

## **CABINET**

### **MINUTES OF MEETING HELD ON 11 JUNE 2014**

## **I N D E X**

<b>Page No</b>	<b>Minute No</b>	<b>Heading</b>
1	68	Apologies for Absence
1	69	Declarations of Interest
1	70	Minutes of Last Meeting
1	71	Disclosure and Barring Service
2	72	Revised Policy and Procedures for Organisational Review
2	73	Whistleblowing Policy
4	74	Appointment of NEDDC Director to North Eastern Derbyshire Business Developments (NEDBD) Ltd
5	75	Growth Strategy
6	76	Flexible Tenancies
6	77	Avenue Works Community Representatives Group
7	78	Risk Management Update, Partnership Working and Strategic Risk Register
8	79	Proposals to Bid for Additional Borrowing for the Provision of new Council Homes
11	80	ICT Information Security Policy
11	81	Information Management Strategy
12	82	Urgent Business (Public Session)
14	83	Exclusion of Public
14	84	Medium Term Financial Plan
16	85	Tender for Reclamation of Land

17	86	Urgent Business (Private Session)
18		Appendix A
31		Appendix B
40		Appendix C
50		Appendix D
86		Appendix E
90		Appendix F
106		Appendix G

## **CABINET**

### **MINUTES OF MEETING HELD ON 11 JUNE 2014**

#### **Present:**

Councillor G Baxter MBE ..... Leader (in the Chair)

Councillor N Barker

" N Foster

" M Gordon

" Mrs E A Hill

Councillor P R Kerry

" Mrs L Robinson

" P Williams

#### **68 Apologies for Absence**

There were no apologies for absence submitted at this meeting of Cabinet.

#### **69 Declarations of Interest**

Members were requested to declare the existence and nature of any disclosable pecuniary interests and/or other interests, not already on their register of interests, in any item on the agenda and withdraw from the meeting at the appropriate time.

Councillor N Foster declared an other interest which was not significant in the Urgent Business Report: Local Government Pension Scheme Discretions 2014. It was noted that as Councillor Foster's interest was not significant he could speak and vote on the report.

#### **70 Minutes of Last Meeting**

RESOLVED – That the Minutes of the meeting of the Cabinet held on 14 May 2014 be approved as a correct record and signed by the Leader.

#### **71 Disclosure and Barring Service**

Cabinet considered Report No NB/03/14/JB of Councillor N Barker. The purpose of the report was to advise Members of an updated Disclosure and Barring Service Policy 2014.

Members were advised that following a review in 2013 into Disclosure and Barring Service procedures an audit of all posts had been undertaken to identify which posts which were considered regulated activity relating to children and/or adults.

The Disclosure and Barring Service had introduced an online service which enabled applicants to update their Disclosure and Barring Certificates and allowed employers to check if updated information was held in respect of a particular applicant.

The Council's Strategic Alliance Management Team in March 2014 had agreed that employees/prospective employees be required to register with the Disclosure and Barring Service online system so that status checks could be undertaken on an annual basis.

Cabinet was advised that the Disclosure and Barring Service Policy 2014 had been considered and recommended by the Council Joint Consultative Group from its meeting held on 16 April 2014.

**RESOLVED** – That Cabinet approves the Disclosure and Barring Service Policy 2014 attached as **Appendix A** to these Minutes as recommended to it by the Council Joint Consultative Group from its meeting held on 16 April 2014.

**Reason for Decision:-**

Failure to comply by the Council with the requirements of the Disclosure and Barring Service Policy is a criminal offence.

(Assistant Director – Human Resources and Payroll/  
Human Resources Adviser)

**72     Revised Policy and Procedures for Organisational Review**

Cabinet considered Report No NB/04/14/TM of Councillor N Barker. The purpose of the report was to request Cabinet's approval of a revised Policy and Procedures document for organisational reviews at the District Council.

The Council had for a number of years had a policy for organisational reviews, this document had recently been re-drafted to reflect changing circumstances and experience. Following work with colleagues at Bolsover District Council it had been agreed that both Councils would have a similar policy for use in Organisational Reviews. A draft revised document had been considered by the Council's Strategic Alliance Management Team and subsequently been discussed by a joint group of trade union representatives. The policy had been approved through the appropriate committee process at Bolsover District Council. It had also been supported by this District Council's Joint Consultative Group at its meeting on 16 April 2014. It was confirmed that at the request of Bolsover Council, that each Council would have its own policy on organisational reviews.

**RESOLVED** – That Cabinet approves the revised Policy and Procedures for Organisational Review document attached as **Appendix B** to these Minutes.

**Reason for Decision:-**

Reviews of Council services continues to be a necessary process, it is important to have appropriate up-to-date procedures to ensure fairness and consistency.

(Assistant Director – Human Resources and Payroll/  
Senior Human Resources Adviser)

**73     Whistleblowing Policy**

Cabinet considered Report No NB/06/14/SS of Councillor N Barker. The purpose of the report was to enable Cabinet to consider and approve a Whistleblowing Policy for the Council. The Public Interest Disclosure Act 1998 requires employers to refrain from dismissing workers or subjecting them to any other detriment because they had made a protected disclosure ("whistleblowing"). Whistleblowing occurred

when an employee raised a concern about a possible fraud, crime, danger or other serious risks which could threaten customers, colleagues, the public or the organisation's reputation.

Whistleblowing Policies were aimed at fostering a climate of openness and transparency in which individuals do not feel that they would be victimised if they raised concerns about wrong doing in their organisation.

The Enterprise and Regulatory Reform Act 2013 had made a number of important changes to the legislative framework relating to whistleblowing. These were:-

- There was now an express requirement that whistleblowing by an employee or workers was made in the public interest, the Enterprise and Regulatory Reform Act 2013 did not define public interest, but it was implicit that the disclosure of any wrong doing by an employee must exclude an element which could be characterised as purely of a personal nature.
- A disclosure no longer had to be made in "good faith" to be protected, disclosures made purely out of malice or the intention of personal gain would be protected as long as they were made in the reasonable belief that they were in the public interest.

Whistleblowers were now protected from suffering detriment, bullying or harassment from other employees. An employer could be held liable for any detriment inflicted on the whistleblower by their colleagues. An employer would have a defence if it could demonstrate that it had taken all reasonable steps to prevent detriment being inflicted on the whistleblower.

Cabinet was advised that as part of best practice arrangements the Government expected all public bodies to have written Whistleblowing Policies, it was necessary that the Council Whistleblowing Policy be updated. The Policy had been considered by the Strategic Alliance Management Team, the District Council's Joint Consultative Group and the Standards Committee.

**RESOLVED** – That Cabinet approves the Whistleblowing Policy attached as **Appendix C** to these Minutes.

**Reasons for Decision:-**

The Government, as part of its best practice guidance expects all public bodies to have written Whistleblowing Policies, it is necessary that the Council has an up-to-date and fit for purpose Whistleblowing Policy.

(Assistant Director – Governance and Monitoring Officer/  
Deputy Monitoring Officer)

**74     Appointment of NEDDC Director to North Eastern Derbyshire Business Developments (NEDBD) Ltd**

Cabinet considered Report No GBXR/10/14/SL of Councillor G Baxter MBE. The purpose of the report was to appoint a District Council officer representative to the North Eastern Derbyshire Business Development Limited (NEDBD) and endorse their registration as a director at Companies House.

Cabinet was advised that the North Eastern Derbyshire Business Development Limited was a not for profit company established in 1993 to act as the accountable body and operating company for CHART Local Strategic Partnership. Currently its primary role was to act as the accountable body for the BNED LEADER Approach, the Grassland Hasmoor ... Big Local Project, the former CHART area (North East Derbyshire and Chesterfield) health monies and Destination Chesterfield. The company also acted as the accountable body for individual projects and applied to funding bodies on behalf of partners, managing the financial aspects of their projects.

The company was democratically managed by several local public and private agencies and was chaired by the Derbyshire and Nottinghamshire Chamber of Commerce. Each of the following had a named director registered with Companies House:-

- Bolsover District Council
- Chesterfield Borough Council
- Chesterfield and District Trades Union Council
- Derbyshire County Council
- North East Derbyshire District Council

Cabinet was advised that the Derbyshire and Nottinghamshire Chamber of Commerce provided the Company Secretary services and that the District Council's Strategic Partnership Co-ordinator acted as the Executive Officer to the company.

Members were advised that this report would also presented to Bolsover District Council with the recommendation that they appoint the same officer to represent the views and vote on behalf of both Councils.

The alternative options considered and rejected were detailed as paragraphs 4.1 to 4.3 of the report.

**RESOLVED** – That Cabinet appoints the Assistant Director for Economic Growth as the Council's representative on North Eastern Derbyshire Business Development Limited.

**Reasons for Decision:-**

The reasons for the decision are:-

- (1) North Eastern Derbyshire Business Development Limited is an appropriate vehicle for administering local economic, community and health development funding in the District.

- (2) The remit of the Officer nominated as the Council's representative on North Eastern Derbyshire Business Development Limited is closely aligned to the economic development focus of that organisation.

(Chief Executive/  
Strategic Partnership Co-ordinator/  
Assistant Director – Economic Growth)

## **75 Growth Strategy**

Cabinet considered Report No GBXR/11/14/JF of Councillor G Baxter MBE. The purpose of the report was to present for Cabinet's approval the Council's Growth Strategy. Following the Local Government Association Peer Review of both Bolsover and North East Derbyshire Councils last year a bid had been submitted to the Local Government Association and a specialist consultant had provided 14 days support for the preparation of a Growth Strategy for both Councils.

The Council recognised that there would be further cuts in government grant it received. The Growth Strategy was designed to unlock the potential to deliver further growth based on the New Homes Bonus and the Business Rate Retention Scheme. The Strategy was aimed at maximising opportunities to ensure the Council's long term viability.

Once the Growth Strategy had been approved by Members it would be corporately designed for publication. Work would also be undertaken on reviewing and refreshing the Council's Corporate Plan. Both the Corporate Plan and the Growth Strategy would need to complement each other and would provide direction to the Council over the coming years against a backdrop of continued financial pressures as a result of cuts in government grant.

To assist development of the Growth Strategy a number of workshops had been held with Members, together with consultation events for the local business community and with representatives from the Local Enterprise Partnerships. An Equality Impact Assessment had not yet been completed as the Strategy was aimed primarily at the Council's relationship with private sector clients. Some of the transformational intervention projects, which may form the action plan, could require an Equality Impact Assessment to be completed as part of a business case, further consultation may be required on this matter.

The alternative options considered and rejected with detailed at paragraph 4.1 of the report.

**RESOLVED** – That Cabinet approves the Growth Strategy attached as **Appendix D** to these Minutes.

### **Reasons for Decision:-**

- (1) The Growth Strategy had been developed in accordance with the Local Enterprise Partnership Economic Plans for Sheffield City Region and Derby/Derbyshire Nottingham/Nottinghamshire (D2/N2) to ensure that it supports the delivery of wider regional growth, achievement of maximum leverage and improved collaboration.

- (2) The Strategy sets out the Council's growth ambition, priorities and approach to enable the growth of the local economy to create stability and prosperity.

(Chief Executive/  
Assistant Director – Customer Service and Improvement)

## **76 Flexible Tenancies**

Cabinet considered Report No EAH/09/14/RS of Councillor Mrs E A Hill (supported by Councillor M Gordon) together with a supplementary appendix relating to an Equality Impact Assessment. The purpose of the report was to provide Cabinet with information on proposals for a pilot flexible fixed term tenancy scheme as part of the Council's Choice Based Lettings and Allocations Policy. The report requested a decision as to whether or not to adopt the Flexible Fixed Term Tenancy Scheme for applicants with £30,000 or more equity but who were unable to access that equity at the present time.

In March 2014 Cabinet had agreed to explore options for a pilot flexible tenancy scheme for those applicants with £30,000 equity or above who would be excluded from the Council's Choice Move but who could not access that equity at the current time. The reason for exploring a fixed term tenancy for this group was that it would benefit those applicants excluded from the waiting list due to equity at a time when they were unable to access that equity and give them time to pursue other housing options once that equity was released.

The proposal to adopt a flexible tenancy scheme for applicants who had equity of £30,000 or more, but who were unable to access it, would benefit some applicants in temporary housing need caused by their inability to access equity which may be tied up in a matrimonial home. Cabinet was also requested to have regard to the proposal in light of the risks detailed in section 6 of the report relating to the Right to Buy.

**RESOLVED** – That Cabinet does not adopt the Flexible Fixed Term Tenancy Scheme proposed at this time.

### **Reason for Decision:-**

The Cabinet had regard to the options detailed at paragraph 1.1 to 8 of the report and the risks detailed at paragraphs 6.1 to 6.6 of the report.

(Assistant Director – Economic Growth/  
Housing Strategy and Enabling Manager)

## **77 Avenue Works Community Representatives Group**

Cabinet considered Report No EAH/10/14/SC of Councillor Mrs E A Hill (supported by Councillor M Gordon). The purpose of the report was to seek Cabinet's approval for the disbandment of the Avenue Works Community Representatives Group.

Cabinet established the Avenue Works Community Representatives Group in August 2009 to provide effective and efficient communication between the Avenue Project Team and the various Council and community groups affected by the



Avenue proposals. The Group had functioned as an effective community sounding board. It was now considered that the Group had completed its work and it was proposed that it be disbanded in the interests of efficiency.

The relevant Cabinet Portfolio Holders and the Chair of the Avenue Works Community Representatives Group had been consulted about the proposal and were in agreement with the recommendation in the report.

**RESOLVED** – That Cabinet approves that the Avenue Works Community Representative Group be disbanded and that its community representative members be informed accordingly.

**Reason for Decision:-**

The decision enables the disestablishment of the Avenue Works Community Representatives Group in the interests of efficiency.

(Deputy Monitoring Officer/  
Governance Officer)

**78     Risk Management Update, Partnership Working and Strategic Risk Register**

Cabinet considered Report No PRK/14/14/BM of Councillor P R Kerry. The purpose of the report was:-

- To update Cabinet on the current position regarding Risk Management and to seek approval for the revised Strategic Risk Register as at 31 March 2014 as part of the suite of Finance, Performance and Risk reports.
- To update Cabinet regarding the arrangements in place currently to manage partnership work, including the associated risk.

The Council had an established framework and approach to Risk Management which featured a Risk Management Strategy supported by a Risk Management Tool Kit. The Council's approach to Risk Management aimed to secure a number of objectives and operate in accordance with best practice. The objectives to be secured were detailed in a series of bullet points at paragraph 1.2 of the report.

The revised Strategic Risk Register as at 31 March 2014 was detailed in Appendix 1 for Cabinet's consideration and approval. The intention of the quarterly review of the Register was to secure the following objectives:-

- Identify any newly emerging risks which needed to be added to the Register and remove any risks that had been resolved to maintain a focus on current risks.
- Revising the Risk Register ensured that existing risks were reviewed, that appropriate mitigation remained in place and where the necessary assessment was revisited.

The issues for Cabinet's consideration were detailed at paragraphs 1.1 to 5.3 of the report. There were no alternative options considered and rejected.

Members were advised that the Council was increasingly reliant upon partnership working in order to achieve its agreed priorities. In overall terms a key element which emerged from the Strategic Risk Register was one of an ongoing requirement to maintain the Council's performance in respect of service delivery, performance and governance. This was against a background of the Council delivering a comprehensive programme of change over recent years, together with the ongoing reductions in grant from central government.

The initiatives necessary to secure continued improvement to the Council all brought with them risks and needed to be managed effectively, the Council's Risk Management Framework would assist in ensuring that these risks continued to be addressed.

In terms of financial implications, there were no additional financial implications arising from the report. All other appropriate additional mitigation measures had been identified and implemented during the course of preparing the Strategic and Operational Risk Registers, the cost of implementing this mitigation would be met from budgets agreed previously.

**RESOLVED** – That Cabinet:

- (1) Approves the Council's Strategic Risk Register attached as **Appendix E** to these Minutes.
- (2) Requests that an update of the Strategic Risk Register as at 30 June 2014 be submitted to a future meeting of Cabinet for its approval.

**Reason for Decisions:-**

The decisions enabled Cabinet to consider the risks identified within the Strategic Risk Register to assist the Council in maintaining effective governance arrangements, services and financial performance.

(Executive Director – Operations)

**79     Proposals to Bid for Additional Borrowing for the Provision of new Council Homes**

Cabinet considered Report No PRK/15/14/KP of Councillor P R Kerry. The purpose of the report was as follows:-

- To seek Cabinet approval to submit an application for additional Housing Revenue Account (HRA) borrowing to the Department for Communities and Local Government Local Growth Fund Housing Revenue Account Borrowing Programme.
- To obtain approval to use this funding to develop additional council homes for rent in the district, on council owned sites, and meet the gaps in provision for smaller units and mobility/wheelchair units locally.

- The HRA borrowing will in effect be an application to extend the HRA debt Cap that was set by the Government when the HRA reforms were undertaken in 2012.
- The proposals build on ongoing work to identify sites and opportunities in partnership with Rykneld Homes Ltd to consider options to increase the number of council rented homes.
- Approval in principle by Cabinet, including indicative numbers and potential sites (subject to planning) is required prior to the deadline for 'expressions of interest' for the Fund which is 5pm on Monday 16 June 2014.

The Government was requesting that local authorities who needed to borrow additional funding to increase their borrowing capacity to deliver new homes respond to them via an application for an extension of the Housing Revenue Account borrowing limit. This was part of the Local Growth Fund Initiative and as such all bids would have to be endorsed by the Local Enterprise Partnerships and be in accordance with the Strategic Economic Plan.

There were two bidding options:-

- Firm Schemes – to be submitted by 5.00 pm on 16 June 2014.
- Expressions of Interest for scheme that would be required to start in 2016-17 to be submitted by 5.00 pm on 16 June 2014.

The Council was not in a position to submit a firm bid by the required deadline as it did not have any schemes to such a position to move forward and deliver at short notice. It was appropriate therefore for the Council to consider submitting an expression of interest application for a scheme to start in 2016/17.

The Department for Local Government and Communities required that authorities who wished to submit an expression of interest for additional borrowing should provide information requested at paragraph 1.9 of the report.

As part of the process of developing the bid officers had undertaken discussions with Rykneld Homes Limited and had considered schemes in respect of sites at Tupton, Dronfield and Barlow. The details for Cabinet's consideration were set out at paragraphs 1.1 to 8.1 of the report.

The alternative options considered and rejected were detailed at paragraphs 5.1 to 5.3 of the report.

**RESOLVED** – That Cabinet:

- (1) Agrees that the Council submits an Expression of interest to borrow an additional £6m to the Department for Communities and Local Government Local Growth Fund Housing Revenue Account (HRA) Borrowing Programme 2016-17.

- (2) Agrees the inclusion of sites at Tupton, Dronfield and Barlow as detailed in the report for inclusion in the bid detailed at resolution (1) above.
- (3) Notes the position and plans for the existing Housing Revenue Account Borrowing headroom and that the Council will maintain a £2m headroom gap to meet any unforeseen circumstances.
- (4) Continues with the annual debt repayments as contained within the Medium Term Financial Plan (MTFP) to ensure the Housing Revenue Account headroom is maintained for future works on the Non Traditional Housing Stock.
- (5) Notes the estimated costs of utilising the borrowing headroom and the impact that has on the Development Reserve contributions.
- (6) Notes the outline costs of the proposed scheme to build new houses based on the following assumptions:-
  - £6m scheme;
  - Loan – Equal Instalments of Principal (EIP loan) – term 50 years;
  - Interest rate of 4.0%;
  - Build 66 properties;
  - Rents start at £85.00 per week with rent increase of 1.5% per year;
  - Voids at 2.5%;
  - Doubtful debts 2%;
  - Management and maintenance cost at £450 per property increasing by £200 every 10 years;
  - Major Repairs Allowance £500 per property per year;
  - Interest on balances at 2.5%.
- (7) Receives an update on the result of the bid detailed at resolution (1) above and proposed programme of work at the appropriate time.

**Reasons for Decisions:-**

The reasons for the decisions are as follows:-

- (1) An application to increase the Housing Revenue Account debt cap and create additional borrowing capacity would provide an opportunity for the Council to consider the delivery of a new build housing scheme, whilst focusing on the need to address the non traditional housing stock issues within the District.
- (2) The proposals will contribute towards the Council's Growth Agenda.
- (3) The sites proposed in the bid have been identified in a site audit work exercise and have the support of Local Members and are deliverable within the timescale required by the bid criteria.

(Assistant Director – Economic Growth/  
Housing Strategy and Enabling Manager)

**80     ICT Information Security Policy**

Cabinet considered Report No PW/04/14/NB of Councillor P Williams. The purpose of the report was to submit for Cabinet's consideration a revised ICT Information Security Policy.

The revised ICT Information Security Policy sought to cover the specific requirements of the Code of Connection to access central government systems and the delivery of secure email within the public sector. The Policy was designed to protect the Council from loss of personal data and resultant sanctions and fines levied by the Information Commissioner's Office.

During the course of Cabinet's consideration of the report a number of Members asked whether the ICT Information Security Policy applied to elected Members. It was requested that consideration of the report be deferred to the next meeting of Cabinet to establish whether the Information Security Policy applied to elected Members.

**RESOLVED** – That consideration of the ICT Information Security Policy be deferred for consideration to the next meeting of Cabinet on 2 July 2014 so that clarification can be provided as to whether any of the Policy applies to Members.

**Reason for Decision:-**

Cabinet deferred consideration of the report to its meeting on 2 July 2014 so that clarification can be provided as to whether any of the Policy applies to Members.

