resources is responsible for:

- issuing advice, guidance and procedures for officers and others acting on behalf of the Council in relation to its financial affairs;
- determining the financial management system, form of accounts and supporting financial records;
- establishing arrangements for the audit of the Council's financial affairs;
- approving any new financial systems and procedures to be introduced;
- approving any changes to existing financial systems and procedures, including the reconciliation of any financial information being fed into the core financial management system.

5.1.2. Directors are responsible for:

- ensuring that accounting records are properly maintained and are held securely;
- maintaining a complete audit trail for financial transactions;
- ensuring that there is sufficient separation of duties to provide adequate internal control and minimise the risk of fraud or other malpractice;
- maintaining documented and tested business continuity plans;
- documenting systems and procedures and ensuring staff are trained in their use;
- ensuring that systems and comply with the Data Protection Act;
- ensuring that employees are aware of and comply with Freedom of Information legislation.

5.2 Income

5.2.1. The Council collects substantial amounts of income (council tax, business rates, rents, service charges and fees and charges) and effective income collection systems are necessary to ensure that all income due is identified, collected, receipted and banked properly, and that VAT is correctly accounted for.

5.2.2. The responsibility for the collection of all income due to the Council lies with the Director of Resources. The Director of Resources is responsible for approving procedures, systems and documentation for collecting and banking income and writing off debts as part of the overall control framework of accountability and control.

5.2.3. No new proposal to generate or charge income shall be introduced without approval of the Chief Executive, after consultation with the Director of Resources on the financial and taxation implications.

5.2.4. Directors shall undertake an annual review of fees and charges in consultation with the Director of Resources and the Director of Resources shall be present a joint report to the Governance and Resources committee (usually in January for

the coming financial year) for approval.

- 5.2.5. Wherever possible and appropriate, income should be obtained in advance or at the point of supplying goods or services as this improves the authority's cash flow and also avoids the time and cost of administering debts.
- 5.2.6. The Director of Resources shall be notified promptly of all money due to the Council. To this end, each Director shall provide such information as the Director of Resources shall specify to enable a correct record of sums due to be prepared and to ensure that accounts are raised promptly. All invoices for goods and services must be raised within 14 days of the transaction taking place, and all external rules and regulations, particularly those relating to taxation, must be complied with.
- 5.2.7. All monies received by an authorised officer or authorised agent of the Council must be banked at the first opportunity (in accordance with the cash management contract where income is received in the form of cash). In exceptional circumstances, the Director of Resources may approve that a proportion of cash bankings may be deferred up to a maximum of 4 days.
- 5.2.8. Official receipts shall be issued at the time of receipt of income, except where the transaction is for less than £10 and prior consent has been given by the Director of Resources. Only receipts supplied or agreed by the Director of Resources shall be used. All copy and cancelled receipts shall be retained for up to 4 years for inspection by the Director of Resources or his/her staff.
- 5.2.9. Where a hand-written receipt is issued, all monies received should be paid in without delay via the nominated security company or other arrangement agreed by the Director of Resources along with a copy of the hand-written receipt. All the records should be retained for 4 years inspection by the Director of Resources.
- 5.2.10. Personal cheques shall not be cashed.
- 5.2.11. Any transfer of money from one member of staff to another shall be supported by an official receipt or, where appropriate, by the signature of the receiving officer.
- 5.2.12. The Director of Resources shall take all reasonable steps for the recovery of debts including court proceedings, when justified, that may be instigated in consultation with the Legal Services Manager who shall advise and assist with legal requirements.
- 5.2.13. All requests for write off must be accompanied by a brief report giving the reasons for the request and supporting documentation. The Director of Resources shall have the authority to write off individual debts of less than £10,000, after due consideration of the circumstances, unless the debt is due to officer error, in which case there shall be no limit. The write off of debts of £10,000 or more will require the approval of the Governance and Resources Committee.
- 5.2.14. Each Director of Service shall, within such a period as the Director of Resources

may specify, supply such information after 31 March in each year as shall enable income for the previous financial year to be properly accounted for and resulting accounts to be raised promptly.

