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13 August 2019

To: All Councillors

As a Member or Substitute of the **Community & Environment Committee**, please treat this as your summons to attend a meeting on **Wednesday 21 August 2019 at 6.00pm in the Council Chamber, Town Hall, Matlock DE4 3NN.**

Yours sincerely

A handwritten signature in black ink, appearing to be 'Sandra Lamb'.

Sandra Lamb
Head of Corporate Services

AGENDA

1. APOLOGIES/SUBSTITUTES

Please advise the Committee Team on 01629 761133 or e-mail committee@derbyshiredales.gov.uk of any apologies for absence and substitute arrangements.

2. APPROVAL OF MINUTES OF PREVIOUS MEETING

26 June 2019

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 electronic mail) **BY NO LATER THAN 12 NOON OF THE WORKING DAY PRECEDING THE MEETING.**

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 that time.

5. QUESTIONS PURSUANT TO RULE OF PROCEDURE NUMBER 15

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

Page No.

6. MATLOCK COMMUNITY VISION – LAND AT BAKEWELL ROAD, MATLOCK. 03 – 08

To note a report on the progress of preparing redevelopment proposals for the Bakewell Road site Matlock, which has been developed in partnership with the Matlock Community Vision Steering Group. Also to seek approval to scope potential redevelopment opportunities for the site and note the proposed approach to the Commercial Board to secure project development funding.

7. MEMORIAL BENCH DONATION POLICY 09 – 13

To consider approval of a new Memorial Bench Policy to manage requests for memorial benches on Council owned land.

8. VOLUNTARY RIGHT TO BUY SCHEME 14 – 18

To consider approval for adoption of the criteria, as listed in the report, for the delivery of the Right To Buy Scheme in the Derbyshire Dales.

9. WASTE & RECYCLING – ORGANICS CONTRACT 19 - 21

To receive an update report on the procurement of the new contract for the disposal and processing of organic waste and to note the awarding of the new organic waste disposal contract to Vital Earth Ltd.

Members of the Committee - Councillors Sue Bull, Martin Burfoot, Neil Buttle, Helen Froggatt (Vice Chair), Chris Furness (Chair), Clare Gamble, Susan Hobson, Tony Morley, Peter O'Brien, Joyce Pawley, Garry Purdy, Mike Ratcliffe, Andrew Statham, Alasdair Sutton, Colin Swindell, Steve Wain and Mark Wakeman.

Substitutes - Councillors Robert Archer, Jason Atkin, Richard Bright, Matthew Buckler, Paul Cruise, Tom Donnelly, Graham Elliott, Richard FitzHerbert, Alyson Hill, David Hughes, Stuart Lees, Elisa McDonagh, Michele Morley, Claire Raw, Mark Salt, Andrew Shirley and Peter Slack

COMMUNITY AND ENVIRONMENT COMMITTEE
21 AUGUST 2019

Report of the Head of Regeneration and Policy

MATLOCK COMMUNITY VISION - LAND AT BAKEWELL ROAD, MATLOCK

PURPOSE OF REPORT

To advise Members of progress with identifying redevelopment proposals for the Bakewell Road site Matlock and continued partnership working with the Matlock Community Vision Steering Group, seek approval to scope potential redevelopment opportunities for the site and note the proposed approach to the Commercial Board to secure project development funding.

RECOMMENDATION

1. The Committee note the outcome of the Matlock Future High Streets Fund bid to Government;
2. The Committee note the further work undertaken by officers alongside the Future High Streets Fund bid to establish potential interest in the site and engagement with key stakeholders;
3. To undertake further feasibility work to scope redevelopment opportunities for the site to include a small cinema development in the Market Hall;
4. A further report be considered by the Council's Commercial Board to agree the forward work programme and resourcing, and approach to public consultation should feasibility work identify a workable scheme;
5. The Matlock Community Vision Steering Group are thanked for their continued joint working with the Council to develop potential options for the site.

WARDS AFFECTED

Matlock All Saints and Matlock St Giles

STRATEGIC LINK

The redevelopment of the Bakewell Road site will positively contribute to the Corporate Plan priority of delivering a thriving district, in particular enhancing market towns and promoting business growth and job creation through the promotion of key development sites in / around towns.

