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18 June 2014

To: All Councillors

As a Member or Substitute of the **Corporate Committee**, please treat this as your summons to attend a meeting on **Thursday 26th June 2014 at 6.00pm in the Council Chamber, County Hall, Matlock.** **PLEASE NOTE CHANGE OF VENUE**

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sandra Lamb', with a stylized flourish at the end.

Sandra Lamb
Head of Corporate Services

AGENDA

1. APOLOGIES/SUBSTITUTES

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

2. 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.**

3. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

20 March 2014

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. MATLOCK TOWN CENTRE SUPPLEMENTARY PLANNING DOCUMENT – REDEVELOPEMENT OF BAKEWELL ROAD MATLOCK PROGRESS REPORT** **5 - 16**
- To note the outcome of the Bakewell Road Community Engagement Workshop held on 8th March 2014 and to decide on the most appropriate option to take the project forward. Also to consider whether the Matlock Town Centre Supplementary Planning Document should be revised to take account of the policies of the emerging Derbyshire Dales Local Plan
- 6. COMMUNITY GOVERNANCE REVIEW – HATHERSAGE AND OUTSEATS** **17 - 25**
- To consider undertaking a Community Governance Review to dissolve the current parishes of Hathersage and Outseats. To create one new parish council called Hathersage, and to review the electoral arrangements for that new parish council, in response to two petitions received from Hathersage and Outseats Parish Councils.
- 7. ABC IMPROVEMENTS TO EXTERNAL AUCTION AREA** **26 - 29**
- To seek agreement in principal to proposals for improvements to the current, temporary external auction areas at the Agricultural Business Centre, Bakewell (ABC), subject to the outcome of public consultations to be carried out by Bagshaws, which will include discussions with Bakewell Town Council and a drop in session at the Agricultural Business Centre.
- 8. ANNUAL GOVERNANCE STATEMENT 2013/14** **30 - 39**
- To seek the Committee's approval for the Annual Governance Statement, and to note the significant governance issues identified and actions to address them.
- 9. LAND AND PROPERTY DISPOSALS – NO'S 5/5a TOWN HALL YARD, ASHBOURNE** **40 - 44**
- To consider a variation to the previously approved disposal of No's 5/5a Town Hall Yard, Ashbourne to Experience Ashbourne Ltd. (EAL)
- 10. PERFORMANCE REPORT 2013/14** **45 - 51**
- To consider the improvement in performance in 6 of the 9 Performance Indicators falling under the remit of this Committee in 2013/14, the proposed 2014/15 classification of Performance Indicators, and note the areas of underperformance, as areas for improvement, and the proposed action plans to address these.

- 11. INTERNAL AUDIT ANNUAL REPORT 2013/14** **52 - 59**
- The consider the internal audit report 2013/14.
- 12. INTERNAL AUDIT AUDIT REPORTS CONCLUDED TO DATE UNDER THE 2013/14 OPERATIONAL AUDIT PLAN** **60 - 62**
- To consider the reports produced in accordance with the internal audits undertaken in compliance with the 2013/14 Operational Audit Plan.
- 13. ANTI-FRAUD, BRIBERY AND CORRUPTION STRATEGY (INCLUDING MONEY LAUNDERING STRATEGY)** **63 - 90**
- To consider the adoption and publication of the revised Anti-Fraud, Bribery and Corruption Strategy (including Money Laundering Policy) and a proposal that it be reviewed in two years time or earlier if necessary.
- 14. REVIEW OF THE IPAD PILOT** **91 - 98**
- To consider feedback on the iPad pilot scheme and proposals for the future ICT platform for elected members.
- 15. EXCLUSION OF THE PUBLIC AND PRESS**
- At this point the Committee will consider excluding the public and press from the meeting for the remaining items of business for the reasons shown in italics. The Chairman will adjourn the meeting briefly to enable members of the public to speak to Councillors.
- 16. UPDATE ON THE TRADE EFFLUENT DISCHARGE FROM THE AGRICULTURAL BUSINESS CENTRE, BAKEWELL** **99 - 103**
- To update the Committee on ongoing work in relation to the trade effluent discharge from the Agricultural Business Centre, Bakewell.
- (This report contains information in respect of which a claim to legal professional privilege could be maintained in legal proceedings).*

Members of the Committee - Councillors Stephen Bull, Bob Cartwright, Albert Catt (Chairman), David Chapman, David Fearn, David Frederickson, Richard FitzHerbert, Mike Longden, Mrs Jean Monks, Garry Purdy, Mrs Irene Ratcliffe, Lewis Rose OBE, Geoff Stevens MBE, Mrs Jacquie Stevens (Vice Chair), Barrie Tipping and Mrs Judith Twigg

Substitutes – Councillors Mrs Jacque Bevan, Mrs Jennifer Bower, Richard Bright, David Burton, Tom Donnelly, Chris Furness, Mrs Ann Elliott, Mrs Cate Hunt, Tony Millward, Mike Ratcliffe, Andrew Statham, Colin Swindell, Mrs Phillipa Tilbrook, Mrs Carol Walker and Ms Jo Wild

CORPORATE COMMITTEE
26TH JUNE 2014

Report of the Head of Regeneration and Policy

MATLOCK TOWN CENTRE SUPPLEMENTARY PLANNING DOCUMENT REDEVELOPMENT OF BAKEWELL ROAD, MATLOCK PROGRESS REPORT

SUMMARY

The report summarises the outcome of the Bakewell Road Community Engagement Workshop held on 8th March 2014, and seeks a Member decision on the most appropriate option to take the project forward.

RECOMMENDATION

1. That the Committee note the outcomes of the Bakewell Road Workshop held on 8th March 2014.
2. That the Committee determine whether it wishes to pursue Option 1, Option 2 or Option 3 as outlined in Section 3 of the report.
3. That Committee determine whether it wishes to revise the Matlock Town Centre SPD to take account of the policies in the emerging Derbyshire Dales Local Plan.

WARDS AFFECTED

Matlock All Saints and Matlock St Giles

STRATEGIC LINK

The Matlock Town Centre Supplementary Planning Document is of importance to all four of the District Council's priorities as set out in the Corporate Plan namely: Affordable, decent housing; Safe Communities; Street scene; Active, healthy communities. The second corporate priority of the District Council is to increase business growth and job creation. A specific target for 2014/15 is to *Promote key development sites*. Developing the Bakewell Road site would support this priority and positively contribute towards achieving this target.

1 BACKGROUND

Matlock Town Centre Supplementary Planning Document (SPD)

- 1.1 The Matlock Town Centre Supplementary Planning Document (SPD) was adopted by the District Council in November 2008. The SPD was drawn up to guide development over the next 10 - 15 years to ensure that Matlock remains an attractive and thriving town centre. A considerable amount of detailed research went into the SPD, including background work by Matlock Town Council by way of a Health Check, some general market research about the demand from national retailers for a Matlock location and a specially commissioned retail capacity survey.
- 1.2 At the meeting of the Partnership and Regeneration Committee held on 3rd September 2009, Members resolved to appoint specialist consultants to advise on the delivery of development opportunities identified in the SPD with the costs to be shared equally with Matlock Town Council (Minute 180/09). Following a detailed selection process, WYG Environmental Planning Transport Ltd were appointed to advise the Council.
- 1.3 In July 2010, WYG submitted their report to the Council, the findings and conclusions of which were considered at the meeting of the Partnership and Regeneration Committee held on 9th September 2010.
- 1.4 WYG concluded that, of the sites identified by the Matlock SPD, the single site that offered the greatest potential in the short term was the Bakewell Road Key Development Opportunity site. WYG therefore recommended that the District Council should focus on the redevelopment of this site as a priority, due to it being a commercially viable proposition and due to its likely ability to act as a catalyst for further future development.
- 1.5 The Matlock SPD set out the following guiding principles for the redevelopment of Bakewell Road:
 - To create a high quality 'riverside quarter' with a mix of uses including a major retail scheme and residential development;
 - To create a distinctive gateway into Matlock when arriving by road;
 - To provide an attractive pedestrian route between Bakewell Road and Imperial Road;
 - To increase the number of car parking spaces to serve the town centre;
 - To maximise the potential of the riverside location.
- 1.6 Furthermore, the Matlock SPD also set out the following indicative development options for Bakewell Road:
 - Comprehensive two / three storey redevelopment of both sides of Bakewell Road with potential to be developed for a major retail scheme with commercial and / or residential uses on upper floors;
 - Redevelop the former bus station and adjoining sites with a view to attracting leading 'High Street' stores;

- Redevelop the riverside side of Bakewell Road and seek to encourage its redevelopment for retail and commercial uses with residential at upper floors incorporating a pedestrian bridge to higher ground or buildings;
- Incorporate a sensitively designed extension to the existing supermarket roof top car park;
- Provide additional bus stops along Bakewell Road with bus access retained through the former bus station site in the short to medium term;
- Improve the pedestrian routes between Imperial Road and Bakewell Road.

1.7 The District Council has always maintained that the SPD is a significant material consideration that will be taken into account in determining proposals for the redevelopment of land at Bakewell Road. However, it is not, and was never intended to be, a prescriptive 'blueprint' for development. Its purpose is to establish the general design principles for development and in this regard, it will be taken into account in the consideration of any subsequent application for planning permission. However, there are other considerations which must also be taken into consideration, notably market interest, operator requirements, development viability, creating footfall and safeguarding the town centre.

1.8 Following an extensive selection process, at the meeting of this Committee on 13th September 2012, it was resolved to appoint Henry Davidson Developments as the District Council's preferred developer partner for the redevelopment of the Bakewell Road Key Development Opportunity site. (Minute 157/12).

1.9 It was also resolved:

- That the Planning Policy Manager is authorised to commence discussions with Henry Davidson Developments in regard to the terms of a Draft Development Agreement and that the Council commission external legal advice in regard to the formulation of the Draft Development Agreement.
- That a further report be presented to a future meeting of this Committee to consider approval and acceptance of the Development Agreement

Henry Davidson Developments Limited

1.10 As part of the assessment process, no weight was given to the indicative scheme designs that were submitted by any of the potential developers since such matters must be properly considered through a subsequent planning application which will involve public consultation. The evaluation process that was undertaken focussed exclusively upon the key issues of deliverability and viability.

1.11 The indicative proposal submitted by Henry Davidson Developments involved an anchor food store of 38,000sqft, with 5 ancillary retail units totalling 24,500sqft, 6no. duplex apartments and 273 car parking spaces. Indeed, the inclusion of an anchor food store in four of the five original developer submissions, is a clear indication that

the aspirations of the Matlock Town Centre SPD cannot be achieved without a higher value use forming part of overall development package for the site.

- 1.12 On the former Lido site their proposal was for the provision of a hotel and associated restaurant of 25,790 sqft and car parking (58 spaces). They indicated within their submission an expression of interest from Whitbread's who operate the Premier Inn brand¹. The area on the opposite side of Bakewell Road was excluded from their initial proposals although they made references to it within their bid as a potential longer term development of café and leisure type uses.
- 1.13 At the meeting of this Committee on 13th January 2014, Members noted the work that had been undertaken during the preceding 12 months on the Bakewell Road Redevelopment Project. As part of that same report, Members were requested to consider which of two options outlined within the report, they wished to pursue. The options were as follows :

Option 1 – Acknowledge that at the present time, the redevelopment of the Bakewell Road site cannot be delivered in strict accordance with the objectives of the Matlock Town Centre SPD. Furthermore, redevelopment of the site in the current economic climate will have a considerable impact upon the Council's overall revenue position. Before progressing the scheme any further, undertake a public consultation exercise to establish whether the public wish the District Council to continue to progress a redevelopment scheme for Bakewell Road outside the context of the Matlock SPD, whilst acknowledging that ambitious plans exist for the regeneration of Chesterfield town centre, which are likely to have a further impact upon Matlock's competitiveness in the future.

Option 2 – Acknowledge the nature and extent of current occupier interest in the site and accept that any redevelopment proposals cannot be delivered in strict accordance with the objectives of the Matlock Town Centre SPD. Any redevelopment scheme is likely to involve the provision of additional foodstore floorspace in excess of the existing Co-op of 11 – 13,000 sqft, the configuration of which will be developed and a further 10,000 – 12,000 sqft of smaller retail units in typical sizes of 500 – 3,000 sqft suitable for smaller retail and restaurants plus enhanced public realm/pedestrian links and rationalised bus station/stops together with options for sheltered housing and new library facilities. On this basis, progress the scheme to the next stage to include the formulation of a detailed masterplan to be published for public consultation and wider community engagement. Review the public response before proceeding any further.

- 1.14 In considering these Options, the Committee deferred making a decision on either option and resolved to undertake a public consultation exercise on both options and any other options arising from the consultation, the outcome of which was to be reported to a future meeting of the Committee. (Minute 270/13)
- 1.15 The purpose of this report is therefore, to provide Members with an update on activities that have taken place since the meeting held on 13th January 2014 and to

¹ Members will be aware that the District Council has subsequently agreed terms with Premier Inn to acquire an alternative site in Matlock (subject to planning and contract).

seek the views of the Committee on the options that are now considered to be available to the Council.

2 COMMUNITY ENGAGEMENT WORKSHOP

- 2.1 Following the meeting of this Committee on 13th January 2014, a workshop was held on 8th March 2014, at the Imperial Rooms Matlock, between 9.30am and 1pm. The workshop was attended by approximately 50 local residents – many of whom have already made representations to this Committee in the past, either in writing or in person.
- 2.2 The workshop was facilitated by The Planning Co-operative, (who have previously provided Member training and worked for the District Council before on similar exercises). The purpose of the workshop was to provide another opportunity for members of the public in Matlock to set out their aspirations for Bakewell Road following the consideration and rejection of the two initial options presented to this Committee at its meeting on 13th January 2014.
- 2.3 The workshop consisted of an initial presentation, during which the facilitators sought to set out some of the key issues and challenges faced in seeking to deliver a viable redevelopment of the Bakewell Road site. One of the main challenges being that, as with any major redevelopment scheme, in order to deliver a commercially viable scheme, an anchor tenant would be required in order to provide sufficient value and to attract other users.
- 2.4 Details of the presentation and a summary of the outcomes from the workshop can be viewed on the District Council's website at:

http://www.derbyshiredales.gov.uk/images/documents/B/Bakewell_Road_Workshop_8_March_2014.pdf
- 2.5 Notwithstanding the market intelligence that was presented regarding development viability, a clear consensus emerged from the workshop that Matlock did not require an additional supermarket and that the public of Matlock (as represented at the workshop) would not support such a development on the site.
- 2.6 After the initial presentation, the workshop undertook two exercises at which those attending were in groups asked the following (a summary of the responses is set out below each question in *italics*):
 - Which elements of the SPD are the priorities that should be retained ?
 - *Retain the distinctive gateway*
 - *Retain the riverside development*
 - *Growing the tourism economy*
 - *Ensure Quality Design*
 - *Improved linkage around the town*

- *Re-examination the whole SPD*
- What aspects of a supermarket are of the most concern ?
 - *No additional car parking required – but better management of existing parking places required.*
 - *Preference for small niche stores not a huge supermarket*
 - *Should not be large supermarket rather it should facilities for smaller independent stores*
- Is there agreement on a specification for a revised scheme ?
 - *No consensus reached on specification for revised scheme*
- Is now a good time to secure a good scheme ?
 - *The economic recovery is only just beginning - wait until the recovery is really underway*

Status of the Matlock Town Centre SPD

- 2.7 One of the areas of debate that arose at the workshop was the status and weight that could be attributed to the Matlock Town Centre SPD in the determination of any future planning applications. Some of the attendees at the workshop were concerned that upon the adoption of the revised Derbyshire Dales Local Plan, the Matlock Town Centre SPD could not be afforded sufficient weight in the determination of any relevant planning applications that may be submitted.
- 2.8 Given these concerns it is appropriate to clarify the current and future status of the Matlock Town Centre SPD in the determination of any relevant planning application. As set out above in Paragraph 1.1, the Matlock Town Centre SPD was prepared to guide future development in the town centre over the 10-15 years after its adoption. Furthermore Paragraph 2.7 in the Matlock Town Centre SPD sets out that it was prepared in the context of policies in the Derbyshire Dales Local Plan adopted in 2005.
- 2.9 The Matlock Town Centre SPD was prepared in accordance with the requirements of the Planning & Compulsory Purchase Act 2004, and was subject to a statutory period of public consultation and its preparation was accompanied by a Sustainability Appraisal that assessed the social, economic and environmental effects of the Matlock Town Centre SPD.
- 2.10 Under the provisions of section 38(3) of the Planning and Compulsory Purchase Act 2004, the Matlock Town Centre SPD does not form part of the statutory Development Plan since it was not prepared as a statutory Development Plan Document and hence was not subject to independent examination. This is notwithstanding the fact that it was subject to public consultation and adopted by a resolution of Council. As a Supplementary Planning Document, its purpose is to

provide guidance to supplement the policies and proposals in the Development Plan. The SPD may, therefore, be afforded weight in the determination of planning applications whilst ever it reflects the policies contained within the Development Plan.

- 2.11 As Members will be aware, the District Council has recently submitted a revised Derbyshire Dales Local Plan to the Secretary of State which is due to be considered at an Examination in Public commencing 22nd July 2014. The revised plan, once adopted, will replace the policies and proposals in the currently adopted Derbyshire Dales Local Plan which form the basis of the current SPD.
- 2.12 At the time that the revised Derbyshire Dales Local Plan is adopted, the weight that the District Council would be able to place on the SPD will be significantly reduced because it was prepared in the context of policies which will have been superseded.
- 2.13 However in order to maintain the statutory weight of the Matlock Town Centre SPD, without altering the overall tenor of its contents, a technical exercise involving revising the contents of part of the document could be undertaken to ensure that it makes appropriate reference to the newly adopted Derbyshire Dales Local Plan, and subjecting the revisions to appropriate public consultation would be all that would be required.
- 2.14 To undertake such revisions would take approximately 6 months to complete. If Members wish a review of the Matlock Town Centre SPD to be undertaken, to ensure that it has the necessary weight in the determination of any relevant planning application in the future this would have to be programmed to commence after the end of the Local Plan Examination in Public.

Co-op Position

- 2.15 Members may well be aware from the national press that the Co-op Group has been experiencing very difficult conditions across the whole of the group in recent times. In a recent article in Retail Week (17th April 2014) the Co-op indicated that it is reconsidering its position on the future of some of the larger convenience stores that it acquired as a result of the take-over of the Somerfield Group in 2009, as it felt that a significant number of those do not fit with their overall retail strategy in the future. The Co-op store in Matlock is one of its larger stores, having a sales floor area of approx. 24,000 sq feet. As such, it is feasible that regardless of any development on the Bakewell Road that the future of the Co-op could be reviewed.
- 2.16 Given the attractiveness of the low rental payments, it is very possible that the Co-op would transfer the Bakewell Road store to an alternative operator to take on the residual part of the existing lease, under the same terms and the District Council as landowner, could not prevent this. A secondary scenario would be the surrender of the lease back to the District Council with the Council having to make a payment to surrender the lease. Clarification of the Co-op's position is being sought and if available will be reported verbally to Committee.

Update on Discussions with Henry Davidson Developments

- 2.17 Discussions continue to be held with Henry Davidson Development about the future market prospects for developing the site. They have recently advised that the conditions in the retail market again appeared to have shifted, with a number of the larger operators now being squeezed in terms of their overall profit margins. The consequence of which, is that major operators are now less inclined to bring forward larger developments on sites such as Bakewell Road. They have however, advised that there continues to be interest in the site from at least two retailers, both of whom would only develop on the site if it incorporated “at grade“ car parking on the site frontage.

