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The Chair and Members of Cabinet

4 December 2023

Dear Councillor,

Please attend a meeting of the CABINET to be held on TUESDAY, 12 DECEMBER 2023 at 11.00 am in Committee Room 1, Town Hall, Rose Hill, Chesterfield, the agenda for which is set out below.

AGENDA

Part 1(Public Information)

1. Declarations of Members' and Officers' Interests relating to items on the Agenda
2. Apologies for Absence
3. Minutes (Pages 3 - 10)

To approve as a correct record the Minutes of the Cabinet meeting held on 14<sup>th</sup> November 2023.

4. Forward Plan

Please follow the link below to view the latest Forward Plan.

[Forward Plan](#)

Items Recommended to Cabinet via Cabinet Members

Chesterfield Borough Council, Town Hall, Rose Hill, Chesterfield S40 1LP

Telephone: 01246 345 345, Text: 07960 910 264, Email: [info@chesterfield.gov.uk](mailto:info@chesterfield.gov.uk)

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Leader

5. Proposal for Investment Zone (Pages 11 - 34)

Deputy Leader

6. Fees and Charges - updated policy and service specific changes (Pages 35 - 60)
7. Independent Remuneration Panel Review of Members Allowances (Pages 61 - 108)

Cabinet Member for Economic Growth

8. Homes England Capacity Funding Report (Pages 109 - 120)

Cabinet Member for Health and Wellbeing

9. Public Spaces Protection Order (Pages 121 - 130)

Yours sincerely,

A handwritten signature in black ink, appearing to be 'S. Smith', written in a cursive style.

Head of Regulatory Law and Monitoring Officer

## CABINET

**Tuesday, 14th November, 2023**

Present:-

Councillor Gilby (Chair)

Councillors	Holmes	Councillors	Davies
	Sarvent		J Innes
	Serjeant		Staton
	Baldauf-Good		Stone

\*Matters dealt with under the Delegation Scheme

35 **DECLARATIONS OF MEMBERS' AND OFFICERS' INTERESTS  
RELATING TO ITEMS ON THE AGENDA**

No declarations of interest were received.

36 **APOLOGIES FOR ABSENCE**

There were no apologies for absence.

37 **MINUTES**

**RESOLVED –**

That the minutes of the meeting of Cabinet held on 17 October 2023 be approved as a correct record and signed by the Chair.

38 **FORWARD PLAN**

The Forward Plan for the four-month period December, 2023 to March, 2024 was reported for information.

**\*RESOLVED –**

That the Forward Plan be noted.

### 39 **COUNCIL PLAN DELIVERY PLAN HALF YEAR PERFORMANCE REPORT**

The Policy Officer presented a report on the Council's progress to the end of the second quarter of the current financial year against the milestones and measures identified in the 2023/24 Council Plan delivery plan.

Appendix 1 of the officer's report showed the Council's performance against the 38 milestones being tracked during 2023/24. The Council was expected to meet 79% of the milestones with the remainder rated as amber.

Fifteen of the milestones related to the priority 'Making Chesterfield a thriving borough'. The Council was currently expecting to deliver in full against 87% of the milestones during 2023/24.

Fourteen of the milestones related to the priority 'Improving the quality of life of local people'. The Council was currently expecting to deliver in full against 93% of the milestones during 2023/24.

The final priority 'Building a more resilient council' had 9 milestones. As at the end of the second quarter, the Council was expected to deliver in full against 44% of the milestones during 2023/24. This performance reflected the scale and nature of the in-year financial challenges faced by the Council, however, officers were resolved to secure delivery against more of the milestones by the close of 2023/24.

#### **\*RESOLVED –**

1. That the significant achievements made in quarters 1 and 2 of the current financial year achievements against the priority areas within the Council Plan Delivery Plan be noted.
2. That Corporate Leadership Team leads for all amber rated milestones be asked to meet with relevant key officers to develop improvement strategies to support further progress in quarters 3 and 4 of the current financial year.

#### **REASON FOR DECISIONS**

To progress delivery of the Council Plan 2023 – 2027 and maximise positive outputs and outcomes for our communities.

#### 40 **PERIOD 5 BUDGET MONITORING REPORT**

The Service Director – Finance presented a report to provide Cabinet with an assessment of the Council's forecast outturn position for the General Fund Revenue Account and Capital Programme for the financial year 2023/24 based on activity to the end of period 5 (31 August 2023).

It was noted that the Council continued to face significant financial challenges. Government austerity since 2010, the ongoing risks and uncertainties over future funding arrangements for the sector, the legacy budgetary impacts of the Covid-19 pandemic and the more recent sustained period of exceptionally high inflation, had all impacted on the Council's in-year financial position.

The Local Government Employers pay offer of £1,925 per employee, made in February 2023 and now accepted, equated to a circa 5.6% increase to the 2023/24 pay budget for General Fund revenue funded staff. The 2023/24 base budget had only included provision for a 4% pay award. The additional 1.6% presented an in-year pressure of up to £300k.

The period 3 forecast was reported to Cabinet on 19 September 2023 and presented an adverse in-year position of £774k. This was based on activity to the end of June and an analysis of projected trends in income and expenditures.

As at the end of period 5, the adverse in-year position had improved by £440k to £334k. It was however noted that this position excluded the additional £300k that would be needed to meet the in-year pay award for General Fund revenue funded staff.

The table at section 4.19 of the Service Director's report provided a summary of the key variances across service areas.

The Council was committed to delivering services within the approved budget for 2023/24 and the Corporate Leadership Team (CLT) would continue to work collectively with budget managers to agree and implement clear, robust, and immediate management actions to address the adverse in-year forecast.

**\*RESOLVED –**

1. That the forecast position of the General Fund Revenue Account at the close of period 5 for the financial year 2023/24 and the continuing uncertainty associated with the outturn forecast resulting from the significant in year inflationary and demand led cost pressures be noted.
2. That the strategy for achieving, as a minimum, a balanced budget outturn position for the financial year 2023/24 be supported.
3. That the General Fund Capital Programme expenditure forecast at the close of period 5 for the financial year 2023/24 be noted.

**REASONS FOR DECISIONS**

1. This periodic monitoring report summarises the current assessment of the Council's forecast outturn for the current financial year and sets out the active management mitigations to be progressed to balance the 2023/24 budget. It also provides a robust basis for medium term financial planning.
2. This is the second formal monitoring report for the 2023/24 financial year and comes at a time when the Council is experiencing financial pressures due to the current economic situation, cost and pay inflation and the ongoing impact of the Covid-19 pandemic and the cost-of-living crisis.

**41 BUDGET STRATEGY IMPLEMENTATION PLAN**

The Service Director – Finance presented a report setting out the next stages in the Council's plans to achieve a balanced budget for 2024/25 and in time over the term of the Medium-Term Financial Plan (MTFP) through to 2027/28, and to enable a budget conversation to commence with the borough's residents..

The Council's Budget Strategy had been approved by Council on 19 July 2023. The Service Director's report set out the assumptions which had underpinned the construct of the General Fund Revenue element of the

MTFP at that time, the priority work now undertaken to establish new and emerging service pressures, and a detailed implementation plan for delivering the savings that would be needed to move the Council in the right direction towards achieving a balanced budget for 2024/25.

The July 2023 Budget Strategy report had set out the need to drive out savings of at least £2.5m at pace, within a framework that was prudent, responsible, and sustainable, and optimised to secure savings in the short and medium-term to reduce and remove reliance on reserves, stabilise the Council's financial position and establish affordability of Council services.

A detailed approach to addressing the £2.5m budget gap had been worked through between the Council's Corporate Leadership Team (CLT) and Labour Cabinet members over the past few months drawing on the thematic interventions set out in the Budget Strategy. The interventions were as follows:

- Identifying General Efficiencies
- Increasing Income and Establishing Stronger Commercial Operating Principles
- Transforming how we Deliver Services
- Reducing Service Offers / Stop Doing – Statutory and Non-Statutory Services
- Rightsizing the Organisation
- Asset Rationalisation and Effective Asset Management

There were a number of key factors that would influence and shape the next phase of the Council's budget-setting process, for example, the Provisional Local Government Settlement expected in December 2023 should provide greater certainty around funding levels.

The underpinning assumptions had been reviewed and updated to take account of known changes (paragraph 4.14), and new and emerging service pressures assessed. Table 1 in the Service Director's report set out a summary of the new and emerging service pressures, which quantified at £2.137m for 2024/25 rising to £2.340m by 2027/28.

The updated assumptions and assessment of new and emerging service pressures had increased the budget gap relating to the General Fund

Revenue element of the MTFP to £4.066m in 2024/25 rising to £5.941m in 2025/26, with further significant increases in future financial years.

It was acknowledged that the Council would not be in a position to set a balanced MTFP over the 4-year period. The 2025/26 budget-setting process would, therefore, require an early focus to allow maximum time for the development and delivery of future budget savings.

Given the considerable size of the budget gap all Council services, corporate and front line, had been asked to develop savings proposals in relation to each of the first 5 thematic interventions set out within the Council's Budget Strategy. The resulting Implementation Plan had then been split into 2 stages.

The Stage 1 proposals were largely operational decisions that officers could get on and implement or decisions that could be taken by portfolio holders. These were proposals that would have little or no impact on service delivery and limited policy implications if at all. The proposals would deliver £539k of savings in 2024/25. Some of the savings were however one off and, as such, would fall out in future financial years. The ongoing impact of the proposals was £269k in 2027/28. Details of the individual proposals were set out in Appendix A of the Service Director's report.

The Stage 2 proposals would require further development, including where necessary engagement or consultation with service users, stakeholders, staff, and trade unions. Officers would be required to progress the development of the proposals through to appropriate decision-making, in line with the Council's constitution.

Appendix B of the Service Director's report set out the Stage 2 proposals in detail and the range of potential savings that would potentially be delivered, of between £1.690m and £2.460m, in 2024/25. Some of the savings would again be one off and, as such, would fall out in future financial years, others might not be implemented in full in 2024/25.

Approval was also sought for the Council to commence a 'budget conversation' with its residents. This would be launched in November, providing a general update on the Council's budget position, and capturing feedback on the thematic interventions and the generality of the savings proposals proposed via a questionnaire. A budget conversation webpage would also be established with key information.

There would also be focussed pieces of consultation and engagement on specific savings proposals with relevant stakeholder audiences as part of the budget conversation process.

Reserves were an important part of the Council's financial strategy and were held to create long-term financial stability. The General Fund Revenue Account Working Balance had been set at £1.5m and was informed by a detailed risk assessment undertaken as part of the annual budget setting process. The on-going financial challenges and risks set out in the Service Director's report suggested it imprudent to consider reducing this amount from its current level.

A full review of the Council's reserves was underway, and a refreshed Reserves Policy would be considered as part of the MTFP report at full Council in February 2024.

Developing the savings proposals set out in Appendix B, and taking them through the appropriate Council decision making route, would be a core activity for officers for the remainder of this financial year, with the aim for the proposals to be implemented from 1 April 2024.

Internal senior officer working groups had also been set up to lead and manage delivery of the MTFP, to oversee Workforce Planning including implementation of the VR / VER scheme, to take forward Digital Transformation, and to develop a detailed action plan to give effect to the Asset Management Strategy. These working groups would continue to develop further savings proposals to supplement those listed in Appendix B.

**\*RESOLVED –**

1. That the financial operating context, updated budget assumptions and the current Medium Term Financial Plan (MTFP) gaps be noted.
2. That officers be authorised to progress with the delivery of the operational savings proposals set out in the Budget Strategy Implementation Plan – stage 1 (Paragraph 3.29 and Appendix A).

3. That the proposals set out in the Budget Strategy Implementation Plan – stage 2 (Paragraphs 3.30 and Appendix B) be approved in principle.
4. That officers be authorised to progress the development of the proposals through to appropriate decision-making, in line with the Council's constitution and statutory requirements, including carrying out more specific engagement and consultation activities where required by law and best practice.
5. That a Budget Conversation with residents, businesses, and stakeholders across the borough be launched to set out the challenges that the Council is facing and to seek feedback on the proposed strategic approach to achieving a balanced budget for 2024/25 and over the period of the MTFP.

## **REASON FOR DECISIONS**

To respond to the scale of the challenging financial environment within which the Council is operating and to enable the Council to work towards developing a balanced 2024/25 budget and MTFP, which will support the Council to continue to deliver against the vision and priorities set out in the Council Plan.

## For publication

### East Midlands Investment Zone

<b>Meeting:</b>	Cabinet and Council
<b>Date:</b>	Cabinet 12 <sup>th</sup> December 2023 Council 13 <sup>th</sup> December 2023
<b>Cabinet portfolio:</b>	Leader of the Council
<b>Directorate:</b>	Economic Growth and Finance
<b>For publication</b>	

#### 1.0 Purpose of report

- 1.1 This report seeks approval for 2no. development sites within the borough of Chesterfield to be part of an East Midlands submission to Government for Investment Zone status and for the Chesterfield sites to be designated as Business Rates Retention areas.

#### 2.0 Recommendations

- 2.1 To support the submission of an East Midlands Investment Zone proposal to Government, to include 2no. development sites (as identified by the plan in Appendix A) within the borough of Chesterfield.
- 2.2 That the Council agrees in principle for the 2no. development sites to be designated as Business Rates Retention areas in line with Government policy, subject to:
- a) the formal establishment of the East Midlands Mayoral Combined Authority (EMMCCA) in May 2024.
  - b) the Council being satisfied with the final terms of the Business Rates Retention Policy applicable to the East Midlands Investment Zone.
  - c) the Council being satisfied with the final terms of the Reinvestment Strategy developed by EMMCCA to guide the reinvestment of the retained Business Rates within the East Midlands area.
  - d) the Council being satisfied with the governance arrangements for the East Midlands Investment Zone, when finalised, and the Council's role within them.
- 2.3 Given the need for the Council to be able to advise EMMCCA and Government in a timely manner of its position ahead of the final Gateway submissions, that authority be delegated to the Chief Executive, in

consultation with the Service Director for Finance and the Leader of the Council to consider the final proposals and arrangements for the East Midlands Investment Zone and conclude the terms of the Council's involvement.

- 2.4 That Cabinet receives an update report on the East Midlands Investment Zone as and when the outcome of EMMCCA's submission to Government is known.
- 2.5 That the Council reserves the right to review its position in relation to the 2no. development sites being designated as Business Rates Retention areas should there be a change in Government policy and / or a change in the Council's relationship with EMMCCA.

### **3.0 Reasons for recommendations**

- 3.1 An Investment Zone (IZ) offers the potential for the Council to secure tax incentives and additional capital and revenue funds to support the development of 2no. key regeneration sites within the borough of Chesterfield for the benefit of local residents and businesses. The proposal supports work already carried out with partners and landowners to catalyse development of the Staveley Growth Corridor as detailed in the Council Plan 2023-27.
- 3.2 The designation of the 2no. development sites as Investment Zone sites with a focus on green industries and advance manufacturing will help support delivery of the Council's Growth Strategy by strengthening Chesterfield's competitive location as a place to do business, securing new business investment in the borough and supporting the move to a stronger, more diversified and high value economy offering high quality, high value jobs to local people.
- 3.3 The Council will have the opportunity to take advantage of both the capital and revenue funds that EMMCCA will make available over a 25-year period once positive Business Rates returns are achieved over an agreed baseline.

### **4.0 Report Details**

#### **Background**

- 4.1 At the Spring Budget Government announced 12 regions across the UK who have been invited to submit proposals for new IZs – this included the East Midlands. Each region was asked to co-design the proposals with Government with the principles set by Government and His Majesty's Treasury in IZ Policy Prospectus March 2023. The EMMCCA will have one IZ across the combined authority geography.
- 4.2 IZs are being established in places with significant unmet productivity potential, and where existing strengths and assets aligned to priority sectors

can be leveraged to increase opportunities for local communities. By focussing on growing high-potential innovation and industrial strengths in areas with significant scope for catch up economic growth the intention is that IZs will drive national productivity growth.

- 4.3 The IZ must be innovation and R&D focussed with links to universities. They are expected to include large, strategic sites in order to accommodate significant development and growth opportunities, for example up to three tax sites to a maximum of 600 hectares across the region. They must focus on undeveloped sites, avoid displacement, demonstrate private sector investment and meet 'levelling up' targets such as deprivation.

### **Overview**

- 4.4 Subject to finalising and submitting a detailed business case to Government, the region can expect to receive £160m over 10 years to support growth in the priority target sectors of 'Green' industries and Advanced Manufacturing. This funding is likely to be a five-year initial programme with an extension for five years. This funding can be used flexibly between spending and a single ten-year tax incentive offer and includes:

- Up to £160m spending split between revenue funding (40%) and capital funding (60%), although the level of spending will be reduced in direct proportion with the tax incentives in paragraph 4.5 below;
- Tax incentives for investment over a ten-year period on a maximum of 3 sites, each of which can be up to 200ha. The value of the tax incentives will be estimated based on proposals for the designated sites, up to £45m. Government has advised that the value of the tax incentives will be calculated at between £75-100k per designated hectare of land.
- Two sites will attract full business rates retention over 25 years above a pre-determined baseline free from resets. Retained business rates should be re-invested in the priority sectors across the geography, **not just** the sites.
- Coordinated government support for trade and investment, planning and skills.

### **Tax Incentives**

- 4.5 The tax incentives will be available for a period of **ten** years, as above as an initial five-year deal with a five-year extension. Specific guidance on these incentives is outlined in the policy as follows:

- Stamp Duty Land Tax (SDLT): a full SDLT relief for land and buildings bought for commercial use or development for commercial purposes (this is likely to result in cost savings/value uplift, shared between the landowner, developer and purchaser)
- Business Rates: 100% relief from business rates on newly occupied business premises, and certain existing businesses where they expand in Investment Zone tax sites.

- Enhanced Capital Allowance: 100% first year allowance for companies' qualifying expenditure on plant and machinery assets for use in tax sites.
- Enhanced Structures and Buildings Allowance: accelerated relief to allow businesses to reduce their taxable profits by 10% of the cost of qualifying non-residential investment per year, relieving 100% of their cost of structures and buildings over 10 years.
- Employer National Insurance Contributions relief: zero-rate Employer NICs on salaries of any new employee working in the tax site for at least 60% of their time, on earnings up to £25,000 per year, with Employer NICs being charged at the usual rate above this level. This relief can be applied for 36 months per employee.

4.6 The tax incentives can be attractive for operations involving significant capital investment and/or high levels of on-site employment. However, they are likely to be more limited for smaller operators and for those who already enjoy significant incentives.

### **Flexible funding**

4.7 Flexible funding will be provided over ten years to be used across a range of interventions, to attract investment and unlock barriers holding back the growth of the sector. As mentioned above, within the overall fiscal envelope the spending envelope will be split between revenue and capital funding at a 40/60 split. Funding can be used across the following areas with examples:

- Research and Innovation – e.g., grants for projects.
- Skills - e.g., Skills Bootcamps, stimulating demand apprenticeships.
- Local Infrastructure – e.g., land remediation for labs or schemes to improve connectivity to improve access to the local labour market.
- Local Enterprise and Business Support – e.g., sector-specific tailored support for start-ups and SMEs that leverages local research strengths and facilities;
- Planning and Development – e.g., funding to recruit a dedicated planning team, implement an LDO or support a Development Corporation to deliver complex or large-scale developments.