1. BACKGROUND

- 1.1 The District Council owns the freehold interest in land at Bakewell Road, Matlock. The Bakewell Road site has previously been identified as a Key

Development Opportunity with its redevelopment beneficial to the community of Matlock and the vitality and viability of Matlock town centre. Previous reports to Committee (reports of 15 November 2018 and 21 February 2019 refer) detail work undertaken to bring forward viable uses on the site, including an initial feasibility study commissioned by Matlock Community Vision (MCV) (funded by the District Council) into the potential redevelopment of the land in the District Council's ownership i.e. the Market Hall and Former Bus Station, and subsequent options assessment undertaken by the Council's Commercial Advisor, Thomas Lister Ltd.

1.2 To recap, MCV's consultants, Aspinall Verdi Ltd, concluded the following:

- There is apparent demand for a small one or two screen cinema in Matlock and potential occupiers who have a requirement for Matlock.
- There is a higher than average provision of retail in Matlock, of which a significant portion is aimed at tourists. The Bakewell Road site is considered to be at the very edge of the retail area.
- There is apparent demand and an under-supply of community space that could accommodate uses ranging from small informal meetings to larger rehearsals and performances.

1.3 The MCV feasibility study evaluated a range of proposals for the site area within the Council's ownership with the aim of integrating commercial and community uses. It found that for all options tested there was insufficient financial viability to generate either a site value or cover both the significant capital costs of redevelopment (ranging from £2.8m - £4.4m and the revenue implications of financing such capital costs) and the running costs of new uses. However, if running costs alone were considered, a small cinema supported by food / beverage use might be viable.

1.4 Additional work by Thomas Lister Ltd. concluded that whilst there is interest from smaller cinema operators, it was unlikely that such an operation would be financially viable in the short to medium term without significant up front capital investment. The report noted the approach being taken by other councils to enable the development of smaller cinemas as part of town centre regeneration programmes to reinforce the town centre against the decline of retail and enhance the evening economy.

1.5 It was also noted that a larger development site (including the Trent Barton garages) would provide a more comprehensive gateway regeneration opportunity and potentially generate greater viability. However, the owner had previously indicated unrealistic expectations of land values. The position of London Metric, who hold the lease of the building occupied by M&S and Boyes and lease the Market Hall back to the Council (by way of an under lease on a peppercorn rent) was also noted.

2. FUTURE HIGH STREETS FUND

2.1 In addition to receiving an update on agreed actions to progress proposals for the site, February C&E Committee also approved submission of an external

funding bid for Matlock town centre to the Government's Future High Streets Fund. The bid was developed through close working with the MCV Steering Group and focused on the redevelopment of the Bakewell Road site to help the town centre adapt to changing high street shopping habits and develop Matlock as more of a combined shopping / leisure / community orientated destination to boost footfall and stimulate the evening economy. The bid was submitted on 22 March 2019.

- 2.2 The Government announced those towns successful with Stage 1 submissions on 5 July. Over 300 expressions of interest were submitted and unfortunately Matlock was unsuccessful. The next round of the Fund will be announced in the new year.

3. ACTIVITY SINCE FEBRUARY 2019

- 3.1 Complex land ownerships / site assembly and financial viability, together with the requirement for bus operators to maintain access through the site remain problematic issues in unlocking the Bakewell Road redevelopment opportunity.
- 3.2 Evidence previously prepared indicates that, with regard to land solely within the ownership of the District Council, longer term returns along with economic led community benefits *could* be gained from a cinema type development in the Market Hall area – where this includes a complementary food and beverage offer – but capital costs for such a development would not be capable of being recouped in the short term. The wider regeneration benefits for the town centre / evening economy from the potential redevelopment of the site therefore need to be considered.
- 3.3 A potential cinema use on the site was originally put forward in 2017 following interest from a local entrepreneur and comprised a central element of the feasibility work commissioned by MCV. The Future High Streets Fund bid supported by MCV and the Town Council also identified a small cinema with ancillary food and beverage as potential uses, to be explored through more detailed work.
- 3.4 In addition to the significant officer time to prepare the Future High Streets bid, work has continued to establish interest in the site focusing on the area within the freehold ownership of the Council. Following an initial soft market testing exercise, interested cinema operators have visited the site and viewed the Market Hall.
- 3.5 As reported to the 26 June meeting of this Committee, a measured survey of the building has been undertaken and supplied to interested cinema operators. Without prejudice to a decision on future uses on the site and any future process / approach to the wider market, the Council's commercial adviser has liaised with interested operators to seek initial indications of their operational requirements of the site (should formal expressions of interest be invited in the future).