Other Matters for Consideration

- 2.18 It is anticipated that the new development would generate a significant number of jobs in the town centre, the exact amount would, of course, ultimately depend upon the nature and form of the final development. Furthermore there is the potential for a high proportion of any new jobs to come from the local area. These additional jobs will be able to provide additional spend within the local economy.
- 2.19 In addition to this, there would a number of jobs that would result during the construction phase of the development, with opportunities for small local contractors to be employed by the main contractors to provide skilled labour in trades such as bricklaying, carpentry, mechanical and electrical installation, plastering, painting and decorating.

Business Rates

- 2.20 Any increase in the amount of business floorspace within Matlock would be of benefit to the District Council by way of an uplift in Business Rates. The exact amount would be dependent upon the amount of additional floorspace brought forward, but could be somewhere in the region of £150,000 to £250,000. After taking account of the our actual share at 40%, the amount the District Council could receive by way of uplift, would be somewhere in the region of £60,000 to £100,000.

Car Parking

- 2.21 As part of any redevelopment scheme, there may be a small increase in the number of town centre car parking spaces. However in order to satisfy retailer requirements, some of the car parking may have to be provided free of charge, usually for a period of 2 hours. Whilst this change in operational arrangements will act as an incentive to the creation of more linked trips to the town centre and its overall competitiveness, it is likely that car parking revenue to the District Council will decrease by approximately £170,000 per annum. There may also be a further displacement effect as any free car park provided as part of any development may be used in preference to other town centre pay and display car parks.

Other Financial Considerations

- 2.22 The District Council owns approximately 60% of the development site, and has previously placed a notional value on the land holding in the region of £900,000. However given that third party landownerships will have to be acquired, and having regard to the potential costs of development set against the estimated income to be

derived, it is anticipated that in order to secure a viable development, the District Council would have to forgo any expectations of a capital receipt from its landownership. As landlord to the Co-op, the District Council could also lose its rental income from the building, which is approx. £79,000 per annum.

- 2.23 Furthermore, although preference would be for the acquisition of the third party land ownerships to be undertaken by negotiation, should this not prove possible the District Council may have to consider using its Compulsory Purchase Order (CPO) powers in order to facilitate the development. As such there may be costs that would have to be borne in pursuing compulsory purchase of the third party land interests.
- 2.24 Initial discussions have taken place to establish the potential for scheme funding from Local Enterprise Sources (LEP's). In terms of the Sheffield City Region Investment Fund, based on the economic model used to prioritise projects, retail led schemes don't tend to perform well in terms of GVA uplift (the main measure of value for money). It is however anticipated that the first tranche of funding for approved schemes is not likely to be available until April 2015.
- 2.25 In terms of D2N2's Growing Places Fund, again retail schemes are not a high priority (although can be considered if schemes offer significant economic benefits) and a loan would need to be underwritten by an appropriate partner. Future opportunities to apply will be depend on whether funds remain following the last round of expressions of interest.
- 2.26 Opportunities for Regional Growth Funding have also been discussed. However, advice received indicates that the scheme would not be eligible

3 OPTIONS FOR THE FUTURE

- 3.1 The evidence continues to indicate that there is some capacity for additional retail floorspace in Matlock in the future, which if provided on the Bakewell Road site, would have the potential to increase expenditure across the whole of the town centre. Furthermore investment on this site may act as a catalyst for other forms of inward investment in the wider area, including the Riverside Phase of the Bakewell Road scheme.
- 3.2 There was a general consensus from the workshop that if the aspirations of the SPD cannot be met in the current economic climate that it would be preferable to wait until the economic climate improves sufficiently to allow the aspirations of the SPD to be achieved. This approach does however, given major retail development proposals being brought forward in neighbouring towns, risk Matlock town centre, losing some of its competitiveness to these other centres.
- 3.3 The workshop did not, however, come to a consensus view on what form development should take going forward, with each of the schemes suggested by the participants working as groups identifying different solutions to development on the site. There was however, a view from many of the participations that they would like to continue to be involved in the development of schemes for the redevelopment of the site, by way of some sort of Community Action Group.

- 3.4 There has been a significant change in retailer operations in recent years as a result of the economic downturn, and as such the objectives for the Bakewell Road Matlock Town Centre SPD may actually never be capable of delivering a commercially viable scheme in the form originally envisaged.
- 3.5 In light of current economic circumstances, the District Council needs to review its position with regards to Bakewell Road. In this regard, there are considered to be **three** possible options available to the Council:

Option 1 – Acknowledge that at the present time, the redevelopment of the Bakewell Road site cannot be delivered in strict accordance with the objectives of the Matlock Town Centre SPD, and do not do any more work on taking forward the Bakewell Road redevelopment until such times as the economic climate improves further.

Option 2 – Acknowledge the nature and extent of current occupier interest in the site and accept that any redevelopment proposals cannot be delivered in strict accordance with the objectives of the Matlock Town Centre SPD. Any redevelopment scheme is likely to involve the provision of additional foodstore floorspace in addition to the existing Co-op and some smaller retail units suitable for smaller retail and restaurants plus enhanced public realm/pedestrian links and rationalised bus station/stops together with options for sheltered housing. On this basis, progress the scheme to the next stage to include the formulation of a detailed site layout plan to be published for public consultation and wider community engagement. Review the public response before proceeding any further.

Option 3 – Acknowledge that at the present time, the economic climate is not conducive to delivering a commercially viable scheme which does not involve a major food operator. Due to widespread opposition to a new major food retail development within the town, the District Council facilitate where possible, the development of a community led scheme without any further significant District Council resources being committed at the present time. In the event that a community led scheme evolves, the District Council will subject that scheme to commercial viability assessment and market testing. The current relationship with HDD will be terminated.

- 3.6 Members are therefore asked to consider, which of the above options they wish to pursue.

4 RISK ASSESSMENT

4.1 Legal

Option 1 protects the integrity of the SPD until such time as the economic factors, which are outside of the District Council's control, can support a more objectively balanced approach. The legal risk in this respect is therefore low to medium.

Option 2 carries medium to high risk in terms of the requirements to enter into detailed negotiations with third parties including the potential for compulsory purchase. Compulsory purchase carries high risk in terms of what can be protracted

and costly negotiations. External legal advice will be required to mitigate and control that element of risk.

Option 3 protects the integrity of the current SPD allowing the District Council to facilitate a community led scheme which will be commercially assessed although loses the provision and input of an experienced developer who has invested time into the current redevelopment proposal. Members will need to consider the potential financial implications of terminating the services of HDD in the absence of a formal Agreement for services. If the community led scheme evolves; Option 3 will also carry medium to high risk in terms of entering into detailed negotiations with third parties, including the potential for compulsory purchase, and external legal advice will be required to mitigate the risk.

Therefore in legal terms, a reasonable decision will balance the competing factors of risk and opportunity and be proportionate to the local benefit and the Councils ability to deliver financially.

It should be noted that any decision taken by this Committee is entirely without prejudice to any future decision by this Council as Planning Authority.

4.2 Financial

The Council has a statutory duty to set a balanced budget. This report suggests a net loss of revenue income in the region of £110,000 p.a. (£170,000 car parking income offset by £60,000 in additional business rates income) which would need to be financed by external funding or by savings from other services. It is however possible that as part of the development agreement with Henry Davidson the District Council could benefit by way of revenue income from any overage that results from the final development scheme. The Council has a statutory duty to set a balanced budget. The financial risk is therefore assessed as high.

4.3 Corporate Risk

Progressing options for the redevelopment of the Bakewell Road site is a key target in the District Council's Corporate Plan 2013/14 and carries a high risk. Any subsequent implications arising from site assembly and procurement will be monitored and reviewed as appropriate. However, the risk of not progressing development at Bakewell Road must also be taken into account. An absence of retail development in Matlock when competitor towns are growing poses issues of town centre sustainability and stagnation as detailed in the report. For these reasons, the risks associated with not progressing development at Bakewell Road are also significant. The District Council will need to balance risks and opportunities.

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

Mike Hase, Planning Policy Manager

Tel: 01629 761251 E-mail: mike.hase@derbyshiredales.gov.uk

7 BACKGROUND PAPERS

| | |
|--|---------------------------------|
| Matlock Town Centre SPD | November 2008 |
| WYG Consultant's Report and Appendices | July 2010 |
| Submitted Detailed Proposals from Developers | November 2011 |
| Lambert Smith Hampton Report | January 2012 |
| Lambert Smith Hampton Report | March 2012 |
| Community Committee Report | 12 th July 2012 |
| Corporate Committee Report | 13 th September 2012 |

CORPORATE COMMITTEE
26 JUNE 2014

Report of the Head of Corporate Services

COMMUNITY GOVERNANCE REVIEW – HATHERSAGE AND OUTSEATS

SUMMARY

This report invites the Committee to consider two petitions calling for the Council to undertake a Community Governance Review to dissolve the current parishes of Hathersage and Outseats; to create one new parish council called Hathersage, and to review the electoral arrangements for that new parish council.

RECOMMENDATION

1. That in response to the two petitions from the parish councils of Hathersage and Outseats, the Council undertakes a Community Governance Review which consults on the proposition to -
 - a. dissolve the current parishes of Hathersage and Outseats
 - b. create a new parish called Hathersage with boundaries set out in the Map at appendix 1
 - c. create a parish council of 10 members to serve on the new Parish Council of Hathersage
2. That the results of the consultation be presented to the September meeting of the Committee.

WARDS AFFECTED

Hathersage

STRATEGIC LINK

The proposal links with the Council's aim, of 'Leading the Communities of the Derbyshire Dales'.

1. BACKGROUND

- 1.1 Earlier this year, Hathersage and Outseats Parish Councils sought advice on the procedures to be followed for a Community Governance Review with a view to abolishing the current civil parishes of Hathersage and Outseats and the creation of one new parish with a parish council to govern the combined area.
- 1.2 Advice was given on the procedures which require the submission of a petition signed by 5% of electors from each parish area. The Parish Councils of Outseats and

Hathersage have formally considered and agreed the wording of a petition as set out below and both petitions have been accurately verified.

- 1.3 “The village of Hathersage is currently divided into 2 civil parishes – (1) Hathersage and (2) Outseats. I am on the Electoral Register for the civil parish of Hathersage (Outseats). I recognise that Hathersage village is one community and I wish Derbyshire Dales District Council to conduct a Community Governance Review with a view to abolishing the 2 existing parishes and creating a new Parish. The new parish should be named Hathersage (with boundaries per the attached map), to reflect the real identity of the whole village’s electorate – and to represent them through one Parish Council.”
- 1.4 The Committee is now required to consider the petition alongside the principles of the Community Governance Review framework, and to determine whether the proposal is considered to be in the interests of the local community and represent convenient local government.

2. CURRENT POSITION

- 2.1 Hathersage Parish Council has an electorate of 1165, represented by a Parish Council of 10 elected members. Outseats Parish Council has an electorate of 408, represented by a Parish Council of 7 members. The rules governing nomination to serve as an elected member currently enable residents within Outseats to stand for nomination on Hathersage Parish Council as they live within 2 miles of the parish boundary and vice versa for electors in Hathersage wishing to stand for election in Outseats.

3. COMMUNITY GOVERNANCE REVIEWS

- 3.1 From February 2008, principle councils have responsibility for undertaking Community Governance Reviews under the terms of the Local Government and Public Involvement in Health Act 2007. The purpose of such a review is to provide a mechanism where parish boundaries and related electoral arrangements can be amended where appropriate. The power to carry out such a review is devolved to the District Council and does not involve the Electoral Commission or require the consent of the Secretary of State unless related changes are recommended to the Derbyshire Dales ward boundaries.
- 3.2 Under the 2007 Act, local electors can petition their principal councils for a community governance review to be undertaken. The petition must set out at least one recommendation that the petitions want the review to consider. These recommendations can be about a variety of matters including:
 - The creation of a parish
 - The name of a parish
 - The establishment of a separate parish council for an existing parish
 - The alteration of boundaries of existing parishes
 - The abolition of a parish
 - The dissolution of a parish council
 - Changes to the electoral arrangements of a parish council
 - Whether a parish council be grouped under a common parish council, or de-grouped

3.5 In terms of the proposal to create a new Parish of Hathersage, the most appropriate mechanism under the new provisions would appear to involve dissolution of the current parishes of Hathersage and Outseats and the creation of a new parish with its own parish council, with electoral arrangements to suit.

3.5 The petition calls for the new parish to be named Hathersage. Whilst there are no specific legal provisions which govern the name of a new parish, the Committee must be mindful of the need to propose a name which is most likely to gain widespread support.

4 RELEVANT CONSIDERATIONS

4.1 Principal councils are required to have regard to the guidance produced by the Secretary of State and the Electoral Commission. Such guidance was issued in April 2008 and requires principal councils to ensure that community governance within the area under review will be

- Reflective of the identities and interests of the community in that area, and be
- Effective and convenient

4.2 Account should also be taken of

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

4.3 Should the Committee decide to undertake a review it must prepare draft recommendations, consult with local people and take account of any representations made in connection with the Review before the final recommendations are made. The overall aim of the Review must ensure that the proposed community governance reflects the identities and interests of the community and that the arrangements are effective and convenient.

3.7 The Council will be required to consult:

- Local government electors
- The County Council
- Local businesses
- Local public and voluntary organisations

4. PRELIMINARY CONSULTATION

4.1 The two Ward Members for Hathersage and Eyam have been consulted on the petition and their preliminary views are set out below.

4.2 Councillor Mrs J N Bevan

“This will be an extremely good move for the village.

Most of us regard ourselves as from Hathersage, not Outseats, and this is reflected in tourism and postal correspondence. If you look at the history of Hathersage, Outseats was formed several hundred years ago as an expedient when people were restrained from moving from one parish to another. That was probably the only good

reason for separating parishes. Since that time there have been many attempts to join the two parishes together, which have fizzled out for one reason or another, but still the need was obviously great enough in the 20th century to try many times.

I have often said, during my 25+ years as Councillor for both parishes, that we lose out by being two parishes, especially in the region of grants, etc., mostly because people look at population figures and only see Hathersage, disregarding Outseats altogether. It is not always understood that Hathersage (with Outseats) is fractionally bigger than Tideswell, probably the largest village in Derbyshire Dales area, and is the amenity village for the Hope Valley. All this identity is lost because the two parishes are not recorded together, even though, on the ground, it is impossible to see where one parish starts and the other ends.

I have not yet heard anyone in the village, including Outseats, say that they do not want the two parish councils joined together, and I believe, very strongly, that the village is losing out considerably by being split. As far as I can see, only good can come from joining the two councils.

With regard to operating a joint council, I have for many years attended both council meetings and again, I can only see that good can come from joining these together. When matters concerning Hathersage village centre, pool, recreation grounds etc., come up on the Hathersage agenda, those people who live in Outseats and who use the facilities as much as Hathersage residents, have no say whatsoever in the deliberations of the parish council. Similarly, when matters concerning Stanage edge or the Outseats area (where people from Hathersage walk and have recreation) the Hathersage residents have no say in the meetings. Joint sub committees have grown up because of the need for Outseats and Hathersage residents to both have a say in some procedures – e.g. Traffic Management, and an agreement is in place where a representative from one parish can sit in at the other parishes meeting. This is unwieldy and cumbersome and definitely needs changing. I expect that if the two parishes did merge there would be fewer councillors in total and very little extra on the agenda.

I hope that the above answers your various questions and I hope that my absolute enthusiasm for agreement is clear.”

4.3 Councillor Mrs J Monks

"To better reflect identities and interests.

Pro

When saying where we live, even those of us in Outseats claim to live in Hathersage. If we said we lived in Outseats , apart from local residents, most people wouldn't know where this was.

We in Outseats all use the facilities of Hathersage and contribute to their upkeep.

Conversely those in Hathersage use the wonderful countryside of Outseats for recreation.

A holistic approach should reduce misunderstandings.

Con

It will be a shame that the ancient parish of Outseats will no longer exist.

Outseats is more rural and there may be conflicts of approach. E.g. the Outseats PC organise their own grit etc. for the winter

It may not be possible to have a fair representation of the two areas. I'm not sure of the division of the population and the number of places that would be available on a combined council.

" Be effective and convenient"

Pro

There are already Councillors who live in Hathersage on Outseats Parish Council and vice versa.

There are already joint initiatives between the two councils such as , Joint Traffic Committee and the web site.

Many of the issues discussed at meetings are repeated at the two councils.

There should be a reduction in costs with only one set of accounts etc

The larger population statistic may be useful when applying for financial grants and awards.

Con

Council meetings are already lengthy and there will inevitably be longer agendas. (I'm sure there will be more use of sub-committees and even co-opted members for some of these).

More sub-committees will lessen the cost reduction .

In conclusion, it seems a sensible plan to amalgamate the two councils. However I'm concerned by the above ,"cons" , how the detail will be worked out and how a fair representation will be achieved.

- 4.4 Representatives from Hathersage and Outseats Parish Councils have been invited to attend the meeting, to outline the reasons for the petition and the benefits in terms of community governance. A joint written submission from both parish councils is attached at Appendix 2.

5. OFFICER COMMENT

- 5.1 The petition specifically calls for the dissolution of the two current parishes and the respective parish councils. The proposal is not a merger or for the two current parish councils to operate jointly. Any new parish council would govern the combined area as one body. Nominations to serve on the new council could come from any elector in the area or within 2 miles of the boundary. (Other qualifications apply)
- 5.2 The impact on community cohesion is linked specifically to the identities and interests of local communities. Size, population and boundaries are linked to both but perhaps more specifically to community governance being effective and convenient. This element can be tested through consultation to judge the electorates 'sense of

belonging' and whether a line on a map alone creates that community identify. 10% of the current electorate of the two parish councils have already subscribed to the proposition. It would therefore seem reasonable to assume an element of local support for the proposition and the next step would be to test it through widespread consultation as outlined in paragraph 3.7 prior to a final decision being made.

5.3 Whilst both Outseats and Hathersage parish councils appear to operate convenient local government, the creation of a new parish council with a single aim and purpose may offer the opportunity to strengthen community engagement ahead of the 2015 elections and generate a positive impact on community cohesion. One parish council to serve the two former areas could also offer potential savings in the cost of democracy and would seem on the face of it to offer a convenient form of local government.

5.4 In terms of electoral arrangements, the Committee is asked to determine the number of elected members to represent the new parish council, if indeed the proposal comes to fruition. The member to elector ratio throughout the Derbyshire Dales ranges from 1:18 to 1:704. Taking the mid-range of 1:150 as a guide, would provide for a parish council of 10 elected members. Comparable Councils of this size include Tideswell and Cromford, each with a membership of 10.

6. RISK ASSESSMENT

7.1 Legal

The legal provisions are outlined in the report. The risk is therefore low.

7.2 Financial

Financial resources are in Officer time and the cost of mail to the electorate of Hathersage and Outseats. The latter is estimated to be £400. The financial risk is therefore low.

7. OTHER CONSIDERATIONS

In preparing this report the relevance of the following factors has also been considered: prevention of crime and disorder, equality of opportunity, environmental, health, legal and human rights, financial, personnel and property considerations.