### **Chesterfield inclusion in the IZ**

4.8 It is proposed that two sites within the Chesterfield borough would be included in the EMIZ. These sites are shown on Appendix A, the north-eastern site is known as Hartington with the south-western site being part of the Staveley Growth Corridor (previously allocated as the site for the HS2 Infrastructure Maintenance Depot).

4.9 The Hartington site is identified as being able to take advantage of the tax incentives for the first five years of the IZ because development is anticipated within a shorter timescale, whereas development on the Staveley Growth Corridor may take longer due to the requirement to remediate the site and fall into the five-year extension of the IZ tax incentives. The

Staveley Growth Corridor may also be impacted by the Chesterfield Staveley Regeneration Route. The tax incentives bring an opportunity to attract 'green sector' and advance manufacturing businesses to the sites with the potential to provide quality jobs in the Chesterfield economy. The other two sites within the proposed EMIZ to get the benefit of tax incentives are Infinity Park in Derby and the Centre of Excellence for Modern Construction at Worksop.

- 4.10 The Chesterfield sites would be part of the Business Rate Retention designation and as such help maximise the potential benefit of a Business Rates Retention area as they are vacant and under-utilised and as such offer significant potential for business rates growth. In the Hartington case, this could present an early advantage for the EMMCCA. The other site included in the Business Rates Retention would be Infinity Park Derby.
- 4.11 The Chesterfield sites would also have the potential to bid for the flexible funding allocation and to be part of any future reinvestment strategy for the EMIZ.
- 4.12 Discussions have been held with the landowners for the Chesterfield sites for the EMIZ, briefing them of the nature of the opportunity and discussing any concerns they may have. They support the inclusion of their sites in the EMIZ submission.

#### **Business rates retention**

- 4.13 In addition to the £160m of flexible funding for the EMIZ, it is also possible to seek approval of two Business Rates Retention areas within the IZ, that have a combined area of no larger than 600 hectares in total.
- 4.14 This allows for 100% retention of business rates growth by the Billing Authority within these areas over an agreed baseline for 25 years from the point at which the area is designated. Without Business Rates Retention any business growth would continue to be shared as the present arrangements.
- 4.15 The retention would provide for local economic growth within the wider region and support the priority sector within the IZ. Subject to further work to develop a detailed reinvestment strategy, this could include investment to support the development of the subject site for sector related activities. This could include supporting a TIF type arrangement, with future uplift in business rates supporting initial investment in infrastructure to unlock site delivery.
- 4.16 The calculation of the business rate growth relies on the establishment of a Baseline. Where a site or area is identified and contains no rateable business properties this Baseline will be set at zero. If the site or area contains existing business properties, the Baseline is calculated on the basis of net amount the Billing Authority is expected to collect in business rates after

considering reliefs, appeals and other variables at the start of financial year 24/25.

- 4.17 Without an IZ Business Rate Retention the Billing Authority would be able to spend its share of the Business Rate as it deems appropriate. However, under the IZ BRR it is necessary to demonstrate how the 100% retained business rates growth, above the Baseline, will address the following:
- Provide for local economic growth within the region.
  - Support existing local strategies with a focus on growth.
  - Support the priority sector within the Investment Zone.
  - Present value for money for the government.
- 4.18 The Council is being asked to pay growth in Business Rate income, from sites approved as Business Rate Retention areas in the Investment Zone, to the East Midlands Mayoral Combined Authority (EMMCCA) in accordance with Government policy as part of the EMIZ submission. The amount that would be passed to EMMCCA is subject to further agreement and an understanding of the 'no detriment' to the Billing Authority principle.
- 4.19 EMMCCA as the Accountable Body for the EMIZ will need to develop a reinvestment strategy for the revenue stream that would need to be subject to regular review over the 25-year BRR period. The Strategy would need to include a clear logic that explains how the funding will drive new development and accelerating existing plans in the IZ and/or extend opportunities related to the cluster and sector to local communities. Decisions about the use of retained business rates would need to be taken in an appropriate, transparent way that enables EMMCCA to remain responsible to Government for the overall Investment Zone programme.
- 4.20 So far, the proposal has been that reinvestment arrangements will be subject to governing principles around:
- No detriment to Billing authority budgets. This means that there is likely to be a negotiation over the % of the Business Rates Retention that would be passed to EMMCCA.
  - The use of business rates uplift to support sector investment on the Business Rates Retention Sites.
  - There will be Billing authority involvement in the development of the investment strategy.

### **Governance**

- 4.21 It is anticipated that new East Midlands Mayoral Combined County Authority (EMMCCA) will be established in April 2024 and will be followed by the inaugural mayoral election in May 2024. The development of governance arrangements for the emerging EMMCCA is being led by the four upper tier authorities – Derby City Council, Derbyshire County Council, Nottingham

City Council and Nottinghamshire County Council – working in partnership through an established devolution programme.

- 4.22 In the absence of an existing governance framework for the areas covered by the deal, formalised interim arrangements have been put in place.
- 4.23 Derbyshire County Council are acting as accountable body for the EMIZ and have established and robust procedures in place to provide appropriate scrutiny and assurance during the current transitional and upcoming shadow phase.
- 4.24 Interim arrangements have been put in place to support the design and development of the EMIZ pending the formal establishment of the EMMCCA. These arrangements, which will be superseded by the EMMCCA Governance Framework following the election of the Mayor and no later than June 2024, have been designed to ensure accountability within established governance structures alongside compatibility with the emerging EMMCCA framework. An overview of the interim arrangements is at figure 1 in Appendix 3.

### **Timescales**

- 4.25 There are five Gateways, as part of an iterative and collaborative process, in the application for the IZ to Government:
- Gateway 1 – Expression of Interest for an Investment Zone for Green Industries and Advanced Manufacturing for the East Midlands has already been achieved.
  - Gateway 2 – Review of the tax site boundaries with Government has already been achieved.
  - Gateway 3 – Setting out the draft governance has already been achieved.
  - Gateway 4 - Will set out the reinvestment strategy and a draft programme of interventions and is due to be submitted on 15<sup>th</sup> December.
  - Gateway 5 – Sets out the delivery arrangements and requires the council approval from the Local Authorities.
  - EMIZ Launch (funding and tax) would be April 2024
  - Business Rates Retention starts April 2025

### **5.0 Alternative options**

- 5.1 A do-nothing option would leave the council no worse off in that it would continue to secure any business rate growth above existing levels within the identified area but at the current rate. This income would become part of the General Fund and can be used without any restriction imposed through the IZ Business Rates Retention scheme. However, the IZ Business Rates Retention enables 100% retention of the business rate growth and the areas of spend considered acceptable within the scheme provide considerable flexibility to support projects and activity that the region would likely want to fund without having IZ Business Rates Retention status.

## **6.0 Implications for consideration – Financial and value for money**

- 6.1 The report in its entirety deals with financial and value for money implications.
- 6.2 Amongst the time-limited tax incentives that businesses within Investment Zone tax sites will receive is 100% business rate relief. There are also enhanced capital allowances for plant and machinery and Stamp Duty Land Tax relief amongst other tax incentives. To compensate for the subsequent revenue losses from business rates, the investment zones are designed to allow the local authority to benefit from being able to take any growth achieved above baseline to be set aside outside of the reset process and allowing the local authorities to receive the long-term benefit of investment in development areas.
- 6.3 As part of the draft development of agreement the Local Authority partners have agreed in principle that there will be 'no detriment' in respect of Business Rates (BR). The intention of this is that authorities will retain, as a minimum, the Business Rates that they were expecting to receive before passing any balance over. The full details of this will need to be subject to a separate agreement between the authorities involved but based on this intention, it is not expected that this will impact on the current financial position of Chesterfield. However, there are further financial questions to be addressed in respect of the 'no detriment' clause particularly in relation to changes in future government policy and the pooling of Business Rates. These will need to be worked through over the coming months and before final sign off.
- 6.4 At this stage, there are no requirements for matched funding from the Council. However, Chesterfield would have the potential to bid into the flexible funding allocation and to be part of any future reinvestment strategy for the EMIZ.

## **7.0 Implications for consideration – Legal**

- 7.1 Business rates are dealt with under the Local Government Finance Act 1988, including but not limited to the liability, accounting and administration requirements. Business Rates Retention sites which are approved by the Government will be designated by regulations under Schedule 7B of the Local Government Finance Act 1988.
- 7.2 The Government will assess Investment Zone BRR site proposals to ensure that sites are compatible with the purposes of the Investment Zone. The Government have reserved the right to reject or ask for modifications to Business Rates Retention sites that do not meet these requirements based on cost and deliverability.

7.3 Subsidy Control does not apply to the operation of the BRR scheme. However, where applicable Subsidy Control assessments will take place where BRR income is used to support commercial activity.

## **8.0 Implications for consideration – Human resources**

8.1 This report does not have any staffing implications however if the council is successful in its expression of interest for projects as part of the flexible funding or any projects in the future as part of the reinvestment strategy for the Business Rates Retention there may need to be an evaluation of the council's involvement.

## **9.0 Implications for consideration – Council Plan**

9.1 The inclusion of the Hartington/Staveley sites in the IZ submission would, if the bid were successful, potentially contribute to the Council Plan priority of Making Chesterfield a thriving borough, helping businesses to grow and securing new investment in the borough. One of the council's key activities is to work with partners and landowners to develop a delivery framework for the development of the Staveley Growth Corridor.

## **10.0 Implications for consideration – Climate Change**

10.1 The priority sector for the East Midlands IZ would be 'Green' Industries which would have a positive impact for both the region and Chesterfield.

10.2 Whilst the proposal is not specifically designed to reduce carbon emissions it has potential to generate funds that could be used to support projects and investments with climate change mitigation benefits through either directly funding eligible activity of its own or supporting activity carried out by third parties through the provision of financial support.

## **11.0 Implications for consideration – Equality and diversity**

11.1 The initial Equality Impact Assessment (Appendix B) has determined that the IZ proposal should have a positive impact as the purpose of the IZ and the Business Rates Retention is to support the regional and local economy.

11.2 Should any allocation from the flexible funding or the reinvestment strategy be allocated for use in Chesterfield, then specific Equality Impacts may need to be considered.

## **12.0 Implications for consideration – Risk management**

12.1 If Council were not to approve the inclusion of the Hartington Staveley sites in the EMIZ this would almost certainly have a negative impact on the ability of the IZ bid to go forward, especially in terms of the ability to realise the benefits of the Business Rates Retention classification. This could put at risk the council's influence within EMMCCA.

- 12.2 Forecasting the actual amount of additional business rate growth above the Baseline for the Business Rates Retention area is complex and sensitive to variables such as development timescales, occupation levels and rateable values. The uncertainty of business rate growth will need to be factored into the reinvestment strategy developed by EMMCCA.
- 12.3 EMMCCA does not control the development process and will be reliant on the private sector to bring forward viable commercial schemes. However, the support offered by the tax incentives, the flexible funding and the Business Rates Retention generating significant funds to support a sustainable and growing economy with the provision of the hard and soft infrastructure to support the 'green sector' and advance manufacturing both across the East Midlands and within the borough of Chesterfield.

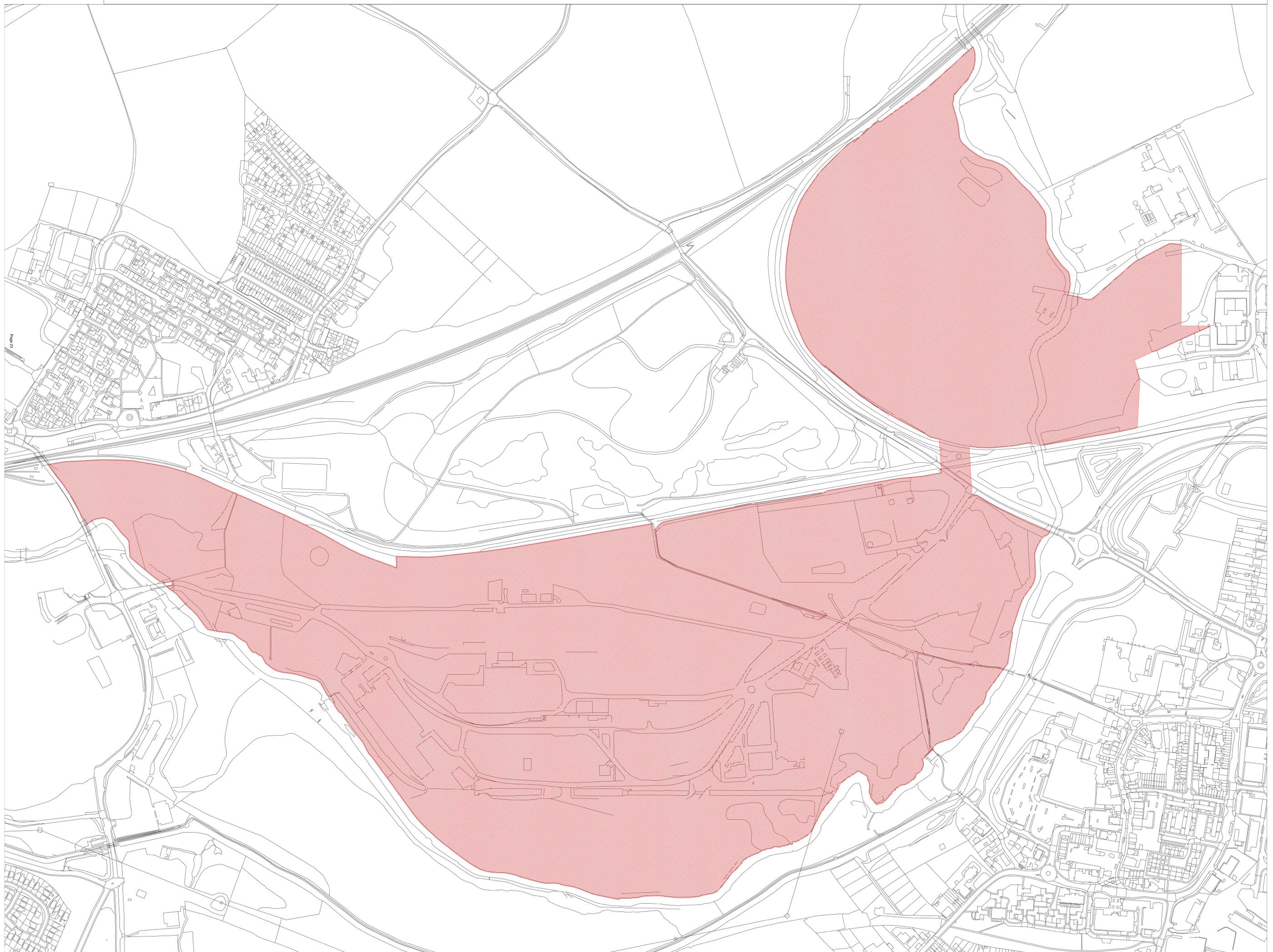
### **Decision information**

<b>Key decision number</b>	
<b>Wards affected</b>	

### **Document information**

<b>Report author</b>	<b>Contact number/email</b>
Neil Johnson	Neil.Johnson@Chesterfield.gov.uk
<b>Background documents</b> These are unpublished works which have been relied on to a material extent when the report was prepared.	
<i>This must be made available to the public for up to 4 years.</i>	
<b>Appendices to the report</b>	
Appendix A	Hartington Staveley Chesterfield IZ sites
Appendix B	Equality Impact Assessment 1311
Appendix C	Interim Governance Arrangements

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## Chesterfield Borough Council Equality Impact Assessment – Preliminary Assessment

<i>Title of the policy, project, service, function or strategy:</i>	East Midlands Investment Zone	
<i>Service Area:</i>	Economic Growth	
<i>Section:</i>	Economic Development	
<i>Lead Officer:</i>	Neil Johnson/Theresa Channell	
<i>Date of assessment:</i>	13/11/2023	
<i>Is the policy, project, service, function or strategy:</i>		
<i>Existing</i>		
<i>Changed</i>		
<i>New / Proposed</i> ✓		

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### Section 1 – Clear aims and objectives

#### 1. What is the aim of the policy, project, service, function or strategy?

The emerging, East Midlands Mayoral Combined Authority (EMMCA), has been invited to bid for an East Midlands Investment Zone, by Government. After a selection process, sites in Chesterfield have been put forward as part of the proposed Investment Zone. The sites are the former HS2 Depot site, the former Hartington Colliery and Hartington Phase 2 Business Park. If the bid is successful, the sites within the Investment Zone area will be allocated with a range of fiscal benefits (such as advanced capital allowances for end users investing on sites) by UK Treasury. This will mean that the sites should be more attractive to potential investors and end users. As part of the proposals, businesses benefiting from any fiscal benefits must operate within “green industries” or “advanced manufacturing sector.” As well as the direct site related benefits, designation of an East Midlands Investment Zone will release up to £80 million in funding to spend in site investment, skills, research and development across the EMCCA area.

Chesterfield Borough Council, as business rates billing authority has to formally agree that its sites can be included within the Zone. The Council has to formalise support as the EMCCA bid progresses through formal Government gateway criteria. This EIA is developed in support of the Cabinet paper that seeks to provide background and formalise Chesterfield’s participation in the Zone.

The principles of the Investment Zone as set by Government and Treasury are summarised below:

- The EMCCA will have "one" Investment Zone across the CA geography.

- Propositions for an IZ are expected to be led by Combined Authorities – co-developed with regional partners (LAs, research institutions) and DLUHC.
- Focus on growth of a primary economic sector to align with HMG priority sector; opportunity to define broadly where there is a genuine economic logic/intersection.
- Must be 'innovation & R&D focussed with links to Universities.'
- Expected to include large, strategic sites to accommodate significant development/growth opportunities – e.g., up to 3 tax sites to a maximum of 600ha across the region.
- IZ must focus on underdeveloped sites, avoid displacement, demonstrate private sector investment, and meet 'levelling up' targets e.g., deprivation.

## 2. Who is intended to benefit from the policy and how?

The proposals for an EMCCA Investment Zone will help contribute to the delivery of the Council's Growth Strategy. This will be done via facilitation of the development and bringing forward of economic opportunities aligned to our key development sites. The Council is to deliver the activities contained within the Chesterfield Growth Strategy with the aim 'to make Chesterfield a thriving borough, delivering environmentally sustainable growth that benefits local people.' It seeks to increase both the overall number and quality of jobs in the borough and ensure that local people have the right mix of skills to take-up the jobs which are created. The primary beneficiaries of the Investment Zone will be the current (and future) working age population of Chesterfield who will have access to quality local employment opportunities. Where an individual's access to employment is limited by work readiness / skills related issues, the strategy supports a range of activities to promote participation and progression in the labour market.