(Executive Director – Transformation/  
Executive Director – Operations/  
ICT Manager)

**81     Information Management Strategy**

Cabinet considered Report No PW/05/14/JF of Councillor P Williams. The purpose of the report was to seek Cabinet's approval of the new Information Management Strategy.

The joint Strategy proposed detailed the ambitions of both Bolsover District Council and North East Derbyshire District Council in respect of Information Management. Both Councils recognised the importance of information to the daily work of their authorities. The Strategy had been produced to ensure that both Councils managed information in compliance with the Public Service Network (PSN) requirements and the Payment Cards Industry (PCI-DSS) requirements and was also in accordance with the requirements of the Data Protection Act and other associated legislation in respect of Information Management.

The details for Cabinet's consideration were set out at paragraphs 1.1 to 5.3.1 of the report. The other options considered and rejected were detailed at paragraph 4.1 of the report.

**RESOLVED –**

- (1) That Cabinet approves the Information Management Strategy attached as **Appendix F** to these Minutes and notes its requirements.
- (2) That the Information Management Strategy be published on the Council's intranet and internet systems

**Reasons for Decisions:-**

The approval of the Information Management Strategy meets the compliance requirements of the Public Service Network.

(Assistant Director – Customer Service and Improvement)

**82    Urgent Business (Public Session)**

Cabinet agreed to consider the following item of business in the public session of their meeting.

Cabinet considered Report No NB/05/14/TM – Local Government Pension Scheme Discretions 2014. The purpose of the report was to:-

- Consider the proposed policy on those discretions which the Council has to make, publish and keep under review under the Local Government Pension Scheme following new Regulations.
- Consider delegating the authority to vary the general policy where individual circumstances dictate that considering a variation to the standard policy may be appropriate.
- Consult on the approach where consideration to vary a standard policy is appropriate.
- Consider the approach where a decision to vary the standard policy may be inappropriate.

**Reason for Urgency**

Cabinet agreed to consider the report as a matter of urgency as the Council was required to have a Local Government Pension Scheme Discretions 2014 in place by 30 June 2014. Unfortunately this had proved a complex matter and it had taken some time to prepare the Scheme. Nonetheless it remained necessary to have a Scheme in place by the due date and this Cabinet meeting was the only opportunity to have the arrangements agreed formally, therefore the matter was urgent.

Cabinet was advised that a new Local Government Scheme had been introduced and changes to pension arrangements had taken place with effect from 1 April 2014. Under the Pension Scheme Regulations employers were required to formulate, publish and keep under review a Policy Statement in relation to the

exercise of a number of discretions that were available. The Policy Statement was to be in place by 30 June 2014. In addition to producing a new Policy Statement in respect of certain discretions available in the 2014 Scheme it was necessary to draw up a separate list of discretions which may still apply in respect of leavers after 31 March 2008 and before April 2014. Some discretions available prior to 2014 had been removed and others had been replaced and this necessitated updating the Council's Policy Statement on Discretions. The Council's existing discretions relating to the Compensation Regulations were not affected by the report submitted.

A common aspect of the Council's current Pension Scheme Discretions Policy was that generally the discretions would not apply but it was necessary to allow for this general approach to be varied should circumstances of a particular case make this stance inappropriate. When making such decisions each case would be considered on its own merits and full reasons would be given for the outcome. The initial application would be directed to the Chief Financial Officer (Executive Director – Operations) who would take a view if it was appropriate to consider a Discretionary Award and then a report would be taken to Cabinet recommending a corresponding budgetary position be established. In a case where the Chief Financial Officer did not support such an application the individual making the application, if they were not satisfied with the decision, could appeal to Cabinet for a review of that decision. Such an appeal would be made in the first instance to the Chief Executive who would arrange for a report to be taken to Cabinet. The employee/former employee concerned would be allowed to submit a written Statement of Case while the Chief Financial Officer would provide a written statement setting out the reasons why the application should be rejected.

Attached as Appendix 1 to the report was a list of discretions for which employers must consider in a Policy Statement made under the 2014 Scheme. The Council's proposed position was based on the Discretions approved by Derbyshire County Council.

Cabinet was advised that the matter had been considered by the Council Joint Consultative Group who had established a Working Group to consider the detail. The Working Group had met and supported to the approach detailed in the report.

**RESOLVED** That Cabinet:-

- (1) Approves the Council's Policy Statement in respect of the discretions under the Local Government Pension Scheme 2014 as detailed in **Appendix G** to these Minutes.
- (2) Delegates authority to the Chief Financial Officer to make an assessment of applications received to vary the general approach to the exercise of the discretions under the Local Government Pension Scheme and to report to Cabinet requesting its approval of budgetary provision if appropriate.

**Reasons for Decisions**

- (1) The position of this Council on the Local Government Pension Scheme Discretions 2014 is that discretions will only be applied where this does not involve additional strain on the pension fund or additional cost to the Council.

- (2) The Council's policy is generally in accordance with that adopted by Derbyshire County Council, and the overall approach is consistent with that of other local authorities.
- (3) Whilst the general approach is not to exercise any discretion where there is a cost to the Council, there may be some circumstances where this approach is too restrictive and discretionary powers will be exercised and appropriate appeal arrangements made.

(Chief Executive/  
Assistant Director – Human Resources and Payroll/  
Executive Director – Operations)

### **83     Exclusion of Public**

**RESOLVED** - That the public be excluded from the meeting during the discussion of the following items of business to avoid the disclosure to them of exempt information as defined in Paragraphs 1, 3 and 4, Part I of Schedule 12A to the Local Government Act 1972 (as amended by the Local Government (Access to Information)(Variation) Order 2006). [The category of exempt information is stated after each Minute].

### **84     Medium Term Financial Plan**

Cabinet considered Report No PRK/16/14/BM of Councillor P R Kerry. The purpose of the report was as follows:-

- To advise Cabinet of the outcome of the consultation process with employees in respect of the Design and Print service, including a recommended option concerning the future of the service.
- To seek Cabinet's approval for the creation of one temporary post and one permanent post (this being hosted by Bolsover District Council) to facilitate the delivery of the Council's Transformation Agenda. The approval of these posts is required to provide the capacity necessary to enable the two authorities to secure the efficiencies that can be realised through securing improvements in our business processes. The posts concerned have already been recommended for approval to both Councils by the Strategic Alliance Joint Committee at its meeting on 23 April 2014.
- To seek Cabinet's approval to submit a report to Council recommending a change in the Policy and Performance team which would see the duties of the post of Communications Assistant (CE510) amended into a role supporting work dealing with Freedom of Information and related requests.
- For Cabinet to note an update in respect of the procurement for securing new banking arrangements following the withdrawal of the Co-op Bank from the local authority sector.
- To update Cabinet regarding the position in respect of remedial work required on elements of the refurbishment work undertaken at Dronfield Leisure Centre.



Information in respect of the Print and Design service was detailed at paragraphs 1.1 to 1.4 of the report.

Information in respect of Customer Services and Improvement was detailed at paragraphs 1.5 to 1.8 of the report, information in respect of the Policy and Performance Team was detailed at paragraphs 1.9 to 1.10.

Information in respect of the Council's banking arrangements was detailed at paragraphs 1.11 to 1.16.

Information in respect of the Dronfield Sports Centre was set out at paragraphs 1.17 to 1.20.

The alternative options considered and rejected were detailed at paragraphs 4.1 to 4.4 of the report.

**RESOLVED** – That Cabinet:

- (1) Notes the outcome of the consultation process in respect to the future of the Printing Service and agrees to move to Option 2 as outlined in paragraph 1.2 of the report as the appropriate approach to meeting the Council's printing requirements.
- (2) Notes that a post of Customer Information Systems Developer as outlined within the report to be part funded by this Council will be established by Bolsover District Council with the costs to this Council of £12,000 p.a. to be funded from the Invest to Save Reserve 2014/15 and from mainstream budgets in future financial years.
- (3) Approves that a post of Business Developer Officer be established for a period of 18 months at a net cost of £17,500 p.a. after taking into account that 50% of the costs will be funded by Bolsover District Council.
- (4) Agrees that the costs referred to at resolution (3) above be met from the project budget agreed previously with the project budget funded from the Invest to Save Reserve.
- (5) Requests that the Chief Executive with the agreement of Post CE510 amend the roles and responsibilities of that post so that they be redeployed to undertake a role of Information Support Officer in respect of responding to Freedom of Information and related questions.
- (6) Notes the updated position in respect of the procurement route proposed for securing a new supplier of banking services for the Council to replace the Co-op Bank which no longer wishes to be a supplier of banking to local authorities.
- (7) Notes the position in respect of Dronfield Sports Centre and the work that is currently underway in order to secure appropriate compensation for the failure to complete the refurbishment contract at the Sports Centre in a satisfactory manner.

- (8) Grants delegated authority to the Chief Executive following consultation with the Leader of the Council in respect of Dronfield Sports Centre to:-
- (i) Agree the terms of any proposed settlement between the contractors insurers and the Council.
  - (ii) Commence the process of securing a contractor to undertake the necessary work to bring the Dronfield Sports Centre up to an appropriate standard.

**Reasons for Decisions:-**

The reasons for the decisions were as follows:-

- (1) To improve the service that the Council provides to local residents, while securing the financial efficiencies necessary to operate effectively against a background of ongoing reductions in the level of financial support from central government.
- (2) A “lean” review has identified the opportunity to secure a cost reduction in the Design and Print Service, Investment in the Firmstep CRM process should secure further rationalisation of the Council’s business processes.
- (3) The decision ensures that the Council is adequately resourced to handle the increasing number of Freedom of Information requests.
- (4) The decision ensures that the Council continues to have appropriate banking arrangements in place.
- (5) To update Cabinet on the position regarding Dronfield Sports Centre

(Chief Executive/  
Executive Director – Operations)  
(Paragraphs 1, 3 & 4)

**85     Tender for Reclamation of Land**

Cabinet considered Report No PRK/17/14/GG of Councillor P R Kerry. The purpose of the report was as follows:-

- To seek the approval of Cabinet to accept the most economically advantageous tender (as evaluated on a combination of cost and quality), in respect to the phased reclamation of the former CPL Site, Mill Lane, Wingerworth.
- For Cabinet to consider whether to approve at this stage that the Council progresses to undertake the Phase 2 work concerning the remediation of the Mill Lane site.

The issues for Cabinet’s consideration were detailed at paragraphs 1.1 to 5.3.1 of the report.

Cabinet was advised that three tenders were received and assessed in respect of the contract for the reclamation of the former CPL Site, Mill Lane, Wingerworth. The three tenders were assessed on the basis of price, quality and overall compliance within tendering requirements and obligation. The tenderers financial submission (Schedule of Prices) amounted for 40% of the overall assessment. Tenderers also provided a Quality Submission amounting to 60% of the overall assessment.

**RESOLVED** – That Cabinet:

- (1) Approves the appointment of VHE Construction Barnsley to undertake the reclamation contract at Mill Lane, Wingerworth as specified within the tender documentation submitted.
- (2) Grants delegated authority to the Chief Executive following consultation with Cabinet Portfolio Members for Economy, Finance and Regeneration and IT, E-Information and Asset Management to enter into contractual arrangements with respect to both Phase 1 and Phase 2 of the remediation works at the Mill Lane site, Wingerworth.

**Reasons for Decisions:-**

- (1) The tender submission by VHE Construction Barnsley ranked first in terms of price and quality following a robust evaluation of the tender documents submitted.
- (2) The Quality Submission by VHE Construction Barnsley contained all the information requested.

(Executive Director – Operations/  
Building and Contracts Manager)  
(Paragraph 3)

**86     Urgent Business (Private Session)**

There was no urgent business to be considered in the private session at this meeting of Cabinet.

# **Appendix A**

## **DISCLOSURE AND BARRING SERVICE (DBS) POLICY**

(DBS is the new name for the Criminal Records Bureau – CRB)

### **1 Policy Statement**

This policy applies to all employees of Bolsover District Council and North East Derbyshire District Council and includes both paid and volunteer positions.

The Council aims to promote equality of opportunity for all and welcomes applications from all members of the community.

The Council is committed to safeguarding the welfare of those accessing our services and has a statutory duty of care towards vulnerable members of society under the Safeguarding Vulnerable Groups Act (2006) and the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013. However, this duty must be carried out with due regard to all other legislation including the Protection of Freedoms Act 2012, the Data Protection Act (1998) and the Human Rights Act (1998).

As an organisation using the Disclosure and Barring Service (DBS), formerly the Criminal Records Bureau (CRB), the Council fully complies with the DBS Code of Practice.

The Council recognises the importance of employment in the rehabilitation of ex-offenders and will only take criminal records into account for recruitment purposes when the conviction is relevant. After a certain length of time, some sentences are considered spent and must be disregarded. Unless the nature of the work means that a role is exempt, applicants are not required to disclose convictions which are spent under the Rehabilitation of Offenders Act 1974.

Having an unspent conviction will not necessarily bar applicants from employment.

### **2 DBS Checks**

For applicants who are offered employment in posts which require undertaking any form of regulated activity an Enhanced DBS Check must be undertaken and this must include a check to ensure that the successful candidate is not barred from working with children and/or adults in vulnerable circumstances. (See Appendix A)

Regulated activity is defined by the Safeguarding Vulnerable Groups Act 2006 as amended by the Protection of Freedoms Act 2012, and includes roles where individuals are required to work unsupervised with children or in a limited range of

establishments with opportunity for contact with children; or working with adults providing healthcare, personal care, social work, assistance with cash, bills and/or shopping, assistance in the conduct of a person's own affairs or conveying children or adults for particular reasons. The definition of regulated activity with regard to children is detailed in Appendix B and definition of regulated activity with regard to adults is detailed at Appendix C.

It is an offence for individuals on the Barred Lists to apply for posts in Regulated Activity. We will not employ someone to work in Regulated Activity with children if they have been barred through the DBS Children Barred List, or someone to work with vulnerable groups who are barred through the DBS Adult Barred List. In addition if the Council receives an application from a person for either paid or voluntary work who is barred from working with children or adults, the Council will make a referral to the DBS to notify them of the individual's attempt to apply for barred work.

The minimum age that someone can have a DBS check is 16 years old.

### **3 Roles and Responsibilities**

The HR and Payroll team along with the Strategic Alliance Management Team and managers will determine if a post involves regulated activity and therefore requires a DBS check.

An audit of all relevant posts will take place annually to ensure that safeguards continue to be met and we are fully compliant with the DBS Code of Practice.

### **4 Cost of Disclosure**

The cost of the DBS Disclosure checks relating to appointments to Council posts will be met by the Council

Checks for volunteers are free. A volunteer is currently defined by the DBS as a person who performs an activity which involves spending time, unpaid (except for travelling and other approved out-of-pocket expenses), doing something which aims to benefit someone (individuals or groups) other than or in addition to close relatives.

### **5 Requesting a Disclosure**

A disclosure is only requested for the successful candidate following the selection process.

Re-checks for existing employees who are subject to a DBS clearance should be completed every three years until ratification with the DBS Online Update Service.

As the DBS no longer issue Disclosure Certificates to organisations, when an individual receives their certificate from the DBS they must take it into HR and Payroll for verification. This applies to prospective employees as well as current employees.

## **6 Update Service**

All existing employees who require an enhanced DBS check will need to subscribe to the online update service (DBS Online Update Service). This means that if an employee moves to another position within the Council, providing it is with the same workforce that is on their DBS certificate, they will not need another DBS check as the Council will be able to carry out an online status check to ensure that their disclosure is still valid. The online status check will be carried out on an annual basis.

For new applicants to the Council who already have an enhanced DBS certificate for the relevant workforce and who are signed up to the online update service, the Council will accept this disclosure and carry out an online status check to ensure that their disclosure is still valid.

If the online status check reveals a change in the disclosure status then a new DBS check will be required.

If existing or new employees are applying for a position within a different workforce - moving from adult workforce to children's workforce or vice versa - then a new DBS check will be required.

The Council will reimburse employees the cost of the annual subscription to the online update service.

## **7 Spent or Unspent Convictions**

If a disclosure or online status check reveals information about spent or unspent convictions which may make the individual unsuitable for the applied post, or continuing in their current post, the appointing or line manager, along with HR and Payroll, will discuss the situation with the individual in line with the DBS Code of Practice and through use and completion of Appendix D – Checklist for Employees with Adverse Disclosures. The individual will be asked to sign the completed risk assessment to verify the information provided and give permission for the risk assessment to be stored securely and later destroyed in accordance with the policy on the secure storage, handling, use, retention and disposal of disclosures and disclosure information.

When assessing any disclosure or declared conviction information received, consideration will be given to a range of issues and the risk assessment will support

a manager's decision enabling them to assess the suitability of the applicant for their proposed position in light of matter(s) disclosed on their DBS certificate.

If a candidate has made a false declaration on their application form then the Council will not be able to confirm the appointment. If the disclosure certificate contains information that was not revealed by the candidate or additional information from the Police is received, it will be necessary to hold a further discussion with the candidate and undertake a further review against any risk assessment before deciding to confirm or withdraw the offer of employment. HR and legal advice should be sought at this point.

## **8 Security and Confidentiality**

Disclosure information will be treated with the utmost confidentiality and will be kept in a secure place in line with the Data Protection Act. Access to disclosure information is restricted to only those individuals who have a requirement to see it in the course of their duties. Information will only be disclosed to third parties in exceptional circumstances and with the consent of the DBS.

## **9 Retention**

Disclosures will be kept by the Council for a maximum of 6 months after a recruitment decision has been made. Disclosures will then be destroyed by secure means.

## **10 Disputes**

If an employee believes that the information provided in a DBS check is inaccurate or incorrect, then it is the responsibility of the individual to raise this with the DBS. The Council will base any decision on the information provided by the DBS and this decision will be final.

## **11 Employees with Adverse Disclosures**

Where existing employees, who have not been previously checked, or their post requires a re-check and subsequently have an adverse disclosure result, HR and Payroll will discuss this with the employee and relevant line manager. Legal advice may also be sought. It may be appropriate to move the employee to an alternative post with no access to children and/or vulnerable groups depending on the nature of the disclosures and pending the outcome of a full investigation. If there are no suitable duties the employee could undertake during this period which does not bring them into contact with children/vulnerable adults the manager will give consideration to suspending the employee on full pay pending the outcome of a disciplinary investigation.

**POSTS REQUIRING AN ENHANCED DBS CHECK FOR REGULATED  
ACTIVITY RELATING TO CHILDREN AND ADULTS**

<b>DIRECTORATE</b>	<b>BDC</b>	<b>NEDDC</b>
GROWTH		Affordable Warmth Energy Assistant
		Affordable Warmth Energy Co-ordinator
		Handyperson
		Neighbourhood Outreach Project Assistant
		Neighbourhood Outreach Project Co-ordinator
		Senior Community Employment Advisor
OPERATIONS	ASB Investigating Officer	Community Safety Manager
	Benefits Visiting Officer	Visiting Officer
	Community Ranger	
	Domestic Violence Officer	
	Housing Enforcement Manager	
	Housing Needs Manager	
	Revenues Visiting Officer	
	Senior Parenting Practitioner	
TRANSFORMATION		Housing Strategy and Young Persons Manager

**POSTS REQUIRING AN ENHANCED DBS CHECK FOR REGULATED  
ACTIVITY RELATING TO CHILDREN**

TRANSFORMATION	Arts Development Officer	Duty Officer
	Community Sports Coach	Fitness Instructor
	Exercise/Fitness Improvement Coach	Gymnastics Coach
	Exercise/Fitness Referral Officer	Head Attendant
	Extreme Sports Coach	Health Referral Operations Officer
	Facilities Plan/Dev Officer	Healthy Lifestyles Instructor
	Instructor	Leisure Attendant
	Leisure Attendant	Senior Duty Officer
	Leisure Supervisor	Sports Coach
	Leisure Trainer Assessor	Swimming Instructor
	Manager (PVOAC)	Trampoline Coach
	Outdoor Recreation Officer	
	Play Area/Open Spaces Warden	
	Ranger/Instructor	
	Senior Leisure Supervisor	
	Senior Sports Development Officer	
	Special Projects Officer	
	Sports Coach	
	Sports Development Officer	
	Sports Dev Officer (Wheeled Sports)	
	User Engagement Officer	



**POSTS REQUIRING AN ENHANCED DBS CHECK FOR REGULATED  
ACTIVITY RELATING TO ADULTS**

GROWTH		Housing Strategy and Older Persons Manager
		Private Sector and Housing Options Manager
		Housing Options Officer
OPERATIONS	Mobile Warden	
	Scheme Manager	
	Support Officer	

## **REGULATED ACTIVITY RELATING TO CHILDREN**

### **General exceptions:**

Regulated activity relating to children does not include:

- Family arrangements and personal, non-commercial arrangements.
- Activity by a person in a group assisting or acting on behalf of, or under direction of, another person engaging in regulated activity in relation to children.