8. CONTACT INFORMATION

Sandra Lamb, Head of Corporate Services, Tel. 01629 761281 or email sandra.lamb@derbyshiredales.gov.uk

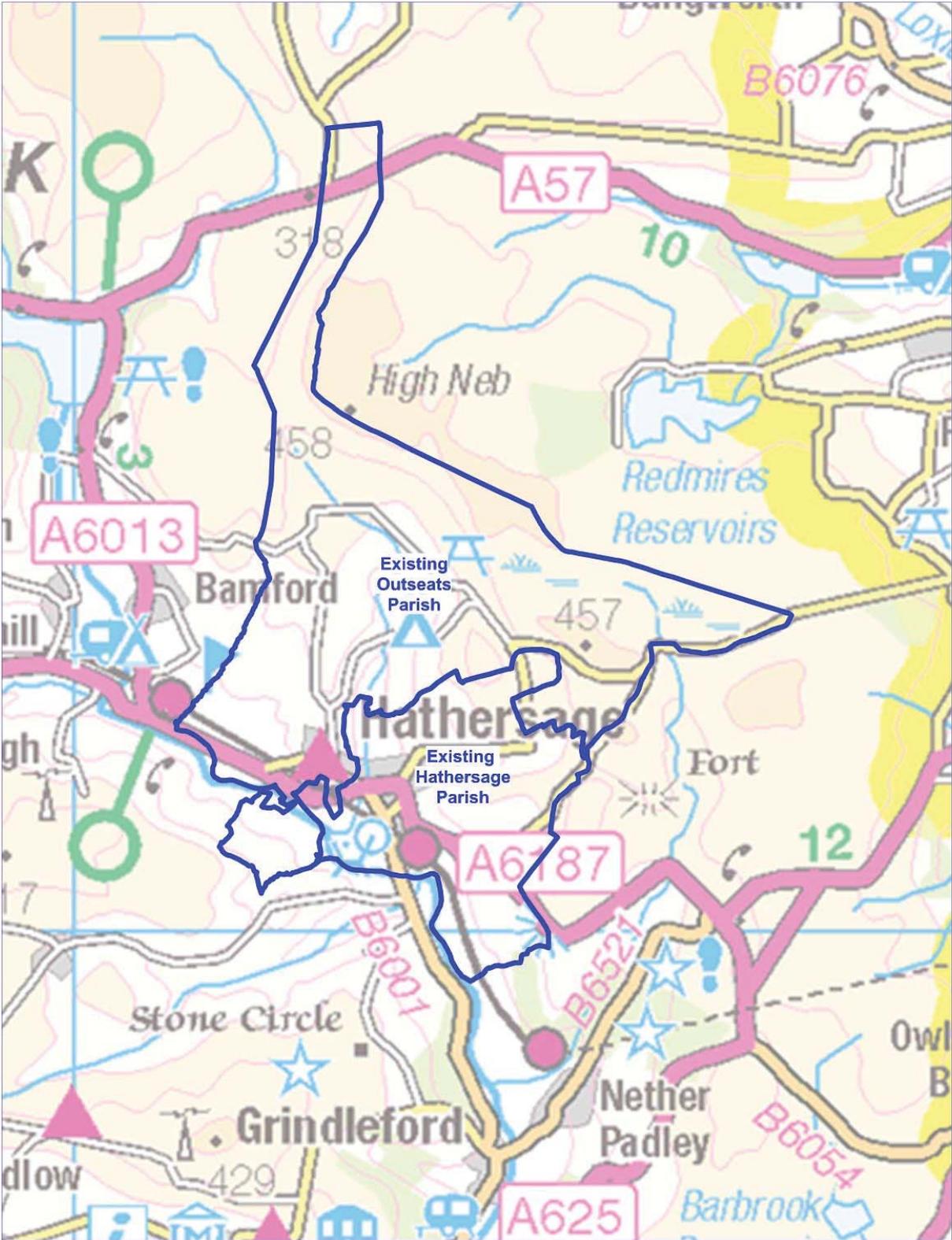
9. BACKGROUND PAPERS

None

10. ATTACHMENTS

Appendix 1 – Map of proposed new boundary

Appendix 2 – Submission from Hathersage and Outseats Parish Councils



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Derbyshire Dales District Council, Town Hall, Bank Road,
Matlock, Derbyshire, DE4 3NN.
Telephone: (01629) 761100.



HATHERSAGE PARISH COUNCIL and OUTSEATS PARISH COUNCIL

Attn: Sandra Lamb
Derbyshire Dales District Council
Town Hall
Bank Road
MATLOCK
DE4 3NN

27 May 2014

Dear Sandra

Hathersage/Outseats Community Governance Review

In response to your letter of 22 April, seeking our input to your report to the Corporate Committee, this letter sets out the reasons why it is important for our village for DDDC to conduct a Community Governance Review.

We ask that the Committee considers the following points:

1. Hathersage is a geographically well-defined village, delineated by being surrounded on all sides by open countryside. It is, in all practical respects, a single community - yet it unhelpfully consists of 2 civil parishes, Hathersage and Outseats, which create an arbitrary boundary through the village which has little apparent logic today.
2. Apart from being the name of a parish council, the name 'Outseats' is never used locally – it is not a recognised location. A resident of Outseats parish will describe themselves as living “in Hathersage”, and no road sign anywhere mentions the word Outseats – it could be said to be a non-place.
3. Some Outseats residents sit on Hathersage PC, and vice versa – and the two councils, though meeting on different days, often find themselves talking about the same village issues. Effort is therefore being wasted on doing things twice – and it can sometimes happen that the 2 PCs can reach opposing views on the same issue, which is unhelpful.
4. Outseats parish has no amenities whatsoever – the amenities which Hathersage village has are, without exception, located within Hathersage parish. This potentially creates an unfair situation of Hathersage parishioners bearing the costs of those amenities even though Outseats parishioners use them just as often.
5. In the 1930s, a Sheffield businessman, George Lawrence, who had moved out to live in Outseats parish, made a gift to Hathersage village of a substantial amount of land, to be used for public recreation. Although this land is located in Hathersage parish, Lawrence's deed explicitly stated that it was to be for the benefit of the residents of both Hathersage and Outseats parishes. This land today is still used for the purposes which Lawrence intended, including a swimming pool, bowling green, playing fields and part of the Memorial Hall.
6. Some years ago, some major expenditure was required on the Lawrence-gifted lands, and Hathersage PC sought a financial contribution to this from Outseats PC – given the use made of the facilities by Outseats parishioners. This led to an arrangement, which still exists today, whereby Outseats PC raises annually, through its precept, an appreciable sum (typically around 50% of the total Outseats precept) which is paid to Hathersage PC as a contribution for services provided by the latter for the benefit of the whole village.
7. However this funding arrangement is entirely voluntary, not wholly satisfactory and a potential source of friction. Hathersage PC believes that it must make all the decisions on expenditure in its own parish, and Outseats PC can therefore feel frustrated about providing ongoing funding for matters over which it has no voting rights - a situation

which could be said to echo arguments in the 1700s about “taxation without representation”. (It has been the practice for many years for each of the 2 PCs to be represented at each other’s meetings – at both full council and the various committees - but only in a non-voting capacity. The result, almost all the time, is a spirit of cooperation (illustrated, for example, by the 2 Councils having a joint website www.hathersage-outseats.org.uk), but the underlying funding-structure problem does cause difficulties on occasion.)

8. There seems to be some evidence that larger parishes can be more successful at attracting grant funding. Hathersage village has several potentially expensive projects under development, so parish size may become a relevant consideration.

Therefore, It seems very clear to us that:

- a. It would be for the good of the whole village of Hathersage to have, instead of the current arrangement, one cohesive local council representing the whole community and giving the whole village a right to determine how the village’s assets are managed and its funds spent. We believe that this will be best achieved by abolishing both the existing parishes, and creating one new parish, covering the geography of the two previous parishes.
- b. Although it might be that DDDC is tempted to perpetuate separate representation by creating an Outseats Ward and a Hathersage Ward within the new single parish, this would not be helpful. Not only would it perpetuate a boundary which has little intrinsic sense, but it also would unhelpfully water-down the one-village ethos which we wish to create within the new PC. We therefore strongly urge that DDDC should decide that the new parish will be unwarded.
- c. For similar ‘one village’ reasons, the new parish needs to be simply called Hathersage – because that is the name of our village. To call it “Hathersage & Outseats” or “Hathersage with Outseats” would be to perpetuate a meaningless distinction.
- d. There will need to be, we believe, 14 seats on the new Council, because of the amount of activity for which it will be responsible. There will be a need to resource attendance at the following committees: Planning, Swimming Pool, Recreation, Transport, Memorial Hall, Graveyard, and Village Centre. (The latter not only needs to steer the substantial changes planned for the layout of the village centre but is also very probably going to have to take over the village toilets from DDDC - there have been discussions on this with Peter Foley.) In addition, the Council has significant staff-management responsibilities – having c.18 employees in total (the majority being for the swimming pool).
- e. Servicing only one parish council instead of two will yield useful efficiency savings.

Both existing PCs are firmly of the belief that achieving this change to our PC structure is important for community cohesion in our village – a village of which we are very proud, and for which we want to be able to do the very best we can.

The views expressed in this letter are also supported by both our District Councillors.

Councillors from both parishes would be pleased to attend the Committee to discuss.

Yours sincerely,

Councillor Peter Mander
Chairman, Hathersage Parish Council

Councillor Jane Marsden
Chairman, Outseats Parish Council

CORPORATE COMMITTEE
26 JUNE 2014

Report of the Corporate Director

ABC IMPROVEMENTS TO EXTERNAL AUCTION AREA

SUMMARY

This report updates the Committee on proposals to improve the current temporary external auction areas to provide a permanent sheltered / covered lairage for the sale of sheep and which, in line with the noise management plan considered by the Environment Committee, seeks to reduce noise associated with livestock that are kept at the market overnight to a reasonably practicable level.

RECOMMENDATION

1. That the proposals for the improvements to the ABC as outlined in the report be agreed in principal subject to Bagshaws carrying out a wide public consultation exercise as part of the planning application.
2. That such public consultation include discussion with the Town Council and that a drop in session is held at the ABC where the proposals can be fully explained to local residents and other interested parties

WARDS AFFECTED

Bakewell

STRATEGIC LINK

The ABC hosts a highly successful livestock market and conference centre which compliments the District Council's Corporate Plan Aim to provide Excellent Services and to protect the environment. The measures proposed also align with the priority and target area to maintain safe and healthy communities.

1 BACKGROUND

- 1.1 Since the start of the market, temporary penning has been used both on the apron of the ABC at the rear of the sheep shed and in the triangular area between the sheep and cattle pens.
- 1.2 These pens are used for the auction of sheep with the sales taking place outside and in the open air. This means the auctions are subject to the vagaries of the weather with sales often having to take place during wet weather.

- 1.3 The Food Standards Agency, have recently introduced new guidelines for livestock producers detailing the cleanliness requirements of sheep at slaughter. Dirty or wet sheep increase the risk of carcass contamination by food poisoning organisms, such as e-coli and clostridium during the dressing process. The wet fleeces of sheep increase the spread of these bacteria.
- 1.4 Some slaughterhouses have kept animals for up to two days in their lairage in order for wet sheep to dry off before slaughter. As the costs for this are passed back to the farmer it can present quite a deterrent to buying from an uncovered market where the sheep may or may not be wet.
- 1.5 In view of this Bagshaws have come forward with a proposal for a new building at the ABC Bakewell to be constructed to cover that area between the calf/sheep shed and the cattle shed.
- 1.6 From a noise point of view the outdoor sales presently take place without any screening at all from the noise during the selling, sorting and loading activities. The Environment Committee held on 15th May 2014 approved a noise management plan which aimed to reduce noise associated with the operation of the livestock market at the ABC. One element of this was to consider an extension to the ABC to form an acoustic enclosure to provide to reduce the noise from any animals kept in the lairage overnight and to give more protection from the noise of sales activities during the day.

2 REPORT

- 2.1 Bagshaws have at their own expense commissioned Architects to draw up proposals for how such a cover to the outside sale area could be achieved. This involves providing solid walls and roof to the area between cattle and sheep pens. This will provide permanent penning/lairage to replace the existing outdoor temporary pens.
- 2.2 The proposals involve the construction of two new exterior walls in concrete block providing a solid barrier which will assist with controlling potential noise nuisance.
- 2.3 It is intended that the internal arrangements will permit the lairage of cattle in the event of a need to keep them for collection the next day after a sale. At present the cattle are on occasion left overnight in their pens, which are washed down and bedded for that purpose. The current arrangements are open towards the Combs Road direction. If such cattle were housed in these new sheep pens they would be surrounded by solid on all sides with the subsequent containment of noise.
- 2.4 As livestock will be protected from bad weather new shed will have obvious benefits to the vendors, purchasers and the auctioneers and their staff. The proposal will also include a much needed storage facility for District Council use to provide for the storage of vehicles, plant and equipment.
- 2.5 Whilst there have never been any security issues in the past, housing stock overnight in the new building would permit greater levels of security. With appropriate steel doors/gates it will be possible to prevent unauthorised persons from gaining access and thereby make the premises safer and more secure.

- 2.6 It is not intended to extend or increase the number of animals sold at the market or to increase the overall capacity but, merely to ensure that the existing temporary penning will be covered and so be protected from adverse weather.
- 2.7 In order for the scheme to be taken further it will be necessary for planning permission to be sought. Bagshaws are willing to do this and initial discussions have taken place with the Peak District National Park Authority.
- 2.8 As part of the planning process, Bagshaws will need to consult with nearby residents and owners of adjoining properties. In line with other recent public consultation events relating to issues at the ABC the Committee may wish to require Bagshaws to widen the extent of this public consultation to include other interested parties.
- 2.9 This could include the group of people recently invited to the residents meetings in relation to the noise attenuation works. In addition it could be possible for there to be a drop in session held at the ABC so that neighbours and local residents may come and discuss the proposals in detail. It is also considered important to involve Bakewell Town Council and to offer the opportunity for Bagshaws to visit them to explain the proposals in detail.
- 2.10 The total cost of delivering the proposals are not yet known but Bagshaws are currently investigating whether there may be any grants in the Agricultural sector that could be accessed for this purpose.

2.0 RISK ASSESSMENT

2.1 Legal

The proposal set out in the report is in accordance with the agreed Noise Management Plan, which aims to mitigate risk. The legal risk cannot be ruled out entirely, and therefore is gauged at low to medium.

2.2 Financial

There are no financial risks arising from the report at this stage. Any costs in delivering the proposals will have to be met by Bagshaws, albeit they may wish to negotiate a contribution from the District Council in respect of the provision of a storage facility. However, before committing to such an investment, it is likely that Bagshaws will require more security of tenure in the form of a longer lease agreement, and the financial risks will have to be reassessed as and when the lease is renegotiated.

2.3 Corporate Risk

The proposed improvements would have a beneficial effect in terms of helping the market comply with Hygiene Regulations.

The proposal would also assist in reducing noise from activities at the ABC both from auction activities during the sales and from any animal which by necessity have to be kept in the lairage overnight.

In view of this the corporate risk to the District Council's reputation is 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

Peter Foley, Corporate Director

Tel: 01629 761370 E-mail: peter.foley@derbyshiredales.gov.uk

6 BACKGROUND PAPERS

| Description | Date |
|-------------|------|
| None | |

CORPORATE COMMITTEE
26th JUNE 2014

Report of the Head of Resources

ANNUAL GOVERNANCE STATEMENT 2013-14

SUMMARY

This report seeks Members' approval for the Annual Governance Statement, which is consistent with the CIPFA/SOLACE Framework "Delivering Good Governance in Local Government", and meets the requirements of the Accounts and Audit Regulations 2011.

RECOMMENDATION

1. That approval be given to the Annual Governance Statement 2013-14.
2. That the significant governance issues, and the actions to address them, be noted.

WARDS AFFECTED

None

STRATEGIC LINK

Preparation of an Annual Governance Statement helps to identify principal risks to the achievement of the Council's objectives.

1 REPORT

The purpose of the Annual Governance Statement is to provide a continuous review of the effectiveness of an organisation's governance arrangements, in order to give assurance on their effectiveness and to produce a management plan to address identified weaknesses.

2 BACKGROUND

The Accounts and Audit Regulations 2011 require local authorities to conduct a review of its system of internal control at least once a year, and, following that review, to publish an annual governance statement prepared in accordance with proper practices in relation to internal control. The Annual Governance Statement is attached at Appendix 1. It is consistent with the 2007 CIPFA/SOLACE publication "Delivering Good Governance in Local Government", and an addendum published in December 2012.

In accordance with proper practice, the Annual Governance Statement is to be signed by the Leader of the Council and by the Chief Executive, who must be satisfied that the document is supported by reliable evidence and accurately reflects the Council's governance arrangements. Consideration by the Corporate Committee helps to provide that assurance.

The Statement describes the key elements of the governance framework and the process that has been applied in maintaining and reviewing the effectiveness of the governance framework. Section 5 of the Annual Governance Statement identifies any significant governance issues.

3 RISK ASSESSMENT

3.1 Legal

The legal risk has been assessed as low. The Council's Framework for Corporate Governance requires the Council to put in place effective arrangements for an objective review of risk management and internal control. This Statement helps to satisfy that requirement.

3.2 Financial

The financial risk arising from this report is 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

Phil Colledge, Head of Resources

Telephone: 01629 761203; Email: phil.colledge@derbyshiredales.gov.uk

Sandra Lamb, Head of Corporate Services

Telephone: 01629 761281; Email: sandra.lamb@derbyshiredales.gov.uk

6 BACKGROUND PAPERS

Description

Accounts and Audit Regulations 2011

CIPFA Finance Advisory Network Rough Guide for Practitioners on the Annual Governance Statement

CIPFA/SOLACE Statement "Delivering Good Governance in Local Government: Framework – Addendum December 2012"

7 ATTACHMENTS

Annual Governance Statement 2013-14



ANNUAL GOVERNANCE STATEMENT 2013-14

1. SCOPE OF RESPONSIBILITY

Derbyshire Dales District Council is responsible for ensuring that its business is conducted in accordance with the law and proper standards, and that public money is safeguarded and properly accounted for, and used economically, efficiently and effectively. The District Council also has a duty under the Local Government Act 1999 to make arrangements to secure continuous improvement in a way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

In discharging this overall responsibility, Derbyshire Dales District Council is responsible for putting in place proper arrangements for the governance of its affairs, facilitating the effective exercise of its functions, and which includes arrangements for the management of risk.

Derbyshire Dales District Council has approved and adopted a code of corporate governance, which is consistent with the principles of the CIPFA/SOLACE Framework *"Delivering Good Governance in Local Government"*. A copy of the code is on our website www.derbyshiredales.gov.uk, or can be obtained from the Head of Corporate Services, Town Hall, Matlock, DE4 3NN. This statement explains how Derbyshire Dales District Council has complied with the code, and also meets the requirements of regulation 4(3) of the Accounts and Audit Regulations 2011, which requires all relevant bodies to prepare an Annual Governance Statement.

2. THE PURPOSE OF THE GOVERNANCE FRAMEWORK

The governance framework comprises the systems and processes, culture and values, by which the District Council is directed and controlled and its activities through which it accounts to, engages with, and leads the community. It enables the authority to monitor the achievement of its strategic objectives and to consider whether those objectives have led to the delivery of appropriate services and value for money.

The system of internal control is a significant part of that framework and is designed to manage risk to a reasonable level. It cannot eliminate all risk of failure to achieve policies, aims and objectives and therefore can only provide reasonable and not absolute assurance of effectiveness. The system of internal control is based on an ongoing process designed to identify and prioritise the risks to the achievement of Derbyshire Dales District Council policies, aims and objectives, to evaluate the likelihood and potential impact of those risks being realised, and to manage them efficiently, effectively and economically.

The governance framework has been in place at Derbyshire Dales District Council for the year ended 31st March 2014 and up to the date of approval of the Statement of Accounts.

