

# Public Document Pack



**North East  
Derbyshire**  
District Council

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Date: Wednesday, 21 February 2024

To: **Members of the Cabinet**

Please attend a meeting of the Cabinet to be held on **Thursday, 29 February 2024, at 4.00 pm** in the District Council Offices, 2013 Mill Lane, Wingerworth, Chesterfield, S42 6NG.

Yours sincerely



Assistant Director of Governance and Monitoring Officer

<b><u>Cabinet Members</u></b>	
Councillor N Barker (Chair) Councillor J Birkin Councillor S Pickering	Councillor J Barry Councillor P Kerry (Vice-Chair) Councillor K Rouse

**For further information about this meeting please contact Alan Maher, 01246 217391**

## **Notice of Meeting to be held in Private**

It is intended that part of this meeting will be held in private under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. The matters to be considered in private are listed under the heading Private Session. The categories of exempt information that are likely to be disclosed during the discussion of these items, as defined in Part 1 of Schedule 12A to the Local Government Act 1972, are listed below each item.

No representations have been received requesting that these items be open to the public.

# **A G E N D A**

## **Public Session**

### **1 Apologies for Absence**

### **2 Declarations of Interest**

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

### **3 Minutes of the Last Meeting (Pages 5 - 9)**

To approve as a correct record and the Leader to sign the attached Minutes of the meeting of Cabinet held on 25 January 2024.

### **4 Medium Term Financial Plan Budget Monitoring Report April - December 2023 (Q 3) (Pages 10 - 21)**

Report of Councillor P R Kerry, Deputy Leader of the Council and Portfolio Holder for Strategic Leadership & Finance.

### **5 Derby and Derbyshire Strategic Leadership Board (Pages 22 - 58)**

Report of Councillor N Barker, Leader of the Council and Portfolio Holder for Strategic Leadership & Finance.

### **6 Shared Ownership Allocations Policy (Pages 59 - 77)**

Report of Councillor N Barker, Leader of the Council and Portfolio Holder for Strategic Leadership & Finance.

### **7 'Unlocking' The Avenue Southern Access (Pages 78 - 87)**

Report of Councillor J Barry, Portfolio Holder for Growth & Assets.

### **8 Urgent Items (Public)**

To consider any other matter which the Leader is of the opinion should be considered as a matter of urgency, in accordance with the provisions of Statutory Instrument 2012 No 2089, Regulation 11.

### **9 Exclusion of the Public**

The Leader to move:-

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 Part 1 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 item].

### **Private Session**

**10     Report on the Future of the Housing Revenue Account Car Parking Strategy**  
(Pages 88 - 116)

Report of Councillor J Barry, Portfolio Holder for Growth & Assets.

Key Decision

Paragraph 3

**11     Clay Cross Town Deal - Town Centre Contractor Procurement - NOW PUBLISHED** (Pages 117 - 122)

Report of Councillor J Barry, Portfolio Holder for Growth & Assets.

Key Decision

Paragraph 3

**12     Urgent Items (Private)**

To consider any other matter which the Leader is of the opinion should be considered as a matter of urgency, in accordance with the provisions of Statutory Instrument 2012 No 2089, Regulations 5 and 11.

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## **CABINET**

### **MINUTES OF MEETING HELD ON THURSDAY, 25 JANUARY 2024**

#### **Present:**

Councillor Nigel Barker (Chair) (in the Chair)  
Councillor Pat Kerry (Vice-Chair)

Councillor Jayne Barry  
Councillor Stephen Pickering

Councillor Joseph Birkin  
Councillor Kathy Rouse

#### **Also Present:**

J Dethick	Director of Finance and Resources & (Section 151 Officer)
L Hickin	Managing Director - Head of Paid Service
S Sternberg	Assistant Director of Governance and Monitoring Officer
L Pepper	Assistant Director Communities
D Thompson	Assistant Director of Planning
A Maher	Governance Manager

#### **CAB/ Apologies for Absence**

**59/2**

**3-24** None.

#### **CAB/ Declarations of Interest**

**60/2**

**3-24** None.

#### **CAB/ Minutes of the Last Meeting**

**61/2**

**3-24** RESOLVED That the minutes of the meeting held on 23 November 2024 were approved as a true record.

#### **CAB/ Medium Term Financial Plan 2023/24 to 2027/28**

**62/2**

**3-24** As part of the Council's Medium Term Financial Plan (MTFP), the report to Cabinet set out the Current Budget for the 2023/24 financial year. It also set out the proposed Original Budget for the 2024/25 financial year, covering the General Fund, Housing Revenue Account and Capital Programme, as well as the financial projections in respect of 2025-26 to 2027-28. Cabinet was asked to endorse and recommend them to Council for approval, at its meeting on 29 January 2024.

Members discussed the report. Cabinet heard about the financial pressures facing the Council. These included £2.3M in additional pay costs following the nationally agreed pay settlement. Cabinet was reminded that extensive use of the Council's Resilience Reserve had been expected when the 2023-24 budget was set. However, the report made clear that because greater efficiency savings had been achieved, less use had to be made of the Resilience Reserve than projected.

Cabinet welcomed the savings which had been achieved. It reflected on the

financial pressures which the Council would face over the remaining years of the Medium-Term Financial Plan, the continuing need to achieve financial savings and the possible future calls that would have to be made on the Resilience Reserve if these savings were not achieved. Cabinet also considered the possible timetable for future changes to local government funding and the impact which the recently announced one-year-only increase in local government funding would have on the Council's budget.

Cabinet considered the possible levels of Council Tax and Housing Rents that Council be recommended to set. Members discussed the need for sufficient financial resources to provide high quality services to the District and its residents. They also discussed how important it was not to add unnecessary financial pressures on Council Tax and Council Housing rent payers. At the conclusion of the discussion Cabinet felt that an appropriate balance had been struck and agreed to recommend the budget proposals to Council for approval.

### RESOLVED

#### Council is recommended at its meeting on 29 January 2024

- (1) That the view of the Director of Finance & Resources, that the estimates included in the Medium-Term Financial Plan 2023/24 to 2027/28 are robust and that the level of financial reserves are adequate at this time, be accepted.
- (2) That officers report back to Cabinet and the Services Scrutiny Committee on a quarterly basis regarding the overall position in respect of the Council's budgets.

### **General Fund**

- (3) That a Council Tax increase of £6.11 will be levied in respect of a notional Band D property (2.99%).
- (4) That the Medium-Term Financial Plan in respect of the General Fund as set out in **Appendix 1** to the report be approved as the Current Budget 2023/24, as the Original Budget 2024/25, and as the financial projections in respect of 2025/26 to 2027/28.
- (5) That the shortfall in the General Fund budget for 2024/25 as set out in **Appendix 1** to the report be met from the Resilience Reserve.
- (6) That the General Fund Capital Programme as set out in **Appendix 4** to the report be approved as the Current Budget in respect of 2023/24, and as the Approved Programme for 2024/25 to 2027/28.
- (7) That any under spend in respect of 2023/24 be transferred to the Resilience Reserve to provide increased financial resilience for future years of the plan.

### **Housing Revenue Account (HRA)**

- (8) That Council sets its rent levels for 2024/25 in consideration of the Social Housing Rent Standard increasing rents by 6% from 1 April 2024.
- (9) That the Medium-Term Financial Plan in respect of the Housing Revenue Account, as set out in **Appendix 3** to the report, be approved as the Current Budget in respect of 2023/24, as the Original Budget in respect of 2024/25, and the financial projection in respect of 2025/26 to 2027/28.
- (10) That the HRA Capital Programme as set out in **Appendix 4** be approved as the Current Budget in respect of 2023/24, and as the Approved Programme for 2024/25 to 2027/28.
- (11) That the Management Fee for undertaking housing services at £12.05m and the Management Fee for undertaking capital works at £1.1m to Rykneld Homes in respect of 2024/25 be approved.
- (12) That Members endorse the section in the financial framework within the Management Agreement which enables the Council to pay temporary cash advances to Rykneld Homes to help meet the cash flow requirements of the company should unforeseen circumstances arise in any particular month.
- (13) That Members note the requirement to provide Rykneld Homes with a 'letter of comfort' to the company's auditors and grant delegated authority to the Council's Director of Finance & Resources (S151 Officer) in consultation with the Leader of the Council to agree the contents of that letter.

**REASONS FOR DECISION** - To recommend budgets to Council in respect of the General Fund, the Housing Revenue Account, and the Capital Programme.

**OTHER OPTIONS CONSIDERED AND REJECTED** - The Council is required to set a budget each year. There are no alternative options were considered at this time.

**CAB/ 63/2 3-24 Publication of the first Biodiversity Net Gain report**

The report to Cabinet sought approval to publish the first Biodiversity Net Gain report on the Council's website. Members were reminded that the Environment Act 2021 had placed a wide range of responsibilities on local government to improve Biodiversity. In particular, Section 103 of the Act now requires local authorities to publish Biodiversity Net Gain reports, summarising what actions they had taken and what they plan to do over the next five years.

Cabinet discussed the Biodiversity Net Gain report. Members welcomed the Council's work with the Derbyshire Wildlife Trust to conserve and enhance biodiversity in the District. Members also welcomed the commitment to provide Cabinet and the Environment Scrutiny Committee with detailed information about what future action will be taken to improve Biodiversity Net Gain over the next five years and to help achieve the key Council Plan commitments on this.

**RESOLVED** – That the first Biodiversity Net Gain report be now published on the

Council's website.

REASONS FOR DECISION - To comply with Section 103 of the Environment Act in relation to the publication of annual reports, demonstrating that the Council is meeting its statutory duty.

OTHER OPTIONS CONSIDERED AND REJECTED - None. Not publishing the report would leave the Council in a position where it cannot demonstrate compliance with the relevant legislation.

**CAB/ 64/2 3-24** **Delegating authority to officers to enter into Planning Performance Agreements with Developers**

The report to Cabinet proposed that the Assistant Director of Planning be authorised to use his delegated powers to enter into Planning Performance Agreements with developers. Members were informed about the purpose of these agreements, and in particular, how they could be used to ensure more effective liaison with developers on the delivery of major planning applications. This would, it was explained, help to ensure that the Council could recoup more of its costs when dealing with developers on these applications than it does at the moment.

Cabinet supported the proposed use of Planning performance Agreements. Members welcomed the reassurance that such agreements would not give potential developers an unfair advantage, nor diminish the role of the Planning Committee when determining on Planning Applications.

**RESOLVED –**

- (1) That Cabinet approved the use of powers delegated to the Assistant Director of Planning to set up a mechanism allowing applicants to enter into Planning Performance Agreements (PPAs); and
- (2) That Cabinet agreed the publication of a document on the Council's website explaining the purpose of Planning Performance Agreement to applicants and members of the public, based on the contents of Appendix 1 to the report.

REASONS FOR DECISION - The use of PPAs will allow the Council to recoup a large part of the costs associated with officer time spent on proactively dealing with the large-scale planning applications received by the Council and reduce the cost of the Planning Service to the Council's General Fund.

OTHER OPTIONS CONSIDERED AND REJECTED - Alternative options were considered and rejected for the reasons set out in the report.

**CAB/ 65/2 3-24** **Urgent Items (Public)**

None.

**CAB/ 66/2** **Exclusion of Public**

**3-24** **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 Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972, (as amended by the Local Government (Access to Information) (Variation) Order 2006).

**CAB/ Purchase of 15 units for affordable rent - Oaks Farm, Calow**

**67/2**

**3-24**

The report to Cabinet proposed that fifteen units should be purchased for affordable rent at Oaks Farm, Calow. Members supported the proposal and welcomed the contribution which the purchase would make towards achieving the Council Plan objective to increase the amount of accommodation for affordable rent in the District.

RESOLVED - That Cabinet approved the proposed purchase of the 15 units at Oaks Farm, Calow.

REASONS FOR DECISION - Purchasing these units will help to meet the affordable housing need in this area and the District.

OTHER OPTIONS CONSIDERED AND REJECTED - The option of not purchasing the units was considered but rejected for the reasons specified in the report.

**CAB/ Implementation of a Council Tax Premium for Empty Homes**

**68/2**

**3-24**

Cabinet was asked to endorse the introduction of Council Tax Premium for empty homes in the District. The report to Cabinet explained that other councils across Derbyshire now charge a Premium on empty homes, in order to help tackle the shortage of housing supply in their areas. Members were informed that if Cabinet endorsed the proposal, then a subsequent report would be submitted to Council seeking formal approval for the Premium.

RESOLVED -

- (1) That Cabinet endorsed the implementation of an Empty Homes Premium, as set out in the report.
- (2) That the implementation of the Empty Homes Premium commences from 1 April 2024.

REASONS FOR DECISION - The introduction of an Empty Homes Premium will help to reduce the number of current empty homes in the District.

OTHER OPTIONS CONSIDERED AND REJECTED - The option of not introducing a Council Tax premium was considered but rejected, given the current rise in empty homes in the District.

**CAB/ Urgent Items (Private)**

**69/2**

**3-24**

None.

## North East Derbyshire District Council

### Cabinet

29 February 2024

#### **Medium Term Financial Plan Budget Monitoring Report April – December 2023 (Q3)**

#### **Report of the Deputy Leader with Responsibility for Finance**

Classification: This report is public

Report By: Justine Wells, Corporate Finance Manager (Deputy S151 Officer)

Contact Officer: Justine Wells

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#### **PURPOSE/SUMMARY**

To update Cabinet on the financial position of the Council following the third quarter's budget monitoring exercise for the General Fund, the Housing Revenue Account and the Capital Programme

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#### **RECOMMENDATIONS**

1. That Cabinet note the quarter one budget monitoring position outlined in this report and detailed in **Appendices 1-4**.

Approved by the Portfolio Holder – Deputy Leader with responsibility for Finance.

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#### **IMPLICATIONS**

##### **Finance and Risk**

Yes ✓

No

It is important that the Council maintains robust budgetary control and monitoring processes in order to safeguard both its reserves and its financial resilience.

The issue of financial risk and resilience is covered throughout the report. In addition, it should be noted that not achieving a balanced budget is outlined as a key risk within the Council's Strategic Risk Register.

All other financial implications are covered in the relevant sections throughout the report.

On Behalf of the Section 151 Officer

##### **Legal including Data Protection**

Yes

No ✓

There are no legal issues arising directly from this report.

**Staffing****Yes****No ✓**

There are no staffing issues arising directly from this report.

On Behalf of the Head of Paid Service

**DECISION INFORMATION**

<b>Decision Information</b>	
<b>Is the decision a Key Decision?</b> A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:  <b>NEDDC:</b> <b>Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/></b> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
<b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)	No
<b>District Wards Significantly Affected</b>	None
<b>Consultation:</b> <b>Leader / Deputy Leader <input type="checkbox"/> Cabinet <input type="checkbox"/></b> <b>SMT <input checked="" type="checkbox"/> Relevant Service Manager <input checked="" type="checkbox"/></b> <b>Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/></b>	Yes  Details:

**Links to Council Plan priorities, including Climate Change, Equalities, and Economics and Health implications.**

All

**REPORT DETAILS****1 Background**

To update Cabinet on the financial position of the Council following the third quarter's budget monitoring exercise for the General Fund, the Housing Revenue Account and the Capital Programme.

## **2     General Fund**

- 2.1 The position in respect of the General Fund as at 31 December 2023 is summarised in **Appendix 1** attached to this report. The appendix shows the Original Budget that was set in January 2023, together with the Current Budget compared to the 31 December position.
- 2.2 As at quarter three the overall forecast is for the General Fund to underspend by (£0.580m). Variances of note by Directorate are detailed at 2.4 – 2.6 below. **Appendix 2** provides a more detailed breakdown by directorate.
- 2.3 The revised budget approved by Council in January 2024 reduced the required contribution from the Resilience Reserve from £0.784m to £0.331m, the details of which are contained in the Medium Term Financial Plan report to Council. Further, the report stated that subsequent under spends be transferred to the Resilience Reserve to “pay back” contributions this year, increasing resilience for future years. Based on these forecasts the under spend of £0.580m reduces the use of the reserve to nil and forecasts a contribution back to the reserve of £0.336m at outturn this year. This will depend on the actual financial performance out-turning in line with the revised budgets as the year progresses.
- 2.4 The Organisation and Place Directorate is £0.423m lower than the original forecast. The main variances are in relation to salary underspends of £0.101m, vehicle fuel underspends of £0.042m as well as underspends for members allowances of £0.019m and district election costs of £0.024m. There is also increased income from planning fees (£0.186m), burial fees (£0.019m) and licensing fees (£0.018m) along with several smaller variances but nothing of note.
- 2.5 The Finance and Resources Directorate is £0.091m lower than the original forecast. The main variances are in relation to underspends on salaries of £0.048m and lower than forecast software costs of £0.042m.
- 2.6 The Growth and Assets Directorate is £0.068m lower than the original forecast. Across the directorate salary, maintenance and utility costs are lower than forecast by £0.027m, £0.024 and £0.041m respectively. This is partially offset by lower than forecast income of £0.039m as well as several smaller variances but nothing of note.

### **Financial Reserves**

#### **2.7     Transfers from Earmarked Reserves**

The use of earmarked reserves in 2023/24 to date is £1.589m comprising:

- £0.605m from revenue grants
- £0.984m from earmarked reserves

#### **2.8     Transfers to Earmarked Reserves**

The transfers to earmarked reserves in 2023/24 to date is £1.607m comprising:

- £1.261m to revenue grants
- £0.346m to earmarked reserves

The majority of the transfer to earmarked reserves relate to resilience reserves, see 2.11 below.

- 2.9 There are ongoing commitments against the earmarked reserves which will continue in 2023/24 and future years. Should any of the reserves prove unnecessary in the light of subsequent events then they will be moved back into unallocated General Fund resources.

#### Invest to Save

- 2.10 The Invest to Save Reserve had an opening balance £2.700m at 1 April 2023. Commitments already made against this reserve for 2023/24 and future years amount to £0.799m leaving £1.901m currently uncommitted and available for future innovations and spend to save initiatives.

#### Resilience Reserve

- 2.11 The Resilience Reserve had an opening balance of £2.270m at 1 April 2023, and planned commitments in the current financial year were forecast to reduce this to £1.734m. However, the revised budget reduced use of the reserve to £0.331m by the end of year. The Q3 forecast underspend now reduces this use to nil and forecasts a contribution of £0.336m to the Resilience Reserve. This will be utilised to provide financial resilience to the General Fund in future years as required by Medium Term Financial Plan.

#### General Fund Balances

- 2.12 The level of General Fund Balances has been maintained at £2.000m. The General Fund balances are considered to be at an acceptable level rather than generous. The General Fund balance needs to be considered against the background of ongoing reductions in the level of Government funding together with the range of risks facing the Council. With only a limited level of General Fund reserves it is crucial that the Council continues to maintain robust budgetary control while securing its ongoing savings targets in order to safeguard both its reserves and its financial sustainability.

#### Housing Revenue Account (HRA)

- 2.13 **Appendix 3** shows the HRA position at quarter one. To date the HRA has remained relatively stable with income above budget by £0.124m and expenditure below budget by £0.033m resulting in an overall income position of £0.158m. The expenditure variance is due to the cost of insurance claims awaiting settlement by the insurers offset by £0.033m of general expenses not spent and £0.021m of salary underspends. The income variance is due to lower than forecast right to buy sales and an increase in non-dwelling rents for commercial property and garage rents of £0.033m and £0.038m respectively.

#### Capital Investment Programme

- 2.14 **Appendix 4** shows the capital position at quarter three which is currently £8.850m lower than the forecast.
- 2.15 The HRA capital programme is currently under budget by £8.881m largely due to the North Wingfield New Build (£3.606m). HRA Capital Works are also lower than profile at Q3 (£2.267m) but this is not unusual at this point in the year and the stock purchase programme is also showing a current underspend (£2.173m) but is committed. The General Fund capital programme is higher by £0.031m for Eckington Pool due to

additional expenditure not known about at the time of the approval of the capital programme.

