29 April 2014

To: All Councillors

As a Member of the Council, please treat this as your summons to attend the meeting on Thursday 8 May 2014 at 6.00pm in the Council Chamber, Town Hall, Matlock.

Yours sincerely

Sandra Lamb
Head of Corporate Services

AGENDA

OPENING ADDRESS

Mr David Brown of Derbyshire Village Mission will address the Council.

1. APOLOGIES

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

2. PUBLIC PARTICIPATION

To give members of the public who have given notice an opportunity to ask questions, present petitions or air their views.

3. APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING

6 March 2014.

4. INTERESTS

Members are required to declare the existence and nature of any interests they may have in subsequent agenda items in accordance with the District Council’s Code of Conduct. Those interests are matters that relate to money or that which can be valued in money, affecting the Member her/his partner, extended family and close friends. Interests that become apparent at a later stage in the proceedings may be declared at that time.

Issued on 29 April 2014
5. **CHAIRMAN’S ANNOUNCEMENTS**

Announcements of the Chairman of the District of Derbyshire Dales.

6. **COMMITTEES**

To receive the non-exempt minutes of the Committees shown below:

<table>
<thead>
<tr>
<th>Committee</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council Meeting</td>
<td>6 March 2014</td>
</tr>
<tr>
<td>Special Corporate Committee</td>
<td>13 January 2014</td>
</tr>
<tr>
<td>Central &amp; Northern Area Planning Committee</td>
<td>14 January 2014</td>
</tr>
<tr>
<td>Community Committee</td>
<td>16 January 2014</td>
</tr>
<tr>
<td>Southern Area Planning Committee</td>
<td>21 January 2014</td>
</tr>
<tr>
<td>Licensing &amp; Appeals Sub-Committee – Application for a Scrap Metal Collector’s Licence</td>
<td>22 January 2014</td>
</tr>
<tr>
<td>Local Plan Advisory Committee</td>
<td>29 January 2014</td>
</tr>
<tr>
<td>Central &amp; Northern Area Planning Committee</td>
<td>4 February 2014</td>
</tr>
<tr>
<td>Southern Area Planning Committee</td>
<td>11 February 2014</td>
</tr>
<tr>
<td>Environment Committee</td>
<td>27 February 2014</td>
</tr>
<tr>
<td>Local Plan Advisory Committee</td>
<td>3 March 2014</td>
</tr>
<tr>
<td>Central &amp; Northern Area Planning Committee</td>
<td>4 March 2014</td>
</tr>
<tr>
<td>Southern Area Planning Committee</td>
<td>11 March 2014</td>
</tr>
<tr>
<td>Corporate Committee</td>
<td>20 March 2014</td>
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<tr>
<td>Special Southern Area Planning Committee</td>
<td>25 March 2014</td>
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<tr>
<td>Licensing &amp; Appeals Committee</td>
<td>26 March 2014</td>
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<tr>
<td>Central &amp; Northern Area Planning Committee</td>
<td>1 April 2014</td>
</tr>
<tr>
<td>Southern Area Planning Committee</td>
<td>8 April 2014</td>
</tr>
<tr>
<td>Community Committee</td>
<td>10 April 2014</td>
</tr>
</tbody>
</table>

**MINUTE BOOK PUBLISHED SEPARATELY**

7. **QUESTIONS (RULE OF PROCEDURE 15)**

Questions, if any, from Members who have given notice.

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8. **COMMUNITY RIGHT TO BID – GRINDELFORD VILLAGE SHOP**

To review a decision taken by Community Committee on 16th January, 2014, to nominate the former village shop in Grindleford for inclusion in the List of Assets of Community Value.

9. **ADDITIONAL HOUSING GRANT ALLOCATION - YOULGRAVE**

To consider an additional allocation of £140,000 from the capital programme to support the affordable housing scheme at Youlgrave. This follows a request from Peak District Rural HA and their
development partner, East Midlands Homes, for an additional financial contribution towards the development of 8 affordable homes in Youlgrave.

10. **REVIEW OF THE LEASE CAR SCHEME**

To consider the proposal to end the Lease Car Scheme on 31 January 2017.

11. **PLANNING PERFORMANCE AND PLANNING CONTRIBUTIONS**

To consider endorsing (retrospectively) the Officer comments contained within Section 3 of the report as the District Council’s formal response to the Department for Communities and Local Government consultation on “Planning Performance and Planning Contributions”.

12. **PUBLIC INQUIRY AND OTHER RELATED PLANNING COSTS:**

- LAND AT OLD DERBY ROAD, ASHBOURNE
- LAND AT HASKER FARM COTTAGE, KIRK IRETON
- LAND AT GRIFFE GRANGE, CARSINGTON

To consider the release of up to £42,500 from the General Reserve to cover the costs of two Public Inquiries arising from the Council’s planning decisions. It will also be used for the engagement of specialist landscape consultants to appraise an application for a large scale windfarm development.

13. **VOLUNTARY REDUNDANCY AND APPOINTMENT OF CHIEF FINANCIAL OFFICER**

To consider the request by the Head of Resources (S151 Officer) for voluntary redundancy with effect from 1 August 2014 and the appointment of the current Exchequer & Accountancy Manager to the post of Head of Resources (S151 Officer), subject to consideration of the financial implications contained within the exempt report on this Agenda.

14. **SEALING OF DOCUMENTS**

To authorise that the Common Seal of the Council be affixed to those documents, if any, required to complete transactions undertaken by Committees or by way of delegated authority to others, since the last meeting of the Council.

15. **EXCLUSION OF PUBLIC AND PRESS**

At this point the Committee will consider excluding the public and press from the meeting for the remaining items of business for the reasons shown in italics. The Chairman will adjourn the meeting briefly to enable members of the public to speak to Councillors.

Issued on 29 April 2014
CONFIRMATION OF FINANCIAL INFORMATION IN RELATION TO
VOLUNTARY REDUNDANCY

To consider accepting the request of the Head of Resources (S151 Officer) for voluntary redundancy, having now considered the costs involved.

(The report contains information relating to pay calculations for redundancy purposes, where the identity of the individuals could be revealed. This information is considered to be sensitive and not in the public interest to disclose prior to a decision being made by the Council)

NOTE

For further information about this Agenda or on “Public Participation” call 01629 761133 or e-mail committee@derbyshiredales.gov.uk
COMMUNITY RIGHT TO BID – GRINDLEFORD VILLAGE SHOP

SUMMARY

This report requests the Council to review a decision taken by Community Committee on 16th January, 2014, to nominate the former village shop in Grindleford for inclusion in the List of Assets of Community Value.

RECOMMENDATION

That the Council reviews the decision to include the former Grindleford Village Shop (formerly Country Choice) on the Register of Assets of Community Value.

WARDS AFFECTED

Hathersage and Eyam

STRATEGIC LINK

The List of Assets of Community Value is a statutory requirement which aims to devolve power to local communities which links to one of the District Council’s Corporate Values of Championing Rural Communities.

BACKGROUND

1.1 The Localism Act 2011 Act gives the local community the right to apply to the Council for a building or area of land to be designated as an Asset of Community Value. The Council must determine each application and maintain a list of both successful and unsuccessful nominations.

1.2 Under the Community Right to Bid regulations, as asset is an ‘asset of community value’, if:

- It is at least partly within the local authority’s area
- Its main use (i.e. not ancillary) has been recently, or is presently being used to further the social wellbeing or social interests of the local community and could reasonably do so in the future within the next 5 years
- It does not fall within one of the exemptions specified in the Localism Act 2011 or the Assets of Community Value (England Regulations 2012.

1.3 If the owner of an Asset of Community Value wishes to sell it, the local community is given a period of 6 months within which to prepare a bid to purchase the asset, should they wish to do so. If the local community bids for an Asset of Community
Value the owner of the Asset is able to consider that bid alongside any other commercial bids received and is free to accept any. It does not confer a right of first refusal to the local community.

1.4 The Council is required to determine all applications received requesting that a building or area of land be placed upon the list of Assets of Community Value, within 8 weeks. A decision to place a building or area of land upon the list of Assets of Community Value can be appealed by the owner, initially by requesting the local authority for an internal review. A landowner who believes they have incurred loss of value or expense as a result of the delay caused by waiting for the community to prepare their bid will be able to make a claim for compensation from the Council. If a landowner is unhappy with the Council’s decision regarding compensation they are entitled to appeal to a First Tier Tribunal (comprising a Judge and 2 non legal members). A landowner who appeals to a First Tier Tribunal, either with regard to a listing decision or compensation, will be entitled to recover reasonable legal expenses from the Council.

2. REPORT

2.1 On 16th January 2014, Community Committee resolved “That Grindleford Village Shop (formerly Country Choice) be added to the District Council Register of Assets of Community Value.”

2.2 A previous similar nomination to list the former Country Choice store, Grindleford, was declined by the Head of Democratic Services under delegated powers in June 2013. The reason for refusal, in comparing the information provided against the requirements of the District Council’s policy, was that the nominated property had not been used as a village shop for the past 2 years and it was felt was not ‘recent’ enough. However, the Localism Act and Regulations do not provide a definition of ‘recent’. That decision was therefore based on personal judgement.

2.3 A letter has now been received from the owner of the property requesting a review of the decision. Since the original decision to add the Grindleford Village Shop to the Register of Assets of Community Value, a review of that decision can only be undertaken by full Council.

2.4 A copy of the property owner’s letter is attached at Appendix 1 Grindleford Parish Council has been advised of the request for a review. The Parish Council’s response is attached at Appendix 2.

2.5 A copy of the Community Committee report, including the original nomination from Grindleford Parish Council, is given at Appendix 3.

3. RISK ASSESSMENT

3.1 Legal

The report sets out the legal foundation to the Listing of Community Assets. Enquiries have been made of neighbouring authorities and a definition of ‘recent’ has yet to be established by a local policy. The Council is therefore required to balance the information provided with the District Council’s policy and judge the application on merit.
3.2 Financial

There are no financial considerations arising from the report.

4 OTHER CONSIDERATIONS

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

5 CONTACT INFORMATION

Phil Colledge, Head of Resources
Telephone 01629 761203
Email phil.colledge@derbyshiredales.gov.uk

Sandra Lamb, Head of Democratic Services
Telephone 01629 761281
Email sandra.lamb@derbyshiredales.gov.uk

6 BACKGROUND PAPERS

None

7 ATTACHMENTS

Appendix 1 – Letter requesting review of decision
Appendix 2 – Consultation response from Grindleford Parish Council
Appendix 3 – Copy of report to Community Committee
Letter requesting review of decision

Michael Peckett
Fiveways
Maynard Road
Grindleford
Hope Valley
Derbyshire
S32 2JD

Legal Services
Derbyshire Dales District Council
Town Hall
Matlock
DE4 3NN

17th March 2014

Dear Sirs,

Re; Country Choice, Grindleford – Asset of Community Value listing

I would like to lodge a review of the Council’s listing decision to list Country Choice as an asset of Community Value.