3. THE GOVERNANCE FRAMEWORK

The key elements of the systems and processes that comprise the District Council's governance arrangements are as follows:

Identifying and communicating the District Council's vision of its purpose and intended outcomes for citizens and service users:

The Derbyshire Dales and High Peak Sustainable Community Strategy outlines the vision and priority challenges for the area. It was produced by the Peak District Partnership which brings together all the relevant stakeholders, including those that deliver services in the area. The District Council is a lead

member. Priorities have been identified through consultation with local people and a wide range of stakeholders.

Reviewing the District Council's vision and its implications for the authority's governance arrangements:

The Council's aims and objectives are set out in the annually-updated Corporate Plan. The Corporate Plan contains a statement of priorities which describes the areas where we are focusing our activities over a four-year period. These priorities reflect the Sustainable Community Strategy, which was developed following consultation with residents, businesses and voluntary organisations. The Corporate Plan also identifies targets for the coming year and reports on progress against last year's targets.

Measuring the quality of services for users, for ensuring they are delivered in accordance with the authority's objectives and for ensuring they represent the best use of resources:

The Council's annual Performance Plan contains information about the Council's services and finances, sets out what we do, targets for the year and planned improvements. It includes key performance indicators to show how well we performed in previous years.

Through reviews by external auditors, Internal Audit, and the Corporate Improvement Team, the District Council constantly seeks ways of ensuring the economical, effective and efficient use of resources, and for securing continuous improvement in the way in which its functions are exercised

Services are delivered by trained and experienced people. All posts have a detailed job description and person specification. Training needs are identified through the Personal Development Scheme.

The Council has achieved accreditation under the Investors in People Standard, which is a quality framework to ensure that the Council's employees have the right knowledge, skills and motivation to work effectively.

The Council has an effective performance management framework as set down in its document "Managing Performance at Derbyshire Dales District Council: A Practical Handbook". The system is driven by the Corporate Plan which focuses attention on corporate priorities. This is cascaded through departmental service plans, individual employee personal development objectives and action plans. It is clearly laid out in the annual service and financial planning and performance management cycle. The Council's policy committees monitor and scrutinise progress against targets and performance in priority areas affecting relevant service areas, and consider and approve corrective action where necessary, biannually.

The quality of performance data is assured through a corporate verification and quality assurance process, and further guaranteed through the involvement of Internal Audit. Data quality guidance is circulated to appropriate employees and reviewed each year using a risk-based approach. Control checks are incorporated at all stages of the process.

Defining and documenting the roles and responsibilities of the executive, non-executive, scrutiny and officer functions, with clear delegation arrangements and protocols for effective communication:

The District Council has adopted a constitution which sets out how the Council operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people.

Most day-to-day decisions are made by policy committees. In 2013/14, the Council had three policy committees – 'Corporate Committee', 'Community Committee' and 'Environment Committee'. Meetings are open to the public except where personal or confidential matters are being disclosed.

Policy improvement and review is undertaken by sub-committees as may be required from time to time.

To allow the policy committees to concentrate their time and effort on policy and strategic matters, the Council has a Scheme of Officer Delegation, whereby routine decision-making is delegated to officers. The scheme sets out the relevant subject areas and the responsible officers.

Developing, communicating and embedding codes of conduct, defining the standards of behaviour for Members and staff:

All governance and probity issues are under the remit of the Corporate Committee.

Members have been required to attend training on the application of the Council's Code of Conduct for Members. Training was also provided to senior officers of the Council so that they could appreciate the issues surrounding the ethical framework and the Member/officer relationship.

The Employee Code of Conduct, based on the underlying principles of the Member code, was adopted in January 2008. Copies of the Code have been distributed to all employees.

The Council has a protocol governing Member/Officer relations.

The District Council adopted a new Code of Conduct as required by the Localism Act, on 21 June 2012. Training was provided for all Councillors on the new provisions of the Code as part of the mandatory training element of the Member Development Scheme. All Councillors have subsequently completed their Register of Disclosable Pecuniary Interests as required and copies are available for members of the public to view via the District Council's website.

Reviewing and updating standing orders, standing financial instructions, a scheme of delegation and supporting procedure notes/manuals, which clearly define how decisions are taken and the processes and controls required to manage risks:

The District Council has robust systems for identifying and evaluating all significant risks, developed and maintained with the pro-active participation of all those associated with planning and delivering services. The Council has approved a Risk Management Policy Statement and Strategy which provides a comprehensive framework for the management of risk throughout the Council. A cross-departmental Risk Continuity Group has defined Terms of Reference to develop a comprehensive performance framework for risk management and to embed risk management across the authority. A Risk Register is in place and appropriate staff have been trained in the assessment, management and monitoring of risks.

All reports which require decisions to be taken by the Council or its Committees contain a section which outlines legal, financial and corporate risks in order to inform the decision making process.

The Council's Constitution, including the Scheme of Delegation, Standing Orders and Financial Regulations, is reviewed annually by the Council.

Ensuring the District Council's financial management arrangements conform with the governance requirements of the CIPFA Statement on the Role of the Chief Financial Officer in Local Government (2010).

The Council has designated the Head of Resources as chief financial officer in accordance with Section 151 of the Local Government Act 1972. Examples of how the role of the Head of Resources & the District Council's financial management arrangements conform with the governance requirements of the CIPFA Statement on "The Role of the Chief Financial Officer in Local Government (2010)" are as follows:

- The Head of Resources is a member of the Chartered Institute of Public Finance & Accountancy (CIPFA), reports directly to the Chief Executive and is a member of the Corporate Management Team.
- The District Council's governance arrangements ensure that the Head of Resources has direct access to the Chief Executive, all other members of the Corporate Management Team, the Corporate Committee, and external audit.
- The Council's Financial Regulations ensure that the Head of Resources is able to influence all material business decisions, as no item can be placed before the Council or its Committees without obtaining the Head of Resources's assessment of its financial implications and financial risk.
- Financial Regulations require the Head of Resources to prepare, and review on an annual basis, a financial strategy which includes a five-year financial plan, a five-year capital strategy, and a policy in respect of reserves and provisions.

- The Head of Resources ensures compliance with CIPFA's Code on a Prudential Framework for Local Authority Capital Finance and CIPFA's Treasury Management Code.
- Article 12 of the Council's Constitution sets out the functions of the chief finance officer, including ensuring lawfulness and financial prudence of decision making, administration of financial affairs, contributing to corporate management, providing advice and giving financial information, and requires the Council to provide whatever resources are required to allow these duties to be performed.
- There is a line of professional accountability to the Head of Resources for the District Council's finance staff.

Undertaking the core functions of an audit committee, as identified in CIPFA's "Audit Committees – Practical Guidance for Local Authorities":

In the financial year 2013/14, the core functions of an audit committee were undertaken by the Corporate Committee. It is a key source of assurance to the Council's arrangements for managing risk, maintaining an effective control environment. Its Terms of Reference relating to audit are in accordance with the above CIPFA guidance.

Ensuring compliance with relevant laws and regulations, internal policies and procedures, and that expenditure is lawful:

The Council has designated the Head of Corporate Services as Monitoring Officer. It is the function of the Monitoring Officer to ensure compliance with established policies, procedures, laws and regulations. After consulting with the Chief Executive (head of paid service) and the Head of Resources (chief finance officer), the Monitoring Officer will report to the full Council if she considers that any proposal, decision or omission would give rise to unlawfulness or maladministration. Such a report will have the effect of stopping the proposal or decision being implemented until the report has been considered.

The Council maintains an Internal Audit Section, which operates to the standards set out in the 'Code of Practice for Internal Audit in Local Government in the UK'. Whilst the District Council maintains an in-house Internal Audit function, Internal Audit management is provided through membership of an Internal Audit Consortium which also provides Internal Audit services for Chesterfield Borough Council, Bolsover District Council and North East Derbyshire District Council. This arrangement has enabled the District Council to address concerns about Internal Audit capacity and to ensure that the Internal Audit Manager is professionally qualified.

The Council has an objective and professional relationship with external auditors and statutory inspectors, as evidenced by the Annual Audit Letter.

The Council has Committees which carry out a number of regularity functions, including:

- two Planning Committees to determine planning applications and related matters;
- a Local Plan Advisory Committee to assist in the formulation of planning policy;
- a Licensing and Appeals Committee, which monitors and reviews the effectiveness of the council's licensing policy and procedures.

Whistle-blowing and for receiving and investigating complaints from the public:

The Council's Whistle-blowing policy demonstrates the Council's commitment to providing support for whistleblowers. It is available to all staff on the Council's Intranet, and is included in procurement advice to suppliers.

The Council has an adopted complaints procedure that enables members of the public to raise concerns in respect of the Council's services. Any member of the public who is dissatisfied with the initial response to their complaint has the opportunity to request an independent review of that decision by the Council's Chief Executive. The relevant policy committee has a role in monitoring the complaints framework and any complaints dealt with by the Local Government Ombudsman. Any critical findings from the Local Government Ombudsman are reported to one of the Council's Policy Committees or Council as appropriate.

Details of how to make a complaint are on the Council's website www.derbyshiredales.gov.uk.

Identifying the development needs of Members and senior officers in relation to their strategic roles, supported by appropriate training:

The aim of the Council's employee Personal Development Scheme is to jointly agree objectives, identify training and development needs, and formulate specific and realistic action plans which contribute towards achieving the Council's aims and objectives. The scheme also reviews past performance.

A Member Development Working Group, consisting of Members and officers, has day-to-day responsibility for shaping and developing the Council's Member Development Scheme. The scheme enables individual Members to discuss their training and development needs within a set framework that included mandatory training on key topics.

Establishing clear channels of communication with all sections of the community and other stakeholders, ensuring accountability and encouraging open consultation:

The Council has three Area Community Forums covering the North, Central & Southern Areas of the District, which are intended to act as a focal point for mutual communication and consultation between the local community, stakeholders and Councillors. Community Forums contribute towards development of the Community Strategy, and can examine the effectiveness of strategic implementation of Council Policy at a local level and report findings to the relevant Committee.

The Council has a Citizens Panel of 1000 residents who are consulted regularly on a variety of issues, including the establishment of aims and objectives.

The Council has a variety of other means of communicating with all sections of the community, including the Council's website, the use of social media, and the publication of DalesMatters twice a year.

Incorporating good governance arrangements in respect of partnerships and other group working as identified by the Audit Commission's report "*Governing Partnerships: Bridging the Accountability Gap*", and reflecting these in the authority's overall governance arrangements.

The Council has delegated to its policy committees a requirement to work jointly and in partnership with others to help deliver the Council's aims and objectives. Financial Regulations require the Head of Corporate Services to ensure that significant partnerships are defined by a written agreement which covers:

- The aims and objectives of the partnership.
- The accountability arrangements, including pooled budgets, scheme of delegation, reporting structures.
- The funding arrangements.
- The success criteria for the partnership, including financial performance.
- Governance arrangements including audit review.
- Arrangements for dissolving the partnership.

The Council maintains a register of all significant partnerships covering the above criteria. Risks arising from significant partnerships are identified in the Council's Risk Register.

4. REVIEW OF EFFECTIVENESS

Derbyshire Dales District Council has responsibility for conducting, at least annually, a review of the effectiveness of its governance framework including the system of internal control. The review of the effectiveness is informed by the work of the senior managers within the authority who have responsibility for the development and maintenance of the governance environment, the Chief Internal Auditor's annual report, and also by comments made by the external auditors and other review agencies and inspectorates.

The process that has been applied in maintaining and reviewing the effectiveness of the system the Governance Framework includes:

The Head of Corporate Services (the 'Monitoring Officer') has a duty to monitor and review the operation of the Constitution to ensure its aims and principles are given full effect. The Council reviews the Constitution each year at its Annual Meeting.

The Corporate Committee reviews the local Code of Corporate Governance on an annual basis, including Dimension 4 relating to risk management and internal control, adopts an Action Plan to deal with any issues, and makes appropriate recommendations to Council on potential improvements.

The Council's Corporate Committee has Terms of Reference which include:

- To undertake the role of Audit Committee and provide assurance of the adequacy of the risk management framework and associated control environment;
- To consider the reports produced in accordance with the Audit Plan and responses to the recommendations made therein;
- To consider the External Auditor's report on issues arising from the audit of accounts;

The Council has designated the Head of Resources as chief finance officer in accordance with Section 151 of the Local Government Act 1972. The role of the Head of Resources & the District Council's financial management arrangements conform with the governance requirements of the CIPFA Statement on "The Role of the Chief Financial Officer in Local Government (2010)". The financial management of the authority is conducted in accordance with the financial rules set out in Part 4 of the Constitution and with Financial Regulations. The Council has in place a five-year Financial Strategy, updated annually, to support the medium-term aims of the Corporate Plan.

The Internal Audit Section is responsible for monitoring the quality and effectiveness of systems of internal control. A risk model is used to formulate a three-year plan which is approved by Corporate Committee, and from which the annual workload is identified. The reporting process for Internal Audit requires a report of each audit to be submitted to the relevant Chief Officer and service manager. The report includes recommendations for improvements that are included within an action plan and require agreement or rejection by service managers. The process includes quarterly reviews of recommendations to ensure that they are acted upon. All Internal Audit reports include a report on the quality and effectiveness of internal control within the Council's systems, and an assessment in accordance with quantification and classification of internal control level definitions. These definitions are:

| | |
|----------------|--|
| Good | A few minor recommendations (if any) |
| Satisfactory | Minimal risk; a few areas identified where changes would be beneficial |
| Marginal | A number of areas have been identified for improvement |
| Unsatisfactory | Unacceptable risks identified; changes should be made |
| Unsound | Major risk identified; fundamental improvements are required |

The Internal Audit Section is subject to regular inspection by the Council's external auditors who place reliance on the work carried out by the section.

A review of the effectiveness of the system of internal control and the effectiveness of internal audit is undertaken on a regular basis. No significant issues have been identified which needed to be brought to the attention of the Corporate Committee or required action to be taken.

The Council's Corporate Management Team of Chief Officers and senior managers meets on a two-weekly basis to develop policy issues commensurate with the Council's aims, objectives and priorities. The Corporate Management Team also considers other internal control issues, including risk management, performance management, compliance, efficiency and value for money, and financial management.

Each year, the Corporate Management Team reviews the Risk Management Policy Statement and Strategy to ensure their continued relevance to the Council. The annual review also assesses performance against the aims and objectives of the Risk Management Strategy. In the Annual Audit Report, the Internal Audit Manager provides an opinion to the Corporate Committee on the adequacy of the Council's risk management systems and the internal control environment

The Risk Continuity Group provides progress reports to the Corporate Management Team, bringing their attention to significant risks. The Risk Continuity Group also:

- Reviews the Council’s strategic risk register and associated action plans;
- Ensures that the appropriate management action is taken to minimise/eliminate risk;
- Reviews the results of investigations into untoward incidents.

For performance management, a traffic light monitoring and reporting system is in place. This risk assessment determines the frequency of reporting to chief officers and councillors, with corrective action plans put in place for any under-performing services.

In the Audit Commission’s Audit Letter issued in October 2013, the External Auditor commented that

- *We issued an unqualified opinion on your financial statements on 23rd September 2013.*
- *We issued an unqualified value for money (VFM) conclusion for 2012/13 on 23rd September 2013. This means we are satisfied that you have proper arrangements for securing financial resilience and challenging how you secure economy, efficiency and effectiveness”.*

The Council’s Corporate Management Team and Corporate Committee have reviewed this Annual Governance Statement and the evidence supporting it.

We have been advised on the implications of the review of the effectiveness of the governance framework by the Corporate Committee, and that the arrangements continue to be regarded as fit for purpose in accordance with the governance framework. The areas already addressed and those to be specifically addressed with new actions planned are outlined below.

5. SIGNIFICANT GOVERNANCE ISSUES

The following significant governance issues have been identified.

| | Issue | Action |
|----|--|---|
| 1. | The Council continues to face significant financial pressures. Although savings and efficiency gains have been achieved each year in order to set a balanced budget, the latest projection has identified that further savings of around £1.9 million are required over the next five years. | Continue to plan and monitor the achievement of efficiency savings. Update medium-term financial plan during October 2014, or as and when further information becomes available, e.g. previous year’s outturn. Monitor future announcements in respect of funding levels and incorporate in to the medium-term financial plan as necessary. |
| 2. | The Council has arrears of Housing Benefit overpayments, totalling approximately £570,000. However, a bad debt provision of £102,000 is considered to be adequate at this stage. | Take the necessary recovery action in order to actively pursue outstanding debts. Produce regular monitoring reports in order to review progress. Assess the adequacy of the bad debt provision as and when further information is available in respect of the success of recovery action. |

We propose over the coming year to take steps to address the above matters to further enhance our governance arrangements. We are satisfied that these steps will address the need for improvements that were identified in our review of effectiveness and will monitor their implementation and operation as part of our next annual review.

Signed

Councillor Lewis Rose O.B.E.

Leader of the Council

Date: - 26th June 2014

Dorcas Bunton

Chief Executive

Date: - 26th June 2014



CORPORATE COMMITTEE
26 June 2014

Report of the Head of Resources

LAND AND PROPERTY DISPOSALS – NOS 5/5a TOWN HALL YARD, ASHBOURNE

SUMMARY

The report recommends a variation to the previously approved disposal of Nos 5/5a Town Hall Yard, Ashbourne to Experience Ashbourne Ltd. (EAL)

RECOMMENDATION

1. That the offer of £60,000 from Experience Ashbourne Ltd as described in section 2.3 of the report for the freehold purchase of Nos 5/5a Town Hall Yard, Ashbourne shown edged in heavy black in Appendix 1 by a Community Interest Company be accepted provided that the sale has completed by 30 June 2015.
2. That each party be responsible for their own legal costs.
3. That Members note that the disposal in 1 above constitutes an undervalue transaction permitted under the General Disposal Consent 2003.
4. That a legal notice is served by 01 July 2015 bringing EAL's existing tenancy to an end on 30 June 2015
5. That, should the sale not be completed by 30 June 2015, the freehold of the property be offered for sale with vacant possession on the open market by public auction by an estate agent experienced in the sale of such properties with the guide and reserve prices being set by the Council's Valuer in consultation with the Auctioneers.

WARDS AFFECTED

Ashbourne North.

STRATEGIC LINK

The disposal of the property to Experience Ashbourne Ltd accords with the core value of 'Working with Partners' as expressed in the Corporate Plan.

1 BACKGROUND

The property known as No 5/5a Town Hall Yard is shown in heavy black on the plan at Appendix 1. comprises a 2 storey brick built back to back property.

The ground floor of the property (No 5 Town Hall Yard) is occupied by EAL on a non-

business lease at a peppercorn rent which expired on 31 March 2010 and on the terms of which EAL are holding over. The first floor of the premises is vacant and unused.

A structural and condition survey was undertaken in 2009 which indicated that in the order of £24,000 of repairs were required to No 5/5a Town Hall Yard to bring the property up to a good standard.

At the 17 February 2011 meeting of Partnership and Regeneration Committee, an offer from Experience Ashbourne Ltd for the freehold purchase of Nos 5/5a Town Hall Yard, Ashbourne was considered. It was acknowledged at the time that the offer of £60,000 was less than the market value of the property but in view of its present condition and taking account of the voluntary status of EAL and value to the local community the offer was accepted.

Over the intervening time the sale of the property has stalled for various reasons including EAL being unable to secure the necessary mortgage finance to complete the sale.

2 REPORT

2.1 Revised Offer Received from Experience Ashbourne Ltd.

EAL have confirmed that they would like to set up a Community Interest Company (CIC) with the aim of purchasing the property from the District Council at the previously agreed price of £60,000. Should the sale proceed, it would be their intention to refurbish, relocate and subsequently sell on the property for redevelopment with any profits realised from this venture being retained by the CIC for use within the local community.