- 2.16 The Council has sufficient capital resources in place to finance the actual expenditure and commitments of the capital programme this year.

### **3 Reasons for Recommendation**

- 3.1 The report summarises the financial position of the Council following the third quarter's budget monitoring exercise for the General Fund, the Housing Revenue Account and Capital Programme.

### **4 Alternative Options and Reasons for Rejection**

- 4.1 This report is concerned with monitoring the position against the Council's previously approved budget. Accordingly, the report does not set out any options where a decision is required by Members.

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## **DOCUMENT INFORMATION**

<b>Appendix No</b>	<b>Title</b>
1	General Fund Summary Monitoring Q3 2023/24
2	General Fund Detail Monitoring Q3 2023/24
3	HRA Monitoring Q3 2023/24
4	Capital Expenditure Monitoring Q3 2023/24
<b>Background Papers</b>	

## APPENDIX 1

## GENERAL FUND ACCOUNT - SUMMARY BUDGET MONITORING 2023/24 (QUARTER 3)

	Original Budget 2023/24 £	Current Budget 2023/24 £	Q3 Profiled Budget 2023/24 £	Actuals £	Variance £
Organisation and Place Directorate	7,098,395	7,926,480	6,594,063	6,170,843	(423,220)
Finance and Resources Directorate	4,620,372	4,281,525	3,307,236	3,215,845	(91,391)
Growth and Assets Directorate	3,736,445	3,247,273	267,204	201,442	(65,762)
Recharges to Capital and HRA	(618,350)	(618,350)	(463,825)	(463,763)	62
<b>Net Cost of Services</b>	<b>14,836,862</b>	<b>14,836,928</b>	<b>9,704,678</b>	<b>9,124,367</b>	<b>(580,311)</b>
Investment Properties	(449,920)	(473,095)	(384,803)	(405,987)	(21,184)
Bad Debt Provision	40,000	40,000	30,000	30,000	0
Interest	(479,180)	(801,564)	(601,256)	(667,005)	(65,749)
Debt Repayment Minimum Revenue Provision	56,000	56,000	42,000	42,000	0
Parish Precepts	3,467,459	3,556,306	2,667,230	2,667,230	0
Transfer To Earmarked Reserves	20,000	1,270,546	1,270,546	1,270,546	0
Transfer From Earmarked Reserves	(232,064)	(1,589,551)	(1,589,551)	(1,589,551)	0
Transfer Shortfall From Resilience Reserve	(977,011)	(331,241)	(331,241)	0	331,241
Transfer To Resilience Reserve	0	0	0	336,003	336,003
<b>Total Spending Requirement</b>	<b>16,282,146</b>	<b>16,564,329</b>	<b>10,807,603</b>	<b>10,807,603</b>	<b>0</b>
Business Rates	(5,297,035)	(5,297,035)	(3,972,776)	(3,972,776)	0
New Homes Bonus	(602,080)	(602,080)	(451,560)	(451,560)	0
3% Funding Guarantee	(259,008)	(259,008)	(63,629)	(63,629)	0
Services Grant	(108,841)	(108,841)	(28,329)	(28,329)	0
Collection Fund (Surplus)/Deficit - Council Tax	(81,168)	(81,168)	0	0	0
Collection Fund (Surplus)/Deficit - NNDR	0	0	0	0	0
NEDDC Council Tax Requirement	(6,659,905)	(6,659,905)	(4,994,929)	(4,994,929)	0
Parish Council Council Tax Requirement	(3,556,306)	(3,556,306)	(2,667,230)	(2,667,230)	0
<b>Council Tax Requirement</b>	<b>(16,564,343)</b>	<b>(16,564,343)</b>	<b>(12,178,453)</b>	<b>(12,178,453)</b>	<b>0</b>

## GENERAL FUND ACCOUNT - DETAILED BUDGET MONITORING 2023/24 (QUARTER 3)

		Profiled Budget 2023/24 £	Actuals 2023/24 £	Variance £
<b><u>Organisation &amp; Place Directorate</u></b>				
<b>Managing Director &amp; Head Of Paid Service</b>				
4500	Managing Director - Operations & Head of Paid Service	107,715	106,840	(875)
5720	Supporting PA's	112,348	112,240	(108)
		220,063	219,081	(982)
<b>Assistant Director Environmental Health</b>				
3400	Environmental Protection	132,141	135,850	3,709
3401	Food, Health & Safety	139,314	129,788	(9,527)
3402	Environmental Enforcement	155,296	156,518	1,222
3403	Community Outreach	19,912	22,242	2,330
3404	Licensing	44,230	38,714	(5,516)
3405	Pollution	131,175	134,201	3,026
3407	Pest Control	49,848	43,772	(6,076)
3408	Home Improvement	15,432	16,016	584
3409	EH Technical Support & Management	259,468	264,313	4,845
3410	Private Sector Housing	88,173	82,801	(5,372)
3419	Destitute Funerals	1,751	2,675	924
3420	Fly Tipping	3,000	0	(3,000)
3426	Covid Enforcement Team	26,850	22,630	(4,220)
3427	Private Water Supply Contract	0	2,236	2,236
3429	Joint Assistant Director Environmental Health	45,499	41,371	(4,128)
3430	Clean Air New Burdens	(8,784)	(11,710)	(2,926)
3726	Works In Default	(1)	740	741
		1,103,304	1,082,157	(21,147)
<b>Assistant Director Streetscene</b>				
3174	Street Scene	224,152	203,446	(20,706)
3227	Materials Recycling	819,731	796,531	(23,200)
3282	Eckington Depot	111,991	114,011	2,020
3285	Dronfield Bulk Depot	2,754	3,668	914
3511	Hasland Cemetery	(27,358)	(38,128)	(10,770)
3513	Temple Normanton Cemetery	(4,302)	(4,386)	(84)
3514	Clay Cross Cemetery	(46,642)	(47,621)	(979)
3516	Killamarsh Cemetery	(14,256)	(22,422)	(8,166)
3918	Dog Fouling Bins	(48,903)	(47,680)	1,224
3921	Street Cleaning Service	464,541	439,826	(24,715)
3943	Transport	492,817	500,997	8,180
3944	Grounds Maintenance	325,871	324,448	(1,423)
3945	Domestic Waste Collection	1,315,431	1,294,207	(21,224)
3946	Commercial Waste Collection	(599,888)	(605,691)	(5,803)
3947	Assistant Director Streetscene	60,302	59,939	(363)
		3,076,241	2,971,145	(105,096)
<b>Assistant Director Planning</b>				
4111	Applications And Advice	(354,049)	(561,350)	(207,301)
4113	Planning Appeals	27,963	27,963	(0)
4116	Planning Policy	202,636	180,355	(22,281)
4119	Neighbourhood Planning Grant	12,759	12,759	0
4311	Environmental Conservation	17,880	15,630	(2,250)
4511	Assistant Director Planning	44,077	40,040	(4,037)
4513	Planning	660,234	641,258	(18,976)
4515	Building Control	39,000	39,000	0
		650,500	395,655	(254,845)
<b>Assistant Director Governance</b>				
1121	Member's Services	379,544	360,407	(19,137)
1123	Chair's Expenses	5,552	2,648	(2,904)
1131	District Elections	190,000	166,410	(23,590)



		<b>Profiled Budget 2023/24</b>	<b>Actuals 2023/24</b>	<b>Variance</b>
1133	Parish Elections	68,195	68,195	(0)
1137	Parliamentary Elections	0	2,655	2,655
1138	Police & Crime Commissioner Elections	19,420	19,420	(0)
1139	County Council Elections	0	2,024	2,024
1231	Corporate Training	41,465	41,719	254
1259	Corporate Groups	5,628	6,526	898
1311	Human Resources	248,887	247,704	(1,183)
3121	Health & Safety Advisor	27,637	22,994	(4,643)
5273	Brass Band Concert	0	0	0
5313	Register Of Electors	111,578	109,689	(1,889)
5321	Assistant Director Governance	72,496	71,943	(553)
5353	Legal Section	160,542	175,591	15,049
5354	Land Charges	(2,564)	798	3,362
5392	Scrutiny	29,639	16,898	(12,741)
5711	Democratic Services	185,936	187,185	1,249
		<b>1,543,955</b>	<b>1,502,805</b>	<b>(41,150)</b>
<b>Total for Organisation &amp; Place Directorate</b>		<b>6,594,063</b>	<b>6,170,843</b>	<b>(423,220)</b>

#### **Finance & Resources Directorate**

##### **Director of Finance & Resources**

1312	Payroll	83,808	86,275	2,467
1315	Design & Print	98,834	95,499	(3,335)
1321	Communications & Marketing	95,911	93,843	(2,068)
1323	NEDDC News	28,502	24,764	(3,738)
1329	Corporate Web Site	1,764	2,039	275
3512	CBC Crematorium	200,000	200,000	0
5113	Unison Duties	6,464	116	(6,348)
5611	External Audit	(23,809)	(23,809)	0
5615	Bank Charges	108,763	105,295	(3,468)
5621	Contribution to/from HRA	0	0	0
5713	Audit	106,189	108,020	1,831
5714	Financial Support Services	2,627	1,521	(1,106)
5715	Procurement	16,210	17,438	1,228
5716	Director of Finance & Resources	52,472	52,087	(385)
5721	Financial Services	275,304	277,615	2,311
5724	Insurance	393,412	389,406	(4,006)
5725	Apprenticeship Levy	33,753	38,626	4,873
5727	Cost Of Ex-Employees	94,743	94,742	(1)
5728	Covid-19 Response	32,395	35,263	2,868
5745	Covid New Burdens	(13,098)	(17,460)	(4,362)
		<b>1,594,244</b>	<b>1,581,280</b>	<b>(12,964)</b>

##### **Assistant Director ICT**

5215	Telephones	32,750	27,808	(4,942)
5216	Mobile Phones and I pads	19,225	16,107	(3,118)
5701	Joint ICT Service	2,748	2,748	0
5734	NEDDC ICT Service	485,019	482,997	(2,022)
5735	Cyber Security	0	3,000	3,000
5736	Business Development	288,032	239,254	(48,778)
5737	Corporate Printing Costs	15,497	11,333	(4,164)
		<b>843,271</b>	<b>783,247</b>	<b>(60,024)</b>

##### **Assistant Director Communities**

1218	Community Safety	(15,854)	(15,830)	24
1220	Assistant Director Communities	36,319	36,768	449
3165	Housing Options Team	256,262	250,937	(5,325)
3176	Pool Car	377	161	(216)
3740	Strategic Housing	87,005	85,427	(1,578)
3745	Household Support Fund	52,905	52,906	1
3747	Homeless Temp Accommodation	(45,514)	(45,601)	(87)
3748	Homelessness Grant	(192,680)	(192,680)	0

		<b>Profiled Budget 2023/24</b>	<b>Actuals 2023/24</b>	<b>Variance</b>
3749	Empty Properties	1,125	8	(1,117)
3750	Housing Growth	26,807	26,084	(723)
3754	Rough Sleepers	(18,767)	(28,811)	(10,043)
3756	Supported Housing Improvement Programme	(122,790)	(129,135)	(6,345)
3759	Emergency Welfare Assistance Grant	20,002	22,192	2,190
5221	Customer Services	266,593	256,818	(9,775)
5223	Franking Machine	35,778	39,849	4,071
5741	Housing Benefit Service	297,307	301,998	4,691
5742	Test & Trace	(79,419)	(79,419)	0
5747	Debtors	49,154	48,573	(581)
5751	NNDR Collection	53,261	57,787	4,527
5759	Council Tax Administration	497,491	499,593	2,102
5775	Council Tax Rebate	(11,400)	(11,400)	0
5778	Energy Bills Support AF	(324,240)	(324,240)	0
5825	Concessionary Bus Passes	0	(667)	(667)
		<b>869,721</b>	<b>851,317</b>	<b>(18,403)</b>
<b>Total for Finance &amp; Resources Directorate</b>		<b>3,307,236</b>	<b>3,215,845</b>	<b>(91,391)</b>

### Growth & Assets Directorate

#### **Director of Growth & Assets**

1283	Emergency Planning	17,141	16,392	(749)
4600	Director of Transformation	87,637	72,708	(14,929)
		<b>104,778</b>	<b>89,100</b>	<b>(15,678)</b>

#### **Assistant Director Property, Estates & Assets**

3135	Drainage	40,387	35,233	(5,154)
3172	Engineers	99,273	88,326	(10,947)
3241	Car Parks	44,059	35,867	(8,192)
3247	Street Names/Lights	2,624	1,852	(772)
3249	Footpath Orders	(301)	(916)	(615)
3265	Dams And Fishing Ponds	38	(449)	(487)
3281	Clay Cross Depot	504	(167)	(671)
3283	Northwood	0	(2,715)	(2,715)
4412	Midway Business Centre	(53,639)	(57,781)	(4,142)
4425	Coney Green Business Centre	(68,273)	(63,250)	5,023
4519	The Avenue, Wingerworth	0	0	0
4523	Estates Administration	251,157	253,138	1,981
4525	Miscellaneous Properties	31,319	34,818	3,499
5204	Assistant Director Property, Estates & Assets	60,358	60,335	(23)
5205	Mill Lane	219,976	217,567	(2,409)
5209	Facilities Management	65,602	61,780	(3,822)
5210	Pioneer House	15,448	11,973	(3,475)
		<b>708,532</b>	<b>675,611</b>	<b>(32,920)</b>

#### **Assistant Director Regeneration & Programmes**

1255	Strategy and Performance	94,680	94,708	28
1256	Corporate Consultation	0	3,073	3,073
1331	Strategic Partnerships	146,612	137,280	(9,332)
1333	Healthy North East Derbyshire	(167,806)	(168,395)	(589)
1336	UK Shared Prosperity Fund	(706,160)	(706,535)	(374)
3284	Wingerworth OPE	11,695	15,592	3,897
4211	Tourism Promotions	27,677	25,957	(1,720)
4238	Working Communities Strategy	64,404	62,964	(1,440)
4443	Elderly Peoples Clubs	3,001	3,461	460
4512	Growth Agenda	11,700	14,826	3,126
4517	Economic Development	113,484	116,065	2,581
4524	New Towns Fund - Clay Cross	(1,231,500)	(1,231,500)	0
5748	Ukrainian Guests	303	554	251
5750	Assistant Director Economic Development, Regeneration & Housing	61,806	61,632	(174)
5785	Contributions	131,336	126,105	(5,231)

		<b>Profiled Budget 2023/24</b>	<b>Actuals 2023/24</b>	<b>Variance</b>
		(1,438,768)	(1,444,213)	(5,445)
	<b>Assistant Director Leisure</b>			
4561	Leisure Centre Management	(99,894)	(124,186)	(24,292)
4720	Sportivate	(27,028)	(27,058)	(30)
4722	Physical Inactivity Fund	(27,851)	(27,977)	(127)
4723	Generation Games	1	1,017	1,016
4724	Walking into Communities	(4,001)	(4,494)	(493)
4726	Walking For Health	(14,420)	(14,420)	0
4727	Five 60	(5,681)	(5,749)	(68)
4729	Active Neighbourhood Pilot	0	(1,139)	(1,139)
4731	Promotion Of Recreation And Leisure	26,883	26,802	(81)
4732	Schools Promotion	6,455	6,455	0
4736	Derbyshire Sports Forum	0	0	0
4742	Arts Development	1,928	2,569	641
8441	Eckington Swimming Pool	97,926	147,426	49,500
8445	Eckington Pool Cafe	(7,936)	(13,844)	(5,908)
8451	Dronfield Sports Centre	52,904	51,759	(1,145)
8455	Dronfield Café	(690)	(7,847)	(7,157)
8461	Sharley Park Sports Centre	541,020	541,888	868
8465	Sharley Park Sports Centre Outdoor	(938)	(382)	556
8471	Killamarsh Leisure Centre	336,953	319,538	(17,414)
8475	Killamarsh Outdoors	(8,401)	(10,067)	(1,666)
8476	Killamarsh Café	25,432	20,654	(4,778)
		892,662	880,944	(11,718)
	<b>Total for Growth &amp; Assets Directorate</b>	<b>267,204</b>	<b>201,442</b>	<b>(65,762)</b>
	<b>Corporate Charges</b>			
5790	Savings Target	0	0	0
0001	Recharges to Capital and HRA	(463,825)	(463,763)	63
	<b>Total for Corporate Charges</b>	<b>(463,825)</b>	<b>(463,763)</b>	<b>63</b>
	<b>Net Cost of Services</b>	<b>9,704,678</b>	<b>9,124,368</b>	<b>(580,311)</b>
	<b>Investment Properties</b>			
4411	Stonebroom Industrial Estate	(41,376)	(44,468)	(3,092)
4413	Clay Cross Industrial Estate	(69,197)	(70,264)	(1,067)
4415	Norwood Industrial Estate	(166,303)	(166,840)	(537)
4417	Eckington Business Park	1,052	(3,531)	(4,583)
4418	Rotherside Court Eckington Business Unit	(20,809)	(23,060)	(2,251)
4423	Pavillion Workshops Holmewood	(74,598)	(76,195)	(1,597)
4432	Miscellaneous Properties	(13,572)	(21,629)	(8,057)
	<b>Total for Investment Properties</b>	<b>(384,803)</b>	<b>(405,987)</b>	<b>(21,184)</b>

## HOUSING REVENUE ACCOUNT: SUMMARY BUDGET MONITORING 2023/24 (QUARTER 3)

	Current Budget 2023/24 £	Profiled Qtr 3 Budget £	Actuals with Accruals £	Variance £
<b>INCOME</b>				
Dwelling Rents	(33,687,136)	(25,265,352)	(25,323,583)	(58,231)
Non-Dwelling Rents	(443,038)	(332,279)	(390,672)	(58,393)
Charges for Services and Facilities	(113,130)	(84,848)	(92,648)	(7,801)
Contributions Towards Expenditure	(50,000)	(37,500)	(37,500)	0
<b>INCOME TOTAL</b>	<b>(34,293,304)</b>	<b>(25,719,978)</b>	<b>(25,844,403)</b>	<b>(124,425)</b>
<b>EXPENDITURE</b>				
Repairs & Maintenance	5,983,875	4,487,906	4,506,387	18,481
Supervision and Management	7,906,296	5,929,722	5,877,789	(51,933)
Rents, Rates & Taxes	112,000	84,000	84,000	0
Capital Charges - Depreciation	8,322,072	6,241,554	6,241,554	0
Provision for Bad Debts	250,000	187,500	187,500	0
Debt Management Expenses	11,500	8,625	8,625	0
<b>EXPENDITURE TOTAL</b>	<b>22,585,743</b>	<b>16,939,307</b>	<b>16,905,854</b>	<b>(33,453)</b>
<b>NET COST OF SERVICES</b>	<b>(11,707,561)</b>	<b>(8,780,671)</b>	<b>(8,938,549)</b>	<b>(157,878)</b>
Corporate & Democratic Core	185,450	139,088	139,088	0
<b>NET COST OF HRA SERVICES</b>	<b>(11,522,111)</b>	<b>(8,641,583)</b>	<b>(8,799,461)</b>	<b>(157,878)</b>
Interest Payable	7,024,746	5,268,560	5,268,560	0
Interest Receivable	(2,784,808)	(2,088,606)	(2,088,606)	0
Revenue Contribution to Capital	7,532,928	5,649,696	5,649,696	0
Contribution to Development Reserve	0	0	0	0
Contribution to/(from) Resilience Reserve	(300,755)	(225,566)	(225,566)	0
Contribution to Insurance Reserve	50,000	37,500	37,500	0
Capital Grant	0	0	0	0
<b>(Surplus)/Deficit on HRA Services</b>	<b>0</b>	<b>0</b>	<b>(157,878)</b>	<b>(157,878)</b>