- 3.6 As a key stakeholder in any potential redevelopment, a conference call took place with London Metric and a representative from M&S on 31 July 2019 to discuss potential cinema operator requirements of the Market Hall, ancillary uses (e.g. food and beverage and community uses) and next steps to prepare redevelopment proposals. In principle, both organisations are comfortable with a potential cinema use for the Market Hall and the ancillary uses discussed subject to further discussion regarding the proposed layout for the site (including access arrangements and fire escapes) and avoiding disruption to M&S operations. Retaining existing car parking provision is a key issue for M&S. Further discussions will take place in the Autumn.
- 3.7 An approach has been made to Derbyshire County Council regarding bus circulation through the site, specifically focusing on the potential for alternative layby provision (in place of the covered bus bay area) in order to establish the footprint available for potential redevelopment. Previous discussions having been unproductive, a further meeting took place with members of the Public Transport team on 7 August 2019. Retaining bus circulation through the site remains a requirement for County Council officers, acknowledging this 'sterilises' part of the site for development. However, potential redevelopment of the covered bus bay area was in principle considered acceptable; this would require alternative layby provision to be accommodated within the site / along Bakewell Road. County Council officers have now agreed to prepare indicative options and costings to further inform discussions.
- 3.8 Discussions have taken place with the District Council's Development Management service regarding a potential change of use of the Market Hall building. In principle, a change of use to a cinema (leisure use) is considered acceptable. Further discussions are required regarding potential alternative uses within the current covered bus bay area should redevelopment of this area also be proposed.
- 3.9 Clearly an important consideration with regard to the site is the potential impact on existing licensees within the Market Hall. The District Council currently has four annual licence agreements in place with traders. Given current work to establish potential redevelopment opportunities and the potential uncertainty for licensees, a meeting was held with traders and senior representatives of the Council on 12 August. The meeting covered progress to date, options being explored and further feasibility work to be undertaken, and sought to understand the position of traders. Traders acknowledged the Market Hall was underutilised and the Council's reasons for reviewing the future use of the building. Traders confirmed their intention to continue trading and, with regard to timescales for decisions it was confirmed that the Council was not yet at this stage. Officers agreed to keep traders informed as work progresses and to answer any questions they may have through ongoing two way dialogue.
- 3.10 Continuing the close working prior to and during preparation of the Future High Streets bid, officers have maintained contact with members of the MCV Steering Group since February and a further meeting was held with the Steering Group on 12 August to update partners on work to date and discuss next steps. The Steering group are supportive of a cinema use within the Market Hall and

welcomed the further work being undertaken by the District Council to establish the feasibility of this and other ancillary uses, potentially including food and beverage, other commercial and community use. The need to test the viability of any new potential uses was emphasised and acknowledged.

- 3.11 Involvement of the wider community clearly remains important in the formulation of re-development proposals for this longstanding redevelopment opportunity. Public consultation will therefore be undertaken once further feasibility has been carried out and prior to the finalisation of any redevelopment scheme.

4. WAY FORWARD

- 4.1 Based on the work to date and engagement with the key stakeholders it is proposed to undertake further feasibility work to scope potential redevelopment opportunities for the site to include a small cinema development within the Market Hall. At this stage, the work programme will focus on what can feasibly be delivered within the site comprising the freehold ownership of the District Council, how potential uses could work alongside each other and an assessment of financial viability, including use of both the Market Hall and the covered bus bay area.
- 4.2 Officers propose to take a further report to the Council's Commercial Board setting out the programme of work and resources required. The report will also consider the approach to initiating and evaluating formal market interest in the site and public consultation should feasibility work identify a financially viable scheme.
- 4.3 A further report will be brought back to Members in due course.

5 RISK ASSESSMENT

5.1 Legal

Legal advice is being provided to support negotiations with stakeholders. Additional services required following consideration by the Commercial Board will be procured through the Council's established procedures. The legal risk is assessed as low at this stage. However, this will be continually reviewed.

5.2 Financial

Revenue funding is required at this stage to support further project development work. A report will be submitted to the Commercial Board seeking funding from the Commercial Investment Fund. It is considered that the financial risk of this report is low at this stage.