2.2 Valuation

The District Council's Valuer considers that the current market value of the building, taking account of its present condition and existing tenancies, is in the order of £75,000.

The disposal of the property at the price of £60,000 to a single party without advertising on the open market would constitute an undervalue transaction. It is considered that the disposal as proposed would contribute to the promotion or improvement of the economic, social or environmental well-being of the area and therefore the District Council can dispose of the property at an undervalue under the terms of the General Disposal Consent 2003.

2.3 Proposed Terms

It is acknowledged that the formation of a CIC, the raising of sufficient funds and the purchase of the property will take some time. It is considered that a time limit of 12 months from 01 July 2014 would allow sufficient time for this process. It is therefore recommended that the offer of £60,000 is accepted subject to completion by 30 June 2015 with each party bearing their own legal costs.

It is therefore proposed to extend the current held over lease under which EAL occupy the property to cover this timescale by the service of the relevant legal notice bringing the current agreement to an end on 30 June 2015.

If the sale does not complete by this date, it is recommended that the freehold of the property be offered for sale with vacant possession on the open market by public auction by an estate agent experienced in the sale of such properties with the guide and reserve prices being set

by the Council's Valuer in consultation with the Auctioneers.

2.4 Planning Situation

Town Hall Yard is situated within a Conservation Area. It would be the responsibility of the purchasers to make enquiries of the District Council in its role as Local Planning Authority regarding potential works and uses.

The decision of this Committee is entirely without prejudice to any future decisions by the District Council as Planning Authority.

2.5 Consultation

The Ward Members and the Town Council have been made aware of the proposed sale to Experience Ashbourne Ltd and any comments received will be reported verbally at the meeting.

2.6 Other Expressions of Interest

There have been various general expressions of interest in development sites/opportunities across the District.

3. RISK ASSESSMENT

3.1 Legal.

The Council has a duty under S123 of the Local Government Act 1972 to dispose of assets for the best price reasonably obtainable. However, if it is considered that the disposal will contribute to the promotion or improvement of the economic, social or environmental well-being of the area the Council can dispose at an undervalue under the terms of the General Disposal Consent 2003.

3.2 Financial

The disposal of this site will generate a capital receipt, which can be utilised for new capital investment. The financial risk is assessed as "low".

3.3 Corporate Risk

The disposal of the property to The Ashbourne Partnership accords with the core value of 'Working with Partners' as expressed in the Corporate Plan . The recommended disposal also relates to an ageing non-operational property and will gain capital receipts.

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

Mike Galsworthy, Estates Manager

Tel: 01629 761362 E-mail: mike.galsworthy@derbyshiredales.gov.uk

6 BACKGROUND PAPERS

None

**APPENDIX 1
Nos 5/5a, TOWN HALL YARD,
ASHBOURNE**



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Matlock, Derbyshire, DE4 3NN.
Telephone: (01629) 761100.



**Scale 1: 500
08/02/2011**

CORPORATE COMMITTEE

26 JUNE 2014

Report of the Chief Executive

PERFORMANCE REPORT 2013/14

SUMMARY

In 2013/14, the District Council improved its performance in 63% of its Priority Indicators. With regard to the 9 Priority Indicators for services that fall under the remit of this Committee, 7 out of 9 targets were achieved and performance improved in 6 indicators.

Regarding monitoring this year, 2 indicators have been classified as Red and 1 as Amber at the start of 2014/15 to ensure adequate monitoring and corrective action is implemented to help improve or sustain performance during the year. The remaining 6 have been classified as Green.

RECOMMENDATION

1. That the Committee notes the improvement in performance in 6 of the 9 Performance Indicators falling under the remit of this Committee in 2013/14
2. That the Committee agrees the 2014/15 classification of Performance Indicators
3. That the Committee notes the areas of under performance as areas for improvement and approves the proposed action plans for the Red and Amber indicators.

WARDS AFFECTED

All

STRATEGIC LINK

Performance management and improvement directly supports the District Council's aim to 'provide excellent services'.

1. BACKGROUND

The District Council manages its services throughout the year using Priority Performance Indicators and a 'traffic light' system.

There are 9 Priority Indicators under the remit of this Committee as set out in Appendix 1. These represent a balanced set of local measures spread across our services.

To ensure sufficient scrutiny is given to each of the indicators they are risk classified as either Green, Amber or Red. This classification is made using outturn data, information on past performance and factors affecting the service in the current year. This 'traffic light' system is explained below:

Performance Indicators are classified according to:-

1. Direction of travel i.e. is performance improving, stable or worsening compared to the previous year?
2. Performance relative to the target i.e. is it on track to achieve target or at risk of not achieving target?

Green = If an indicator is improving and has achieved target for the past year, or is on track to achieve the current year's target.

Red = If an indicator is worsening and has not achieved target for the past year, or is at risk of not achieving the current year's target.

Amber = If an indicator is (i) stable or improving but it has not achieved target or is not on track to achieve target **or** (ii) worsening but has met or is on track to meet the target (i.e. does not meet the criteria for Green or Red).

Progress on all priority Performance Indicators is considered by Corporate Management Team quarterly and their risk reviewed to ensure timely corrective action wherever possible. Red and Amber Indicators are monitored monthly by managers against their corrective action plans to improve performance during the year.

All Priority Performance Indicators will be reported to Committee twice a year as follows:

- June (this report) – covering the previous year's performance, the current year's targets, risk classification and the proposed action plans for the Red and Amber indicators. The proposed classification for the start of 2014/15 is shown in the final column of Appendix 1.
- December - Half year progress against targets and progress against the action plans.

Two further measures are also included which summarise annual performance for all of the District Council's Priority Indicators (POL 4.1) and Corporate Plan targets (POL 4ii).

2. REVIEW OF 2013/14 PERFORMANCE – PRIORITY INDICATORS

Appendix 1 gives a summary of performance against the indicators in 2013/14 and sets out the targets for 2014/15.

7 out of 9 targets were achieved with performance for 6 indicators improving since 2012/13. Performance fell in 2 indicators and was stable in the final indicator.

IMPROVED PERFORMANCE / TARGETS ACHIEVED – SIX INDICATORS

BV 10 – Percentage of Non Domestic Rates collected within the year

Arvato collected 97.6% of business rates during 2013/14 against a target of 97.3%, up 0.1% on 2012/13. This is the highest level we have achieved since 2006/07.

BV 8 – Percentage of undisputed invoices paid on time

The District Council remains committed to supporting local businesses as demonstrated by its prompt payment of invoices for goods and services. In 2013/14, 99.2% of undisputed invoices were paid within 30 days against a target of 99%, up from 98.6% in 2012/13.

71.2% of invoices were paid within 10 days, up from 55.3% in 2012/13. This (significant) improvement in performance was enabled by the introduction of new systems for invoice processing, ending the need for services based outside Matlock to bring invoices to the Town Hall for payment.

The average time taken to pay an invoice was 8.8 days compared with 11.3 days in 2012/13.

NI 157i - Major planning applications determined in 13 weeks

The small number of major applications submitted each year makes the performance of this indicator volatile. Of the 16 applications submitted last year (excluding applications subject to Planning Performance Agreements), 14 were determined within the target time of 13 weeks, resulting in performance of 87.5% against a target of 60%. This compares with 66.6% in 2012/13.

NI 157ii - Minor planning applications determined in 8 weeks

The Council determined 82.4% of minor planning applications within 8 weeks in 2013/14 against a target of 75%. This is up from 80.5% in 2012/13 and improves on the Council's previous high of 81.7% achieved in 2011/12.

NI 157iii – Other planning applications determined in 8 weeks

In 2013/14 the Council determined 95% of 'other' planning applications within 8 weeks (other planning applications are advertisements, changes of use and householder applications). This is up from 92% in 2012/13 and again improves on the Council's previous high of 94.1% in 2011/12.

NI 185 – CO₂ reduction from local authority operations

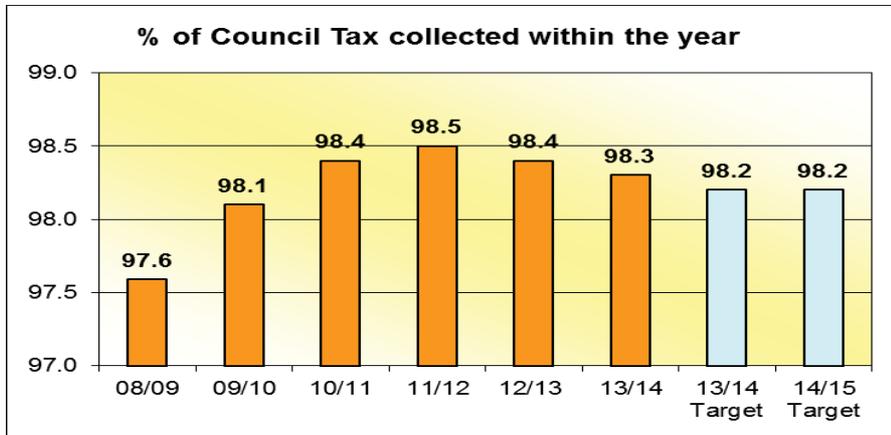
Taking a proportionate approach, the District Council monitors CO₂ emissions from its estate i.e. buildings but not transport e.g. employee commuting, business travel etc. Information drawn from energy bills is used to calculate emissions.

From a baseline position of 2,420 tonnes CO₂ emitted in 2011/12, the District Council reduced this to 1,889 tonnes in 2012/13 and to 1,286 tonnes in 2013/14. The most significant reduction has been in the use of gas due in part due to a mild winter compared with 2012/13 and the introduction of a more accurate and efficient heating system in the Town Hall. Other reasons include the closure of some energy inefficient buildings.

TARGET ACHIEVED / SLIGHT FALL IN PERFORMANCE – ONE INDICATOR

BV 9 – Percentage of Council Tax Collected within the year

Arvato collected 98.3% of Council Tax during 2013/14 against a target of 98.2%. This compared with 98.4% the previous year. Whilst the target has been achieved, the potential to improve on last year is likely to have been affected by changes to Council Tax Support.

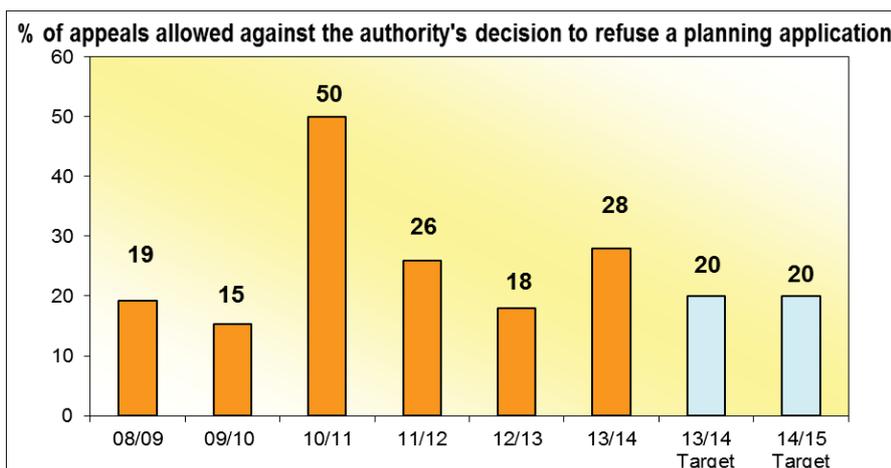


Action Plan 2014/15: A target of 98.2% has been retained to take account of the impact of Welfare Reform on some households. The regular recovery cycle (which ran effectively in 2013/14) will continue in 2014/15.

FALL IN PERFORMANCE / TARGET NOT ACHIEVED – TWO INDICATORS

BV 204 – Percentage of appeals allowed against the local authority's decision to refuse a planning application

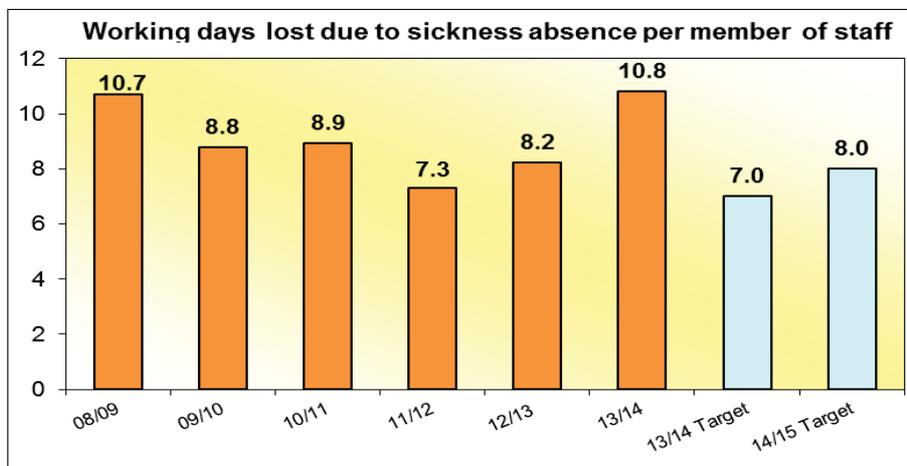
The percentage of appeals allowed increased to 28% in 2013/14 against a target of 20%. This is up from 18% in 2012/13.



Action Plan 2014/15: The majority of appeals lost in 2013/14 were housing applications. The service anticipates a reduction in appeals during 2014/15 once the revised Local Plan is adopted.

BV 12 – Working days lost due to sickness per member of staff

The year-end sickness absence position was below target. Against a target of 7 days, sickness absence per employee increased from an average of 8.2 days in 2012/13 to 10.8 days in 2013/14. The increase in sickness levels remains a concern. Throughout the year a small number of long term absences for significant health issues have impacted on the overall performance figure.



Action Plan 2014/15: Improvement actions include setting the target at an average of 8 days given this is more realistic based on performance trends in recent years. The proposed new Absence Management Policy, supported by manager training, will assist managers to support staff who are unable to work through ill health and to better manage both short and long term absences. Regular reports to Joint Consultative Group on sickness and actions proposed to reduce sickness levels will also continue.

Corporate Indicators

POL 4i - % of the District Council's Priority Indicators that improved or remained stable compared to the previous year

In 2013/14, performance improved in 10 out of 16 or 63% of Priority Performance Indicators.

POL 4ii - % of Corporate Plan targets achieved on time

Five out of 9 or 56% of 2013/14 Corporate Plan targets were achieved. Of those that weren't achieved in full, the difference in performance against target was marginal in 3 out of 4 cases. Details of achievements during the year are summarised in the Corporate Plan 2014/15, available on the District Council's website.

3. PUBLICATION OF THE 2014/15 PERFORMANCE PLAN AND SUMMARY BUDGET

The Performance Plan and Summary Budget will be published at the end of June. This reports on the progress the Council has made in 2013/14 against the targets for all the key actions and indicators set within the Council's service plans. It also sets out the Council's key actions and targets for 2014/15 which feed into the Corporate Plan.

4. PERFORMANCE INDICATOR CLASSIFICATION FOR 2014/15

It is proposed to monitor indicators in 2014/15 as set out below:

Red (2013/14 target not achieved, fall in performance since 2012/13)

- BV 12 Working days lost due to sickness absence per employee
- BV 204 Percentage of appeals allowed against LA's decision to refuse planning application

Amber (2013/14 target achieved but (slight) fall in performance since 2012/13)

- BV9 Percentage of Council Tax collected within the year

Action plans will ensure every effort is made to sustain or improve performance during the year.

Green (2013/14 target achieved and performance improvement since 2012/13)

- BV 10 Percentage of Non Domestic rates collected within the year
- BV 8 Percentage of undisputed invoices paid on time
- NI 157i Percentage of major planning applications determined in 13 weeks
- NI 157 ii Percentage of minor planning applications determined in 8 weeks
- NI 157 iii Percentage of other planning applications determined in 8 weeks
- NI 185 CO₂ reduction from local authority operations

Progress on all of the Priority Indicators will be reported at the next Committee meeting in December 2014.

5. RISK ASSESSMENT

5.1 Legal

Effective performance management is a means of mitigating risk to service delivery. The legal risk is therefore low.

5.2 Financial

There are no financial considerations arising from the Performance Management report. Where improvement plans have resource implications, these have been accounted for in existing budgets. Should any further financial implications arise, these will be brought to Committee at a future date.

5.3 Corporate Risk

Poor performance would represent poor service to the public and runs contrary to our corporate values of providing 'quality of service' and 'value for money' and our corporate aim to 'provide excellent services'.

5.4 Other considerations

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

6. CONTACT INFORMATION

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BACKGROUND PAPERS

Performance Plan and Summary Budget 2013/14

www.derbyshiredales.gov.uk

Priority Indicators for Corporate Committee

Performance 2012/13 to 2013/14 with proposed traffic light status for monitoring at start of 2014/15

| Summary | | | | | | | | | |
|--|---|-----------------|----------------|-----------------|---------------------------------|-------------------------|---|----------------|--------------------|
| Ref | Description | 2012/13 Outturn | 2013/14 Target | 2013/14 Outturn | Improvement Trend since 2012/13 | 2013/14 Target Achieved | Comment | 2014/15 Target | Risk at Q1 2014/15 |
| Number of indicators improved in 2013/14 | | | | | | | | | |
| Number of indicators worsened in 2013/14 | | | | | | | | | |
| 2013/14 Targets achieved | | | | | | | | | |
| AE 15 (BV 8) | % of undisputed invoices paid on time | 98.6 | 99.0 | 99.2 | ↑ | ✓ | Average time to pay invoices was 8.8 days compared to 11.3 days in 2012/13 | 99.0 | Green |
| REV 9 (BV 9) | % of Council Tax collected within the year | 98.4 | 98.2 | 98.3 | ↓ | ✓ | Potential impact of changes to Council Tax Support | 98.2 | Amber |
| BV 12 | Working days lost due to sickness absence per member of staff | 8.2 | 7.00 | 10.8 | ↓ | x | New Absence Management Policy being prepared | 8.0 | Red |
| NI 157 i | Major planning applications determined in 13 weeks | 66.6 | 60.0 | 87.5 | ↑ | ✓ | 14 out of 16 applications determined in target time compared to 8 out of 12 in 2012/13 | 60.0 | Green |
| NI 157ii | Minor planning applications determined in 8 weeks | 80.5 | 75.0 | 82.4 | ↑ | ✓ | 196 out of 238 applications determined in target time compared with 178 out of 221 in 2012/13 | 75.0 | Green |
| NI 157iii | Other planning applications determined in 8 weeks | 92.0 | 90.0 | 95.0 | ↑ | ✓ | 407 out of 428 applications determined in target time compared to 334 out of 363 in 2012/13 | 90.0 | Green |
| BV 204 | % of appeals allowed against LA's decision to refuse planning application | 18 | 20 | 28 | ↓ | x | 25 appeals determined – 18 dismissed and 7 allowed | 20 | Red |
| REV 10 (BV 10) | % of Non Domestic rates collected within the year | 97.5 | 97.3 | 97.6 | ↑ | ✓ | Highest level since 2006/07 | 97.3 | Green |
| NI 185 | CO2 reduction from local authority operations (tonnes) | 1,889 | 1,870 | 1,286 | ↑ | ✓ | Includes buildings only | 1,222 | Green |

CORPORATE COMMITTEE
26th JUNE 2014

Report of the Head of Resources

INTERNAL AUDIT ANNUAL REPORT 2013/14

SUMMARY

The purpose of this report is to:

- Present a summary of the internal work undertaken from which the opinion on the internal control environment is derived
- Provide an opinion on the overall adequacy and effectiveness of the Council's control environment including any qualifications to that opinion
- Draw attention to any issues that need to be considered for inclusion in the Annual Governance Statement
- Compare work actually undertaken with that which was planned and summarise performance
- Comment on compliance with the Public Sector Internal Audit Standards (PSIAS)
- Comment on the results of the quality assurance programme
- Confirm the organisational independence of internal audit.
- Review the performance of the Internal Audit Consortium against the current Internal Audit Charter.