Project/Scheme	Current Programme 2023/24 £000	Profiled Budget £000	Actual and Commitments £000	Variance £000
<b>Housing Investment</b>				
HRA Capital Works	21,337	16,003	13,736	(2,267)
Garage Demolitions	83	62	0	(62)
Pine View Danesmoor	110	83	110	28
Parking Solutions	703	527	0	(527)
LADS 3 Scheme	437	328	53	(275)
Stonebroom Regeneration Project	0	0	1	1
North Wingfield New Build	7,402	5,552	1,946	(3,606)
Stock Purchase Programme	4,964	3,723	1,550	(2,173)
Private Sector Spending	820	569	569	0
<b>Total Housing Investment</b>	<b>35,856</b>	<b>26,846</b>	<b>17,965</b>	<b>(8,881)</b>
<b>Other Capital Projects</b>				
Asset Refurbishment - General	566	103	103	0
Asset Refurbishment - Mill Lane	870	642	642	0
Roller Shutter Doors	1	1	1	0
Eckington Pool Carbon Efficiencies Programme	4	4	34	30
Killamarsh Leisure Centre Refurbishment	36	6	6	0
Dronfield LC Carbon Efficiencies Programme	98	10	10	0
Coney Green Telephony System	36	13	13	0
Clay Cross Football Pitch	9	0	0	0
Replacement Vehicles	3,786	1,740	1,740	0
Contaminated Land	42	0	0	0
ICT Schemes	519	79	79	0
CX Town Market Street Regeneration	5,871	1,115	1,115	0
CX Town Sharley Park Active Community Hub	12,655	7,013	7,013	0
CX Town Low Carbon Housing Challenge Fund	1,300	77	77	0
CX Town Rail Station Feasibility	150	106	106	0
CX Town Programme Management	423	237	237	0
CX Acc Fund School Demolition	0	0	1	1
UK Shared Prosperity Fund	1,534	442	442	0
<b>Total Other Capital Projects</b>	<b>27,900</b>	<b>11,588</b>	<b>11,619</b>	<b>31</b>
<b>Total Capital Expenditure</b>	<b>63,756</b>	<b>38,434</b>	<b>29,584</b>	<b>(8,850)</b>
<b>Housing Investment Funding</b>				
Major Repairs Reserve	(15,974)	(11,980)	(13,736)	(1,756)
HRA Capital Investment Reserve	(886)	(665)	(110)	555
Usable Capital Receipts	(2,916)	(2,187)	0	2,187
External Grant	(5,632)	(4,224)	(53)	4,171
Prudential Borrowing	(9,628)	(7,221)	(3,497)	3,724
	(35,036)	(26,277)	(17,396)	8,881
Private Sector Spending				
Disabled Facilities Grant	(820)	(569)	(569)	0
<b>Total Housing Investment Funding</b>	<b>(35,856)</b>	<b>(26,846)</b>	<b>(17,965)</b>	<b>8,881</b>
<b>Other Capital Projects Funding</b>				
Prudential Borrowing	(8,846)	(1,979)	(1,979)	0
External Grant	(15,094)	(7,887)	(7,888)	(1)
RCCO	(803)	(14)	(14)	0
Useable Capital Receipts	(3,157)	(1,708)	(1,738)	(30)
<b>Other Capital Project Funding</b>	<b>(27,900)</b>	<b>(11,588)</b>	<b>(11,619)</b>	<b>(31)</b>
<b>Total Capital Financing</b>	<b>(63,756)</b>	<b>(38,434)</b>	<b>(29,584)</b>	<b>8,850</b>

**North East Derbyshire District Council**

**Cabinet**

**29 February 2024**

**Derby and Derbyshire Strategic Leadership Board**

**Report of Councillor N Barker, Leader of the Council and Portfolio Holder for Strategic Leadership and Finance**

**Classification:** Public

**Report By:** Cllr Barker, Leader of the Council

**Contact Officer:** Lee Hickin, Managing Director and Head of Paid Services

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**PURPOSE / SUMMARY**

To seek approval for the Council to be a part of the Derby and Derbyshire Strategic Leadership Board.

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**RECOMMENDATIONS**

That Cabinet

1. Approves proposals for the establishment of the D2 Strategic Leadership Board (SLB) and the delegation of functions to this Joint Committee as set out in the Functions and Responsibilities document in Appendix 2 of the Council report.
2. Notes the draft the Terms of Reference, including the Introduction and Context, Functions and Responsibilities, Procedural Rules, and Information Procedure Rules for the SLB as set out at Appendix 2 of the Council report and the position detailed in those documents regarding scrutiny and co-option.
3. Appoints the Leader as the Council's representative on the SLB and the Deputy Leader, as substitute.
4. Notes the intention that the SLB be the body for the nomination of District and Borough representatives to the East Midlands Combined County Authority (the CCA), when established, further noting that this is subject to the CCA's agreement that this be the mechanism.
5. Agrees that the County Council act as the host authority for the Joint Committee.
6. Notes and agrees the dissolution of the D2 Joint Committee for Economic Prosperity, the enactment of which is subject to the establishment of the SLB and recommends that the Constitution is amended accordingly.

7. Notes and agrees the dissolution of the Vision Derbyshire Joint Committee, the enactment of which is subject to the establishment of the SLB and recommends that the Constitution is amended accordingly.
8. Agrees with the Council's active participation in the SLB and the associated costs of taking forward the programme of work, the maximum cost of which currently stands at £12,500 for NEDDC (assuming all Districts and Boroughs are members of the SLB) which is funded until at least March 2025 via the Business Rates pool.
9. Notes that as the functions of the SLB are executive functions, Derbyshire County Council will not have the opportunity to co-opt additional members onto the SLB and the ability to co-opt is restricted within the Terms of Reference.
10. Notes that, in accordance with section 9F of the Local Government Act 2000, constituent authorities who operate executive arrangements will need to make formal scrutiny arrangements to review or scrutinise decisions made in connection with the exercise of the functions of the D2 Strategic Leadership Board, and that the Council's existing scrutiny arrangements will apply.
11. Delegates authority to the Managing Director and Head of Paid Service in consultation with the Leader to agree the final terms of reference for the SLB and all other arrangements.

Approved by the Portfolio Holder – Cllr Barker, Leader of the Council

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## IMPLICATIONS

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**Finance and Risk:**                      Yes ☒                      No ☐

**Details:**

As contained in the Council report attached.

On Behalf of the Section 151 Officer

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**Legal (including Data Protection):**                      Yes ☒                      No ☐

**Details:**

As contained in the Council report attached.

On Behalf of the Solicitor to the Council

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**Staffing:**     Yes ☐            No ☐

**Details:**

As contained in the Council report attached.

On behalf of the Head of Paid Service

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## DECISION INFORMATION

Decision Information	
<b>Is the decision a Key Decision?</b> A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:  <b>NEDDC:</b> <b>Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/></b> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
<b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)	No
<b>District Wards Significantly Affected</b>	None
<b>Consultation:</b> <b>Leader / Deputy Leader <input type="checkbox"/> Cabinet <input type="checkbox"/></b> <b>SMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/></b> <b>Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/></b>	Yes  Details: Council was consulted at its meeting on the 29 <sup>th</sup> January 2024

<b>Links to Council Plan (NED) priorities, including Climate Change, Equalities, and Economics and Health implications.</b>
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Links to all.
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## REPORT DETAILS

### 1 **Background** (reasons for bringing the report)

- 1.1 As Members are aware, Council received a report on the D2 Strategic Leadership Board at its meeting on 29<sup>th</sup> January 2024. The report is attached. This outlined the proposal and the reasons for it.
- 1.2 The report to Council was seeking Council's views on the proposal. The draft minute for this Council item is attached to this report.



## **2. Details of Proposal or Information**

2.1 These are contained in the Council report attached.

## **3 Reasons for Recommendation**

- 3.1 To establish the D2 Strategic Leadership Board with robust governance arrangements in place and secure the Council's future involvement and participation in new governance arrangements as they develop and emerge.
- 3.2 To ensure the Council has appropriate lead Elected Member representation on the proposed D2 Strategic Leadership Board via the appointment of suitable Cabinet Members.
- 3.3 To ensure that the Council has appropriate delegations in place to enable the Council to participate in finalising the details of the D2 Strategic Leadership Board governance.

## **4 Alternative Options and Reasons for Rejection**

- 4.1 Existing Joint Committees having been dissolved, the Council could take the option to not create a successor committee. There would still however, need to be an alternative vehicle to make nominations to the CCA when established.
- 4.2 Existing Joint Committees having been dissolved, the Council could take the option to not participate in the D2 SLB once established. This is not desirable as the Council report has indicated that the D2 SLB is a merger of two successful Joint Committees to support effective and efficient decision making. There is also significant interest in continuing to work collaboratively with Derby and Derbyshire Councils and to work collectively in partnership to tackle the county's challenges and speak as a collective where possible.

## **DOCUMENT INFORMATION**

Appendix No	Title
1	Report and appendices from the 29 <sup>th</sup> January 2024 Council meeting
2	Draft Council Minute from the meeting on the 29 <sup>th</sup> January 2024
<b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet you must provide copies of the background papers)	
None	

**North East Derbyshire**

**Council**

**29th January 2024**

**Derby and Derbyshire Strategic Leadership Board**

**Report of Councillor N Barker, Leader of the Council and and Portfolio Holder  
for Strategic Leadership and Finance**

**Classification:** Exempt – paragraphs 3 and 5 of Part 1 of Schedule 12A of the Local Government Act 1972

**Report By:** Councillor Nigel Barker, Leader of the Council

**Contact Officer:** Lee Hickin – Managing Director

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**PURPOSE / SUMMARY**

To provide Council with an update on work taking place with Derby and Derbyshire Councils on a revised approach to collaborative and partnership working. To seek views from Council on whether Cabinet should approve the establishment and participation in a new Joint Committee of Derby and Derbyshire's Councils, the D2 Strategic Leadership Board (SLB), to collaborate, co-ordinate and drive forward agendas where it is recognised that more can be achieved by Councils working together to improve outcomes for people and places across Derbyshire.

Whilst the decisions in relation to the SLB are Cabinet ones, given the nature of the report and the modification of existing arrangements, it was considered right to seek the views of the Council prior to the Council decision.

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**RECOMMENDATIONS**

That Council:

- a) Recommends to Cabinet the approval of proposals for the establishment of the D2 Strategic Leadership Board (SLB) and the delegation of functions to this Joint Committee as set out in the Functions and Responsibilities document in Appendix 2.
- b) Notes the draft the Terms of Reference, including the Introduction and Context, Functions and Responsibilities, Procedural Rules, and Information Procedure Rules for the SLB as set out at Appendix 2 and the position detailed in those documents regarding scrutiny and co-option.
- c) Recommends to Cabinet that the Leader is appointed as the Council's representative on the D2 SLB and the Deputy Leader, as substitute.
- d) Notes the intention that the SLB be the body for the nomination of District and Borough representatives to the East Midlands Combined County Authority,

when established, further noting that this is subject to the CCA's agreement that this be the mechanism.

- e) Recommends agreement that the County Council act as the host authority for the Joint Committee.
- f) Notes the dissolution of the D2 Joint Committee for Economic Prosperity, the enactment of which is subject to the establishment of the D2 Strategic Leadership Board and recommends that the Constitution is amended accordingly.
- g) Notes the dissolution of the Vision Derbyshire Joint Committee, the enactment of which is subject to the establishment of the D2 Strategic Leadership Board and recommends that the Constitution is amended accordingly.
- h) Agrees with the Council's active participation in the D2 Strategic Leadership Board and the associated costs of taking forward the programme of work, the maximum cost of which currently stands at £12,500 for NEDDC (assuming all Districts and Boroughs are members of the SLB) which is funded until at least March 2025 via the Business Rates pool.
- i) Notes that as the functions of the Committee are executive functions, Derbyshire County Council will not have the opportunity to co-opt additional members onto the Committee and the ability to co-opt is restricted within the Terms of Reference.
- j) Notes that, in accordance with section 9F of the Local Government Act 2000, constituent authorities who operate executive arrangements will need to make formal scrutiny arrangements to review or scrutinise decisions made in connection with the exercise of the functions of the D2 Strategic Leadership Board, and that the Council's existing scrutiny arrangements will apply.
- k) Notes the Cabinet will be asked to delegate authority to the Managing Director and Head of Paid Service in consultation with the Leader to agree the final terms of reference for the SLB and the other arrangements.

Approved by the Portfolio Holder – Leader of the Council

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### **IMPLICATIONS**

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**Finance and Risk:**                      Yes ☒                      No ☐

**Details:**

Following the dissolution of the D2 EPC, the £734,449 remains from Retained Business Rates (RBR) fund, and responsibility for overseeing the remainder of the spend, will be transferred to the new D2 Strategic Leadership Board. Spend against the RBR will need to be aligned to projects and proposals that support economic growth and/ or help sustain or increase the generation of business rates in the D2 geography, in line with Government's original criteria for the retained funding.

The costs and contributions associated with meeting the required budget for the D2 SLB programme team is outlined below.

The proposals require no immediate additional funding commitments from the Council and can be funded through budgets already committed to the Vision Derbyshire programme in the 2023/24 and 2024/25 period. This proposal will ensure that funding is in place until March 2025. After March 2025, the SLB will be able to determine whether to continue to utilise the Business Rate Pool, which currently stands at

£734,449, or to seek direct contributions from the Derbyshire districts. In this second scenario it is likely that the District Council will be required to contribute around £12,500 per annum, assuming all Districts are Joint Committee members.

The total costs to the Council in supporting current proposals are £12,500 as highlighted above – total costs of the proposals are set out below (inclusive of the £12,500).

<b>Strategic Leadership Board Funding 24/25</b>	<b>£'s</b>
County Council Funding (40%)	156,324
DEP Funding	135,000
Business Rate Pool Contribution	99,485
 Total	 390,890

Where an Authority determines through its own governance arrangements that it no longer wishes to be a member of the Joint Committee, that Authority may cease its membership with effect from the date of its decision. However, Authorities will remain liable for any previously agreed financial contributions to fund the D2 Strategic Leadership Board until the end of the financial year for which those contributions have been agreed regardless of any decision to cease membership.

On Behalf of the Section 151 Officer

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**Legal (including Data Protection):**                      **Yes** ☒                      **No** ☐

**Details:**

Section 101(5) of the Local Government Act 1972 (LGA 1972) and Regulations permit councils to make arrangements for two or more authorities to discharge any of their functions (including Executive functions) jointly and arrange for the discharge of those functions by a Joint Committee.

Under s102 LGA 1972 and Regulations two or more local authorities may appoint a joint committee of those authorities for the purpose of discharging any of their functions. Those two or more authorities would need to agree to delegate functions or powers to the joint committee to enable it to discharge those functions. Those two or more authorities may permit other authorities to appoint members to the joint committee without those authorities' delegating functions into it. However, all authorities that wish to join the joint committee will need to formally agree to set up the committee and agree the terms of reference to be able to appoint a member to the committee.

All members appointed to the joint committee are members of that committee. Under the legislation, all members would have the right to participate and vote on any matters

at the joint committee. However, voting rights can be restricted to members of those authorities who have delegated functions to it in the Terms of Reference so that authorities would not be able to vote in respect of functions they have not delegated to the joint committee.

Section 9EB of the Local Government Act 2000 (LGA 2000) enables the Secretary of State to make regulations permitting arrangements under section 101(5) of the LGA 1972 where any of the functions are the responsibility of the executive of the Authority. The relevant regulations are the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012. Regulation 11 makes provision for joint arrangements to involve a joint committee under section 101(5) of the LGA 1972.

The functions being delegated to the D2 Strategic Leadership Board are all executive functions. Therefore, in accordance with the legislation and the Council's Constitution, the decision to establish the D2 Strategic Leadership Board and determine the number of members to be appointed to the Committee and their terms of office should be made by Cabinet.

As the functions are executive functions, the regulations also require that the members appointed to the D2 Strategic Leadership Board should be members of the Executive.

In accordance with the Regulation 12 Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012, a local authority with executive arrangements delegating executive functions is not able to co-opt additional members to the Committee. However, an authority operating a committee system is able to co-opt additional members. Therefore, the ability to co-opt is restricted within the Terms of Reference to obtaining a majority vote in relation to any proposal to co-opt. Such co-optees shall not be Members of the Joint Committee and shall have no voting rights.

Any requests for information received by the Board should be directed to the relevant constituent Authority for that authority to deal with in the usual way, taking account of the relevant legislation. Where the request relates to information held by 2 or more Constituent Authorities, they will liaise with each other before replying to the request. The host Authority will co-ordinate responses to ensure that legislative deadlines are met.

As part of the process of making decisions and changing policy, the D2 Strategic Leadership Board will in accordance with the public sector equality duty consider the need to:

- Eliminate unlawful discrimination, harassment, and victimisation
- Advance equality of opportunity between people who share protected characteristics (as defined by equalities legislation) and those who don't.
- Foster good relations between people who share protected characteristics and those who don't.

On Behalf of the Solicitor to the Council

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**Staffing:**      Yes ☒      No ☐

### Details:

There are no direct staffing implications for the Council. As the host authority Derbyshire County Council will hold several proposed Programme Team posts, to be agreed by the D2 Strategic Leadership Board in its first meeting and on the commitment of the programme budget. 1 x Grade 12 Programme Manager 2 x Grade 9 Project Officers, 0.5 x Grade 9 Communications Officer 1 x Grade 6 Admin Support. All new posts would be created on permanent basis, and as such, would be subject to the host council's redundancy and redeployment policies and procedures. All partners will be asked to confirm their willingness to recognise an obligation to the postholders, through offering redeployment opportunities as appropriate, should this become necessary.

On behalf of the Head of Paid Service

### DECISION INFORMATION

<b>Decision Information</b>	
<b>Is the decision a Key Decision?</b> A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:  <b>BDC:</b> Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input checked="" type="checkbox"/> <b>NEDDC:</b> Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> Please indicate which threshold applies	No
<b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)	No
<b>District Wards Significantly Affected</b>	None
<b>Consultation:</b> Leader / Deputy Leader <input checked="" type="checkbox"/> Cabinet <input checked="" type="checkbox"/> SAMT <input type="checkbox"/> Relevant Service Manager <input type="checkbox"/> Members <input type="checkbox"/> Public <input type="checkbox"/> Other <input type="checkbox"/>	Yes  Details: <a href="#">Click here to enter text.</a>

<b>Links to Council Plan priorities or Policy Framework including Climate Change, Equalities, and Economics and Health implications.</b>
All indirectly

### **REPORT DETAILS**

#### **Introduction**

- 1.1 As work progresses towards the establishment of a proposed new East Midlands Mayoral Combined County Authority (EMCCA), which should bring new opportunities to improve outcomes for people and places throughout Derby and Derbyshire, it is important to ensure that Derby and Derbyshire Councils strategic approach to collaborative and partnership working continues, has the flexibility to evolve to meet changing circumstances and is fit for purpose in managing the interface with this new authority, which will have key responsibilities for major investment strategies and programmes for the East Midlands region.
- 1.2 All Derby and Derbyshire's Councils will have a stake in these agendas and there is recognition that shaping these effectively should be made more successful by doing so together.
- 1.3 As well as dovetailing with the new regional County Combined Authority, it is recognised that any new county wide governance needs to build on the collaborative working which has been maturing through existing partnership approaches embodied by the Economic Prosperity and Vision Derbyshire joint committees (although NEDDC is not a constituent member of the Vision Derbyshire joint committee it has contributed to Vision Derbyshire work streams). It is important that the best aspects of current ways of working are carried forward and that all Councils have a full say in decisions as well as safeguards to protect their interests.
- 1.4 Notwithstanding this, there have been ongoing concerns regarding a proliferation of partnership arrangements with similar or overlapping remits that have led to calls for their rationalisation to clarify roles and reduce the bureaucratic burden on all authorities moving forward.
- 1.5 The case for a new single leadership board comprising all Derby and Derbyshire's Councils, working collectively to tackle the county's challenges and speaking with a collective voice, has been further strengthened by the challenging financial circumstances that many local authorities up and down the country are facing, together with the ever pressing need to collaborate, to create new ways of working, and to be more cost effective in delivering services for places, residents and business.