## 3. What outcomes do you want to achieve?

As mentioned above, the Economic Development Team is employed to enable the delivery of the Growth Strategy that includes a number of specified outcomes as follows.

Headline Targets (by 2030):

- Increase the number of employee jobs in the borough by 4% (2,000 jobs).
- Increase the number of businesses by 12% (400 businesses).
- Increase the number of higher value businesses by 15% (100 businesses).
- Increase the share of Chesterfield residents in knowledge-based occupations by 15% (baseline Census 21 18,000).
- Reduce the town centre vacancy rate to below 10% (baseline 13.2%).
- Increase the value of the visitor economy by 20% (baseline £163m).

- Reduce the economic inactivity rate relative to the national average (baseline Census 21, 42% v 39%).
- Maintain the 16-64 claimant count below the national average (baseline 3.2% v 3.6%).
- Narrow the 18-24 claimant count to within 1% point of the national average (currently 1.9% points).
- Increase business participation in carbon reduction initiatives in support of becoming a carbon neutral borough by 2050.

The Investment Zone submission includes specific targets for the Chesterfield based sites, contained within the Zone, please refer to column for Hartington Staveley (below):

25 years	IPD	Hartington Staveley	CEMC
Site area (ha)	165.9	87.7	39.8
Floorspace (sqm)	439,500	204,000	98,000
Investment (£m)	£750	£350	£170
Jobs (FTE)	8,600	4,500	1,900
Business rates (£m)	£260	£115	N/A
Public Cost (£m)	TBC	TBC	TBC

## Section 2 – What is the impact?

4. Summary of anticipated impacts.			
	Potentially positive impact	Potentially negative impact	No disproportionate impact
Age	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability and long-term conditions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender and gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Marriage and civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Pregnant women and people on parental leave	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Ethnicity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Religion and belief	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### Section 3 – Recommendations and monitoring

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If you have answered that the policy, project, service, function or strategy could potentially have a negative impact on any of the above characteristics then a full EIA will be required.

5. Should a full EIA be completed for this policy, project, service, function or strategy?		
Yes	✓ No	
<p><i>Please explain the reasons for this decision:</i></p> <p>It is considered that a full EIA is not required proposals will not have a potentially negative impact on any of the characteristics identified. The Economic Development team delivers skills activity that includes specific outcome targets around reducing the rate of youth (18-24 years) unemployment and reducing the level of economic inactivity amongst the working age population. This relates specifically to helping people with a disability or limiting long term condition to find meaningful employment. As such, the Investment Zone will have a potentially positive impact on both the 'age' and 'disability and long-term conditions' characteristics. A huge tranche of the £80 million that will be allocated as part of the Investment Zone will be allocated to skills activity that will contribute towards the ability of local residents to access employment opportunities generated within the Zone.</p>		

## Section 6 – Knowledge management and publication

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Please note the draft EIA should be reviewed by the appropriate Service Manager and the Policy Service **before** WBR, Lead Member, Cabinet, Council reports are produced.

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Reviewed by Head of Service/Service Manager	Name:	Neil Johnson
	Date:	13/11/23
Reviewed by Policy Service	Name:	
	Date:	
Final version of the EIA sent to Policy Service	<input checked="" type="checkbox"/>	
Decision information sent to Policy Service	<input type="checkbox"/>	

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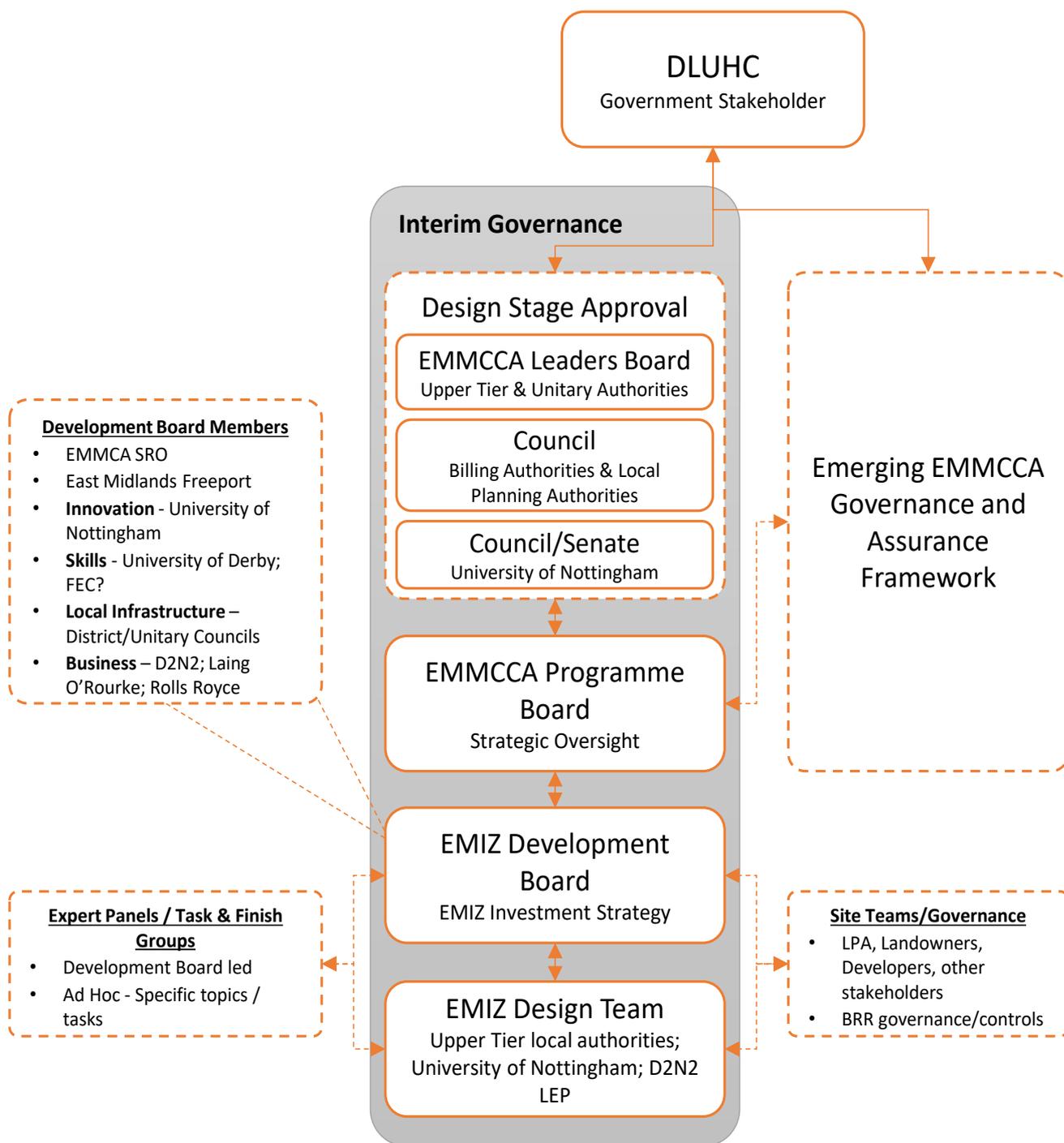


Figure 1 – Interim Governance Arrangements

Name of the group	Members	Functions	Current status	Future Status
EMMCCA Board	TBC and will be confirmed through the emerging EMMCCA Local Assurance Framework process. Expected to be elected	Decision making powers over flexible funding and retained business rates.	Currently not a body	Will become the overall decision making body once the EMMCCA has been established.

## Appendix C – IZ Interim Governance Arrangements

Name of the group	Members	Functions	Current status	Future Status
	member dominant from constituent and non-constituent authorities.	Guidance over strategic direction of the Investment Zones and the relevant sectors included in the bid.		
EMMCCA Leaders Board/ Local Authority Council or Cabinet/ University Council or Senate	Upper Tier Local Authority Council Leaders University of Nottingham CBC/DCC/SDDC Cabinets and delegated decision making powers.	Decision making over potential IZ Funding Interventions in the interim stage.  Sign off of Business Rate Retention agreements.	The designated sign off body for Gateway 5	The EMMCCA Leaders will merge in to the Future EMCCA structure.  LA Cabinets will have advisory powers.  University Council will have advisory powers
EMCCA Programme Board	Upper tier council Directors Lower Tier Council Chief Executives Shadow EMMCCA Employees D2N2 LEP CEO	Delegated decision-making powers to approve Gateway 3 and 4 of the EMIZ Process.	This Board has designated approval powers for Gateway 3 and 4 of the EMIZ Process	The Programme Board is interim and will not exist in the IZ functions after the EMCCA is established
EMIZ Development Board	Shadow EMMCCA East Midlands Freeport University of Nottingham Rolls Royce/Laing O'Rourke Upper Tier Authorities Billing Authorities for BRR Sites and tax sites. D2N2 LEP	Strategic Visioning for the sites and overall IZ Leading Workstream Delivery Partner and Stakeholder Engagement Intervention Funding recommendations	To be established post Gateway 3 approval. All members have been liaised with to date and have informed the intervention framework.	The Advisory Board on IZ for the EMCCA once it is established
EMIZ Design Team	Four Upper Tier Authorities Shadow EMMCCA D2N2 LEP University of Nottingham	Strategic Visioning for the sites and overall IZ Leading Workstream Delivery Partner and Stakeholder Engagement	Currently the delivery board for Gateway 3 and 4 and will be superseded by the EMIZ Development Board.	Will not exist when the Development Board is formed
Site Level Governance	Stakeholders from the relevant IZ Areas at (TBC): - Infinity Park Derby - Hartington/Staveley - CEMC Site	To oversee the day-to-day management of site functions and provide strategic discussion points for the EMIZ Development Board to discuss.	To be established with the relevant partners before the start of April 2024.	Site specific advisory to the EMIZ Development Board once this is in place.

The EMIZ Development Board is being established to provide clear insight and guidance around:

- Strategic direction – Government policy drivers for Investment Zones, alongside emerging priorities for EMMCCA and its constituent partners;

## Appendix C – IZ Interim Governance Arrangements

- Strategy development – developing clear investment principles informed by opportunities and challenges for Green Industries and Advanced Manufacturing at the East Midlands level; and
- Coordination – directing engagement with public and private sector partners, alongside established programmes such as the East Midlands Freeport.

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## For publication

### Fees and Charges 2024/25

<b>Meeting:</b>	Cabinet
<b>Date:</b>	12 December 2023
<b>Cabinet portfolio:</b>	Cabinet Member for Finance and Management Cabinet Member for Health and Wellbeing
<b>Directorate:</b>	Finance Leisure, Culture and Community Wellbeing
<b>For publication</b>	

#### 1.0 Purpose of report

- 1.1 This report sets out the revised policy for fees and charges and the proposed fees and charges for 2024/25, which have been developed in alignment with the Councils overall budget strategy and thematic interventions.
- 1.2 The increase in fees and charges will support the Council in achieving a balanced budget for 2024/25.

#### 2.0 Recommendations

- 2.1 To approve the fees and charges policy as set out in **Appendix A**
- 2.2 To approve the proposed fees and charges as set out in **Appendix B**, from 1 April 2024.
- 2.3 To note that the fees and charges for Open Markets, Car Parking, Venues, Leisure, and Outdoor Grass Football Pitches will be subject to separate reports.

#### 3.0 Reasons for recommendations

- 3.1 To comply with the Council's Budget Strategy for recovering fees and charges to contribute to the costs of service delivery.

#### 4.0 Report Details

##### Background

- 4.1 Like all local authorities, Chesterfield Borough Council continues to face significant financial challenges. The sustained period of austerity since 2010,

the ongoing risks and uncertainties over future funding arrangements, the budgetary impacts of the Covid-19 pandemic, the cost-of-living crisis and a sustained period of exceptionally high inflation, have all impacted on the Council's financial position.

- 4.2 The Council's Budget Strategy was approved by Council on 19 July 2023 and set out the need to drive out savings at pace, within a framework that was prudent, responsible, sustainable, and optimised to secure savings in the short- and medium-term to reduce and remove reliance on reserves, stabilising the Council's financial position and establishing affordability of Council services.
- 4.3 A detailed approach to addressing the budget gaps has been worked through with the Council's Corporate Leadership Team (CLT) and Cabinet portfolio holders over the past few months drawing on the thematic interventions set out in the Budget Strategy.

### **Increasing income and Establishing Stronger Commercial Operating Principles.**

- 4.4 The current economic climate and the prevailing high rates of inflation mean that the costs of delivering services are increasing, making it more important than ever that all services are delivered as efficiently and effectively as possible, embedding commercial operating principles to how budgets are set and managed. It is imperative that all budget holders are focused on minimising costs and waste and maximising appropriate income opportunities. This includes the need to ensure that fees and charges are regularly reviewed to ensure that wherever possible the costs of service delivery are recovered, and that there is no cross subsidy from other service areas. This is particularly important for areas of discretionary spend, where the Council does not have a statutory responsibility to deliver the service.
- 4.5 The process for reviewing the level of income has been revisited to take account of emerging factors including the prevailing economic conditions and the Council's fees and charges has been reviewed following a deep dive into all key income generating areas. This corporate approach to effective management of fees and charges will ensure the Council maximises commercial opportunities to generate income from the delivery of chargeable services. Consideration has also been given to what opportunities there are for new income generation from statutory and non-statutory services.

### **Fees and Charges Policy**

- 4.6 A key part of the fees and charges review is the development of the policy, which is attached in **Appendix A** and sets out the Councils approach to charging across the breadth of services.

- 4.7 The policy has been developed to recognise best practice nationally and to be tailored to Chesterfields circumstances with a focus on:
- understanding the total cost of delivering a service,
  - the need for a consistent and transparent process and
  - an appreciation of statutory and or regulatory restrictions on fees and charges.

### **Approach to Setting Fees and Charges**

- 4.8 It is recognised that there are a range of different factors to consider in setting fees and charges including legislative requirements and constraints, the full cost of delivering services, benchmarking with other local authorities and potential impacts upon other policy objectives.
- 4.9 As a minimum, where legislation allows, a full cost recovery model will be adopted, though there will also need to be due regard to the Council's concessionary policy, to include the recovery of both controllable costs and overheads. The revised fees and charges policy explores options for increasing rates on a more frequent basis to ensure that cost pressures are recovered.
- 4.10 It is recognised that moving to a full cost recovery model may not be immediately possible for all services, due to the existing level of charge and the increase required to get to a balanced position. In these circumstances a phased approach to full cost recovery, over a two-year period, will be adopted.
- 4.11 Assessments of all fee generating services have been undertaken to establish how they meet the Councils strategic purposes, the level of increase that is proposed and present economic conditions. The fees have been based on a robust estimate of the impact of cost increases and demand within the services and the Councils overall financial position. This includes assessing the affordability of any of these increases to our residents and customers. Increase in service delivery cost include:
- Increases in utilities cost.
  - Inflationary increases (September CPI 6.7%) resulting in increases in supplier costs and materials.
  - Recent pay award for 2023/24 which has resulted in a higher than budgeted pay increase for staff.
  - Service specific issues relating to cost increases or service usage.

### **Proposed Fees and Charges for 2024/25**

- 4.12 The proposed fees and charges are set out in **Appendix B**. The appendix sets out the proposed fee together with the overall percentage increase for 2024/25.

- 4.13 The appendix excludes fees and charges in relation to Open Markets, Car Parking, Venues, Leisure, and Outdoor Grass Football Pitches. The increases in these areas are part of a wider proposal in relation to these areas and will be subject to separate reports to Cabinet in January and February 2024.

### **Impact on the 2024/25 Budget**

- 4.14 Full cost recovery for chargeable services is a key element of the Council's fees and charges policy. This ensures that any increases in the cost of delivering chargeable services are reflected in the setting of fees and charges to avoid additional cost pressures on the Council.
- 4.15 The estimated impact of the increase in fees and charges, set out in the **Appendix A**, will be incorporated within the 2024/25 Medium-Term Financial Plan recommended to Council in February 2024.

### **Budget Conversation**

- 4.16 The Council will engage with residents and stakeholders on an ongoing basis through the budget process. A 'budget conversation' was launched in November, initially providing a general update on the Council's budget, and capturing feedback on the thematic interventions and the generality of the savings proposals via a questionnaire. There will also be focussed pieces of consultation and engagement on specific savings proposals with relevant stakeholder audiences throughout the budget conversation process. A budget conversation webpage has been established with key information.

## **5.0 Alternative options**

- 5.1 The Council can set the level of charge for each discretionary services but must have regard to the 2003 statutory guidance (General Power for Best Value Authorities)<sup>1</sup>.
- 5.2 The Council is under a general duty to secure that the income from charges for service does not exceed the cost of provision. However, the Council does not have to recover the full cost of providing the service if there are policy reasons for limiting the charge.
- 5.3 The Council has a legal duty to set a balanced budget for 2024/25 the recommendations in this report will generate additional income which will help towards a balanced position for 2024/25.

## **6.0 Implications for consideration – Financial and value for money**

- 6.1 The financial implications are set out in the body of the report.

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<https://assets.publishing.service.gov.uk/media/5a78eb9240f0b6324769b340/151291.pdf>

## **7.0 Implications for consideration – Legal**

7.1 The law requires the Council to set a balanced budget. In doing so the Council may decide to recover costs for discretionary services it provides in accordance with law and guidance and on the basis set out in this report.

## **8.0 Implications for consideration – Human resources**

8.1 There are no human resources implications associated with the suggested fees and charges.

## **9.0 Implications for consideration – Council Plan**

9.1 In preparing the budget estimates for the coming financial year and updating the MTFP, detailed consideration has been given to the need for the Council's finances to be at appropriate levels to enable the Council to deliver in full on the priorities, objectives, and commitments that it has set itself within the new Council Plan 2023 - 2027.

9.2 The preparation of sustainable and balanced budgets over the medium term is also a key activity in contributing to delivery of the third Council Plan priority 'building a more resilient council.'

## **10.0 Implications for consideration – Climate Change**

10.1 Climate Change is a key consideration in the development of the Council's annual budget and MTFP. Climate Change Impact Assessments are undertaken for specific spending options and activities and form a key part of the Council's decision making.

## **11.0 Implications for consideration – Equality and diversity**

11.1 The proposed Fees and Charges Policy sits alongside the Council's Concessions Policy, which benefits the users of council services who live, work and/or study in Chesterfield, but also includes visitors to the area. Concessions apply to a variety of people based on income disadvantage, age and other key groups. People that meet specific eligibility criteria to receive a concession will benefit from the reduced rate of charge which will help make services more affordable and therefore more accessible to them providing more equal opportunity for social involvement.

11.2 The charging models set out in the policy are designed to allow flexibility in pricing and enable external market conditions to be considered. This method can be used as a phased implementation to full cost recovery to mitigate against the impact on customers.