Regulated activity relating to children is:

#### **1. Teaching, training or instruction of children:**

- a. Carried out by the same person frequently (once a week or more) **or** on 4 or more days in a 30-day period **or** at any time overnight (between 2am-6am *and* with an opportunity for face-to-face contact with children);
- b. NOT supervised – i.e. under reasonable day-to-day supervision by another person engaging in regulated activity;
- c. NOT activity relating to a child, aged 16 or over, in the course of his employment, not by a person for whom arrangements exist principally for that purpose; and
- d. NOT activity merely incidental to activity with adults

#### **2. Care or supervision of children (except that covered by points 6 or 7):**

- a. Carried out by the same person frequently (once a week or more) **or** on 4 or more days in a 30-day period **or** at any time overnight (between 2am-6am *and* with an opportunity for face-to-face contact with children);
- b. NOT supervised – i.e. under reasonable day-to-day supervision by another person engaging in regulated activity (unless providing relevant personal care or health care by or under a professional – see point X and X below);
- c. NOT health care provided otherwise than by or under a health care professional;
- d. NOT activity relating to a child, aged 16 or over, in the course of his employment, not by a person for whom arrangements exist principally for that purpose; and
- e. NOT activity merely incidental to activity with adults.

#### **3. Advice or guidance:**

- a. Provided wholly or mainly for children;
- b. Relating to their physical, emotional or educational well-being;
- c. Carried out by the same person frequently (once a week or more) **or** on 4 or more days in a 30-day period **or** at any time overnight (between 2am-6am *and* with an opportunity for face-to-face contact with children);

- d. NOT legal advice; and
  - e. NOT activity relating to a child, aged 16 or over, in the course of his employment, not by a person for whom arrangements exist principally for that purpose.
4. **Moderating a public electronic interactive communication service** which is likely to be used wholly or mainly by children
- a. Carried out by the same person frequently (once a week or more) **or** on 4 or more days in a 30-day period; and
  - b. NOT activity by a person who does not have access to the content of the matter or contact with users.
5. **Driving a vehicle** being used only for conveying children and their carers/supervisors
- a. Carried out by the same person frequently (once a week or more) **or** on 4 or more days in a 30-day period; and
  - b. Done under an agreement, either with the driver or with a person with whom the driver works, for gain or not.
6. **Relevant personal care**
- a. Either:
    - i. Physical help with eating or drinking necessary due to illness or disability;
    - ii. Physical help with toileting, washing, bathing or dressing necessary due to age, illness or disability;
    - iii. Prompting, with supervision, in relation to i or ii where the child is otherwise unable to decide; or
    - iv. Any form of training, instruction, advice or guidance given to the child in relation to i or ii.
  - b. NOT activity relating to a child, aged 16 or over, in the course of his employment, not by a person for whom arrangements exist principally for that purpose; and
  - c. NOT activity merely incidental to activity with adults.
7. **Health care** provided for children
- a. By, or under the direction or supervision of, a health care professional;
  - b. NOT activity relating to a child, aged 16 or over, in the course of his employment, not by a person for whom arrangements exist principally for that purpose; and
  - c. NOT activity merely incidental to activity with adults.
8. **Childminding**
- a. On domestic premises, for reward; and

- b. With a requirement to register, or voluntary registration, under Childcare Act 2006.

9. **Fostering** a child

- a. NOT care arranged by family members, not for reward; and
- b. NOT LA fostering a child with a barred person who is, or lives with, a relative of the child.

10. **Day-to-day management or supervision** on a regular basis of a person providing regulated activity as described by points 1-7 and 11 (or in relation to points 1, 2 and 11, activity which would be regulated activity if it was unsupervised).

11. Activity carried out at **certain establishments**:

- a. Carried out by the same person frequently (once a week or more) **or** on 4 or more days in a 30-day period;
- b. Carried out for in connection with the purposes of the establishment;
- c. Gives the person the opportunity, in carrying out their work, to have contact with children;
- d. NOT activity by a person contracted or volunteering to provide temporary or occasional services (and not mentioned in points 1-7 above);
- e. NOT supervised volunteering – i.e. under reasonable day-to-day supervision by another person engaging in regulated activity; and
- f. Carried out at one of the following establishments:
  - i. A school;
  - ii. A pupil referral unit;
  - iii. A nursery school;
  - iv. An institution for the detention of children;
  - v. A children's home;
  - vi. A children's centre; or
  - vii. Any childcare premises, including nurseries (but not including the home of a parent of at least one child to whom the childcare is provided).

## **REGULATED ACTIVITY RELATING TO ADULTS**

### **General exception:**

Regulated activity relating to adults does not include:

- Activity by a person in a group assisting or acting on behalf of, or under direction of, another person engaging in regulated activity relating to adults.

Regulated activity relating to adults is:

#### **1 Health care** provided for adults:

- g. By, or under the direction or supervision of, a health care professional.
- h. Includes first aid provided by a person acting on behalf of an organisation established for the purpose of providing first aid.

#### **2 Relevant personal care:**

- a. Either:
  - i. Physical help with eating, drinking, toileting, washing, bathing, dressing, oral care or care of skin, hair or nails, necessary due to age, illness or disability;
  - ii. Prompting, with supervision, in relation to i where the person is otherwise unable to decide; or
  - iii. Any form of training, instruction, advice or guidance given to the person in relation to i.

#### **3 Relevant social work:**

- a. Provided by a social care worker to an adult who is a client or potential client; and
- b. Required in connection with any health, education or social services provided.

#### **4 Day to day assistance in relation to general household matters:**

- a. Either:
  - i. Managing the person's cash;
  - ii. Paying the person's bills; or
  - iii. Shopping.
- b. Necessary by reason of age, illness or disability.

#### **5 Relevant assistance in the conduct of an adult's own affairs:**

- a. Anything done on behalf of a person by virtue of:
  - i. A lasting power of attorney;
  - ii. An enduring power of attorney;
  - iii. A court order appointing a deputy or making decisions on the person's behalf;

- iv. The appointment of an independent mental health/capacity advocate;
- v. The provision of independent advocacy services; or
- vi. The appointment of an appointee to receive the person's benefit payments.

**6 Conveying:**

- a. Necessary by reason of age, illness or disability;
- b. Transporting to, from or between places where the person receives health care, personal care or social work; and
- c. NOT by family, friends or taxi drivers.

*[Note: The above definition of conveying is currently only in Home Office guidance, the relevant Regulations are yet to be produced.]*

**7 Certain inspection functions**

- 8 Day-to-day management or supervision** on a regular basis of a person carrying out regulated activity as described by points 1-6.

**Note:** There is *no* requirement for the above activities to be done a certain number of times before they become regulated activity.

NAME OF CANDIDATE/EMPLOYEE: \_\_\_\_\_

**CHECKLIST FOR EMPLOYEES WITH ADVERSE DISCLOSURES**

When deciding on the relevance of offences to particular posts the following risk assessment must be completed

**General**

- How serious is the offence and its relevance to the safety of other employees, customers, clients or property
- How long is it since the offence occurred?
- Was the offence a one-off, or part of a history of offending?
- Has the individual's circumstances changed since the offence was committed, making re-offending less likely?
- Has the offence been decriminalised by Parliament?
- In which country was the offence committed? (Some activities are offences in Scotland and not in England and Wales and vice versa?)

**Post Specific**

- Does the post involve contact in any way with vulnerable groups?
- What is the post-holder's level of supervision?
- Does the post involve responsibility for finance or valuable items?
- Does the post holder come into direct contact with the public in general?
- Will the nature of the job present the opportunity in the workplace for the post holder to re-offend?

- If the post-holder did re-offend would this have a detrimental effect on the reputation of the Council?

**Date of interview to discuss criminal record history**

**Record of discussion (key points)**

**Decision (including rationale)**



# **Appendix B**

## **Policy and Procedures for Organisational Review**

**(To be read in conjunction with the Redeployment Policy, the Policy on Redundancy and Early Retirement and the TUPE Protocol (Protocol for Employee Consultation on Service Reviews, Procurement Decisions and the Transfer of Employees under TUPE) where appropriate**

This policy and these procedures apply to all employees of North East Derbyshire District Council, except in the case of potential redundancy of any post subject to the JNC for Chief Officers / Chief Executives of Local Authorities, for which there are separate provisions.

### **1. Introduction**

- 1.1 The Council must have the flexibility to respond to and initiate change. The government's agenda for local authorities is focused on the continuous improvement of efficient service delivery in line with the needs of the public.
- 1.2 There will always be a range of internal and external factors that require the Council to review and redesign what, where, when and how work is done, and by whom.
- 1.3 This document outlines the procedures to be followed when circumstances arise that necessitate changes to organisational structures and employee numbers.
- 1.4 It is the Council's policy to manage organisational change in a way that minimises the impact on employees wherever possible and it will take all reasonably practicable steps to avoid compulsory redundancy. Compulsory redundancies will not be considered until all other approaches have been exhausted. In circumstances where compulsory redundancies are unavoidable, they will be properly planned and carried out in a fair and reasonable manner.

### **2. Communication and Consultation**

- 2.1 The Council is committed to ensuring that employees and their representatives are kept fully informed about decisions and developments and the reasons for them. This is particularly important on issues that affect their own jobs, working environments and work activities. The Council will ensure that employees and their representatives have the opportunity to express their views and to contribute to decision making via the consultation process. Consultation involves giving employee representatives and

employees an opportunity to influence decisions about any proposed review before a final decision is taken.

- 2.2 The Council will provide information to all employees employed in an area which is subject to a programme of change, and consult with directly affected employees and recognised unions about the nature of proposed changes.

#### Consultees (in addition to Affected Employees)

- 2.3 Not all changes will require the approval of elected Members. However the Directors and Chief Executive will establish whether the proposed changes lie within their respective delegated powers, whether to consult with the relevant portfolio holder, or whether the decision is a Cabinet and/or Council decision. The consultation process may be conducted by a Director, Assistant Director or Service Manager, depending on the scale and extent of the change being proposed, but will always be agreed at SAMT and/or SAJC level before commencement.

#### Early Consultation

Managers are encouraged to discuss proposals for organisational review informally with Trade Union representatives at as early a stage as possible.

- 2.4 When a proposal for a review has been agreed by SAMT, management will provide information to employees in affected areas and enter into consultation\* with employees and their trade union representatives (\*see 2.6 below). This will take place whilst the proposals are still at a formative stage and before any firm decisions are made. Outline proposals may be included in the regular Medium Term Financial Plan report, or in a separate freestanding report to Cabinet prior to the formal consultation period.
- 2.5 Where the proposals relate to a review affecting both Councils, Union representatives will be made aware of the proposals by management via the Strategic Alliance Trade Union Group. Proposed reviews affecting NEDDC only will be considered at the monthly Trade Union representatives' meeting.

- \* Consultation involves managers actively seeking and taking account of the views of employees before making a decision.

#### Meeting to Consult on the Proposals

- 2.6 Union representatives will be invited to a meeting at which the proposal will be discussed with staff, with a representative from HR in attendance.

- 2.7 At the meeting, the management proposal will be explained and questions for clarification invited. Feedback or alternative proposals, which could be from individuals or groups or via union representatives, should be invited at the end of the meeting, to be submitted within the first 10 working days of the 30 (calendar) days consultation period. This period may be extended or shortened by mutual agreement.
- 2.8 Once feedback/alternative proposals have been received, these will be considered by management. A response will be given to the comments received, explaining the reasons for acceptance or rejection of the proposals and a proposed way forward communicated. This response will be given within 10 working days of receipt of comments, although this may also be extended by mutual agreement. Further comments and proposals will be accepted up to the end of the 30-day consultation period.
- 2.9 A further report will be submitted to the next available Cabinet meeting to make a decision on the proposals.
- 2.10 A copy of the final document setting out the changes will then be sent to union representatives and, where practicable, to employees in the affected area.

#### Potential Reduction in Posts

- 3.1 The Council's policies on Redeployment and Redundancy will be followed where the proposed change will potentially result in a reduction in the number of posts.
- 3.2 All employees in the affected areas will receive notification of dismissal, outlining the necessary information should the employee not be successful in securing a post in the new structure. This will enable implementation of the new structure to be carried out smoothly and without delay, but in many cases it will be possible to withdraw this notice of dismissal as employees are confirmed in post. (See Appendix 1, Stage 3 paragraph 1)
- 3.3 Part of the consultation process may involve looking at ways to:
- Avoid the proposed redundancies
  - Reduce the number of employees to be dismissed
  - Mitigate the consequences of the dismissals on the individuals concerned.
- 3.4 Agreement with the Trade Unions and employees is the Council's preferred goal. However management reserves the right to implement its proposals where agreement has not been reached

after meaningful consultation has taken place and where the process is considered to have been exhausted, in line with the ACAS Advisory Booklet on Communication and Consultation.

- 3.5 Where it is proposed to dismiss as redundant 20 or more employees at one establishment over a period of 90 days or less, the Joint Assistant Director – Human Resources will ensure that form HR1 is submitted to the Government's Insolvency Service Redundancy Payments Service if necessary.

#### **4. Selection Procedure in relation to Structural Changes**

- 4.1 Full details of the procedure to be followed in cases where there is a need for structural changes are included in Appendix 1.

#### **5. Appeals**

- 5.1 Any employee dismissed following the application of this procedure shall have the right of appeal in accordance with the appeals provisions of the Council's Grievance Procedure.

#### **6. Payments**

- 6.1 Employees who are made redundant (voluntary or compulsory) may be entitled to receive a redundancy payment. The details of entitlement to payments are contained in the Council's policy on Redundancy and Early Retirement.

NB As a result of the Redundancy Payments (Continuity of Employment in Local Government)(Modification) Order 1999, employees, who receive an offer of employment in local government or a related service, to commence immediately, or within 4 weeks of the date of termination of their contract, will not be entitled to redundancy payments.

#### **7. Assistance to Employees under Notice of Redundancy**

- 7.1 Employees who are selected for redundancy will be given as much individual help and advice as possible by their managers and the HR Section, and external advice and assistance may be obtained, if considered desirable. Please refer to the Council's policy on Redundancy and Early Retirement.

## **APPENDIX 1**

### **Selection Procedure in relation to Structural Changes**

#### Job Evaluation

1. Following the consultation process, a job description and person specification will be produced for each post in the proposed revised structure. All new or changed posts will be evaluated in accordance with the Council's job evaluation scheme. Any changes made to job descriptions after the job evaluation will be subject to a discussion with the trade union to establish whether a further job evaluation is necessary.

#### Schedule of Posts Plan

2. Following Member approval of proposals involving structural changes, the Director / Assistant Director / Service Manager, supported if required by a representative from the HR Section, will seek to agree with the trade union(s) those employees directly affected by the proposal in order to establish those as having rights to posts in the revised structure, and a schedule of posts plan should be drawn up (see Appendix '2').

### **Stage 1 – Allocation of Employees to the New Structure**

1. Following completion of the job evaluation process, if relevant, the Director / Assistant Director / Service Manager will produce a schedule of posts on the existing structure, showing the post title, grade, and name of the employee and whether it is intended to give 'slotting in' or 'ring fencing' rights to that individual (see Appendix '2').
2. Written notification, together with a revised/new job description if appropriate, will be issued to all employees named on the schedule confirming the Director's / Assistant Director's / Service Manager's view and asking them to confirm their agreement to the proposed selection arrangements within 10 working days.
3. Where the post is substantially unchanged i.e. the duties and responsibilities of the post are materially the same, it is of the same status and on the same grade and hours, 'slotting in' will apply. NB If the number of identical posts is reduced then the relevant employees will be interviewed under the Council's Selection Procedure.
4. Where the Director / Assistant Director / Service Manager considers that there are posts in the structure that do not 'match' according to the above criteria, but which are 'broadly comparable' and can be designated as an 'equivalent' post to that currently held, and there is

only one employee with a claim to the post (or no more employees than the number of posts available where there is more than one post), the Director / Assistant Director / Service Manager will confirm to the employee(s) that it is intended that they be 'slotted in' to that post. In this instance if the post is on a lower grade or at a lower status than that previously occupied, the employee(s) will be entitled to be ringfenced for posts at an equivalent grade/status to their previous post (see Redeployment Procedure). Some posts may, however, also be at a higher salary and/or higher status, in which case they will not be ringfenced for these other posts.

5. Exceptions to exclusion from ringfencing for 'slotted in' employees:

By applying the rules above in relation to the ability for 'slotted in' employees to apply for posts in the new structure, it is possible that, in certain circumstances, the employee could be disadvantaged and suffer inequitable treatment. These circumstances would be where:

- An employee is 'slotted in' to a post on the same or higher grade, and
- Where lower graded employees in the same line management structure have ringfencing rights to a post at a higher grade than the slotted in employee

Under these circumstances, the 'slotted in' employee will be eligible to apply for the more senior post together with the lower graded employees with ringfencing rights. If appointed to the post, that employee's post will, in turn, become available as a ringfenced post.

6. 'Ringfencing' will take place where there are fewer posts in the new structure than eligible employees or where there are posts which contain elements of an employee's previous job, but which do not meet the criteria for slotting in.

In addition, where employees in substantive employment have been seconded into another vacant post on a temporary basis, consideration will be given to giving them 'ringfencing' rights to their temporary post. Should they subsequently be unsuccessful in being appointed to the seconded post on a substantive basis, they will revert to their previous position (i.e. be slotted in to their previous post or, if that no longer exists, potentially at risk).

7. Following agreement of the schedule of posts plan, written confirmation will be sent to all employees confirming that they have been 'slotted in' or 'ringfenced'.

8. Where objections are raised during the 10 day response period (see 2.7 above), the confirmation letter to any employees raising or affected by

the objection will be deferred until an individual meeting has been held by the Director with the employee(s) concerned, accompanied by their representative if relevant, to attempt to resolve the objection. At this meeting, the Director will explain the proposals and the employee will be asked to explain why he/she disagrees with the proposal. Following completion of any such meetings, written confirmation, together with a full explanation of the reason(s) for the decision will be sent to the employee(s) concerned. If the employee disagrees with the Director's decision, there will be no further right of appeal. N.B. If the Director has been directly involved with the allocation of employees to posts, the meeting will be held by the Chief Executive.

9. Where employees are slotted in at the same or higher grade, they will be no longer be eligible to apply for posts in the revised structure until other employees with ringfencing rights from the current organisational review (or from a previous organisational review who have not yet obtained substantive employment) have first been considered. However, they will then be entitled to apply for any posts which are still vacant at the point at which it is decided that a post needs to be advertised more widely.

## **Stage 2 – Ringfenced Appointments**

1. Selection for appointment to posts for ringfenced employees will be based on the most suitable candidate. Each employee ringfenced to more than one post may choose to indicate in writing the order of preference and attempts will be made to interview candidates in that order. Appointment to the posts will be carried out in accordance with the Council's Recruitment and Selection Policy.
2. Where the panel does not consider that an appointment can be made to a particular post following interview and assessment of any other employees with rights of prior consideration, the post may be advertised more widely. In the first instance, such posts will normally be advertised internally only, although where it is agreed with the Assistant Director HR that the vacant post is a specialist, technical or professional post then this may be advertised internally and externally concurrently. In the case of a major change involving substantial numbers of employees, SAMT will monitor and approve proposed advertising.

## **Stage 3 - At Risk Notification**

1. To facilitate the smooth implementation of a service review, affected employees will all receive a letter of notice as soon as call-in has passed following Cabinet/ Council approval of the final proposals (NB if the decision has been made by Council, there is no call-in period). This notice letter will identify the proposed termination date, should the employee not be successful in obtaining a post within the review; and it

will confirm at risk status to allow the employee to be ringfenced for suitable alternative vacancies. Although redundancy may not be a necessary outcome, outline information will also be given about this option in the interests of completeness.

2. A redundancy situation can only exist where the review results in a reduction in the number of posts needed, or the cessation or reduction of a specific area of work.
3. If employees do express an interest in voluntary redundancy/early retirement, acceptance will be at the discretion of the Council and in accordance with the Council's policy on Redundancy and Early Retirement. However, full details of the financial options should be provided in writing before a recommendation is made to Members.
4. As a general rule, in considering an application for voluntary redundancy/early retirement, the Council will consider the need to maintain effective services, the need to retain a balance of skills and experience and cost implications, as well as mitigation against compulsory redundancy.

#### **Stage 4 Redeployment**

1. Any displaced employee who wishes to continue in employment or whose application for voluntary redundancy/early retirement is not accepted, will be invited to complete a skills audit and will be given prior consideration for redeployment into suitable alternative employment before the post is advertised more widely. The Council's Policy on Redeployment will be followed in these circumstances.
2. Where there is a dispute about the suitability of the post, the matter should be discussed between the Appointing Officer and the HR representative.
3. Any employee who unreasonably refuses an offer of suitable alternative employment, will not be entitled to a redundancy payment.



## APPENDIX 2

### SCHEDULE OF POSTS PLAN

1. Once the new structure has been agreed, then a schedule of posts plan will be drawn up according to the following principles:

**Slotting in** – Where there is only one potential candidate to a post at an appropriate level and where the post is substantially unchanged, i.e. the duties and responsibilities of the post are materially the same, it is of the same status and on the same grade and hours, they will be slotted in to the new post.

**Ring-fencing** – 'Ringfencing' will take place where there are fewer posts in the new structure than eligible employees or where there are posts which contain elements of an employee's previous job, but which do not meet the criteria for slotting in. Unsuccessful candidates will automatically be considered under ringfencing arrangements for other appropriate posts, by agreement.

2. The schedule of posts plan will then be produced for discussion and agreement with employees and trade unions:

New Post Title	Grade of New Post	Current Comparable Post(s)	Grade of Current Post(s)	Postholder(s)	Method of Assimilation e.g. slot in, ringfence, competition etc.

**NORTH EAST DERBYSHIRE DISTRICT COUNCIL  
Whistleblowing Policy**

**December 2013**

## **North East Derbyshire District Council Equalities Statement**

North East Derbyshire District Council is committed to equalities as an employer and in all the services provided to all sections of the community. The Council believes that no person should be treated unfairly and is committed to eliminate all forms of discrimination.