#### **Background**

##### **Vision Derbyshire**

- 1.6 Over the last few years, Councils across Derbyshire have been working towards a collective model of local government collaboration, which was said to look beyond traditional partnerships and focused on achieving the greatest public value for local people and communities.

- 1.7 This work began in July 2019 and included the various Councils across Derbyshire, including ours, working together to develop a shared set of priorities and to agree to strategically collaborate on the improvement of outcomes for people and places.
- 1.8 The programme subsequently resulted in the development of four key ambitions as follows:
- Seize innovation - pioneering skills and technologies for a sustainable future economy
  - Establish relentless ambition - creating opportunities for everyone in Derbyshire and making these visible
  - Build proactive communities - harnessing the energy in Derbyshire's communities and empowering people to make change
  - Live and work sustainably - committing to a zero-carbon footprint in our tourism, wider economy, and ways of working
- 1.9 In July 2020, the first iteration of the Vision Derbyshire document - the 'Case for Change' was circulated to all Leaders and senior officers who had been part of the process to date. All District and Borough Leaders across Derbyshire were asked to seek endorsement from their respective Councils to pursue Vision Derbyshire and the Case for Change as an alternative to structural reform. Although the 'Case for Change' was not presented as a detailed business case, this document would prove divisive and would result in some Councils moving away from Vision Derbyshire and not taking part in the months ahead.
- 1.10 Aligned to the 'Case for Change', Leaders were asked to sign a joint letter from all Leaders across Derbyshire (excluding City) to request a meeting with the Secretary of State at the time - Robert Jenrick, to discuss the approach as an alternative to structural reform. Due to the issues with the 'Case for Change' document highlighted above, some Leaders would agree only to sign up to an approach and not the document itself. The jointly signed letter was sent on 4 September 2020.
- 1.11 Recognising that whilst there was further work to be done, NEDDC approved Vision Derbyshire as the Council's preferred option to local government reform at the current time (November 2020).
- 1.12 NEDDC Officers and elected Members have been actively participating in the Vision Derbyshire meetings along with other Councils since, helping to shape the proposed approach and leading on some of the countywide work-streams including climate change for example.
- 1.13 During Phase 3 of the programme, the development of a new formal governance model for Vision Derbyshire took place which saw the creation of a new Joint Vision Derbyshire Committee at its centre. This was seen as a necessary requirement by some of the Councils involved in the programme for Government to take Vision Derbyshire seriously as an alternative to local government reform.



- 1.14 NEDDC has not formally signed up to the Vision Derbyshire Joint Committee, therefore remains as a 'non-constituent' member of the Joint Committee. Those who did sign up to the formal Vision Derbyshire arrangements and governance model – the 'constituent' members included Derbyshire County Council, Chesterfield Borough Council, Derbyshire Dales District Council and High Peak Borough Council. The inaugural meeting of the 'Vision Derbyshire Joint Committee' took place on the 4<sup>th</sup> April 2022.
- 1.15 In signing up, each Council was also required to make a financial contribution – something that is seen as necessary by the 'constituent' members of the Committee to adequately resource the ambitions and plans being developed.
- 1.16 Vision Derbyshire, has involved a significant investment of time, hard work, and goodwill from participating Councils, including Leaders and Officers.
- 1.17 There have been several significant achievements during this time, in particular driving forward the Vision Derbyshire Business Development programme, the development of the Vision Derbyshire Climate Change Strategy and supplementary Planning Policy Guidance.

### **Levelling Up and Devolution**

- 1.18 Government had said a key ambition of theirs is to devolve powers closer to the areas they affect. To allow for such powers and finance to be devolved from central Government to a local level, it is recognised that local authorities must exist that are large enough to receive, administer and deliver them.
- 1.19 Late 2021, Derbyshire County Council along with Derby City submitted a formal expression of interest requesting that Derbyshire be considered as a potential County Deal pilot area through the Vision Derbyshire arrangement which could present a credible model to Government. The response back from the Secretary of State and DHLUC suggested the proposal met the conditions of being 'readily deliverable' and the letter noted 'innovative proposals' including recognition of the 'Vision Derbyshire' model.
- 1.20 Following this, the Government formally announced that Derbyshire and Derby City were one of 9 areas invited to agree new county deals, extending devolution across England.
- 1.21 The Devolution Framework identified three levels/tiers that a 'deal' could be sought and agreed, each had a different requirement along with a different range of powers.
- Level 1 – Local Authorities working together across a functional economic area (FEA) or whole county area e.g. through a joint committee

- Level 2 – A single institution or County Council without a directly elected mayor (DEM) across a whole county area or FEA
- Level 3 – A single institution or County Council with a DEM across a FEA or whole county area

It was demonstrated that there are far greater powers and flexibilities on offer for level 3.

- 1.22 Invitations to apply for a County Deal had also been extended to Nottinghamshire and Leicestershire however, which provided the opportunity to pursue a wider Combined Authority (CA) deal at a regional level - to achieve the maximum powers provided through a Level 3 deal would require the need to progress governance through a DEM and a CA model.
- 1.23 At the end of March 2022, following discussions with government, the four D2N2 upper tier authorities submitted initial proposals for the establishment of an East Midlands Mayoral County Combined Authority (EMCCA), with a target agreement date of April 2023.
- 1.24 A draft agreement was reached during August 2022. Following departmental approval, the formal agreement was signed by the government and upper tier authorities at Rolls Royce in Derby on 30 August 2022.
- 1.25 During early November 2022, the four upper tier authorities sought and gained approval of their respective Councils to proceed to consult on the proposal. Consultation took place over 8 weeks, from 14<sup>th</sup> November 2022 to 9<sup>th</sup> January 2023. The Upper Tier Authorities then sought approval from their Authorities to proceed with the Combined Authority proposal.
- 1.26 On 26<sup>th</sup> October 2023, the Levelling-up and Regeneration Bill received Royal Assent and became law (now the Levelling-up and Regeneration Act 2023).

### **Reviewing current D2 strategic governance arrangements**

#### **Vision Derbyshire**

- 1.27 A light touch review of Vision Derbyshire was undertaken by East Midlands Councils in early 2023, tasked with gathering local Councils' views on the current arrangements, challenges and opportunities and ambitions for the future.
- 1.28 A report submitted to the Vision Derbyshire Joint Committee on 28 July 2023 outlined the review's key findings:
- Vision Derbyshire has supported a collegiate, shared understanding of the common challenges facing Councils across the county and how collectively these challenges may be addressed.

- Vision Derbyshire provided a helpful platform upon which Derbyshire Councils were able to develop and deliver elements of their collective programme response to the Covid-19 pandemic.
- The fulcrum for activity has likely accelerated the delivery of joint programmes and has been of benefit to wider work in Derbyshire.
- However, only a limited number of Councils are full contributory members.
- The absence of some Councils inhibits the ability of Vision Derbyshire to be an authoritative and representative partnership of all Councils.
- Nevertheless, there is a potential appetite and opportunity to move forward.

1.29 In particular:

- a) There is an appetite for refreshed, collaborative activity between Councils in Derbyshire, particularly on matters relating to the County Combined Authority.
- b) There is an appetite to see existing partnership and governance arrangements in Derbyshire simplified and rationalised with a single Derbyshire-wide partnership vehicle comprising all Derbyshire Councils.
- c) There is recognition that a future partnership approach should specifically align with the proposals for the East Midlands Mayoral Combined County Authority to secure collective influence.
- d) There is a desire to discuss and share best practice in service delivery. However, progressing any consideration of shared services and procurement initiatives is best implemented through separate arrangements involving the relevant Councils.
- e) There is a consensus that to support a fresh approach, the 'Vision Derbyshire' brand should be 'retired' as partners move to fresh collaborative arrangements.

1.30 It is understood that the report's findings were welcomed by members of the Vision Derbyshire Joint Committee, in particular the clear recognition Councils' collaborative objectives remain relevant and worthy and that the approach has helped to consolidate county, district, and borough relationships.

### **D2 Joint Committee for Economic Prosperity (EPC)**

1.31 In November 2013 the Council approved the establishment, with Derby City Council, Derbyshire County Council, and the Derbyshire Districts of a Joint Committee to deliver economic growth and prosperity across the geographical county of Derbyshire.

1.32 The D2 EPC's purpose was to act as the local public-sector decision-making body for strategic economic development at the D2 level and to oversee the planning, alignment, development, and delivery of investment related to economic growth and prosperity for the area, utilising funding from Government, the D2LEP and EU.

1.33 The Joint Committee also maintained and supported ongoing dialogue with key strategic partners, relevant bodies whose work impacts on the area, including the D2 business community.

- 1.34 Key achievements and successes have included: establishment of a D2 investment pipeline; leadership of economic recovery from the COVID pandemic, targeted work on key sectors such as the rural economy and low carbon transport; support to businesses and inward investment activity; development of growth, skills and employment and transport strategies; delivery of regeneration programmes such as town deals; and management of the retained business rates pool. The development of strategic approaches in response to Government initiatives such as the Freeport and HS2 have also occurred through D2 EPC.
- 1.35 During 2023 the Committee agreed that a governance review was to be undertaken in which the work, purpose, and terms of reference of the existing Boards was evaluated.
- The D2 Joint Committee for Economic Prosperity (D2 EPC)
  - The Derbyshire Economic Recovery Board (DERB)
  - The Derbyshire Economic Partnership (DEP)
- 1.36 While the review floated the idea of bringing together the EPC, DERB and DEP within what, at that stage, was to be called the D2 Growth Board - with a Business advisory board potentially envisaged as sitting alongside – it was determined that there should be a single decision-making arena that included all Leaders.

### **Future strategic governance arrangements for Derby and Derbyshire – The Strategic Leadership Board**

- 1.37 Bringing together and informed by the above reviews, the D2 Strategic Leadership Board (D2 SLB) is proposed as the successor to the two existing joint committees, Vision Derbyshire, and Economic Prosperity, promising a streamlined, refreshed and fully inclusive approach to collaborative working across existing and new partnership activity.
- 1.38 The Committee is proposed as offering a single framework for discussion and decision making across agendas incorporating the remits of the Vision Derbyshire Joint Committee and the D2 Economic Prosperity Committee; and, additionally, accommodating the proposed D2 Growth Board alongside the proposed D2 Business Board. This means that the DERB and the DEP would also no longer exist.
- 1.39 The proposed structure for the new Board can be found at **Appendix 1**. The draft Terms of Reference, including the Articles, Procedure Rules and Access to Information Procedure Rules are attached at **Appendix 2**. A short Guide to the D2 SLB is at **Appendix 3** and provides a simple, accessible description of the D2 SLB's ambition and functions, and how it will work in practice.
- 1.40 This new Joint Committee would bring together Derby and Derbyshire's ten Councils to:

- Provide collective leadership for Derby and Derbyshire, ensuring where appropriate our authorities speak with a single, shared voice at the county, regional and national level;
  - Collaborate as partners to develop joined-up approaches to the complex, connected and challenging agendas where our Councils share common interests; and
  - Progress shared ambitions for the people and places of Derbyshire, making decisions together to improve services and co-ordinate resources better and more sustainably.
- 1.41 All local authorities within Derby and Derbyshire would be invited to join D2 SLB as constituent members and to play a full part in co-ordinating and driving agendas where it is recognised and agreed that more can be achieved for all our localities, and for Derby and Derbyshire as a whole, by our Councils working together.
- 1.42 Accordingly, D2 SLB's remit would include 'place', regeneration, broader economic development, business and skills, and transport, and wider agendas including climate and the environment, and health and wellbeing.
- 1.43 The Board, on behalf of the participating authorities, would be responsible for improving the delivery of functions already within the remit of local authorities through statute to improve the economic, environmental, or social wellbeing of the areas within Derbyshire.
- 1.44 The Board would also provide an opportunity to explore rationalisation and alignment of existing partnership structures and approaches, which will be essential given limited capacity and expertise and reducing public sector resources.
- 1.45 In this context, it would be for the Board to establish any sub committees it chooses to provide support to the Board's work programme and for the Board to determine the membership of these sub committees. Any such sub committees would report into the full Board.
- 1.46 From a legal perspective, the Strategic Leadership Board would be constituted as a 'Joint Committee'. This means that, with decision making powers delegated to it by its constituent member Councils, the Board would be empowered to jointly discharge and to exercise functions on their behalf within its agreed remit. (A Joint Committee is one comprising two or more councils established for the joint discharge of any functions of those councils in accordance with the Local Government Act 1972, s101.)
- 1.47 All local authorities would be encouraged to delegate functions to enable D2 SLB to act as the responsible decision-making body for those functions that participating councils confer upon it and to ensure full collaboration across the range of proposed activities that would form D2 SLB's agenda. The ambition is that through the Councils' active commitment and participation the Board will mature into a truly authoritative, representative, and collaborative partnership of all Derby and Derbyshire Councils – while duly acknowledging the

sovereignty of participating Councils and recognising that each would have separate as well as shared interests in partnership working.

- 1.48 It is proposed that membership and participation be open to all Derby and Derbyshire's Councils, including by Councils who choose not to confer responsibilities in the way that is envisaged and who instead choose to retain full, separate local control.

### **Relationship to the proposed EMCCA**

- 1.49 Once the East Midlands Combined County Authority is established it is vital that D2 Councils come together to manage their interface with this new authority, which will lead the development and delivery of key expenditure programmes all of which should bring benefits to Derby and Derbyshire, including a Devolution Investment Fund ('Gainshare'), the Adult Education Budget and a consolidated transport budget.
- 1.50 All Derby and Derbyshire's Councils will have a stake in these agendas and successfully influencing and shaping the CCA's thinking, planning and decision making on local investment priorities is likely to be maximised by doing so together.
- 1.51 It is therefore suggested that the D2 Strategic Leadership Board in the future, will act as the platform in which to:
- Collectively discuss, agree, and align Derby and Derbyshire councils' positions on EMCCA business
  - Agree and then feed in Derbyshire's perspective and collective priorities via its representatives on the CCA Board
  - Exercise all functions that the EMCCA is granting.
- 1.52 Additionally, the Board is envisaged as providing a potentially appropriate mechanism for agreeing formal nominations for district and borough representation on the proposed EMCCA. Under the arrangements establishing the EMCCA, Derbyshire's District and Borough Councils collectively will be entitled to two seats on the EMCCA board, with the City and County each having one seat by virtue of being Constituent Member Authorities. It is proposed that the D2 Strategic Leadership Board be designated the formal nominating body for appointments from non-constituent Councils to the EMCCA board. The specific process for nominations will need to be developed and agreed with the EMCCA and is therefore subject to further approvals. However, assuming this is agreeable, it will be for districts and boroughs to determine their two nominations via the D2 SLB. These non-constituent members will sit on the EMCCA board as representatives of all Districts and Boroughs and not solely of the District or Borough for which they are a Councillor.
- 1.53 If the D2 SLB consents to the designation as a nominating body, the terms of reference of the D2 SLB will need to be amended to include the function of nominating non-constituent representatives to the proposed EMCCA and other

associated committee/advisory group representatives as and when requested.

### **Terms of Reference for the SLB**

- 1.54 The draft articles, functions, and procedure rules for the proposed D2 SLB Joint Committee are attached at **Appendix 2**, for consideration by Council as they include proposed delegations from Councils. These provide a framework for the Joint Committee to operate as the future joint decision-making body for matters where Derby and Derbyshire Councils will work collaboratively.
- 1.55 These terms of reference are draft and need to be considered by Councils before they can be ratified by the D2 SLB when it convenes.
- 1.56 The articles set out the main aims of the D2 SLB, which will:
- Provide collective strategic leadership for local government in Derby and Derbyshire
  - Drive forward shared ambition and collective priorities for local government across Derby and Derbyshire
  - Improve joint working across local government in Derby and Derbyshire
  - Form a collective view on matters impacting Derby and Derbyshire
  - Ensure the proposed EMCCA is aware of Derby and Derbyshire's collective views and interests and exercise all functions that it agrees to accept from the Combined County Authority, once established.
  - Enable improved agility, timeliness and effectiveness in decision making
- 1.57 As the Board's role develops, consideration is likely to be given to the Joint Committee taking on additional responsibilities as these emerge and develop. This will be subject to further approval by the Council to delegate those additional functions to the Joint Committee. Members may therefore at a future date, need to consider the extent to which they would wish to delegate any functions currently exercised by the Council to the Joint Committee.
- 1.58 Membership of the Board will comprise Councillors from participating Councils who will each be enabled to appoint one Elected Member and one substitute. While the Board is envisaged as making decisions on the basis of consensus, formally, in order to preserve the decision-making rights of authorities delegating functions, it is proposed that voting will be restricted to those representatives who are from authorities which have delegated functions to the Committee i.e. Members will not be able to vote on matters where they have not delegated the function.
- 1.59 Given the role the Council has played in the D2 EPC and developing and reviewing the Vision Derbyshire approach it is recommended that the Authority currently delegate only those functions to the Joint Committee as set out in this report to enable it to be formed, agreeing the draft governance arrangements as set out in the Terms of Reference **Appendix 2**.

- 1.60 It is recommended that Derbyshire County Council will act as the Strategic Leadership Board host authority. It is also recommended that the Leader of the Council be nominated to represent the District Council on the Joint Committee once it is formed and the Deputy Leader, be nominated as substitute.
- 1.61 The full legal implications for the establishment of the SLB can be found at the Legal section at the front of this report, and while it is assumed that Council representation on the Board will be undertaken by the Leader, it is recommended that Council note the Council's position regarding the co-option of members onto the Board and that the Council's existing scrutiny arrangements can review or scrutinise decisions made in connection with the exercise of the functions of the Board.

### **Host Authority and accountable body**

- 1.62 The Joint Committee is not a legal entity and therefore to establish and operate the Joint Committee, a host organisation will be required. The host authority will be responsible for the administration of meetings of the Joint Committee, hold funding on behalf of the Joint Committee and act as the employing authority for the purposes of executive team supporting the Committee (the Programme Team). The host authority's Statutory Officers will act as the Statutory Officers for the Joint Committee.
- 1.63 It is proposed that the County Council should act as the Host authority for the Joint Committee and provide the necessary executive support for its administration. The County Council was the Host Authority for the D2 EPC and Vision Derbyshire Joint Committee and therefore has sufficient capacity to assume this role.

### **Winding up the D2 Joint Committee for Economic Prosperity**

- 1.64 On 14 December 2023 members of the D2 EPC approved the dissolution of the Joint Committee, for the purposes of establishing the D2 Strategic Leadership Board, to be ratified by constituent member Councils.
- 1.65 The D2 EPC has had responsibility for managing the Retained Business Rate pool and resourced a range of successful projects (including capital grant and feasibility schemes, business start-up support and the youth hubs). Following the dissolution of the D2 EPC, £734,449 remains and there are no current commitments for spend. It was agreed in principle this sum be absorbed into the Strategic Leadership Board's responsibilities. Spend against the remainder sum will be aligned to projects and proposals that support economic growth and/or help sustain or increase the generation of business rates in the D2 geography, in line with Government's original criteria for the retained funding.
- 1.66 Council is asked to note the dissolution of the D2 Joint Committee for Economic prosperity.

### **Winding up the Vision Derbyshire Joint Committee**



- 1.67 On 14 December 2023 members of the Vision Derbyshire Joint Committee approved the dissolution of the Committee, for the purposes of establishing the D2 Strategic Leadership Board, to be ratified by constituent member Councils.
- 1.68 As at the time of the dissolution of this Committee no commitments to the Vision Derbyshire budget were made. Surplus outstanding funding will be returned to the constituent authorities on the basis from which they paid in.
- 1.69 Council is asked to note the dissolution of the Vision Derbyshire Joint Committee.