11.3 An Equality Impact Assessment is attached at **Appendix C**.

## 12.0 Implications for consideration – Risk management

Description of the Risk	Impact	Likelihood	Mitigating Action	Impact	Likelihood
Inability to cover costs / unit costs do not present value for money	M	L	Benchmarking against other council to ensure that fees are competitive	H	L
Reduction in demand and in customer base due to current economic climate	M	M	Open dialogue with customers about what level of service is required and ensuring the correct charges are applied	M	M

### **Decision information**

<b>Key decision number</b>	
<b>Wards affected</b>	

### **Document information**

<b>Report author</b>	<b>Contact number/email</b>
Theresa Channell	Theresa.channell@chesterfield.gov.uk
<b>Background documents</b>	
These are unpublished works which have been relied on to a material extent when the report was prepared.	
<i>This must be made available to the public for up to 4 years.</i>	
<b>Appendices to the report</b>	
Appendix A	Fees and Charges Policy
Appendix B	Schedule of Proposed Fees and Charges 2024/25
Appendix C	Equality Impact Assessment



# **Fees and Charges Policy**

## **Policy statement**

Chesterfield Borough Council is committed to ensuring a consistent approach in setting, monitoring and reviewing fees and charges, while retaining the flexibility needed to achieve the Council's social and legal obligations, as well as its commercial needs in maximising income generation.

## **1. Policy context**

- 1.1 Legislation allows the Council to choose to provide certain services to the public in the interest of the Council's area and its citizens. We refer to these services as discretionary services. The Council may choose to charge for these services and also choose to provide a concession on that charge.
- 1.2 The policy expects that decisions to vary the rate charged for discretionary services will be made in support of the Council's priorities and strategic objectives. Objectives may include the need to influence public behaviour, address inequalities of access to services due to financial or other disadvantage, as well as to manage demand and competition to sustain and improve service offer.
- 1.3 The Councils Budget Strategy sets out the financial objectives to support the delivery of the Corporate Plan. These objectives remain challenging in the context of an uncertain economic future, cost of living pressures and significantly reduced funding from the Government.
- 1.4 The current economic climate and the prevailing high rates of inflation mean that the costs of delivering services are increasing, making it more important than ever that all services are delivered as efficiently and effectively as possible, embedding commercial operating principles in how budgets are set and managed. It is imperative that all budget holders are focused on minimising costs and waste and maximising appropriate income opportunities. This includes the need to ensure that fees and charges are regularly reviewed to ensure that wherever possible the costs of service delivery are recovered, and that there is no cross subsidy from other service areas. This is particularly important for areas of discretionary spend, where the council does not have a statutory responsibility to deliver the service.

## **2. Policy charging principles**

- 2.1 The overarching aim of the policy is to embed a financial sustainable approach to setting fees and charges. The charging principles are set out below.

- All decisions on fees and charges for services and income generating activities will be taken with reference to and in support of Council priorities.
- Fees and charges will be reviewed **at least** annually in consultation with the Section 151 Officer<sup>1</sup> and in line with the Council's Constitution. This will include those services which could be charged for, but which may currently be provided free of charge.
- The full cost of delivery to be calculated and documented to enable full consideration to be given to the opportunities for improving efficiency and income from a service.
- As a general principle, fees and charges income from discretionary services should recover the full cost of delivery, except where this is prevented by legislation, market conditions or does not meet the objectives of the Council.
- Concessions to priority and target groups will be considered where this is appropriate and in accordance with any relevant government guidance. The Council's Concessions Policy is set out in the following link ([https://chesterfield.moderngov.co.uk/documents/s33894/Appendix%20A\\_Concessions%20Policy%202020.pdf](https://chesterfield.moderngov.co.uk/documents/s33894/Appendix%20A_Concessions%20Policy%202020.pdf))

### **3. Policy scope and exclusions**

- 3.1 This policy applies to the setting and reviewing of all fees and charges for Council services, where the Council has discretion to apply a charge and discretion over the level of charge applied.
- 3.2 This policy excludes:
- Charges that are determined by Central Government and external regulatory bodies.
  - Council Tax and Business Rates
  - Property Rents

### **4. Responsibilities and policy review**

- 4.1 Fees and charges will be reported to Cabinet at least annually as part of the Council's budget setting process. The report should also include an impact assessment on the proposed fees and charges in order to inform decision making. The policy expects Service Managers to be able to evidence their pricing approach through undertaking

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<sup>1</sup> Section 151 of the Local Government Act 1972 requires local authorities to make arrangements for the proper administration of their financial affairs and appoint a Section 151 Officer, also known as a Chief Financial Officer (CFO) to have responsibility for those arrangements. At the Council this is the Service Director – Finance.

benchmarking with other comparable facilities and services, through service usage statistics, and service user surveys, as appropriate.

- 4.2** Responsibility for reviewing this Policy will be that of the Service Director Finance in consultation with the responsible Cabinet Member(s). In light of constantly changing financial pressures and other circumstances this policy will be reviewed on an ongoing basis as necessary,

## **5.0 Legislation**

5.1 There are a large number of legal powers that impact on the Council's ability to charge for particular services and the legislation that governs the ability for Local Authorities to charge and generate income is complex. There are number of specific statutes that are relevant, and these include:

- The Local Authorities (Goods and Services) Act 1970 sets out the way in which local authorities are allowed to 'trade' with other public bodies. This offers flexibility and more crucially, does not limit arrangements to cost recovery.
- The Local Government Act 2003 (LGA 2003) includes a general power for local authorities to charge for discretionary services. Charges under this power are limited to cost recovery. The general power to charge for discretionary services has the following key features:
  - Authorities are under a duty to ensure that, year on year, the income from charges cannot exceed the costs of provision.
  - Authorities must already have the power to provide the service.
  - The recipient of the service must have agreed to its provision and to pay for it.
  - It does not apply to services which are mandatory i.e., services which the Council has legal duty to provide.
- LGA 2003 authorises councils to trade commercially through a company and to enter into commercial contracts. Using this provision, local authorities can trade with any person, including non-local authorities and non-public bodies for profit. The primary purpose of any company (or participation in any company) is to promote or improve well-being.
- The Localism Act 2011. This act includes a 'general power of competence' which gives local authorities the legal capacity to do anything an individual can do that is not specifically prohibited by another relevant Act.

- Section 19 Local Government (Miscellaneous Provisions) Act 1976. The power to provide recreational facilities and to charge for use of them.

## 6.0 Charging Models

6.1 The table below sets out the charging models to be used, the definition of the charge and the application.

Service Type	Definition	Application
Statutory	Service set as statutory by legislation / regulation	Charges are defined by legislation
Discretionary Full Cost Recovery	As defined by Chartered Institute of Public Finance and Accountancy (CIPFA) total cost model. The cost of the charge will include direct costs, direct overheads, corporate overheads, building and premises costs, unproductive time, capital and investment costs.	Council standard approach
At least Direct Costs	As a minimum the Council should recover the direct cost of providing the service. Where possible there should be a contribution towards overheads.	This will allow flexibility in pricing and enable external market conditions to be considered. This method can be used as a phased implementation to full cost recovery
Subsidised	This is where the direct cost of the service is not fully met.	This method should be used as an exception. The level of subsidy will be determined by reference to the nature of the service and the rationale for the subsidy.

## 7.0 Publication of Fees and Charges

7.1 The schedule of fees and charges will be published on an annual basis and be made available on the Council's website.

## 8.0 Financial Procedures

- 8.1 This Policy should be read in conjunction with the Council's Financial Regulations contained in the Constitution.

**Fees and Charges  
Schedule 2024/25**

Appendix A

Service and Charge	Detail	Current Charge 2023/24	Proposed Charge 2024/25	Overall Increase	
<b>Cemeteries</b>		£	£	£	%
<b>Interment</b>	Stillborn/ child	No charge to the bereaved			
	Adult	£1,210	£1,295	£85	7.0%
	Cremated Remains	£410	£440	£30	7.3%
	Scattering Cremated Remains	£80	£85	£5	6.3%
<b>Exclusive Right of Burial</b>	Child Grave	£125	£135	£10	8.0%
	Graves 9' x 4' - 50 years	£1,500	£1,605	£105	7.0%
	Cremated Remains	£545	£585	£40	7.3%
<b>Memorials (30 years)</b>	Headstones (3') and Footstones	£340	£365	£25	7.4%
	Headstones and Kerbs	£510	£545	£35	6.9%
	Kerbstones/Other	£180	£195	£15	8.3%
	Cremated Remains Plaque and Surrounds	£360	£385	£25	6.9%
	Additional Inscriptions	£70	£75	£5	7.1%
	Exceeding 3' Additional	£245	£260	£15	6.1%
	Temporary Memorial Scheme	£180	£195	£15	8.3%
	Communal Headstone Inscription	At Cost	At Cost		
<b>Other Charges</b>	Grave Planting	£180	£195	£15	8.3%
	Searching of Burial Register (per name)	£7	£7	£0	0.0%
	Saturday Surcharge - Full Burials	£280	£300	£20	7.1%
	Saturday Surcharge - Cremated Remains	£170	£180	£10	5.9%
	Exhumation of Cremated Remains	£410	£440	£30	7.3%
	Exhumation from Full Grave	At Cost	At Cost		
	Burials from 3.30pm onwards	£80	£85	£5	6.3%
	Transfer of Exclusive Right of Burial	£30	£30	£0	0.0%
	Top up of 50 years on ERB now expired	£180	£195	£15	8.3%
	Removal of Memorial Prior To Burial	£55	£60	£5	9.1%
	Making a Memorial Safe	£55	£60	£5	9.1%
	Memorial Bench Permit	£250	£270	£20	8.0%

**Fees and Charges  
Schedule 2024/25**

**Appendix A**

Service and Charge	Detail	Current charge 2023/24		Proposed charge 2024/25		Overall Increase	
		£	£	£	£	£	%
<b>Environmental Health</b>		Concession Price	Full Price	Concession Price	Full Price	Full Price	
<b>Pest Control - Domestic</b>	Advice - Home Visit	-	£23	-	£25	£2	8.7%
	Rats	£48	£60	£50	£65	£5	8.3%
	Mice (indoor)	£48	£60	£50	£65	£5	8.3%
	Cockroaches	£48	£60	£50	£65	£5	8.3%
	Wasps	£48	£60	£50	£65	£5	8.3%
	Ants (indoor)	£48	£60	£50	£65	£5	8.3%
	Fleas 2 Rooms	£70	£90	£75	£95	£5	5.6%
	Fleas 3 Rooms	£90	£110	£96	£115	£5	4.5%
	Fleas 4 Rooms	£104	£130	£111	£135	£5	3.8%
	Bedbugs 2 Rooms	£96	£120	£102	£125	£5	4.2%
	Bedbugs 3 Rooms	£120	£145	£128	£150	£5	3.4%
	Bedbugs 4 Rooms	£135	£165	£144	£170	£5	3.0%
<b>Pest Control - Commercial and Contracts</b>	Commercial / Contract Work		POA		POA		
	Wasps		£70		£75	£5	7.1%
	Ants		£80		£85	£5	6.3%
	Rats/ Mice		£95		£100	£5	5.3%
<b>DEFRA Permitting Fees - Annual Fees</b>	Standard process (low)		£772		£772	£0	0.0%
	Standard process (medium)		£1,161		£1,161	£0	0.0%
	Standard process (high)		£1,747		£1,747	£0	0.0%
	Vapour recovery and dry cleaners (low)		£79		£79	£0	0.0%
	Vapour recovery and dry cleaners (med)		£158		£158	£0	0.0%
	Vapour recovery and dry cleaners (high)		£237		£237	£0	0.0%
	Stage II vapour recovery (low)		£113		£113	£0	0.0%
	Stage II vapour recovery (med)		£226		£226	£0	0.0%
	Stage II vapour recovery (high)		£341		£341	£0	0.0%
	other reduced fee activities (low)		£228		£228	£0	0.0%
	other reduced fee activities (med)		£365		£365	£0	0.0%
	other reduced fee activities (high)		£548		£548	£0	0.0%
	Mobile plant (low)		£646		£646	£0	0.0%

	Mobile plant (medium)		£1,034		£1,034	£0	0.0%
	Mobile plant (high)		£1,506		£1,506	£0	0.0%
	late payment fee		£52		£52	£0	0.0%
	Standard transfer of permit		£169		£169	£0	0.0%
<b>Stray Dog Service</b>	Admin fee		£15		£20	£5	33.3%
	Kennelling fee (per day)		£30		£35	£5	16.7%
	Return to owner fee Mon - Fri		£40		£45	£5	12.5%
	Return to owner fee Saturday		£45		£65	£20	44.4%
	Return to owner fee Sunday/Public Hol		£55		£75	£20	36.4%
	Adoption fee		£0		variable		
	Veterinary fees		variable		variable		
	Transportation fees (Mon to Fri only)		£55		£60	£5	9.1%
<b>Page 49 Road Penalty Notices</b>	Littering offence (street)		£70		£150	£80	114.3%
	Littering offence (from a vehicle)		£70		£150	£80	114.3%
	Public Spaces Protection Order (dogs)		£90		£100	£10	11.1%
	Public Spaces Protection Order (town centre)		£100		£100	£0	0.0%
	Fly tipping		£330		£700	£370	112.1%
	Fly tipping (household duty of care)		£275		£350	£75	27.3%
	Community Protection Notice		£80		£100	£20	25.0%
	Smoke Free		£50		£50	£0	0.0%
<b>Environmental requests</b>	Hourly rate		£50		£60	£10	20.0%
<b>Skin Piercing</b>	Premises registration		£158		£170	£12	7.6%
	Personal registration		£158		£170	£12	7.6%
	inspection fee		£54		£58	£4	7.4%
<b>Food</b>	Food re-rate inspection		£211		£226	£15	7.1%
	Export Health Certificate		£64		£68	£4	6.3%
<b>Animal Licensing</b>	Application		£302		£323	£21	7.0%
	Additional licence activity		£80		£86	£6	7.5%
	Mid-term compliance fee		£67		£72	£5	7.5%
	Re-rate inspection		£195		£209	£14	7.2%
	Appeal fee		£195		£209	£14	7.2%
	Lost/duplicate licence		£31		£33	£2	6.5%
	Variation of licence (admin only)		£31		£33	£2	6.5%
	Variation for further inspection		£195		£209	£14	7.2%
	Vet fees		variable		variable		

**Fees and Charges  
Schedule 2024/25**

Appendix A

Service and Charge	Detail	Current Charge 2023/24	Proposed Charge 2024/25	Overall Increase	
<b>Outdoor Leisure</b>		<b>£</b>	<b>£</b>	<b>£</b>	<b>%</b>
<b>Cricket</b>	Cricket Brealey Park per season per team	£740	£815	£75	10.1%
	Cricket Queens Park	N/A	N/A		
	<u>Cricket occasional matches</u>				
	Adults - With changing accommodation	£115	£125	£10	8.3%
	Juniors - With changing accommodation	£73	£80	£7	10.0%
	Adults - Without changing accommodation	£85	£95	£10	11.2%
	Juniors - Without changing accommodation	£55	£60	£5	8.2%
<b>Tennis</b>	Casual court booking per hour	£0	£6	£6	100.0%
<b>Miniature railway per person</b>	Miniature railway per person	£2.5	£2.5	£0	0.0%
<b>Recreation ground hire</b>	Hire per day	£325	£360	£35	10.6%
	Club Hire of a designated area up to 3 hours	£30	£35	£5	16.7%
	Catering rights per mobile unit / stall	£110	£120	£10	9.1%
<b>Community Room Hire - Country parks</b>	Monday - Friday (up to 2 hours)	£35	£40	£5	12.9%
	Additional hourly rate	£20	£25	£5	25.0%
	Weekends & Bank Holiday by negotiation	POA	POA		
<b>Poolsbrook Country Park - Permits</b>	Use of metal detector at designated sites per annum	£35	£40	£5	12.9%
	Commercial fitness coach at designated sites per annum	120	130	£10	8.3%
<b>Eastwood Park - MUGA</b>	Netball - per match *	£30	£35	£5	16.7%
	Walking football - per session	25	30	£5	20.0%
	Pétanque - season	£140	£155	£15	10.7%
	* Evening fixtures incurring security and flood light expenditure				
<b>General Events</b>	Community event (fun day, awareness days)	£35	£40	£5	12.9%
	Charity event	£95	£105	£10	10.0%
	Commercial Events (Up to 500 attendees)	£1,100	£1,210	£110	10.0%
	Commercial Events (Over 500 attendees)	POA	POA		

<b>Funfairs</b>	Queen's Park – early May, Spring and August BH	1860	2045	£185	9.9%
	Eastwood Park	£1,375	£1,515	£140	10.1%
	Other Park	£725	£800	£75	10.3%
	Stand Road fireworks	£2,275	£2,505	£230	10.1%
<b>Circus</b>	Stand Road / Queen's Park - up to 1 week	£2,600	£2,860	£260	10.0%
	Stand Road / Queen's Park - over 1 week	£4,500	£4,950	£450	10.0%
	Smaller Circus on other sites- up to 1 week	£1,000	£1,100	£100	10.0%
	Smaller Circus on other sites- over 1 week	£1,500	£1,650	£150	10.0%
	Ground Bond	£500	£500	£0	0.0%

**Fees and Charges  
Schedule 2024/25**

**Appendix A**

Service and Charge	Detail	Current charge 2023/24			Proposed charge 2024/25			Overall Increase	
<b>Waste Service</b>		£	£	£	£	£	£	%	
<b>Commercial and Clinical</b>	Receptacle size	Hire	Collection and Disposal	Total	Hire	Collection and Disposal	Total	Total	
	110	£120	£995	£1,115	£130	£1,075	£1,205	£90	8.0%
	660	£100	£695	£795	£109	£751	£860	£65	8.1%
	360	£40	£444	£484	£45	£480	£525	£41	8.4%
	240	£25	£345	£370	£25	£375	£400	£30	8.1%
	140	£15	£245	£260	£15	£265	£280	£20	7.5%
	Sack	£0	£195	£195	£0	£215	£215	£20	10.3%
<b>Chargeable Households</b>	Receptacle size	Hire	Collection and Disposal	Total	Hire	Collection and Disposal	Total	Total	
	110	£121	£390	£511	£131	£420	£551	£40	7.8%
	660	£100	£300	£400	£111	£324	£435	£35	8.8%
	360	£40	£206	£246	£43	£222	£265	£19	7.7%
	240	£30	£150	£180	£32	£163	£195	£15	8.3%
		Sack	£0	£130	£130	£0	£140	£140	£10
<b>Charitable Shops</b>	Receptacle size	Hire	Collection and Disposal	Total	Hire	Collection and Disposal	Total	Total	
	110	£0	£155	£155	£0	£170	£170	£15	9.7%
	660	£0	£140	£140	£0	£150	£150	£10	7.1%
	360	£0	£65	£65	£0	£70	£70	£5	7.7%
	240	£0	£0	£0	£0	£0	£0	£0	0.0%
		Sack	£0	£0	£0	£0	£0	£0	£0

Registered Charity	Receptacle size	Hire	Collection and Disposal	Total	Hire	Collection and Disposal	Total	Total	
	110	£125	£965	£1,090	£135	£1,045	£1,180	£90	8.3%
660	£100	£625	£725	£110	£690	£800	£75	10.3%	
360	£40	£320	£360	£43	£348	£391	£31	8.6%	
240	£30	£225	£255	£32	£243	£275	£20	7.8%	
<b>Mixed Hereditament Allowance</b>			£70			£81	£11	15.7%	
<b>Household one off Collection and Disposal</b>	Normal times		£140			£150	£10	7.1%	
	Overtime		£170			£185	£15	8.8%	
<b>Commercial one-off Collection and Disposal</b>	Normal times		£330			£356	£26	7.9%	
	Overtime		£370			£400	£30	8.1%	
<b>Provision of New Wheeled Bin Domestic</b>	1 Bin		£55			£60	£5	9.1%	
	2 Bins		£90			£100	£10	11.1%	
	3 Bins		£105			£115	£10	9.5%	
<b>Bulky Items</b>			Concession price	Full Price		Concession price	Full Price	Full Price	
	one item		£20	£25		£25	£30	£5	20.0%
	two to five items		£30	£35		£35	£40	£5	14.3%
	six to ten items		£35	£40		£40	£45	£5	12.5%
	fridges and freezers (per unit)		£20	£25		£25	£30	£5	20.0%

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<i>Title of the policy, project, service, function or strategy:</i>		Fees and Charges Policy
<i>Service Area:</i>	Finance	
<i>Section:</i>	Finance	
<i>Lead Officer:</i>	Theresa Channell	
<i>Date of assessment:</i>	11/23	
<i>Is the policy, project, service, function or strategy:</i>		
<i>Existing</i>	<input type="checkbox"/>	
<i>Changed</i>	<input checked="" type="checkbox"/>	
<i>New / Proposed</i>	<input type="checkbox"/>	

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**Section 1 – Clear aims and objectives**

<b>1. What is the aim of the policy, project, service, function or strategy?</b>
<p>To establish a revised policy for fees and charges and the proposes fees and charges for 2024/25, which have been developed in alignment with the Council’s overall budget strategy and thematic interventions. The policy will enable a consistent approach to all of the Council’s fees and charges.</p> <p>The increase in fees and charges will support the Council in achieving a balanced budget for 2024/25.</p>
<b>2. Who is intended to benefit from the policy and how?</b>
<p>The council, like local authorities across the country, is facing extreme pressures on our budgets, due to a variety of factors outside of our control. These include ongoing risks and uncertainties over future Government funding, the long-term financial impact of Covid-19 and a period of exceptionally high inflation which means the cost of buying goods, services and contracts has risen across the board.</p> <p>The Council needs to set a balanced budget for 24/25 and develop a medium-term financial plan. The fees and charges policy will enable the Council to take steps to close the gap and balance the budget, providing a consistent framework within which to set fees</p>

and charges and ensuring that wherever possible, discretionary services are cost neutral and not subsidised by the Council. This will benefit the local community by ensuring the Council is able to continue statutory services in the most efficient way, and where possible, that it can continue to provide those discretionary services that matter most to people, but we will need to move towards delivering these in a cost neutral way.