The Council also has due regard to eliminate racial discrimination and to proactively promote equality of opportunity and good relations between persons of different racial groups when performing its functions.

This document is available in large print and other formats from any of the Council offices or by contacting the Governance Team on 01246 217753. Please bear in mind we will need a few days to arrange this facility.

If you need help to read this document please do not hesitate to contact us.

**May 2014**

## **WHISTLEBLOWING POLICY**

### **1. Introduction**

- 1.1 Employees are often the first to realise that there may be something seriously wrong within a local authority. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances employees may feel that it is easier to ignore the concern, rather than report what may just be a suspicion of malpractice.
- 1.2 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment the Council encourages employees, Members and others with serious concerns about any aspect of the Council's work to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis.
- 1.3 Whistleblowing is the term used when someone who works in or for an organisation raises a concern about a possible fraud, crime, danger or other serious risk that could threaten customers, colleagues, the public or the organisation's own reputation. For example, instances of theft from the Council, accepting or offering a bribe, and failure by colleagues to adhere to Health & Safety directives could all be the subject of a whistleblow.
- 1.4 This policy document makes it clear that concerns can be raised without fear of victimisation, subsequent discrimination or disadvantage. This Whistleblowing Policy is intended to encourage and enable employees to raise concerns within either Council in person, rather than overlooking a problem or using other methods to report concerns.
- 1.5 This policy applies to Council employees and other workers, including freelance staff, temporary and agency staff, trainers, volunteers, consultants, contractors, employees of another Local Authority with whom the Council has entered into joint working arrangements and Members.
- 1.6 This policy also applies to all employees in organisations who work in partnership with the Council and suppliers who wish to raise a concern.
- 1.7 The Public Interest Disclosure Act 1998 protects Council employees who report concerns from subsequent harassment, victimisation and other unfair treatment. Potential informants should feel reassured that it is illegal for the Council to consider any action against them should their concerns not prove to be verifiable.

## **2. Aims and Scope of this Policy**

### **2.1 This policy aims to:-**

- encourage persons to feel confident in raising serious concerns that they may have about practices and procedures
- provide avenues to raise those concerns and receive feedback on any action taken
- allow persons to take the matter further if they are dissatisfied with the Council's response
- reassure employees that they will be protected from possible reprisals or victimisation if they have made any disclosure

### **2.2 Areas covered by the Whistleblowing Policy include:-**

- criminal or other misconduct
- breaches of the Council's Standing Orders or Financial Regulations
- contravention of the Council's accepted standards, policies or procedures
- disclosures relating to miscarriages of justice
- health and safety risks
- damage to the environment
- unauthorised use of public funds
- fraud, bribery and corruption
- sexual, physical and/or verbal abuse of any person or group
- other unethical conduct
- the concealment of any of the above

### **2.3 Any concerns about any aspect of service provision or the conduct of officers or Elected Members of either Council, or others acting on behalf of either Council, can be reported under the Whistleblowing Policy. This may be about something that:-**

- Makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Council subscribes to; or
- Is against the Council's Constitution and policies; or
- Falls below established standards of practice
- Amounts to improper conduct

## **3. When this Policy may not be appropriate**

### **3.1 This policy is not a substitute for the Council's other policies and procedures on such matters as personal grievances, bullying and harassment, health and safety, safeguarding issues (children and/or**

adults) or complaints. It should also not be used to raise matters relating to an employee's own terms and conditions of service.

- 3.2 It is important to know the difference between a 'whistleblow' and a 'grievance.' A whistleblow has a public interest aspect to it, as it puts others at risk.
- 3.3 A grievance by contrast has no public interest factors, as it is a complaint about a particular employment situation. A grievance should be reported using the Grievance policy, not this policy.
- 3.4 For example, a member of staff being formally interviewed on capability grounds, without previously having had any indication that their performance was not acceptable, may lead to a grievance complaint being made. Whilst a member of staff who observes colleagues sharing/selling confidential data that they have access to, to unauthorised others, should lead to a Whistleblow.
- 3.5 The policy is not to be used by members of the public to pursue complaints about services. These should be dealt with through the Council's Complaints Procedure.

#### **4 Safeguards against Harassment or Victimisation**

- 4.1 The Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. However, the Council will not tolerate any form of harassment or victimisation, and will take appropriate action to protect persons who have made a disclosure.
- 4.2 The Council is committed to good practice and high standards and endeavors to be supportive of persons who raise concerns under this Policy.
- 4.3 In all cases, the provisions of The Public Interest Disclosure 1998 (PIDA) will be adhered to.
- 4.4 The Enterprise & Regulatory Reform Act 2013 (ERRA) introduced a Public Interest test requirement on whistleblowers. In order to receive the protection of PIDA, whistleblowers will now have to show that they reasonably believe that the disclosure they are making is in the public Interest.

#### **5. Confidentiality**

- 5.1 All concerns will be treated in confidence and the identity of the person raising the concern will not be revealed without his or her consent (subject to any legal requirements or decisions). At the appropriate time, however, the person may be expected to come forward as a witness.

## **6. Anonymous Allegations**

- 6.1 This policy encourages you to put your name to any allegation wherever possible and receive the protection of PIDA as anonymous complaints are likely to be difficult to deal with effectively.
- 6.2 Concerns expressed anonymously will be considered at the discretion of the Council. In exercising this discretion the factors to be taken into account would include:-
- The seriousness of the issues raised
  - The credibility of the concern; and
  - The likelihood of confirming the allegation from attributable sources.

## **7. Untrue Allegations & Legal Protection**

- 7.1 As an employee of the Council you are also given legal protection by the Public Interest Disclosure Act 1998. You will qualify for this protection if you reasonably believe that the disclosure is in the public interest.
- 7.2 If you make what is known as a “qualifying disclosure” under the 1998 Act to your employer or certain other persons/bodies, it will be unlawful for either Council to subject you to any detriment (such as denial of promotion or withdrawal of a training opportunity), or to dismiss you, because of the disclosure.
- 7.3 Compensation may be awarded to you by an Employment Tribunal if the Council breaches the 1998 Act, following a successful claim for ‘detrimental treatment’.

## **8 How to raise a Concern under this Policy**

- 8.1 Concerns may be raised verbally or in writing. Persons who wish to raise a concern should provide details of the nature of the concern or allegation in the following format:
- The background and history of the concern giving names, dates and places where possible.
  - The reason why you are particularly concerned about the situation.
  - Submit any relevant evidence or documentation
- 8.2 The earlier you express the concern the easier it is to take action.
- 8.3 Although you are not expected to prove beyond reasonable doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

- 8.4 You may choose to be represented by a colleague or Trade Union representative.

#### Employees

- 8.5 Employees should normally raise concerns in the first instance with their Line Manager. Alternatively, dependent upon the nature, seriousness and sensitivity of the issues involved and the person suspected of malpractice you could approach;
- the Service Manager whom you feel would be the most appropriate
  - Internal Audit
  - the Chief Executive Officer
  - the Monitoring Officer
  - the Section 151 Officer



- 8.6 You may choose to contact a body external to the Council such as the External Auditor or the Police if this is your preference. You may also contact the "Public Concern at Work" helpline if you wish to remain anonymous. The telephone number for this service is: 020 7404 6609.

#### Other Persons (including Elected Members)

- 8.7 Other persons can contact any of the following officers of the Council direct:
- the Service Manager whom you feel would be the most appropriate
  - Internal Audit
  - the Chief Executive Officer
  - the Monitoring Officer
  - the Section 151 Officer
- 8.8 Officers of the Council can be contacted in writing, by phone or by going through one of the Contact Centres. You can contact the Council through your elected Councillor if this is preferable or more convenient.
- 8.9 You may choose to contact a body external to the Council such as the External Auditor or the Police if this is your preference.

### **9 How the Council will respond to a concern raised under this Policy**

- 9.1 The Officer with whom the concern was initially raised will respond in writing within ten working days;
- acknowledging that the concern has been received
  - indicating how it is proposed to deal with the matter
  - stating whether any initial enquiries have been made
  - supplying information on what support is available , and stating whether further investigations will take place and if not, why not.
  -
- 9.2 Concerns raised under this Policy will be investigated by the Investigation Manager (IM) who will be appointed at the Council's discretion.
- 9.3 When conducting the investigation, the IM may involve:-
- Internal Audit
  - Legal & Democratic Services
  - Human Resources
  - the Police
  - an external auditor
  - Any other person at the discretion of the IM

- 9.4 In order to protect individuals and those accused of misconduct or malpractice, the IM will make initial enquiries to decide whether an investigation is appropriate and, if so, what form it should take, having regard to the law and the public interest.
- 9.5 If the IM decides that a disciplinary investigation may be the more appropriate course of action to take, the IM will advise Human Resources.
- 9.6 Some concerns may be resolved by agreed action without the need for investigation.
- 9.7 It may be necessary to take urgent action before any investigation is completed.
- 9.8 The Council will take steps to minimise any difficulties that persons may experience as a result of raising a concern. For instance, if he or she is required to give evidence in criminal or disciplinary proceedings the Council will arrange for advice to be given about the procedure (but not about what answers to give).
- 9.9 The Council accepts that persons need to be assured that the matter has been properly addressed. Subject to legal constraints, the Council will inform the persons of the progress and outcome of any investigation.
- 9.10 It is important for persons to understand that making a whistleblowing allegation doesn't give them anonymity, but does give them protection from harassment or victimisation.

## **10 The Responsible Officer**

- 10.1 The Monitoring Officer has overall responsibility for the maintenance and operation of this Policy, and will maintain a record of concerns raised and the outcomes. This record will be in a form which does not compromise confidentiality. The Monitoring Officer will report as necessary to the Council.

## **11 How the Matter Can Be Taken Further**

- 11.1 This Policy is intended to provide a process within North East Derbyshire District Council, through which appropriate persons may raise concerns. If at the conclusion of this process the person is not satisfied with any action taken or feels that the action taken is inappropriate, the following are suggested as further referral points:
- the Council's external auditor
  - Your Trade Union
  - Your local Citizens Advice Bureau
  - Relevant professional body or regulatory organisation
  - A relevant voluntary organisation

- The Police
- Your Solicitor
- The Audit Commission

11.2 Advice should be taken before making an external disclosure and the internal procedure should normally have been followed first.

11.3 The Council would not expect whistleblowers to make disclosures to the press.

---

## **Appendix D**

### **North East Derbyshire Growth Strategy and Action Plan**

### **Unlocking our Growth Potential**

**NEDDC Final**

**June 2014**

## Foreword

*We are pleased to present our Growth Strategy for Bolsover and North East Derbyshire, which sets out our growth ambition, priorities and approach that we will take to enable the growth of the local economy to create stability and prosperity. This is a joint agenda across the two councils, taking into account the different opportunities and challenges across our two areas.*

*Through the Strategic Alliance, both councils have achieved a great deal. However, we recognise that further cuts in government grant will make maintaining and building on these achievements more challenging in the future. We need to implement a game-changing strategy with a focus on unlocking the potential to deliver growth. Because of this, we have set out an ambitious programme of action, the cornerstones of which are:*

- a vibrant economy and increasing employment*
- homes that meet our needs and*
- provision of the supporting infrastructure necessary to deliver it.*

*Creating a sustainable high performing economy is at the heart of our strategy. We have established priorities around increasing jobs and business start-ups, unlocking and enabling housing development as well as ensuring our companies grow and develop.*

*We will use the Growth Strategy to articulate to partners our ambitions and plans with a view of improving collaboration and maximising leverage. The strategy will also help shape our conversations with Sheffield City Region and Derby, Derbyshire, Nottingham, Nottinghamshire LEP in supporting delivery of the wider regional growth programmes.*

*The government has set out a range of mechanisms through which local government can incentivise growth through programmes such as the New Homes Bonus and Business Rates Retention Scheme. We will maximise these opportunities; the implementation of our Growth Strategies will be a key contributor to our financial plan to ensure our long term viability.*

## **CONTENTS**

	<b>Page</b>
<b>1. Scope of the Strategy</b>	<b>4</b>
<b>2. The Evidence</b>	<b>6</b>
<b>3. Policy and Financial Drivers</b>	<b>20</b>
<b>4. Our Vision and Growth Ambition</b>	<b>25</b>
<b>5. Strategic Priorities</b>	<b>27</b>
<b>6. Action Plan</b>	<b>30</b>
<b>7. Implementation and Delivery</b>	<b>31</b>
<b>8. Managing Performance</b>	<b>33</b>
<b>Appendix 1: Action Plans</b>	<b>34</b>

## **1. Scope of the Growth Strategy**

### **What we want to achieve**

Bolsover and North East Derbyshire are facing a changing and challenging future. There needs to be significant residential development over the next 10 year to meet future population and each district's own housing targets. The area needs to respond and direct the growth agenda to achieve a better balance between future housing and workforce growth and available employment.

The Growth Strategy is based on sound evidence to show the economic context for why we need to change and do things differently, what we will do and who will deliver actions to support growth.

It sets out an approach and priority actions that both local districts will take to enable the growth of the local economies. As we move forward it will align with economic development and work and skills plans for both authorities. In particular, the Growth Strategy addresses the opportunities identified by the Local Government Association (LGA) Peer Team in 2013, including assessing the potential to secure revenue streams from the various new funding mechanisms introduced by the Coalition Government.

A number of issues need to be addressed in Bolsover and North East Derbyshire:

- The need to meet challenging housing delivery targets to meet population and housing projection growth levels;
- The need to unlock development and bring forward strategic and major sites for development to transform economic prospects;
- The need to support local regeneration of towns and villages to fulfil their role as service centres.
- The need to ensure that a package of suitable support is provided to new and existing businesses to enable them to grow.

- The need to bring forward sites in Council ownership.
- The need to support the local economy by increasing the range of higher skilled jobs available locally.

The challenge for both Bolsover and North East Derbyshire is to accommodate growth and development pressures in a sustainable way that protects environmental quality and the character of areas, whilst aligning resources and priorities to maximise returns.

### **Principles**

It is intended that the Growth Strategy for Bolsover and North East Derbyshire addresses the ambitious growth agenda outlined in the Bolsover District Local Plan Strategy (May 2013) and the developing North East Derbyshire District Local Plan (2011-2031). A number of core principles will shape the process of developing the Growth Strategies, including:

- Aligning the Growth Strategy with the growth plans of the LEPs, specifically Sheffield City Region (SCR) and Derbyshire and Nottingham (D2N2) LEP;
- Ensuring the strategies take advantage of current / future funding opportunities, specifically EU funds for 2014-2020;
- Play to the strengths and opportunities of both districts and focus on key assets;
- Maximising financial incentives, and
- Involving all stakeholders and partners in developing and implementing the Growth Strategy.



## **2. The Evidence – the scale of the challenge**

The main proposals set out in the Growth Plan are based on global and national economic drivers, our best intelligence and knowledge about the area and reflects the issues, challenges and opportunities facing Bolsover and North East Derbyshire. .

### **UK national economic context**

The national economic context remains challenging. However, there is consensus amongst economic commentators of continued improvement for UK economic growth. According to the National Institute of Economic and Social Research (NIESR) the recovery is now “entrenched” and it expects the economy to grow by 2.5% in 2014 and at the slightly reduced rate of 2.1% in 2015. It is anticipated that faster growth will come from three main areas: first, through stronger consumer spending, as lower inflation boosts household purchasing power; second, through a reduction in downside risk supporting confidence and encouraging firms to begin to invest their accumulated cash surpluses; and third, via a recovery in world trade, which supports an improved export performance. Concerns remain about the continuing low level of business investment and stagnant wage growth which means prices are continuing to rise faster than salaries.

The issue for Bolsover and North East Derbyshire is to ensure that it has a business environment in place to benefit from this up-turn.

### **Bolsover and North East Derbyshire: Overview**

#### People and Place

- Bolsover District covers an area of 417 square kilometres, and has four towns and five main villages. The rest of the District is predominantly rural and made up of small villages and hamlets. North East Derbyshire covers an area of 259 square kilometres and sits on the edge of the

Peak District National Park. It has good links to the neighbouring towns and cities of Chesterfield, Sheffield and Derby.

- The population of Bolsover District is around 75,900, with approximately half living in the four towns of Bolsover, Clowne, Shirebrook and South Normanton. North East Derbyshire has a population of almost 100,000. The settlements with the highest population are Clay Cross, Dronfield, Eckington and Killamarsh.
- Both areas are set for growth. The latest long term population projections (up to 2030) suggest that the populations of Bolsover and North East Derbyshire will increase by 8,000 to 84,000 for Bolsover and 7,000 to 106,000 for North East Derbyshire. These same projections suggest that by 2030 the number of jobs will increase by 4,100 additional jobs in Bolsover and by 1,300 additional jobs in North East Derbyshire.
- Unemployment rates for the working age population for both districts are below the national average, although the rate for North East Derbyshire has been growing rapidly. Recent forecasts suggest that both districts will see reductions in the unemployment rate to 2030, to a level below pre-recession figures.
- Each of the districts has a proportion of population of working age that is below the regional and national average, with a greater proportion of people aged 65 or over. In North East Derbyshire, the size of the working age population has been falling rapidly lately and at the same time the number of elderly people has been growing.
- In terms of qualification levels, although Bolsover is currently at a lower rate than either Derbyshire or GB between the periods 2004-2012, the gap has shrunk significantly. This is especially true at lower levels of qualification (NVQ 2 and below). However, at higher levels (NVQ 3+), the gap is slightly larger. Another significant change is in the

percentage of people who have no qualifications. In Bolsover this has fallen drastically from 31.1% in 2004 to just 5.7% in 2012. This puts it at a lower rate than either Derbyshire or GB.

- North East Derbyshire qualification levels are also lagging behind both those for Derbyshire and those for GB. The most significant areas are the lower percentage of people with higher level qualifications (NVQ 3+). Also, since 2004, both Derbyshire and GB have increased their numbers of people with NVQ1 +, while North East Derbyshire has actually seen a decrease in this period. Finally, since 2004, in most categories, the gap between North East Derbyshire and both Derbyshire and GB has widened.
- A high number of people commute out of the districts to work. 2008 figures show a 70% commute out of Bolsover and a 65% commute out of North East Derbyshire. 20% of North East Derbyshire's employed residents work in Chesterfield; Chesterfield is also the largest single source of employment for Bolsover residents working outside their own district. Bolsover also has important links to North Nottinghamshire, with a combined commuting flow of 28% into Ashfield, Bassetlaw and Mansfield. A significant proportion of North East Derbyshire's residents (24%) work in Sheffield mainly from the three northern towns.
- The economic activity rates for both districts have changed significantly in the last ten years. In 2001 North East Derbyshire had a rate higher than the national average, while Bolsover's was lower. Recent evidence suggests that the position has reversed. Both districts have a higher proportion of people who are economically inactive who do not want a job.
- The Index of Multiple Deprivation (IMD) 2010 shows that Bolsover falls into the 'most deprived 50 districts' in one or more of the 6 district level summary measures (Rank of Average Rank and Rank of Employment).

The statistics show that there is a concentration of deprivation in the east of Bolsover; the deprivation hotspots in North East Derbyshire are focused in the south of the district. Each of the hotspot areas indicates clear links in health, education and employment.

- Bolsover and North East Derbyshire are strategically located adjacent to the M1 'growth corridor', which provides excellent north –south road links between Junctions 28-30. The M1 corridor has supported significant economic activity, particularly at Pinxton, South Normanton and Barlborough, and more recently Junction 29a, which was built to serve the Markham Vale Business and Industrial Park. However, congestion is a major concern specifically around junction 28 and local connectivity can sometimes act as a constraint or deterrent to development. The A61 is identified as a growth corridor from Sheffield to the M1.
- The economies of Bolsover and North East Derbyshire are closely linked to the sub-regional economies of Nottingham, Derby and Sheffield and also to the Ashfield/Mansfield A38 corridor.
- Within Bolsover, the nearest main line stations on the rail network are located in Chesterfield and Alfreton. The Robin Hood Line provides a link to Worksop, Mansfield and Nottingham. For North East Derbyshire, there is a main line station at Dronfield, which has links to Chesterfield and Sheffield. For the south of the district, the nearest stations are Chesterfield and Alfreton.
- Recent research indicates that Bolsover has achieved an average of 9ha/year development on its employment sites over the last three years 2011 – 2014. Longer term trends (2000 and 2014) show an average development rate of 8 ha/year. However problems have been identified in achieving residential development on allocated sites. In North East Derbyshire problems have been experienced in achieving

development on both employment and residential site allocations. The failure to unlock the job generating capacity of major employment sites will hamper local and national economic growth. The main reasons for this lack of development include market viability, a lack of appropriate infrastructure on the sites and a lack of available finance to be able to implement the necessary improvements, and greater competition within the LEPs for the finances that are available.

- Bolsover and North East Derbyshire are still recovering from the effects of heavy industry. Whilst many former colliery sites have been reclaimed, the physical impact of the industrial past is still visible in some contamination issues, although many sites have since been reclaimed.
- Both Bolsover and North East Derbyshire District Council hold significant land and property assets throughout their districts. A good number of the assets have development prospects, and if dealt with, have the potential to unlock capital and realise longer term revenue income streams.
- A key feature of both districts is the green space that both separate and links its towns and villages. Despite their industrial past, both areas have a rich environment and cultural heritage.
- Tourism is a growth industry and an important part of the local economy in both Bolsover and North East Derbyshire, which have a number of key tourist sites including Bolsover Castle, Hardwick Hall, Creswell Crags and the Peak District National Park.