RECOMMENDATION

That the Internal Audit Annual Report for 2013/14 be noted.

WARDS AFFECTED

All

STRATEGIC LINK

Internal Audit's service aims and objectives are the provision of an independent service, which objectively examines, evaluates and reports to the Council and its management on the adequacy of the control environment as a contribution to the proper economic, efficient and effective use of resources.

1 SUMMARY OF WORK UNDERTAKEN

- 1.1 Appendix 1 details the audit reports issued in respect of audits included in the 2013/14 internal audit plan. The report opinions can be summarised as follows:

| Control Level | Number of Reports | Percentage 2013/14 | Percentage 2012/13 |
|----------------------|--------------------------|---------------------------|---------------------------|
| Good | 30 | 75.0 | 64.52 |
| Satisfactory | 7 | 17.5 | 16.12 |
| Marginal | 3 | 7.5 | 9.68 |
| Unsatisfactory | 0 | 0.0 | 9.68 |
| Unsound | 0 | 0.0 | 0.0 |
| | 40 | 100.0 | 100.0 |

A definition of the above control levels is shown at the end of Appendix 1.

- 1.2 There were no issues relating to fraud arising from the reports detailed in Appendix 1.
- 1.3 The following table summarises the performance indicators for the Internal Audit Section:

| Description | 2013/14 | | 2014/15 |
|-----------------------------|----------------|-----------|----------------|
| | Plan | Actual | Plan |
| Percentage Plan Completed | 100% | 96% | 96% |
| Number of Complaints | 0 | 0 | 0 |
| Completion of Annual Report | June 2014 | June 2014 | June 2015 |

2 OPINION ON THE ADEQUACY AND EFFECTIVENESS OF THE CONTROL ENVIRONMENT

- 2.1 In respect of the main financial systems, Appendix 1 shows that internal controls were in the main found to be operating satisfactorily or well, giving an overall confidence in the internal control system operating in relation to these systems.
- 2.2 Overall, 82.5% of the areas audited received a good or satisfactory opinion demonstrating that on the whole there are effective systems of governance, risk management and control in place. There were no areas that were judged to be unsatisfactory or unsound.
- 2.3 There were 3 marginal reports issued during the year where only limited assurance on the reliability of internal controls can be given. Management have agreed the recommendations made and the timescales for their implementation.

3 ISSUES FOR INCLUSION IN THE ANNUAL GOVERNANCE STATEMENT

- 3.1 The internal control issues arising from audits completed in the year have been considered during the preparation of the Annual Governance Statement. None of the control weaknesses identified during the year are deemed significant enough for inclusion within the Annual Governance Statement.

4 COMPARISON OF PLANNED WORK TO ACTUAL WORK UNDERTAKEN

- 4.1 The Internal Audit Plan for 2013/14 was approved by the Corporate Committee on the 14th March 2013. A comparison of planned audits with audits completed is shown as Appendix 2. Overall 96% of planned audits were completed during the year.
- 4.2 There were just 2 audits that were deferred, Hackney Carriage licences (due to a new software system being implemented) and street cleaning and public conveniences (now completed as part of the 2014/15 plan).

5 COMPLIANCE WITH THE PUBLIC SECTOR INTERNAL AUDIT STANDARDS AND OTHER QUALITY ASSURANCE RESULTS

- 5.1 During 2013/14 a self- assessment was undertaken to review compliance with the Public Sector Internal Audit Standards.
- 5.2 This review confirmed that there were no significant areas of non- compliance however with the retirement of the Head of Audit would leave the Council without a fully qualified Auditor. To remedy this, an agreement was reached to buy in the management services of a professionally certified auditor.
- 5.3 It can also be confirmed that the internal audit activity is organisationally independent. Internal audit reports directly to the Head of Resources but has a direct and unrestricted access to senior management and the Corporate Committee.
- 5.4 Quality control procedures have been established within the internal audit section as follows:
- Individual Audit Reviews – Working papers and reports are all subject to independent review to ensure that the audit tests undertaken are appropriate, evidenced and the correct conclusions drawn. All reports are reviewed to ensure that they are consistent with working papers and in layout. Whilst these reviews can identify issues for clarification, the overall conclusion of the quality assurance checks is that work is being completed and documented thoroughly.
 - Customer Satisfaction – No complaints were received during the year. All verbal comments made by managers have been very positive.
 - Client Officer Views – A survey form was issued to the client officer seeking his views on the overall performance of the internal audit section for the year in achieving the objectives set out in the Internal Audit Charter. The result of the Client Officer survey was a score of 100% (35 out of a maximum 35 – for the seven areas reviewed this represented 7 “very good” scores).
 - The internal auditor on site is very experienced and is fully aware of the Public Sector Internal Audit Standards.
- 5.5 The above quality procedures have ensured conformance with the PSIAS.

6 REVIEW OF PERFORMANCE OF THE INTERNAL AUDIT SECTION AGAINST THE CURRENT INTERNAL AUDIT CHARTER

- 6.1 The Audit Charter was reported to and approved by the Corporate Committee in September 2013.
- 6.2 Based on the information provided in this report on the completion of the 2013/14 internal audit plan, it is considered that the requirements of the Charter were met during the year.

RISK ASSESSMENT

Legal

There are no legal considerations arising from this report.

Risk

This report ensures that Members are aware of the work undertaken by internal audit during 2013/14 and their opinion on the adequacy and effectiveness of the systems in place.

Financial

There are no financial considerations arising from this report.

OTHER CONSIDERATIONS

In preparing this report the relevance of the following factors is also been considered: prevention of crime and disorder, equality of opportunity, environmental health, legal and human rights, financial personal and property considerations.

CONTACT INFORMATION

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BACKGROUND PAPERS

None

ATTACHMENTS

Appendix 1 – Internal Audit Reports Issued 2013/14
Appendix 2 – Comparison Planned audits to audits completed

Appendix 1

Internal Audit Reports Issued 2013/14

| Ref | Report Title | Opinion 2013/14 |
|-----|--|-----------------|
| 1 | Economic Development | Good |
| 2 | Planning Policy Service plan and KPI's | Satisfactory |
| 3 | Car Parks | Good |
| 4 | ABC Utilities Recharges | Satisfactory |
| 5 | Consultation and Community Planning – service plan and risk register | Good |
| 6 | Community Safety – Service Plan and risk register | Good |
| 7 | Money Laundering | Good |
| 8 | Probity | Good |
| 9 | Office Inventories | Satisfactory |
| 10 | Civic Account | Good |
| 11 | Lease Car Scheme | Good |
| 12 | Insurances | Good |
| 13 | Disturbance and Relocation Allowance | Good |
| 14 | Cemeteries and Burials | Good |
| 15 | Hathersage Swimming Pool | Satisfactory |
| 16 | Improvement Grants | Good |
| 17 | Public Health service plan and risk register | Good |
| 18 | E.Health commercial service plan and risk register | Good |
| 19 | Building Control | Good |
| 20 | Matlock Bath Illuminations | Good |
| 21 | Agricultural Business Centre | Good |
| 22 | Debtors | Marginal |
| 23 | Non Domestic Rates | Good |
| 24 | Council Tax | Good |
| 25 | Benefit Fraud | Good |
| 26 | Benefits | Good |
| 27 | Freedom of Information | Good |
| 28 | Contract Standing Orders and Financial Regulations | Satisfactory |
| 29 | Post Receipting | Good |
| 30 | Creditors | Good |
| 31 | Post Entry Training | Satisfactory |
| 32 | Officers Allowances | Good |
| 33 | Payroll | Good |
| 34 | Parks and Recreational Amenities | Good |
| 35 | Pest Control and Dog Warden | Marginal |

| Ref | Report Title | Opinion 2013/14 |
|------------|--|------------------------|
| | Service | |
| 36 | Regulation of Investigatory Powers Act | Marginal |
| 37 | Cash and Bank | Satisfactory |
| 38 | VAT | Good |
| 39 | Treasury Management | Good |
| 40 | Risk Management | Good |

Internal Audit Report Opinion Definitions

| Control Level | Definition |
|-----------------------|---|
| Good | A few minor recommendations (if any). |
| Satisfactory | Minimal risk; a few areas identified where changes would be beneficial. |
| Marginal | A number of areas have been identified for improvement. |
| Unsatisfactory | Unacceptable risks identified, changes should be made. |
| Unsound | Major risks identified; fundamental improvements are required. |

Comparison Planned Audits to Audits Completed 2012/13

| Main Financial Systems – Planned Audits | Progress as at 31st March 2014 |
|--|--|
| Main Accounting System including Capital | Completed |
| Payroll | Completed |
| Creditor Payments | Completed |
| Debtors | Completed |
| Treasury Management | Completed |
| Investment Portfolio | Completed |
| Cash and Banking | In Progress |
| VAT | In Progress |
| Council Tax | Completed |
| Non Domestic Rates | Completed |
| Housing / Council Tax Benefit | Completed |
| Benefit Fraud | Completed |
| Officers Allowances | Completed |

| Other Operational Audits – Planned Audits | Progress as at 31st March 2014 |
|--|--|
| Building Control | Completed |
| E.Health - Commercial | Completed |
| Public Health | Completed |
| Improvement Grants | Completed |
| Pest Control | Completed |
| Hackney Carriage Licensing | Deferred |
| Hathersage Pool | Completed |
| Vending | Completed |
| Recreational Sites | Completed |
| Cemeteries and Burials | Completed |
| Waste Management | Completed |
| Disturbance and Relocation | Completed |
| Post Entry Training | Completed |
| Insurances | Completed |
| Car Leasing | Completed |
| Post Receipting | Completed |
| Civic Account | Completed |
| RIPA | In Progress |
| Probity | Completed |
| Freedom of information | Completed |
| Community Safety | Completed |
| Consultation and Community Planning | Completed |

| Other Operational Audits – Planned Audits | Progress as at 31st March 2014 |
|--|--|
| Agricultural Business Centre | Completed |
| Car Parks | Completed |
| Dev Control and Planning Enforcement | Completed |
| Planning Policy | Completed |
| Economic Development | Completed |
| Matlock Bath Illuminations | Completed |
| Property Services | Completed |
| Street Cleaning and Public Conveniences | Deferred |
| | |

| Fraud and Corruption – Planned Audits | Progress as at 31st March 2014 |
|--|--|
| National Fraud Initiative | Completed |
| Money Laundering | Completed |
| | |

| Corporate / Cross Cutting Issues – Planned Audits | Progress as at 31st March 2014 |
|--|--|
| Single Data Sets | Completed |
| Risk Management | In Progress |
| Standing Orders and Financial Regulations | Completed |
| | |

| Location / Regularity | Progress as at 31st March 2014 |
|------------------------------|--|
| Petty Cash | Completed |
| Inventories | Completed |

| | |
|--------------------|-------------|
| Contingency | As required |
|--------------------|-------------|

| | |
|---|----------|
| Corporate Committee / Client Liaison | On going |
|---|----------|

CORPORATE COMMITTEE
26th JUNE 2014

Report of the Head of Resources

INTERNAL AUDIT REPORTS CONCLUDED TO DATE UNDER THE 2013/2014 OPERATIONAL AUDIT PLAN

SUMMARY

This report asks the Committee to consider the final reports produced in accordance with the internal audit reviews undertaken in compliance with the 2013/2014 Operational Audit Plan.

RECOMMENDATION

That the Committee note the findings and conclusions of the internal audit reviews.

WARDS AFFECTED

All the District

STRATEGIC LINK

The internal audit reviews test and report on the effectiveness of internal control systems within service functions and support the Council's core values of providing value for money and quality of service.

1 BACKGROUND

The current Operational Audit Plan was approved by Corporate Committee on 14 March 2013. It provides a framework by which service functions are reviewed to test and report on the adequacy and effectiveness of risk management systems and the internal control environment within the Council. This supports the Annual Governance Statement by contributing to the economic, efficient and effective use of resources.

2 REPORT

2.1 Regulation of Investigatory Powers (RIPA) Act 2000 March 2014

A review of the Council's RIPA provisions took place. The RIPA act regulates the way in which public authorities use their investigative powers and ensures that powers are used in accordance with human rights and the provision of the Human Rights Act.

Three high priority recommendations were made to improve the controls in place:-

- RIPA Policy and Guidance be updated in accordance with Government changes and to address the recommendations of the Office of Surveillance Commissioners (OSC) report including a brief section setting out the internal authorisation process and oversight arrangements.

- Revised policy be noted with the minute number and date of Committee approval
- Revised Policy and Guidance be uploaded onto DALESnet and the Council's website.

The audit assessment of the controls in place was "marginal". It should be noted that the recommendations made have all been actioned.

2.2 Cash and Bank (30153) May 2014

The scope of the audit included reviewing the procedures and controls applied at the Council's offices at which payments are received and receipted. The review found that procedures in operation over the cash and bank operation were well managed. One recommendation was made which was to review and reassign responsibility for alarms prior to staff relocating to Chesterfield under the Arvato partnership arrangement. As part of this review the procedures regarding reaction to incidents should also be updated. The overall opinion was assessed as "satisfactory".

2.3 VAT May 2014

The objective of the review was to confirm that VAT was accurately accounted for and that returns were accurately and timely completed by a designated officer in compliance with HM Revenues and Customs requirements.

No recommendations were made and the procedures in place were assessed as "Good".

2.4 Treasury Management (30154) March 14

The scope of the audit covered the principle areas of the treasury management system, policies and procedures, staffing, risk management, cash flow, lending, borrowing, capital investment, payments, external service providers, fraud prevention, monitoring and reporting and the security of data.

No recommendations were made and the procedures in place were assessed as "Good".

2.5 Licensing and Hackney Carriage

It was agreed to defer this audit due to software application changes. The migration from LALPAC to M3 was ongoing and officers were in the process of receiving training.

2.6 Risk management

In September 2013 Zurich were commissioned to conduct a review and update the Council's risk management policies and procedures, to meet with risk register management leads to review and refresh the risks and subsequently the risk register and to re-invigorate the Risk Continuity Group (RCG).

To date several documents have been drafted and presented to the RCG including:

- Risk Management Framework identifying risk register owners

- Risk Management Policy and Strategy
- Revised risk register templates
- Risk Management Development Opportunities
- A one page instant guide.

A series of risk training and awareness sessions have also been scheduled.

No recommendations were made and the procedures in place were assessed as “Good”.

RISK ASSESSMENT

Legal

Each review concludes with an assessment of the relevant risk. As no rule of law has been breached the legal risk is therefore low.

Financial

There are no financial considerations arising from the report

3 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.

4 CONTACT INFORMATION

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5 BACKGROUND PAPERS

None

CORPORATE COMMITTEE
26th JUNE 2014

Report of the Head of Resources

ANTI-FRAUD, BRIBERY AND CORRUPTION STRATEGY (Including Money Laundering Policy)

SUMMARY

The purpose of this report is to present for consideration by the Corporate Committee the Council's draft updated Anti-Fraud, Bribery and Corruption Strategy (including Money Laundering Policy) which is attached as Appendix 1 to this report.

RECOMMENDATIONS

- 1 That subject to any comments or amendments Members may wish to make, the revised Anti-Fraud, Bribery and Corruption Strategy (including Money Laundering Policy) be adopted and publicised.
- 2 That the Anti-Fraud, Bribery and Corruption Strategy (including Money Laundering Policy) be reviewed in two years' time, or earlier if necessary.

WARDS AFFECTED

All

STRATEGIC LINK

Having in place an up to date Anti-Fraud, Bribery and Corruption Policy and Money Laundering Policy will help to ensure that Members and Officers are committed to a zero tolerance of fraud thereby contributing to the provision of excellent services.

1 BACKGROUND

- 1.1 The Council last reviewed its Counter Fraud Policy and Strategy in 2011 and Money Laundering Policy in 2010. The policies have been reviewed to ensure that they are kept up-to-date and remain relevant.
- 1.2 In line with good practice for all public bodies the Council should have in place an up to date Anti –Fraud and Corruption Strategy. The formal commitment to this strategy will serve to restate the Council's zero tolerance of fraud and all forms of malpractice. The refresh of the strategy will also provide an opportunity to promote the key messages to both Members and Employees.

- 1.3 The strategy that has been recommended for adoption has been developed from the existing strategy which has been brought up to date to reflect developing good practice amongst other local authorities, for example, by increasing reference to the Bribery Act. If there are further legislative or changes in best practice then the strategy will be reviewed accordingly.

2 RISK ASSESSMENT

2.1 Risk Management

The development and effective publication of a revised strategy will help to mitigate the risk of fraud and help ensure that the Council has effective measures in place to deter, prevent and detect fraud and corruption.

2.2 Financial

There are no direct financial implications of adopting the Anti-Fraud, Bribery and Corruption Strategy (including Money Laundering Policy), and it is envisaged that any costs will be met within existing budgets.

2.3 Legal

There are no legal risks arising directly from this report.

OTHER CONSIDERATIONS

In preparing this report the relevance of the following factors is also been considered: prevention of crime and disorder, equality of opportunity, environmental health, legal and human rights, financial personal and property considerations.

CONTACT INFORMATION

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BACKGROUND PAPERS

None.

ATTACHMENTS

Appendix A – Anti-Fraud, Bribery and Corruption Strategy (including Money Laundering Policy)



Anti-Fraud, Bribery and Corruption Strategy (including Money Laundering Policy)

POLICY STATEMENT

Derbyshire Dales District Council expects that both Members and Officers will demonstrate the highest standards of behaviour in the conduct of public business.

In undertaking its functions and activities, the Council will not tolerate any form of fraud, corruption, bribery, abuse of position or other malpractice, whether it is attempted by persons or organisations within or external to the Council.

The Council is committed to working in an open, honest and fair way and will:

- Maintain a policy and culture characterised by zero tolerance of fraud and malpractice
- Encourage the prevention of fraud, bribery and corruption or other malpractice
- Promote the detection of fraud, bribery, corruption or other malpractice
- Maintain clear procedures for investigation and further action where necessary

It is 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.

DERBYSHIRE DALES DISTRICT COUNCIL

Anti-Fraud, Bribery and Corruption Strategy

1. INTRODUCTION

1.1 The Council is opposed to all forms of fraud and corruption. It recognises that fraud and corruption undermine the standards of public service which it promotes and reduce the resources available for the good of the whole community.

1.2 The Anti-Fraud, Bribery and Corruption Strategy is designed to: -

- provide a clear statement of values;
- encourage prevention;
- promote detection,
- act as a deterrent; and
- identify a clear pathway for investigation.

1.3 **Fraud** is defined as:

- The intentional distortion of financial statements or other records by persons internal or external to the authority which is carried out to conceal the misappropriation of assets or otherwise for gain.
- Failure to disclose information where there is a legal duty to do so.
- False Representation.
- Abuse of Position

Corruption is defined as:

The offering, giving, soliciting or acceptance of an inducement or reward which may influence the action of any person.

Theft is defined as:

A person shall be guilty of theft if they dishonestly appropriate property belonging to another with the intention of permanently depriving the other of it.

Bribery is defined as:

An inducement or reward offered, promised or provided to gain personal, commercial, regulatory or contractual advantage.