The proposed Fees and Charges Policy sits alongside the Council's Concessions Policy, which benefits the users of council services who live, work and/or study in Chesterfield, but also includes visitors to the area. Concessions apply to a variety of people based on income disadvantage, age and other key groups.

People that meet specific eligibility criteria to receive a concession will benefit from the reduced rate of charge which will help make services more affordable and therefore more accessible to them providing more equal opportunity for social involvement.

The charging models set out in the policy are designed to allow flexibility in pricing and enable external market conditions to be considered. This method can be used as a phased implementation to full cost recovery to mitigate against the impact on customers.

### **3. What outcomes do you want to achieve?**

To, wherever possible, recover the full cost of providing discretionary services, including direct costs, direct overheads, corporate overheads, building and premises costs, unproductive time, capital and investment costs. This will support the delivery of the Council's Budget Strategy.

The Fees and Charges Policy is complimented by the Council's Concessions Policy, which offers a reduced rate of charge to customers who meet the eligibility criteria. For those people meeting the disadvantaged criteria specified in the policy, concessions will provide an inducement to use the services in the interests of their general wellbeing by creating greater equality of access, social inclusion, physical and mental health improvement, and education and learning. This will directly assist the council in meeting a number of its social responsibilities, and strategic aims and objectives.

### **4. What barriers exist for both the Council and the groups/people with protected characteristics to enable these outcomes to be achieved?**

There are financial barriers to the council due to ongoing control and reductions by government of local government funding, alongside the requirement for the council to become self-funded. The council needs to target its resources more carefully to areas of most need and review and adjust its policies accordingly.

Statutory service charges are defined by legislation, and historically, the Council has subsidised the provision of many discretionary

services, which it can no longer afford to do. However, the Council is dependent upon generating income to maintain a balanced budget.

## Section 2 – Collecting your information.

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### 5. What existing data sources do you have to assess the impact of the policy, project, service, function or strategy?

A schedule of charges has been produced to collate the current charge for services, the cost of providing each service, and the proposed charges.

As part of the Council's engagement activity, usage and satisfaction with services is captured via customer feedback and is broken down by protected characteristic where possible.

## Section 3 – Additional engagement activities

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### 6. Please list any additional engagement activities undertaken when developing the proposal and completing this EIA. Have those who are anticipated to be affected by the policy been consulted with?

Date	Activity	Main findings
11/23	Budget Conversation with the wider public on the Council's Budget Strategy Implementation Plan.	TBC – the initial phase of the budget conversation closes on 15 <sup>th</sup> Dec.

## Section 4 – What is the impact?

7. Summary of anticipated impacts.			
	Positive impact	Negative impact	No disproportionate impact
Age	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Disability and long-term conditions	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Gender and gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Marriage and civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Pregnant women and people on parental leave	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Ethnicity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Religion and belief	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

8. Details of anticipated positive impacts.								
a)	The associated Concessions Policy offers an inducement to encourage access to and inclusion of older and younger people in discretionary council services.							
	<input checked="" type="checkbox"/> Age	<input type="checkbox"/> Disability	<input type="checkbox"/> Gender	<input type="checkbox"/> Marriage	<input type="checkbox"/> Pregnancy	<input type="checkbox"/> Sexual orientation	<input type="checkbox"/> Ethnicity	<input type="checkbox"/> Religion
b)	The Policy offers an inducement to encourage access to and inclusion of disabled people in discretionary council services. Eligibility criteria specifically includes concessions for Carers and essential companions.							
	<input type="checkbox"/> Age	<input checked="" type="checkbox"/> Disability	<input type="checkbox"/> Gender	<input type="checkbox"/> Marriage	<input type="checkbox"/> Pregnancy	<input type="checkbox"/> Sexual orientation	<input type="checkbox"/> Ethnicity	<input type="checkbox"/> Religion
c)								
	<input type="checkbox"/> Age	<input type="checkbox"/> Disability	<input type="checkbox"/> Gender	<input type="checkbox"/> Marriage	<input type="checkbox"/> Pregnancy	<input type="checkbox"/> Sexual orientation	<input type="checkbox"/> Ethnicity	<input type="checkbox"/> Religion

**9. Details of anticipated negative impacts.**

a)	<i>Negative impact:</i>	None identified.						
	<i>Mitigating action:</i>							
	<input type="checkbox"/> Age <input type="checkbox"/> Disability <input type="checkbox"/> Gender <input type="checkbox"/> Marriage <input type="checkbox"/> Pregnancy <input type="checkbox"/> Sexual orientation <input type="checkbox"/> Ethnicity <input type="checkbox"/> Religion							
b)	<i>Negative impact:</i>							
	<i>Mitigating action:</i>							
	<input type="checkbox"/> Age <input type="checkbox"/> Disability <input type="checkbox"/> Gender <input type="checkbox"/> Marriage <input type="checkbox"/> Pregnancy <input type="checkbox"/> Sexual orientation <input type="checkbox"/> Ethnicity <input type="checkbox"/> Religion							
c)	<i>Negative impact:</i>							
	<i>Mitigating action:</i>							
	<input type="checkbox"/> Age <input type="checkbox"/> Disability <input type="checkbox"/> Gender <input type="checkbox"/> Marriage <input type="checkbox"/> Pregnancy <input type="checkbox"/> Sexual orientation <input type="checkbox"/> Ethnicity <input type="checkbox"/> Religion							

**10. Have all negative impacts identified in the table above been mitigated against with appropriate action?**

<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A	<i>If no, please explain why:</i>
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## Section 5 – Recommendations and monitoring

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**11.** How has the EIA helped to shape the policy, project, service, function or strategy or affected the recommendation or decision?

**12.** How are you going to monitor the policy, project, service, function or strategy, how often and who will be responsible?

The council's Service Director – Finance will be responsible for ongoing monitoring and review of the policy in accordance with the Council's scheme of delegation. The full review of the policy will take place at least every 2 years.

## Section 6 – Knowledge management and publication

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Please note the draft EIA should be reviewed by the appropriate Service Manager and the Policy Service **before** WBR, Lead Member, Cabinet, Council reports are produced.

Reviewed by Head of Service/Service Manager	Name:	Theresa Channell
	Date:	21 November 2023
Reviewed by Policy Service	Name:	Katy Marshall
	Date:	21 November 2023
Final version of the EIA sent to Policy Service	<input checked="" type="checkbox"/>	
Decision information sent to Policy Service	<input checked="" type="checkbox"/>	

## For publication

### Independent Remuneration Panel on Members' Allowances (GVO50)

<b>Meeting:</b>	Cabinet Council
<b>Date:</b>	12 December 2023 13 December 2023
<b>Cabinet portfolio:</b>	Governance
<b>Directorate:</b>	Corporate
<b>For publication</b>	

#### 1.0 Purpose of the report

- 1.1 To enable Full Council to consider the recommendations of the Independent Remuneration Panel (IR Panel) following its recent review of the Members' Allowances Scheme.
- 1.2 This report is due to be considered by the Cabinet at its meeting on 12 December 2023.

#### 2.0 Recommendations

- 2.1 That Full Council considers the report of the IR Panel and determines whether or not to approve some or all of the Panel's recommendations.
- 2.2 That Full Council considers any recommendations that the Cabinet might make following their consideration of the IR Panel report.
- 2.3 That the IR Panel's report be published in the press and on the Council website as set out at paragraph 6.
- 2.4 That a supplementary estimate to meet the additional costs outlined in para 5.1 is approved.
- 2.5 That Full Council expresses both its appreciation and thanks to the members of the IR Panel for the thorough and efficient way in which they carried out the review.

2.6 That the basic allowance, special responsibility allowances, subsistence allowance and Mayoral Allowance are updated annually in line with the annual percentage pay increase given to Chesterfield Borough Council employees (or by a percentage equivalent to that of the mean/median pay increase, in the event of a flat rate increase) as agreed for each financial year by the National Joint Council for Local Government Staff until 31 March, 2027 unless the Council has before then sought a further recommendation from its IR Panel on their application in this scheme.

### **3.0 Reason for recommendations**

3.1 The Council's Members' Allowances Scheme must be reviewed on a periodic basis, as required by the Local Government Act 2000 and The Local Authorities (Members' Allowances) (England) Regulations 2003.

3.2 The Council has a legal duty to have regard to the IR Panel's recommendations.

### **4.0 Report details**

4.1 This report is a synopsis of the deliberations and recommendations made by the statutory Independent Remuneration Panel ('IR Panel') appointed by Chesterfield Borough Council to advise the Council on its Members' Allowances Scheme.

The IR Panel was convened in accordance with a resolution by Cabinet on 19 September 2023 (and adopted by Council on 18 October) to carry out a full review of the members allowance scheme and to report back to the Council. The Panel was given terms of reference, and asked to make recommendations on:

- The amount of Basic Allowance
- The roles for which a Special Responsibility Allowance (SRA) will be payable and the amount of such allowances;
- Any Dependent Carers Allowances
- Pensions for Members
- Arrangements for SRAs in the event of long term illness.

In undertaking the review, the Panel would be expected to take into account:

- Allowances schemes from authorities that are comparable to Chesterfield

Borough Council which may include neighbouring authorities and other councils of similar size and characteristics (Family Group).

- The views of Members, both written and oral.
- Any other consideration as directed by the Council or brought to the Panel's attention through Member representations.
- Any other matters that the Council obliges the IRP to take into account.
- The current financial constraints facing the Council and a general expectation that the recommendations will not be financially arduous.
- Ensure that the Panel operates effectively with mutual trust and in a way that secured and maintained public confidence in its impartiality.

#### 4.2 The Panel

Chesterfield Borough Council reconvened its Panel and the following Members were appointed to carry out the independent review of allowances, namely:

**Andy Watterson** (Chair) - A resident of Chesterfield, and a Director of a Chesterfield-based mortgage business, who was previously a Member of the Independent Remuneration Panel for Leicester City Council.

**Peter Clay** - Former Banker, Retired Magistrate, Non-Executive Director NHS, Audit Chair, former Chair of Lincolnshire IRP, and a current Chair of Derbyshire County Council IRP.

**Gemma Shepherd-Etchells** - Legal Specialist and Law lecturer, a Magistrate, and also a Member of the Independent Remuneration Panels for Derbyshire and Staffordshire County Councils.

#### 4.3 The Basic Allowance

The Basic Allowance set after the 2019 Review was £6,118. By 2021 it had increased to its current level of £6,396 through indexation. Thereafter, the council has taken the decision to forego further index-linked increases. Had the Council applied the recommended indexation (the 'NJC' index), it would produce a Basic Allowance of £7,017.

Benchmarking shows that the mean Basic Allowance in the Derbyshire group of comparative authorities is £6,536 and, in the Family Group Comparator data the mean £5,822. Indicating that Chesterfield's Basic Allowance is at the upper end of the average range paid to peers.

2006 Statutory Guidance states: "*Having established what local councillors*

*do, and the hours which are devoted to these tasks the local authorities will need to take a view on the rate at which, and the number of hours for which, councillors ought to be remunerated".* The Statutory Guidance expands on the above by breaking it down to three variables - time, public service and worth of remunerated time.

#### 4.3.1 Time to fulfil duties for which the Basic Allowance is paid

After considering the previous benchmark of 14 hours per week, and taking into account the additional time requirements imposed by the reduction in the size of the council by 20%, from 48 to 40 members, it was deemed that the mean time commitment for councillors had increased by a similar amount, which equates to around 17 hours per week (885 hours or 110.5 days per year - based on an 8-hour working day).

#### 4.3.2 The Public Service Discount (PSD)

This recognises the principle that not all of what a Councillor does should be paid, due to an element of public service. The normal range for public service discount is 33%-40%.

#### 4.3.3 The rate for remuneration

According to the 2023 Office of National Statistics (ONS) Annual Survey of Hourly Earnings (ASHE - 2023), the median gross weekly salary for all full-time employee jobs within the area of the Chesterfield Borough Council was £518.80, yielding an average daily rate of £103.76. By following the methodology as set out in the 2006 Statutory Guidance with the updated variables to take into account the most recent data available, and applying a 33% Public Service Discount, suggests a Basic Allowance of £7,681.87.

#### 4.3.4 Setting the Basic Allowance

Given the previous panel's recommendations, and the fact that the Members have forgone their annual NJC index linked increases for the past year, the Panel was minded, if at all possible, to try and find a way of increasing the Basic Allowance, if affordable in the context of the wider scheme.

The panel believed that the NJC adjusted Basic Allowance of £7,017 took no account of the increased workload associated with the new structure of the council, and the panel wished to recognise the increased workload associated with this new structure.

However, it was felt that increasing the Basic Allowance to the £7,681.87 suggested by Statutory Guidance was not appropriate and, therefore, sought to achieve a suitable middle ground figure which was above the NJC Indexed figure, and below this higher amount.

By applying a slightly less generous public service discount of 36% to the Statutory Guidance, resulting in 70.72 remunerated days per year, rather than 74.035 as per the 33% discount. This yielded at figure of £7,337.91, which the panel felt would be a suitable compromise, as it offers Members an increase over the NJC indexed Basic Allowance, whilst also meeting a number of the Panels guiding principles.

**The Panel recommends setting the Basic Allowance at £7,337.91.** This represents a 14.7% on the current allowance paid (2021/22 rate).

#### 4.4 Special Responsibility Allowances

The Panel reviewed the suitability of SRAs payable to various roles across the Council, gave consideration to the levels of these, and made the recommendations set out below:

**All SRAs are increased by 5.6% from their current levels.**

The Panel also received testimony on a range of issues, and set out additional recommendations:

##### 4.4.1 Chairs and Vice Chairs of Scrutiny Committees

The Panel heard that the scrutiny function of the Council had been reprofiled since the panel last met. However, although structured differently, the overall function, and the number of remunerated roles remained the same. Therefore, the panel recommends that the SRAs for the Chairs and Vice Chairs be transposed to the new structure and be increased in line with the other SRAs.

##### 4.4.2 Vice Chairs of Committees

Despite hearing testimony questioning the validity of SRAs for Vice Chairs, the panel believed that the current scheme for remunerating Vice Chairs was adequate.

However, the panel once again highlighted the anomaly of there being no SRA for the Vice Chair of the Standards and Audit Committee. Therefore,

the Panel recommends that the **SRA for Chairs and Vice Chairs increase in line with the other SRAs**, and also recommends the **introduction of a Vice Chair SRA for the Standards and Audit Committee**, at a level similar to that of the other scrutiny committees (**£1,750.85**).

#### 4.4.3 Deputy Leader of the minority political group

There was no appetite within the minority group for the re-introduction of an SRA for the post holder.

#### 4.5 The Panel also recommends:

##### 4.5.1 Maintaining the One SRA only rule

The Council continues to adopt an across the board 'One SRA only' rule, in that, regardless of the number of remunerated posts a Member may hold, they are only able to receive one SRA (excluding Civic Allowances).

##### 4.5.2 Other Allowances

The conditions and maximum rates of the following allowances are maintained:

- Travel & Subsistence Allowance
- Telecommunications Allowance

However, the panel wishes to clarify the wording of the Telecommunications Allowance to ensure that Councillors are not negatively affected for using mobile phones instead of landlines.

The panel recommends that the wording be amended to: "**An allowance of up to £10 per month towards telecommunications charges incurred by Members (paid by monthly instalments)**".

##### 4.5.3 The Dependents' Carers' Allowance (DCA)

The panel heard that the current scheme did not come close to meeting the costs associated with arranging care for dependents whilst undertaking their duties.

Having reviewed details of the costs incurred by some members and considered the rates of DCA paid by other Authorities, the panel agreed

that an increase in the **DCA to £15 per hour**, whilst not meeting the demonstrated costs in their entirety, would lessen the financial impact to those concerned.

#### 4.5.4 Mayoral Allowance

The Panel were informed that, whilst the Basic Allowance and SRAs had been frozen since 2012/22, the Mayoral Allowance had continued to be indexed, and had already been increased for the 2023/24 financial year. Therefore, the panel recommends that the **Mayoral Allowance remains at its current level.**

#### 4.6 Arrangements for long term illness of a Committee Chair

The Panel heard that there was currently no provision for extending SRAs to a Member if covering the responsibilities of another when they were unable to perform their duties for a prolonged period due to serious illness.