I would like to challenge the listing on the following points;

1. The decision to list was a result of an appeal following an unsuccessful bid which was dated 18th June 2013. Since that date there has been no material changes to the circumstances other than a further lapse in time. Given that the decision to list was on the basis that as a local shop, its use was considered to be ‘recent’, even though it has been out of use since October 2011 and it is a further 7 months since the original application to list which did not consider the ‘recent’ time as being an issue. The following was the reason for not listing it in June 2013.

“The property does not meet with the criteria set out in the Localism Act 2011 in that the District Council were not satisfied that the main use of the property is presently or has RECENTLY been used to further the social wellbeing or social interests of the local community.”

2. The premises are the point of interest of a local community organisation ‘The Grindleford Community Shop’, as when it was first set up they saw the premises as a potential location. However, following advice from a feasibility report by The Plunkett Foundation, they decided at a public meeting that they could not afford the rent that the premises were being advertised at, and that in the short term they should base their shop in the church vestry, and that in the long term they would consider options other than Country Choice. In other words, the site of Country Choice is not of interest both in the short and long terms. Furthermore, the premises have been offered for rent or sale since October 2011 and the group have made no approach whatsoever, which would suggest that The Community Shop are not pursuing its use.
3. It is stated in the listing of an asset of community value that;

Its main use has recently been or is presently being used to further the social wellbeing or social interests of the local community and could reasonably do so in the future i.e. The next five years.

I do not accept that the premises have RECENTLY been used to support the community.

As the Community Shop has taken a lease for 30 months and the shop has been empty since October 2011, it is unlikely that they will be located at Country Choice within the stated five year period.

What defines the main use of a building? There is also a flat above the shop which has been in regular use and which is larger in area than the shop premises. Does that make the main use of the building to be residential?

I look forward to hearing from you

Yours faithfully

Michael Peckett
CONSULTATION RESPONSE FROM GRINDLEFORD PARISH COUNCIL

At their meeting on 10 April, the Parish Council unanimously reconfirmed their support for the listing of the former Country Choice shop premises as an Asset of Community Value.

In response to the points raised by the owner of the property, we would offer the following comments:

1. At the time (January 2014) that they resolved to list the property, the Community Services Committee were fully aware of the issues relating to the time that the premises had been vacant, and agreed with the Parish Council that there use as a shop was still recent enough to fall within the definition given in the Localism Act. The Committee were also made aware that the decision taken in June 2013 was based on mis-information, and therefore required reconsideration.

The review must be based on the facts as there were at the time of the Committee's decision, and there is therefore no reason for the Committee to change its decision.

2. The Grindleford Community Shop Committee fully supported the application by the Parish Council to list the property, and were delighted by the decision of the District Council to agree to this. The Shop Committee have been pursuing their interest in the Church Vestry, on a short-term basis only (the PDNPA have recently limited its use as a shop to a maximum of 30 months). Clearly all their energies have been going into getting the shop up and running; as soon as this has been achieved, they will turn their attention to finding a long-term location for the shop. The former Country Choice property remains ideally suited for this purpose, provide that acceptable terms can be agreed with the owner.

3. The 30 months maximum use that the Shop Committee have for the Church Vestry would expire in the late Autumn of 2016. As the listing by DDDC took place in January 2014, this would be well within the five year period stated in the Localism Act.

The Parish Council would also like to add that the property owner's recent appeal against the refusal by the PDNPA of planning permission for the change of use of the former shop premises was dismissed by the Planning Inspectorate. This confirms that the District Council, the Parish Council, the PDNPA and the local community are unanimous in wishing to retain the opportunity for our village shop to be reopened in the former Country Choice premises. The Listing of the property as an Asset of Community Value provides this opportunity, subject of course to the provisions set out in the Localism Act.

The Parish Council therefore urges the District Council to reconfirm its decision to list the former Country Choice shop premises as an Asset of Community Value.
COMMUNITY COMMITTEE
16 JANUARY 2014

Report of the Chief Executive

COMMUNITY RIGHT TO BID – GRINDLEFORD VILLAGE SHOP

SUMMARY

This report requests the Committee to determine a nomination of an asset for inclusion in the List of Assets of Community Value. The property is the former village shop in Grindleford.

RECOMMENDATION

That the Committee determine the nomination for inclusion of the Former Shop (Country Choice) Grindleford, on the List of Assets of Community Value.

WARDS AFFECTED

Hathersage and Eyam

STRATEGIC LINK

The List of Assets of Community Value is a statutory requirement which aims to devolve power to local communities which links to one of the District Council’s Corporate Values of Championing Rural Communities.

1. BACKGROUND

1.1 The Localism Act 2011 Act gives the local community the right to apply to the Council for a building or area of land to be designated as an Asset of Community Value. The Council must determine each application and maintain a list of both successful and unsuccessful nominations.

1.2 Under the Community Right to Bid regulations, as asset is an ‘asset of community value’, if:

- It is at least partly within the local authority’s area
- Its main use (ie not ancillary) has been recently, or is presently being used to further the social wellbeing or social interests of the local community and could reasonably do so in the future within the next 5 years

It does not fall within one of the exemptions specified in the Localism Act 2011 or the Assets of Community Value (England Regulations 2012.

1.3 If the owner of an Asset of Community Value wishes to sell it, the local community is given a period of 6 months within which to prepare a bid to purchase the asset, should they wish to do so. If the local community bids for an Asset of Community Value the owner of the Asset is able to consider that bid alongside any other commercial bids received and is free to accept any. It does not confer a right of first refusal to the local community.
1.4 The Council is required to determine all applications received requesting that a building or area of land be placed upon the list of Assets of Community Value, within 8 weeks. A decision to place a building or area of land upon the list of Assets of Community Value can be appealed by the owner, initially by requesting the local authority for an internal review. A landowner who believes they have incurred loss of value or expense as a result of the delay caused by waiting for the community to prepare their bid will be able to make a claim for compensation from the Council. If a landowner is unhappy with the Council's decision regarding compensation they are entitled to appeal to a First Tier Tribunal (comprising a Judge and 2 non legal members). A landowner who appeals to a First Tier Tribunal, either with regard to a listing decision or compensation, will be entitled to recover reasonable legal expenses from the Council.

1.3 Decision making on nominations is currently delegated to the Head of Democratic Services in accordance with the agreed policy of the Council, where the land/building concerned is not in the District Council's ownership. A similar nomination to list the former Country Choice store, Grindleford, was declined by the Head of Democratic Services in June 2013. The reason for refusal, in comparing the information provided against the requirements of the District Council's policy, was that the nominated property had not been used as a village shop for the past 2 years and it was felt was not 'recent' enough.

1.6 The Localism Act and Regulations are silent on a definition of 'recent'. The decision was therefore based on personal judgement.

**NOMINATION**

1.1 A fresh nomination has been received from Hathersage Parish Council, seeking to list the former Country Choice Store on Main Road, Grindleford as an Asset of Community Value. The application and supporting information is attached. The two Ward Members have been consulted and are in favour of Listing the Asset. Notification of the nomination has also been sent to the freehold owner of asset. It is understood that the property shop ceased business in September 2011, and is currently for sale on the open market.

2.2 The Committee is therefore required to consider the application and determine whether to include the former Country Choice store in Grindleford on the List of Assets of Community Value.

**RISK ASSESSMENT**

1.2 Legal

The report sets out the legal foundation to the Listing of Community Assets. Enquiries have been made of neighbouring authorities and a definition of ‘recent’ has yet to be established by a local policy. The Committee is therefore required to balance the information provided with the District Council’s policy and judge the application on merit.

3.2 Financial

There are no financial considerations arising from the report.

**CONTACT INFORMATION**

Sandra Lamb, Head of Democratic Services on 01629 761281 or email sandra.lamb@derbyshiredales.gov.uk
COMMUNITY RIGHT TO BID

NOMINATION FORM

This Nomination Form is for groups who want to nominate an asset for inclusion on the list of assets of community value.

Under the terms of the Localism Act, 2011 all nominations under the Community Right to Bid must be provided in writing. The Regulations accompanying the Act specify the information required in a nomination, so it is important that you answer all the questions in this form as fully as possible, and provide additional information where appropriate.

PART A: INFORMATION ABOUT THE ASSET

1. Identification of Asset
To help us identify the asset being nominated please provide as much information as possible:

<table>
<thead>
<tr>
<th>Type of Asset</th>
<th>Please circle...</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Building, Land</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Title of the Asset</th>
<th>e.g. name of the building?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Country Choice</td>
</tr>
</tbody>
</table>

| Address            | MAIN ROAD, GRINDELFORD, HOPE VALLEY |

<table>
<thead>
<tr>
<th>Any further information</th>
<th>e.g. details of any additional information that you have supplied which will help us identify the asset.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>COPIES OF PLANNING DECISION NOTICES OF REFUSAL FOR CHANGE OF USE</td>
</tr>
</tbody>
</table>

2. Asset Owners
Please provide details about the existing occupants (if relevant) and names and current or last known address of all those holding a freehold or leasehold estate in the asset (if known)

<table>
<thead>
<tr>
<th>Occupant / Freeholder / Leaseholder #1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name(s)</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>MR. MICHAEL PECKETT</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Connection to the asset</th>
<th>Please circle...</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Occupant, Freeholder, Leaseholder</td>
</tr>
<tr>
<td>Address</td>
<td>FIVEWAYS, MANNAWD ROAD, CRINDLEFORD, HOPE VALLEY S32 2JN</td>
</tr>
<tr>
<td>-------------------------</td>
<td>----------------------------------------------------------</td>
</tr>
<tr>
<td>Phone number</td>
<td></td>
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<tr>
<td>Email</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Occipant / Freeholder / Leaseholder #2</strong></td>
</tr>
<tr>
<td>Name(s)</td>
<td></td>
</tr>
<tr>
<td>Connection to the asset</td>
<td>Please circle...</td>
</tr>
<tr>
<td></td>
<td>Occipant   Freeholder      Leaseholder</td>
</tr>
<tr>
<td>Address</td>
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<td>Phone number</td>
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<td>Email</td>
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<td></td>
<td><strong>Occipant / Freeholder / Leaseholder #3</strong></td>
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<tr>
<td>Name(s)</td>
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<tr>
<td>Connection to the asset</td>
<td>Please circle...</td>
</tr>
<tr>
<td></td>
<td>Occipant   Freeholder      Leaseholder</td>
</tr>
<tr>
<td>Address</td>
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<tr>
<td>Phone number</td>
<td></td>
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<tr>
<td>Email</td>
<td></td>
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<tr>
<td></td>
<td><strong>Occipant / Freeholder / Leaseholder #4</strong></td>
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<tr>
<td>Name(s)</td>
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<tr>
<td>Connection to the asset</td>
<td>Please circle...</td>
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<tr>
<td></td>
<td>Occipant   Freeholder      Leaseholder</td>
</tr>
<tr>
<td>Address</td>
<td></td>
</tr>
<tr>
<td>Phone number</td>
<td></td>
</tr>
<tr>
<td>Email</td>
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</table>
3. Community Value
Under the Community Right to Bid regulations, an asset is of community value if:

- It is at least partly within the local authority’s area
- Its main use (i.e. not ancillary) has recently been or is presently being used to further the social wellbeing or social interests of the local community and could reasonably do so in the future i.e. within the next 5 years
- It does not fall within one of the exemptions specified in the Localism Act 2011 or the Assets of Community Value (England) Regulations 2012.