Bribery Includes:

- Bribery of another person
- Accepting a Bribe
- Failure to prevent or disclose Bribery

Further details concerning bribery and related offences and in particular concerning the interpretation of the Bribery Act 2010 can be found at the website given below:

<http://www.legislation.gov.uk/ukpga/2010/23/contents>

- 1.4 Benefit fraud is where a person,
 - a) makes a false statement or representation; or
 - b) causes or allows a false statement or representation; or
 - c) fails to notify a change of circumstances or causes or allows another person to fail to notify a change of circumstances for the purpose of obtaining or increasing entitlement to housing/council tax benefit for themselves or another.
- 1.5 This document presents a Strategy for an Open and Honest Council characterised by a clear policy of Zero Tolerance of Fraud, Bribery, Corruption and related activities. The sections which follow set out the culture, tone and standards of Derbyshire Dales District Council Council.

2. **CULTURE**

- 2.1 The Council is determined that the culture and tone of the organisation will continue to be one of honesty and opposition to fraud and corruption.
- 2.2 All individuals and organisations associated with the Council are required to act with integrity. Council staff and Members, at all levels, will lead by example.
- 2.3 The Council's staff are an important element in its stance on fraud and corruption. They are encouraged to raise any concerns and can do this in the knowledge that these will be treated in confidence and properly investigated.
- 2.4 This commitment to investigate the concerns of any members of staff has been formally acknowledged by the Council by the adoption of a revised Confidential Reporting Policy in October 2010.

The Confidential Reporting Policy aims to: -

- encourage individuals to feel confident in raising serious concerns and to question and act upon concerns about working practice.

- provide avenues by which these concerns can be raised and subsequently to supply feedback on any action taken.
- ensure that a response is provided to any concerns raised and that people raising concerns are aware of how to pursue them if they are not satisfied.
- reassure individuals that they will be protected from possible reprisals or victimisation if they have made any disclosure in good faith.

Full copies of the Confidential Reporting Policy are available on the Council's Intranet or in printed format if required. It should be noted that the Confidential Reporting Policy covers all issues (not just fraud and corruption).

- 2.5 Instances of suspected / alleged housing/council tax benefit fraud may be referred to the benefit fraud investigation officers for investigation. Investigation officers are based in the Town Hall and can be contacted on extension 1330. The benefit fraud hotline number is 01629 761230. The Department of Work and Pensions has a proforma for reporting fraud on its website (<http://www.dwp.gov.uk>). The Council's website as detailed below contains further information regarding benefits fraud.

www.derbyshiredales.gov.uk/housing-a-council-tax/benefits/benefit-fraud

Reporting through any of the above channels will ensure that any information or allegations are effectively investigated. This will include any anonymous allegations in those cases where individuals wish to withhold their name.

- 2.6 Members of the public are also encouraged to report concerns through:

- The Chief Executive
- Heads of Service
- The Monitoring Officer
- Internal Audit
- The Council's External Auditors
- Or through the Council's Complaints Procedure
- Benefit fraud hotline 01629 761330
- The e-mail referral service : benefits@derbyshiredales.gov.uk
- The Department of Work and Pensions website <http://www.dwp.gov.uk>

- 2.7 Senior Management are responsible for following up any allegation of fraud or corruption received and will do so by taking the following action: -
- immediately informing the Head of Resources or the Head of the Internal Audit Consortium;
 - recording and securing all evidence received and collected;
 - ensuring that evidence is sound and adequately supported;
 - implementing Council disciplinary procedures where appropriate;
 - where the matter is raised through the Confidential Reporting Policy, responding in accordance with that Policy.
- 2.8 Senior Management are expected to deal swiftly and firmly with those who defraud the Council or who are corrupt.
- 2.9 The investigation process must not be misused and any abuse, such as raising malicious allegations, will be dealt with as a disciplinary matter.

3. **PREVENTION**

3.1 **Staff**

- 3.1.1 Staff recruitment will be in accordance with the Council's Recruitment and Selection procedures particularly with regard to the obtaining of written references. These will be used to assist in verifying the previous record of potential staff in terms of propriety and integrity. Employers must undertake stringent checks with respect to the documentation that new employees are asked to provide e.g. UK or EU passports. Further details are available from the Human Resources Section.
- 3.1.2 Employees of the Council must follow the Employee Code of Conduct included Part 5 of the Council's Constitution and available via the Council's intranet.
- 3.1.3 Employees must declare any circumstances where their personal interests (financial and non-financial) may conflict with those of the Council e.g. processing a planning application form for a relative or friend. All declarations of interest must be registered with the Head of Corporate Services who is the Monitoring Officer.
- 3.1.4 The Council has in place agreed disciplinary procedures accessible via the intranet.
- 3.1.5 Many procedures have been designed to ensure that the work of one member of staff is checked by another. These types of checks are important deterrents to fraud. Managers must ensure that all staff have access to procedural guidance and should periodically

confirm that the agreed procedures are being operated and observed.

3.1.6 Appropriate staff will receive benefits fraud awareness training.

3.1.7 Investigation officers will receive appropriate levels of training ensuring high quality investigations. Benefits Fraud Investigators will be PINS (Professionalism in Security) trained.

3.1.8 Computer Payroll details will be compared with computer benefit details and any matches will be investigated. Likewise any data matches raised by the National Fraud Initiative will be investigated. The provisions of the Data Protection legislation will be applied.

3.2 **Members**

3.2.1 Councillors and co-opted members must follow the rules in Part 5 of the Council's Constitution, including:

- Protocol on Member/Employee Relations
- Code of Conduct for Members
- Planning Code of Good Practice

Councillors learn about these rules in the Members' Induction Course.

3.2.2 *The Council has a Standards Committee to deal with Councillors' code of conduct.*

3.3 **Systems**

3.3.1 It is a management responsibility to maintain the internal control system. This includes the responsibility for the prevention of fraud and other illegal acts. By undertaking an agreed plan of work, internal audit will evaluate the adequacy and effectiveness of these controls as a means of assisting management to discharge its responsibilities.

3.3.2 The Head of Resources has a statutory responsibility under Section 151 of the Local Government Act 1972 to ensure the proper arrangement of the Council's financial affairs.

3.3.3 To help him/her do this, all service financial recording systems must be designed in consultation with and to the satisfaction of the Head of Resources.

3.3.4 The Council's Financial Regulations are set down in Part 9 of the Council's Constitution. These Regulations and Procedures set out

in detail how the Council's financial affairs are to be administered and controlled.

3.4 **Combining with Others**

3.4.1 Arrangements are in place to encourage the exchange of information between the Council and other agencies on fraud and corruption activity as an aid to prevention/detection. The agencies involved include: -

- External Audit ;
- Derbyshire Local Authorities Audit Group;
- Benefit Investigation Officers Group;
- Department for Work and Pensions (DWP);
- HM Revenues and Customs (HMRC);
- National Fraud Initiative (NFI)

In exchanging data with other organisations the Council will comply with the requirements of the Data Protection Legislation.

4. **DETECTION AND INVESTIGATION**

4.1 The internal control and other monitoring systems outlined above have been designed to highlight fraudulent activity, and they should be sufficient in themselves to deter fraud.

4.2 It is the responsibility of Heads of Service and their managers to prevent and detect fraud and corruption. However it is often the alertness of other staff, Members and the public that enables detection to occur and appropriate action to be taken.

4.3 Financial Regulations require Heads of Service to immediately notify the Head of Resources or the Head of the Internal Audit Consortium of any financial irregularity or suspected irregularity. Reporting is essential because it:

- Ensures consistent treatment;
- Enables investigation to be assisted by an independent team;
- Ensures agreed investigation procedure is followed.

4.4 Depending on the nature and the anticipated extent of the allegations, the Internal Audit Consortium will normally work closely with management and other agencies, such as the Police, to ensure that all allegations and

evidence are properly investigated and reported upon, and where appropriate, maximum recoveries are secured for the Council.

- 4.5 The Council's Disciplinary procedures will be used where the outcome of an investigation indicates improper behaviour by a Council Employee.
- 4.6 Ignoring potential/possible fraud, including benefit fraud, may be construed as improper behaviour by a Council employee. If an employee has any suspicion, they should make appropriate officers aware, so that the matter can be investigated in accordance with the confidential reporting policy.

The people to contact are:-

- your Manager
 - your Head of Service
 - the Chief Executive
 - the Head of Resources
 - the Head of the Internal Audit Consortium
 - the Benefits Investigations Officers
- 4.7 Causing or allowing a person to either make a false statement or declaration, or to fail to notify a change of circumstances is an offence under the law relating to the payment of benefit. Any employee / member involved is liable to prosecution.
 - 4.8 Where financial impropriety is discovered, the Council's presumption is that the Police will be called in. Referral to the Police is a matter for the Chief Executive, in consultation with the Head of Resources and relevant Head of Service. Referral to the Police will not prohibit and should not delay action under the Disciplinary Procedure.

5. **HOUSING/COUNCIL TAX BENEFITS**

- 5.1 Surveys by the Audit Commission have identified that Housing/Council Tax Benefit Fraud is the largest area of detected fraud in local government.
- 5.2 Whilst encouraging genuine claimants to apply for benefit the Council has adopted a number of initiatives to detect and prevent fraudulent applications, such as: -
 - checks at the start and during the life of a benefit claim;
 - A page on the Council's website provides a range of information for reporting suspected fraud www.derbyshiredales.gov.uk/housing-a-council-tax/benefits/benefit-fraud
 - operation of fraud 'hotline'; 01629 761330 and e mail referral service benefits@derbyshiredales.gov.uk

- participation in the DWP sponsored, NFI or similar data matching exercises;
 - use of the Royal Mail 'do not redirect' facility on benefit payments to private tenants;
 - internal data matching, payroll data to benefit data;
 - using computer links to the Department for Work and Pensions to check entitlements, to receive benefit notifications, and to check National Insurance numbers and other data;
 - having a prosecution policy for alleged benefit fraudsters;
 - undertaking land registry checks;
 - carrying out joint fraud investigations with other bodies such as DWP.
 - regular articles in Dalesmatters, local press and other media.
- 5.3 The Council has adopted a Policy to undertake the Prosecutions of persons who have committed criminal offences in obtaining housing benefit and/or council tax benefit to which they were not entitled.
- 5.4 Benefit staff receive training in fraud awareness and are required to sign a declaration of interest annually that explicitly states that no employee should deal with any claimant who is personally known to them or get involved in any case where they have a pecuniary interest, e.g. the claim is in respect of a property they own or for a member of their family.

6. **RAISING AWARENESS OF THIS POLICY STATEMENT**

- 6.1 To be effective, it is essential that all staff and Members are aware of the existence of this Policy Statement. This will be achieved through a variety of means, such as: -
- Inclusion on the Council's Internet and Intranet site;
 - Articles in the Dalesmatters and Staffmatters;
 - Inclusion in induction training.

CONCLUSION

- 7.1 The Council has in place a clear set of systems and procedures to assist it in the fight against fraud and corruption.

- 7.2 The Council will maintain a continuous overview of such arrangements through the annual review of the Constitution and Financial Regulations / Procedures, various Codes of Conduct and audit arrangements.
- 7.3 This Policy Statement will be subject to periodic review to ensure its continued relevance.

June 2014



ANTI-MONEY LAUNDERING POLICY

(INCORPORATING TERRORIST FINANCING REQUIREMENTS)

DERBYSHIRE DALES DISTRICT COUNCIL

ANTI – MONEY LAUNDERING POLICY

1. Introduction

- 1.1 The Proceeds of Crime Act (POCA) 2002, the Terrorism Act 2000 and the Money Laundering Regulations 2007 place obligations on the Council and its employees regarding suspected money laundering.

2. Purpose of the Policy

- 2.1 The legislative requirements concerning anti-money laundering procedures are lengthy and complex. This policy has been written so as to enable the Council to comply with the Proceeds of Crime (Anti-Money Laundering) Practical guidance for Public Service Organisations by the Chartered Institute of Public Finance and Accountancy (CIPFA) relating to the anti-money laundering regulations.
- 2.2 While all organisations are required to take appropriate steps to prevent money laundering local authorities do not undertake activities which have been identified as being high risk and the approach outlined is considered proportionate to what is considered to be a low risk to the Council and its employees. While the Council undertakes activities considered to be ‘low risk’ what constitutes money laundering is very widely defined and it is important that the Council takes appropriate steps to prevent money laundering.
- 2.3 The purpose of the Policy is to make all staff aware of the legislation and their responsibility under it including the consequence of non – compliance of the Policy.
- 2.4 Potentially any member of staff or member could be caught by the money laundering provisions if they suspect money laundering and either become involved with it in some way and/or do nothing about it.
- 2.5 Whilst the risk of the Council of contravening the legislation is low, it is extremely important that all employees are familiar with their legal responsibilities as serious criminal sanctions could be imposed for breaches of the legislation.

3. The Council's Obligations

- 3.1 Under the Legislation Organisations conducting “relevant Business” must:
- Appoint a Money Laundering Reporting Officer (“MLRO”) to receive disclosures from employees of money laundering activity;
 - Implement a procedure to enable the reporting of suspicions of money laundering;
 - Maintain client identification procedures in certain circumstances; and

- Maintain record keeping procedures.

4. Scope of the Policy

- 4.1 This Policy applies to all staff and elected members of the Council and aims to maintain high standards of conduct, by reducing the risk of criminal activity through money laundering. This policy sets out the procedures, which must be followed.
- 4.2 Failure by staff and members to comply with the procedures set out in this Policy may lead to a criminal offence being committed and disciplinary action being taken against them. Any disciplinary action will be dealt with in accordance with the Council's Disciplinary Policy and Procedure. Members could also face allegations of breaching the Council's Code of Conduct.
- 4.3. Managers must ensure that all staff are aware of this policy and their duties within it.
- 4.4. The Anti-Money Laundering Policy is part of the Council's Anti-Fraud and Corruption policy and Strategy and sits alongside its Confidential Reporting Code and Codes of Conduct for Employees and Members.

5. What is Money Laundering?

- 5.1. Money laundering is a process by which the illegal proceeds of crime are converted into assets which appear to have a legitimate origin, so that they can be retained permanently or recycled into further criminal enterprises.
- 5.2. The source of money be it in cash, paper or electronic form (often referred to as "dirty money") is disguised and given the appearance of being clean. These are normally used to hide the proceeds of serious criminal activities such as terrorism, drug smuggling, theft and fraud.
- 5.3. The money laundering legislation and regulations attempt to provide a preventative solution to this problem.
- 5.4. The broad definition of money laundering means that potentially anybody (and therefore any Council employee, irrespective of what Council business they are undertaking) could contravene the Regulations if they become aware of or suspect the existence of criminal property and continue to be involved in a matter which relates to that property without reporting their concerns.
- 5.5 Primary money laundering offences include:
 - Concealing, disguising, converting, transferring criminal property or removing it from the UK
 - Entering into or becoming concerned in an arrangement which you know or suspect facilitates the acquisition, retention, use or control of criminal property by or on behalf of another person
 - Acquiring, using or processing criminal property

There are also two secondary offences:

- Failure to disclose any of the three primary offences
- “tipping off” whereby somebody informs a person or persons who are, or who are suspected of being involved in money laundering, in such a way as to reduce the likelihood of their being investigated or prejudicing an investigation.

6. What is Terrorist Financing?

- 6.1 The Terrorism Act 2000 creates a money laundering offence under Section 18 whereby a person commits an offence if he or she enters into or becomes concerned in an arrangement which facilitates the retention or control by or on behalf of another person of terrorist property:
- by concealment
 - by removal from the jurisdiction
 - by transfer to nominees, or
 - in any other way.

7. How to Recognise Money Laundering

- 7.1. Money laundering is highly sophisticated. The conversion of cash into a non-cash form of money is only the first step and it is likely that there will follow a complex series of transactions intended to hide the trail from any investigator. Consequently those on the lookout for money laundering should not restrict themselves to looking for cash transactions.
- 7.2. The key in order to prevent the Council being involved in a transaction that potentially is being used for money laundering purposes is to ask yourself the question: "Given my knowledge of this person or organisation, is it plausible that they can pay this amount for this service by this means?"
- 7.3. If they are paying more than would be reasonable or more than they could afford or by a means that would not normally be used the answer would generally be "No". The employee should then follow the procedures set out in this policy.
- 7.4. More specific indicators of Money Laundering are:
- If the source or destination of funds differ from the original details given by the client;
 - If the client cancels transactions without good reason (and requests a cheque for previously deposited funds);
 - Any large cash deposits;
 - Large overpayments of fees or money on account (following which a refund is may be requested);
 - If information about the client reveals criminality or association with criminality;
 - If there is more than one solicitor/conveyancer used in the sale or purchase of a property or land or if there is an unexplained and unusual geographic use of a solicitor in relation to a property's location;

- If the buyer or seller's financial profile does not fit, particularly in relation to property transactions;
- other unexplained financial resources, that for example do not fit the client's financial profile
- If there are over complicated financial systems.

7.5. You should obtain sufficient evidence/ knowledge to ascertain the true identify of the person(s) you are dealing with.

8. Client Identification Procedure

8.1. The purpose of this procedure is to ensure that the Council has full knowledge of the persons or organisations that it is dealing with, in relation to certain business relationships and transactions detailed below.

8.2. The Council needs to have identification procedures to ensure that the client produces satisfactory evidence of identity.

8.3. The identification procedure should reflect:

- a) the greater potential for money laundering if the client is not physically present when being identified
- b) If satisfactory evidence is not obtained the relationship or transaction does not proceed
- c) If the client acts, or appears to act, for another person, reasonable measures must be taken for the purpose of identifying that person.

8.4. The primary exception to this requirement is if the client carries on FSA regulated business in the UK (or comparable by overseas regulatory authority) it is not required that the officer obtain evidence. Most treasury transactions will be undertaken with or via regulated businesses.

8.5. The Council already has verification procedures for its Treasury Management loans and investments and restricts activity to certain types of financial institution; this is referred to in the Treasury Management policy.

8.6. Managers shall ensure that where the Council is carrying out relevant business and:

- a) forms an ongoing business relationship with a client; or
- b) undertakes a one-off transaction involving payment by one or to the client of 15,000 Euros or more or
- c) undertakes a series of linked one-off transactions involving total payment by or to the client(s) of 15,000 Euros or more; or
- d) it is known or suspected that a one-off transaction (or a series of them) involves money laundering

then this Client Identification Procedure must be followed before any business is undertaken for that client. Please note that unlike the reporting procedure, the client identification procedure is restricted to those operating relevant business i.e. Financial Services and Legal Services.

- 8.7 In the above circumstances, staff in the relevant unit of the Council must obtain satisfactory evidence of the identity of the prospective client, as soon as practicable after instructions are received (unless evidence of the client has already been obtained.) This applies to existing clients, as well as new ones.
- 8.8. Once instructions to provide relevant business have been received and it has been established that any of the paragraphs above apply, evidence of identity should be obtained as follows:
- a) The Heads of Service and managers maintain a client identification file of general client identification evidence. You should check with this file that the organisation in respect of which you require identification is included and check the precise details contained in relation to that organisation. If the organisation is not included you should also then obtain the following additional evidence:
 - b) With instructions from new clients, or further instructions from a client not well known to you, you may wish to seek additional evidence of the identity of key individuals in the organisation and of the organisation itself. Ways to achieve this include: -
 - Review of information held on the internet to confirm details supplied.
 - Visit the client at their business address instead of always contacting them by telephone or e-mail or meeting at the Council Office. (This will help verify the validity of the client).
 - c) In all cases the evidence should be retained for at least 5 years from the end of the business relationship or transaction(s).
- 8.9. If satisfactory evidence of identity is not obtained at the outset of the matter then the business relationship or one off transaction(s) cannot proceed any further. If there is an unjustified delay in the evidence of identity being obtained from the client or where the client is deliberately not providing the evidence a disclosure will have to be made.