### Business and Enterprise

- Gross Value Added (GVA) is the mostly commonly recognised method for measuring the economic output of an area, i.e. the value of goods

and services produced by the business base. The districts have relatively small economies and suffer from low representation in high GVA sectors and limited formation of new businesses. There has however been a significant level of growth over the 10 year period 2002-2012 within Bolsover. At 68% this surpasses East Midlands at 13% and UK levels of 16% increasing GVA. Over the same period North East Derbyshire has grown by 4%. Productivity is also predicted to continue to increase up to 2030.

- The East Derbyshire area (Bolsover/Chesterfield and North East Derbyshire) has a workplace GVA per head of £13,828, which is significantly lower than the GVA per head for England at £21,937, reflecting the disproportionate impact that industrial restructuring has had on the districts. However, during the period 2004-12, East Derbyshire GVA per head grew by 31.7%, a much faster rate of growth than regionally or nationally. GVA per industry figures show that for East Derbyshire, between the periods 2004-11, the fastest growing sectors were the Public Admin, Real Estate, Construction and Information & Communication sectors.
- Manufacturing continues to be a key, employment sector. Indeed, in North East Derbyshire, the manufacturing sector has grown to 17.8% of total employment, which bucks the county and national trend. Bolsover and North East Derbyshire have seen employment growth in Public Administration, Education and Health, areas which are under pressure with continuing public sector cuts.
- Total employment in Bolsover has increased by 9% from 2009-2012 whilst in North East Derbyshire total employment has reduced by 1% during the same period. This is compared with a reduction of -1% for the East Midlands and 1% increase across England for the same period.

- North East Derbyshire has a number of exporters within its business base. As at February 2014, NEDDC has 66 exporting businesses. The mean value of these exports per business was £6,931,883, whilst the largest single exporter had a value of £37,014,360. The majority of these exporters are large, established companies.
- Forecasts suggest that in terms of growth in employment figures, the key growth sectors up to 2030 will be the Wholesale & Retail Trade and Human Health & Social Work sectors for North East Derbyshire and the Construction, Professional, Scientific & Technical and Wholesale & Retail Trade sectors for Bolsover. For both districts, it is suggested by the same forecasts that the weakest performing sector (i.e. that with the greatest reduction in employment) will be the Manufacturing sector, although in terms of job losses this will be a relatively small number (700 between 2013-2030 for NEDDC and 600 for Bolsover).
- Both Districts have seen a decline in business 'births' between 2004-2012. North East Derbyshire has experienced more business 'deaths' than 'births', which equates to a gradual net loss of businesses in the district. However, both districts have seen a net decrease in business 'deaths' during the period 2004-12, which is contrary to the national picture. Bolsover has seen a small net business growth of 35 enterprises.
- For both districts the vast majority (89% NEDDC and 87% BDC) of businesses are Micro-Enterprises (0-9 employees).

### Housing

- Bolsover and North East Derbyshire face significant challenges in accommodating housing growth. New housing provision needs to be

increased substantially over completion rates in the last few years, whilst achieving an appropriate mix and tenure of housing that will create more balanced communities, meet housing needs, and support economic growth.

- Whilst a number of government funding sources are available to the Councils and their delivery partners to support housing delivery, accessing these is often challenging within the districts. Key issues relate to scale of development sites, and low rental and property prices.
- Although viability is a key challenge for both districts it is particularly acute in Bolsover. A viability study carried out by 'Levels' in 2012 on behalf of Bolsover District Council concluded that 'the viability of residential development over much of the district is marginal even with no requirement for a percentage of affordable housing provision.' North East Derbyshire continues to experience viability issues in its settlements with lower house and land values.
- Although both areas have some of the lowest cost housing in the East Midlands there is a notable variation in house prices across Bolsover and North East Derbyshire, with 78% of Bolsover's housing stock falling within Council Tax bands A and B, and North East Derbyshire having significantly higher house prices in the north of the district and the more affluent and sought after rural areas to the west, where there is a higher proportion of larger and detached homes. Despite the low property values in Bolsover and parts of North East Derbyshire, affordability is still an issue due to low average incomes.
- The North Derbyshire and Bassetlaw 2013 Strategic Housing Market Assessment (SHMA), which includes Bolsover and North East Derbyshire, recommends that between 235 and 240 additional homes are required in Bolsover each year, and between 270 and 310 in North East Derbyshire each year, over the next 5 years. This will require a



substantial increase from recent delivery levels, and recovery to pre-recession levels.

- The 2013 Strategic Housing Market Assessment found that in Bolsover there is a need for between 300 and 430 affordable homes per annum and 560 in North East Derbyshire; however the SHMA found that the private rented sector supports around 315 lettings per year to people claiming Local Housing Allowance in Bolsover with 180 in North East Derbyshire.
- Over a four year period Bolsover has received £772,335 from the government for New Homes Bonus allocations whilst North East Derbyshire has received £584,725.
- Although it is important to create this supply through facilitating new build, existing stock is also an important contributing factor, including improvements to Local Authority stock, bringing empty properties back into use and improvements and facilitation of the private rented sector. Delivering improvements to existing stock also contributes to improved quality of place, and bringing empty homes back into use contributes to the Councils' New Homes Bonus.
- Bolsover is a stock holding authority, owning and managing around 5200 homes. The Authority has a proven track record of investment within the Housing Stock and reached the decent homes standard for all properties by 2010 without the need to transfer the stock to another landlord. More recently, a detailed stock condition survey was completed in early 2014, providing an accurate assessment of investment needs over the next 30 years. A detailed business plan is to be developed and updated on a regular basis with completed works and random surveys. Bolsover has strong ambitions to both maintain and improve standards of existing housing stock, but also to build or acquire additional stock when needed. Two new build schemes have

been successfully completed on the sites of former Tarran bungalows and the third is nearing completion. In total this is 55 new properties. The developing business plan will also include additional new build in the area to address the increasing housing need for one and two bedroom properties.

- Rykneld Homes Limited (RHL) currently manages 8084 properties on behalf of North East Derbyshire. Approximately a third of these are properties of non traditional construction requiring significant levels of investment to secure their future. All the stock is required to be maintained at Decent Homes levels by the sector regulator the Homes and Communities Agency (HCA). NEDDC's chosen regeneration partner Rykneld Homes has secured Decent Homes funding and delivered a £23 million Capital programme in 2013/14 to begin addressing this. The capital programme will increase to £30 million over the next two years. The structural condition of the stock will require additional funding above the Council borrowing provision allowed through the 30 Year Housing Revenue Account Business Plan. To help tackle this Rykneld Homes has successfully established itself as a Registered Provider of Social Housing with the HCA. This will enable greater flexibility to access additional funding to deliver the Council's long term regeneration plans. This work has already commenced with the successful Tarran Bungalow project in Killamarsh and Eckington. The £11 million project has enabled the replacement of 99 homes which no longer met modern housing needs with 129 new energy efficient properties. The additional units developed by increasing build density are owned and managed by Rykneld Homes.
- Although levels of Private Rented Sector (PRS) stock are relatively low in the districts, 13% of housing in Bolsover is privately rented and 7.4% in North East Derbyshire. However, the sector is expanding and has increased by 3.5% in North East Derbyshire and 5.3% in Bolsover between 2001 and 2011,

- Housing growth is a significant element of both the SCR and D2N2's current Strategic Economic Plans. Housing Strategy have been working actively to maximise funding streams through the LEPs, such as the Homes and Communities Agency (HCA) grants to facilitate additional housing through initiatives such as a Joint Investment Fund and Housing Growth Zones for the SCR.

### **Challenges and Issues**

The evidence shows that Bolsover and North East Derbyshire are facing a number of significant barriers and challenges in relation to its future growth where action needs to be taken.

- The economy is behind the national average in terms of GVA per head, although it is growing at a much faster rate than nationally.
- There is under-performance on business churn and growth, recording comparatively low business birth and death rates. However, business survival rates, particularly in NED are generally higher than average.
- There is a limited range of quality of employment land portfolio, especially in North East Derbyshire and generally poorly connected employment sites. There is also a lack of fit for purpose commercial stock as well as low levels of opportunities for design and build and move-on accommodation.
- Since the demise of Business Link, there is a lack of in-depth support and advice services to help businesses to grow as well as a limited range of suitable funding to finance business growth.
- Viability is challenging across many parts of Bolsover district, with low house, rental and land values affecting the delivery of both market and

affordable housing. Evidence suggests that housing delivery is restricted by low effective demand for housing, rather than a shortage of housing land.

- Viability for housing growth is a challenge for North East Derbyshire due to lower value areas in terms of house, rental and land values in parts of the districts.

### **Our Competitive advantage**

Although there are challenges, there are genuine economic growth opportunities, competitive strengths and assets that Bolsover and North East Derbyshire can build upon, including:

- Excellent north-south road links and the significant private sector growth supported by significant public investment in infrastructure along the M1: junction 28 Castlewood in the south to junction 30 Barlborough Links in the north of Bolsover.
- Bolsover district had a significant increase in employment from 1998 to 2008.
- Commencement of infrastructure work in North East Derbyshire at The Avenue site which is the single largest regeneration scheme with the HCA.
- The provision of public sector start-up facilities and business support provided, for example The Tangent in Shirebrook and Coney Green in Clay Cross.
- £30m investment levered in for the redevelopment of Clay Cross and Bolsover Town centres.
- Resiliency of start-ups particularly in North East Derbyshire is higher than the national trend.
- Fast growing level of productivity i.e. GVA per head.

- Large number of micro-enterprises in Bolsover and North East Derbyshire create a more diverse and adaptable economy.

Future **opportunities** include:

- Building on the excellent north-south road links, particularly further develop employment land accessible to the M1, including near junction 29 within North East Derbyshire.
- Working in partnership to develop out Markham Vale Enterprise Zone.
- Increasing the numbers of new starts particularly in high value sectors and improve business survival rates beyond 5 years.
- Developing further employment land at Callywhite Lane, Dronfield by addressing infrastructure and access.
- Highly skilled workers out-commuting creating opportunities to relocate their jobs within the area, bringing enhanced economic activity.
- Increasing the number of companies exporting.
- Working in partnership with the HCA to realise the development of additional housing in Brookvale in Shirebrook, Bolsover and The Avenue in North East Derbyshire.
- Bringing in additional New Homes Bonus monies by bringing empty properties back into use.
- Enhancing the relationship with D2N2 and SCR to capitalise on funding and other opportunities.
- Building new council housing at Bolsover and new social housing at North East Derbyshire through acquiring registered provider status for Rykneld Homes.

- Working in partnership to deliver appropriate mixed use schemes at the former Coalite site addressing restoration and overcoming viability, infrastructure and phasing issues.
- Maximising opportunities to improve the tourism offer especially links with the Peak District and through under-developed resources such as the Chesterfield Canal.

For Bolsover and North East Derbyshire's economies to continue to grow, there continues to be a pressing need to broaden the economic base. The evidence shows that action is needed to build on our competitive advantage, generate growth and prevent further decline across Bolsover and North East Derbyshire. Creating new businesses and expanding existing ones, seizing the growth opportunities of the M1 'corridor', the provision of higher skilled, higher paid employment and delivering housing and places that attract and retain workers are key priorities. The area has many assets that can be utilised, developed and enhanced to improve the local economy for the benefit of businesses, individuals and communities. As the government looks to rebalance the economy away from over-reliance on London and the South East by strengthening the country's production and manufacturing base, Bolsover and North East Derbyshire needs to position themselves to respond to this agenda.

### **3. Policy and Financial Drivers**

#### **Policy Context**

We recognise that the area is, in itself, highly integrated with the economies of the sub region, east midlands and the UK in general. The Growth Strategy will need to be wholly inter-related and consistent with the regional strategic framework, particularly the Strategic Economic Plans of both LEPs.

The government's Plan for Growth set out a programme of structural reforms to remove barriers to growth for business and localities. To support local growth and rebalance growth so that it is more evenly shared across the country, initiatives include:

- establishing Enterprise Zones
- introducing programmes such as the Regional Growth Fund to leverage new private sector investment
- developing the role and remit of LEPs to drive local growth

Bolsover and North East Derbyshire are part of two LEP's; Sheffield City Region and Derby, Derbyshire, Nottingham, Nottinghamshire (D2N2). Government has given a greatly increased role for Local Enterprise Partnerships; specifically to devolve growth related funding to a single funding pot by April 2015. The use of these resources will be informed by new strategic plans for local growth consistent with national priorities, which both LEPs have submitted to government for approval. Additionally in the Autumn Statement, government committed to:

- aligning EU Common Strategic Framework Funds in England with LEPs' plans and
- notionally allocating funds to each LEP to support their identified investment priorities;
- affording LEPs a key role in relation to local skills strategies;
- providing a further £350m for the Regional Growth Fund; and

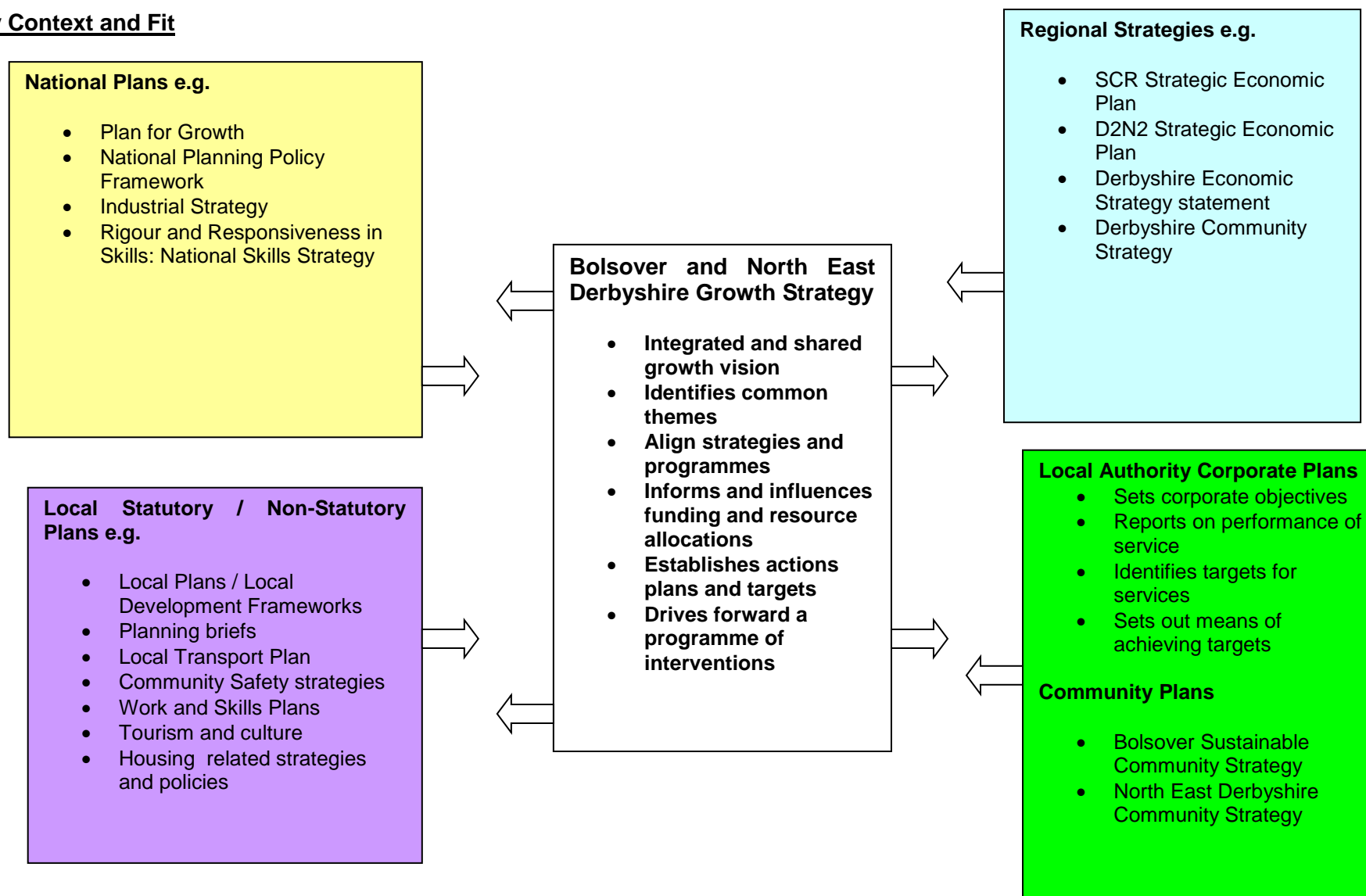
- making available a new concessionary public works loan rate to infrastructure projects nominated by LEPs.

Bolsover and North East Derbyshire will need to work very closely with the LEPs to deliver the Growth Strategy. Over the months and years ahead, the priority will be to ensure that the priorities contained within the Growth Strategy are appropriately reflected in the LEP's activities.

The attached diagram sets out the policy framework and defines the core role and function of the Growth Strategy.



## Policy Context and Fit



## **Planning for Growth**

The Government has made it clear that authorities should pursue a pro growth agenda in a flexible manner. The Local Plan for Bolsover and emerging Local Plan for North East Derbyshire provide the basis for growth, ensuring growth is targeted in the most suitable locations. Unlocking employment sites to meet growth requirements are a key priority, specifically to address the imbalance between the number of residents and the relatively low number of jobs. There is a need to safeguard and improve both existing employment sites and the employment land supply with Bolsover and North East Derbyshire. Bolsover has made provision for an additional 185 hectares of land for employment use up to 2030. The net employment land target for North East Derbyshire is around 50 hectares over the 20 year plan period. The focus is on existing large sites, both within public and private sector including:

- The Avenue, Wingerworth
- Biwaters, Clay Cross
- Markham Vale Enterprise Zone
- Former Coalite site
- Brook Park, Shirebrook
- Castlewood, M1
- Barlborough Links.

Bolsover and North East Derbyshire have a significant challenge to provide a mix and choice of housing, including affordable housing, to meet future housing targets and support economic growth. Both authorities need to make provision for additional dwellings of 5,000-6,000 between 2011 and 2031, which equates to around 300 dwellings per annum. Given past housing completion rates, there needs to be an increased emphasis on housing delivery, specifically on those larger housing sites which have secured planning permission.

The need to bring forward substantial development across both Bolsover and North East Derbyshire will put extra pressure on existing infrastructure.

## **The Financial Imperative**

Since 2010, funding for development and regeneration has significantly changed. While the quantum of funding has decreased, Government has set out a range of mechanisms through which local government might incentivise economic growth. There are a range of local growth incentives to support housing and economic growth, e.g. retention of business rates; developer contributions to infrastructure funding; New Homes Bonus etc. Payment depends largely on the level of growth. In general, these mechanisms involve little or no grant funding; and invariably, they rely on close and collaborative joint working between upper and lower tier authorities.

Bolsover and North East Derbyshire continue to face significant financial pressures during the next 3 years. An important component of the strategy will be to use these mechanisms creatively to generate additional revenue for the councils to address the financial challenges facing each authority.

## 4. Our Vision and Growth Ambition

The Growth Strategy will:

- Provide a shared narrative on the future direction of the Bolsover and North East Derbyshire economies, and
- Define clear priorities, objectives and actions for delivering and managing growth over the next 10 years.

We are committed to deliver faster sustainable growth and prosperity with opportunities for all to flourish and succeed.

Delivery of the vision will be achieved through a partnership approach to investment and will be underpinned by detailed action programmes leading to:

- Increasing the number of new starts and survival rates
- Additional inward investment in priority sectors
- Growing SMEs and increasing the number of large businesses
- Completing new homes, including the delivery of higher value properties to maximise New Homes Bonus
- Bringing empty properties back into use
- Increasing government funding from financial incentives for growth

## **Our Strategic Priorities**

### **Our three strategic priorities are:**

1. **Supporting Enterprise:** maintaining and growing the business base
2. **Enabling Housing Growth:** increasing the supply, quality and range of housing to meet the needs of a growing population and support economic growth
3. **Unlocking Development Potential:** unlocking the capacity of major employment sites

Our priorities are underpinned by 4 cross-cutting themes:

**Partnership Working:** More than ever, delivery of the Growth Strategy will be about working in partnership to get the most from scarce resources. This will include establishing a new relationship with the private sector to drive forward our growth agenda.

**Equality:** Social equality and ensuring that all residents benefit from growth will be at the heart of the Growth Strategy.

**Leadership and Co-ordination:** Bolsover and North East Derbyshire will need to actively address the structural weaknesses of the local economy in order to leverage new opportunities and deliver the core strategy's growth targets. The councils will provide effective leadership to rally support and commitment to the Growth Strategy, including the effective and efficient use of resources to kick-start action.

**Changing Perceptions:** A key theme will be to change the perceptions and raise the profile of Bolsover and North East Derbyshire as investment locations and a place for business.

## **5. Strategic Priorities: Unlocking our Growth Potential**

### **1. Supporting Enterprise: maintaining and growing the business base**

#### **The Evidence**

The analysis of the local economy shows structural weaknesses and an inability to keep pace with either the regional or national drivers. The following evidence demonstrates the challenges and opportunities faced:

- Dominance of lower-value added employment characterised by jobs with low earnings and low skills requirements and high levels of part-time employment.
- A manufacturing sector that has been increasing but is projected to decline.
- Over reliance on the public sector.
- Low levels of employment in higher value added sectors.
- Low levels of inward investment.
- Growth sectors include tourism, construction, advanced engineering and financial and business services.