Please provide reasons below why you believe the asset that you have identified should qualify as an asset of community value.

Please include, affix or provide links to any relevant supporting information.

SEE DOCUMENTS ATTACHED

PART B: INFORMATION ABOUT YOUR ORGANISATION

Nominations can be submitted by voluntary and community organisations with a local connection.

Relevant bodies include:

a) Neighbourhood Forums
b) Parish Councils
c) Unincorporated bodies of at least 21 named members
d) A Charity
e) Company Limited by Guarantee, which does not distribute any surplus it makes to its members
f) Industrial or Provident Society
g) Community Interest Company
Please provide information about the nominating organisation:

<table>
<thead>
<tr>
<th>Name of organisation</th>
<th>GRINDELFORD PARISH COUNCIL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type of organisation</td>
<td>e.g. Neighbourhood Forums; Parish Councils; Unincorporated bodies of 21 named members; A Charity; Company Limited by Guarantee; Industrial or Provident Society.</td>
</tr>
<tr>
<td>Proof of eligibility to make a community nomination</td>
<td>e.g. This could include documentation demonstrating the nature of the organisation and in what way it has a local connection.</td>
</tr>
</tbody>
</table>

PART C: CONTACT DETAILS

We will need to contact you to respond to your application, please provide contact details for the person who is leading this Nomination.

<table>
<thead>
<tr>
<th>Name(s)</th>
<th>ALAN JACQUES, CLERK TO THE COUNCIL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td>FERN COTTAGE, MAIN ROAD, GRINDELFORD, HOPE VALLEY SS2 2JN</td>
</tr>
<tr>
<td>Phone number</td>
<td>01433 631586</td>
</tr>
<tr>
<td>Email</td>
<td><a href="mailto:afjacques@supanet.com">afjacques@supanet.com</a></td>
</tr>
</tbody>
</table>
Grindleford Parish Council
Alan Jacques, Clerk to the Council,
Fern Cottage, Main Road, Grindleford, Hope Valley,
Derbyshire S32 2JN ☎️ 01433 631586
📲 apjacques@supanet.com

RELEVANT SUPPORTING INFORMATION FOR NOMINATION OF COUNTRY CHOICE AS AN ASSET OF COMMUNITY VALUE.

COUNTRY CHOICE WAS THE ONLY SHOP IN THE VILLAGE UNTIL IT CLOSED IN SEPTEMBER 2011, SINCE WHEN IT HAS REMAINED UNOCCUPIED.

THERE IS A VERY STRONG DESIRE AMONGST LOCAL RESIDENTS FOR THE PROVISION OF A LOCAL SHOP, WHICH HAS MANIFESTED ITSELF BY THE SETTING UP OF THE GRINDELFO LD VILLAGE COMMUNITY SHOP. THIS WAS ESTABLISHED IN 2012 AND THE COMMITTEE HAS WIDELY CONSULTED WITH THE RESIDENTS OF GRINDELFO LD. THE LEVEL OF SUPPORT FOR A COMMUNITY SHOP IS BACKED UP BY THE FACT THAT OVER 300 RESIDENTS HAVE BOUGHT MEMBERSHIP SHARES.

THE COMMITTEE HAVE COMMISSIONED A FEASIBILITY STUDY AND HAVE BEEN VERY ACTIVE IN A WIDE RANGE OF FUND-RAISING ACTIVITIES, ALSO IN SEEKING GRANT AID FROM LOCAL, REGIONAL AND NATIONAL ORGANISATIONS.

THE COMMITTEE HAVE CAREFULLY RESEARCHED SUITABLE SITES FOR A COMMUNITY SHOP AND ARE CURRENTLY OPERATING “POP-UP” SHOPS EVERY SATURDAY, IN TEMPORARY VENUES, EITHER AT ST. HELEN’S CHURCH OR IN THE BISHOP PAVILION. THEY ARE PROVING TO BE VERY SUCCESSFUL AND ARE WELL SUPPORTED BY RESIDENTS AND VISITORS.

THE COMMITTEE HAVE ALSO BEEN IN DISCUSSION WITH THE POST OFFICE WITH A VIEW TO RE-OPENING AN OFFICE AS PART OF THE COMMUNITY SHOP (THE POST OFFICE IN GRINDELFO LD BEING CLOSED).

THE FORMER COUNTRY CHOICE SHOP STILL REMAINS AN IDEAL LOCATION FOR THE COMMUNITY SHOP, BUT THERE ARE SEVERAL ISSUES TO BE RESOLVED TO MAKE THIS A VIALBE PROPOSITION. WE BELIEVE THAT A SUCCESSFUL NOMINATION AS AN ASSET OF COMMUNITY VALUE WILL BE A MAJOR STEP TOWARDS ACHIEVING THIS.
AN APPLICATION FOR CHANGE OF USE AWAY FROM A SHOP HAS BEEN REFUSED TWICE THIS YEAR BY THE PEAK DISTRICT NATIONAL PARK AUTHORITY. THE RETENTION OF VILLAGE FACILITIES, ESPECIALLY SHOPS, IS A KEY PART OF THEIR CORE STRATEGY. (See attachments)

THE APPLICATION HAS THE UNANIMOUS SUPPORT OF THE PARISH COUNCIL AND THE VILLAGE AS A WHOLE. WE BELIEVE THAT A SHOP IS ESSENTIAL TO MAINTAIN THE VITALITY AND SUSTAINABILITY OF OUR COMMUNITY, WHICH HAS A CONSIDERABLE NUMBER OF ELDERLY RESIDENTS AND THOSE WITHOUT THEIR OWN TRANSPORT, FOR WHOM SUCH A FACILITY IS AN ESSENTIAL, BUT AT PRESENT IS SADLY MISSING.

THIS NOMINATION HAS THE SUPPORT OF THE GRINDLEFORD COMMUNITY SHOP COMMITTEE.

PLEASE ALSO SEE THE ATTACHED SUPPORTING INFORMATION:

Copies of Planning Decision Notices from Peak District National Park Authority of refusal for permission to allow change of use of Country Choice from a shop to food takeaway.

NP/DDD/1112/1194 Dated 26/11/2012 – 94 letters of objection were received from Grindelford residents raising strong concerns at the loss of the last remaining shop premises in the village.
NP/DDD/0513/0429 Dated 24/05/2013 – 59 letters of objection were received from Grindelford residents raising strong concerns at the loss of the last remaining shop premises in the village.

LINK TO GRINDLEFORD COMMUNITY SHOP WEBSITE;
PLANNING DECISION NOTICE

To: Mr Michael Peckett
Fiveways
Maynard Road
Grindleford
Hope Valley
S32 2JN

THIS NOTICE RELATES TO PLANNING CONTROL ONLY, ANY OTHER STATUTORY CONSENT MUST BE OBTAINED FROM THE APPROPRIATE AUTHORITY

TOWN & COUNTRY PLANNING ACTS & GENERAL DEVELOPMENT ORDER

In pursuance of the powers vested in the Peak District National Park Authority under the above Acts and Order, and with reference to your application for Full Planning Permission, details of which are as follows:

Office Code No. NP/DDD/1112/1194
Date received: 26 November 2012
Proposal: Change of use from shop to food takeaway.
Location: Country Choice
Main Road
Grindleford

Parish: Grindleford

THE DECISION

NOTICE IS HEREBY GIVEN THAT PERMISSION FOR THE PROPOSED DEVELOPMENT in the manner described on the application and shown on the accompanying plans and drawings is

REFUSED for the following reasons:

1. The Authority’s specific policies on retailing in villages seek to resist the change of use of a shop to another use (Core Strategy policy HC4 C) to protect the availability of local services. The detailed policy in the Local Plan (LPP LS2) therefore states that change of use of a shop will not be permitted where it would reduce the range of community services available locally unless it can be shown that the shop is no longer required by the community, is duplicated elsewhere within the settlement, or is no longer viable. In this case, insufficient evidence has been submitted to demonstrate that the existing A1 shop use is not viable or that other alternative community needs could be accommodated within the building. Acceptance of the proposal in these circumstances would therefore be premature and contrary to the Development plan.

2. Core Strategy policy HC5 C states that in towns and villages, related activities such as premises for the sale of food and drink will be permitted, provided that there is no harm to living conditions or to the role or character of the area, including its vitality and viability. Local Plan policy LS1 (b) states that development for the sale or consumption of food or drink (use class A3)
will be permitted provided that it does not erode the primary retail (use class A1) role of the area or harm its character, viability and vitality. In this case, the proposed change from A1 use to A3 use of would contribute to a loss of vitality and viability of the community and adversely impact upon the established character of the village. The proposed development would, therefore, be contrary to the above Core Strategy and Local Plan policies.
iii) the proposed hours of operation, late into the night until 23.30
iv) the location of the proposed use adjacent to the Grindleford Conservation Area.
v) the erection of a large unsightly extractor fan adjacent to a Conservation Area.

In addition, the Parish Council informs the Authority that it is requesting Derbyshire Dales District Council to place the premises on the List of Community Assets, as provided for in the Localism Act.

Environmental Health Officer – No objections subject to the installation of a noise attenuator to the proposed mechanical extract system, which would reduce the noise levels to 30 dB(A), a stated in the submitted details. It is also essential that the flue will project above eaves level and that carbon filters are fitted, in order to prevent odour nuisance.

To prevent undue noise disturbance to residents, the opening times should be restricted to no later than 12 midnight and that there should be no deliveries before 8 am in the mornings.

Representations

94 letters of objection have been received from Grindleford residents raising strong concerns at the loss of the last remaining shop premises in the village. They raise similar objections to those made by the Parish Council (see above). Other additional objections include the following:

- LDF (Local Development Framework) policy HC5 states that the NPA will strongly resist changes of uses of village shops which provide a valuable service to the community and are (or could be) viable under policy HC5.
- The proposed food takeaway use is out of context with the needs of a small rural community and it would be unlikely that a takeaway could be supported by Grindleford alone.
- Potential increased demand on limited roadside car parking particularly when local home owners are all at home in the evenings.
- Detrimental impact upon the adjacent Conservation Area.
- Noise and litter would detrimental to the environment.