9. Record Keeping Procedures

- 9.1. Each service area of the Council conducting relevant business must maintain records of:
- Client identification evidence obtained; and kept for five years from the completion of the transaction
 - Details of all relevant business transactions carried out for clients for at least 5 years from the completion of the transaction. This is so that they may be used as evidence in any subsequent investigation by the authorities into money laundering.
- 9.2. The precise nature of the records are not prescribed by law, however, they must provide an audit trail during any subsequent investigation, e.g. distinguishing the client and the relevant transaction and recording in what form any funds were received or paid. In practice, each service area of the Council will be routinely

making records of work carried out by clients in the course of normal business and these should suffice in this regard.

- 9.3. At no time and under no circumstances should you voice any suspicions to the person(s) whom you suspect of money laundering, otherwise you may commit a criminal offence of “tipping off”. Do not therefore; make any reference on a client file to a report having been made to the MLRO. Should the client exercise the right to see their file, then such a note would obviously tip them off to the report having been made and may render you liable to prosecution. The MLRO will keep the appropriate records in a confidential manner.

10. **Money Laundering Reporting Officer (MLRO)**

- 10.1. The Money Laundering Reporting Officer will receive staff disclosures on suspicions of money laundering and decide on disclosure to National Crime Intelligence Service (NCIS).

- 10.2 The Money Laundering Reporting Officer is:

The Head of Resources

Town Hall

Bank Road

Matlock

Derbyshire

DE4 3GL

Tel: 01629 761203

- 10.3 In the absence of the MLRO the Head of Corporate Services is authorised to deputise (tel: 01246 761281).

- 10.4 The Legal Section is available to give advice as required.

11. Disclosure Procedure

11.1. Reporting to the Money Laundering Reporting Officer

11.2. Enquiries can be made of the individual to establish whether or not there is an innocent explanation before deciding whether or not to make a disclosure to the MLRO. However, once you have reasonable grounds for knowing or suspecting that the individual is engaged in money laundering a report must be made and the suspected money launderer must not be informed of this. Under no circumstances must an employee do anything that may tip off the subject of the report that such report has been made.

11.3 Where you know or suspect that money laundering activity is taking/has taken place, or become concerned that your involvement in a matter may amount to a prohibited act under the legislation, you must disclose this as soon as practicable to the MLRO. This disclosure should be within “hours” of the information coming to your attention, not weeks or months later.

SHOULD YOU NOT DO SO, THEN YOU MAY BE LIABLE TO PROSECUTION.

11.4. Your disclosure should be made using the disclosure forms attached at **Appendix 1**. The report must include as much detail as possible, for example: Full details of the people involved (including yourself if relevant) e.g. name, date of birth, address, company names, directorship, phone numbers etc. and full details of the nature of their/your involvement:

11.5. Once you have reported the matter to the MLRO you must follow any directions they may give. You **MUST NOT** make any further enquiries into the matter yourself: any necessary investigation will be undertaken by the NCIS. Simply report your suspicions to the MLRO who will refer the matter to the NCIS if they consider this appropriate. All members of staff will be required to co-operate with the MLRO and the authorities during any subsequent money laundering investigation.

12. Consideration of disclosure by the Money Laundering Reporting Officer

12.1 Upon receipt of a disclosure report (copy attached as Appendix 1) the MLRO must note the date of receipt on the section of the report and acknowledge receipt of it. They should advise you of the timescale within which he expects to respond to you.

12.2 The MLRO will consider the report and any other available internal information they think relevant: e.g.

- Reviewing other transaction patterns and volumes
- The length of any business relationship involved
- The number of any one-off transactions and linked one-off transactions
- Any identification evidence held

12.3 The MLRO will undertake such other reasonable inquiries they think appropriate in order to ensure that all available information is taken into account in deciding whether a report to the NCIS is required (such enquiries being made in such a

way as to avoid any appearance of tipping off those involved). The MLRO may also need to discuss the report with you.

- 12.4 Once the MLRO has evaluated the disclosure report and any other relevant information, they must make a timely determination as to whether:
 - There is actual or suspected money laundering taking place; or
 - There are reasonable grounds to know or suspect that this is the case; and
 - Whether he needs to seek consent from the NCIS for a particular transaction to proceed.
- 12.5. All disclosure reports referred to the MLRO and reports made by him to the NCIS must be retained by the MLRO in a confidential file kept for that purpose for a minimum of 5 years.
- 12.6 The MLRO commits a criminal offence if he knows or suspects, or has reasonable grounds to do so, through a disclosure being made to him, that another person is engaged in money laundering and he does not disclose this as soon as practicable to the NCIS.

13. Training

The Council will undertake a programme of training for relevant officers on the requirements of the legislation, including the identification of suspicious transactions, identity verification and reporting procedures. This will include training for:

- Heads of service and service managers
- Customer Service Officers (all officers responsible for accepting payments)
- Revenues staff
- Benefits staff
- Treasury management staff
- Legal
- Audit
- Property staff
- Other officers will receive cascade training from senior officers.

As every officer is technically implicated, all staff will be briefed through team meetings.

Appendix A

STRICTLY CONFIDENTIAL

Report to: Money Laundering Reporting Officer (MLRO)

Re: money laundering activity suspicion

To:, DDDC Money Laundering Reporting Officer

From:

Name.....Post.....
[Insert name of employee or member and post title]

Section: Ext/Tel No:
[Insert service area and contact details]

DETAILS OF SUSPECTED OFFENCE:

Name(s) and address (es) of person(s) involved:

[If a company/public body please include details of nature of business]

[Please continue on a separate sheet if necessary]

Nature, value and timing of activity involved:

[Please include full details e.g. what, when, where, how]

[Please continue on a separate sheet if necessary]

Nature of suspicions regarding such activity:

[Please continue on a separate sheet if necessary]

Have you discussed your suspicions with anyone else?

[Please tick the relevant box]

Yes

No

If yes, please specify below, explaining why such discussion was necessary:

[Please continue on a separate sheet if necessary]

Has any investigation been undertaken (as far as you are aware)?

[Please tick the relevant box]

Yes

No

If yes, please include details below:

[Please continue on a separate sheet if necessary]

Have you consulted any supervisory body guidance re money laundering (e.g. the Law Society)?

[Please tick the relevant box]

Yes

No

If yes, please specify below:

[Please continue on a separate sheet if necessary]

Do you feel you have a reasonable excuse for not disclosing the matter to the NCIS? (e.g. are you a lawyer and wish to claim legal professional privilege?)

[Please tick the relevant box]

Yes

No

If yes, please set out full details below:

[Please continue on a separate sheet if necessary]

Are you involved in a transaction which might be a prohibited act under sections 327- 329 of the Act and which requires appropriate consent from the NCIS?

[Please tick the relevant box] Yes No

Section 327 - Concealing, disguising, converting, transferring criminal property or removing it from the UK.

Section 328 – entering into or becoming concerned in an arrangement which you know or suspect facilitates the acquisition, retention, use or control of criminal property by or on behalf of another person.

Section 329 – acquiring, using or possessing criminal property.

If yes, please enclose details in the box below:

[Please continue on a separate sheet if necessary]

Please set out below any other information you feel is relevant:

[Please continue on a separate sheet if necessary]

DECLARATION:

Signed:.....Dated:.....

Please do not discuss the content of this report with anyone you believe to be involved in the suspected money laundering activity described. To do so may constitute a tipping off offence, which carries a maximum penalty of 5 years imprisonment.

THE FOLLOWING PART OF THIS FORM IS FOR COMPLETION BY THE MLRO

Date report received:

Date receipt of report acknowledged:

CONSIDERATION OF DISCLOSURE:

Action Plan:

OUTCOME OF CONSIDERATION OF DISCLOSURE:

Are there reasonable grounds for suspecting money laundering activity?

If there are reasonable grounds for suspicion, will a report be made to the NCIS?

[Please tick the relevant box] Yes No

If yes, please confirm date of report to NCIS:and complete the box below:

| |
|--|
| <p>Details of liaison with the NCIS regarding the report:</p> <p>Notice Period: To</p> <p>Moratorium Period: To</p> |
|--|

Is consent required from the NCIS to any ongoing or imminent transactions which would otherwise be prohibited acts?

Yes No

If yes, please confirm full details in the box below:

| |
|--|
| |
|--|

Date consent received from NCIS:

Date consent given by you to employee or member:

If there are reasonable grounds to suspect money laundering, but you do not intend to report the matter to the NCIS, please set out below the reason(s) for non-disclosure:

| |
|---|
| <p><i>[Please set out any reasonable excuse for non-disclosure]</i></p> |
|---|

Date consent given by you to member or employee for any prohibited act transactions to proceed:

Other relevant information:

Signed:.....Dated:.....

THIS REPORT IS TO BE RETAINED FOR AT LEAST FIVE YEARS

CORPORATE COMMITTEE
26 JUNE 2014

Report of the Head of Corporate Services

REVIEW OF THE IPAD PILOT

SUMMARY

This report updates the Committee on feedback from members of the iPad pilot group on their experience and includes recommendations on the future ICT platform for elected Members.

RECOMMENDATION

1. That the iPad is specified as the standard device for all Members of the District Council with effect from the new Council in 2015.
2. That all existing Members of the Council not currently using the iPad be invited to exchange their laptop for an iPad for their remaining term of office.
3. That the current monthly allowance towards home broadband connection be discontinued for all Members using the iPad device.
4. That training in the use of the iPad is made available by the Joint ICT Service on a 1:1 basis.
5. That the Head of Corporate Services be delegated authority to work in partnership with the Joint ICT Service to develop use of the iPad and, in particular to:
 - refine protocols to enable the complete move to paperless Council and Committee meetings for all iPad users by September 2014,
 - evaluate the effectiveness of iPad training,
 - source the most practicable accessories including the ability to print,
 - develop the content of the Member Portal, and
 - improve Wi-Fi in Matlock Town Hall in support of agile working

WARDS AFFECTED

Not applicable

STRATEGIC LINK

The effective use of ICT enables elected Members to keep in touch with their constituents, improve communications generally and contribute to the corporate savings targets.

1. BACKGROUND

- 1.1 At its meeting on 27 June, 2013, the Committee accepted the report of the Member Development Working Group, which recommended the establishment of a pilot of 16 volunteer members to test the functionality of tablet computers.
- 1.2 The pilot group comprises 16 members of the Central and Northern Planning Committee and two officers of the Council. To support the pilot, Wi-Fi access is available in the Council Chamber to supplement the 3g and mobile data facility accessible on each device.
- 1.3 Protocols to encourage electronic communication as the method of first choice have been developed as follows:
 - All routine correspondence that would otherwise be sent by traditional means including all committee papers
 - Payslips were e-enabled in March 2014.
 - Consultations on planning applications are now facilitated through the website. All household and minor planning applications are consulted upon entirely in electronic format.
 - Meetings of the Central and Northern Planning Committee have been conducted without paper copies of the agenda since January of this year. Practice has shown however that Chairmen of the Committee need a paper copy to effectively conduct site visits.
 - A Members Portal has been created where copies of agenda and minutes are stored awaiting download. The documents are created in pdf format and the iPad has a tool which enables Members to make notes directly on the document in preparation for meetings.
 - Emails are accessible direct from the iPad without the need for complicated log in protocols and any auto forwarding to personal emails for members within the pilot group has ceased.
- 1.4 Training has been provided so far has been on basic functionality, how to use the Member Portal, and the on line planning application consultation process. On-going training is available on a 1:1 basis on request from the Joint ICT service.
- 1.5 A second tranche of iPads was authorised by the Committee to a further 9 Members who had previously opted not to receive a laptop and who were at risk of being unable to access emails without the webmail facility. Webmail was withdrawn in order to comply with Government IT protocols earlier in the year. This second tranche of iPads is currently in transition and the user feedback has not yet been canvassed or moved to the complete paperless environment.

2. FEEDBACK

- 2.1 14 members of the pilot group (including 2 Officers) have completed a questionnaire, designed to capture Members' views on the iPad's functionality and their experience in practice. The form also invited comments on -

- the impact of the iPad during the period of the pilot
- training and other assistance received so far
- recommendations for other 'Apps'
- particular problems encountered during the pilot experience

2.2 The results to set questions are summarised in table form at Appendix 1 with highlight comments below. Neutral ratings are where the respondents had little or no experience to express a firm opinion.

2.3 Ease of Use and Functionality

Ease of use received a high score from the pilot group with only one member of the pilot expressing dissatisfaction with convenience. This related to an Officer's experience with a faulty device. This has now been rectified.

2.4 Connectivity

Connectivity was rated both on the 3g (or mobile data network), Wi-Fi at the Town Hall and at home. Dissatisfaction with the connection service, where explained, was down to poor broadband speed at home, and a faulty device. Comments relating to poor connectivity whilst on site visits were identified early on in the pilot. This is due to varying signal strength on the data mobile network which is outside the Council's control. The problem has been mitigated by the Chairman and lead Officer guiding Members through paper copies of the plans.

2.5 Functionality and Practicality of the iPad

The range of feedback on functionality and practicality is attributable to the respondents' level of confidence, training and opportunity. Training on basic functionality was provided to all iPad users on hand over and group sessions were held on how to access the Members Portal and on line planning consultation. The feedback suggests however that 1:1 training would be most beneficial and is available now on request from the Joint ICT Team. Training will enable members to have greater confidence in using the more advanced features which have been highlighted as the ability to annotate documents; manage files and folders, and complete documents on line (eg the evaluation questionnaire).

2.6 Members Portal

The Members Portal is an electronic library for committee papers and other information. Members access the Portal to download and view information in different formats according to choice. A downloaded agenda is then the document which enables participation in paperless meetings.

Comments on the Portal suggest that an email reminder that Agendas are ready to view would be beneficial and to compliment the role of Committee Chairmen a paper copy of the running order would also be beneficial. One other suggestion for the future is to upload planning applications for comment as an alternative to the web site.

2.7 'Apps'

'Apps' are self-contained programs or software designed to fulfil a particular purpose by a user on a mobile device. The pilot group had access to text processing, spreadsheets, iBooks (for viewing documents) and iAnnotate for making notes. Feedback was split from levels of satisfaction and neutral. The commentary suggests that the lack of detailed training, leading to low levels of opportunity is the contributory factors. The recommendation to offer personalised training is aimed at redressing the situation

2.8 Comments

As an indication of the overall success of the pilot, 92% of the 12 Member respondents indicated that they would recommend the iPad (or other tablet device) for use by all Members of the Council. 83% would not want to go back to using a laptop.

Positive comments on the pilot centre on :

- Ease of use generally and particularly for emails without complicated log in protocols
- Time and space saver
- Convenience and portability
- Potential to save money on paper and post

Negative comments include:

- Time spent dealing with junk mail
- Need to transfer information to personal pc in order to print
- Need for detailed training to make best use of device
- Lack of clarity for detailed plans (eg planning applications)

2.9 Problems Encountered During the Pilot

The main problems experienced during the pilot were:

- Difficulty in 'jumping' from the Agenda front sheet to various reports.
- Completing the on line evaluation questionnaire
- Commenting on planning applications due to size of plans available to view on line in comparison with printed alternative
- Mobile Data Network connection – due to terrain and faulty device

2.10 Training

When asked for comments on training or other assistance required in making best use of the iPad, comments varied in strength of feeling according to the respondents' level of confidence in IT generally. Training needs were therefore wide ranging and personal.

3. SAVINGS

3.1 Print and Mail

Looking at the period 14 January to 2 June 2014 use of the iPad and the move towards full electronic communication has realised a 12.82% reduction in the cost of postage and a 24.5% reduction in print volume. Actual savings in relation to the pilot group are summarised below. Unquantifiable savings include communications sent by email which would otherwise be sent by traditional means.

| Item | Saving |
|---------------------------------------|----------|
| Committee Papers print and post | £1016.33 |
| Annual Meeting papers | £650.62 |
| Planning consultations print and post | £623.29 |
| Total | £2290.24 |

This situation compares favourably with the initial estimates which forecast an annual saving in print and post of £4380 and £990 respectively.

The reduction in staff time associated with the task of print and post is being addressed as part of the agreed Action Plan following the Administration Review. The potential underutilisation of the print equipment will be investigated shortly within the scope of the Reprographics Service Review.

3.2 Connection costs

The current iPads are connected to a mobile data network enabling users to work anytime and anywhere. The cost of this benefit is £23.50 pcm. A number of members of the pilot group also claim a monthly allowance towards their home broadband which may be seen as a duplicate allowance offering potential for further savings. Withdrawal of the broadband allowance to current members of the pilot group would save £1772.40 pa and for the entire group, savings of £4443.60 pa.

3.3 Officer Use of iPads

The Corporate Management Team (CMT) has recently discussed the potential to realise further savings by managing more internal meetings in a paperless environment. For example the cost of producing an average agenda for the bi-weekly meeting of CMT is £14.50 per event plus the office(s) time in producing it. The officers involved also receive paper copies of committee agenda and, if provided with an iPad could, contribute further to the aim of paperless meetings.

This extended provision of 'team' iPads for Officers would be financed from office equipment budgets or by natural replacements of laptops. The iPads are not intended to replace the standard desktop pc where access to network drives is

essential.

Discussions have taken place with the Joint ICT team regarding the extension of the range of Wi-Fi in the building to enable enhanced use. The Joint ICT team agreed to engage consultants to carry out a survey, which will address issues such as the nature of the building and data security. The survey will cost £1,000, which can be accommodated from an existing ICT budget.

4. CONCLUSION

- 4.1 Feedback from the review is very encouraging and supports the initial view that the iPad provides a convenient and portable device which enables Members to work effectively anytime, anywhere. The initial outlay is on target to be repaid by savings in the cost of print and post and the environmental impact of paperless operations cannot be underestimated.
- 4.2 The move to electronic communications compliments the current channel shift agenda which seeks to open up opportunities to use technology to be more productive and contribute to corporate savings targets. The iPad enables instant access to emails which can assist Members in being more accessible to their constituents and whilst the added convenience may be difficult to quantify in financial terms, the feedback appears justified in qualitative terms.
- 4.3 There is a need however for the organisation to *adapt* to digital technology. Individuals need to be supported by appropriate training; rules and protocols need to be developed to ensure consistency, and to embed the new ways of working.
- 4.4 The recommendations therefore encourage the Council to take a step forward and to commit to a full e-communication framework and modern ways of working with appropriate safeguards to enable all concerned to participate to their potential.
- 4.5 The cost of rolling out iPads to the 13 remaining members of the Council would be £55 per device, plus £x software and ongoing connection costs of £23.50 per month. The lifespan of the iPad is considered to be similar to a laptop and any brought into use in 2014 could be handed over to any new members of the Council in 2015.

5. RISK ASSESSMENT

3.1 Legal

The recommendations and training demonstrate a pragmatic approach to organisational learning, which help to reinforce the Council's core values and transformational programme. The move to comprehensive use of the iPad would regularise connectivity in a controlled manner and thereby mitigating data security risk. The legal risk is therefore low.

3.2 Financial

The report demonstrates that savings can be achieved through the use of iPads, and therefore the financial risk is 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. LIST OF BACKGROUND PAPERS

None

7. ATTACHMENTS

Appendix 1 – iPad Evaluation Feedback summary

iPad Evaluation

■ Very Satisfied
 ■ Satisfied
 ■ Neutral
 ■ Dis-satisfied
 ■ Very dis-satisfied

