



OPEN REPORT COUNCIL

Council 9th December 2024

TEMPORARY TRAVELLER SITES

Report Author and Contact Details

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Wards Affected

Wirksworth, Matlock West, Cromford & Matlock Bath, Chatsworth

Report Summary

This report brings together the results of the consultation process that took place from late July to late September 2024 concerning 6 potential traveller sites and invites council to consider which, if any, of the six potential sites previously identified are to be progressed as temporary site(s) for use by Travellers.

Recommendations

1. That Council note the responses received to the public consultation exercise, has due regard to the responses, and consider which, if any, of the six potential sites previously identified are to be progressed as temporary site(s) for use by Travellers.
2. That subject to (1) above, an initial sum of £10,000 be included in the capital programme for a temporary traveller site, financed from the Corporate Plan Priority Reserve, and that authority be delegated to the Director of Housing to formulate proposal(s) for further capital funding to enable the site(s) selected to be included in the Capital Programme in accordance with the Council's Financial Regulations.

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Appendix 2 : Site Maps – Residential Proximity

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- c) Arc Leisure car parks, Matlock
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Appendix 3 : Draft Site Layout Plans

- a) Car Park at Old Station Close Rowsley
- b) Land to south-east of Hopton Works, Middleton Road, Wirksworth
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Background Papers

Community & Environment Committee Report – 22nd July 2024
Community & Environment Committee Report – 30th May 2024
Gypsy & Traveller Working Group Notes – 20th May 2024
Council Report – 14th December 2023
Council Report – 28th September 2023

Consideration of report by Council or other committee

No

Council Approval Required

Yes

Exempt from Press or Public

No

TEMPORARY TRAVELLER SITES

1. Background

1.1 The Community and Environment Committee meeting on the 22nd July 2024 approved seven recommendations relating to Travellers. One of the recommendations included undertaking a six week consultation concerning the potential use of six sites in Council ownership for use as temporary traveller sites. The 6 sites are:

- Site 1 Car Park, Old Station Close, Rowsley
- Site 2 Land to south-east of Hopton Works, Middleton Road, Wirksworth
- Site 3 Arc leisure centre car park, Morledge, Matlock
- Site 4 Station Yard car park, Matlock Bath
- Site 5 Car Park, Derwent Way, Matlock
- Site 6 Land to North-West of Cemetery, New Road, Middleton

1.2 A public consultation exercise was initiated which included an online and hard-copy questionnaire and a series of public meetings. A dedicated traveller email inbox was also established to provide a central point of contact. A significant volume of material has been received through these channels. These emails, together with other individual emails sent to officers have also been documented and the results of these are set out within each section of the report below. The combined impact of this consultation exercise significantly stretched the Council's capacity and officer resources across several service areas and all levels within those services. The total material received through the process amounts to several hundred pages of information.

1.3 The University of Derby undertook the analysis of the responses received via the Council's online survey. This survey lasted for nine weeks commencing from 25th July 2024 and closing on the 22nd September. This was available through an online survey which included short form questions with options and free text space for participants. In the consultation and information provided for the survey, there was a map showing the areas owned by the District Council and the excluded zones within each site. The survey data was received by the University in an anonymised format with no personal details provided. A report provided by the University of Derby is attached at Appendix 1.

1.4 A total number of 1751 respondents participated in the survey. A slight majority of respondents did not agree with the need to find sites for Travellers in the Derbyshire Dales.

1.5 Some common themes from the majority of locations repeated the desire to find alternative permanent sites, the impact on seasonal events and tourism, enforcing the code of conduct, supporting community integration, charge rents and council tax and provide screening. On making existing sites work better, common themes included better sanitary facilities, waste management and sanitation, security and controlled access, policing and screening. Respondents were asked about alternative sites that may be available. Whilst no specific sites were mentioned, areas typically

mentioned were Ashbourne, council owned land and rural areas. There is a perception amongst some residents that travellers are the cause of crime and antisocial behaviour. In contrast there were some who spoke up for the needs of travellers and noted that Gypsy, Roma and Traveller people have the worst outcomes of any ethnic group across a wide range of areas, including education, health, employment, criminal justice and hate crime.