Main Policies

Relevant Core Strategy policies: GSP3 (Development management principles), GSP4 (Planning conditions and legal agreements), DS1 (Development Strategy), HC5 (Shops, professional services and related activities)

Relevant Local Plan policies: LS1 (Retailing and services in Local Plan Settlements), LS2 (Change of use from a shop to any other use), LT 10 (Private non-residential parking)

National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published on 27 March 2012 and replaced a significant proportion of central government planning policy with immediate effect. The Government's intention is that the document should be considered to be a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date. In the National Park the development plan comprises the East Midlands Regional Plan 2009, the Authority's Core Strategy 2011 and saved policies in the Peak District National Park Local Plan 2001. Policies in the Development Plan provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. It is considered that in this case there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the NPPF with regard to the issues that are raised.
COUNCIL  
8TH MAY 2014  
Report of the Corporate Director  

ADDITIONAL HOUSING GRANT ALLOCATION – YOULGRAVE  

SUMMARY  
The District Council has received a request from Peak District Rural HA and their development partner, East Midlands Homes, for an additional financial contribution towards the development of 8 affordable homes in Youlgrave.  

RECOMMENDATIONS  
That an additional allocation of £140,000 is made from the capital programme to support the affordable housing scheme at Youlgrave.  

WARDS AFFECTED  
Youlgrave  

STRATEGIC LINK  
The District Council’s recently adopted Corporate Plan for 2014/15 reinforces the desire to increase the delivery of new affordable homes. The housing scheme at Youlgrave will deliver eight new affordable homes contributing to the overall of target of delivering 60 new affordable homes by March 2015.  

1 BACKGROUND  
1.1 The affordable housing in scheme Youlgrave is community led, with residents of the village taking an active role in bringing the scheme to fruition. Residents formed a Community Land Trust in 2013. Work with Youlgrave Parish Council to find a site for affordable housing started in Feb 2007. Unusually for an affordable housing scheme, the Planning Application was made by Youlgrave Parish Council. Planning consent has been approved and the site was purchased at the end of March 2014. The scheme was initially delayed by opponents from the village who argued the site was a ‘village green’. A partnership of agencies including the District Council successfully took on and defeated the village green application.  

1.2 Funding from the Homes and Communities Agency was approved in early 2013, with the scheme becoming one of only a handful in England to benefit from a specific community led budget. The scheme comprises 4 homes for rent and 4 for shared ownership (6 houses and two bungalows). The Rural Housing Enabler has undertaken a parish needs survey as part of the development process, confirming the need for the homes. The homes built will be amongst the most energy efficient in Derbyshire.  

1.3 The contractors for the scheme are Lindums, whilst they are not a local business, they have confirmed that of the total contract, sub contracts and purchase of
materials totalling £508,000 will be placed with local contractors, consultants and suppliers. e.g. Longcliffe Quarry will be providing the stone for the scheme.

1.4 In supporting the original allocation of funding by the HCA, the HCA applied the same rigorous cost appraisals to Youlgrave as they would to schemes in urban locations. The original design funded by the HCA sought to achieve a much shorter road within the scheme than can now be achieved. A boundary issue with a neighbour caused the scheme to be changed thereby extending the road. The HCA investment manager for the scheme, whilst supportive drove down the development costs prior to the planning application being approved. The scheme subsequently approved by the Peak Park added further costs to the development which exceed the original grant allocation. Drainage and Highway issues have also arisen, which although provision had been made for based on initial surveys, more detailed assessments revealed additional works required.

2 THE REQUEST FOR ADDITIONAL GRANT

2.1 Peak District Rural HA and emh are experienced developers in the peak district and further afield. They employ cost engineering techniques to ensure land values and build costs are appropriate. In this case the land owner originally sought to sell the land for £120k but £110k was the final sale price. £13750 per unit is a fair price within the peak park for an affordable housing scheme plot. The original build cost quoted by Lindums has also been negotiated down by £100k.

2.2 The District Council’s ability to provide capital resources to support affordable housing developments in the future could face some difficulty. Although Right To Buy receipts have increased during 2012/13 and 2013/14, central government are currently consulting on changes to planning policy which could see a significant reduction in S106 income from market schemes of less than 10 units. The District Council also has other projects which will require the use of capital resources. With respect to Youlgrave, the request for additional grant must be viewed as a ‘one-off’. It is unlikely that future schemes hoping to attract additional support will be able to call on the District Council.

3 SCHEME FINANCIAL POSITION

<table>
<thead>
<tr>
<th>Funding Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Homes and Communities Agency</td>
<td>£262,000</td>
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<tr>
<td>Peak District Rural HA (incl. £100,000 additional contribution)</td>
<td>£581,000</td>
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<tr>
<td>Anticipated Shared Ownership receipts</td>
<td>£305,000</td>
</tr>
<tr>
<td>DDDC approved in 2013/14</td>
<td>£160,000</td>
</tr>
<tr>
<td>2nd Homes Council Tax (LTH Bungalows)</td>
<td>£14,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>£1,322,000</strong></td>
</tr>
<tr>
<td>Total Scheme Cost</td>
<td>£1,422,000</td>
</tr>
<tr>
<td>Shortfall</td>
<td>-£100,000</td>
</tr>
<tr>
<td>Cost to achieve Code for Sustainable Homes level 4</td>
<td>£40,000</td>
</tr>
<tr>
<td>Revised shortfall and total request</td>
<td>£140,000</td>
</tr>
</tbody>
</table>
4 RATIONAL FOR SUPPORTING THE REQUEST FOR ADDITIONAL FUNDING

4.1 It has been confirmed that sufficient resources exist from Right To Buy receipts to meet this funding request.

4.2 In the last 2 years, there have been two Right To Buys in Youlgrave, further depleting the affordable housing stock in the village (# New Road, Youlgrave 18th February 2013 £80,000 and # Mawstone Lane, Youlgrave 27th January 2014 £70,000).

4.3 The scheme is one of only a handful of community lead schemes in England to gain approval. If the District Council were to refuse this request, it would put the scheme in serious jeopardy. With no further options to meet the shortfall the scheme would fail. This would damage our reputation and put at risk future allocations of affordable housing grant.

4.4 The contractor will be investing £508,000 in local construction businesses as a result of the development.

4.4 The District Council’s Building Control Service will be contracted to the scheme.

4.5 There is a defined and unmet need for these homes.

4.6 The scheme will complete in February 2015 and forms part of the District Council’s Corporate Plan ‘start on site target’ of 60 homes (8 homes = 13%) by March 2015. The Housing Strategy Service Plan also has a target of 60 completions of which this scheme will contribute to.

4.7 Despite some local opposition, the scheme is a community led scheme.

4.8 Peak District Rural HA have met nearly half of the shortfall from their own development reserve fund.

4.9 The Youlgrave scheme represents 6 years of work across a range of organisations.

4.10 The development of a Code for Sustainable Homes Level 4 scheme will further enhance the green credentials of the District Council and support the community aspirations of Youlgrave

5 RISK ASSESSMENT

5.1 Legal

The enabling power to grant aid is contained within the general power of competence. The legal risk is therefore low.

5.2 Financial

The District Council has sufficient capital receipts from the Right to Buy income sharing agreement to meet this request.
5.3 **Other considerations**

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

6. **CONTACT INFORMATION:**

Robert Cogings on 01629 761354 or email robert.cogings@derbyshiredales.gov.uk

7. **BACKGROUND PAPERS**

None

8. **ATTACHMENTS**

None
REVIEW OF THE LEASE CAR SCHEME

SUMMARY

The Council has identified the need to review the Lease Car Scheme for some time. The Chief Executive set up a review team and its findings were reported to the Corporate Management Team (CMT). CMT agreed the recommendations on which to consult staff. These recommendations together with comments made by staff were then considered by the Joint Consultative Group. Consultation activity has continued and this report makes final recommendations on a proposed way forward that results in the ending of the lease car as an option for those staff that currently choose to have a lease car as opposed to the essential user allowance.

RECOMMENDATION

1. That Council accept the proposal that the Lease Car Scheme will end on 31 January 2017

2. When the lease car scheme ends on 31 January 2017, all current lease car holders become essential users with the annual allowance (currently £1,239 per annum) and that a review of essential and casual user schemes would not commence until after the lease car scheme has ended

3. Until 31 January 2017, as each lease comes up for renewal, that each employee will be dealt with on a case by case basis dependent on their employee’s personal wishes and the affordability of the lease cost (the latter taking precedence) as follows

   - The current car lease can be extended until 31 January 2017
   - That the current lease expires (with an option to purchase under the scheme rules) and the remaining time to 31 January 2017 is compensated by either a monthly taxable cash allowance through payroll equivalent to the values in 11.2 of the scheme conditions or this sum is paid as a lump sum (subject to an agreement that monies are repaid if the employee leaves the District Council before 31 January 2017)
   - Subject to cost, a new lease shorter than 3 years is entered into, to end on 31 January 2017

4. If there is interest, consider offering lease car holders and all staff the opportunity to acquire a vehicle through a ‘car salary sacrifice scheme’

5. There is no further compensation for termination of the lease car scheme

6. That essential users be able to use motorbikes and claim an appropriate mileage allowance where only one officer is required to travel
7. That we look at ways to reduce the need to travel e.g. using Skype or videoconferencing where possible.

WARDS AFFECTED

All

STRATEGIC LINK

The reasonable ending of the Lease car Scheme supports the Districts Council’s corporate value of fairness and equality.

1 BACKGROUND

1.1 The Council has operated a Lease Car Scheme for over 20 years as a recruitment and retention tool. The scheme was however closed to new entrants in 2005. To date there are 21 existing lease car holders who have retained a lease car under the current scheme.

1.2 In recent years all other East Midland authorities with lease car schemes have brought them to an end. Many have gone on to review essential user and casual user schemes, some retaining them and others ceasing them and paying the Inland Revenue maximum rate of 45p per mile for business mileage.

1.3 In January 2011, the Joint Consultative Group considered a report on Development of a Sustainable Financial Plan- Employee Issues. It was proposed that the “ceasing of the lease car scheme and terminating all existing contracts subject to appropriate notice”.

1.4 In September 2013 the Chief Executive established a Lease Car Review Team. She wrote to the 21 lease car holders to confirm that the intention of the review was to phase out the lease car scheme and to confirm that after 31 December 2013 no new leases would be entered into until the result of the review was known.

1.5 The scheme Notes and Conditions state that posts designated as eligible were all posts which had essential car user allowance (where staff had stated a preference to have a lease car instead) and certain ‘key posts’ so designated by the Chief Executive for the purposes of the lease car scheme.

1.6 If an employee’s application to have a leased car was accepted, it was subject to several conditions including being a permanent employee, not being under notice of redundancy, not retiring within the term of a lease, not being convicted of an offence which would preclude eligibility for comprehensive insurance cover and that the car is suitable for the performance of official duties (understood to exclude cars with 2 seats). The car must be available at all reasonable times for council business and where more than one employee is travelling, the leased car must be used in preference to the car of essential or casual users.

1.7 The scheme notes also state that if the Council terminates the scheme, six months’ notice will be given of the termination.
1.8 The lease period is for 3 years. At 11.2 of the scheme, the conditions state the value of the lease as (at 1st April 2013):

- Chief Executive    £4,481
- Directors       £3,494
- Scale point (scp.) 37+ £3,132
- Scp. 22-36      £2,588
- Scp. 21 & below £2,300
- Key post holder scp. 37+ £2,784
- Key post holder scp. 22-36 £2,300

In addition, the employee may choose to make a contribution to have a higher cost vehicle. As the car is available for private use it is a taxable benefit. The current Chief Executive does not have a lease car having joined the Council after the scheme was closed to new entrants. 3 out of 4 key post holders have the same lease car benefit as essential users.