5.3 Ordering and paying for work, goods and services

- 5.3.1. The authority's procedures are designed to ensure that services obtain value for money from their purchasing arrangements. These procedures should be read in conjunction with the Authority's procurement strategy and Contract Standing Orders.
- 5.3.2. Every employee and member of the authority must declare to the Director of Corporate and Customer Services and (for employees) their own Service Director any links or personal interests that they may have with suppliers and/or contractors if they are engaged in contractual or purchasing decisions on behalf of the Authority, in accordance with appropriate codes of conduct.
- 5.3.3. Expenditure on work, goods and services must comply with the Council's Contract Standing Orders, which set out the procurement framework and the thresholds.
- 5.3.4. Unless agreed by the Director of Resources, Purchase Orders may only be raised on the Agresso Financial System. Purchase Orders must be raised for all works, goods and services to be supplied to the Authority, except for supplies of utilities, periodic payments (such as rent or rates), petty cash and purchase card purchases. Purchase card purchases should only be used for the purchase of goods. All other purchases must have a specific contract in place that has been agreed by the Council's legal team; provided that such a contract is in place, a purchase order may be issued to a supplier.
- 5.3.5. Commitments and accruals will be automatically recorded onto the Council's Agresso Financial System through the approval of the purchase order. This ensures that the finance system gives a true picture of the amount of expenditure incurred or committed and the balance remaining against each budget head.
- 5.3.6. Directors and / or their delegated officers may place purchase orders for expenditure up to the amounts provided in the approved Budget, provided that such orders conform to Contract Standing Orders, Financial Procedures and these Regulations.
- 5.3.7. Official Orders shall be in a form approved by the Director of Resources and Director of Corporate and Customer Services. Responsibility for orders lies with the appropriate Director and / or their delegated officer. Acceptance of any order by a supplier forms a legally binding contract. Official Orders will show amounts in £ sterling. Foreign currency transactions are not allowed without the prior written consent of the Director of Resources.
- 5.3.8. The Director and / or their delegated officer issuing an Official Order is responsible for certifying the receipt of goods and services or any variation in price on the Agresso Financial System, thereby authorising the related invoice(s)

for payment, and similarly for any other payment vouchers or invoices arising from his/her service area. Directors may nominate staff to approve Official Orders and certify invoices or payment vouchers on their behalf.

5.3.9. Directors are responsible for:

- ensuring best value from purchases by taking appropriate steps to obtain competitive prices for goods and services of the appropriate quality and by utilising corporate purchasing arrangements where they exist;
- establishing and maintaining sound and efficient systems for the ordering, receipt, checking and payment of goods and services in a form approved by the Director of Resources, which incorporate, as far as possible, separation of duties between the ordering, receiving and payment processes;
- maintaining an up-to date list of those officers authorised to authorise official orders and/or authorise payments and supplying a copy of the list to the Director of Resources. The list is to clearly show the financial limits of authority which apply to each officer;
- ensuring that official purchase orders are used for all goods and services except where the prior written approval of the Director of Resources has been obtained;
- ensuring that payment is not made unless a proper VAT invoice has been received, checked, coded and certified for payment.

5.3.10. No invoice shall be passed for payment until the relevant Director, or his/her authorised nominee, is satisfied it is in accordance with the Council's Financial Regulations and Financial Procedures.

5.3.11. Each Director shall, as soon as possible after 31st March and not later than the date specified by the Director of Resources in each year, notify the Director of Resources of all outstanding expenditure relating to the previous financial year.

5.3.12. The Director of Resources has a duty under law to make payments, whether or not provision has been made in the Budget, in the following cases:

- (a) Payments specifically required by statute;
- (b) Payments under a Court Order;
- (c) Payments under a contract properly made by a Director;
- (d) Where an Official Order has been issued.

5.3.13. The Director of Resources shall make payments from the Council's official funds, providing that the relevant authorisations have been made on the Agresso Financial System (or by any other procedure authorised by the Director of Resources) by Directors or their delegated officers and that the expenditure has been duly incurred in accordance with these Financial Regulations.

5.3.14. Official Orders shall not be raised for any personal or private purchases, nor shall personal or private use be made of Council contracts or preferential terms

enjoyed by the Council.

5.3.15. The Director of Resources shall publish data on the Council's website to show:

- the percentage of undisputed invoices paid within 30 days and the amount of interest paid to suppliers due to late payment;
- details of spending over £250.

5.4 Payments to employees and members

5.4.1. Staff costs are the largest item of expenditure for most services. It is therefore important that payments are accurate, timely, and made only where they are due for services to the Authority, and that payments accord with an individual's conditions of employment. It is also important that all payments are accurately and completely recorded and accounted for and that Members' allowances are authorised in accordance with the scheme adopted by the Full Council.