### **The delivery programme and resource for the D2 SLB**

- 1.70 There is a recognition across Councils that capacity and capability, through the establishment of a programme team, is needed to support the Board. The Programme Team would be responsible for:
- Overseeing and managing the approach – including servicing meetings/committees
  - Work with thematic delivery leads to identify, develop, and deliver programmes and projects across the Boards collectively agreed priorities
  - Shape the future programme and support align with the proposed EMCCA, if it is established, to optimise benefits for Derbyshire.
- 1.71 As the host authority, Derbyshire County Council will be responsible for the establishment of the team, the implications for which can be found at the Finance and Staffing sections at the front of this report. The team will be comprised of several permanent Programme Team posts, to be agreed by the D2 Strategic Leadership Board when it convenes and on the commitment of the programme budget.
- 1.72 The D2 Strategic Leadership Board, once established will direct the work of the programme team and several current funding streams have been identified to support this work, previously attributed to the Vision Derbyshire programme, the D2 EPC, and the Derbyshire Economic Partnership. This is outlined below.

**£'s**

#### **Strategic Leadership Board Funding**

County Council Funding (40%)	156,324
Derbyshire Economic Partnership Funding	135,000
Business Rate Pool Contribution	99,485
<b>Total</b>	<b>390,890</b>

- 1.73 The proposals require no immediate additional funding commitments from the Council and can be funded through budgets already committed to the Vision Derbyshire programme in the 2023/24 and 2024/25 period. This proposal will ensure that funding is in place until March 2025. After March 2025, the SLB will be able to determine whether to continue to utilise the Business Rate Pool, which currently stands at £734,449, or to seek direct contributions from the

Derbyshire Districts (Members attention is drawn to paragraph 1.7 in Appendix 3). In this second scenario it is likely that the District Council will be required to contribute around £12,500 per annum, assuming all Districts are Joint Committee members.

- 1.74 Whilst there is clearly some risk of additional revenue costs falling to the Council in future, this needs to be balanced against the significant risks that would be incurred should the Council choose not to be a member of the Joint Committee. This is likely to include reduced access to external funding streams, a lack of influence in shaping programmes that will impact on North East Derbyshire Residents, and very little input into the work and direction of the EMCCA. Nonetheless, attention will need to be given to ensuring that the Programme Team is not allowed to grow (and therefore cost more), without a clear demonstration of direct benefits to North East Derbyshire residents and the Council.
- 1.75 It will therefore be recommended to Cabinet that delegated authority is given to the Managing Director in consultation with the Leader of the Council to agree future associated costs of the D2 Strategic Leadership Board as set out in this report, the maximum cost of which currently stands at £12,500 per annum.

### **Next Steps – Taking Forward Proposals**

- 1.76 All Derby and Derbyshire Councils are now being asked to agree to join and participate in the D2 Strategic Leadership Board.
- 1.77 Wider engagement with Leadership Teams within participating Councils, both at an Elected Member and Senior Management level, are recognised as being vital to secure shared commitment, including Q&A sessions with Members and development of an accessible ‘short guide to the D2 SLB’. It will be important to ensure that the Council is engaged in development of the Board’s work programme over the coming months to maximise the collaborative benefits for this Authority, local people, and communities in Derbyshire.
- 1.78 Identifying the key actions which the Council will need to undertake, and the resources and capacity required to participate fully in both the development and future implementation of collaborative working will also be important.

## **3 Reasons for Recommendations**

- 3.1 To establish the D2 Strategic Leadership Board with robust governance arrangements in place and secure the Council’s future involvement and participation in new governance arrangements as they develop and emerge.
- 3.2 To enable Council to give its views to Cabinet on committing the financial resources required to support the D2 Strategic Leadership Board and work activity.

- 3.3 To enable the Council to participate fully in all decision making and programme activity that will take place under the remit of the proposed D2 Strategic Leadership Board and advise the Cabinet of their views.
- 3.4 To ensure the Council has appropriate lead Elected Member representation on the proposed D2 Strategic Leadership Board via the appointment of suitable Cabinet Members.

#### **4 Alternative Options and Reasons for Rejection**

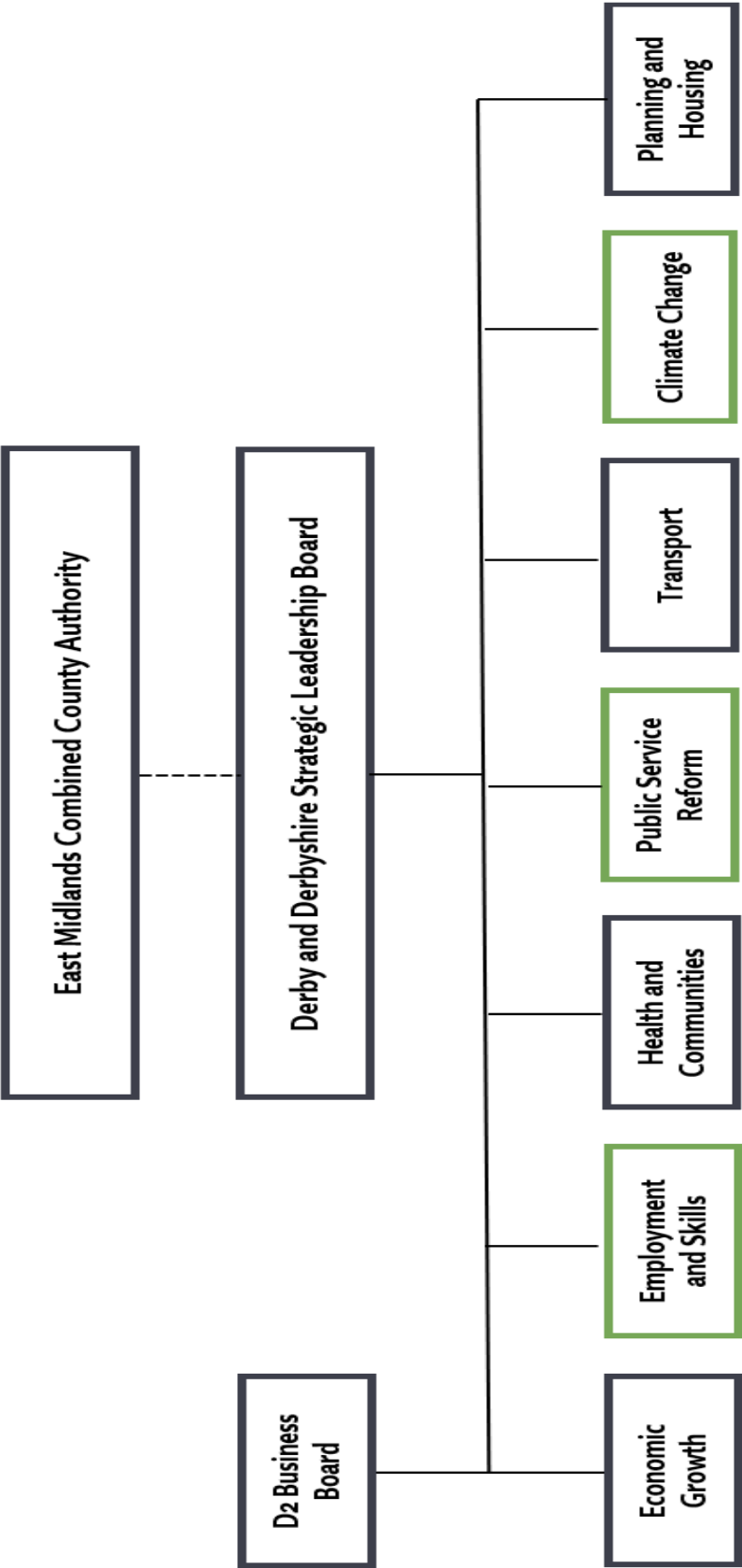
- 4.1 Existing Joint Committees having been dissolved, the Council could take the option to not create a successor committee. There would still however, need to be an alternative vehicle to make nominations to the CCA when established.
- 4.2 Existing Joint Committees having been dissolved, the Council could take the option to not participate in the D2 SLB once established. This is not desirable as this report has indicated that the D2 SLB is a merger of two successful Joint Committees to support effective and efficient decision making. There is also significant interest in continuing to work collaboratively with Derby and Derbyshire Councils to work collectively in partnership to tackle the county's challenges and speak as a collective where possible.

#### **DOCUMENT INFORMATION**

Appendix No	Title
1 2 3	Draft structure SLB, Draft Terms of Reference, Guide to SLB
<b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet you must provide copies of the background papers)	
Click here to enter text. None	

Draft Structure for the D2 SLB

Appendix 1



# **THE DERBY AND DERBYSHIRE STRATEGIC LEADERSHIP BOARD**

## **[Draft] TERMS OF REFERENCE**

### **ARTICLES**

#### **1. Introduction and Context**

- 1.1 The **Derby and Derbyshire Strategic Leadership Board** (D2 SLB) brings together the County's ten local authorities in what is a **joint committee** with a refreshed and fully inclusive approach to collaborative working across existing and new partnership activity. D2 SLB will:
- Provide collective leadership for Derby and Derbyshire, ensuring our authorities are heard to speak with a single, shared voice at the county, regional and national level;
  - Collaborate as partners to develop joined-up approaches to the complex, connected and sometimes challenging agendas where our councils share common interests; and additionally
  - Progress shared ambitions for the area, co-ordinating resources better and more sustainably.
- 1.2 With the creation of the East Midlands Mayoral Combined County Authority bringing new opportunities to improve outcomes for people and places throughout Derby and Derbyshire, it makes sense for D2 councils to come together to manage their interface with this new authority as well as co-ordinating City, District, Borough and County agendas which are envisaged as becoming the remit of D2 SLB including economic development, skills, health and wellbeing, transport and the environment and potentially wider agendas where there is common recognition in the value of tackling challenges together.
- 1.3 Accordingly, the D2 SLB will:
- Achieve joined up approaches within and between a variety of **shared policy agendas and service delivery agendas**, including but not restricted to place and economic development;
  - Rationalise and **simplify existing partnership and governance arrangements** related to these areas (with agreement that the work of existing County level committees (including the Vision Derbyshire Committee, the D2 Economic Policy Committee together with the Growth Board will be superseded by a single Derby and Derbyshire-wide partnership arrangement); and
  - Provide the lead forum for collaborative activity between councils in Derbyshire on matters relating to the new **Combined County Authority**

primarily to secure collective influence, especially concerning investment and growth.

- 1.4 In this context, the overall ambition of D2 SLB is to mature into a truly authoritative and representative partnership of all Derby and Derbyshire councils while duly acknowledging the sovereignty of participating Councils and recognising that each will have separate as well as shared interests in partnership working, including a choice about whether or not to participate in this new venture.

### **Guiding Principles for the D2 SLB**

- 1.5 The joint committee will provide:-

- Strong collective leadership and seek to deliver better local outcomes and more joined-up public services
- Clear, transparent and accountable decision-making which will ensure best value for taxpayers' money and maintain strong ethical standards
- An inclusive model of governance across an appropriate geographical footprint in Derby and Derbyshire
- Flexibility to work across organisational boundaries to deal with strategic and emergent challenges whilst maintaining local control

- 1.6 It is envisaged that collaboration and decision making based on these principles will enable Derby and Derbyshire's local authorities to tackle challenges at regional, county and local place levels more effectively.

- 1.7 The D2 SLB will act as the responsible decision-making body for functions delegated to it by participating Councils within Derby and Derbyshire and, accordingly, membership of the D2 SLB will comprise councillors appointed by those participating authorities. Councils may choose to appoint members to the D2 SLB while not delegating decision-making responsibilities for functions. However, all participating authorities, whether or not agreeing to delegate functions, will be required to contribute towards the costs of funding the D2 SLB.

- 1.8 Councils participating in the D2 SLB are committed to the provision of improved services. It is considered that this will, in certain instances, be best achieved by the joint provision of services, joint working and/or the development of common standards and protocols. All proposals for the setting up of any new services or the discharge of functions are in the first instance to be subject to an investigation into the suitability of providing such services or discharging such functions, as a joint service for all participating Councils.

## **2. Membership of the D2 SLB**

- 2.1 All local authorities within the Derby and Derbyshire are invited to join the D2 SLB as constituent members (subject to agreement by respective councils) namely:

- Derbyshire County Council
  - Derby City Council
  - Amber Valley Borough Council
  - Bolsover District Council
  - Chesterfield Borough Council
  - Derbyshire Dales District Council
  - Erewash Borough Council
  - High Peak Borough Council
  - North-East Derbyshire District Council
  - South Derbyshire District Council
- 2.2 All participating councils within Derby and Derbyshire will be permitted to appoint one elected member to the D2 SLB and to nominate one elected member as a substitute, whether or not they are delegating functions to the D2 SLB.
- 2.3 A Substitute Member will have the same rights to receive meeting papers and to access information as the Member for whom s/he is a substitute.
- 2.4 All appointments as Members or Substitute Members of the D2 SLB shall be for a term of one year from the Annual Meeting, but an individual may be re-appointed to serve as a Member or Substitute Member any number of times.
- 2.5 All councils shall be entitled at any time to terminate the appointment of a Member or Substitute Member appointed by it and to appoint another of its Elected Members in that person's place. Where a Council exercises this power it shall give written notice of the new appointment and the termination of the previous appointment to the Monitoring Officer responsible for the D2 SLB and the new appointment shall take effect from the point specified in the written notice.
- 2.6 Should a change of political control occur at a participating local authority, usually arising from local elections, it will be for that local authority to confirm any changes in appointments to the D2 SLB's membership in accordance with the constitutional arrangements of that Council. A Member or Substitute Member of the D2 SLB who ceases (for whatever reason) to be an Elected Member of the Council that appointed them shall immediately cease to be a Member or Substitute Member of the D2 SLB, and the relevant Council shall as soon as practicable give written notice of this to the Monitoring Officer responsible for the D2 SLB and appoint another of its Elected Members in that person's place.
- 2.7 A person may resign as a Member or Substitute Member of the D2 SLB by written notice served on the Proper Officer of the Council that appointed them and the resignation shall take effect on receipt of the notice by the Proper Officer. The relevant Council shall as soon as practicable give written notice of this to the Monitoring Officer responsible for the D2 SLB and appoint another of its Elected Members in that person's place.
- 2.8 Where an appointing Council operates executive arrangements (within the meaning of the Local Government Act 2000), the appointment, removal and

replacement of Members and Substitute Members of the D2 SLB shall be decided in accordance with the constitutional requirements of that Council, but it is anticipated that all Members and Substitute Members appointed by it shall be Members of its executive and will include its executive leader or elected mayor.

- 2.9 All appointments, removals and replacements of Members and Substitute Members of the D2 SLB by Councils shall be made by notice in writing addressed to the Monitoring Officer responsible for the D2 SLB. Any such notice shall be deemed to have been given when received by the Monitoring Officer.
- 2.10 Any individual council that does not operate executive arrangements and that wishes to co-opt an additional member or members can only do so following consultation with and a majority vote of all voting members of the Joint Committee and shall have no voting rights. An individual's co-option shall terminate as soon as her/his involvement with the organisation that gave rise to the co-option ceases; and such co-option shall be endorsed annually by the Joint Committee and subsequently confirmed formally by the appointing authority.
- 2.11 All Members of the D2 SLB (including any Substitute Members acting in place of Members of the D2 SLB) will:
  - a) (subject to the D2 SLB's voting arrangements) collectively be the ultimate policy makers of the D2 SLB;
  - b) bring views of their Councils into the D2 SLB's decision-making process; and
  - c) maintain the highest standards of conduct and ethics.
- 2.12 Members will at all times observe the Code of Conduct for Members in force in their own Council and any breaches will be reported to the Monitoring Officer of their own Council.
- 2.13 No remuneration shall be payable to D2 SLB Members other than allowances for travel and subsistence in accordance with the Members' Allowances Schemes in operation at participating Councils. (It is acknowledged that a participating Council may, in accordance with its own procedures, pay a special responsibility allowance to any Elected Member appointed by it to the D2 SLB in respect of duties and responsibilities undertaken as a Member or Substitute Member of the D2 SLB.)

### **3 Chairing the D2 SLB**

- 3.1 The Chair of the D2 SLB will be appointed by the D2 SLB.
- 3.2 In the event that there are more than two Members nominated for the role of Chair, and there is not a clear majority of votes in favour of one Member, then the name of the Member with the least number of votes will be eliminated and that process will continue until a Chair is elected with a majority of votes.



- 3.3 The D2 SLB will appoint a Vice-Chair to deputise for the Chair when the latter is not present or available.
- 3.4 In the event that there are more than two Members nominated for the role of Vice-Chair, and there is not a clear majority of votes in favour of one Member, then the name of the Member with the least number of votes will be eliminated and that process will continue until a Vice-Chair is elected with a majority of votes.
- 3.5 The Chair or Vice-Chair of the D2 SLB will cease to hold such office when they cease to be a Member of the D2 SLB, in accordance with the provisions set out at paragraphs 2.6 to 3.7 above.

### **4. Procedural Arrangements**

- 4.1 The D2 SLB shall meet in accordance with its agreed calendar of meetings throughout a municipal year, but additional meetings may take place should the need arise.
- 4.2 While a guiding principle of D2 SLB will be decision making by consensus, which will lead the Board to coalesce around agendas where there is a shared view about how to proceed, should there be circumstances where a vote is required each Member of the D2 SLB shall have one vote, other than in the following circumstances:
  - a) where matters reserved to upper tier authorities are to be discharged, eg. public transport functions that are reserved to county and unitary authorities;
  - b) where matters reserved to lower tier authorities are to be discharged, eg. housing functions that are reserved to borough, district and unitary authorities;
  - c) where matters reserved to specific geographies are to be discharged, eg. local planning functions that are reserved to Derbyshire councils only
  - d) where matters reserved in a combination of the above are to be discharged, eg. shared services arrangements involving specific councils not others.
- 4.3 In such circumstances Members from authorities that have no formal remit will not be entitled to vote. No authority represented on the Board will be empowered to vote on or to discharge a function belonging to another for which it has no responsibility in law. No authority will be entitled to vote on a matter to which they have not formally delegated to the D2 SLB.
- 4.4 The proceedings of the D2 SLB shall not be invalidated by any vacancy among its Members or Substitute Members or by any defect in the appointment or qualifications of any Member or Substitute Member.

### **5. Records of Proceedings**

- 5.1 The D2 SLB shall make arrangements for the names of Members and Substitute Members present at any meeting to be recorded.

- 5.2 Minutes of the proceedings of a meeting of the D2 SLB, or any sub-committee, shall be kept in such form as the D2 SLB may determine.
- 5.3 Any such minutes are to be agreed as a true record and signed at the same or next suitable meeting of the D2 SLB or sub-committee by the Member chairing that meeting.
- 5.4 A Member of the D2 SLB, or any sub-committee, has the right to have their vote on any matter recorded in the minutes of the meeting at which the vote was cast.
- 5.5 Minutes of all minutes will be published on the websites of all participating Councils.

### **6. Sub-Committee**

- 6.1 The D2 SLB may establish such sub-committees as it thinks fit to discharge its functions.

### **7. Officers**

- 7.1 The Section 151 Officer (appointed under Section 73 of the Local Government Act 1975) and Monitoring Officer (appointed under section 5 of the Local Government and Housing Act 1989) of the host authority for the D2 SLB will serve as the statutory officers in support of the D2 SLB.
- 7.2 The D2 SLB may call upon any officer of any of the local authorities who have members on the D2 SLB for advice and assistance, as it considers necessary to carry out its functions.

### **8. Scrutiny of decisions**

- 8.1 Each constituent authority which operates executive arrangements will be able to scrutinise the decisions of the D2 SLB in accordance with that constituent authority's overview and scrutiny arrangements. Any authority that operates a committee system model of governance will have the discretion to scrutinise decisions of the D2 SLB according to its own specific governance arrangements.