Following consideration, the Panel felt that the existing provisions of the Members' Allowances Scheme did not address the issue being raised, and it may discourage councillors from stepping forward to cover a colleague's duties.

The Panel was informed that there was already a mechanism in place, whereby Members with a prolonged leave of absence due to illness can apply to the Council for an exemption from the triggering of a by-election due to non-attendance (Section 85(1) of the Local Government Act 1972) and felt that this exemption could be adopted as the triggering event for SRA Cover eligibility.

**The Panel recommends extending an SRA to any Member, whilst substituting for another Member, whilst on long term illness, under the following conditions:**

- **It is only applicable when the above illness exemption has been applied.**
- **It is limited to the duration of the illness or the period of substitution, whichever is shortest.**
- **The One SRA only rule will apply.**

#### 4.7 Confirmation of Indexing

The following allowances are indexed for 4 years from 2023/24 to 2026/27, the maximum period permitted by legislation, without reference to the Panel

as follows: Basic Allowance, SRAs, Subsistence and Mayoral Allowances.

Updated annually in line with the annual percentage pay increase given to Chesterfield Borough Council employees (and rounded to the nearest pound, as appropriate) as agreed for each year by the National Joint Council for Local Government Staff.

The panel recommends that, where a flat rate increase is applied to Council staff, that these **Allowances be increased by a percentage equivalent to the increase in the annual salary of the average council employee.**

#### 4.7.1 Dependants' Carers' Allowance

The panel suggests that the Dependants' Carers' Allowance rises in line with the Basic Allowance and SRAs.

#### 4.8 Terms of Reference

The current IRP Terms of Reference still includes the review of pensions for Members. Due to the withdrawal by Government in 2014 of the ability of Members to participate in the Local Government Pension Scheme (LGPS) means that Members now have to make their own pension provision. Therefore, the Panel **recommends the removal of this element of the Terms of Reference.**

#### 4.9 Implementation

The new scheme of allowances based on the recommendations contained in this report is adopted from **1 April 2023** or any date thereafter as agreed by the Council.

### 5.0 Alternative options

5.1 The IR Panel is independent of the Council and has put forward its recommendations. It is for the Council to consider the IR Panel's report, have regard to its recommendations and to make a decision. It does not have to accept the recommendations, if there are good reasons, and can consider alternatives.

### 6.0 Implications for consideration – Financial and value for money

- 6.1 The Local Government Boundary Commission completed a review of electoral arrangements for Chesterfield Borough Council in 2022/23. This included a reduction in Council Size from 48 members to 40, which was applied from the borough election in May 2023. This reduction in Council Size led to a saving of £51,168 in basic allowances (8 x £6,396 based on 2021 allowance figures).
- 6.2 Following the borough election, changes were made to Cabinet size with the deletion of two Assistant Cabinet Members roles. Each of which, if utilised would receive a special responsibility allowance of £4,066.
- 6.3 It was, however flagged at this time that the IRP be meeting again after the borough election and as the members allowances had not increased since 2021/22, it is likely that there will be some increased scheme costs from 2024/25.
- 6.4 The IRP recommendations will increase the members allowance costs by £55,234 for 2024/25. This is however, in line with forecasts due to similar rises in employee costs. The recommendation revised scheme gives clarity around future annual rises and the link to employee pay increases which is helpful for financial planning.

## **7.0 Implications for consideration – Legal**

- 7.1 The Council's Members' Allowances Scheme must be reviewed on a periodic basis, as required by the Local Government Act 2000 and The Local Authorities (Members' Allowances) (England) Regulations 2003.
- 7.2 The Council has appointed a panel to conduct the review and has a legal duty under the above regulations to have regard to the IR Panel's recommendations.

## **8.0 Implications for consideration – Human resources**

- 8.1 There are no specific impacts relating to human resources.

## **9.0 Implications for consideration – Council plan**

- 9.1 The role of Elected Member is key to ensuring the community needs, aspirations and views are taken into account during the development of the Council Plan. Elected members approve the Council Plan at Full Council and regularly monitor and challenge progress via Cabinet and Scrutiny Select Committees.

## **10.0 Implications for consideration – Climate change**

- 10.1 There are no specific Climate Change impacts, however having a fit for purpose members allowance scheme enables members to effectively contribute to the Climate Change agenda.

## 11.0 Implications for consideration – Equality and diversity

11.1 Equality analysis has been a key consideration during the development of the scheme. A full Equality Impact Assessment has been developed. Enhanced provisions around sickness, ill health and disability are positive impacts as is the increase in dependant carers allowance. The overall scheme helps to attract a more diverse range of potential elected members by providing fair remuneration and increased support.

## 12.0 Implications for consideration – Risk management

Description of the Risk	Impact	Likelihood	Mitigating Action	Impact	Likelihood
Inadequate remuneration and support limit diversity of potential candidates for elected members roles and this can adversely effect community representation and decision making.	M	H	Benchmarked, independently assessed scheme developed to provide fair remuneration.  Increased dependant carer allowance and new provisions around sickness.	M	M
Unsustainable scheme costs.	H	M	Benchmarked, independently assessed scheme developed to provide fair remuneration.  Future rises clearly linked to employee wage increases, enabling sound financial planning. Increased costs are inline with forecasts.	M	L

### Decision information

<b>Key decision number</b>	1191
<b>Wards affected</b>	All

### Document information

<b>Report author</b>	
IR Panel Donna Reddish Gerard Rogers	
<b>Background documents</b>	
These are unpublished works which have been relied on to a material extent when the report was prepared.	
See references in IR Panel Report	
<b>Appendices to the report</b>	
Appendix 1	IRP Report
Appendix 2	EIA

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A Review of Members' Allowances  
For  
Chesterfield Borough Council

A Report by the  
Independent Remuneration Panel

Andy Watterson (Chair)

Peter Clay

Gemma Shepherd-Etchells

November 2023

## Foreword

This latest review of the Chesterfield Borough Council Scheme of Member Allowances has taken place against a backdrop of the need for all local authorities to continue finding savings, in the context of cost of living crisis, and a downturn in the UK economy.

It has therefore been of paramount importance that the Panel avoids any recommendations which would make it more difficult for the Council to manage within its limited resources. It is also acknowledged that Allowances serve to support the roles and responsibilities undertaken by Members and, should these be seen as a barrier to public service, then the Panel is failing in its core objective.

This review also takes place in the wake of a significant change in the make up of the council, following the Local Government Boundary Commission for England's review of electoral boundaries in the Chesterfield Borough Council area, which saw the reduction in the number of councillors from 48 to 40 following the May 2023 council elections, and corresponding changes to the Cabinet and the Scrutiny functions.

Finally, the Panel is keen to emphasise its independence, none of the Panel Members have any direct association with the Council.

## EXECUTIVE SUMMARY

### Introduction

This report is a synopsis of the deliberations and recommendations made by the statutory Independent Remuneration Panel ('IRP' or 'Panel') appointed by Chesterfield Borough Council to advise the Council on its Members' Allowances Scheme.

The Panel was convened in accordance with a resolution adopted by Council to hold a full review to report back to Council.

The Panel was given terms of reference, and asked to make recommendations on:

- a) The amount of Basic Allowance
- b) The roles for which a Special Responsibility Allowance (SRA) will be payable and the amount of such allowances;
- c) Any Dependent Carers Allowances
- d) Pensions for Members
- e) Arrangements for SRAs in the event of long term illness.

In undertaking the review, the Panel would be expected to take into account:

- a) Allowances schemes from authorities that are comparable to Chesterfield Borough Council which may include neighbouring authorities and other councils of similar size and characteristics (Family Group).
- b) The views of Members, both written and oral.
- c) Any other consideration as directed by the Council or brought to the Panel's attention through Member representations.
- d) Any other matters that the Council obliges the IRP to take into account.
- e) The current financial constraints facing the Council and a general expectation that the recommendations will not be financially arduous.

And ensure that the Panel operates effectively with mutual trust and in a way that secured and maintained public confidence in its impartiality.

### The Panel

Chesterfield Borough Council reconvened its Panel and the following Members were appointed to carry out the independent review of allowances, namely:

**Andy Watterson** (Chair) A resident of Chesterfield, and a Director of a Chesterfield-based mortgage business, who was previously a Member of the Independent Remuneration Panel for Leicester City Council.

**Peter Clay** Former Banker, Retired Magistrate, Non-Executive Director NHS, Audit Chair, former Chair of Lincolnshire IRP, and a current Chair of Derbyshire County Council IRP.

**Gemma Shepherd-Etchells** Legal Specialist and Law lecturer, a Magistrate, and also a Member of the Independent Remuneration Panels for Derbyshire and Staffordshire County Councils.

## The Basic Allowance

The Basic Allowance set after the 2019 Review was £6,118. By 2021 it had increased to its current level of £6,396 through indexation. Thereafter, the council has taken the decision to forego further index-linked increases. Had the Council applied the recommended indexation (the 'NJC' index), it would produce a Basic Allowance of £7,017.

Benchmarking shows that the mean Basic Allowance in the Derbyshire group of comparative authorities is £6,536 and, in the Family Group Comparator data the mean £5,822. Indicating that Chesterfield's Basic Allowance is at the upper end of the average range paid to peers.

The Government Guidance ("the Guidance") (paragraph 67) states: "*Having established what local councillors do, and the hours which are devoted to these tasks the local authorities will need to take a view on the rate at which, and the number of hours for which, councillors ought to be remunerated*". The Guidance (paragraphs 68-69) expands on the above by breaking it down to three variables - time, public service and worth of remunerated time.

### Time to fulfil duties for which the Basic Allowance is paid

After considering the previous benchmark of 14 hours per week, and taking into account the additional time requirements imposed by the reduction in the size of the council by 20%, from 48 to 40 members, it was deemed that the mean time commitment for councillors had increased by a similar amount, which equates to around 17 hours per week (885 hours or 110.5 days per year - based on an 8-hour working day).

### The Public Service Discount (PSD)

This recognises the principle that not all of what a Councillor does should be paid, due to an element of public service. The normal range for public service discount is 33%-40%.

### The rate for remuneration

According to the 2023 Office of National Statistics (ONS) Annual Survey of Hourly Earnings (ASHE - 2023), the median gross weekly salary for all full-time employee jobs within the area of the Chesterfield Borough Council was £518.80, yielding an average daily rate of £103.76.

By following the methodology as set out in the Guidance with the updated variables to take into account the most recent data available, and applying a 33% Public Service Discount, suggests a Basic Allowance of £7,681.87.

### Setting the Basic Allowance

Given the previous panel's recommendations, and the fact that the Members have forgone their annual NJC index linked increases for the past year, the Panel was minded, if at all possible, to try and find a way of increasing the Basic Allowance, if affordable in the context of the wider scheme.

The panel believed that the NJC adjusted Basic Allowance of £7,017 took no account of the increased workload associated with the new structure of the council, and the panel wished to recognise the increased workload associated with this new structure.

However, it was felt that increasing the Basic Allowance to the £7,681.87 suggested by the Guidance was not appropriate and, therefore, sought to achieve a suitable middle ground figure which was above the NJC Indexed figure, and below this higher amount.

By applying a slightly less generous public service discount of 36% to the Guidance, resulting in 70.72 remunerated days per year, rather than 74.035 as per the 33% discount. This yielded at figure of £7,337.91, which the panel felt would be a suitable compromise, as it offers Members an increase over the NJC indexed Basic Allowance, whilst also meeting a number of the Panels guiding principles

**The Panel recommends setting the Basic Allowance at £7,337.91**

### Special Responsibility Allowances

The Panel reviewed the suitability of SRAs payable to various roles across the Council, gave consideration to the levels thereof, and made the recommendations set out below:

**All SRAs are increased by 5.6% from their current levels.**

The Panel also received testimony on a range of issues, and set out any additional recommendations below:

#### Chairs and Vice Chairs of Scrutiny Committees

The Panel heard that the scrutiny function of the Council had been reprofiled since they last met. However, whilst structured differently, the overall function, and the number of remunerated roles remained the same. Therefore, the panel recommends that the SRAs for the Chairs and Vice Chairs be transposed to the new structure, and be increased in line with the other SRAs.

#### Vice Chairs of Committees

Despite hearing testimony questioning the validity of SRAs for Vice Chairs, the panel believed that the current scheme for remunerating Vice Chairs was adequate.

However, the panel once again highlighted the anomaly of there being no SRA for the Vice Chair of the Standards and Audit Committee.

Therefore, the Panel recommends that the **SRA for Chairs and Vice Chairs increase in line with the other SRAs**, and also recommends the **introduction of a Vice Chair SRA for the Standards and Audit Committee**, at a level similar to that of the other scrutiny committees (**£1,750.85**).

#### Deputy Leader of the monitory political group

There was no appetite within the minority group for the re-introduction of an SRA for the post holder.

The Panel also recommends:

#### Maintaining the One SRA only rule

The Council continues to adopt an across the board 'One SRA only' rule, in that, regardless of the number of remunerated posts a Member may hold, they are only able to receive one SRA (excluding Civic Allowances).

#### Other Allowances

The conditions and maximum rates of the following allowances are maintained:

- Travel & Subsistence Allowance
- Telecommunications Allowance

However, the panel wishes to clarify the wording of the Telecommunications to ensure that Councillors are not negatively affected for using mobile phones instead of landlines.

The panel recommends that the wording be amended to: **“An allowance of up to £10 per month towards telecommunications charges incurred by Members (paid by monthly instalments)”**.

#### The Dependents' Carers' Allowance (DCA)

The panel heard that the current scheme did not come close to meeting the costs associated with arranging care for dependents whilst undertaking their duties.

Having reviewed details of the costs incurred by some members and considered the rates of DCA paid by other Authorities, the panel agreed that an increase in the **DCA to £15 per hour**, whilst not meeting the demonstrated costs in their entirety, would lessen the financial impact to those concerned.

#### Mayoral Allowance

The Panel were informed that, whilst the Basic Allowance and SRAs had been frozen since 2021/22, the Mayoral Allowance had continued to be indexed, and had already been increased for the 2023/24 financial year. Therefore, the panel recommends that the **Mayoral Allowance remains at its current level.**

#### Arrangements for long term illness of a Committee Chair

The Panel heard that there was currently no provision for extending SRAs to a Member if covering the responsibilities of another, when they were unable to perform their duties for a prolonged period due to serious illness.

Following consideration, the Panel felt that the existing provisions of the Members' Allowances Scheme did not address the issue being raised, and it may discourage councillors from stepping forward to cover a colleague's duties.

The Panel was informed that there was already a mechanism in place, whereby Members with a prolonged leave of absence due to illness can apply to the Council for an exemption from the triggering of a by-election due to non-attendance, and felt that this exemption could be adopted as the triggering event for SRA Cover eligibility.

**The Panel recommends extending an SRA to any Member, whilst substituting for another Member, whilst on long term illness, under the following conditions:**

- **It is only applicable when the above illness exemption has been applied.**
- **It is limited to the duration of the illness or the period of substitution, whichever is shortest.**
- **The One SRA only rule will apply.**

## Confirmation of indexing

The following allowances are indexed for 4 years from 2023/24 to 2026/27, the maximum period permitted by legislation, without reference to the Panel as follows:

### Basic Allowance, SRAs, Subsistence and Mayoral Allowances

Updated annually in line with the annual percentage pay increase given to Chesterfield Borough Council employees (and rounded to the nearest £, as appropriate) as agreed for each year by the National Joint Council for Local Government Staff.

The panel recommends that, where a flat rate increase is applied to Council staff, that these **Allowances be increased by a percentage equivalent to the increase in the annual salary of the average council employee.**

### Mileage Allowance

Indexed to the HMRC AMAP (Authorised Mileage Allowance Payments) approved mileage rates.

### Dependants' Carers' Allowance

The panel suggests that the Dependants' Carers' Allowance rises in line with the Basic Allowance and SRAs.

## Financial Impact on the Allowances Scheme

The Reduction in the number of Councillors from 48 to 40, brought about by the Local Government Boundary Review, and the discontinuation of Assistant Executive Members reduced the overall scheme cost by £55,234, whilst this increases proposed by the Panel represent an increase of £47,313.68, giving a net saving of £7,920.32.

## Terms of Reference

The current IRP Terms of Reference still includes the review of pensions for Members. Due to the withdrawal by Government in 2014 of the ability of Members to participate in the Local Government Pension Scheme (LGPS) means that Members now have to make their own pension provision. Therefore, the Panel **recommends the removal of this element of the Terms of Reference.**

## Implementation

The new scheme of allowances based on the recommendations contained in this report is adopted from **1 April 2023** or any date thereafter as agreed by the Council.

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# Independent Remuneration Panel: A Review of Members' Allowances For Chesterfield Borough Council

November 2023 Report

## 1. Introduction: The Regulatory Context

This report is a synopsis of the deliberations and recommendations made by the statutory Independent Remuneration Panel ('IRP' or 'Panel') appointed by Chesterfield Borough Council to advise the Council on its Members' Allowances Scheme.

*The Panel was convened under The Local Authorities (Members' Allowances) (England) Regulations 2003 (SI 1021) (the 2003 Regulations). These regulations, arising out of the relevant provisions in the Local Government Act 2000, require all local authorities to maintain an independent remuneration panel to review and provide advice on the Council's Members Allowances.*

This is in the context whereby full Council retains powers of determination in setting Members' Allowances, including both levels and scope of remuneration and other allowances/reimbursements.

In particular the Panel was convened in accordance with a resolution adopted by Council, in which it was agreed to hold a full review to report back to Council.

## 2. Terms of Reference

The Panel was given terms of reference: Namely, to make recommendations on:

- a) The amount of Basic Allowance
- b) The roles for which a Special Responsibility Allowance (SRA) will be payable and the amount of such allowances;
- c) Any Dependent Carers Allowances
- d) Pensions for Members
- e) Arrangements for SRAs in the event of long term illness.

In undertaking the review, the Panel would be expected to take into account:

- f) Allowances schemes from authorities that are comparable to Chesterfield Borough Council which may include neighbouring authorities and other councils of similar size and characteristics (Family Group).
- g) The views of Members, both written and oral
- h) Any other consideration as directed by the Council or brought to the Panel's attention through Member representations
- i) Any other matters that the Council obliges the IRP to take into account

- j) The current financial constraints facing the Council and a general expectation that the recommendations will not be financially arduous

And ensure that the Panel operates effectively with mutual trust and in a way that secured and maintained public confidence in its impartiality.

### 3. The Panel

Chesterfield Borough Council reconvened its Panel and the following Members were appointed to carry out the independent review of allowances, namely:

**Andy Watterson** (Chair) A resident of Chesterfield, and a Director of a Chesterfield-based mortgage business, who was previously a Member of the Independent Remuneration Panel for Leicester City Council.

**Peter Clay** Former Banker, Retired Magistrate, Non-Executive Director NHS, Audit Chair, former Chair of Lincolnshire IRP, and a current Chair of Derbyshire County Council IRP.

**Gemma Shepherd-Etchells** Legal Specialist and Law lecturer, a Magistrate, and also a Member of the Independent Remuneration Panels for Derbyshire and Staffordshire County Councils.