1.9 The lease car scheme costs the Council £84,459 per annum (Appendix 1). This is the cost of the vehicle, employers National Insurance, insurance and mileage reimbursement at 11p per mile. The Head of Resources has calculated a saving of £43,418 if all leases were terminated and all current lease car holders became essential users (i.e. including those designated as ‘key post holders’).

1.10 The current 21 lease cars have done an average 22,308 miles per annum (average 1,062 miles per car) over the last 3 years based on claims to payroll. The highest lease car user claimed an average 2,910 miles per annum and the lowest claiming none (although some lease car holders have stated that they do not claim all their business miles).

1.11 This compares with 34 essential users who have done an average 62,457 miles per annum (averaged at 1836 per user). The highest essential user claimed an average 8,732 miles per annum and the lowest essential user averaging 76 miles per annum.

1.12 For completeness there are 72 casual users who have claimed an average 26,792 miles per annum (i.e. 372 miles per user). The highest claimed an average 3,604 per annum over the last 3 years and the lowest claiming an average 3 miles per annum.

2 REPORT

2.1 In setting up the lease car review the Chief Executive gave the review team the following remit

- The Lease Car Scheme is reviewed with a view to ending/phasing out the scheme. There are a number of reasons for doing this – the current inequality of the scheme that opens the Council up to risk of challenge; the cost to the Council of the scheme and its anachronistic retention in this period of austerity.
- To be done in a fair and transparent way that acknowledges the benefit this scheme has given to some employees over a number of years and therefore, however we plan to withdraw it, this must be recognised in one way or another.
- The review team to look at this issue and come up with a proposal to present to CMT in early Spring of next year.
- Re the timing of the review, there is window of opportunity as between December 2013 and May 2014 no-one is due to replace their Lease car. All lease car holders (21 in all) will be notified that no further orders for lease cars will be accepted,
except for those leases that run out by 31st December 2013 until the review team has completed its report, hence the need for the team to complete its work by early Spring so that those that whose leases run out in May know what they can and can’t do.

- Views and comments of current lease car holders will be sought.

2.2 The review team met 4 times; September 2013, November and December 2013 and February 2014. They sought clarification that the review was to consider lease cars only i.e. not a review of essential and casual user allowances. The review team engaged in individual meetings with current lease holders to seek their views and comments. The team considered the ideas brought forward and did a risk assessment of the key ideas. The review team reported their conclusions to Corporate Management Team.

2.3 The review team concluded that

a) Need to make financial savings:-
   With regard to the remit to save cost, the Head of Resources confirmed that the budget for 2014 / 2015 is balanced; for 2015 / 2016 savings of £137k are required and £466k for 2016 / 2017. The saving for 2017 / 2018 jump to £976k so it appears appropriate to be able to afford the lease car scheme until then and close it at 31st January 2017.

b) Suggested date effective to end the scheme of 31st January 2017:-
   18 out of 21 car lease holders felt to end the scheme in January 2017 was reasonable. This is also reasonable given it gives nearly 3 years protection on current terms and conditions which is twice the pay / relocation protection period of 18 months, agreed by Council in January 2014.

c) Reasonable way to phase out / end the scheme:-
   There was no consensus on a way to phased out/end the scheme but 6 lease car holders suggested low rate car loans to help them to buy a vehicle. The review team felt that this may be difficult given interest rates would not be competitive and a 0% loan could be a taxable benefit and it would be an administrative burden. 6 staff sought compensation and 5 felt that they should be able to renew for up to 18 months and then receive 18 months compensation. 5 staff were concerned how they would be able to undertake business mileage without a lease car and would have to provide their own vehicle. 4 posts designated as key posts were concerned given their posts were not previously designated as essential user. Salary Sacrifice Schemes were not considered a good option. 3 staff stated that it was the car which has kept them at Derbyshire Dales when other job opportunities have arisen.

d) For all current lease car holders to revert to essential user status (including the 4 key post holders), with the annual allowance of £1,239. The loss of benefit would reduce from £3,132 to £1,893 and £2,588 to £1,349 off set by the higher compensation for business miles claimed. The loss of benefit per individual would vary dependent on the amount of business mileage from between £2,853-£809 (the average being £2,087). In addition, the individual’s loss would be mitigated by a reduction in their taxable burden.

2.4 The review team’s recommendations were considered by Corporate Management Team on 6th March 2014, at which Corporate Management Team resolved to propose
the following to Joint Consultative Group on 27 March 2014 and Council Meeting on 8 May 2014:

a) That the Council terminate the car leasing scheme with effect from 31 January 2017
b) That the existing lease car holders are given due notice that their eligibility to a lease car ceases on 31 January 2017
c) That leases expiring before 31 January 2017, will be dealt with on a case by case basis dependent on the employee’s personal wishes and the affordability of the lease cost (the latter taking precedence) as follows:-
   - the current car lease can be extended until 31 January 2017
   - that the current lease expires (with an option to purchase under the scheme rules) and the remaining time to 31 January 2017 is compensated by a taxable cash allowance through payroll equivalent to the values, taking account of company car tax, in 11.2 of the scheme conditions
   - Subject to cost, a lease shorter than 3 years is entered into, to end on 31 January 2017
d) All current lease car holders become essential users with the annual allowance of £1,239 when the lease car scheme ends and that a review of essential and casual user schemes would not commence until after the lease car scheme has ended  

e) If there is interest, consider offering lease car holders a one off 0% loan to buy a car at termination of their lease, subject to further consideration regarding the cost to the employee in tax and legal considerations
f) There is no further compensation for termination of the lease car scheme
g) That essential users be able to use motorbikes and claim an appropriate mileage allowance where only one officer is required to travel
h) That we look at ways to reduce the need to travel e.g. using Skype or videoconferencing where possible.

Corporate Management Team accepted the Review Team’s recommendations and it was agreed to consult with all lease car holders individually before moving to Joint Consultative Groups and the Employee Group before decision making at Committee. Lengthy discussions included consideration of Depot Vehicles. It was also raised how lease cars have been an incentive and staff have stayed with the authority.

2.5 A formal 30 day consultation with Lease Car Holders on Corporate Management Team’s recommendations began on 11 March, and any comments received were reported to the Joint Consultative Group meeting held on 27th is attached at Appendix 2.

2.6 Joint Consultative Group resolved to recommend to Council that Corporate Management Team’s proposal that the Lease Car Scheme ends on 31 January 2017. Joint Consultative Group also felt that no interest free loans should be offered as there was no benefit to the Council and it would be inappropriate to make such loans available to a small group of staff. They also resolved that consultation should continue and that if a lease ends before January 2017 that the compensation to January 2017 could be paid as a lump sum or a monthly allowance.

2.7 In addition Joint Consultative Group understood that if the scheme were to end before January 2017 that the lease car provider would charge penalties for returning vehicles early. Joint Consultative Group asked that the cost of returning the vehicles early and the net savings be calculated on a range of dates. The dates chosen for these
calculations were 9 November 2015 (i.e. giving lease car holders 18 months’ notice to end the scheme (in line with the Managing Change Policy) and 30 June 2016 given there is a significant gap in the dates of leases coming to an end. The Head of Resources undertook these calculations and Appendix 3 shows the costs of returning vehicles and the net savings. This information has also been circulated to the lease car holders.

2.8 Conclusions

In forming their proposals, Corporate Management Team noted the Lease Car Scheme Conditions and the Lease Car Agreement signed by employees accepting a Lease Car. Both documents state that the employee’s right to a car within the scheme may be terminated by the Council at its discretion and should the Council decide to terminate the leasing scheme that 6 months’ notice will be given. CMT also noted that to end the scheme in 2017 was contrary to the Council’s pay and relocation period which are both 18 months. In agreeing to a longer protection period CMT were aware that the Council would be foregoing additional savings that could be achieved by applying the 18 month protection period in the Managing Change Policy.

CMT recognised that for some individuals the loss of a benefit as significant as a lease car would mean significant adjustments would need to be made in terms of providing themselves with alternatives and funding that alternative. CMT were also mindful of the pressures on all staff within the Council to do more for less and that a lease car has been viewed by some as the one thing that keeps them at the Council. It is a delicate balance to maintain the goodwill and commitment of staff in periods of financial restraints, therefore CMT considered the protection of this benefit until the last of the current leases is due to expire on 31 January 2017 was reasonable particularly when balanced against the financial forecasts of when savings are required.

In addition Corporate Management Team was mindful that some other staff had use of council vehicles (e.g. the Clean & Green Team). These vehicles are provided for the carrying of tools, transport to varied work locations around the District. As staff can be called out in an emergency the staff are allowed to take the vehicles home. The private use of these council vehicles was considered under the recent review of Parks & Gardens and Street Cleaning. In the interests of parity it was resolved not to change the use of these vehicles as the lease car review was just about to start. As a result, Corporate Management Team resolved that the private use of these council vehicles should be reviewed when the essential and casual user status is reviewed.

3 RISK ASSESSMENT

Legal

We have a legal opinion that this change is not a change to terms and conditions of employment as the lease car scheme is an option for essential car allowance holders. Those who apply and are accepted into the scheme (essential users and key posts holders) sign a lease car agreement which confirms the grounds upon which a lease car agreement can be terminated. These include the council’s right to withdraw the scheme upon giving lease car holders 6 months’ notice.

The contractual term is that posts carry the essential car user status and lease car holders with that contractual allowance will revert back to it when the scheme ends. The posts designated as key posts are so designated for the purposes of the scheme.
The Chief Executive agrees to redesignate the 4 key post holders as essential users when the lease car scheme ends.

In the circumstances, the legal risk associated with the recommended approach is considered to be low.

FINANCIAL

The level of financial risk arising from this report is assessed as “low”.

4 OTHER CONSIDERATIONS

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

5 CONTACT INFORMATION

Deborah Unwin- Human Resources Manager (01629 761364)

6 BACKGROUND PAPERS

6.1 The review team’s report to Corporate Management Team

6.2 The Lease car scheme notes and conditions

6.3 The lease car agreement

7 ATTACHMENTS

Appendix 1: Calculation of Potential Leased Car Savings considered by Corporate Management Team and Joint Consultative Group

Appendix 2: Consultation comments tabled at Joint Consultative Group

Appendix 3: Calculations requested by Joint Consultative Group should the scheme be brought to an end earlier than January 2017

Appendix 4: Further consultation comments received on the lease car proposals following Joint Consultative Group
## Appendix 1: Calculation of Potential Leased Car Savings

### Appendix 1 Calculation of proposed lease car savings

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<th>Employee</th>
<th>Council Contribution</th>
<th>ER's NI</th>
<th>Insurance</th>
<th>Mileage</th>
<th>Current Cost</th>
<th>Lump Sum Allowance</th>
<th>ER's N.I.</th>
<th>Mileage</th>
<th>Future Cost</th>
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<th>Av Annual Mileage</th>
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33
Appendix 2: Lease car consultation comments received, And questions and answers from the lease car group’s letter 24 March tabled and discussed at Joint Consultative Group 27 March

Ending the scheme in January 2017:

18/21 lease car holders feel to end the scheme in January 2017 is reasonable

One commented that he was grateful that the proposed termination timescale is longer than required, as he felt this represented an attempt to bring fairness into what would be a difficult change for the individuals concerned.