Through this outcome we want to ensure we have a vibrant business community that is both ambitious and resilient. We are seeking to foster the next generation of entrepreneurs, ensuring existing businesses have the right support to grow, innovate and become more competitive. Our actions will focus on ensuring business support is available to those businesses who need it alongside business premises to meet a range of needs. This will be in the context of D2N2 and SCR resources and their Strategic Economic Plans.

#### **Objectives**

- Identifying and supporting businesses capable of growth.
- Encouraging competitiveness, creativity and enterprise, particularly amongst small and medium sized enterprises.
- Accelerating new business start-ups and ensuring survival.
- Developing and promoting the districts as competitive business locations.
- Increasing the number of businesses that export.
- Support the growth and development of the tourism product.

## **2. Enabling Housing Growth: increasing the supply, quality and range of housing to meet the needs of a growing population and support economic growth**

### **The Evidence**

Across both authorities, appropriate new housing provision needs to be increased substantially over completion rates in the last few years, which have been adversely affected by the economic downturn. The evidence shows:

- Bolsover and North East Derbyshire continue to experience difficulty in achieving delivery of residential sites with planning permission.
- Both authorities face significant challenges in accommodating growth and future housing delivery targets.
- New housing provision needs to increase substantially over completion rates in the last few years, whilst achieving an appropriate mix and tenure of housing that will create more balanced communities and meet local and changing needs.
- There are over 1,000 long term empty properties across the two districts, which if brought back into use would contribute towards meeting housing needs and improve neighbourhoods.
- There are opportunities to deliver high quality 'aspirational housing' especially in rural areas.

There is a need to accommodate growth and development in a sustainable way that protects the environmental quality and identities of the area.

### **Objectives**

- Bringing forward housing development sites.
- Increasing the provision of quality private sector housing supply.
- Support the acceleration of the delivery of new housing in key locations.
- Taking action to ensure that more affordable homes are available to rent or buy.
- Continuing to work with HCA and other strategic partners to accelerate the delivery of major regeneration projects across the area.
- Taking practical actions to bring empty homes back into use.

### **3. Unlocking Development Potential: unlocking the capacity of major employment sites**

#### **The Evidence**

The provision of a new sites and premises infrastructure is vital to support the rebuilding and diversification of the economic base. There is a reasonable availability of sites and premises to support business relocation, growth and expansion, ranging from incubation centres through to strategic employment sites, including the Markham Vale Business Park. The evidence shows:

- There is a need to ensure that sufficient employment land is available to meet future job growth requirements.
- There is a legacy of large scale Brownfield sites, which require significant remediation.
- The poor viability of commercial development will inevitably mean that only a limited supply of completed new build investment will be brought to market over the next few years.

#### **Objectives**

- Continuing to work in partnership with the public and private sector to develop, manage and enhance key strategic employment areas.
- Work towards maintaining an appropriate supply of suitably located employment land and premises.
- Ensuring the adequate provision of business start-up and incubation units to support the growth of start-ups, small and medium sized enterprises.
- Work with established firms and to promote the appropriate development of land in their ownership, particularly large single companies.



## 6. Action Plan

There are a limited number of priority interventions, which have the potential to trigger growth and economic change. They require a level of public sector intervention and have been developed in response to identified needs and opportunities. In some instances, the initiatives build on current / planned initiatives and collaboration between public and private agencies.

The interventions have three main focuses:

- Firstly, they major on actions (including preparatory work) which address the issues or opportunities for the area;
- Second, they have a clear growth and development focus, and
- Finally, the programme aligns with priorities and activities being promoted by the LEPs that make a difference and trigger significant economic change.

The strategic priorities and objectives will be delivered through a number of Transformational Intervention Projects as detailed in Appendix 1. Following adoption of the Growth Strategy and Action Plan, a designated 'lead' department will be responsible for preparing a detailed project plan for each authority to animate the project and determine resource requirements, risk and delivery mechanism.

An indicate timeframe is included within the priority interventions:

Short: (S) up to 12 months

Medium: (M) 1- 3 years

Long: (L) 3 years +

## **7. Implementation and Delivery**

The Action Plan sets out a coherent programme of phased interventions, which builds momentum in the short, medium and long term and will lead to economic development and growth. Consultation has taken place with the business community and other stakeholders, particularly the LEPs on both the strategy and action plans.

Following adoption of the Growth Strategy and Action Plan, a designated 'lead' department / officer will be responsible for preparing a detailed project plan to animate the project and determine resource requirements, risk and delivery mechanism. The project plan will include:

- The rationale for the action;
- Measures of success and timeframe;
- Responsibilities for delivery and
- Estimated investment needed (revenue, capital and external funding).

Clearly, cuts in local authority funding are impacting on the pro-growth services councils provide. A key driver of the Growth Strategy and Action Plan in the short – medium term will be to maximise income from the various financial mechanisms introduced by central government, specifically the New Homes Bonus and business rates retention scheme, to generate additional revenue for the councils to address the financial challenges facing each authority.

Making the case for growth will be crucial if Bolsover and North East Derbyshire are to benefit from external funding support from both LEPs. Bolsover and North East Derbyshire will need to work very closely with the LEPs to deliver the Growth Strategy. Over the months ahead, the priority will be to align projects contained within the Growth Strategy to the LEPs activities and funding programmes, e.g. ESIF, Growth Deals etc.

In addition to the interventions set out in the previous section, to support delivery of the Growth Strategy, both authorities will investigate the potential of establishing a proactive Growth Fund, which could be used to:-

- extend access to finance schemes to growing businesses across both local authority areas;
- invest / unlock property for development where markets are failing to kick start development.

The focus will be on developing / bringing forward projects that will have an economic impact and benefit for the area. In addition, the fund could be used to lever in additional funding from private, public and European investment.

A Leadership Team of senior officers across both authorities, under the direction of the Chief Executive, will be established to ensure coordination, implementation and delivery of the strategy as well as monitoring performance.

The economic development team will have a critical role to play to drive forward the growth agenda across the Alliance area. The roles, responsibilities and resources within the team will need to be reviewed in light of the new priorities set out in the strategy.

## **8. Managing Performance**

A performance framework will be developed to set out measurable targets. Progress in achieving the aims of the Growth Strategy and Action Plan will be measured against a small number of headline indicators and through the successful delivery of activities identified in the action plans for Bolsover and North East Derbyshire.

The success of the Action Plan will be measured using:

- Statistical analysis to assess on-going progress;
- Monitoring progress by regularly up-dating Project Delivery Plans, and
- Regular engagement with partners and stakeholders to gauge qualitative opinion progress.

## Supporting Enterprise: maintaining and growing the business base

### Our objectives

- Identifying and supporting businesses capable of growth.
- Encouraging competitiveness, creativity and enterprise, particularly amongst small and medium sized enterprises.
- Accelerating new business start-ups and ensuring survival.
- Developing and promoting North East Derbyshire as a competitive business location.
- Increasing the number of businesses that export.
- Support the growth and development of the tourism product.

North East Derbyshire Transformational Intervention Projects	Description	Lead (**)	Timescale
1. Business Growth 'Hub'	Launch local <b>Business Growth Hub</b> (connected to LEP Growth Hub) to establish an integrated, local business support service targeted towards high growth enterprises that have the potential, ambition and commitment to grow.	AD - EG	S/M
2. Key Account Management	Linked to the growth hub, sharpen the approach to <b>Key Account Management</b> through developing a programme to focus support on companies.	AD - EG	S/M
3. Business Support Package	Develop a <b>menu of business support</b> including market research, supply chain activity, business to business support, innovation, recruitment support, bespoke packages, support grants and/ or loans.	AD - EG	S/M
4. Internationalisation programme	Work with the LEPs to develop and implement a local <b>internationalisation programme</b> in order to expand trade and investment capacity.	AD - EG	M
5. Accelerate business start-ups	Develop an <b>Enterprise and Entrepreneurship Action Plan</b> to generate and support business start-up activity across the area and foster a culture of enterprise.	AD - EG	M/L
6. Refresh approach to inward investment	In collaboration with SCR / D2N2, <b>refresh and develop an inward investment</b> approach to improve the perception of North East Derbyshire as an investment location. The approach will focus on local actions to add value to sub-regional / regional activities including: <ul style="list-style-type: none"> <li>• Targeted promotion and effective branding: raising the profile and visibility</li> <li>• Relationship building with agents / other intermediaries</li> <li>• Define the proposition and 'package'</li> <li>• Coordinate and share intelligence</li> <li>• Aftercare (link to Growth hub).</li> </ul>	AD - EG	S/M
7. Rural Development Action Plan	Prepare a <b>Rural Development Action Plan</b> (LEADER programme), working with the LEP, DCC, LAG and the private sector, in order to enhance the product and raise the profile of North East Derbyshire as a place to visit.	AD - EG	S/M

## Enabling Housing Growth: increasing the supply, quality and range of housing to meet the needs of a growing population and support economic growth

### Our objectives

- Bringing forward housing development sites.
- Increasing the provision of quality private sector housing supply.
- Support the acceleration of the delivery of new housing in key locations.
- Taking action to ensure that more affordable homes are available to rent or buy.
- Continuing to work with HCA and other strategic partners to accelerate the delivery of major regeneration projects across the area.
- Taking practical actions to bring empty homes back into use.

North Transformational Projects	East Derbyshire Intervention Projects	Description	Lead (**)	Timescale
1. Realise major housing / mixed-use regeneration projects		In partnership with key stakeholders (e.g. LEPs, HCA) ensure <b>delivery of major housing / mixed-use regeneration projects</b> including: <ul style="list-style-type: none"> <li>• The Avenue, Wingerworth</li> <li>• Former Coalite site</li> <li>• Former Biwaters site, Clay Cross</li> </ul>	AD – EG AD – P & EH	S/M S - L
2. Identify new strategic housing sites		Investigate the potential <b>for new strategic housing sites</b> in North East Derbyshire including within the M1 Strategic Growth Corridor and eastern sub area.	AD – EG AD – P & EH	S/M
4. Social housing building programme		Investigate and plan implementation (including delivery mechanism) to bring forward the <b>construction of new social housing</b> .	AD – EG	S
5. Facilitate a house building programme		Through the <b>production of a Housing Strategy</b> identify a range of interventions available to stimulate housing growth, including a strategy for reducing the number of empty homes, financial incentives to stimulate growth and bringing empty commercial properties into social housing.	AD – EG	S
6. Relationship Management with Landowners and Developers (*)		Improve knowledge, intelligence and aftercare support by <b>supporting landowners and developers to take forward sites pre and post planning</b> .	AD – EG AD – P & EH B & CM	S
7. Realise the growth potential of Council-owned assets (*)		Through a procurement exercise establish interest from the market to work in partnership with the Council and <b>establish a delivery method for the development / refurbishment of key council-owned assets</b> , including establishing development agreements.	B & CM	S

## Unlocking Development Potential: unlocking the capacity of major employment sites

### Our objectives

- Continuing to work in partnership with the public and private sector to develop, manage and enhance key strategic employment areas.
- Work towards maintaining an appropriate supply of suitably located employment land and premises.
- Ensuring the adequate provision of business start-up and incubation units to support the growth of start-ups, small and medium sized enterprises.
- Work with established firms and to promote the appropriate development of land in their ownership, particularly large single companies.

North East Derbyshire Transformational Intervention Projects	Description	Lead (**)	Timescale
1.M1 Growth Corridor	Develop the <b>M1 Strategic Growth Corridor</b> proposal as the principal economic growth location, including investigating strategic site development at Junction 29	AD – EG AD – P & EH	S - L
2. A61 Growth Corridor	Continue to work with LEP and DCC to bring forward investment and development along the <b>A61 Growth Corridor</b>	AD – EG AD – P & EH	S - L
3. Priority Site Interventions	Identify key actions and funding mechanisms to <b>bring forward site development</b> at principal employment growth locations including: <ul style="list-style-type: none"> <li>• Callywhite Lane, Dronfield</li> <li>• Former Biwaters site, Clay Cross</li> <li>• The Avenue, Wingerworth</li> <li>• Markham Vale</li> <li>• Former Coalite site.</li> </ul>	AD – EG AD – P & EH B & CM	S - L
4. Relationship Management with Landowners and Developers (*)	Improve knowledge, intelligence and aftercare support to <b>supporting landowners and developers to take forward sites pre and post planning</b> , such as at Holmewood, Dronfield and Coney Green, Clay Cross.	AD – EG AD – P & EH	S
5.Realise the growth potential of Council-owned assets (*)	Through a procurement exercise establish interest from the market to work in partnership with the Council and <b>establish a delivery method for the development / refurbishment of key council-owned assets</b> , including establishing development agreements	B & CM	S

(\*) included in housing theme

(\*\*) AD – EG - Assistant Director of Economic Growth

AD - P & EH - Assistant Director of Planning and Environmental Health

B & CM – Building and Contracts Manager

**TABLE 1**

**STRATEGIC RISK REGISTER SUMMARY**

**STRATEGIC RISK REGISTER SUMMARY AS AT: MARCH 2014**

	<b>Risk</b>	<b>Consequences</b>	<b>Gross Risk (Probability x Severity)</b>	<b>Net Risk (Probability x Severity)  Taking into Account Current Controls</b>	<b>Risk Owner / Lead Officer</b>
1	Failure to deliver a balanced budget in line with the MTFP, at a time when the Council's reserves are marginally above minimum levels.	<ul style="list-style-type: none"> <li>• Impact upon ability to deliver current level of services</li> <li>• Unable to resource acceptable levels of service.</li> <li>• Significant adverse reputational Impact.</li> </ul>	4,4 <b>16</b>	3,4 <b>12</b>	SAMT / Chief Financial Officer
2	External financial / policy developments have an adverse impact on Council (poor grant settlement), or upon the local economy (employment losses / welfare reform), to which Council is unable to adopt an appropriate change of Strategic direction.	<ul style="list-style-type: none"> <li>• Unable to deliver the package of services to meet changing local needs and aspirations.</li> <li>• Unable to effectively support local communities.</li> <li>• Increased demands on Council services at a time when the Council resource base is reducing.</li> </ul>	4,4, <b>16</b>	4,3 <b>12</b>	SAMT / Political Leadership



	<b>Risk</b>	<b>Consequences</b>	<b>Gross Risk (Probability x Severity)</b>	<b>Net Risk (Probability x Severity)  Taking into Account Current Controls</b>	<b>Risk Owner / Lead Officer</b>
3	Delivery of the Council's Agenda is dependent upon effective delivery of both a number of major initiatives in the Growth Strategy, the Transformation Agenda, Welfare Reform, the localised HRA Regeneration Initiatives (including Mill Lane), securing major financial savings and implementing a range of new government reforms whilst maintaining service quality, which may overstretch our reduced organisational capacity.	<ul style="list-style-type: none"> <li>• New initiatives are not delivered in a cost-effective manner.</li> <li>• Failure to maintain / improve services in line with local aspirations</li> <li>• Failure to generate the savings required to balance the budget</li> <li>• Financial efficiencies weaken Governance / Internal Control arrangements.</li> <li>• Service deterioration / failure arising from capacity issues.</li> </ul>	4,4 <b>16</b>	4,3 <b>12</b>	SAMT / Chief Executive / Political Leadership.
4	Increasing difficult in recruiting to key posts or to replace key staff who leave	<ul style="list-style-type: none"> <li>• Deterioration in services to the public and loss of productivity</li> <li>• Weakening of Internal Control arrangements.</li> <li>• Ability to deliver Corporate Plan, service improvement falters.</li> </ul>	4,4 <b>16</b>	4,3 <b>12</b>	SAMT / Asst Director HR
5	A major operational risk materialises resulting in a significant impact upon the Council's ability to secure its corporate objectives. Given the efficiency measures that have been introduced to date this is considered	<ul style="list-style-type: none"> <li>• Deterioration in services to the public, potentially a major initial impact upon a local resident or a group of local residents.</li> <li>• Significant staff and financial resources required to resolve position, impacting on</li> </ul>	4,4 <b>16</b>	4,3 <b>12</b>	SAMT / Assistant Directors

	<b>Risk</b>	<b>Consequences</b>	<b>Gross Risk (Probability x Severity)</b>	<b>Net Risk (Probability x Severity)  Taking into Account Current Controls</b>	<b>Risk Owner / Lead Officer</b>
	to be an increasing issue for the Council.	<p>other services.</p> <ul style="list-style-type: none"> <li>A major service has its operating capacity significantly affected and is required to introduce major reform in its approach to service delivery.</li> </ul>			
6	Failure to resource and deliver acceptable service performance improvement/ reconfiguration to maintain good external reputation.	<ul style="list-style-type: none"> <li>Pace of external change results in underperforming services with adverse impact on local residents.</li> <li>Financial viability of the Council potentially undermined.</li> <li>Significant reputational damage to the Council.</li> </ul>	4,4 <b>16</b>	3,3 <b>9</b>	SAMT / Chief Executive
7	Need to effectively engage with local communities and a range of local partners (through the Strategic Alliance and other Joint services) to deliver cost effective joined up services.	<ul style="list-style-type: none"> <li>Failure to provide effective community leadership.</li> <li>Inability to deliver good quality cost effective services targeted at local needs</li> <li>Failure to achieve the required MTFP savings targets.</li> <li>Weak outcomes for local residents, due to failure to engage other agencies.</li> </ul>	4,4 <b>16</b>	3,3 <b>9</b>	Political Leadership Team / SAMT
8	Emergency Planning and Business Continuity arrangements fail to meet	<ul style="list-style-type: none"> <li>Inability of Council to provide services as a consequence of a severe catastrophic</li> </ul>	3,5 <b>15</b>	2,5 <b>10</b>	SAMT / Director of Health and Well

	<b>Risk</b>	<b>Consequences</b>	<b>Gross Risk (Probability x Severity)</b>	<b>Net Risk (Probability x Severity)  Taking into Account Current Controls</b>	<b>Risk Owner / Lead Officer</b>
	required standards when tested by flu pandemic, natural disaster (flood), etc	<p>external event (eg flooding, major terrorist incident, flu pandemic, fire at Salter gate).</p> <ul style="list-style-type: none"> <li>• Failure of IT infrastructure, leading to inability to effectively operate services and to safeguard income streams.</li> <li>• Business Continuity Plans prove ineffective in practice.</li> </ul>			Being
9	Governance Arrangements including Performance, Finance and Risk Management need to be maintained in order to continue to operate effectively in a rapidly changing environment.	<ul style="list-style-type: none"> <li>• Adverse Impact upon Service Quality.</li> <li>• Failure to deliver high quality services which address national and local priorities.</li> <li>• Significant adverse reputational impact.</li> </ul>	3,4 <b>12</b>	3,3 <b>9</b>	Chief Financial Officer / Monitoring Officer
10	Staff morale / Sickness Levels adversely affected as a result of pace of change, tightening financial circumstances or external circumstances.	<ul style="list-style-type: none"> <li>• Deterioration in services to the public and loss of productivity</li> <li>• Loss of key staff increased sickness levels</li> <li>• Increased pressure on other members of staff</li> <li>• Potential Industrial Action.</li> </ul>	3,4 <b>12</b>	3,3 <b>9</b>	SAMT / Assistant Director HR

**(Joint)  
Information Management  
Strategy 2014-2017**

April 2014

### CONTROL SHEET FOR: (Joint) Information Management Strategy

Strategy Details	Comments / Confirmation
	(Joint) Information Management Strategy 2014- 2017
Current status - i.e. first draft, version 2 or final version	Final- April 2014
Strategy author	Joint Assistant Director- Customer Service and Improvement
Location of strategy i.e. L-drive, shared Drive	
Member route for approval	Strategic Alliance Joint Committee Executive (BDC)/ Cabinet (NEDDC)
Cabinet Member (if applicable)	
Risk Assessment completed (if applicable)	Risk considered within the strategy
Equality Impact Assessment approval date	Internal document with no direct impact on customers or community groups.
Partnership involvement (if applicable)	Not applicable
Final strategy approval route i.e. Executive/ Council /Planning Committee	Executive (BDC)/ Cabinet (NEDDC)
Date strategy approved	

Date strategy due for review (maximum three years)	April 2017
Date strategy forwarded to Customer Service and Improvement (to include on Intranet and Internet if applicable to the public)	

## 1. Introduction

This strategy sets out the ambitions of both Bolsover District Council and North East Derbyshire District Council in the area of information management. Both councils recognise the importance of information to the daily work of the authorities. Organisations gather information for the prime purpose of record keeping or making decisions. We do this by summing, aggregating and analysing data flowing through our operational systems. This is then used to form the basis of evidence based decision making. By processing data and putting it into context we derive information, which we use to run our business. Intangible qualities such as knowledge and wisdom also help to shape information.

Information is gathered from a variety of sources, including customers, clients, stakeholders, government and partners. Information is a key resource, which if properly managed has a crucial role to play in enabling better decision making and delivering effective services to the community.

Types of information held may include financial data, property data, employee data, customer records, consultation data, equality data, policies, procedures, decision documents, transactional data, spatial data, publicity information etc. This information is captured in many different formats including letters, emails, reports, leaflets, web content, data sets, databases etc.

Councils must have in place an effective framework for collecting, accessing, storing, sharing and deleting information. It is even more important to have a consistent approach at times when both Councils are continuing to experience budget pressures. Information technology has a huge role to play in providing and managing information.

This strategy aims to outline our approach over the next three years.