6 OTHER CONSIDERATIONS

In preparing this report the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

7 CONTACT INFORMATION

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8 BACKGROUND PAPERS

Description	Date
Corporate Committee report	13 January 2014
Corporate Committee report	26 June 2014
Community & Environment Committee report	15 November 2018
Community & Environment Committee report	21 February 2019
Community & Environment Committee report	26 June 2019

9 ATTACHMENTS

None

COMMUNITY AND ENVIRONMENT COMMITTEE

21st AUGUST 2019

Report of the Head of Community & Environmental Services

MEMORIAL BENCH DONATION POLICY

PURPOSE OF REPORT

This report outlines the proposed new Memorial Bench Policy to manage requests for memorial benches on Council owned land.

RECOMMENDATION

That the Memorial Bench Donation Policy, set out in Appendix One, is approved.

WARDS AFFECTED

All

STRATEGIC LINK

The report supports our value of treating people with respect.

1 BACKGROUND

- 1.1 As part of the Corporate Signage report to Governance and Resources Committee, 29th June 2017, it was resolved:

Minute No. 65/17

3. That a new, easy maintenance, approach to memorial plaques is approved, enabling the Council to promote subscriptions to existing wooden benches in our parks; the plaque and bench to be maintained for a specified number of years by the Council, with the plaque provided by the subscriber to our specification.

- 1.2 This report delivers the resolution and outlines the methodology for the policy.

2 REPORT

- 2.1 The District Council has taken memorial benches as either physical or financial donations over the years. This has led to a proliferation of memorial benches in some parks and open spaces, and a lack elsewhere. The benches are of varying designs and of varying quality. The District Council also has plain, undedicated benches across its parks and open spaces.

- 2.2 The purpose of this policy is to provide a clear statement as to how the donation of a memorial bench works.

- 2.3 Members of the public regularly make requests for memorial benches to be placed on council land. There are areas, especially Bakewell and Monsal Head that are extremely popular and oversubscribed. Presently the Council only provides a full bench and dedication service, where space allows. Where possible a bench is installed and a donation of £680 is requested.
- 2.4 The District Council has a significant number of memorial benches on its land, and in the more popular areas such as Monsal Head is unable to accommodate any further donations. Areas such as Bakewell have a large number of memorial benches and have a waiting list of people wishing to dedicate a bench. These areas do have other undedicated benches that could host a memorial. Other areas have a limited number of benches and have capacity to accept donated memorial benches.
- 2.5 In accepting fixed term bench dedications the Council needs to be mindful of the balance between the original intention of the park or open space, and the appearance that a concentration of memorial plaques can have in an area. The needs of all space users' needs to be balanced for the area.
- 2.6 Comparison with other Councils have been undertaken and similar schemes cost between £700 and £1,500 for bench donations, and where available plaque only cost between £155 to £750 for 5 years.
- 2.7 The proposed donation levels are based on the existing costs for benches and plaques and are shown in the tables below.

Purchase of Memorial Bench

Cost of Bench (from supplier)	£510.00 to £550.00
Plaque (from supplier)	£50.00
Groundworks	£50.00
Installation	£100.00
Total	£710.00 to £750.00

Sole Dedication for 5 years

Plaque (from supplier)	£50.00
Installation	£20.00
Contribution to upkeep of full bench stock	£180.00
Total	£250.00

Multiple Dedication for 5 years

Plaque (from supplier)	£50.00
Installation	£20.00
Contribution to upkeep of full bench stock	£90.00
Total	£160.00

- 2.8 Prices should be reviewed each year and should be based on the actual cost of the bench and plaque on 1st January, with remaining charges being increased in line with the Council's Fees & Charges allowing a price to be set for each financial year.
- 2.9 The Guidance Notes for applicants are shown in Appendix 1.

3 RISK ASSESSMENT

3.1 Legal

The Council as landowner has the power to control any structures placed on its land and would potentially be liable if anyone was injured as a result of a defective bench. A policy on what will be clarify what would be allowed and also the quality of the item to minimise risk to the council and give clear guidance to the public on what would be allowed.

3.2 Financial

The proposed donation levels set out in the report should recover the costs of providing memorial benches and plaques. The financial risk is, therefore, assessed as low.