### 4. Process and Methodology

#### 4.1 Evidence Reviewed by the Panel

The Panel met at Chesterfield Town Hall on 17 October 2023 to consider the evidence and hear representations, including factual briefings on the Council by Officers.

All Members were invited to make written submissions to the Panel and all Members who wished to meet with the Panel were accommodated as far as practically possible.

The Panel also reviewed relevant written information, such as council and committee meetings schedules, benchmarking data, Guidance, etc.

The Panel meetings were held in private session to enable it to meet with Members and Officers and consider the evidence in confidence.

#### 4.2 Benchmarking: Derbyshire and Family Group Comparator Authorities

In accordance with the factors the Panel was asked to consider in making recommendations regarding its terms of reference, the Panel has benchmarked the scope and levels of allowances paid to Chesterfield Councillors against two groups of councils:

- Family Group Comparator Authorities: These councils formed the core benchmarking group in that they are the most similar in size, functions and governance model to Chesterfield and therefore are the most relevant comparators for comparing remuneration of similar roles and responsibilities.
- Derbyshire Councils: The allowances paid (2023/24) in the 9 Derbyshire councils.

While it can be difficult to make systematic comparisons consistently, the Panel has undertaken benchmarking, where relevant figures can be obtained, against these two groups of councils to provide a more balanced perspective.

The Panel has not been driven by Allowances paid across the comparator authorities, but it was concerned to understand how the issues under review have been addressed elsewhere, i.e. what is the most common and good practice.

Moreover, it was important to place the Chesterfield Borough Council Allowances Scheme in a comparative perspective. Leaving aside the fact that this only gives relative values and is less of a guide to the real worth of a councillor's work, it informs elected Members on the wider picture, and assists in highlighting any anomalies in Chesterfield's remuneration and support scheme.

#### 4.3 Benchmarking: the Guidance

Whilst comparing the Basic Allowance with comparable authorities helps to demonstrate where it lies within the context of similar and neighbouring authorities, it does not always give transparency in regard to how that level of remuneration has been arrived at. By benchmarking the current Basic Allowance against the Guidance, the panel has sought to ensure that the level of remuneration sits broadly in line with the Guidance, and helps to demonstrate a clear rationale behind how the level of remuneration has been determined.

## 5. Principles and Key Messages

To ensure that its recommendations are on a sound footing the Panel adopted a number of common principles of remuneration. By bearing these principles in mind the Panel has sought to bring consistency and robustness to its recommendations.

### 5.1 Transparency

Members' allowances and support should be transparent in that the basis of remuneration and support should be understood by both Members and Officers and importantly, the public. In addition, the allowances and support that Members receive should be apparent and readily understood by both Members and the public.

### 5.2 Straightforward to administer

Members' allowances and support should not be administratively burdensome to claim by Members nor costly to manage.

### 5.3 Equity

Members' allowances and support should be fair in that it provides a degree of recompense for workload and responsibility yet not create too many differentials in remuneration. Allowances should also be equitable when compared to peers in the two groups of council utilised for benchmarking purposes.

## 5.4 Accountability

It is important in the post MPs expenses scandal that Members are able to give account of their remuneration and support. Public perception should not be negative. As Members ultimately determine their own allowances and support, on advice from the Panel, they should be able to justify to the public their remuneration and support in terms of their own workloads and responsibility and in a comparative context.

## 5.5 Reduce barriers to public service

In setting remuneration and support for employees a standard principle is that it should encourage recruitment and retention. The policy intention behind the requirement to establish a Members' Allowances scheme for all English councils is to enable and facilitate Members' roles and responsibilities as far as practically possible, while taking into account such factors as the nature of the council, local economic conditions and good practice.

The Panel also observed that members' allowances schemes are not intended to be paid at full 'market rates', as allowances would have to be at a level so high as not to be publicly acceptable or in accordance with the terms of reference.

The desire to serve local communities and residents is the prime motive for being a Councillor. For Members, remuneration should not be seen as a driver in citizens putting themselves forward to stand for council, as it negates the public service principle that is inherent in a Member's role. Yet, nor should remuneration be at a level that excludes many underrepresented groups from standing for Council because it would impose undue financial pressures on them.

As such the Panel is keen to ensure that allowances and support enable Members and potential Members to undertake their duties without having to personally subsidise their public service.

## 5.6 Value for Money

This principle has already been put in place by the Panel as it has to take into account the current financial constraints facing the Council. In addition, this principle is built into the process by legislation. Moreover, the Panel is the means by which periodic public scrutiny is brought to bear on Members' allowances and support. It is incumbent upon the Panel to ensure that its recommendations represent value for money.

## 6. Recommendations - the Basic Allowance

### 6.1 Local Government Boundary Review – May 2023

Following the Local Government Boundary Commission for England’s review of electoral boundaries in the Chesterfield Borough Council area, new electoral arrangements came into force following the May 2023 council elections. Key changes included:

- A reduction in Council size from 48 elected members to 40.
- The average number of electors per councillor will rise from 1,633 to 1,960 based on the reduction in councillor numbers and then rise year on year to 2,108 by 2027 due to housing and population growth.
- Move from 19 wards to 16 wards with almost all ward boundaries being changed.

The panel heard representation from various Members in respect of how these changes had affected their workload, although there was no consensus on the extent to which this had been impacted.

### 6.2 Benchmarking the Basic Allowance against comparable authorities

Benchmarking against comparable authorities was more difficult for this Panel than in previous years, as no official data was available. Therefore, the panel undertook to research publicly available information to ascertain the amounts of the Basic Allowances paid in other Derbyshire Authorities, as well as those Authorities listed in the 2019 Family Group.

Unfortunately, in some instances, 2022/23 data was not available, so the most recent data was used for reference. Albeit that a margin of error should be incorporated into the panel’s thinking.

Benchmarking shows that the mean Basic Allowance in the Derbyshire group of comparative authorities is £6,536 with a median Basic Allowance of £5,444.

The Family Group Comparator data shows that the mean Basic Allowance was £5,822 - see table 1 below. This shows that the Chesterfield Borough Council Basic Allowance is at the upper end of the average range paid to peers.

**Table 6.1: Benchmarking the Basic Allowance**  
**Benchmarking Group & Year Measure Basic Allowance**

Derbyshire Authorities (22/23) Mean	£6,536
Derbyshire Authorities (22/23) Median	£5,444
Family Group Comparator Authorities (22/23) Mean	£5,822

### 6.3 Indexing the Basic Allowance

The basis of the current Basic Allowance goes back to the 2019 Review, which recommended it be set at £6,118, which the Council accepted. By 2022 it had increased to

its current level through indexation. Thereafter, the council has taken the decision to forego further increases, resulting in a current allowance of £6,396.

Whilst the panel appreciates that comparison against the benchmarking data may be seen as a sufficient reason to recommend a continued freeze to the Basic Allowance, the Panel acknowledges that it has been frozen since 2022, contrary to the recommendation of the 2019 Panel, and that Members aren't immune to the current cost-of-living crisis. Furthermore, whilst higher than the mean, this figure is still within acceptable range, and is less than some Derbyshire and Family Group authorities.

Notwithstanding the Members decision to freeze the basic allowance after 2022, the indexation of the basic allowance for 2023 becomes problematic due to the fact that the NJC implemented a flat rate increase across all local government staff of £1,925. The application of this figure to Members in its entirety would constitute a disproportionate increase on the previous basic allowance, and pays no consideration to the Guidance.

Whilst no precise data was available at the time of the panel convening, it is understood that the figure of £1,925 equates to approximately 5.6% of the mean pay per council employee in 2022/23.

Had the council applied a similar proportion increase to the basic allowance for 2022/23, rather than since deciding to freeze allowances at their 2022 levels, it would produce a basic allowance of £6,754.

Whilst, no agreement had been reached in relation to the NJC pay award for 2023/24 by the time of this report, it was indicated that the figure could be approximately 3.88%. Were that similar increase to be applied, the 2023/24 Basic Allowance would have been £7,017 - see table 6.2 below:

**Table 6.2: Applying the NJC Index to the Basic Allowance**  
**Applicable year NJC index Indexed Basic Allowance**

	% NJC increase	SRA
2019/20		£6,118
2020/21	2.75%	£6,286
2021/22	1.75%	£6,396 – current level
2022/23	5.6%	£6,754
2023/24	3.88%	£7,017

#### 6.4 Benchmarking the Basic Allowance in line with the Guidance

In arriving at recommendations, the Panel is required to pay regard to the Guidance. In considering the Basic Allowance the Guidance (paragraph 67) states:

Having established what local councillors do, and the hours which are devoted to these tasks the local authorities will need to take a view on the rate at which, and the number of hours for which, councillors ought to be remunerated. The Guidance (paragraphs 68-69) expands on the above statement by breaking it down to three variables - time, public service and worth of remunerated time.

#### Time to fulfil duties for which the Basic Allowance is paid

The Basic Allowance is primarily a time-based payment (see Guidance paragraph 10). It is paid to compensate for workload. Obviously, Members work in different ways and have varying commitments and the time spent on council duties varies. Yet, the Basic Allowance is a flat rate allowance that must be paid equally to all Members, so the time assessment is typically taken as the average to carry out all those duties for which the Basic Allowance is paid, including preparing for and attending meetings of the Council and its committees/panels (formal and informal), addressing constituents' concerns, representing and engaging with local communities, external appointments and other associated work including telephone calls, emails and meetings with Officers. The previous panel deemed that the mean hourly requirement to adequately discharge council duties was approximately 14 hours per week.

However, in the intervening period, a review has been conducted by the Local Government Boundary Commission for England and, as a result, the number of councillors was reduced from 48 to 40, a reduction of 20%, and the average number of electors per councillor increased by a similar percentage, from 1,633 to 1,960.

As previously stated, there was no consensus amongst consultees in respect of how the changes to the Ward boundaries had impacted their workload. Whilst all agreed that the time taken to fulfil their duties as councillor had increased, the extent to which their roles had become more demanding on their time differed significantly.

After consideration, and following conversations with Officers, it was agreed that it would be reasonable to assume that, if the number of electors per councillor had increased by 20%, a similar increase in the hours required to undertake their duties, to 17 hours per week, seemed reasonable. For the purposes of benchmarking the Basic Allowance against the Guidance, the Panel has equated this to an average 884 hours per year or 110.5 days per year, based on an 8-hour working day, as the expected time input from Members for their Basic Allowance.

The Panel recognises that some Members who hold no positions do put in more than 17 hours per week. However, the point is that the Panel is explicitly recognising that being an elected Member is not required to be full time, indeed there is no legislative basis for such a view, and the Basic Allowance is not designed to support full time Members at this level.

#### The Public Service Discount (PSD)

The Public Service Discount (PSD) recognises the principle that not all of what a Councillor does should be remunerated – there is an element of public service. Typically, this voluntary principle is realised by discounting an element of the expected time inputs associated with the Basic Allowance. The normal range for this public service discount is between 33% - 40%, largely on the basis this is broadly in line with the proportion of time backbenchers spend dealing with constituents, surgeries and general enquiries from citizens.

By adopting the same methodology as the previous panel, and applying the most generous voluntary discount of 33% off the expected time input of 110.5 days per year, 33% of that time (36.465 days per year) are deemed to be public service and not paid, leaving 74.035 remunerated days per year.

The rate for remuneration

According to the 2023 Office of National Statistics (ONS) Annual Survey of Hourly Earnings (ASHE - 2023), the median gross weekly salary for all full-time employee jobs within the area of the Chesterfield Borough Council was £518.80, yielding an average daily rate of £103.76.

**Table 6.3: Weekly pay - Gross (£) - For all employees: United Kingdom by Local Authority, 2023 (ASHE 2023 - Table 7.1a)**

Local Authority	Code	Jobs (,000)	Median	% change	Mean	% change
<b>East Midlands</b>	E12000004	1,823	527.8	6.5	589.5	5.7
Derbyshire	E10000007	261	521.2	7.4	569.7	7.9
Amber Valley	E07000032	36	542.0	13.2	590.3	12.5
Bolsover	E07000033	29	508.3	4.2	594.7	7.1
Chesterfield	E07000034	51	518.8	13.0	585.4	14.6
Derbyshire Dales	E07000035	32	494.8	7.9	516.4	3.3
Erewash	E07000036	32	537.3	-1.3	569.8	3.0
High Peak	E07000037	25	511.5	6.5	555.8	4.9
North East Derbyshire	E07000038	25	514.4	3.8	566.5	8.1
South Derbyshire	E07000039	31	553.4	6.9	565.0	5.8
Derby UA	E06000015	124	621.3	7.7	709.0	9.5
<b>East Midlands</b>	E12000004	1,823	527.8	6.5	589.5	5.7

By following the methodology as set out in the Guidance with the updated variables to take into account the most recent data available, it produces the following recalibrated Basic Allowance:

**Table 6.4: Benchmarked Basic Allowance – Guidance**

Remunerated Days per year (as determined above)	110.5 days per year
Less 33% Public Service Discount	36.465 days
Remunerated days per year	74.035 days per year
Day rate	£103.76
Benchmarked Basic Allowance	£7,681.87

## 6.5 Setting the Basic Allowance

The panel acknowledges the recommendations of the previous panel, which recommended that the Basic Allowance be increased annually in line with the pay awards made to council staff, and the fact that the Members have forgone an increase the past two years.

For these reasons, the Panel was minded, if at all possible, to try and find a way of increasing the Basic Allowance, if such an increase was not burdensome on the wider scheme.

Whilst the figure set by applying the Guidance (£7,681.87) sits significantly above the NJC adjusted Basic Allowance (£7,017), the indexed allowance takes no account of the increased workload associated with the new structure of the council, and the panel wished to recognise the increased workload associated with this new structure.

However, it was felt that increasing the Basic Allowance to the £7,681.87 suggested by the Guidance was perhaps over generous, and may not meet the Panel's Guiding Principles, in terms of Accountability or Value For Money.

Therefore, the panel sought to achieve a suitable middle ground, by endeavouring to find a suitable figure above the NJC Indexed figure, and below this higher amount.

The Panel felt that if it were to employ the slightly less generous public service discount of 36% to the Guidance then, of the expected time input of 110.5 days per year, 39.78 days are deemed to be public service and not paid, leaving 70.72 remunerated days per year, rather than 74.035 as per the 33% discount. This yielded at figure of £7,337.91.

The panel felt that the use of this figure would be a suitable compromise, as it offers Members an increase over the NJC indexed Basic Allowance, whilst also meeting a number of the Panels guiding principles:

Transparency: the basis of the increase is benchmarked against publicly available information and readily understood

Accountability: it is readily defensible and robust, in that it is less than actual cost of living increases since 2022

Value for money: the revised Basic Allowance is broadly equidistant between the averages of the benchmarking group of Derbyshire councils (£6,536) and the upper limit of the Guidance (£7,681.87).

**The Panel recommends setting the Basic Allowance at £7,337.91.**

## 7. Special Responsibility Allowances

The Panel recognised that the SRAs had not increased since 2021/22, so felt that an uplift could be justified. However, a full reinstatement of the foregone increases did not feel appropriate, as the increase in the Basic Allowance would have already increased the overall remuneration of SRA holders.

It was felt that applying one year's indexing, as per the highest year's (2022/23) percentage, of 5.6% represented a middle ground, and should be applied to all SRAs.

The Panel reviewed the suitability of SRAs payable to various roles across the Council, gave consideration to the levels thereof, and made the recommendations set out below:

### 7.1 Executive Leader & Deputy Leader of the Council

When the panel was last convened, the leader and deputy leader continued to work closely with their counterparts in the Sheffield City Region LEP area and the Mayoral Combined Authority, in addition to their D2N2 commitments.

Having heard testimony from the Leader, the Panel appreciates that, whilst the political landscape has changed over recent years, the economic geography of Chesterfield remains the same, and that the postholders continued to engage with key stakeholders across the region, and represent Chesterfield on a board array of outside bodies. Therefore, the Leader

and Deputy Leader's SRAs were considered commensurate with their roles and only the recommended indexation be applied.

**The panel recommends that these SRAs be increased to £31,291.35 for the Leader, and £17,213.90 for the Deputy.**

## 7.2 Executive Member with portfolio and Assistant Executive Member

The Panel was informed that, following the reduction in council size, the provision for Assistant Executive Member had ceased. Therefore, with that role no longer existing, the SRA annexed to that appointment would likewise cease.

At the time of the 2019 Review of Member Allowances, there were 3 Assistant Executive Members. However, prior to their discontinuation, this number had reduced to one. The withdrawal of this SRA yields a saving of £4,066 per annum.

The panel heard testimony that the last remaining Assistant Executive Member, prior to the past election, was annexed to the Portfolio for Health and Wellbeing, due to the size of that portfolio and, therefore, that the Cabinet Member for that Portfolio had been directly affected by the decision to dispense with Assistants.

The panel noted in the report of 4 April 2023 that a review of the portfolio responsibilities was recommended, as there had been a number of changes since the last election which had created some overlap areas and, in some cases, an uneven distribution in duties.

The panel considered that this indicated that, if not already completed, the council was working towards an even distribution of duties amongst Cabinet Members and, therefore, the SRAs payable to Executive Members should be equal across all portfolios.

**The panel recommends that the SRA payable to Executive Members be increased to £8,588.45.**

**The Panel recommends that the Assistant Members SRA be discontinued.**

## 7.3 Committee Chairs and Vice Chairs

The panel were informed that, following the reduction in the size of the council, the number of seats on the various committees had been reduced. However, whilst the membership of those committees had changed, the function of those committees had not, and there had been no apparent change in the requirements for Chairs and Vice-Chairs.

However, the panel did receive testimony arguing for the removal of Special Responsibility Allowances for Vice Chairs of Committees, owing to the irregularity with which Vice Chairs actually deputise for their respective Chairs.

In considering the SRAs for Vice Chairs, the panel revisited the 2019 report, which undertook a review of the SRAs payable to Vice Chairs, and subsequently reduced them for the majority of committees.

That report stated that, in spite of only a handful of meetings being chaired by the Vice Chair, *"The job description for Vice-Chairs highlights that their main contribution is to support their Chairs as appropriate and act as a sounding board and source of advice. As such the Panel is content that there is a role for Vice-Chairs that merits an SRA"*, but noted

that their workload and, therefore, their responsibility was demonstratively less than the 50% of their respective Chairs for which they were then remunerated and, therefore, reduced the SRAs to the 33% at which they stand currently (with the exception of Planning and Appeals & Regulatory, which remained at 50%).

The Panel felt that argument for the removal of Vice Chair SRAs was not substantively different from the situation in 2019, when the allowances scheme was last reviewed, so didn't warrant further review.

[The recommendations of the panel in respect of SRAs for Chairs and Vice Chairs is detailed below:](#)

#### 7.3.1 Planning Committee and Appeals & Regulatory Committee

No evidence was received to indicate that the current SRAs merited revision, so just the recommended indexation should be applied.