- 1.6 Derbyshire Gypsy Liaison Group (DGLG) commented on the needs of the two families who at that time were occupying Site 4 Station Yard car park, Matlock Bath and Site 5 Car Park, Derwent Way, Matlock. DGLG favour formalisation of the existing Derwent Way temporary site for the family residing there, including obtaining planning consent, caravan site licence and tenancy agreement. The family who until recently occupied the Matlock Bath site, have always expressed a desire to be in the south of the district, close to family support. The family are not readily able to move from car park to car park given the vulnerabilities of family members. DGLG suggested that the Rowsley site might only work with provision of facilities and would be better during spring/summer months. An 18 month temporary planning consent and site licence is also recommended by DGLG.
- 1.7 The Council's approach to the consultation process was criticised by some residents. The matrix that formed the basis of the initial site assessment by the Gypsy and Traveller working group (GTWG) came under significant scrutiny, particularly in relation to the distance from neighbouring properties and the perceived area of some sites. Some respondents believed that ARK, the Council's consultants searching for permanent sites, were also involved in the work on temporary sites, but this was not the case.
- 1.8 Derbyshire Fire and Rescue Service (DFRS) provided advice concerning temporary traveller sites which focused on spacing between caravans, waste storage, LPG cylinders and access for emergency vehicles. Derbyshire Wildlife Trust (DWT) raised concerns, objecting to Site 2 Land to south-east of Hopton Works, Middleton Road Wirksworth and Site 6 Land to North-West of Cemetery, New Road, Middleton. DWT also objected to Site 4 Station Yard car park, Matlock Bath, dependent on mitigation.
- 1.9 The District Council's Estates Team, supported by Legal Services, Business Support and the Housing Department have developed an assessment of costs for each site. This includes the following;
 - Preparation: This comprises works to make the required area of each site suitable for the proposed use and includes works to provide or repair/upgrade surfacing and fencing together with the provision of suitable access arrangements.
 - Water: The cost of providing mains water to a standpipe on site. These costs include quotations for a new supply (where required) from Severn Trent together with works to supply and connect a standpipe at the required position on site.
 - Electricity: cost of providing mains electricity to 4 no. caravan hook ups and a commando socket for the welfare unit. These costs include quotations for a new supply from National Grid Electricity Distribution (NGED) together with works to supply and connect hook up points and a commando socket at the required positions on site.

- Welfare: This includes screening via heras fencing to segregate site, 2 standard and 1 accessible Portaloo's and a portable unit containing an electric shower.

1.10 The table below sets out the costs of providing each of the 6 sites. The cost of heras fencing and welfare units is based on an initial 1 year hire.

Site	Preparation	Water	Electricity	Welfare	Total
Site 1 Old Station Close, Rowsley	£8,560	£3,536	£22,542	£8,302	£42,940
Site 2 Hopton Works, Wirksworth	£11,100	£133,954	£26,183	£8,302	£179,539
Site 3 ARC Site, Matlock	£3,000	£29,946	£41,324	£8,302	£82,572
Site 4 Matlock Bath Station Car Park	£1,000	£23,519	£65,092	£8,302	£97,913
Site 5 Derwent Way, Matlock	£23,000	£28,156	£91,325	£8,302	£150,783
Site 6 Middleton by Wirksworth	£5,885	£58,574	£62,818	£8,302	£135,579

2. SITE BY SITE ASSESSMENT

Site 1 Car Park, Old Station Close, Rowsley

Summary of key consultation responses arising from the public meeting

2.1 Comments by representatives of the Parish Council, residents and agencies who attended the public meeting concerned;

- The impact on businesses, the LEVEL centre and users of the cycle trail through the loss of parking spaces.
- The search for sites has gone on for too long
- Future extension of the cycle trail
- Unsuitability of the site for travellers and that the site is too small, it has previously flooded, further assessment should be undertaken such as ecology and the impact that a loss of parking will cause
- Proximity of the site to the primary school, the path leading to the school and the perceived impact that some traveller behaviour could have on children
- The District and County Councils should work together to find sites

Summary of the University of Derby analysis of the online survey

2.2 There was no information provided by residents about how the Rowsley site could work in practice. Responses relating to all of the questions repeated several themes arguing against the use of the car park. These focused on the existing use of the car park by local people, business staff, visitors, tourists, as well as users of the LEVEL Centre and the impact on the local community, school and businesses. Safeguarding, access to local facilities and perceived ASB issues were also raised. The physical condition of the car park was also thought to be a key negative issue along with the previous temporary use of the site for travellers, which was felt to have been a failure.