## 2. Principles

Information is a critical resource which must be effectively managed by the business in order for the councils to meet strategic aims, whilst meeting its obligation to the public. Taking into account our legislative, performance and policy responsibilities, the following key principles have been designed to set the direction of the information management strategy:

- Information is actively and strategically managed as a critical business asset

- Standard policies and procedures will be in place to implement legislative and regulatory requirements
- We understand the information we have available and who is responsible for it
- A strong focus on data quality is important to ensure information is accurate
- Storage and security of information is managed effectively
- Employees have the necessary skills to manage and use the information resources we hold
- Availability and accessibility of information is managed efficiently to promote transparency
- Sensitive or restricted or personal information is managed safely and information sharing is carried out with confidence
- We will continuously strive to improve our information management systems.

These principles will apply to all aspects of the councils work.

There are a number of national drivers which influence this strategy and the above principles. These include:

- Legislation and regulatory requirements (see below)
- Public Service Network (PSN) requirements
- Payment Cards Industry(PCI-DSS) requirements
- Contractual requirements such as the Public Sector Mapping Agreement and Data Co-Operation Agreement.

The main legislation that guides this strategy is:

- Data Protection Act 1998
- Freedom of Information Act 2000
- Environmental Information Regulations 2004
- Regulation of Investigatory Powers Act 2000
- Re-use of Public Sector Information Regulations 2005
- Public Records Act 1958
- Local Government Act 2000
- Code of Recommended Practice for Local Authorities on Data Transparency (2011)
- E.U. INSPIRE Directive 2007/2/EC.

The ownership and governance of this strategy will be through the following model:

<b>Governance Role</b>	<b>Responsibility</b>	<b>Officer(s)</b>
Strategic Sponsor	High level sponsorship of the strategy and its implementation	Executive Director (Transformation)
Information Governance Board	Sets the strategic direction for information management and monitors progress	Executive Director (Operations)/ Joint Assistant Director - Customer Service and Improvement/ ICT Manager /other nominated officers
Strategic Information Owner	Co-ordinates the delivery of the information management strategy	Joint Assistant Director - Customer Service and Improvement

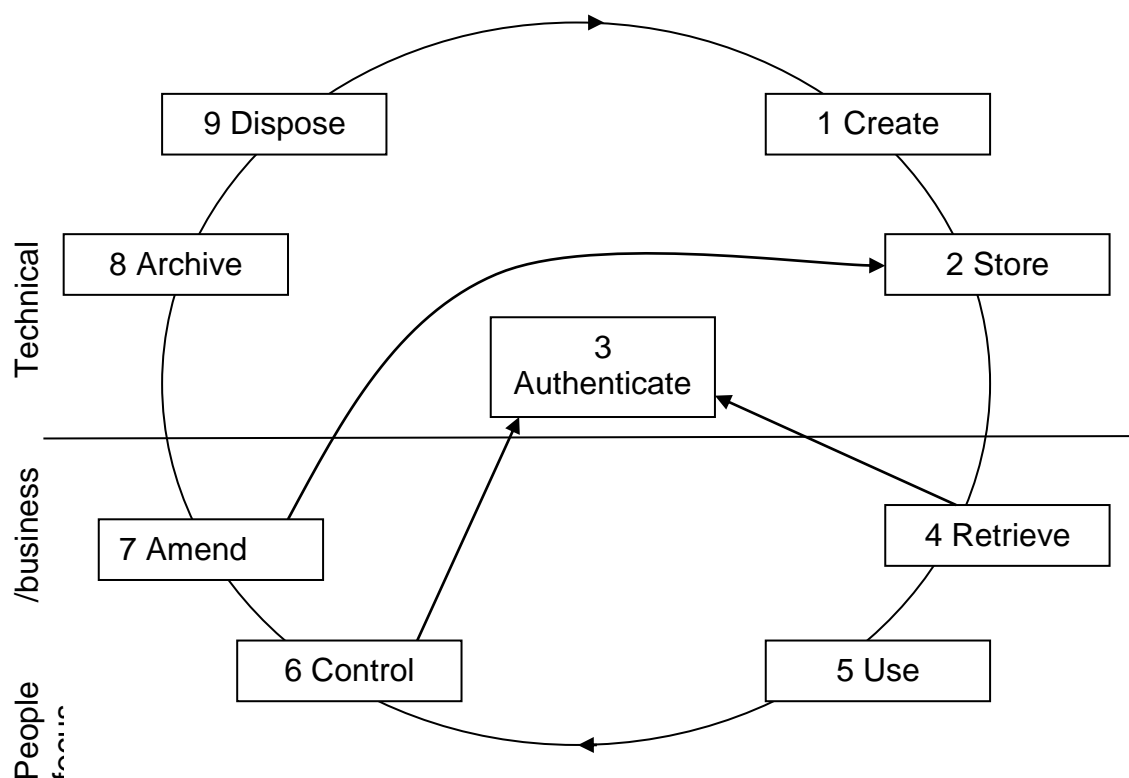
Information Custodians	Ensuring the effective collection, storage, access, sharing and deletion of information within departments	Assistant Directors and Service Managers
Information Users	Safe and secure day to day authorised access and management of information	All employees and members
Senior Information Risk Owner	Corporate Risk Management	Executive Director (Operations)

### 3. Information Management Requirements

Managing information involves a controlled and disciplined approach to looking after information assets at every step from creation through to disposal or indefinite retention to archive. High profile information losses from a range of both central and local government authorities and the introduction of financial penalties by the Information Commissioners Office have only served to heighten the need for strong information management in the public sector.

In order to understand our information management requirements we must first identify how we obtain, use and dispose of information within the business. SOCITM have produced a model which sets out the different stages of the information life cycle which are helpful in clarifying information management.

#### 3.1 Information Life Cycle Model (SOCITM 2010)





The information life cycle model consists of:

<b>1. Create</b>	<ul style="list-style-type: none"> <li>• Both systems and people create information.</li> <li>• Systems do so in an organised way whereas individuals are less so.</li> <li>• Making information available to those who have a legitimate right of access is imperative.</li> <li>• It is also important to avoid overloading people with information.</li> </ul>
<b>2. Store</b>	<ul style="list-style-type: none"> <li>• The important point of storing information is the ability to retrieve it easily later.</li> <li>• Information should be stored securely in line with policy.</li> </ul>
<b>3. Authenticate Access</b>	<ul style="list-style-type: none"> <li>• Security clearance needs to be in place for those that have a legitimate need to access information.</li> <li>• Setting up technical systems and rules about authentication is important.</li> <li>• Secure marking is also becoming an important element.</li> </ul>
<b>4. Retrieve</b>	<ul style="list-style-type: none"> <li>• Retrieval is easier through electronic systems rather than manual files.</li> <li>• Research and retrieval tools should be utilised wherever possible.</li> </ul>
<b>5. Use</b>	<ul style="list-style-type: none"> <li>• Information will be used on a daily basis by employees and contractors to deliver services to customers.</li> <li>• Systems that process and present information need to support the user needs.</li> <li>• Information presented to customers must be easy to understand.</li> <li>• Information transfers within the organisation or with partners must occur in a secure manner in line with Information Sharing Protocols.</li> </ul>
<b>6. Control</b>	<ul style="list-style-type: none"> <li>• Control is about establishing ownership, rights and responsibilities in relation to information.</li> <li>• Personal information (data) as defined by the Data Protection Act has to be strictly controlled.</li> <li>• Data sets should carry protective security markings.</li> <li>• Periodic and random audit checks on data quality and integrity should take place.</li> <li>• Data cleansing should be an ongoing activity.</li> </ul>
<b>7. Amend</b>	<ul style="list-style-type: none"> <li>• Amendments can be by employee interaction or automated.</li> <li>• Clear audit trails should exist when customer records are amended.</li> <li>• Information contained in documents or data sets should have clear version controls.</li> </ul>
<b>8. Archive</b>	<ul style="list-style-type: none"> <li>• Archiving involves the removal of information to avoid clutter and preservation for future access.</li> <li>• The Disposal and Retention Guidelines take effect at this point in the life cycle.</li> <li>• Archived documents must be ordered and readily retrievable.</li> </ul>
<b>9. Dispose</b>	<ul style="list-style-type: none"> <li>• At the final stage of the life cycle is the thorough destruction and disposal of information which must be done securely in line with guidelines.</li> </ul>

For any model to be successful it needs to be backed-up with policies, procedures and employee learning/development.

### 3.2 Information Management Policy and Procedures

There are a number of policies and procedures in place which help maintain the security of Council information assets. It is important that all employees are aware of their individual responsibilities to ensure that information relating to them, the Council and its customers, is protected.

The ICT policies are currently under review and will be made available on the intranet shortly.

Freedom of Information (including Data Protection and Environmental Information Regulations) policies and procedures can be found on the intranet.

Employees need to be aware of their own personal responsibilities, be prepared to report behaviour that is not in line with good information management and understand the outcomes for breaching information management controls.

### 3.3 Employee Learning and Development

Prior to recruitment information management skills should be considered as part of the recruitment and selection process for potential employees. It is also important that competencies identify information management as a core skill set to be discussed in the employee appraisal process.

All employees will be required to attend mandatory Data Protection briefings every three years; these were last delivered in December 2013. New starters will be offered briefings within 6 months of starting employment.

All employees will be required to attend Security Awareness training provided by ICT every three years. The next sessions will be offered during 2014. Thereafter new starters will be covered as part of the IT induction.

## **4. Strategy Action Plan**

In order to ensure that this Information Management Strategy is delivered there are a number of key developments which need to be implemented. These will be defined within this section.

### 4.1 Public Service Network (PSN) Compliance

The Public Service Network (PSN) is a secure wide area network (WAN) that allows access to Central Government systems, secure data transfer, secure email and accredited solutions provided by public sector organisations and accredited third

parties. At present this includes GCSx secure email, CIS (Benefits), Tell Us Once and Electoral Registration systems. The scope of the PSN network covers local authorities, central government departments, National Health Service, the Criminal Justice Extranet and the Police National Network. Some council employees will be required to have access to the facilities operated by this network in order for them to carry out their business. This may include employees having access to secure email facilities. All users requiring access to the PSN network will be required to read and understand an Acceptable Usage Policy (AUP) and sign a Personal Commitment Statement.

In order to be PSN compliant the Council has to ensure that a number of conditions and controls are in place. These are subject to annual review by the PSN team within the Cabinet Office based on submissions stating our compliance with the controls. In addition a 3<sup>rd</sup> party external audit is undertaken to test a number of the technical security controls within the Code of Connection.

Further information can be found in the Information Security Policy.

In order to address the issues generated by Public Service Network compliance we will:

- Approve this joint Information Management Strategy 2014- 2017 and deliver the agreed implementation plan.
- Establish a joint Information Governance Board by May 2014.
- Perform full Baseline Personal Security Standard (BPSS) checks for all PSN service users from January 2014 and for all users by January 2015.
- Revise the Information Security Policy in June 2017 or before if significant changes occur.
- Deliver annual training to all PSN users.
- Continue to deliver an annual Data Protection Work Programme to ensure changes in legislation and practice are reflected in council procedures.
- Deliver three year refresher training in Data Protection by December 2016.
- Deliver refresher Security Awareness Training for all staff during 2014 and then on a three yearly basis, this may be officer led or on-line.
- Deliver regular Security Awareness Training for all new staff, members or 3<sup>rd</sup> parties with access to our corporate network.

#### **4.2 Information Asset Management**

Information is a major asset that the Council has a responsibility and requirement to protect. Protecting information assets is not simply limited to covering the stocks of information (electronic or paper records) that the councils maintain it also covers the people who use them, the processes they follow and the physical equipment used to access them.

Currently neither authority has a complete list of systems (manual or electronic) processing personal data and therefore no inventory of the information assets it owns. The new proposed EU Data Protection Regulations identifies the need for complex organisations to hold a record of all processing of personal data. Personal data is any information about any living, identifiable individual. Under the new regulations, Data

Protection Officers have to be accountable for all Council systems/data bases containing personal data/information. The new regulations also require the Council to consider data privacy and recommend the introduction of Data Protection Privacy Impact Assessments. Guidance on conducting Privacy Impact Assessments has been produced and templates are in place. The assessment however is quite detailed and requires specialist knowledge of Data Protection legislation.

The storage and archiving of information assets is an important element which can often be overlooked. The important point of storing information is the ability to retrieve it easily later. Effective archiving involves the removal of information to avoid clutter and preservation for the future. All archived documents must be ordered and readily retrievable. Both councils are at different stages in relation to storage of manual records. Work is necessary at North East Derbyshire to improve this aspect of information management, although a review at both authorities would be timely to ensure space is being utilised appropriately.

In addition the storage of electronic data both within business system databases, structured data, and in unstructured data form, e.g. Z: and L: drives and personal data folders needs reviewing with regards to both data retention, duplication of data and data security.

Work has recently been undertaken to improve the deletion and disposal of data within both councils. Guidance has been produced and awareness increased through briefings. These improvements will be kept under review.

Both councils have in place Data Protection Breach Management guidance and processes for reporting data breaches. A breach is considered as the loss, release or corruption of personal (customer or employee) data. After notification of a breach consideration has to be given to if the breach is serious enough to warrant reporting to the Information Commissioners Office. The extent of the harm is judged on the volume of personal data involved and the sensitivity. Having adequate breach management is important to ensuring compliance with the Data Protection Act.

In order to address the issue of Information Asset Management we will:

- Work with departments to assign information asset owners and create a Personal Data Asset Register for each Council by March 2015.
- Work with departments to complete Data Protection Privacy Impact Assessments on more complex systems holding personal data or on the implementation of new ICT systems.
- Carry out regular Internal Audit checks on departmental systems identified in the Personal Data Asset Register.
- Carry out a review of storage and archiving at both Councils and make recommendations to SAMT by December 2014.
- Carry out a review of electronic storage at both Councils and if necessary make recommendations to SAMT by December 2014.
- Continue to promote and monitor the Data Protection Breach Management log to inform decisions about self reporting to the Information Commissioners Office.

### **4.3 Information Classification**

In relation to Central Government ICT systems all information assets must be classified and labelled in accordance with the HMG Security Policy Framework (SPF). The classification determines how the document should be protected and who should be allowed access to it. Any system subsequently allowing access to this information should clearly indicate the classification. At present the councils have not implemented corporate document classification. However users may come in contact with documents classified under the government scheme. Some Council departments who work with government departments will be familiar with the classifications and will be using them on a regular basis.

The Government Security Classifications are commonly known as a 'marking scheme'. A new marking scheme comes into effect from April 2014. These are:

- OFFICIAL
- SECRET
- TOP SECRET

The classification pre April 2014 may remain in circulation and are:

- Unclassified
- PROTECT
- RESTRICTED
- CONFIDENTIAL
- SECRET
- TOP SECRET

PROTECT, RESTRICTED (old) or OFFICIAL (new) are the markings which are applicable to local government.

A limited subset of OFFICIAL information could have more damaging consequences (for individuals or the organisation generally) if it was lost or stolen or published in the media. Where there is a clear and justifiable requirement to reinforce that the access to the information is on a need to know basis the information asset should be marked OFFICIAL-SENSITIVE.

In certain circumstances the OFFICIAL-COMMERCIAL marking can be used for example market-sensitive information which could be damaging if improperly accessed, including that subject to statutory or regulatory obligations. OFFICIAL- PERSONAL can also be used for particularly sensitive information relating to an identifiable individual, where inappropriate access would have damaging consequences e.g. Vulnerable individuals.

PROTECT, RESTRICTED or OFFICIAL information must not be disclosed to any other person or organisation via any method including, but not limited, to the following:

- Paper based methods
- Fax
- Telephone.

Where it is disclosed/ shared it should only be done so in accordance with a documented Information Sharing Protocol and /or Data Exchange Agreement. Disclosing PROTECT, RESTRICTED or OFFICIAL information (subject to descriptor) to any external organisation is also prohibited, unless via the Government Connect Secure Extranet (GCSx) email. Where GCSx email is available to connect the sender and receiver of email messages this must be used for communicating PROTECT, RESTRICTED or OFFICIAL information (subject to descriptor).

Guidance on the use of classifying information can be found in the joint Information Security Policy and on the intranet.

In order to address the issue of Information Classification we will:

- Communicate to all PSN Service users the new Government Security Classification scheme prior to April 1<sup>st</sup> 2014 when they are adopted by Central Government.
- Review the new Security Classifications for potential adoption within the Strategic Alliance. This may require clarification of descriptors against the OFFICIAL classification which is the only classification that would apply.
- Identify and record data classified as PROTECT, RESTRICTED (old standards) or OFFICIAL (new standards) within the Personal Data Asset Register.

#### **4.4 Data Transparency**

The Government is keen for local authorities to routinely publish information and datasets which are of interest to the public and/or have been requested under a Freedom of Information request.

The Government's Transparency Programme and Open Data agenda requires us to publish datasets that have been requested under the Freedom of Information Act 2000 and to publish information in accordance with the Code of Recommended Practice for Local Authorities on Data Transparency. Government is considering making this Code mandatory during 2014.

Bolsover has a dedicated webpage for data transparency which contains the information listed within the Code together with other datasets we have identified through Freedom of Information requests. Information on this page is available to use under the Government's Open Government Licence. The trend towards publishing more information will increase and both Councils need to be aware of this ongoing requirement.

In order to address the issues of Data Transparency we will:

- Continue to develop the availability of datasets at Bolsover District Council in line with the transparency programme.
- Develop a dedicated webpage for data transparency at North East Derbyshire District Council by December 2014.

#### **4.5 Local Land and Property Gazetteer (LLPG)**

The authorities are required to hold and maintain a database on all land and property within the districts as part of the DCA (Data Cooperation Agreement). The DCA is issued by GeoPlace™ LLP (a partnership jointly owned by the Local Government Association (LGA) and Ordnance Survey). This database, known as the LLPG (Local Land and Property Gazetteer) must be maintained to a specified standard in order to form part of a central, national database/gazetteer and the authority must have a designated Authority Address Custodian who is responsible for ensuring the LLPG is managed correctly. The LLPG at both BDC and NEDDC is also the corporate address database which should be linked to all address based systems in order to streamline processes and improve efficiency with regards to address management across the authorities.

In order to address issues around LLPG we will:

- Maintain the LLPG to the required standard.

#### **4.6 Geographical Information System (GIS)**

Spatial data is essential for a local authority to perform many of its statutory functions, in its simplest form this is geographical or map data. In order to use internally created spatial data and Ordnance Surveys base mapping, the authorities are signed up to the PSMA (Public Sector Mapping Agreement) which governs which data we can use, how it can be used and allows us to share Geographical Information (G.I.) or mapping with third parties in order to meet our core business requirements. The PSMA requires authorities to designate an Authority Principal Contact who is responsible for ensuring that data is managed and maintained/managed correctly and copyright is protected.

A PSMA Contractors licence is required (essential) for any situation where G.I or LLPG data is required by third parties, consultants and contractors. The designated Authority Principal Contact is responsible for issuing the data and licences.

It is essential for user and departments/service areas that create and maintain G.I. data, to have a strong level of data management knowledge and awareness.

In order to address issues around the GIS we will:

- Ensure that the requirement of the Public Sector Mapping Agreement is met.

#### **4.7 INSPIRE Directive**

European [Directive 2007/2/EC](#) is known as 'INSPIRE', establishes an infrastructure for spatial information in the European Union. Under INSPIRE authorities must make available in a consistent format, spatial datasets and metadata which come within the scope of the Directive and also create network services for accessing the datasets. These datasets must be created to a specified E.U. wide standard in order for the data to be shared throughout Europe.

No personal data would be shared under this requirement.

In order to address issues around the INSPIRE Directive we will:

- Ensure that the requirements of the INSPIRE Directive is met.

## 5. Glossary of terms

- **Baseline Personal Security Standard (BPSS)** check is a set of minimum requirements for checks and validation of employees. The full checks, including unspent convictions, need to be undertaken for PSN service users in 2014 with an extension to all ICT users from January 2015.
- **Content** is the umbrella term used to refer to any information asset.
- **Custodians** are the employees delegated by the owning organisation to look after, and take responsibility for, managing and safeguarding an information asset, and this person (or role) will be included in the metadata tagged to the asset. Custodians can authorise amendment and disposal of information assets.
- **Data** are pure facts - devoid of context they have no meaning.
- **Data Protection Privacy Impact Assessments** are a way of accessing systems and processes to ensure that data protection is fully considered and privacy of individuals is not breached.
- **Data Subject** is the individual to whom personal data refers.
- **Information** is data in context, or data processed in order to give it meaning.
- **Information Governance Board** is composed of senior managers representing all functions of the organisation, and takes overall responsibility for information management policy, investment, training and practice.
- **Information owners** in organisations are the corporate body of all information assets. The organisation (through the information governance function and the SIRO) will formally delegate the responsibilities for this role to a named individual (the custodian) with sufficient seniority and authority.
- **Knowledge** is non-codified information stored in someone's brain. It is personal to the owner, being assembled through the filters that person has acquired through their life experience.
- **OFFICIAL information** is the majority of information created or processed by the public sector. This includes routine business operations and service, some of which could have damaging consequences if lost, stolen or published in the media. There is no requirement to mark routine OFFICIAL information.
- The **Public Services Network** is a secure wide area network (WAN) that allows access to Central Government systems, secure data transfer, secure email and accredited solutions provided by public sector organisations and accredited third parties.



- **SECRET information** is very sensitive and justifies heightened protective measures to defend against threat factors. It is usually associated with central government departments such as the military.
- The **Senior Information Risk Owner** is a named individual responsible. In the Local authority context this would usually be the Section 151 Officer or member of Senior Management responsible for risk management
- **TOP SECRET information** is the HM Government most sensitive information requiring the highest level of protection from the most serious threats. It is usually associated with central government departments dealing with national security.
- **User** is any individual with the right and the business need to access an information asset or record.
- **Wisdom** develops from the repeated application of knowledge to problems and issues resulting in outcomes that are widely acknowledged to have been successful by relevant stakeholders.