Through the Employee Group non lease car holders have felt that nearly 3 years protection is too generous being more than the 18 months protection agreed in the Managing Change Policy.

Reverting to essential user allowance

Key post holders welcome becoming essential users, as this will reduce their loss (with the essential user allowance £1,239 plus the higher mileage rate per mile 11p-50.5p).

One lease car holder has asked if the essential user status of lease car holders could be protected when essential user allowances are reviewed in the future.

Loss of the lease car

One colleague is extremely upset at the impending loss through no fault of his own. The car was given in recognition of excellent service of value to the District Council and feel he is now being penalised when he knows his contribution is still valued.

Two commented that they had enjoyed the benefit for much longer than they thought they would, given the scheme closing to new entrants in 2005 and other councils closing their lease car schemes in recent years.

The Employee Group felt that the member of staff with lease cars on a lower grade will suffer a higher percentage loss (12%) than a Head of Service (5%) of salary.

The way the review has been undertaken

Comments and thanks have been received regarding the way the review team has gone about its task in a fair and measured way is appreciated.
Consultation questions and answers given

Q1 The extent to which the lease company has given an undertaking to provide for lease extensions and shorter leases than the three years which we currently enter into. There is a concern that leases less than 3 years may become more expensive and not enable the lease company make its margins in a shorter time.

A The lease car companies are aware that a review is under way. They have indicated that we will not be penalized (charged more) for leases of less than 3 years and that existing leases can be extended beyond 3 years. A formal written response is being sought to obtain clarification.

Q2 Payment of Compensation for Giving Up Lease Car at End of Lease – You have indicated that there would appear to be no objection to the payment of compensation by way of a lump sum or a monthly allowance. We are grateful for this clarification as this would allow individual lease car holders to determine which method of payment is more appropriate to their circumstances. However we would like clarification on the level of compensation payable, as this is not clear from the proposals as set out in your letter of 11th March. The main issue of concern is the extent to which any compensation payable is inclusive or exclusive of an essential user allowance during the period from the end of an individual lease and 31st January 2017. If the compensation payment is made on the basis of the figures in Para 11.2 of the scheme would an essential user allowance also be provided, given that an Officer would in effect be providing their own vehicle and making it available for Council business, at their own expense. If not what would be the mileage rate paid to cover the Officers expenses?

A The compensation for giving up the lease car from when the current lease expires and the end date of the scheme (proposed at 31 January 17) can be paid as a monthly allowance or a lump sum payment subject to an agreement to repay outstanding monies if the employee left before the scheme end date. The monthly allowance would be payable as in 11.2 of the scheme conditions

- Corporate Directors- £3,494 pa = £291 per month
- Scp 37 & above and key post holders on this level £3,132pa = 261 per month
- Scp 22-36- £2,588pa = £215 per month
- Key post on £2,784pa = £232 per month.

If scp 37+ (£261) is paid as a lump sum for 30 months this would give a lump sum option of £7830.

The monthly payment or the lump sum would preclude payment of the essential user allowance until after the scheme end date and the mileage rate would also remain 11p per mile until the scheme end date. From the scheme end date the essential user allowance (£1239 and mileage at essential user 50.5p for 1200cc+ would be paid).
Q3 Interest free Car Loans – From our collective discussions we would welcome the opportunity to have access to such a facility, and as a group we acknowledge that this would be a Benefit in Kind, for which there would be a tax liability – is this sufficient level of interest to warrant taking it forward as part of the package of measures? If so would it be possible for you to provide an example of the basis upon which the BIK would be calculated?

A CMT discussed the possibility of interest free loans but decided not to offer it as it was not seen as a good use of public money/ a benefit to the council. In addition the council would have the burden of becoming a credit agency, accounting for loan repayments and undertaking P11D returns. However if staff opt to return their current car at the end of its lease they will be able to opt for a lump sum payment for the remainder of the time the scheme end date which would give them monies to put down a deposit on a car to make monthly loan repayments. In addition many car retailers offer interest free loans.

Q4 Essential Car User Allowance – we welcome the proposal not to commence a review of essential and casual car user allowances until such time as the lease car scheme has ended. However in the event of any future review of essential user allowances this should give consideration to the impact that any significant changes in mileage allowances would have on the ability of Officers to undertake their duties effectively, and the impact upon the moral and motivation of the District Council’s highly skilled and dedicated workforce. Our preference would be for some form of protection be given to former lease car holder post 31st January 2017.

A If the essential user scheme is reviewed at some point after the end of the lease car scheme, it would not be appropriate to give xlease car holders greater protection than other essential users.

Q5 Company Car Salary Sacrifice Scheme - The report on the Lease Car Review presented to CMT on 6th March 2014 suggests that these were not considered a good option. Further consideration has been given to the Salary Sacrifice Scheme as presented to the Council recently. It is acknowledged that whilst this scheme is in no way a replacement for the Lease Car Scheme operated by the Council it could compare more favourably financially (taking all factors into account including the BIK element) than individuals taking on personal PCP leases. As such it is considered that this should be made available by the District Council to all employees, not just those who are currently lease car holders, as an optional part of the benefits package, in the same way as the Cyclescheme is currently being offered. We would be grateful if you could confirm that you are willing to offer this as an option going forward.

A The scheme proposed in May 2013 has not progressed due to lack of interest. If there is now interest, we can ask the supplier to come in and present the scheme, how it works and their requirements. The scheme would be opened to all staff and would be another option for lease car holders.
Q6 Will the Employee Group be meeting again so that all feedback to the consultation from those affected can be discussed by this group within the 30 day consultation timescale?
A Yes they are meeting on 17 April to consider any comments received following the close of the 30 day consultation period on 10 April. This is in reasonable time before the committee report to 8 May Council meeting has to be finalised (28 April).

Q7 Under Option 3(b) can you confirm whether the intention would be to pay the taxable cash allowance as a single lump sum or monthly until the scheme expires?
A CMT have agreed that the monthly payment can be paid as a lump sum in advance subject to signing an agreement to repay any excess monies through salary deduction if someone left before the scheme end date. Individuals could then choose which option- monthly payment or lump sum best met their personal circumstances to have the payment monthly if they are repaying a car loan monthly or to have a lump sum to put down as a deposit on a purchase.

Q8 Re the monthly payment (or lump sum), taking account of company car tax, can you confirm what is meant by “taking account of company car tax”?
A The worked example circulated, showed that the difference between income tax and company car tax would be a relatively small amount e.g. £30 and the calculation would vary for each employee. CMT have decided therefore not to take company car tax into account.

Q9 That individuals could come to a voluntary arrangement to hand back their car at the earliest opportunity (with the council bearing any cost) and the employee reverting to essential user so that the employee can take advantage of current car deals/ lump sums to finance a new car.
A If there is a cost to the council, it would be inappropriate for the employee to ask to return their vehicle early. It may be possible however if another lease car holder on the expiry of their lease, was happy for the car to be reallocated to them for the remainder of its lease to the scheme end date.
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Termination Penalties
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- Year 2: 3 months rental
- Year 3: 1 months rental

Cumulative savings
- Annual saving: 43,418
- Monthly saving: 3618.1667

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Appendix 4: Further consultation comments received on the lease car proposals following Joint Consultative Group

From the Employee Group at their special meeting on 17 April

- Lower paid staff see senior staff retaining a benefit
- When contractual overtime was removed at the depot there was no protection period
- Change Management Policy states that the protection period for reduction in salary is 18 months
- The Admin Review is about to be implemented and anyone appointed to a lower grade post will have 18 months protection
- Lots of people feel longer protection is unfair
- If we saved money it might prevent future redundancies
- Those with Lease Cars appreciate responses to their questions
- The remit of the Lease Car Review was to find a fair way to remove the benefit
- Current financial situation, understand finances need looking at again in 2017
- Understand the need to remove the scheme
- Joint Consultative Group’s request for the additional financial information has caused some anxiety
- Having members approve the scheme is creating anxiety for staff, could have been done under delegated authority through leaders and CMT. A= This is a Member decision given it is a decision about employment benefits.
- A lot of staff e.g. in Leisure don’t know anything about the lease car scheme so its difficult to comment.

Other comments received

- When lease car holders become essential users, a suggestion that they should have extra protection by retaining the essential user allowance is unfair compared with those who would lose essential user allowance.
- If a lease car holder resigns before 31 January 2017 would they have to pay a penalty? A= yes in line with the lease car agreement.
- We need to consider how a lease car holder on lower wages could proportionately lose more  A= the protection period should be the same for all lease car holders
- Some staff may find it difficult to finance a new car which they may need for their job, again especially those on lower wages. Should a salary sacrifice scheme be reconsidered A= already said yes.
- I think it unfortunate that those eligible for lease cars were not consulted at all and apparently had already had the potential for a
lease car removed in 2011 without consultation, although I understand some individuals were allowed cars after 2011. A= The scheme was closed to new entrants in 2005 not 2011. Consultation with all staff commenced by email on 12 March with a request to feed their comments back through the Employee Group. Since 2005 only those individuals in the scheme have been able to renew their leases i.e. no new individuals.

- Once a decision has been made it should be adhered to and not reconsidered again.
- Removing lease cars needs to be done in order to save money and ensure no redundancies.
- The proposal to end the scheme within 3 years is fair.
- Have pool cars been considered? A= Not in detail given initial thoughts that they would not be viable.
- What is the logic behind the choice of alternative dates? A=the draft committee report at 2.7 confirms that 9 November ’15 gives 18 months protection from May 14; 30 June was another date given there is a significant gap in the dates of leases coming to an end.
- Are the calculations on alternative dates correct as the penalty costs for sending cars back early appear to be substantially lower multipliers that those in my agreement/ the information on dalesNET. If they have changed why were staff not informed as its an important point to take into account when looking at other jobs. A= The lease costs have been renegotiated some months ago but the information on dalesNET and lease agreements were not updated.
- Assuming the figures are correct, I fear that the presentation of the relatively low costs and higher savings will lead Members in the direction of approving one of the earlier dates neither of which has been consulted on in the 30 day timescale to which we are entitled. A= Technically as the proposals aren’t a contractual change, it’s a change allowed under the scheme rules, we weren’t obliged to consult for 30 days but it was felt right to consult in this way. The question about costs and the answer has come up as a response to the consultation and there has been reasonable time to respond before the committee report is finalised.
- Although the report mentions balancing the issues of staff harmony and good will and the loss of a significant benefit and time to make alternative arrangements. I do not feel it makes the point that staff in the scheme have over 200 years service between them. Whilst I’m conscious of the financial position of the authority and acknowledge the scheme needs to come to a close, I would hope that Members see the benefits of bringing the scheme to an end in a fair and measured way rather than going for the cheapest option.
PLANNING PERFORMANCE AND PLANNING CONTRIBUTIONS

SUMMARY

This report informs the Committee of the recent Consultation paper on ‘Planning Performance and Planning Contributions’, and seeks endorsement of the response that, by virtue of the timescale for consultation, has already been forwarded to the Department for Communities and Local Government (DCLG) by the statutory deadline of 4th May 2014. The comments and response have been agreed with the Leader and Deputy Leader of the Council.