- 2.3 Other concerns included traveller behaviour, mess previously left by travellers, impact on people with additional needs using the LEVEL Centre, safety and security concerns and impact on businesses. However, 31 responses supported the proposal to use the site and referenced the need to appoint a designated site manager, using CCTV and charging rent as well as providing water and facilities. Other suggestions included ensuring the code of conduct was followed and the use of screening.

Summary of the additional responses received

- 2.4 In relation to Rowsley a significant number of additional comments were received. These can be categorised in to the following points;
- The need to undertake impact assessments relating to the loss of parking and the impact on vulnerable people.
 - Photos showing the numbers of cars in the car park and regular updates concerning the total number of vehicles using the car park.
 - Some confusion about the role of ARK in relation to temporary sites (ARK had no role in the matrix or assessing the 6 potential temporary sites)
 - Criticisms of the matrix and the published site area
 - Previous negative experience of travellers on this site and elsewhere
 - Proposing other sites ahead of Rowsley such as the ABC Showground
 - The impact on the village hall with a loss in parking spaces for users of the hall
 - References to previous meetings with council officers going back to 2012 when the site was previously used as a temporary site
 - The impact on the LEVEL centre and the services provided there following a grant from the Arts Council.
 - Generally an unsuitable site that the traveller families would only occupy for a short period
 - One local business commissioned a technical response produced by a planning consultancy. The extensive report reviewed the Council's consultation process, covered site sustainability, highways impact, site layout, environmental impact, biodiversity impact, residential amenity and accessibility. The report stated it strongly objects to the Council's approach to alternative sites being identified and that instead resources are focused on identification of a permanent solution.

Site appraisal costs, legal comments, plans

- 2.5 The cost of providing a temporary site at Rowsley Car Park is estimated to be £42,940. This is the lowest of the 6 sites and reflects the fact that a water supply is already present on site, an electricity supply is adjacent and the surface is relatively straightforward to excavate for trenches and cabling etc.

Site 2 Land to south-east of Hopton Works, Middleton Road, Wirksworth

Summary of key consultation responses arising from public meetings

2.6 Comments by representatives of the Town Council, residents and agencies who attended the public meeting concerned;

- The site is not an appropriate location to house travellers, due to traffic concerns, access and egress from the site on to a 60mph road, the absence of utilities and surface water run-off.
- The Town Council and Stoney Wood Group are concerned about the impact a temporary site would have on the ecology and community use of Stoney Wood. The Council's own land has also started to re-wild with rare wildflowers that would be damaged and some trees that would need to be cut back.
- The Town Council would want District Council assurances concerning remediation of any damage to the Town Council's adjacent land and removal of any travellers who might occupy their land.

Summary of the University of Derby analysis of the online survey

2.7 The University of Derby analysis of the survey responses for Hopton Works revealed that the local community was completely disappointed with the council's decision to reconsider the site as it was rejected earlier. The key themes against the use of the site included the impact on the community, tourism and environment, lack of onsite facilities and a general lack of amenities, waste disposal and highway issues. The site is relatively high above sea level and residents noted the site would be exposed during winter months. There was some support for the site to be used, provided a number of measures were taken including facilities, screening, waste management, a limit on the occupation, use of the code of conduct and charging rent.

Summary of additional responses received

2.8 The only additional comments received, repeated the comments made by the Town Council at the public meeting.

Site appraisal costs, legal comments, plans

2.9 The cost of providing a temporary site at Hopton Works is estimated to be £179,539 and reflects the significant cost of bringing water to the site.

Site 3 Arc leisure centre car park, Morledge, Matlock

Summary of key consultation responses arising from public meetings

2.10 The Arc car park is not an appropriate location given the impact a loss of parking would have on the area and the leisure centre, the impact on footpaths used by children to walk to school, the risk of issues on the existing temporary sites, being transferred to this potential site and the impact of the previous uses of the land which now comprises the car park.