5.4.2. The Human Resources & Payroll Manager is responsible for all payments of salaries and wages and expenses to staff, including payments for overtime, honoraria etc. and submission of related tax returns to HM Revenue and Customs by their due date for the above.

5.4.3. The Human Resources & Payroll Manager shall:

- arrange and control secure and reliable payment of salaries, wages, compensation, other emoluments, expenses and allowances in accordance with procedures produced in agreement with the Director of Resources;
- record and make arrangements for the accurate and timely payment of tax, superannuation and other deductions to the relevant bodies;
- commission external taxation advice where appropriate and discuss the advice with the Director of Resources prior to implementing any procedural changes;
- provide accounting records of all transactions in the form determined by the Director of Resources.

5.4.4. Directors are responsible for:

- Ensuring that employee appointments are made in accordance with the regulations of the Council and approved establishments, grades and scales of pay and that budget provision is available;
- notifying the HR and payroll team as soon as practicable of all appointments, terminations or variations which may affect the pay of an employee, in the form determined by the HR and Payroll Manager;
- informing the HR and Payroll Manager of those managers authorised to sign records and returns relating to payments to employees and councillors via the electronic system or other procedure approved by the HR and Payroll Manager;
- ensuring that all payments to employees and councillors, including all

casual and temporary staff, are processed only through the payroll system.

5.5 Taxation

- 5.5.1. The Director of Resources is responsible for providing information to HMRC in relation to the Construction Industry Tax Deduction Scheme as required and advising Directors of their responsibilities under the scheme.
- 5.5.2. Directors are responsible for ensuring that the appropriate controls and procedures are operated within the service area in relation to taxation issues.
- 5.5.3. The Director of Resources is responsible for completing the monthly return of VAT (inputs and outputs) to HMRC. The Director of Resources will monitor the Council's partial exemption limit. The Director of Resources must be consulted by Directors on whether to opt to tax on any major project or land.
- 5.5.4. The Director of Resources should be consulted on the VAT and taxation implications of any new service development. The Director of Resources shall commission external VAT and taxation advice where appropriate.

5.6 Trading accounts and business units

- 5.6.1. In some areas the Council may operate a trading account. This means that the costs and income from charges relating to the service are ring-fenced in the accounts. Any surplus or deficit is added to a reserve each year. The Director of Resources is responsible for ensuring that trading accounts are treated properly in the Council's accounts.
- 5.6.2. Directors are responsible for ensuring that, in line with the Local Government Act 2003, charges are set to recover costs without building up significant surpluses, and that any changes in take up of the service which could result in a deficit are reported at an early stage. All charges must be reviewed on a regular basis and annually as a minimum as part of integrated service and financial planning.
- 5.6.3. The Director of Resources shall determine in liaison with other Directors the need for the establishment and operation of trading accounts and business units.

5.7 Retention of documents and records

- 5.7.1. Directors shall be responsible for ensuring that records are carefully and systematically retained for inspection by the Monitoring Officer, Director of Resources, or internal or external audit and agencies such as HM Revenue and Customs.
- 5.7.2. The minimum periods for the retention of financial records are set out in the Council's Document Retention Policy. The key areas are set out below:
 - mortgages, bonds, stocks and other holdings, insurance, contracts, pension

- information and transfer values should be held indefinitely;
- documents relating to EU grant schemes should be retained for 30 years;
- other contract documents including the final account where the contract is under seal should be retained for 12 years;
- the majority of accounting records should be retained for a period of six years following audit.

In the event of doubt, advice should be sought from the Director of Resources.

- 5.7.3. Following the period of retention, records should be disposed of in accordance with the Document Retention Policy.

6 EXTERNAL ARRANGEMENTS

6.1 Partnerships

6.1.1. The Full Council is responsible for approving delegations, including frameworks for partnerships for service provision.

6.1.2. The Director of Resources must ensure that the accounting arrangements to be adopted relating to companies, partnerships and joint ventures are proper. The activities are likely to be consolidated in the Council's Statement of Accounts. Companies, partnerships and joint ventures must also consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies. They must ensure that the risks have been fully appraised before agreements are entered into with external bodies.