RECOMMENDATION

That Council retrospectively endorse the Officer comments contained within Section 3 of this report as the District Council’s formal response to the Department for Communities and Local Government consultation on ‘Planning Performance and Planning Contributions’.

WARDS AFFECTED

All Wards

STRATEGIC LINK

This consultation sets out proposals to introduce a development threshold for the payment of Section 106 affordable housing contributions which, if introduced, will have a material impact upon the District Council’s ability to support affordable housing schemes in the future. Affordable housing is one of the Council’s priorities in the Corporate Plan 2011-2015.

1 BACKGROUND

1.1 On 23rd March 2014, the Department for Communities and Local Government published a consultation paper which seeks views on the introduction of changes to decision making and housing delivery in two specific areas:

- The introduction of a threshold for designating authorities as under-performing, based on the speed of deciding applications for major development.
- The introduction a 10-unit and 1,000 square metres gross floor space threshold for affordable housing contributions through section 106 planning obligations.

1.2 The consultation has been published for a period of 6 weeks with a deadline for responses of 4th May 2014. In light of the limited time available, the District Council’s response has been agreed in advance with the Leader and Deputy Leader in advance of this meeting. Any further views arising from the meeting of Council will be forwarded separately to the Department for Communities and Local Government as an addendum.
PROPOSALS FOR CHANGE

Planning Performance

2.1 Timely and well-considered decisions on planning applications are a key part of delivering an effective planning service. Applicants, as well as local communities, should be confident that a decision on proposals will be reached within a reasonable time – whether that is within the statutory timescale or a longer period agreed transparently with the local planning authority.

2.2 The Growth and Infrastructure Act 2013 gives the Secretary of State power to designate local planning authorities, if he considers that their performance in handling planning applications has fallen below an acceptable standard. Where this happens, the Act gives applicants for major development the option of applying directly to the Secretary of State (although they may if they wish apply to the local planning authority in the usual way). In addition, support is made available to designated authorities to help them improve as quickly as possible.

2.3 Any designations of local planning authorities must be made by reference to criteria published by the Secretary of State (the ‘criteria document’). The published criteria relate to the speed and quality of decisions on applications for major development.

2.4 The Government believes that the thresholds for acceptable minimum standards of performance against these criteria should be kept under review, to take into account changing circumstances and encourage continuing improvement in service standards. This consultation proposes changes to the threshold for speed, as well as proposing to clarify the way in which any exceptional circumstances affecting performance will be taken into account.

2.5 The existing threshold for identifying under-performance in the speed of determining applications is 30% or fewer of an authority’s decisions on applications for major development made on time. ‘On time’ means within the statutory period of 13 weeks (or 16 weeks for applications subject to Environmental Impact Assessment), or such longer period as has been agreed in writing between the local planning authority and the applicant.

2.6 Local planning authorities will be designated October 2014 and will be assessed on their performance from July 2012 to June 2014. Prior to designation, the Government consider that in order to encourage further improvement, it would be appropriate to raise the threshold for designating authorities as under-performing, based on the speed of decisions, from 30% to 40% made on time.

Affordable Housing Contributions on Small Sites

2.7 A significant proportion of all planning obligations are affordable housing contributions. The Government considers that such contributions for small scale sites, including for those wishing to build their own home, can make a scheme undeliverable.

2.8 In the 2013 Autumn Statement, the Government made a commitment to reduce the planning costs to developers; including through a proposed new 10-unit threshold for
section 106 affordable housing contributions. This is to help address what is perceived to be the disproportionate burden being placed on small scale developers, including those wishing to build their own homes, and which prevents the delivery of much needed, small scale housing sites.

2.9 This consultation proposes that before any request for affordable housing contributions can be considered as part of a section 106 planning obligations agreement, authorities will have to have regard to national policy that such charges create a disproportionate burden for development falling below a combined 10-unit and maximum of 1,000 square metres gross floor space threshold. The Government also advise that authorities should not seek affordable housing contributions for residential extensions or annexes added to existing homes.

2.10 This change in policy would restrict the use of section 106 planning obligation contributions where sites contain 10 units or less with a maximum combined gross floor space of 1,000 square metres and for residential extensions or annexes. It is proposed to include a maximum total floor space in combination with a unit threshold to avoid creating a perverse incentive in terms of construction density.

2.11 The Government advise that they are committed to providing access to affordable housing in rural communities and consider that such housing should be provided through ‘Rural Exception Sites’ in rural areas on land that would not otherwise be acceptable for development.

3.0 OFFICER COMMENTS

3.1 The Consultation Document sets out a series of key questions related to the proposals and seeks views on each one. Details of the questions and Officer Comments are set out below:-

**Question 1 – Do you agree that the threshold for designating authorities as under-performing, based on speed, should increase to 40% or fewer of decisions made on time?**

3.2 Response: No. It is clearly in everyone’s interests to ensure that all planning applications, including major applications, are determined within realistic timescales. However, there is no evidence presented to suggest that an increase in the threshold is required. Indeed, performance is stated to have increased from 57% to 69% for district matter authorities and from 50% to 53% for county matter authorities between 2012 and 2013. There is nothing to suggest that performance will not continue to improve without the need for raising the threshold.

3.3 The desire to continually improve performance is acknowledged but it is suggested that a review of the threshold would be more logical after more than one year’s evidence.

**Question 2 – Do you think there is scope to raise the threshold for under-performance above 40% (for example to 45% or 50%); and, if so, by when?**

3.4 Response: The consultation document states that it would be appropriate for the definition of under-performance to continue to change – “How quickly this happens will depend on the overall trend in performance”. It is difficult to argue that a trend has been established after just one year of evidence. Whilst the Government's
desire to continue to change the threshold is understood, any resulting change to the threshold would more appropriately be determined when a trend has been clearly identified.

**Question 3** – *Do you agree that authorities that have dealt with no more than two applications for major development, over the two year assessment period, should be exempt from designation based on their speed of decisions?*

3.5 Response: Yes. This is a pragmatic and justified proposal.

**Question 4** – *Do you agree that the tests set out at paragraph 21 of this consultation are appropriate for taking exceptional circumstances into account, prior to designations being confirmed?*

3.6 Response: Maintaining the opportunity for authorities to explain any exceptional reasons prior to confirming a designation is welcomed. As the consultation document states, “What constitutes an ‘exceptional circumstance’ cannot, by its very nature, be defined fully in advance”. The document sets out “general tests” that are proposed to be applied in considering such cases. Whilst the proposed tests seem reasonable, it should be made clear that these are indeed ‘general’ tests and not intended to be wholly prescriptive in determining the nature of any valid exceptional circumstances which could be put forward and explained by an authority.

**Question 5** – *Is the Government’s objective of aiding the delivery of small scale housing sites and expanding the self build housing market supported by:*

- the introduction of a 10-unit and 1000 square metres gross floor space threshold for section 106 affordable housing contributions; and
- the exclusion of domestic extensions and annexes from making section 106 affordable housing contributions?

3.7 Response: From a rural perspective, this is a hugely significant issue. Whilst the clear exemption for rural exception sites is welcomed, if the proposed introduction of a threshold for section 106 affordable housing contributions is implemented this will significantly impact on the delivery of much needed affordable homes in rural communities.

3.8 Rural affordable homes are difficult to deliver for a variety of reasons and it is critical that existing routes to deliver such homes are not cut off. A large proportion of delivery of affordable housing in communities of less that 3,000 population is through section 106 sites that are 10 units or less. In the 2008/11 Affordable Housing Programme, 75% of rural delivery was through this route. Removing this potential delivery, therefore, would have a potentially massive impact on delivery.

3.9 Policy H12 of the Adopted Derbyshire Dales Local Plan, advises that in determining applications for residential development outside defined settlement frameworks, the Council will seek to negotiate a financial or other contribution towards the provision of affordable housing. This policy is supported by adopted Supplementary Planning Guidance and in the period since adoption of the Local Plan (November 2005) has resulted in the receipt of £1,454,000. This money has enabled the Council to invest in the provision of affordable housing across the Derbyshire Dales (outside the Peak District National Park) and has contributed significantly to the delivery of over 1000 affordable homes since 2001. Implementation of the Government’s proposals would result in all of this money being lost in the future.
3.10 In addition, as the availability of public resources has reduced the section 106 route has provided an increasingly important mechanism to lever in funding to ensure that delivery still takes place. Introducing the threshold will reduce the provision of affordable homes in rural areas.

3.10 The viability of specific developments can be assessed in relation to each application and if the provision of affordable homes creates a viability problem this can rightly be assessed at that time. However, a variety of models of affordable homes exist and even where one model is proved to be unviable there may well be alternative models which do not lead to unviability of the scheme overall. Introducing the threshold would inevitably increase reliance on rural exception sites which, whilst an important route that has provided high quality homes, entails high up-front costs and delivery can be unpredictable.

3.11 In addition, the NPPF requires a plan led approach to development in rural areas. Removing the need to provide affordable homes on small sites would be directly contrary to this approach.

3.12 Implementation of these proposals would have a catastrophic effect upon the District Council’s ability to provide funding towards rural affordable housing schemes in the future. For the above reasons, Officers consider that the proposals should not be supported.

Question 6 – Should the proposed exemption apply beyond affordable housing to other tariff style contributions based on standard formulae?

3.13 Response: Each ‘tariff style’ contribution should be assessed individually rather than collectively. Each exists for different purposes and it is more appropriate to consider any exemptions or other amendments in relation to the specific contribution scheme in question. This will ensure that full consideration of all relevant aspects takes place.

Question 7 – We would like your views on the impact on the Government’s policy objectives to incentivise brownfield development through proposed national policy change. This would reduce the financial burden on developers by requiring that affordable housing contributions should not be sought where buildings are brought back into any use – other than proportionately for any increase in floor space.

3.14 Response: Bringing buildings back into effective use is a very valid objective. So too is the provision of much needed affordable homes. A general exemption is considered to be too blunt a mechanism to achieve both objectives. Viability tests can be applied as readily to existing buildings as to new development and enables the financial impact of any affordable housing contribution to be assessed appropriately in relation to each scheme. The significant danger in allowing existing buildings to be excluded from the requirement to make affordable housing contributions would be a reduction in affordable homes funded through brownfield schemes where sufficient funds can indeed be generated. The plan led approach required by the NPPF is the right approach to enable brownfield and greenfield sites to be considered appropriately in relation to the needs for development of all types.
4 RISK ASSESSMENT

4.1 Legal

As the proposals form part of a consultation documents, the legal risk at present is low.