2.11 Concerns were also raised about the relative distance between the Arc car park and residential properties, the impact on ecology.

- 2.12 The impact on swimming galas through the loss of parking was noted several times.

Summary of the University of Derby analysis of the online survey

- 2.13 The University of Derby analysis of the survey responses for the Arc leisure car park focused on the negative impact created by the loss of car parking spaces and the subsequent additional strain on local streets at peak times of usage. The negative impact of the Arc centre itself was also a significant concern, alongside the general unsuitability of the site, lack of space and infrastructure, community safety, environmental concerns and proximity to residential areas were also noted. The site was also felt too poor for travellers to occupy, given the current lack of facilities and the nature of the site during winter months.

Summary of additional responses received

- 2.14 Key themes from the other responses received reinforced those from the online survey including the impact on parking availability during peak periods of use, distance from residential properties, children with additional needs living close by, that would be impacted by noise, general concerns about safety and expansion of the site, loss of income to Arc leisure and Premier Inn, impact on property values, impact on ecology and local wildlife. Residents and businesses provided information via letters, photos and youtube video. The Derbyshire Amateur Swimming Association (DASA) stressed the impact on swimming events, neighbours and the revenue income that Arc receives should the number of car parking spaces reduce. In a similar vein, representations from Whitbread Group PLC on behalf of the Premier Inn also reflected the impact that a reduction in parking would have for the hotel, Arc, neighbours and residents.

Site appraisal costs, legal comments, plans.

- 2.15 The cost of providing a temporary site at the Arc car park is £82,572 and reflects the fact that whilst water connections are nearby, they would need to be extended and brought to the top car park. Due to capacity issues, a new electricity supply would also need to be installed.

Site 4 Station Yard car park, Matlock Bath

Summary of key consultation responses arising from public meetings

- 2.16 Matlock Bath Parish Council highlighted the economic impact that the loss of coach and car parking has had on the village since 2019, estimated by the Parish Council to be £1.3m. This has resulted in a loss of employment, and more people using cars to visit the area, leading to congestion.
- 2.17 Views of the Ward Member and residents reflected on the impact of the travellers themselves being located on a car park and residents of the parish, who have been impacted by the noise and environmental impact the family and other travellers create. It was also felt that other areas of the district need to step up in the short term as the parish had been tolerant for a long time.

Summary of the University of Derby analysis of the online survey

- 2.18 The University of Derby analysis of the survey responses for the Station Yard car park largely reflected the concerns expressed by residents and businesses while the site has been occupied by travellers. These typically focus on the adverse effects on tourism, visitor perceptions of the area, limited parking and coach access and the subsequent reduced footfall in the village and the negative impact on local businesses. The closure and reduced opening hours of shops was also cited in the report. Environmental and cleanliness issues, litter, waste, antisocial behaviour and management of the site were also notable concerns. The lack of essential services for people living on the site was also noted.
- 2.19 It is worth noting that Matlock Bath Station Yard has had several unauthorised encampments in recent months and it is possible that some of responses reflected the impact these have had, over and above the day to day occupation of the site by the previous travellers.

Summary of additional responses received

- 2.20 Key themes from the additional responses received from Matlock Bath focused on a lack of faith in the consultation process and a feeling of the area being let down by the Council. The Road Haulage Association stressed the impact that a loss of coach parking is having on operators and businesses and that continued use of the site would not improve this. One resident reflected on the poor health outcomes and prejudice that Gypsy, Roma and Travellers suffer, but also shared the concerns of other residents about the ongoing issues. Finding a permanent site remains the only way forward.

Site appraisal costs, legal comments, plans

- 2.21 The cost of providing a temporary site at Matlock Bath station car park is estimated to be £97,913. and reflects the fact that whilst water and electricity connections are nearby, significant trenching works would be required to provide supplies to the proposed site area.

Site 5 Car Park, Derwent Way, Matlock

Summary of key consultation responses arising from public meetings

- 2.22 Remedial work to the car park entrance takes place to separate out the traveller site entrance from the public carpark, provided the site remains as a temporary site.
- 2.23 Whilst some negative comments were made about the site, positive views were also made dismissing claims of antisocial behaviour and the negative impact on people's lives.