4 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

5 CONTACT INFORMATION

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6 BACKGROUND PAPERS

Description	Date	File
	None	

MEMORIAL BENCH DONATION POLICY

Memorial Benches

1. The Council retains ownership of the bench at all times.
2. The Council will source and install the bench and plaque in line with the bench design suitable for that site and complying with the Council's procurement policy. The Council will not accept any non-standard benches.
3. The Council carries out safety and conditions checks of its bench stock on a regular basis.
4. The Council undertakes maintenance of the bench in line with its own operational standards. The Council expects to treat benches roughly every 4 or 5 years during routine maintenance. The Council will not paint or treat benches for aesthetic reasons.
5. The Council expects a memorial bench to last for 10 years with normal use and environmental conditions. Where the bench is in a useable condition after this time it will remain in-situ, including the dedication at no further cost to the donator.
6. The Council will not be responsible for the replacement of a bench that is stolen, subject to vandalism or extreme weather conditions such as flooding.
7. The Council will remove the bench when the Council assesses that the bench is beyond economic repair and is not responsible for its replacement.
8. When a memorial bench is deemed beyond economic repair then the existing donator will be asked if they wish to donate a further bench for the charge at that time. Where they don't wish to then the space will be offered to people on the waiting list or retained as a space for a future donation.
9. Where a memorial bench is deemed beyond economic repair and no contact details are available for that bench then it will remain as a space for 1 full year to enable family to visit and contact the Council. If no contact has been received within this year then the space will be offered to people on the waiting list or retained as a space for a future donation.
10. When a plain bench is deemed beyond economic repair then the Council will consider if a replacement bench is needed or not. If one is needed then the Council will offer it as a memorial bench, initially to the waiting list for the site, or if one is not required immediately then retained as a space for future donation for 1 full year before installing a plain bench.
11. Applications for a memorial bench will only be accepted on the Council's application form and payment of the donation must be made prior to the Council placing the bench order. Payments can only be made by card. The application should include details of who to contact with future queries, it is the donator's responsibility to ensure that the Council has the most up to date details.
12. Applications will be accepted on a first come first serve basis. Where a site is oversubscribed then names will be added to the waiting list.

13. Applicants can suggest a location they would like the bench but the Council will make the final decision. It is possible that in the future the Council may need to relocate a bench for operational reasons, the Council will notify the donator prior to any permanent relocation.
14. It usually takes around 4 months from the receipt of a completed application form and payment for the bench to be installed.

Short term Sole Dedications

15. Applications for a short term sole dedication of 5 years will be taken, these will be for plain (non-memorial) benches only. At the end of the 5 years the donator will be asked if they wish to renew at the current rate, if not then it will be offered to the waiting list or remain open for dedication.
16. Applications for a short term dedication will only be accepted on the Council's application form and payment of the donation must be made prior to the Council placing the plaque order. Payments can only be made by card. The application should include details of who to contact with future queries, it is the donator's responsibility to ensure that the Council has the most up to date details.
17. Applications will be accepted on a first come first serve basis. Where a site is oversubscribed then names will be added to the waiting list.
18. It is possible that in the future the Council may need to relocate a bench for operational reasons, the Council will notify the donator prior to any permanent relocation.
19. It usually takes around 6 weeks from the receipt of a completed application form and payment for the bench to be installed.

Short term Multiple Dedications

20. Applications for a short term dedication of 5 years will be taken for benches that have multiple dedications (to a maximum of 4 plaques). These will be for plain (non-memorial) benches only. At the end of the 5 years the donator will be asked if they wish to renew at the current rate, if not then it will be offered to the waiting list or remain open for dedication.
21. Applications for a short term dedication will only be accepted on the Council's application form and payment of the donation must be made prior to the Council placing the plaque order. Payments can only be made by card. The application should include details of who to contact with future queries, it is the donator's responsibility to ensure that the Council has the most up to date details.
22. Applications will be accepted on a first come first serve basis. Where a site is oversubscribed then names will be added to the waiting list.
23. It is possible that in the future the Council may need to relocate a bench for operational reasons, the Council will notify the donator prior to any permanent relocation.
24. It usually takes around 4 months from the receipt of a completed application form and payment for the bench to be installed.

COMMUNITY AND ENVIRONMENT COMMITTEE
21ST AUGUST 2019

Report of the Head of Housing

VOLUNTARY RIGHT TO BUY SCHEME

PURPOSE OF REPORT

This report sets out the development of the Voluntary Right to Buy (“VRTB”) scheme established by the government and the housing sector. The report also identifies a way in which the scheme could be delivered in the Derbyshire Dales.