### **9 Winding up of the D2 SLB and Cessation of Membership**

- 9.1 The D2 SLB may be wound up immediately by a unanimous vote of all constituent authorities.
- 9.2 Where an authority determines through its own governance arrangements that it no longer wishes to be a member of the D2 SLB, that authority may cease its membership with effect from the date of its decision. However, authorities will remain liable for any previously agreed financial contributions until the end of the financial year for which those contributions have been agreed regardless of any decision to cease membership. Where long term

liabilities, such as any Pension Fund shortfall, exists they will be calculated at the point membership ceases and any council exiting the arrangement will pay the host authority an amount to cover their share of that liability.

### **FUNCTIONS AND RESPONSIBILITIES**

- a. The D2 SLB is established pursuant to Section 101(5) of the Local Government Act 1972, which permits local authorities to make arrangements for two or more authorities to discharge functions jointly, so long as it is a function that the law reserves to a specified committee. The D2 SLB is established for the following purposes:
  - Provide collective strategic leadership for local government in Derby and Derbyshire
  - Drive forward shared ambition and collective priorities for local government across Derby and Derbyshire
  - Improve joint working across local government in Derby and Derbyshire
  - Form a collective view on matters impacting Derby and Derbyshire
  - Enable agile, timely and effective decision making.
- b. The D2 SLB, on behalf of the participating authorities, will be responsible for improving the delivery of functions already within the remit of local authorities through statute or through specific collaborative work to improve the economic, environmental or social wellbeing of the areas within Derby and Derbyshire from the following broad definitions:
  - Incorporating existing partnership arrangements
  - Areas for collaborative system changes across authorities
  - Specific thematic projects and priorities
- c. Within those broad definitions, the D2 SLB will:
  - i) Provide a forum for consideration of opportunities for joint working across Derby and Derbyshire
  - ii) Provide or assume democratic oversight for existing joint committee and partnership arrangements
  - iii) Inform and support the work of the East Midlands Mayoral Combined County Authority, in particular feeding into the EMCCA led Investment Strategy for the region
  - iv) Determine the prioritisation of issues affecting Derby and Derbyshire to influence commissioning at a regional level
  - v) Determine commissioning arrangements on matters for which funding is provided on a sub-regional basis
  - vi) In particular, act as the local public sector decision-making body for strategic economic development across Derby and Derbyshire

(including potential alignment of resources, commissioning, and performance / contract management) in respect of

- (a) Skills and training
  - (b) Inward Investment
  - (c) Investor Development
  - (d) Sector Development
  - (e) Regeneration Delivery
  - (f) Climate Change and Low carbon
  - (g) Supporting debates on Land Use policy
- vii) Own, monitor and review the Derbyshire Growth Plans and associated investment plans
  - viii) Act as the accountable body for decision making on funding streams allocated to the D2 SLB by other bodies
  - ix) Oversee the planning, alignment and performance of delivery partners and organisations to achieve more effective and efficient commissioning, monitoring and implementation, and ultimately better outcomes
  - x) Engage and maintain an active, ongoing dialogue with the Derby and Derbyshire business community through relevant economic advisory boards
  - xi) Hold to account relevant bodies whose work impacts on the economic well-being of Derbyshire
  - xii) Determine the programme of projects and work streams, how those will be managed and communicated to stakeholders and the public
  - xiii) Monitor and review performance in respect of services delivered in partnership through the D2 SLB and authorise the publication of an annual report of performance and outcomes
  - xiv) Commission strategic outline and full business cases for individual councils to consider opportunities for more collaborative working
  - xv) Determine requests from individual authorities or groups of authorities to work collaboratively on specific projects or work streams
  - xvi) Provide a forum for councils and their representatives to provide challenge to each other with the aim of increasing collaboration to

deliver efficient, effective and economic services, which equally improve the offer and outcomes to residents and businesses

- xvii) Delegate functions and responsibilities to sub-committees or officers as the D2 SLB deems appropriate and keep any governance arrangements associated with the D2 SLB under review.
- d. In the above context, it will be for the Board to establish any sub committees it chooses to in order to provide support with specific tasks within the Board's work programme and for the Board to determine the membership of such sub committees. Any sub committees will report into the full Board.
- e. The D2 SLB will exercise all its powers and duties in accordance with the law and these terms of reference and procedure rules.
- f. The authorities appointing to the D2 SLB are:
- Derbyshire County Council
  - Derby City Council
  - Amber Valley Borough Council
  - Bolsover District Council
  - Chesterfield Borough Council
  - Derbyshire Dales District Council
  - Erewash Borough Council
  - High Peak Borough Council
  - North-East Derbyshire District Council
  - South Derbyshire District Council

[MEMBERSHIP TO BE AGREED BY RESPECTIVE AUTHORITIES]

- g. It is for individual Councils participating in the D2 SLB to determine which functions and responsibilities they are willing to delegate to the D2 SLB in accordance with their own decision-making arrangements. Conversely, the D2 SLB in determining its agenda, priorities and forward programme will wish to take a view on whether or not to accept such responsibilities.
- h. No authority represented on the D2 SLB may participate in voting upon or discharging a function for which it has no responsibility in law.

---- *Ends* ----

## **A short guide to the D2 Strategic Leadership Board (D2 SLB)**

### **a) Aims and ambitions – what is it; and why should my council join?**

D2 SLB is exactly as its name implies, a **leadership board**, bringing together Derby and Derbyshire's ten councils to lead and direct existing and new partnership agendas and activity:

- Providing collective **leadership for Derby and Derbyshire**, ensuring our authorities speak with a single, shared voice at the county, regional and national level;
- Collaborating as partners to develop **joined-up approaches** to the complex, connected and challenging agendas where our councils share common interests; and
- Progressing **shared ambitions** for the people and places of Derbyshire, making decisions together to improve services and co-ordinate resources better and more sustainably.

All local authorities within Derby and Derbyshire are invited to join D2 SLB as constituent members and to play a full part in co-ordinating and driving agendas where it is recognised and agreed that more can be achieved for all our localities, and for Derbyshire as a whole, by our councils **working together**.

Those agendas will incorporate the remits of the dissolved D2 Economic Prosperity and Vision Derbyshire Joint Committees – including, '**place**', **regeneration, broader economic development, business and skills, and transport**, and strengthening the focus of wider agendas including **climate and the environment, and health and wellbeing**.

Legally, the D2 Strategic Leadership Board will be constituted as a '**Joint Committee**'. This means that, with decision making powers delegated to it by its constituent member councils, the Board will be empowered to jointly discharge and to exercise functions on their behalf within its agreed remit. (A Joint Committee is one comprising two or more councils established for the joint discharge of any functions of those councils in accordance with the Local Government Act 1972, s101.)

A further consideration behind the proposed D2 Strategic Leadership Board is the creation of a Combined County Authority for the East Midlands, which will bring new opportunities to improve outcomes for people and places throughout Derbyshire. Once established, it makes sense for D2 councils to come together to manage their interface with this new authority which is envisaged as having a key role in determining agendas, such an investment

programme and adult education strategy for the East Midlands region. All Derby and Derbyshire's councils will have a stake in these agendas and shaping these effectively will be made more possible by doing so together.

### **b) Functions – what will it do; what is my Council agreeing to, getting from it; and giving up?**

The D2 Strategic Leadership Board is intended to:

- achieve joined up approaches within and between **shared policy and service delivery agendas**, in the first instance, place, growth, regeneration and economic development – including business support, inward investment, skills and transport; and, potentially, oversight of related future funding from the new Combined County Authority or Government;
- rationalise and **simplify existing partnership and governance arrangements** related to these areas (with agreement that the work of existing County level committees (including the Vision Derbyshire Committee, the D2 Economic Prosperity Committee together with the proposed D2 Growth Board will be superseded by a single Derbyshire-wide partnership arrangement); and
- provide a possible forum for collaborative activity between councils in Derbyshire on matters relating to the anticipated new **Combined County Authority**, to generate and secure collective influence, especially concerning investment and growth strategies; and additionally, because a mechanism is needed to agree nominations and appointments from Derbyshire Councils to the CCA Board (though this is subject to EMCCA delegation and further approvals).

By joining, Derby and Derbyshire's councils are, first, signalling their intention to work together in the provision of improved services for Derby and Derbyshire's residents and the general betterment of the city and county; and secondly, councils are enabling the D2 Strategic Leadership Board to act as the responsible decision-making body for such functions as those identified above that are conferred upon it by participating councils.

The County's local authorities have, therefore, nothing to lose and everything to gain from membership of the Strategic Leadership Board. The hope is that their active commitment and participation will allow the Board to mature into a truly authoritative, representative and collaborative partnership of all Derbyshire councils – while duly acknowledging the sovereignty of participating councils and recognising that each will have separate as well as shared interests in partnership working. This includes a choice about whether or not to participate in specific agendas (or indeed whether or not to participate at all).

### **c) Arrangements – how it will work in practice; how is my Council assured of getting a say?**

Within the remit conferred upon it by participating Councils, it will be for the D2 SLB itself to determine its agenda and priorities, forward programme of activities together with the frequency of its meetings and working methods.

In doing so, the D2 SLB's guiding principles will be:

- Strong collective leadership which seeks to deliver better local outcomes and more joined-up public services
- Clear, transparent and accountable decision-making which will ensure best value for taxpayers' money and maintain strong ethical standards
- An inclusive model of governance reflecting the geographical footprint of Derbyshire
- Flexibility to work across organisational boundaries to deal with strategic and emergent challenges whilst maintaining local control; and last but not least
- Decision making by consensus.

Membership of the Board will comprise councillors from participating councils who will each be enabled to **appoint one Elected Member and one substitute**.

Although it is assumed that Councils joining the D2 Strategic Leadership Board will wish to delegate responsibilities for collective decision making in respect of agreed agendas identified above, whether or not Councils choose to do so is entirely a matter for them. Membership and participation by all Derbyshire's councils is welcome, including by councils who choose not to confer responsibilities in the way that is envisaged and who instead choose to retain full, separate local control.

While the Board is envisaged as reaching decisions on the basis of consensus, formally, should there be circumstances where a vote is called for, no authority represented on the Board will be empowered to vote on or to discharge a function belonging to another for which it has no responsibility in law. Accordingly, the **Terms of Reference are drafted to ensure safeguards** are in place regarding Councils' discharge of their own statutory and non-statutory responsibilities.

All participating authorities, whether or not agreeing to delegate functions, will be required to contribute towards the costs of funding the Board. **It is proposed that the County Council will act as host Authority for the Board.**





**COUNCIL**

**29 JANUARY 2024**

**MINUTE EXTRACT NO: COU/73/23-24**

**Question A – Councillor C Lacey to Councillor N Barker, Leader of the Council**

A question had been submitted by Councillor C Lacey to Councillor N Barker, Leader of the Council on whether the Leader would raise local concerns of Killamarsh residents over unreliable bus services with both Derbyshire County Council and the local bus companies. The full text of the question from Councillor C Lacey, marked as Question 'A', was set out in the agenda for the meeting.

The Leader recognised that this was an issue throughout the District and signified his commitment to raise the issue with Derbyshire County Council and ask what they were doing or would propose to do in order to address the issue. The Leader informed Council that after meeting with Derbyshire County Council, he would speak with the bus companies if necessary. He stated that he would report back to Councillor C Lacey on the outcome of these conversations.

Councillor C Lacey asked the Leader if he would be able to make arrangements for a bus link at the tram stop at Half Way.

The Leader responded that he would raise this issue during his meeting with Derbyshire County Council.

## North East Derbyshire District Council

### Cabinet

29 February 2024

#### **Shared Ownership Allocations policy**

#### **Report of Councillor N Barker, Leader of the Council and Portfolio Holder for Strategic Leadership & Finance**

Classification: This report is public

Report By: Lee Pepper

Contact Officer: Diane Parker

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#### **PURPOSE/SUMMARY**

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#### **RECOMMENDATIONS**

1. To seek Cabinet approval and adopt the final draft of the revised Shared Ownership Allocations policy.

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#### **IMPLICATIONS**

##### **Finance and Risk**

**Yes✓**

**No**

##### **Finance**

If the buyers rent and mortgage payments are not kept up to date there will be a risk that the property will be repossessed. This is true of all properties with this type of tenure, however the policy will minimise the risk and help to create sustainability.

Where a new build Shared Ownership tenure occurs costs will be incurred to market and sell the property using a Managing Agent. Re sales are marketed and sold by the current owner on the open market at the owner's expense.

##### **Legal including Data Protection**

**Yes**

**No**

The Shared Ownership Allocations policy is in compliance with government legislation.

Data protection will be in accordance with the usual Council and Rykneld Homes Limited policies and procedures.

On Behalf of the Solicitor to the Council

**Staffing****Yes****No ✓**

Rykneld Homes Limited will carry out this function on behalf of the Council within their existing structure.

Any legal services required will be carried out by existing Council employees.

On Behalf of the Head of Paid Service

**DECISION INFORMATION**

<b>Is the decision a Key Decision?</b>  A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: <i>BDC: Revenue - £75,000</i> <input type="checkbox"/>  <i>Capital - £150,000</i> <input type="checkbox"/>  <i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/>  <i>Capital - £250,000</i> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
<b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)	No
<b>Has the relevant Portfolio Holder been informed</b>	Yes
<b>District Wards Affected</b>	All - indirectly
<b>Links to Corporate Plan priorities or Policy Framework</b>	A place to live that people value

**REPORT DETAILS****1 Background**

- 1.1 Shared Ownership means that potential home owners can buy a share in a designated Council owned property and pay rent on the remainder, with rent reducing when more shares are purchased.
- 1.2 Within the Council's housing stock there are a small number of properties for Shared Ownership, however, the Council is not currently seeking to build any further new properties with this type of tenure, unless the only option is to ensure viability and

progression of a housing development scheme. Therefore, the policy will need to incorporate both new build Shared Ownership properties and those for resale.

- 1.3 The original Shared Ownership Allocations Policy was approved by Cabinet February 2018 to allocate the existing Shared Ownership properties and any subsequent resales. The policy is now out of date and requires renewal.

## **2. Details of Proposal or Information**

- 2.1 The Policy sets out the criteria that will apply when Rykneld Homes Limited, acting on behalf of the Council, market and allocate the Councils homes which are available for Shared Ownership and any subsequent sales / lets thereafter.
- 2.2 Applicants are primarily expected to be first time buyers, although shared ownership can sometimes be a suitable housing solution for people who are existing shared owners or who have previously owned a home In some circumstances current owner occupiers may be considered to alleviate housing need.
- 2.3 Applicants interested in a new build Shared Ownership property will be subject to a process by initially completing an application form to the preferred marketing and sales Managing Agent as appointed by Rykneld Homes Limited. Previously the Shared Ownership shop was used as the managing agent, but this is no longer an option.
- 2.4 Shared Ownership Properties can be re sold, in the first instance sellers must contact Rykneld Homes Limited to inform them of their intention to sell.
- 2.5 The Council part owns the Shared Ownership property therefore, the Council will have first refusal to purchase the remaining shares. The council does not normally buy the property, only in exceptional circumstances which will also be dependent on funding.
- 2.6 As the Council only owns minimal Shared Ownership properties which were not built as part of any grant funded scheme and the Council does not currently have a Shared Ownership waiting list, the Council will waiver the nomination rights to find a buyer. This will enable the seller to use their preferred Estate Agent who will manage the sale.
- 2.7 However, a link to the Estate Agents property advertisement will be available on Rykneld Home Limited's Choice Move website to give the Council's social housing waiting list applicants the opportunity to apply for the Shared Ownership property.

## **3. Reasons for Recommendation**

- 3.1 The previous Shared Ownership Policy expired and is required to be renewed.
- 3.2 To approve and adopt the revised Shared Ownership Policy

## **4 Alternative Options and Reasons for Rejection**

- 4.1 An alternative option is not to revise the policy, however this was rejected as the policy gives clear procedures on how the Council owned Shared Ownership properties are sold.

- 4.2 Another reason for rejection is that the Policy gives the Councils stance on building/acquiring this type of tenure in the future to include in the Council Housing Stock.
- 

#### **DOCUMENT INFORMATION**

<b>Appendix No</b>	<b>Title</b>
1	Shared Ownership Policy
<b>Background Papers</b>	
<b>Report Author</b>	<b>Contact Number</b>
Diane Parker	01246 217292



**North East  
Derbyshire**  
District Council

# **(Shared Ownership Allocations Policy)**

**(February 2023)**

## **Equalities Statement**

North East Derbyshire District Council is committed to equalities as an employer and when delivering the services it provides to all sections of the community.

The Council believes that no person should be treated unfairly and is committed to eliminating all forms of discrimination, advancing equality and fostering good relations between all groups in society.

### **Access for All statement**

You can request this document or information in another format such as **large print** or **language** or contact us by:

- **Phone** - [01246 231111](tel:01246231111)
- **Email** - [connectne@ne-derbyshire.gov.uk](mailto:connectne@ne-derbyshire.gov.uk)
- **Text** - [07800 00 24 25](tel:07800002425)
- **BSL Video Call** – a three way video call with us and a BSL interpreter. It is free to call North East Derbyshire District Council with Sign Solutions, you just need wifi or mobile data to make the video call, or call into the offices at Wingerworth.
- Call with [Relay UK](#) – it is a free phone service provided by BT for anyone who has difficulty hearing or speaking. It's a way to have a real time conversation with us by text.
- **Visiting** our [offices](#) at Wingerworth – 2013 Mill lane, [S42 6NG](#)



### CONTROL SHEET FOR [policy title here]

<b>Policy Details</b>	<b>Comments / Confirmation (To be updated as the document progresses)</b>
Policy title	Shared Ownership Allocations Policy
Current status – i.e. first draft, version 2 or final version	First draft V1
Policy author (post title only)	Housing Policy and Intelligence Officer
Location of policy (whilst in development) – i.e. L-drive, shared drive	S drive
Relevant Cabinet Member (if applicable)	Portfolio holders for Strategic Leadership and Finance - Cllr. Nigel Barker
Equality Impact Assessment approval date	2018
Partnership involvement (if applicable)	Rykneld Homes Limited
Final policy approval route i.e. Cabinet/ Council	Cabinet
Date policy approved	Original 14 February 2018
Date policy due for review (maximum three years)	November 2026
Date policy forwarded to Performance & Communications teams (to include on Intranet, and website if applicable to the public)	

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## **1. Introduction**

- 1.1 The Council and Rykneld Homes Limited worked in partnership to increase the supply of properties that are for Shared Ownership Leasehold tenure.
- 1.2 Shared Ownership means that potential home owners can buy a share in a designated Council owned property and pay rent on the remainder, with rent reducing when more shares are purchased.
- 1.3 The aim is to help those in housing need who aspire to own a property but whom otherwise would not be able to purchase a property on the open market.
- 1.4 Applicants are primarily expected to be first time buyers although shared ownership can sometimes be a suitable housing solution for people who are existing shared owners or who have previously owned a home, in some circumstances current owner occupiers may be considered to alleviate housing need.
- 1.5 This document sets out the criteria that will apply when Rykneld Homes Limited, acting on behalf of the Council, market and allocates the Councils homes which are available for Shared Ownership and any subsequent sales/lets thereafter.