Summary of the University of Derby analysis of the public consultation

- 2.24 The University of Derby analysis of the survey responses for the Derwent Way car park, noted that this was the only site to receive more comments in favour than against, for use as a temporary traveller site. Those not in favour of the site mostly cited an adverse impact on the community. Those in favour felt the site worked well but needed improvements, notably better on site facilities, fencing and a separate entrance.

Summary of additional responses received

- 2.25 No additional representations were received concerning this site.

Site appraisal costs, legal comments, and plans

- 2.26 The cost of providing a temporary site at Derwent Way Matlock is estimated to be £150,783. This reflects the fact that whilst water and electricity connections are nearby, they would need to be extended and brought to the proposed site area. The area disturbed would need to be resurfaced and the access to the site would need to be improved.

Site 6 Land to North-West of Cemetery, New Road, Middleton

Summary of key consultation responses arising from public meetings

- 2.27 Comments by representatives of the Parish Council, residents and agencies who attended the public meeting concerned;
- 2.28 The site is next to a cemetery and as such is inappropriate for use as a temporary traveller site. Road and pedestrian access is poor. Negative impact on the existing tenant. The site is unsuitable due to its rural nature and would be inhospitable during winter. There is no water supply or other facilities. Expectation of lead contamination and mine shafts

Summary of the University of Derby analysis of the online survey

- 2.29 The University of Derby analysis of the survey responses for the site found that the majority of respondents were not in favour of the site being used. The proximity to the local cemetery was the principal reason along with a general concern about adverse effects residents felt travellers would have on their community. A lack of facilities, amenities, access and conditions during the winter months, were also noted as reasons why residents were opposed to the use of the site. A minority of responses supported the use of the site providing the land was screened and provided with facilities.

Summary of additional responses received

- 2.30 No additional comments were received.

Site appraisal costs, legal comments, plans

- 2.31 The land being considered is subject to an agreement entered into in 1988 allowing a third party to let the land (1.37 acres) for a low yearly rent. If this

land was selected then the current occupation of the land would need to end this could be by:-

- a) Negotiation and agreement with the occupier, this may be subject to a negotiated payment to the occupier
- b) Formal termination by the Derbyshire Dales District Council serving the required notice on the occupier. (We do not want to provide too much information on the legal procedure in this report in case it became a public document. If formal termination is sought, then the notice period required could be advised on separately).

2.32 The cost of providing a temporary site at New Road Middleton is estimated to be £135,579. This reflects the significant cost of bringing water and electricity to the site and the cost of providing appropriate surfacing.

3 Options Considered and Recommended Proposal

3.1 The report provides Members with the outcomes of the consultation process and the costings for the works required. In order to address the need for temporary sites whilst the Council continues to search and provide a permanent site(s), Members need to determine which, if any, of the six potential sites previously identified are to be progressed as temporary site(s) for use by Travellers.

3.2 In the event that a site(s) is to be progressed, officer delegations would be required to formulate proposal(s) for capital funding to enable the site(s) selected to be included in the Capital Programme in accordance with the Council's Financial Regulations. Provision of any selected sites would also be without prejudice to receiving any necessary planning permissions.

4 Consultation

4.1 As set out above, the District Council provided a wide range of consultation options for residents and businesses to give their views. This included an online questionnaire, a dedicated email inbox and consultation meetings. Feedback was also received by Members and officers, with this additional information being recorded, codified and added to the consultation. Some information received was prejudiced and/or racist in nature and was not carried forward.

5 Timetable for Implementation

5.1 Subject to decisions by Council, officers will take forward any recommendations relating to the temporary sites. This is likely to include obtaining technical support to finalise designs and seek pre application advice, leading to planning applications. Utility companies have provided costings and would need to provide a timescale for works. Planning consent and discharge of conditions will also take time to achieve - at least 3 to 4 months. Any construction phase would be relatively short given the limited works required.

6 Policy Implications

- 6.1 Policy implications at this stage are limited. The medium-term objective remains the delivery of permanent Traveller site(s) and this remains the subject of a separate and ongoing piece of work.