## 6. Appendices (if applicable)

- (Joint) Information Management Strategy Action Plan

**(Joint) Information Management Strategy Action Plan**

Action	Owner	Lead Officer(s)	Target Date	Expected Outcome	Resources
Establish a joint Information Governance Board by May 2014	Executive Director of Operations	JAD- CS&I	May 2014	Established governance Six monthly meetings PSN Service compliance	Officer time
Perform full Baseline Personal Security Standard (BPSS) checks for all PSN service users from January 2014 and for all users by January 2015	JAD - HR & Payroll	JAD - Finance, Revenues & Benefits for funding HR Advisor for checks	January 2015	PSN Service compliance. Ability to continue to deliver key front line services(Benefits/ Elections)	(Compulsory) Cost £3,750 now and further £20,000 for compliance by January 2015
Revise the Information Security Policy in June 2017 or before if significant changes occur.	Executive Director of Transformation	ICT Manager	June 2017	Policies which are up-to-date and fit for purpose	Officer time
Deliver three year refresher training in Data Protection by December 2016	JAD- CS&I	CS&I Team	December 2016	Delivery of mandatory refresher training to ensure compliance with Data Protection Act. Competent employees	Officer and employee time
Deliver refresher Security Awareness Training for all staff	ICT Manager	ICT Manager	December 2014	Ensure compliance with PSN controls	Officer and employee time. Training costs to be identified.

Action	Owner	Lead Officer(s)	Target Date	Expected Outcome	Resources
Work with departments to assign information asset owners and create a Personal Data Asset Register for each Council by March 2015	JAD- CS&I	CS&I Team	March 2015	Compliance with new EU Data Protection Regulations (due 2014)	Officer time. Departmental officer time
Carry out a review of storage and archiving at both Councils and make recommendations to SAMT by December 2014	JAD- CS&I	CS&I Team	December 2014	Report recommendations. Improved data storage with	Officer time. Could incur cost for improved storage solution
Carry out a review of electronic storage at both Councils and if necessary make recommendations to SAMT by December 2014	ICT Manager	ICT Manager	December 2014	Report recommendations. Improved electronic data storage with	Officer time
Communicate to all PSN Service users the new Government Security Classification scheme prior to April 1 <sup>st</sup> 2014 when they are adopted by Central Government	ICT Manager	ICT Manager	March 2014 (complete)	PSN Service compliance	Officer time
Develop a dedicated webpage for data transparency at North East Derbyshire District Council by December 2014	JAD- CS&I	CS&I Team	December 2014	Compliance with Government Transparency agenda. Open data	Officer time

## Appendix G

Local Government Pension Scheme 2014 – <b>Employer Discretions North East Derbyshire District Council For post 31 March 2014 active members (excluding councillor members) and post 31 March 2014 leavers (excluding councillor members)</b>	
Discretion	Recommendation
<p><b>Additional Pension Contributions Regulation 16(2) (e) and 16(4)(d) of the LGPS Regulations 2013</b></p> <p>Whether, how much, and in what circumstances to contribute to a shared cost Additional Pension Contribution (APC) scheme.</p> <p>An APC is payment of pension contributions to cover a break in pensionable service. If the break in service is an authorised break, for example, the no pay period of maternity leave and the person opts to pay for the break within 30 days from the end of the break, the shared costs APC automatically applies. The shared cost is split two thirds employer, one third scheme member.</p> <p>The Council needs to consider a shared cost APC in exceptional circumstances, where a person opts to pay for the break after 30 days up to a period of 12 months, from the end of the break.</p>	<p>If the person opts to pay an APC to buy extra pension after 30 days and within one year of the break the shared cost option does not apply.</p>
<p><b>Flexible Retirement – Regulation 30 (6) and Transitional Provision Regulations 2014 Regulation 11(2)</b></p> <p>Whether all or some benefits can be paid if an employee reduces their hours or grade (flexible retirement)</p>	<p>That in accordance with the Council's existing policy on flexible retirement, this discretion would normally be awarded only in cases where there is no additional cost to the Council.</p>
<p><b>Flexible Retirement (Routine Cases) – Regulation 30 (8) of the LGPS Regulations 2013</b></p> <p>Whether to waive, in whole or in part actuarial reduction on benefits on flexible retirement.</p>	<p>That the Council has a general policy that any flexible retirement must normally be at no cost to the Council.</p> <p>Where there is no cost to the Council approval of flexible retirement requests are delegated to the Chief Executive Officer, with a right of appeal to the</p>

Local Government Pension Scheme 2014 – **Employer Discretions North East Derbyshire District Council For post 31 March 2014 active members (excluding councillor members) and post 31 March 2014 leavers (excluding councillor members)**

Discretion	Recommendation
	<p>Council's Elected Member Appeal Panel, should a flexible retirement request be refused.</p> <p>However, where the Council is seeking volunteers for flexible retirement as a way to avoid compulsory redundancies etc., the Council may consider bearing the cost to ensure there is no reduction in the employee's pension in order to secure the financial benefits arising from reducing employee numbers. In these exceptional cases, a report will be submitted to Cabinet for its consideration.</p>
<p><b>Policy for Flexible Retirement (Routine Cases) - Regulation 30 (8) of the LGPS Regulations 2013</b></p> <p>An employer can consent to a reduction in an employee's hours or grade and consent to the release of pension benefits where the employee is aged 55 and over.</p> <p>For the purpose of this policy, requests for flexible retirement can be categorised as follows:</p> <ul style="list-style-type: none"> <li>• Category one - Employee is age 60 or over - There is no cost to the council as the employee is at or past their earliest retirement date. If they do not meet the Rule of 85 (*1) their pension benefits will be reduced to reflect early payment.</li> <li>• Category two - Employee is age 55 or over but less than 60 and does not meet the Rule of 85 until on or after their 60th birthday. In this case the regulations allow for the cost of the early payment of pension benefits to be borne by the employee so as to avoid a pension fund shortfall. The</li> </ul>	<p>That the Council has a general policy that any flexible retirement for category one and category two cases must normally be at no cost to the Council.</p> <p>Where there is no cost to the Council approval of flexible retirement requests are delegated to the Chief Executive Officer, with a right of appeal to the Council's Elected Member Appeal Panel, should a flexible retirement request be refused.</p> <p>However, where the Council is seeking volunteers for flexible retirement as a way to avoid compulsory redundancies etc., the Council may consider bearing the cost to ensure there is no reduction in the employee's pension in order to secure the financial benefits arising from reducing employee numbers. In these exceptional cases, a report will be submitted to Cabinet for its consideration.</p> <p>The initial application will need to be directed to the Chief Financial Officer who is the named person with respect to the pension fund. In a situation where the Chief Financial Officer takes the view that it is appropriate to</p>

Local Government Pension Scheme 2014 – **Employer Discretions North East Derbyshire District Council For post 31 March 2014 active members (excluding councillor members) and post 31 March 2014 leavers (excluding councillor members)**

Discretion	Recommendation
<p>benefits are actuarially reduced to reflect the fact that they are paid early.</p> <ul style="list-style-type: none"> <li>Category three - Employee is age 55 or over but less than 60 and does meet the Rule of 85 either at the date of flexible retirement or at a later date that is before their 60th birthday. In this case we would have to meet the Pension Fund shortfall arising from the early payment of pension benefits from the date when the Rule of 85 is met.</li> </ul> <p>(*1 The Rule of 85 is where the sum of the scheme member's age plus period of membership in the Pension Scheme (both in whole years) is 85 or greater).</p>	<p>consider a discretionary award they will take a report to Cabinet recommending that a corresponding budgetary provision is established. In a position where the Chief Financial Officer did not support such an application then no such report will be taken with the individual submitting the application notified to that effect. Where the individual making the application is not satisfied with the decision of the Chief Financial Officer they may appeal to Cabinet for a review of that decision. Such an appeal should be made in the first instance to the Chief Executive who will arrange for a report to be taken to Cabinet. The employee/former employee concerned will be allowed to submit a written statement of case while the Chief Financial Officer will provide a written statement setting out the reasons why the application should be rejected.</p>
<p><b>NOTE</b> <b>Increases in hours after taking flexible retirement</b></p>	<p>Where an employee has been allowed to reduce their hours for the purposes of flexible retirement they will not be allowed to increase them on a permanent basis. Where it is in our interests, a temporary increase in hours for a period not exceeding six months can be permitted. The temporary increase in hours must be authorised by the chief officer.</p> <p>An employee who has reduced their hours and taken flexible retirement must only be allowed to work additional hours or overtime at the same level that applied prior to the reduction in contractual hours. The aim is to prevent employees compensating for a reduction in contractual hours by working additional hours and overtime. The chief officer must approve requests for</p>

Local Government Pension Scheme 2014 – <b>Employer Discretions North East Derbyshire District Council For post 31 March 2014 active members (excluding councillor members) and post 31 March 2014 leavers (excluding councillor members)</b>	
Discretion	Recommendation
	temporary increases in additional hours and overtime in advance.
<p><b>Retirement at age 55 - Regulation 30(8) of the LGPS Regulations 2013</b></p> <p>Whether to waive, in whole or in part, actuarial reduction on benefits which a member voluntarily draws before normal pension age.</p>	<p>That the Council has a general policy not to agree to waive, in whole or in part, actuarial reduction on benefits which a member voluntarily draws before normal pension age.</p> <p>The initial application will need to be directed to the Chief Financial Officer who is the named person with respect to the pension fund. In a situation where the Chief Financial Officer takes the view that it is appropriate to consider a discretionary award they will take a report to Cabinet recommending that a corresponding budgetary provision is established. In a position where the Chief Financial Officer did not support such an application then no such report will be taken with the individual submitting the application notified to that effect. Where the individual making the application is not satisfied with the decision of the Chief Financial Officer they may appeal to Cabinet for a review of that decision. The employee/former employee will be allowed to submit a written statement of case while the Chief Financial Officer will provide a written statement setting out the reasons why the application should be rejected.</p>
<p><b>Additional Pension - Regulation 31 of the LGPS Regulations 2013</b></p> <p>Whether to grant additional pension to an active member or within six months of ceasing to be an active member by reason of redundancy or business efficiency (by up to £6,500 p.a.)</p>	<p>That the Council has a general policy not to agree to grant additional pension to an active member or within six months of ceasing to be an active member by reason of redundancy or business efficiency (by up to £6,500 p.a.)</p> <p>The initial application will need to be directed to the Chief Financial Officer who is the named person with respect to the pension fund. In a situation where the Chief Financial Officer takes the view that it is appropriate to consider a discretionary award they will take a report to Cabinet</p>

**Local Government Pension Scheme 2014 – Employer Discretions North East Derbyshire District Council For post 31 March 2014 active members (excluding councillor members) and post 31 March 2014 leavers (excluding councillor members)**

Discretion	Recommendation
	<p>recommending that a corresponding budgetary provision is established. In a position where the Chief Financial Officer did not support such an application then no such report will be taken with the individual submitting the application notified to that effect. Where the individual making the application is not satisfied with the decision of the Chief Financial Officer they may appeal to Cabinet for a review of that decision. The employee/former employee will be allowed to submit a written statement of case while the Chief Financial Officer will provide a written statement setting out the reasons why the application should be rejected.</p>
<p><b>Switching on the Rule of 85 - Transitional Provision Schedule 2, paragraph 2(2) of the Transitional Provision Regulations 2014</b></p> <p>Whether to ‘switch on’ the 85 year rule for a member voluntarily drawing benefits on or after age 55 and before age 60.</p>	<p>That the Council has a general policy not to agree to switch on the 85 year rule for a member voluntarily drawing benefits on or after age 55 and before age 60.</p> <p>The initial application will need to be directed to the Chief Financial Officer who is the named person with respect to the pension fund. In a situation where the Chief Financial Officer takes the view that it is appropriate to consider a discretionary award they will take a report to Cabinet recommending that a corresponding budgetary provision is established. In a position where the Chief Financial Officer did not support such an application then no such report will be taken with the individual submitting the application notified to that effect. Where the individual making the application is not satisfied with the decision of the Chief Financial Officer they may appeal to Cabinet for a review of that decision. The employee/former employee will be allowed to submit a written statement of case while the Chief Financial Officer will provide a written statement setting out the reasons why the application should be rejected.</p>



Local Government Pension Scheme 2014 – <b>Employer Discretions North East Derbyshire District Council For post 31 March 2014 active members (excluding councillor members) and post 31 March 2014 leavers (excluding councillor members)</b>	
Discretion	Recommendation
<p><b>Compassionate Grounds - Transitional Provision 3(1), Transitional Provision Schedule 2, paragraph 2(1) and 2(2), of the Transitional Provision Regulations 2014 and Regulations B30(5) and B30A(5) of the LGPS (Benefits, Membership and Contributions ) Regulations 2007</b></p> <p>Decide whether to waive any actuarial reduction on pre and/or post April 2014 benefits paid early on compassionate grounds.</p>	<p>That the Council has a general policy not to waive any actuarial reduction on pre and/or post April 2014 benefits paid early on compassionate grounds.</p> <p>The initial application will need to be directed to the Chief Financial Officer who is the named person with respect to the pension fund. In a situation where the Chief Financial Officer takes the view that it is appropriate to consider a discretionary award they will take a report to Cabinet recommending that a corresponding budgetary provision is established. In a position where the Chief Financial Officer did not support such an application then no such report will be taken with the individual submitting the application notified to that effect. Where the individual making the application is not satisfied with the decision of the Chief Financial Officer they may appeal to Cabinet for a review of that decision. The employee/former employee will be allowed to submit a written statement of case while the Chief Financial Officer will provide a written statement setting out the reasons why the application should be rejected.</p>

**Local Government Pension Scheme 2008 – Discretions in relation to scheme members (excluding councillor members) who ceased active membership on or after 1 April 2008 and before 1 April 2014**

Discretion	Recommendation
<p><b>Augmented Pension - Regulation B12 of the LGPS (Benefits, Membership and Contributions ) Regulations 2007</b></p> <p>Whether, for a member leaving on the grounds of redundancy or business efficiency on or before 31<sup>st</sup> March 2014, to augment membership (by up to 10 Years). The resolution to do so would have to be made within 6 months of the date of leaving. Hence this discretion is spent entirely after 30<sup>th</sup> September 2014.</p>	<p>That the Council has a general policy not to agree to augment membership (by up to 10 Years) for a member leaving on the grounds of redundancy or business efficiency on or before 31<sup>st</sup> March 2014. The initial application will need to be directed to the Chief Financial Officer who is the named person with respect to the pension fund. In a situation where the Chief Financial Officer takes the view that it is appropriate to consider a discretionary award they will take a report to Cabinet recommending that a corresponding budgetary provision is established. In a position where the Chief Financial Officer did not support such an application then no such report will be taken with the individual submitting the application notified to that effect. Where the individual making the application is not satisfied with the decision of the Chief Financial Officer they may appeal to Cabinet for a review of that decision. The employee/former employee will be allowed to submit a written statement of case while the Chief Financial Officer will provide a written statement setting out the reasons why the application should be rejected.</p> <p>The resolution to do so would have to be made within 6 months of the date of leaving. Hence this discretion is spent entirely after 30<sup>th</sup> September 2014.</p>
<p><b>Early Payment of Deferred Benefits - Regulation B30(2) of the LGPS (Benefits, Membership and Contributions ) Regulations 2007</b></p> <p>Whether to grant an application for the early payment of deferred benefits on or after age 55 and before age 60.</p>	<p>That the Council has a general policy not to grant application for the early payment of deferred benefits on or after age 55 and before age 60 where there is a cost to the council. The initial application will need to be directed to the Chief Financial Officer who is the named person with respect to the pension fund. In a situation where the Chief Financial Officer takes the view that it is appropriate to consider a discretionary award they will take a report to</p>

Local Government Pension Scheme 2008 – Discretions in relation to scheme members (excluding councillor members) who ceased active membership on or after 1 April 2008 and before 1 April 2014	
Discretion	Recommendation
	Cabinet recommending that a corresponding budgetary provision is established. In a position where the Chief Financial Officer did not support such an application then no such report will be taken with the individual submitting the application notified to that effect. Where the individual making the application is not satisfied with the decision of the Chief Financial Officer they may appeal to Cabinet for a review of that decision. The employee/former employee will be allowed to submit a written statement of case while the Chief Financial Officer will provide a written statement setting out the reasons why the application should be rejected.
<p><b>Compassionate Grounds - Regulation 30(5) of the LGPS (Benefits, Membership and Contributions ) Regulations 2007</b></p> <p>Whether to waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early under B30</p>	<p>That the Council has a general policy not to waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early under B30.</p> <p>The initial application will need to be directed to the Chief Financial Officer who is the named person with respect to the pension fund. In a situation where the Chief Financial Officer takes the view that it is appropriate to consider a discretionary award they will take a report to Cabinet recommending that a corresponding budgetary provision is established. In a position where the Chief Financial Officer did not support such an application then no such report will be taken with the individual submitting the application notified to that effect. Where the individual making the application is not satisfied with the decision of the Chief Financial Officer they may appeal to Cabinet for a review of that decision. The employee/former employee will be allowed to submit a written statement of case while the Chief Financial Officer will provide a written statement setting out the reasons why the application should be rejected.</p>
<b>Suspended Tier 3 Ill Health – Regulation 30A (3) of the LGPS (Benefits, Membership and Contributions ) Regulations 2007</b>	That the Council would grant an application for early payment of a suspended tier three ill health pension on or after age 55 and before

Local Government Pension Scheme 2008 – Discretions in relation to scheme members (excluding councillor members) who ceased active membership on or after 1 April 2008 and before 1 April 2014	
Discretion	Recommendation
Whether to grant an application for reinstatement of a suspended tier 3 ill health pension on or after age 55 and before age 60. (i.e. if an employer has discontinued the ill health retirement benefits where an ex employee is in gainful employment or is capable of being in such employment, the ex employee may, on reaching age 55, choose to receive the retirement pension immediately)	age 60, where there is no cost to the council.
<p><b>Compassionate Grounds - Regulation 30A(5) of the LGPS (Benefits, Membership and Contributions ) Regulations 2007</b></p> <p>Whether to waive, on compassionate grounds, the actuarial reduction applied to benefits paid early under B30A.</p>	<p>That the Council has a general policy not to waive, on compassionate grounds, the actuarial reduction applied to deferred benefits paid early under B30A.</p> <p>The initial application will need to be directed to the Chief Financial Officer who is the named person with respect to the pension fund. In a situation where the Chief Financial Officer takes the view that it is appropriate to consider a discretionary award they will take a report to Cabinet recommending that a corresponding budgetary provision is established. In a position where the Chief Financial Officer did not support such an application then no such report will be taken with the individual submitting the application notified to that effect. Where the individual making the application is not satisfied with the decision of the Chief Financial Officer they may appeal to Cabinet for a review of that decision. The employee/former employee will be allowed to submit a written statement of case while the Chief Financial Officer will provide a written statement setting out the reasons why the application should be rejected.</p>

**Local Government Pension Scheme 1997 –Discretions in relation to active councillor members and councillor members who ceased active membership on or after 1 April 1998 and any other scheme members who ceased active membership on or after 1 April 1998 and before 1 April 2008**

Discretion	Recommendation
<p><b>Early Payment - Regulation 31(2) of the LGPS Regulations 1997</b></p> <p>Whether to grant application from a post 31 March 1998/pre 1 April 2008 leaver or from a councillor for early payment of benefits on or after age 50/55 and before age 60.</p>	<p>That the Council approve granting an application from a post 31 March 1998/pre 1 April 2008 leaver or from a councillor for early payment of benefits on or after age 50/55 and before age 60, where there is no cost to the council.</p>
<p><b>Compassionate Grounds - Regulation 31(5) of the LGPS Regulations 1997</b></p> <p>Whether to waive, on compassionate grounds, the actuarial reduction applied to benefits paid early for a post 31 March 1998/pre 1 April 2008 leaver or councillor leaver.</p>	<p>That the Council has a general policy not to waive, on compassionate grounds, the actuarial reduction applied to benefits paid early for a post 31 March 1998/pre 1 April 2008 leaver or councillor leaver.</p> <p>The initial application will need to be directed to the Chief Financial Officer who is the named person with respect to the pension fund. In a situation where the Chief Financial Officer takes the view that it is appropriate to consider a discretionary award they will take a report to Cabinet recommending that a corresponding budgetary provision is established. In a position where the Chief Financial Officer did not support such an application then no such report will be taken with the individual submitting the application notified to that effect. Where the individual making the application is not satisfied with the decision of the Chief Financial Officer they may appeal to Cabinet for a review of that decision. The employee/former employee/councillor will be allowed to submit a written statement of case while the Chief Financial Officer will provide a written statement setting out the reasons why the application should be rejected.</p>

Local Government Pension Scheme 1997 –**Discretions in relation to active councillor members and councillor members who ceased active membership on or after 1 April 1998 and any other scheme members who ceased active membership on or after 1 April 1998 and before 1 April 2008**

Discretion	Recommendation
<p><b>Optant Out Payments - Regulation 31(7) of the LGPS Regulations 1997</b></p> <p>Decide whether councillor optants out and pre 1 April 2008 employee optant outs only get benefits paid from normal retirement date (NRD) if employer agrees.</p>	<p>That councillor optants out and pre 1 April 2008 employee optant outs will only be allowed to get benefits paid from normal retirement date (NRD).</p>