RECOMMENDATION

That subject to Member approval the following criteria be adopted in the delivery of the Voluntary Right To Buy scheme:

- I. The scheme is restricted to Ashbourne and Matlock
- II. The scheme only operates for the life time of the VRTB deal, funded by government
- III. 1 for 1 replacement takes place in accordance with the government timetable, i.e. within 3 years
- IV. Platform work with the Housing Team to secure replacement stock as near as possible to the sold homes and to support other council initiatives including the Hurst Farm regeneration project and empty homes
- V. The scheme would only apply to houses, with bungalows and flats excluded

WARDS AFFECTED

Matlock St Giles, Matlock All Saints, Ashbourne North and Ashbourne South

STRATEGIC LINK

Promoting home ownership is a long established government housing policy. The Voluntary Right to Buy scheme has at its core the requirement to re-provide every home sold through the scheme. Working with Platform to deliver the scheme would not diminish the total number of affordable homes available across the district. Income from the scheme could be used to support housing activity for which it is usually harder to find resources for e.g. empty homes and estate regeneration.

1 SUMMARY

- 1.1 In its manifesto, the Government made a commitment to extend the Right to Buy to housing association tenants. In September 2015, the National Housing Federation (NHF), on behalf of the housing association sector, made an offer to Government to extend Right to Buy level discounts to eligible tenants through a voluntary rather than statutory approach - the “Voluntary Right to Buy” (VRTB). The offer was accepted by

the Government in October 2015. As a result of the agreement, the Housing and Planning Act 2016 was drafted to enact only what was necessary to enable the Secretary of State to underpin the agreement. This includes powers to compensate private registered providers for the cost of a discount and setting home ownership criteria, creating an expectation that all housing associations will provide a home ownership offer to their tenants that will be monitored by the Regulator.

1.2 An initial pilot ran during 2016-17 with five housing associations across England. A larger regional pilot was confirmed in the Government's 2017 Autumn Budget – guidance covers this regional pilot. The pilot is open to participating housing association tenants in the East and West Midlands. The regional pilot aims to test specific aspects of the policy not tested in the initial pilot: namely one for one replacement of housing sold, and portability of discounts for tenants who are unable to buy the property they currently live in. Only housing associations with 1,000 homes or more are required to take part in the VRTB programme.

1.3 The agreement between the Government and the housing association sector was based on four key principles:

- **Right to Buy level discounts for eligible housing association tenants:** eligible housing association tenants would have the right to the same level of discounts, funded by the Government, as local authority tenants have under the statutory Right to Buy scheme. Eligibility for the scheme is determined by the Government. The amount of discount varies depending on the length of occupation e.g. a tenant of 5 years would receive a 35% discount while a tenant of 20 years would receive a 50% discount.
- **Board control over which homes to sell:** housing associations will have the final decision about whether to sell an individual property, with the presumption that they will sell a tenant their current home where they can. Where they decide not to sell the tenant their existing home, the Government agrees to compensate housing associations if the discount is applied to an alternative housing association property purchased by the tenant (subject to certain conditions).
- **Full compensation:** housing associations will receive the full market value of the properties sold, with the value of the discount funded by the Government, subject to housing associations complying with the eligibility criteria, the elements of the regional guide, and the Capital Funding Guide (issued by Homes England) as it relates to the Voluntary Right to Buy.
- **Flexible one for one replacement through new supply nationally:** for every home sold under the agreement in England a new affordable property will be built thereby increasing overall supply. Individually, housing associations do not have to replace on a one for one basis. Some housing associations may not be able to build at a ratio of one for one, but it is expected that this will be balanced by others delivering to a higher ratio to ensure the sector meets its commitment under the terms of the agreement.

1.3.1 The type, tenure and location of replacements are a matter for the housing association as long as the property can be deemed to be affordable. In some limited circumstances it may not be possible, appropriate or desirable for housing associations to build a new home to replace the one sold. In these circumstances housing associations would have the flexibility to buy another property or bring an empty property back into use which will count as a replacement property. Excluding flats from VRTB would help to avoid leaseholder issues that can arise, particularly when major repairs are required to a

property that has both housing association tenants and private owners. Substantial repair costs to the common areas of a property can be a real issue for private owners.

- 1.3.2 The District Council transferred its housing stock to Dales Housing in 2002 in order to allow borrowing to fund backlog repairs and a new 30 year business plan for the improvement of the stock. As the housing association sector evolved through the early 2000s, Dales Housing and Severn Locks Housing (another stock transfer council from Leicestershire) formed a new partnership with an overarching body called Acclaim Housing. With the drive to reduce costs and build more new affordable homes, the housing sector continued to see further mergers. As such in 2014/15 the Acclaim Group became part of Waterloo Housing Association, which was itself a combination of other stock transfers and housing associations.
- 1.3.3 As government policy has evolved, the largest development funding grants are being awarded to the biggest housing associations. The merger between Waterloo and Fortis to form Platform in 2018/19 meant that the new combined housing association could build an additional 500 per year. The Platform Group is the 5th biggest in the UK and now owns 46,000 homes in total and completed 1598 homes during 2018/19, at an investment of £228.5million. Maintaining a close working relationship with Platform is key to the future delivery of affordable homes within the Derbyshire Dales.