7 Financial and Resource Implications

- 7.1 Subject to decisions by Council, the works to provide one or more temporary sites will require capital funding, the details of which are set out above. Considerable officer time will also be required to enable the delivery of the sites. Further work will also be required to formalise the management of the sites once they have been commissioned.

8 Legal Advice and Implications

- 8.1 Under section 175(2) applicants are homeless if the accommodation available for their occupation is a caravan, houseboat, or other movable structure and they do not have a place where they are entitled, or permitted, to put it and live in it. If a duty to secure accommodation arises in such cases, the housing authority is not required to make equivalent accommodation available (or provide a site or berth for the applicant's own accommodation). However, the housing authority must consider whether such options are reasonably available, particularly where this would provide the most suitable solution to the applicant's accommodation needs.
- 8.2 In the case of Gypsies and Travellers where a duty to secure accommodation arises but an appropriate site is not immediately available, the housing authority may need to provide an alternative temporary solution until a suitable site, or some other suitable option, becomes available. Some Gypsies and Travellers may have a cultural aversion to the prospect of 'bricks and mortar' accommodation. In such cases, the housing authority should seek to provide an alternative solution. Housing authorities must give consideration to the needs and lifestyle of applicants who are Gypsies and Travellers when considering their application and how best to discharge a duty to secure suitable accommodation, in line with their obligations to act consistently with the Human Rights Act 1998, and in particular the right to respect for private life, family and the home; as well as their duties under section 149 of the Equality Act 2010.
- 8.3 When providing accommodation as part of a homelessness application, local authorities must ensure that the accommodation is suitable for the needs of the applicant and all their household. When considering suitability, the local authority will also need to take into consideration other duties such as the equality duty.
- 8.4 Established case law sets out a number of principles which apply when Local Authorities are undertaking consultation exercises. These are that consultation should be carried out when proposals are still at a formative stage, sufficient information should be provided so as to give "intelligent consideration" of proposals, adequate time must be given for consideration and response, and responses must be conscientious consideration of responses before a decision is made. Sometimes fairness requires that persons interested in a proposal are consulted not only on a preferred option, but also on arguable but disregarded options.

- 8.5 The consultation exercise referred to in this report complies with these principles. In making their decision Members need to conscientiously have regard to and take into account the outcome of the consultation exercise outlined in this report, and in their decision making weigh these alongside other relevant factors, such as operational, financial, policy and legal considerations. Members also need to have regard to equalities considerations.

9 Equalities Implications

- 9.1 The Council's Public Sector Equality Duty under the Equality Act 2010 requires the Council to consider how their policies or decisions affect people who are protected under the Equality Act. Romany Gypsies, Scottish Travellers and Irish Travellers have been declared by the courts to be protected as "races" under the Equality Act 2010 so the Council is bound to carefully consider the impacts on Travellers as well as other people and communities involved. The Council is also required to have due regard to the need to eliminate discrimination, victimisation and harassment; to advance equality of opportunity and to foster good relations between different groups. An initial Equalities Impact Assessment (Appendix 5) has been carried out to consider these impacts and will be updated as necessary

10 Climate Change and biodiversity

- 10.1 Provision of basic sanitation and facilities will reduce the environmental impact of existing sites. Derbyshire Wildlife Trust have expressed concerns about the impact on ecology at some sites.

11 Risk Management

- 11.1 There are several key risks associated with any potential temporary sites that may go forward. For the Council, there is a risk of failing to meet the accommodation needs of Traveller families to whom a homelessness duty would be owed. For the Traveller families there are health and welfare risks linked to continuously living on temporary sites with limited services. The impact on neighbours of potential sites is a potential risk. Site designs and length of occupation will need to help mitigate any impact. The ability to achieve planning consent is a risk, as are design and construction works generally. The overall risk associated with this is high and the impact is high.

Report Authorisation

Approvals obtained from:-

	Named Officer	Date
Chief Executive	Paul Wilson	29/11/2024
Director of Resources/ S.151 Officer (or Financial Services Manager)	Karen Henriksen	29/11/2024
Monitoring Officer (or Legal Services Manager)	Barbara Beardwell	29/11/2024