## **2. Scope**

- 2.1 The Council Plan 2023-2027 is committed to building and acquiring more affordable houses to rent, however included in the existing Council's housing stock are properties for Shared Ownership.
- 2.2 The Council is not currently seeking to build new properties for Shared Ownership unless this is the only option to ensure viability and progression of a housing development scheme.
- 2.3 The Policy will ensure that Shared Ownership properties are offered in a clear, fair and transparent manner.
- 2.4 To fulfil our legal and statutory obligations the policy also has due regard to current legislation and any subsequent amendments, for example;
  - Housing Act 1985
  - Housing Act 1996
  - Localism Act 2011
  - Homes and Communities Agency' s Guidance
  - Homelessness (Suitability of Accommodation) (England) Order 2012
  - Children Act 1989
  - Welfare Reforms
  - Equalities Act

- Human Rights Act
- Property Misdescriptions Act 1993
- Estate Agents Act 1979
- Financial Services and Markets Act 2000
- Landlord and Tenant Act
- Commonhold and Leasehold Reform Act 2002
- Housing Act 2004
- Data Protection Act 1998 and GDPR

2.5 The Policy will also have due regard to Council and Rykneld Homes Limited policies and strategies, including the;

- The Council Plan
- Current Allocations Policy
- Tenancy Strategy
- Housing Strategy
- Anti-Social Behaviour Strategy
- Adaptations Policy
- All Rykneld Homes Policies as set out to the Board, including Risk Management, Value for money, ASB, Asset Management, Data protection and Privacy policies, 5 year estate delivery plans, equality and diversity, health and safety and tenant involvement

### **3. Principles**

3.1 The policy will link to the Council Plan by creating;

A place to live that people value;

- Develop and continually improve the quality and range of housing, providing comfortable homes for residents that meet their needs.

We will work to achieve this through our assets:

- Explore housing development and regeneration opportunities.
- Asset rationalisation programmes.

And through delivery:

- Build, acquire and facilitate delivery of sustainable and affordable homes across the district.

And through improvement:

- Increase the number of sustainable and affordable homes across the district.

And through our partners:

- Enable housing growth across tenures to meet the housing need.
- Consult on planning applications for new developments.

## **4. Shared Ownership Schemes**

### **4.1 Shared Ownership Affordable Housing Programme 2016 to 2021**

4.2 For the Shared Ownership Affordable Housing Programme 2016 to 2021, the Shared Ownership criteria to buying this type of tenure through this scheme is as follows:

- minimum initial share which can be purchased is not less than 25% and not more than 75%
- staircasing 10% minimum share increments, up to 100% unless restrictions apply
- Shared Owner responsible for the repairs
- Nomination period minimum 8 weeks

### **4.3 Shared Ownership Affordable Housing Programme 2021 to 2026 (new model)**

4.4 The new Shared Ownership model introduced for Homes England Affordable Housing Programme 2021 to 2026 made changes to the Shared Ownership Affordable Housing Programme 2016 to 2021. The new model also applies to new Shared Ownership homes funded from 1 April 2021 using receipts from the Voluntary Right to Buy programme. The criteria for this scheme is as follows;

- the minimum initial share that can be purchased is 10% (reducing from 25%)
- staircasing in 1% increments for the first 15 years; larger shares can still be purchased with the minimum of 5% (cannot staircase 2%, 3% or 4%)
- the introduction of a 10-year period during which the costs of any maintenance or repairs will be met by the landlord rather than the shared owner
- 100% staircasing unless restrictions apply
- the option for the shared owner to end the nomination period at the 4 week point if they wish to pursue a sale on the open market rather than the previous 8 week period

### **4.5 Non Grant Funded Schemes**

For Shared Ownership properties developed outside the Affordable Housing programme on non grant funded schemes, for consistency, the council will use the Homes England relevant Shared Ownership criteria dependant on the year it was built as stated above. Although a local criteria may also be set, for example a local connection criteria.

### **4.6 Shared Ownership S106 agreements**

4.7 All new shared ownership properties delivered via developer contributions through a Section 106 will be based on the new model from 2021, as well as homes delivered via the Affordable Homes Programme.

#### **4.8 Right to Shared Ownership scheme**

- 4.9 Residents in social and affordable housing are being given the chance to buy a share in their home for the first time, as applications can now be made to the government's Right to Shared Ownership scheme.
- 4.10 Tenants will be eligible if they have been in social housing for 3 years, their property was built under the government's Affordable Homes Programme 2021-26, and they have lived in it for a year. However certain homes are exempt from the Right to Shared Ownership, including local authority homes, listed are the exempt accommodation:
- homes where the landlord is a local authority
  - specialist homes for older, disabled or vulnerable people
  - homes built in remote rural areas
  - almshouses
  - homes where the landlord is a co-operative housing association or Community Land Trust.

### **5. Eligibility**

- 5.1 Shared Ownership is eligible to applicants:
- that cannot afford to buy a property on the open market
  - with an household income of less than £80,000 per year
  - who are first time buyers, meaning that they do not already own a home
  - who are currently shared owners
  - who currently own their home but require a move to alleviate housing need for example, overcrowding
  - who are aged 18 years and over
  - with good credit ratings to secure a mortgage
  - with savings or finance for the one-off costs relevant to the scheme
  - with savings for the required deposit, for example: 5% of the share being purchased
- 5.2 Applicants who are subject to immigration control within the meaning of the Immigration Act 1971 and Asylum and subsequent Immigration Act 1996 and are not eligible under Regulation 3 of the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 cannot be considered for a Shared Ownership property. The Secretary of State may in the future prescribe other persons or classes of persons who are not qualifying.
- 5.3 Applicants who have caused Anti-Social Behaviour or have been deemed as having unacceptable behaviour, including housing related debt and criminal convictions at a current or previous property may not be accepted to qualify for a Shared Ownership property.

- 5.4 Applicants will be assessed on their own merit but will adhere to legislative guidance and local and national policies.

## **6. Applications**

- 5.1 Applicants interested in a new build Shared Ownership property will be subject to a process by initially completing an application form to the preferred marketing and sales Managing Agent as appointed by Rykneld Homes Limited. The Council deems this as an appropriate method for the sale of shared ownership properties.
- 5.2 Applicants will be asked for their permission to enable an eligibility check and a full, detailed financial assessment to be carried out to ensure that the applicant is able to sustain the mortgage/rent and service charges and also to check whether any other financial factors need to be taken into account. All information disclosed will be in accordance with the Council's and Rykneld Homes Limited Data Protection and Privacy Policies.

## **7. Joint Applicants**

- 7.1 An eligible applicant who wishes to buy a home with someone else can only proceed on the condition that all joint applicants become joint owners in equal shares. Both must qualify for the Shared Ownership eligibility criteria and the affordability assessment will be based on both applicants.
- 7.2 If one person in a household submits a sole application they would become the sole legal shared owner and only their eligibility and affordability would be assessed. However, the gross household income will need to be based on all household members and will be required to be within the £80,000 threshold.
- 7.3 In the event that a relationship breaks down between joint buyers, and an order is made by the court, the Council and Rykneld Homes Limited will have regard to any relevant binding court decisions which affect the property for example, tenancy agreement and mortgage.

## **8. Existing Home Owners**

- 8.1 Applications may be considered from existing home owners (including shared owners) where the applicant would meet the affordability criteria having taken into account any proceeds from the sale of their current home.
- 8.2 At the time the application is made, the existing property must have been sold (subject to contract) and a memorandum of sale issued. At the point of completion on the Shared Ownership property they must have also completed the sale on their existing property.

## **9. Affordability**

- 9.1 The appointed Managing Agent will adhere to the Council's policy by using the Homes England guidelines when assessing affordability for consistency.
- 9.2 Once an application has been received an affordability assessment will be conducted by the Managing Agent using the Homes England Affordability Calculator which will:
- demonstrate that applicants have sufficient income to sustain the cost of buying a share (percentage) of the property
  - assess the maximum share an applicant can purchase (whilst also taking into account any other factors that could impact on the level of mortgage that can be raised)
  - ensure only those that are assessed as having the ability to purchase the initial minimum share required will be considered suitable for shared ownership
- 9.3 In line with Homes England guidance the following criteria will apply;
- Applicants will be expected to use any capital assets they may have (capital assets could include savings, bonds, shares, land and any other financial investments) and put these towards any deposit (which is normally a minimum of 5% of the share being purchased).
  - Where a mortgage is required to support the purchase the applicant will be expected to provide evidence of a 'Shared Ownership Mortgage in Principal'
  - An applicant who is an existing Council tenant must not be in rent arrears or in breach of their current Tenancy Agreement at the time of the application.

## **10. Qualifying Applicants**

- 10.1 Once the affordability assessment is complete the applicants will be pre-qualified to continue with the purchase of a Shared Ownership property, however unsuccessful applicants will be referred to Rykneld Homes Limited or the Council's Housing Options Team to seek more suitable housing.
- 10.2 Successful applicants may be signposted to the Managing Agents professional Independent Financial Advisors for mortgage and further financial advice.
- 10.3 Where it is considered that that applicants do not pass the affordability assessment this will be explained to the applicant.



## **11. Marketing a Property**

- 11.1 The Shared Ownership Properties will be marketed through the appointed Managing Agent who will advertise, either through their website or other online property search portals.

## **12. Expressing an Interest**

- 12.1 Applicants can express an interest in their choice of advertised property by contacting the appointed Managing Agent.
- 12.2 If the applicant meets the eligibility, affordability and any other advertised qualify criteria a viewing then can be arranged.

## **13. Determining Application Priority**

- 13.1 If there are two or more qualifying applicants for the same property, for transparency a selection criteria shall be applied and priority will be given to;
- Armed Forces Personnel (see section 15).
  - Applicants with a local connection to North East Derbyshire District in line with the criteria set out in the Council's Housing Allocations Policy.

If a priority still cannot be determined;

- The Council's Housing Allocations Policy's priority banding scheme for assessed housing need will be used.

## **14. Section 106 Sites and Local Connection**

- 14.1 On some development sites within the district scheme specific priorities may be required as a condition in a section 106 (S106) planning condition (Town and Country Planning Act 1990) which will be acknowledged and included in a Local Sales Plan.
- 14.2 Where a planning condition requires homes to be sold to households with a local connection the Local Sales Plan will be published for each scheme setting out the criteria to be used.
- 14.3 The priority for these types of schemes may differ to the priority listed in section 12.

## **15. Armed Forces personnel**

15.1 In line with the Homes England guidance, priority is only given to serving members of the British Armed Forces where:

- they have completed their basic (phase 1) training and they are one of the following:
  - Regular service personnel (including Navy, Army and Air Force)
  - Clinical staff (with the exception of doctors and dentists)
  - Ministry of Defence Police Officers
  - Uniformed staff in the Defence Fire Service
- they are ex-regular service personnel who have served in the Armed Forces for a minimum of six years, and can produce a Discharge Certificate (or similar documentation) as proof, where they apply within two years (24 months) of the date of discharge from service or
- they are the surviving partners of regular service personnel who have died in service, where they apply within two years (24 months) of the date of being bereaved.

## **16. Occupancy Levels**

16.1 No eligibility restrictions will apply in relation to household size and the number of bedrooms. However, if future financial hardship is suffered welfare benefits may be sought to cover the rental costs only, which will be subject to current regulations and may include under occupation charges or Local Housing Allowance/rental element restrictions.

## **17. Sales Progression and Completion**

17.1 The progress of the sale will be mindful of timescales set by Rykneld Homes Limited to exchange contracts and complete the sale, however this may differ between properties.

17.2 The Managing Agent will help buyers through the process and ensure they are professionally represented.

17.3 Only on completion of the sale, and once all completion monies are received by the Council will the keys be handed over to the buyer.

17.4 On Completion a Shared Ownership Lease [and a Tenancy Agreement] will need to be entered into. Guidance on upholding a Shared Ownership Lease will also be issued.

17.5 Rent charges will be increased/decreased in line with national and local policy.

## **18. Repossessions**

- 18.1 The property will be at risk of repossession if both the mortgage and/or rent payments are not kept up to date.
- 18.2 For non payment of rent and if rent arrears continue to accrue the normal rent arrears procedures will be enforced by Rykneld Homes and referred to the Council's Housing Options Team for further advice

## **19. 'Staircasing' (Buying More Shares in the Property)**

- 19.1 Buying more shares in a property is known as 'Staircasing'.
- 19.2 If financial circumstances allow additional shares may be bought, usually in stages which will be dependent on the Shared Ownership model. See section 4
- 19.3 Purchasing 100% shares in the property will mean the property is owned outright and no further rent payments will be required, however some schemes may have 'Staircasing' restrictions therefore 100% may not be purchased, for example, schemes in rural areas.
- 19.4 Older Persons Shared Ownership restrictions may also apply and may include other conditions attached to the schemes including, for example, shared owners must be 55 years or over; in these cases there must be no rent payable on the unsold share where the maximum share of usually 75% has been acquired, and the properties must be specifically marketed for older people.
- 19.5 Shared Owners wishing to purchase more shares will contact Rykneld Homes Limited in the first instance. A valuation by an independent valuer registered with the Royal Institution of Chartered Surveyors (RICS) will be contracted. This will determine the price of the shares.
- 19.6 For 1% staircasing transactions the valuation is calculated from the Land Registry's House Price Index. How this works is detailed within the Shared Ownership model lease and in the key information document where applicable.
- 19.7 For the Homes England Affordable Housing Programme, leaseholders have 3 months to complete the staircasing purchase from the date providers receive the valuation, however discretionary extensions can be applied to staircasing of 5% or more.
- 19.8 For non-grant funded Shared Ownership properties (outside the Affordable Housing Programme), the completion of the staircasing purchase will be governed by the lease of the individual properties.
- 19.9 The purchaser will pay the valuation fee, solicitor's fees, taxes and any other cost associated with buying more shares, including administration fees.

- 19.10 Reverse 'Staircasing' may be possible in some circumstances, for example in extreme financial hardship, however shares will only be bought back at the discretion of the council.

## **20. Shared Ownership Resales**

- 19.1 Shared Ownership Properties can be re sold, in the first instance sellers must contact Rykneld Homes Limited to inform them of their intention to sell.
- 19.2 The Council part owns the Shared Ownership property therefore the Council will have first refusal to purchase the remaining shares. The council will not normally buy the property, only in exceptional circumstances which will also be dependent on funding.
- 19.3 The Council then has a 'nomination period', this means the Council has a period of time (4, 8 or 12 weeks, depending on the lease) to find a buyer. Nomination periods do not apply in some circumstances. This includes:
- if someone on the lease dies
  - if the court has asked for transfer of ownership
- 19.4 As the Council only owns minimal Shared Ownership properties which were not built as part of any grant funded scheme and does not currently have a Shared Ownership waiting list, the Council will waiver the nomination rights to find a buyer. This will enable the seller to use their preferred Estate Agent who will manage the sale.
- 19.5 A link to the Estate Agents property advertisement will be available on Rykneld Home Limited's Choice Move website to give the Council's social housing waiting list applicants the opportunity to apply for the Shared Ownership property.
- 19.6 Following this procedure will be beneficial to both the seller and the Council as a buyer may be found in a shorter timeframe.
- 19.7 Usually, the re sale will be purchasing the same percentage share as the previous owner and is based on a valuation completed by a surveyor who is registered with the Royal Institution of Chartered Surveyors (RICS).
- 19.8 The Shared Ownership statutory eligibility criteria and if applicable any stipulations in the S106 agreement will continue to be adhered to for any re sales.
- 19.9 The terms of the shared ownership lease and eligibility conditions cannot be breached to execute the wishes of a deceased persons will. Any property inheritance will comply with Shared ownership legislation, policy and procedure. In the first instance contact Rykneld Homes Limited to seek further advice and options available

## **21. Selling costs**

- 21.1 The seller will be responsible for seeking legal advice when selling the property and paying all the legal fees.

## **22. Responsibility for Implementation**

- 22.1 The implementation and delivery of this policy is the function of Rykneld Homes Limited on behalf of the Council.
- 22.2 The preferred marketing and sales agency will adhere to this policy and any applicants for shared ownership tenure.

DRAFT

## North East Derbyshire District Council

### Cabinet

29 February 2024

### ‘UNLOCKING’ THE AVENUE SOUTHERN ACCESS

#### Report of Councillor J Barry, Portfolio Holder for Growth & Assets

Classification: This report is public

Report By: **Assistant Director of Regeneration and Programmes**

Contact Officer: **Assistant Director of Regeneration and Programmes**

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#### **PURPOSE / SUMMARY**

The report provides Cabinet an update on recent progress towards ‘unlocking’ The Avenue Southern Access and recommends the project is a regeneration priority for the Council.

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#### **RECOMMENDATIONS**

1. That Cabinet note the recent progress in ‘unlocking’ The Avenue Southern Access.
2. That Cabinet approve further officer resource and undoubtedly further investment from the Council (on a business case by business case basis), to complete The Avenue development, as outlined in the report, as a regeneration priority.
3. That Cabinet support The Avenue being discussed and promoted to partners and funders as the Council’s priority regeneration scheme.

Approved by the Portfolio Holder – Cllr Jayne Barry, Cabinet Member for Growth and Assets

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#### **IMPLICATIONS**

**Finance and Risk:**      Yes ☒      No ☐

#### **Details:**

The report establishes a strategic priority and highlights the need for further investment in the future. However, any future investment will be considered on a business case by business case. Cabinet are not committing to any financial investment through this report and any future investment will be subject to the relevant approvals at that time.

On Behalf of the Section 151 Officer

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**Legal (including Data Protection):**

**Yes** ☒

**No** ☐

**Details:**

The report outlines a number of high-level development projects which will have their own legal challenges, as every development does (Title issues, contracts, etc).

These will be considered on a case-by-case basis and therefore, there are no concerns raised through this report.

On Behalf of the Solicitor to the Council

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**Staffing:**

**Yes** ☒

**No** ☐

**Details:**

The report provides strategic direction for officers across the Council but all within existing staffing resource therefore, there are no staffing concerns raised from this report.

On behalf of the Head of Paid Service

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**DECISION INFORMATION**

Decision Information	
<b>Is the decision a Key Decision?</b> A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:  <b>NEDDC:</b> <b>Revenue - £100,000</b> <input type="checkbox"/> <b>Capital - £250,000</b> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
<b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)	No
<b>District Wards Significantly Affected</b>	Wingerworth
<b>Consultation:</b> <b>Leader / Deputy Leader</b> <input checked="" type="checkbox"/> <b>Cabinet</b> <input checked="" type="checkbox"/> <b>SMT</b> <input type="checkbox"/> <b>Relevant Service Manager</b> <input type="checkbox"/> <b>Members</b> <input type="checkbox"/> <b>Public</b> <input type="checkbox"/> <b>Other</b> <input type="checkbox"/>	Yes  Details: Leader briefing Portfolio Holder Briefing Cabinet member consultation

**Links to Council Plan (NED) priorities, including Climate Change, Equalities, and Economics and Health implications.**

A place where people enjoy spending time.

Increase biodiversity across the District.

A place to live that people value.