2 REPORT

Platform and applying the VRTB in the Derbyshire Dales.

- 2.1 Platform have adopted a policy in line with the principles set out above. The Regional VRTB Pilot in the Midlands only applies to general needs properties. Independent Living schemes (Supported housing) and extra care schemes are not included in this pilot. The Group proposes to exempt a number of different categories of property from the Voluntary Right to Buy, most notably:
- Homes that are in an excluded rural area, where there is a restrictive covenant or local restriction on buying a rural home.
 - Properties in which there are legal, funding or planning restrictions in place in legally binding agreements (e.g. section 106 sites where applicable, restrictive covenants, contractual clawbacks in transfer agreements (except where the relevant local authority agrees to repay the clawback in full)).
- 2.2 It is this second bullet point which is key here. In the spirit of the deal brokered with government, Platform wish to allow tenants in the Dales to exercise the VRTB. However under the existing transfer agreement, Platform would have to repay a proportion of the receipt to the District Council. This would significantly restrict their ability to re-provide a new home for each sale that took place. As such the proposal is that DDDC agrees to return sales receipts from Platform, arising from VRTB only, provided re-provision occurs in the Derbyshire Dales. This would be consistent with the previously agreed disposals programme. As of April 2019, the total number of eligible tenants that have approached Platform is 8. So in practice, a tenant buying a home would pay Platform the cost of the house, less the discount. This receipt would then sit with Platform until a suitable scheme or property came forward. The District Council's Housing Team would work with Platform to identify opportunities to spend the receipt.

- 2.3 Platform had previously decided to decline applications from rural settlements, but this has proved hard for them to defend. Instead they are considering rural applications on a case by case basis, due to legal challenge. Grounds for refusal are limited although where a property has a legal clause attached such as 'in perpetuity for affordable housing' then applications for VRTB are refused. Platform are concerned about the loss of stock where it is difficult to re-provide. However they have three years to provide a replacement home that is in addition to their existing development programme. For a new build development, Platform would need to obtain a planning consent. However purchase of existing private sector homes, empty properties or within the Hurst Farm estate, would support the Council's wider housing priorities and be quicker to achieve.
- 2.4 The Regional pilot was based on a ballot. Tenants were given a 3 month window in which to log in to a government website, expressing an interest to buy. Across the east and west midlands 40,000 bids were received. Funding only existed for 20,000 homes. The initial pilot is however underspent with a high dropout rate. It is possible that the ballot will reopen.
- 2.5 Tenants who are found not to be eligible e.g. due to the perpetuity rules, can port their discount to another property. This opportunity lasts for 3 months, and tenants can only receive 1 offer. Porting has found to not work because only low demand properties are being offered. Tenants have an expectation of a nice house in the leafy suburbs when in reality it's a hard to let property away from their current home. Platform want to ensure they meet housing need in the first instance, rather than sell.
- 2.6 There are some residents that will want to exercise the VRTB, but will be prevented due to the restrictions that exist in the regional pilot and those which Platform have adopted. This has led to a small number of complaints, some of which have come through to the Housing Team.
- 2.7 The existing Right To Buy scheme will continue to operate in the normal way i.e. people who were tenants of the District Council before 1996 and who are still living in their original property, have a protected Right To Buy. The income from the sales receipts is shared between Platform and the District Council, though there is no statutory requirement to spend this income on housing development. There are currently less than 10 Right To Buy sales per year. Housing Association tenants are able to exercise the Right to Acquire, though this is far less generous than Voluntary Right To Buy with discounts fixed at £10,000 in the Derbyshire Dales.

4 RISK ASSESSMENT

4.1 Legal

The scheme is voluntary so the Council is under no obligation to agree, however if a substantial number of housing associations pull out of the voluntary scheme this could result in the scheme becoming mandatory. Any potential legal risk can be negated with a clear agreement with Platform to make sure the funds are used for new social housing and obtained within the 3 year period.