6.1.3. The Chief Executive and Directors must ensure that the full implications of any service provision partnership are explored and that Finance and Legal officers are consulted at an early stage. The following issues should be addressed to the satisfaction of the Corporate Leadership Team:

- Is a partnership the best vehicle for achieving the desired outcome?
- What are the aims and objectives of the partnership and are they consistent with the Council's priorities?
- How will the partnership be funded and who is responsible for the financial management, accounts and audit arrangements? There must be a right of access for the Council's auditors at all times to all documents, records, premises and employees.
- What is the expected duration of the partnership? Is there an exit strategy?
- What is the Council's commitment in terms of finance and other resources?
- What are the resource implications in terms of staff, premises etc.?
- What are the risks and how will they be managed and monitored? The relevant service director must prepare a full risk assessment for each proposed partnership;
- What is the legal status of the partnership and how will it be governed?
- Are the roles and responsibilities of each partner clear?
- Are there any personal responsibilities for individual officers and how does this fit with the Council's scheme of delegation, contract standing orders and these financial regulations?
- How will the performance of the partnership be monitored and how will success be measured?
- Are there any taxation issues?
- How will goods and services required by the partnership be procured?
- Is there a robust business case?

6.1.4. The relevant Director is responsible for seeking appropriate approvals before any commitment or agreement is entered into.

6.1.5. A partnership arrangement must not be used as a means of avoiding the Council's procurement rules.

6.2 External funding

- 6.2.1. The Council bids for funds from government departments and other external agencies. On occasion the Council may be granted external funding without the need for bidding. Each funding regime is subject to its own rules and regulations and the process for submitting applications and drawing down funding varies.
- 6.2.2. It is important to ensure that key conditions of funding and any statutory requirements are complied with and that the responsibilities of the Council are clearly understood. Directors should:
- ensure that all applications for funding are consistent with the Council's priorities and approve them in principle before detailed work commences;
 - ensure that an officer is nominated as project manager;
 - consult the Financial Services Team when preparing grant bids to ensure that full costs are identified including any match funding required, and ongoing commitments are taken into account.
 - ensure that the application is signed off by the Director of Resources or an appropriate officer in the Service and complete any pre-application checklist issued by the Director of Resources;
 - where applications are successful, ensure that the expenditure and income budgets are amended as necessary;
 - ensure that the rules and regulations for the particular funding stream are complied with at application stage and throughout the life of the project;
 - ensure that all requirements relating to the delivery of outputs and spend are met in line with the approved bid or project plan;
 - ensure that all funding notified by external bodies is claimed, received and properly recorded in the authority's accounts and complete any pre-claim checklist issued by the Director of Resources;
 - check the audit requirements and notify the Director of Resources of any claims that must be audited by the Council's external auditor.

6.3 Work for third parties

- 6.3.1. Directors must ensure that work for third parties is covered by a suitable contract or agreement so that the responsibilities of each party are clear.
- 6.3.2. Financial and legal advice should be sought at an early stage. This will ensure that the Council only carries out work that is within its legal powers, and that financial issues such as insurance and taxation are properly considered.
- 6.3.3. Directors must ensure that:
- the Council is not put at unnecessary risk from bad debts;
 - contracts are not subsidised by the Council.
- 6.3.4. Directors must provide appropriate information to the Director of Resources to enable a note to be entered into the Statement of Accounts where necessary.

6.4 Work by third parties

- 6.4.1. Directors must ensure that work carried out by third parties for the Council is approved and covered by a suitable contract or agreement so that the responsibilities of each party are clear. Financial, legal and procurement advice should be sought at an early stage. This will ensure that the Authority only carries out work that is within the relevant legal powers, and that financial issues such as responsibility for managing budgets, insurance and taxation are properly considered.

7 COMPLIANCE WITH THE LOCAL GOVERNMENT TRANSPARENCY CODE

7.1 Publication of Data

- 7.1.1. Directors shall collate and publish all data which the Code requires to be published in relation to services for which they are responsible within the timescales set out in the version of the Code in force at the time.
- 7.1.2. Where, in order to comply with 7.1.1 above, a Director requires data from another Director, this shall be provided in a timely manner so as to enable the responsible Director to meet the deadlines for publication set out in the Code.
- 7.1.3. The Director of Resources may by agreement publish particular data on behalf of Directors. In such cases, Directors will ensure that they supply all data in a timely manner so as to enable the Director of Resources to meet the deadlines for publication set out in the Code.
- 7.1.4. The Code requires data to be published on the Council's website. Accordingly the Director of Corporate and Customer Services will ensure that all data supplied to them for publication will be placed on the website in a timely manner in order to comply with the timescales set out in the Code.
- 7.1.5. Regard will be had to Guidance published from time to time by the Local Government Association in respect of data to be published and the format of publication.

This page is intentionally left blank