Continually improve council services to deliver excellence and value for money

## REPORT DETAILS

### 1 Background

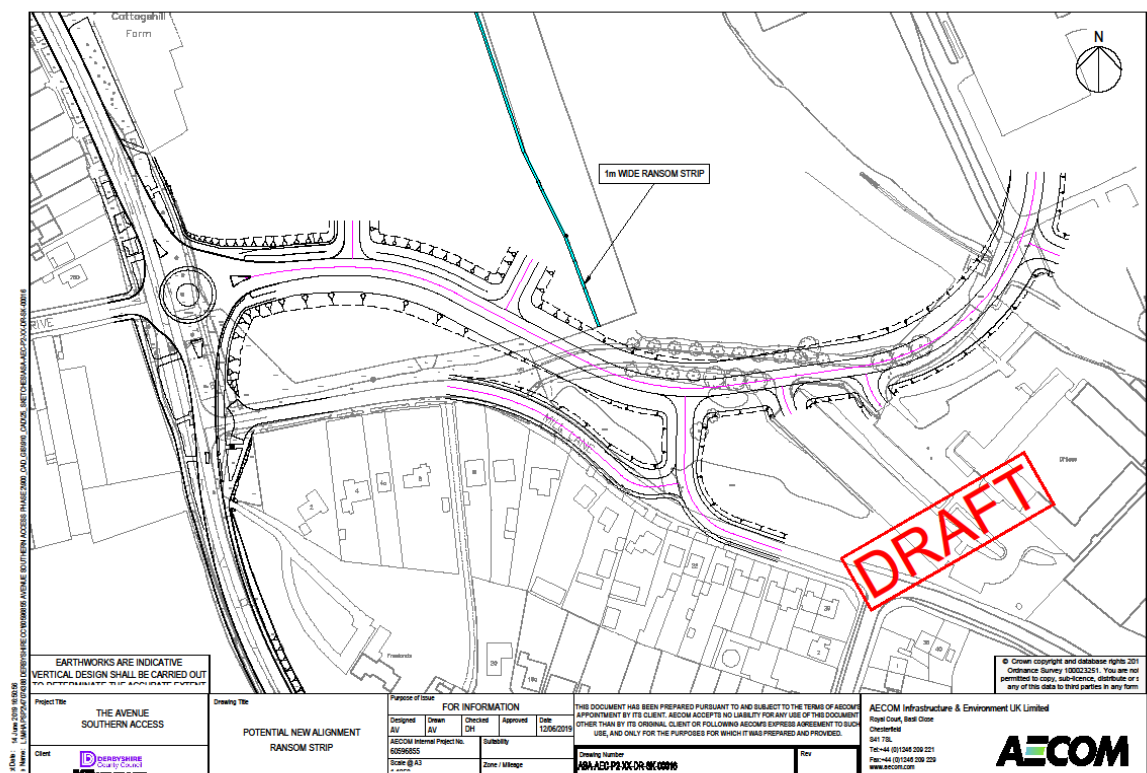
- 1.1 The [Avenue Area Strategic Framework \(AASF\)](#) was adopted by the North East Derbyshire County Council's Cabinet in March 2013. The framework provides place-making and design guidance on the suitability and spatial arrangement for the use of the land covered by AASF and associated design guidance that new development will need to address.



*Illustrative Masterplan - AASF*



- 1.2 From going into public ownership in 1999, The Avenue has been transformed from one of the most polluted sites in Europe to a mixed-use development of sports pitches, nature reserve, housing development, school and commercial uses. Development to date has all been delivered through the northern access, as defined in the AASF, and through Homes England who were the major land owner for that part of the development.
- 1.3 The Avenue strategic project is one of the most ambitious and effective remediation projects ever undertaken in the UK. This has been achieved through over £185m investment of public money, strong partnership working between NEDDC, DCC and Homes England and a genuine One Public Estate approach. More details of the project can be found here: [The Avenue Landscaping and Remediation Project – one of the UK's most significant brownfield projects - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/the-avenue-landscaping-and-remediation-project-one-of-the-uk-s-most-significant-brownfield-projects)
- 1.4 Homes England have just taken to market their final phase of residential development, with Strata homes now pursuing the development through a planning application. This report considers how NEDDC, as major landowner of the Southern part of the site, can unlock and deliver the Southern Access, a collection of sites known as Mill Lane Development Land, Pioneer House and the associated infrastructure.
- 1.5 In recent years, the main challenge with unlocking the Southern part of the site has been the strategic drive from partners to deliver a roundabout on the Southern Access (Mill Lane). As demonstrated in the image below, technically, a roundabout can be delivered in that location, at a cost estimated to be £6m and with the inclusion of third-party land which is under option to Taylor Wimpey.

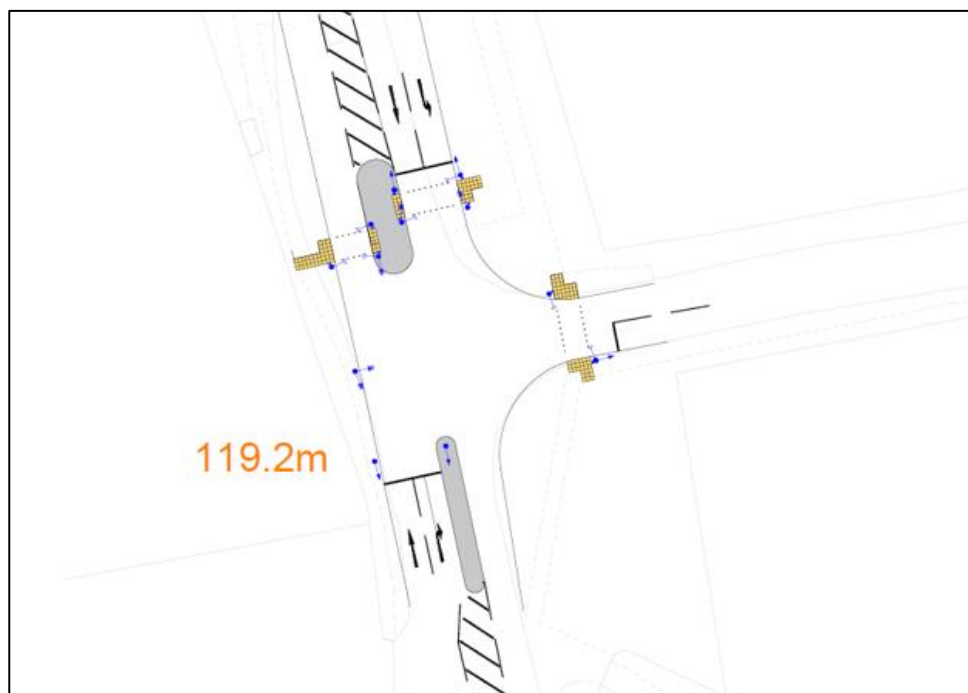


1.6 Derbyshire County Council secured planning permission for the roundabout in 2019 however, delivery of the access has been delayed by:

- The estimated £6m cost of the roundabout – whilst £302,000 S106 monies is available, there remains a considerable gap.
- Making the Taylor Wimpey site unviable – the third-party land take of the Taylor Wimpey development reduces the viability of their development by reducing the number of deliverable houses by approximately fifteen.
- Creating a potential ransom strip for other developments that would benefit from the improved access – in 2021, following consultancy support from Savills, Cabinet were advised that the ransom was high risk and likely to reduce NEDDC land values so significantly that using the land for biodiversity was recommended (but not agreed).

1.7 In order to unlock and progress the Southern Access, NEDDC commissioned WSP, highways consultants, to provide up to date traffic information and develop proposals for a more deliverable solution to the Mill Lane junction. The work was done in consultation with the Highways Authority and the outcome was:

- A roundabout is not the best solution to the problem.
- The northern roundabout has enough capacity to develop the Council owned development site, without the need of a southern access.
- The best technical solution is 3-way traffic signals. The estimated cost being £0.6m (Rather than £6m for the roundabout).
- The signalised junction will also be a better solution for all road users, will require a speed reduction on this stretch of the A61 improving safety, and will improve pedestrian movement across the A61.
- The traffic signals can be installed on existing highway land, removing the need for third party land and therefore, a ransom. (Savills suggested £3.2m to buy out the option and ransom).



- 1.8 In addition to the above, the solution also unlocks Taylor Wimpey's site. In consultation Taylor Wimpey say:

*"Historically the Council have considered that a roundabout would be required which would cut through Taylor Wimpey's interest, significantly impacting on our potential development area, plotting efficiency, and development costs on a site that is already significantly constrained from a levels and remediation perspective.*

*The resulting design uncertainty and viability impact has caused significant delays with two live planning applications that are running on the affected land. Previous discussions and historic draft S106 agreements have strongly suggested that the site viability is unviable with policy compliant affordable housing and would not allow the scheme to come forwards. The change from a roundabout solution to a new signalised junction scheme would significantly improve this position, firstly by allowing TW to progress the detailed design with certainty of layout and highways capacity, and secondly by allowing a significantly increased net developable area and improved internal layout efficiency, without the need for sterilised land and unnecessary design constraints.*

*Initial sketches with a TW access direct off the A61 show that the impact is not just in reduced build cost but also in excess of an additional 15 development plots, in that there is an extra c.1acre of development land and increased plotting efficiency, with the amended layout being able to follow the existing field boundaries and road network."*

Assessment of Derbyshire County Council's Highway Development Control Team Leader of the signalised junction proposal stated:

*"The optimum solution would appear to be a signal scheme serving the A61 with the Avenue only. Nottingham Drive would remain as a priority junction. This is the scenario recommended by WSP. Having reviewed the modelling output report, we would concur with its findings.*

*Derbyshire County Council would therefore support the provision of traffic signals at the junction of the A61 with The Avenue, excluding the signalisation of Nottingham Drive."*

- 1.9 The investment from the Council to identify a more deliverable solution for the Southern Access has significantly moved forward the completion of the Southern Access, finalising The Avenue regeneration project. NEDDC now needs to progress the developments and installation of the traffic signals, as outlined below.

## **2. Details of Proposal**

- 2.1 The Council has a number of strategic regeneration projects where its resources could be used to progress the schemes; these are:

### **Transport**

- A61-A617 Link Road
- A61-Mill Lane Junction
- Clay Cross Rail Station

- Killamarsh Rail Station

### Employment

- Coalite, Duckmanton (Mixed use)
- Dronfield Business Park

### Residential

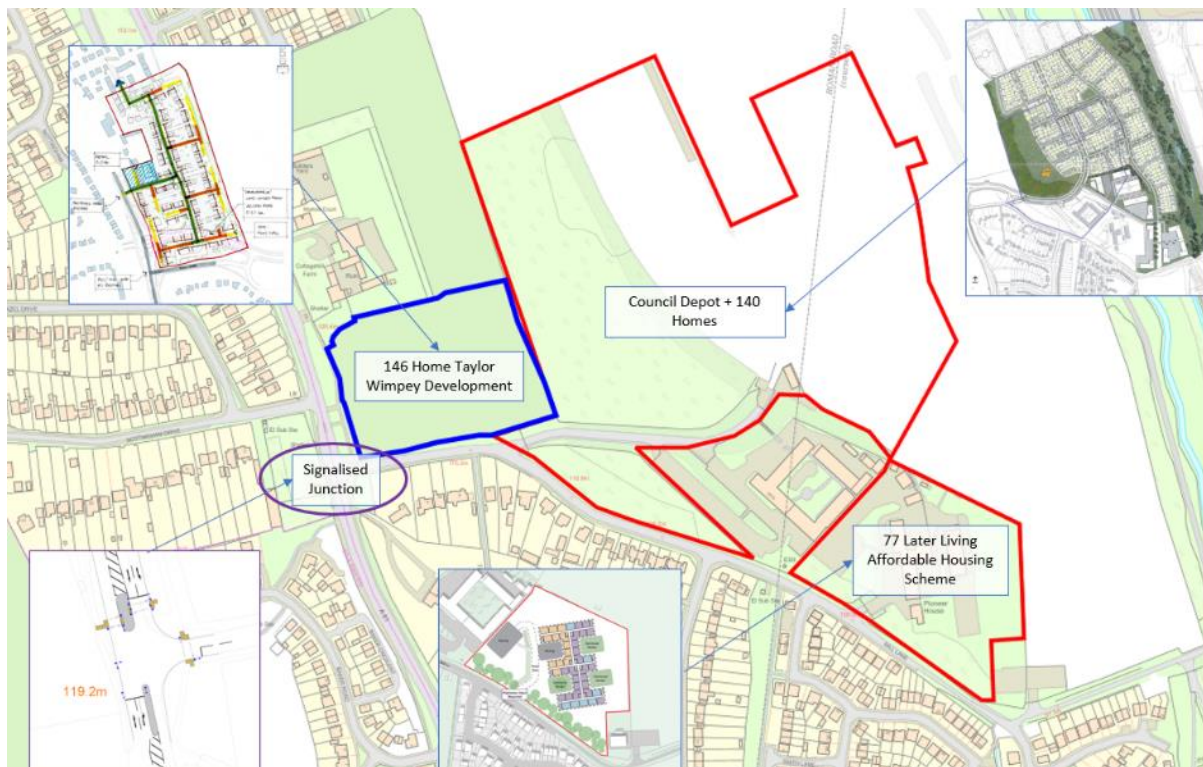
- The Avenue
- Coalite, Duckmanton (Mixed use)

### Town Centres

- Clay Cross
- Eckington
- Killamarsh
- Dronfield

2.2 Based upon deliverability and cost benefit (Outputs vs the cost to unlock), it is proposed that the completion of The Avenue Southern Access should be prioritised and the Council's own resource (Officer time) and other public funding sources, should be utilised to bring the developments forward in the short to medium term.

2.3 Should all development be deliverable, the Southern Access will deliver approximately 363 new homes (120 affordable housing), as illustrated below:



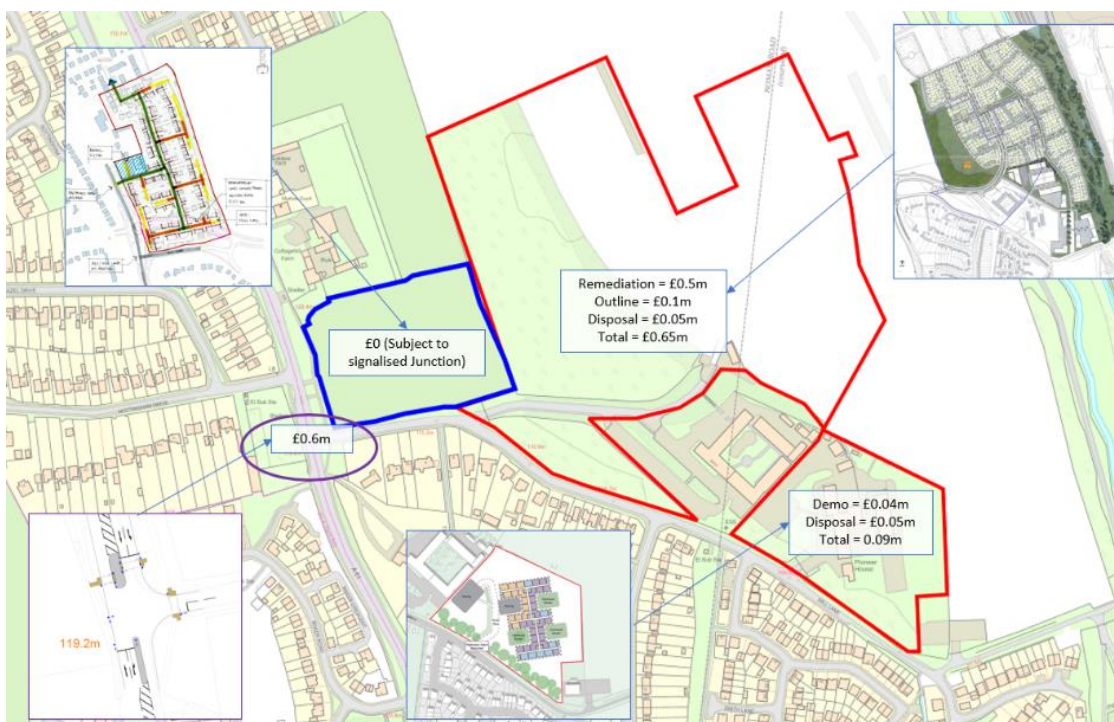
2.4 Amongst other things, the positive impact of this development is:

- **Economic:** Construction jobs, increased local spending, attracting investment, supporting wider regeneration efforts.



- **Social:** Creating mixed-income communities, supporting older people, fostering community spirit, tackling social exclusion.
- **Environmental:** Brownfield site redevelopment, improving green spaces and public realm, promoting sustainable design.
- **Placemaking:** Creating vibrant, attractive, and well-connected places with a strong sense of identity.
- **Public Services:** A modern Council Depot which facilitates the electrification of fleet and more efficient service delivery.

2.5 The image below outlines the indicative investment that is required to enable development (Not the cost to develop the sites). The total cost is in the region of £1.3m and covers a range of costs including design fees, demolition, disposal costs, junction improvements, etc.



2.6 Naturally, the Council has not got £1.3m available to fund these works alone. It is suggested that officers pursue funding opportunities with partners such as:

- Derbyshire County Council (S106, transport funding, OPE, etc)
- Mayoral Combined Authority
- Homes England

2.7 Given all the above, it is recommended that the completion of The Avenue development is the regeneration priority for NEDDC, and that officer resource is focused on enabling delivery.

2.8 Cabinet support the submission and resourcing of funding applications, outline business cases and any other such reports required to facilitate this (within existing budget constraints).

### 3 Reasons for Recommendation

- 3.1 The Avenue is one of the UK's most significant brownfield projects and the AASF and Local Plan identify the site as a strategic priority for North East Derbyshire District Council.
- 3.2 Over many years the Council, with partners, have transformed the site from one of the most polluted in Europe to a nature reserve and mixed-use development.
- 3.3 The Council has already invested heavily in the project through:
- Purchasing the former CPL site, ensure public ownership and enabling regeneration.
  - Clearing the warehouses, asbestos buildings, laboratory, and remediation of the site removing pollutants.
  - OPE project with Homes England masterplanning the southern part of the site 'ownership blind'.
  - Developing the alternative to a roundabout with support from Derbyshire County Council and highways consultancy.
  - Numerous hours of officer time, over many years, from concept, strategic planning, partnership working, acquisition, remediation, etc.
- 3.4 The recommendations in this report seek approval for further officer resource and undoubtedly further investment from the Council (on a business case by business case basis), to complete The Avenue development as a regeneration priority.
- 3.5 Finally, this project is the regeneration of a polluted, brownfield site within the residential settlement of Wingerworth. Regeneration of brownfield sites:
- **Protects green spaces:** By using existing developed land, brownfield projects reduce the need for development on valuable greenfield areas, protecting biodiversity and ecosystems.
  - **Reduces soil and water contamination:** Remediation of brownfield sites can prevent further contamination of soil and water resources, improving environmental quality.
  - **Meets housing demands:** The site offers space for much-needed housing development, assist in mitigating the impacts of the current housing crisis.
  - **Regenerates urban areas:** Revitalising abandoned, and derelict sites fosters economic growth, attracts investment, and creates jobs, leading to urban regeneration.
  - **Improves infrastructure:** The Avenue development is upgrading existing infrastructure roads through DCC A61 improvements, utilities installing new electricity infrastructure for a green future a new school on site, etc.
  - **Enhances community wellbeing:** The washlands have become vibrant community space, supporting sports clubs and increased walking/cycling and overall quality of life.
  - **Biodiversity net gain:** The site offers unique opportunities for habitat creation, contributing to achieving significant biodiversity net gain.

- 3.6 The completion of the Southern Access enables delivery of high-quality homes, encompassing affordable and supported housing, to address rising demand. It Leverages brownfield site regeneration for sustainable housing expansion and accelerates the transition to Net Zero through increased energy efficiency, thermal comfort, enhanced sustainability, and future proofing homes for many years.

#### **4 Alternative Options and Reasons for Rejection**

- 4.1 Paragraph 2.1 outlines a number of regeneration projects that the Council will pursue over the life of the Local Plan, some more deliverable at this time than others. The Council could choose to prioritise one of these projects over The Avenue or decide not to progress any development around the southern access.
- 4.2 This has been discounted because the Council has significantly invested in The Avenue over many years and The Avenue is a strategic regeneration site locally (in the Local Plan), regionally and nationally. A decision not to complete the Southern Access as outlined in the Local Plan and various consultations and partnership discussions, could be considered negative and inflict reputational damage as a trusted partner in future regeneration schemes.
- 4.3 Not pursuing or significantly delaying the progress on the project would also put at risk the outcomes and outputs highlighted in the report.
- 4.4 Identifying The Avenue as the priority regeneration project does not mean resources will not be used to deliver ongoing schemes such as Clay Cross Town Deal, Dronfield Masterplan, etc or any of the pipeline schemes in 2.1. The prioritisation gives a clear strategic steer to officers and partners.

#### **DOCUMENT INFORMATION**

Appendix No	Title
<b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet you must provide copies of the background papers)	
AASF – Avenue Area Strategic Framework	

# Agenda Item 10

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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# Agenda Item 11

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