4.2 Financial

The Council will continue to receive receipts under the existing Right to Buy Scheme. There are no financial risks for the Council arising from the Voluntary Right to Buy Scheme.

5 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

6 CONTACT INFORMATION

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7 BACKGROUND PAPERS

None

COMMUNITY & ENVIRONMENT COMMITTEE

21 AUGUST 2019

Report of the Head of Community & Environmental Services

WASTE & RECYCLING – ORGANICS CONTRACT

PURPOSE OF REPORT

The report provides an update on the procurement of the new contract for the disposal and processing of organic waste.

RECOMMENDATION

That the awarding of the new organic waste disposal contract to Vital Earth Ltd be noted.

WARDS AFFECTED

All wards

STRATEGIC LINK

The new contract will help to meet the District Council's priority of a clean and safe district. It must also balance affordability with quality in reflecting the District Council's Financial Strategy.

1. BACKGROUND

- 1.1 Since 2010 the District Council has been disposing of its organic waste at Vital Earth Ltd., as part of joint contract with Derby City Council and South Derbyshire District Council. This contract is due to end in June 2020.
- 1.2 Vital Earth is a family owned business based on the Airfield Industrial Estate in Ashbourne. Vital Earth use in-vessel composting, an aerobic system which keeps the material oxygenated throughout the composting process. This ensures that no malodorous material is formed and enables the bacteria, which breaks down the material into fine particles suitable for a good quality compost.
- 1.3 The compost is then sold onto local garden centres and some is also provided free of charge to local schools and community groups.
- 1.4 Organic waste is material that is biodegradable such as food and garden waste.
- 1.5 The District Council operates a fortnightly garden waste collection and a weekly food

waste collection service throughout the District. The garden waste is collected via 240 litre wheeled bins and compostable sacks. The food waste is collected via 23 litre kerbside caddies and compostable food liners. The service runs throughout the year, except the garden waste collection which ceases for two weeks over the Christmas period. There may be seasonal decreases in the amount of material collected during November to February. Currently the annual volume for garden waste and food waste are as follows:

- Garden Waste – 7085 tonnes
- Food Waste – 1106 tonnes

2. REPORT

- 2.1 The District Council was invited to be part of a joint procurement exercise with Derby City and South Derbyshire District Council. After discussion, District Council Officers decided against this, as the timescales did not align with the renewal of the main waste and recycling contract, meaning that no certainty of the organic disposal site could be given to bidders for the new contract.
- 2.2 Officers were also concerned that if the disposal site was to be closer to Derby, this would require the refuse collection vehicles to have to travel further, resulting in a greater impact on the environment and an increase in mileage fees from the new collection contract.
- 2.3 As a result, the District Council's Waste & Recycling Procurement team, supported by Eunomia Research & Consulting Ltd. and colleagues from Derbyshire County Council's Procurement department developed a specification and strategy for the procurement of a new organic waste contract.
- 2.4 The main scope of the contract was to include the following services:
- To supply a processing facility and/or delivery point where garden waste and food waste collected by the Council's collection contractor can be delivered.
 - Including to transfer the Contract Waste from a delivery point to a processing facility if applicable.
 - To process the Contract Waste and produce a reusable product in accordance with applicable regulations and best practice.
 - To either sell or otherwise utilise the resultant product such that there is a benefit to agriculture.
- 2.5 On 22 May 2019, the contract was advertised in the open market. Following a competitive tendering and evaluation process, Vital Earth were awarded the contract in July 2019. At the Members Workshop on 24 July 2019, this contract award was communicated to Members.
- 2.6 Despite the possible reduction in tonnage of organic waste, with the introduction of chargeable garden waste, Officers have been able to gain a competitive cost which is more financially advantageous than the current contract.
- 2.7 The new contract is due to start in June 2020, when the current one ends. The

contract is for a period of 26 months, with the opportunity to extend for a further two years. The possibility to extend the contract will provide Officers with the opportunity to review the market and the processing options available to the District Council. The transfer from the old contract to the new contract is expected to be seamless.

3 RISK ASSESSMENT

3.1 Legal

The awarding of the contract has been undertaken following a complainant procurement process in order to procure appropriate waste recycling of waste contract. Therefore the legal risk to challenge is low.

3.2 Financial

The new contract for organic waste collection is expected to result in cost savings, which will be reflected when budgets and the medium term financial plan are updated in November. The financial risk is assessed as low.

4 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

5 CONTACT INFORMATION

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6 BACKGROUND PAPERS

None

BACK TO AGENDA