4.2 Financial

As the proposals are for consultation purposes only there are no financial risks at the present time. However, should the Government implement the proposals, there will be significant implications for the district Council’s ability to support the future provision of affordable housing in the district.

5 OTHER CONSIDERATIONS

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

6 CONTACT INFORMATION

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7 BACKGROUND PAPERS

Consultation on ‘Planning Performance and Planning Contributions’ DCLG March 2014
COUNCIL
8th May 2014

Report of the Corporate Director

PUBLIC INQUIRY AND OTHER RELATED PLANNING COSTS

LAND AT OLD DERBY ROAD, ASHBOURNE
LAND AT HASKER FARM COTTAGE, KIRK IRETON
LAND AT GRIFFE GRANGE, CARSINGTON

SUMMARY

The report advises Members that two appeals have been lodged, all of which are to be determined by means of Public Inquiry. The Council does not make any budgetary provision for Public Inquiry costs arising from the Council’s planning decisions. The report, therefore, seeks authority to fund this expenditure from the General Reserve. The report also advises of the need to engage specialist landscape consultants to appraise an application for a large scale windfarm development.

RECOMMENDATION

That expenditure of up to £42,500 be funded from the General Reserve and that the Council takes this expenditure into consideration in calculating the revised budget estimates for 2014/2015.

WARDS AFFECTED

Ashbourne South, Hulland, Wirksworth and Carsington Water

STRATEGIC LINK

The Council strives to lead the communities of the Derbyshire Dales, improve the quality of life and protect and enhance the environment. The proposed action reflects the Council’s corporate aims as stated in the 2014/2015 Corporate Plan.

1. LAND OFF OLD DERBY ROAD, ASHBOURNE

1.1 On 26TH March 2014, outline planning permission was refused for residential development of up to 200 dwellings, highway improvements and landscaping on land off Old Derby Road, Ashbourne (Application 13/00911/OUT). The reason for refusal was as follows:-

‘The proposal entails the development of a greenfield site for housing located outside of the Settlement Framework boundary of Ashbourne as defined in the Adopted Derbyshire Dales Local Plan (2005). The development of these greenfields which will be inherently encroaching and harmful to landscape character and appearance is considered unwarranted and unsustainable in the context of the Council being able to demonstrate a housing land supply
comfortably in excess of the requirements of the National Planning Policy Framework. The development as such is considered contrary to Policies NBE8 and SF4 of the Local Plan, Development Management Policies 2 and 6 of the Pre Submission Draft Derbyshire Dales Local Plan and guidance in the National Planning Policy Framework taken as a whole.’

1.2 An appeal has been lodged against the Council’s refusal of planning permission and the matter is to be determined by means of a Public Inquiry which is likely to take place in October 2014 for 3 days.

1.3 In order to defend the Council’s decision it will be necessary to appoint Counsel in addition to an expert landscape witness. Planning evidence will be given by the Council’s Corporate Director.

1.4 The costs of appointing Counsel and an expert landscape witness are estimated to be in the order of £32,000.

2. LAND AT HASKER FARM COTTAGE, KIRK IRETON

2.1 On 14th August 2013 planning permission was refused for conversion and extension of a former hay barn to provide artist's studio, ancillary living accommodation to Hasker Farm Cottage, stabling, wood store, workshop and garaging (retrospective) on land at Hasker Farm Cottage, Kirk Ireton (application 13/00338/FUL).

2.2 Following the refusal of planning permission, on 6th November 2013, an Enforcement Notice was served in respect of the alleged breach of planning control comprising the material change of use of an agricultural building for a mixture of uses including residential, business / workshop, garage, art studio and equestrian use.

2.3 The Enforcement Notice requires the owner to permanently cease use of the building for residential and business use, permanently remove the conservatory extension, flue pipe, all external walls and internal subdivisions and reinstate the building to an open sided hay store as it stood prior to the unauthorised works.

2.4 An appeal has been lodged against the Council’s decision to issue an Enforcement Notice and the matter is to be determined by means of a Public Inquiry on a date yet to be confirmed.

2.5 The costs of the Public Inquiry itself are estimated to be in the order of £5,000.

3. LAND AT GRIFFE GRANGE, MANYSTONES LANE, CARSINGTON

3.1 An application for planning permission has been received for the erection of 5no. wind turbines with a maximum tip height of 100m together with associated infrastructure on land at Griffe Grange, north of Manystones Lane, Carsington (Application 14/00224/FUL).

3.2 In order to consider the application, it is necessary to appoint an expert landscape consultant with specialist skills in the appraisal of windfarm developments in order to appraise the landscape, visual and cultural heritage impacts of the development proposal.

3.3 The costs of the appointing the landscape consultant to undertake this work are estimated to be in the order of £5,500.
4. FINANCIAL IMPLICATIONS

4.1 In order to defend the Council’s position at Inquiry, it is considered necessary to appoint suitably experienced Counsel.

4.2 At this stage, it is estimated that the total cost of defending the Council’s position in respect of these two Public Inquiries is likely to be in the order of £37,000.

4.3 There is no budgetary provision for Public Inquiry costs arising from the Council’s planning decisions. It will, therefore, be necessary to fund the Council’s expenditure from the General Reserve and take into consideration this expenditure in calculating the revised budget estimates for 2014/2015.

4.4 In the event that costs exceed this provisional estimate, a further report will be brought to Council.

4.5 In regard to the planning application at Griffe Grange, the costs of appointing an expert landscape consultant cannot be accommodated within the existing service budget. Further budgetary provision of £5,500 is therefore required. It will be necessary to fund this expenditure from the General Reserve and take it into consideration in calculating the revised budget estimates for 2014/2015.

5. RISK ASSESSMENT

5.1 Legal

The report recommendation seeks to mitigate the legal risk to the Council by appointing suitably skilled and experienced legal representatives. The level of risk is currently assessed as being medium based on current statistics which demonstrate that the Council is successful in approximately 80% of cases that progress to appeal. The legal risk will be assessed again when the expert views of the lawyers to be instructed by the Council have been obtained.

5.2 Financial

These are contained within the body of the report at Section 4.

6. OTHER CONSIDERATIONS

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

7. CONTACT INFORMATION

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8. BACKGROUND PAPERS

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VOLUNTARY REDUNDANCY AND APPOINTMENT OF CHIEF FINANCIAL OFFICER

SUMMARY

This report informs the Council of the request by the Head of Resources (S151 Officer) for voluntary redundancy which has been accepted and is recommended by the Corporate Management Team (CMT), and seeks agreement to the appointment of the current Exchequer & Accountancy Manager, to the post of Head of Resources (S151 Officer).

RECOMMENDATION

1. That Council agrees to the request by the Head of Resources (S151 Officer) for voluntary redundancy with effect from 1st August 2014, subject to consideration of the financial implications contained within the exempt report elsewhere on this Agenda.

2. That Council approves the appointment of the current Exchequer and Accountancy Manager as Head of Resources (S151 Officer) with effect from 1st August 2014, subject to agreeing Recommendation 1 above.

WARDS AFFECTED

All

STRATEGIC LINK

The S151 position is a statutory post and is fundamental in ensuring the prudent management of the Council’s financial affairs.

1 BACKGROUND

1.1 The Council is aware of the ongoing financial pressure that the organisation is facing over the next few years and of the continuing need to review our operations to make savings and efficiencies where at all possible. As part of this, the Council has in place a policy that enables employees to request voluntary redundancy. These requests are considered by CMT. If it is agreed to be in the business interests, without significant detriment to the service and delivers an ongoing saving with any costs associated with the redundancy capable of being paid back within 3 years, CMT will usually accede to the request.

Request from the Head of Resources (S151 Officer)

1.2 The Head of Resources has submitted a request for voluntary redundancy with effect from 1st August 2014. The Head of Resources fulfils the role of the Council’s Chief Financial Officer (S151 Officer) and, as such, is a statutory role. In normal redundancy situations, if a redundancy is agreed, it is accepted that the role is no longer required. In this particular case, the Council cannot do without a S151 Officer. However, there are other ways that a post-holder can be made redundant without the post disappearing – these are often referred to as a “bumped
redundancy”. Effectively, this means that a post-holder in a particular post can be
granted redundancy but it is another post that disappears from the structure with the
post-holder of that post taking on the redundant post-holder’s post or a variation
there on (a series of bumped redundancies).

1.3 CMT has considered the proposal from the Head of Resources very carefully.
Three considerations were taken account of:-
◊ value for money - were the costs of the redundancy paid back within 3 years
and were ongoing savings significant enough to be worthwhile?
◊ capacity - would the service continue to operate effectively without this post-
holder and without the post(s) that would be made redundant as a result?;
◊ capability - was there a current post-holder that had the requisite qualifications?
(the S151 Officer must be a qualified Accountant) and have the experience to
take on the role.

1.4 The proposal gives a payback period of less than 3 years (see the exempt report
also on this Agenda) and the savings of £40,250 ongoing from 2018/19 (more in the
previous 5 years due to incremental payments – see exempt report elsewhere in
the agenda) are considered significant in the Council’s current financial position.
The current post-holder has lost significant staffing responsibility and, with that, the
time consuming issues that that often brings with it. Additionally, national changes
to monitoring and performance requirements (loss of Use of Resources,
Comprehensive Performance Assessment) has freed up significant time resource
within the financial services area thus creating capacity at senior level. The
proposal put forward loses a Senior Accountant role and an Agresso Administrator
role (currently vacant). It proposes that the current Exchequer & Accountancy
Manager is moved into the Head of Resources (S151 Officer) role and the Senior
Accountant into the Exchequer & Accountancy Manager’s role. Both are qualified
Accountants and the current Exchequer & Accountancy Manager has held the
second most senior post in the finance area for a number of years and is a highly
skilled Accountant. CMT believe with their experience of working with this Officer,
that she is very capable of taking on the Chief Finance Officer role.

1.5 Given the above, it is recommended that the request by the Head of Resources
(S151 Officer) for voluntary redundancy is accepted and that the current Exchequer
& Accountancy Manager is appointed as the Head of Resources (S151 Officer).

2 RISK ASSESSMENT

2.1 Legal

A ‘bumped’ or transferred redundancy is provided for in the Employment Rights Act
1996, which enables the retention of important posts whilst still reducing
headcounts. The position of Chief Financial Officer is a statutory position as
provided for in the Local Government and Housing Act 1989. Council is required to
confirm appointment to that position. The proposed approach as set out in the
report is therefore low.

2.2 Financial
The proposals result in an ongoing saving of £40,250 so the financial risk is,
therefore, low.
2.3 **Corporate**
The risk to the Council if it fails to achieve a balanced budget, whilst taking account of the need to continue to improve services, has been assessed as high owing to the severity of the potential impact.

3 **OTHER CONSIDERATIONS**

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

4 **CONTACT INFORMATION**

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5. **BACKGROUND PAPERS**
None.

6. **ATTACHMENTS**
None.