**The Panel recommends increasing the SRA to £6,351.84 for the Chairs of these Committees and £3,176.45 for the Vice Chairs.**

#### 7.3.2 Standards & Audit Committee

No evidence was received to indicate that the current SRA for the Chair of the Standards & Audit Committee merited revision, so just the recommended indexation should be applied.

However, when the previous Panel was convened, it noted that the role of the Standards & Audit Committee had changed significantly and had started to play a more crucial role in the oversight of the council's governance, similar to that of the other scrutiny committees in holding the council to account, which still appeared to be the case this time.

In light of the above, the previous Panel increased the Chair's SRA in line with the Chairs of the Scrutiny Committees. However, the panel's recommendation for the introduction of a corresponding SRA for the Vice-Chair was not implemented.

This Panel continues to believe that, if it is to achieve its aim of a fair and equitable scheme, the Vice-Chair warranted the same level of remuneration as that for the Vice Chairs of other scrutiny committees.

**The Panel recommends increasing the SRA for the Chair of the Standards & Audit Committee to £5,248.32.**

**The Panel recommends the introduction of an SRA for the Vice Chair of Standards & Audit Committee, at a level similar to that of the other scrutiny committees (£1,750.85).**

#### 7.3.3 Chair of the Licensing Committee

No evidence was received to indicate that the current SRA merited revision, so just the recommended indexation should be applied.

**The Panel recommends increasing the SRA to £5,248.32.**

#### 7.3.4 Chair of the Employment & General Committee

No evidence was received to indicate that the current SRA merited revision, so just the recommended indexation should be applied.

**The Panel recommends increasing the SRA to £3,935.71.**

#### 7.3.5 Chairs and Vice-Chairs of the Scrutiny Committees

The panel heard that the Overview and Scrutiny function of the Council had been reprofiled, with the Community, Customer & Organisational, and the Enterprise and Wellbeing Scrutiny Committees being replaced with Scrutiny Committees for Resilient Council, and for Economic Growth and Communities.

The Overview and Performance Scrutiny Forum, which also previously sat in conjunction with the above committees has been discontinued. However, the Chairing of this committee alternated between the Chairs of the two Overview and Scrutiny Committees, and this was factored in to their SRAs. There was no separate SRA for this Committee.

Given that the function of Scrutiny Committees, whilst structured differently, is broadly the same, and there remains two remunerated Chairs and Vice Chairs, the SRAs available under the previous scheme should be extended to the current structure, and the recommended indexing applied.

**The Panel recommends increasing the SRA for Chairs and Vice-Chairs of Scrutiny Committees to £5,248.32 and £1,750.85 respectively.**

#### 7.4 Leader of the minority political group

The Chesterfield Allowances Scheme provides for an SRA for the Majority Opposition Group Leader at a slightly higher level than that paid to Cabinet Members.

The Panel felt that, whilst this SRA is higher than the average across both the Derbyshire Authorities and the Family Group Comparator Authorities, it recognises that the Minority Group Leader, as the only non-majority party member on Cabinet, plays an important role.

Since no evidence was heard to demonstrate any dissatisfaction at the level of this SRA, the Panel did not see any requirement to recommend any amendment, other than the application of indexing.

**The Panel recommends that the SRA for the Minority Group Leader be increased to £9,782.78.**

## 7.5 Deputy Leader of the minority political group

The 2015 panel discontinued the SRA for the Deputy Leader of the minority political group, noting that, *“as a result of the significant decrease in size of the main opposition group, ...it could now no longer be justified to allocate an SRA to the position of deputy leader”*, yet asserted that *“if the size of the principal minority group were to increase significantly in future, the case for re-instating the SRA for deputy leader would need to be reconsidered panel”*.

The 2019 panel recommended the reintroduction of an SRA, due to the main opposition group making up over one-third of the Council, and recommended the introduction of a qualification limit whereby, should the main opposition group constitute less than a required proportion of the Council, the Deputy Leader SRA would be suspended. This recommendation was not adopted and, in the intervening time, the size of the opposition party has reduced.

**Table 7.4: Council representation by party: 2015 v 2019 v 2023**

2015 (48 members)		2019 (48 members)		2023 (40 members)	
Labour	38 (79%)	Labour	28 (58.5%)	Labour	28 (70%)
Lib Dem	9 (19%)	Lib Dem	17 (35.5%)	Lib Dem	12 (30%)
UKIP	1 (2%)	Independent	3 (6%)		

The panel consulted with the opposition party, and it was stated that they did not wish to press for the reintroduction of an SRA for the Deputy Leader, given the financial pressures on the Council. Therefore, the panel have no recommendations in relation to an SRA, other than to repeat the assertion of the 2015 IRP.

## 7.6 The “One-SRA only” rule

The 2003 Regulations do not prohibit the payment of multiple SRAs to Members. However, most Councils have adopted the 'One-SRA only' rule. In other words, regardless of the number of remunerated posts individual Members may hold they can only be paid one SRA.

Moreover, this cap on the payment of SRAs to Members means that posts are not simply sought out for financial reasons; i.e. collecting remunerated posts does not enhance remuneration. Indeed, the logic of the One-SRA only rule is that it helps to spread such posts around more. It also makes for a more transparent allowances scheme and acts as a brake on the total paid out each year in SRAs, as in practice it will be highly unusual if all SRAs are paid out annually, resulting in a saving to the Council.

Chesterfield has adopted a version of the One-SRA which states that a Councillor can only receive one SRA at any given time and that if a Councillor is entitled to more than one SRA the higher allowance shall be paid.

**The Panel recommends that this rule continues to be observed.**

## 8. Other Allowances

### 8.1 Co-optees' Allowances

No evidence was heard in relation to the Co-optees' Allowances.

**The Panel recommends these be maintained at current levels.**

### 8.2 Travel & Subsistence Allowance

Currently, Members are required to make claims for travel and subsistence costs which are capped at rates specified in schedule 2 of the allowances scheme. This approach does not impose excessive administrative costs as it is claimed by fewer Members on limited occasions. The Panel received no evidence to change this approach or the rates claimable.

**The Panel recommends that the conditions and maximum rates under the Travel and Subsistence Allowance are maintained.**

### 8.3 The Dependents' Carers' Allowance (DCA)

Currently, the Council pays a DCA to qualifying Members on a basis which equates with the National Living Wage, and the Council's own hourly rate for Home Care Assistance.

However, evidence was received to indicate that, whilst the basis on which the allowance was set was not, of itself, flawed, it did not, in reality, come close to meeting the costs associated with arranging certain types of care for dependents whilst Members were undertaking the duties listed in Schedule 3 of current Members' Allowances Scheme.

The panel agreed that "Dependents Care" encompassed a broad spectrum of services and appreciated that the cost of care arrangements for a child may differ greatly from those for a family member with specific medical or care needs.

The panel reviewed details of the costs incurred by some members, and the rates of DCA paid by other Authorities, and agreed that an increase to the maximum rate of DCA, whilst not meeting the demonstrated costs in their entirety, would lessen the financial impact to those concerned.

**The Panel recommends that the DCA is set at £15 per hour.**

### 8.4 Telecommunications and Support Allowance

Currently, all Members receive an allowance of £10 per month towards the cost of telecommunication fees. Members are also provided with a Council-owned iPad, to assist them in carrying out their duties.

The Panel heard no evidence to suggest that the amount of the current allowance was too low, therefore believes that it remains adequate at its current level.

However, the Panel heard representation from a councillor, who stated that they had been refused the Allowance on the basis on which they were claiming did not qualify, as it was for a mobile phone, and not a fixed landline.

The current scheme states: "The following expenses are payable by the Council:

- The cost of installing a private telephone in a councillor's home
- Telephone reconnection charge where a Member moves home and the original connection charge was not paid by the Council
- A telecommunications allowance of up to £10 per month towards telephone rental and call charges (paid by monthly instalments)".

The panel accepts that it could be argued that the councillors claim may not meet the wording of the scheme but, in the context of modern world, it certainly falls within the spirit of the scheme.

Therefore, the Panel wishes to clarify the wording to be less restrictive.

**The Panel recommends that part 3 of the wording of the Telecommunications Allowance be amended to, "An allowance of up to £10 per month towards telecommunications charges incurred by Members (paid by monthly instalments)".**

**The Panel recommends that the Telecomms Allowance is maintained at its current level of £10 per month.**

### 8.5 Mayoral Allowance

Civic Allowances are paid under the Local Government Act 1972 (sections 3.5 and 5.4) to meet the expenses of holding civic offices, such as that of Mayor. As such, it is not remuneration. The Mayoral Allowance is designed to meet out of pocket expenses that arise during the course of mayoral duties including, but not limited to:

- Offertories at all church and other religious services
- Purchases and donations at bazaars, fairs and fetes
- Appropriate clothing
- Hairdressing, manicure, pedicure, etc
- Cost of hospitalities not administered by the Mayor's office

No representation from the current incumbent was heard. Therefore, the panel could not identify any dissatisfaction with the current level or scope of this allowance, so did not require review.

It was confirmed that, unlike the Basic Allowance and SRAs, the Mayoral Allowance had continued to be indexed, and a figure of £7,060 had already been budgeted in the 2023/24 accounts. In light of this allowance having been indexed up to the end of 2024 based on a 4% increase, and that figure being not too dissimilar to the proposed NJC award, the panel felt that this was acceptable in its current amount.

**The Panel recommends that the Mayoral Allowance be maintained at £7,060 for the remainder of the current financial year.**

## 9. Other Issues

The Panel were asked to consider the following additional issues:

### 9.1 Arrangements for long term illness of a Committee Chair

The Panel heard that there was currently no provision for extending SRAs to a Member if covering the responsibilities of another, when they were unable to perform their duties for a prolonged period due to serious illness.

The Panel accepted that any Member taking up the role of Vice-Chair would be expected to cover for the Chair, should they be unable to attend. However, where the Chair is unable to perform any of their duties for a prolonged period, and a Vice-Chair becomes the defacto Chair, their responsibility increases beyond the scope of their original role. Furthermore, the role of committee Chair is the only office with a remunerated deputy and, should a Cabinet Member become incapable of discharging their duties, the current scheme did not allow for any allowance to be paid to any Member covering their responsibilities.

Following consideration, the Panel felt that the existing provisions of the Members' Allowances Scheme did not address the issue being raised, and it may discourage councillors from stepping forward to cover a colleague's duties.

The Panel was informed that there was already a mechanism in place, whereby Members with a prolonged leave of absence due to illness can apply to the Council for an exemption from the triggering of a by-election due to non-attendance, and felt that this exemption could be adopted as the triggering event for SRA Cover eligibility.

The Panel also felt that it would not be fair or equitable to withdraw the SRA from the appointed Chair in order to remunerate their substitute in their absence, so this would constitute an additional Allowance. However, due to the fact that instances of prolonged periods of illness would be a comparatively infrequent occurrence, in the broader context of the Allowances Scheme, it would not be financially burdensome for the Council.

**The Panel recommends extending an SRA to any Member, whilst substituting for another Member, whilst on long term illness, under the following conditions:**

- **It is only applicable when the above illness exemption has been applied.**
- **It is limited to the duration of the illness or the period of substitution, whichever is shortest.**
- **The One SRA only rule will apply.**

### 9.2 Pensions for Members

The Panel was asked by a number of Members to make recommendations in respect of pensions for Members. However, the withdrawal by Government in 2014 of the ability of Members to participate in the Local Government Pension Scheme (LGPS) means that Members now have to make their own pension provision. Therefore, the Panel did not feel able to make any recommendations in this regard, as no replacement scheme has been introduced.

## 10. Confirmation of indexing

The Panel confirms and recommends that the following allowances are indexed for 4 years from 2023/24 to 2027/28, the maximum period permitted by legislation, without reference to the Panel as follows:

**Basic Allowance, SRAs, Subsistence and Mayoral Allowances:** updated annually in line with the annual percentage pay increase given to Chesterfield Borough Council employees (and rounded to the nearest £ as appropriate) as agreed for each year by the National Joint Council for Local Government Staff.

**The panel recommends that, where a flat rate increase is applied to Council staff, that these Allowance be increased by a percentage equivalent to the increase in the annual salary of the average council employee.**

**Dependants' Carers' Allowance:** the maximum hourly rates has previously been indexed to the government's national living wage applicable to the age of the carer (childcare) and Council's own hourly rate for a Home Care Assistance (care of other dependants). However, for the reasons outlined in this report, these rates did not reflect the true costs.

In coming away from the previously prescribed rates, any indexing becomes difficult. However, the panel felt that indexing the Dependents' Carers' Allowance at the same rate as the other allowance was most appropriate.

**Travel Allowance:** indexed to the HMRC AMAP (Authorised Mileage Allowance Payments) approved mileage rates, or reimbursement of actual costs taking into account the most cost-effective means of transport available.

## 11. Financial Considerations

### 11.1 Variance against current budget

As stated from the outset, the Panel were keen to ensure that Members' efforts were suitably remunerated and did not serve as a barrier to public service, whilst also bearing in mind the financial restrictions faced by the Council.

Therefore, the Panel sought to review the allowances paid in such a way that it rewards Members' efforts, acknowledges their selfless decision to freeze allowances since 2022, yet stayed within suitable limits, in terms of cost to the overall cost of the Scheme.

A breakdown of the variances against the current scheme is laid out in Table 11.1a and Table 11.1b:

**Table 11.1a: Financial Variance of recommendations (Basic Allowance)**

	<b>Basic Allowance</b>	<b>No of recipients</b>	<b>Total Cost</b>
Old Ward Boundaries	£6,396.00	48	£307,008.00
New Ward Boundaries	£7,337.91	40	£293,516.29
<b>Total Variance</b>			<b>-£13,491.71</b>

**Table 11.1b: Financial Variance of recommendations (All Allowances)**

<b>Allowance</b>	<b>Current</b>	<b>Proposed</b>	<b>Variance</b>	<b>No of recipients</b>	<b>Total Variance</b>
Basic Allowance	£6,396.00	£7,337.91	£941.91	40 (down from 48)	-£13,491.71
Mayoral Allowance	£7,060.00	£7,060.00	£0.00	1	£0.00
Leader	£29,631.96	£31,291.35	£1,659.39	1	£1,659.39
Deputy Leader	£16,301.04	£17,213.90	£912.86	1	£912.86
Executive Member	£8,133.00	£8,588.45	£455.45	5	£2,277.24
Assistant Exec Member	£4,066.00	£0.00	£4,066.00	0	-£4,066.00
Leader of the minority political group within the council	£9,264.00	£9,782.78	£518.78	1	£518.78
Chair of Planning Committee	£6,015.00	£6,351.84	£336.84	1	£336.84
Vice-Chair of Planning Committee	£3,008.00	£3,176.45	£168.45	1	£168.45
Chair of Appeals & Regulatory Committee	£6,015.00	£6,351.84	£336.84	1	£336.84
Vice-Chair of Appeals & Regulatory Committee	£3,008.00	£3,176.45	£168.45	1	£168.45
Chair of Licensing Committee	£4,970.00	£5,248.32	£278.32	1	£278.32
Chair of Standards & Audit Committee	£4,970.00	£5,248.32	£278.32	1	£278.32
Vice-Chair of Standards & Audit Committee	£0.00	£1,750.85	£1,750.85	1	£1,750.85
Chair of Employment & General Committee	£3,727.00	£3,935.71	£208.71	1	£208.71
Chair of Scrutiny Committees	£4,970.00	£5,248.32	£278.32	2	£556.64
Vice-Chair of Scrutiny Committees	£1,658.00	£1,750.85	£92.85	2	£185.70
				Total Variance	-£7,920.32

## 11.2 Summary of variance

The total variance of £7,920.32 can be attributed to five key areas:

- The increase in the Basic Allowance
- The reduction in members from 48 to 40
- The withdrawal of Assistant Executive Members
- The introduction of an SRA for the Vice Chair of the Standards & Audit Committee

The increase in the number of Councillors yielded a saving of £51,168 in the total cost of the Basic Allowance. By increasing the Basic Allowance to £7,337.91 this increases the cost of the scheme by £37,676.40, meaning that there is saving of £13,491.60 over the total amount paid out in Basic Allowances prior to the reduction in the number of members.

The application of a 5.6% increase to all SRA, and the introduction of an SRA for the Vice Chair of the Standards & Audit Committee, increase the cost of SRAs by £9,637.39.

However, £4,066 of this is offset following the removal of the one remaining Assistant Executive Member, meaning a net increase of £5,571.39.

Overall, the recommendations of the Panel yield a scheme which is £7,920.32 less than prior to the Local Government Boundary Review.

## 12. Other Considerations

### 12.1 Terms of Reference

The current IRP Terms of Reference still includes the review of pensions for Members. Due to the withdrawal by Government in 2014 of the ability of Members to participate in the Local Government Pension Scheme (LGPS) means that Members now have to make their own pension provision.

**Therefore, the Panel recommends the removal of this element of the Terms of Reference.**

## 13. Implementation

**The Panel recommends that the new scheme of allowances based on the recommendations contained in this report is adopted from 1 April 2023 or any date thereafter as agreed by the Council.**

## Appendix One

### Members and Officers who met with the Panel Members

Cllr P. Gilby – Leader of the Council

Huw Bowen – Chief Executive

Cllr P. Holmes – Leader of Liberal Democrat Group

Cllr J. Davies – Cabinet Member for Health and Wellbeing

Cllr A. Sarjeant – Deputy Leader of the Council and Cabinet Member for Finance and Asset Management

Cllr Gavin Baldauf-Good - Cabinet Member for Customers and Business Transformation

Cllr Judith Staton - Cabinet Member for Governance

### Written Submissions - Elected Members

Cllr P. Gilby

Cllr P. Holmes

Cllr J. Davies

### Officers who briefed the Panel

Liz - Democratic Services Officer

## Appendix Two

### Information Received by the Panel

1. Current Member's Allowance Scheme
2. CBC Member Allowances 2022/23
3. Previous IR Panel report 2019:
  - a. Covering report for Full Council
  - b. IRP report for Full Council
4. Protocol for IRP arrangements for consulting Members
5. IRP Terms of Reference
6. Executive Leader of the Council and Committee Appointments 2023/24
7. List of Representatives on Outside Bodies 2023/24
8. Cabinet, Committees, Overview and Scrutiny, and Outside Bodies arrangements for 2023/24

## Appendix Three: Benchmarking Allowances for Chesterfield Borough Council

### BM1: Derbyshire Authorities Data: Basic Allowance (most recent data available)

<b>Authority</b>	<b>Basic Allowance</b>
High Peak	£3,217.92
Amber Valley	£4,210
Bolsover	£9,902
Erewash	£4,495
North East Derbyshire	£5,738
Derby City	£12,145.24
South Derbyshire	£7,434.45
Derbyshire Dales	£5,150
Mean Basic Allowance	£5,444

### BM2 Family Group Comparative Authority Data: Basic Allowance (most recent data available)

<b>Authority</b>	<b>Basic Allowance</b>
Bassetlaw	£4,674
Boston and Skegness	£11,248.74
Lincoln	£5,427
Mansfield	£6,385
Cannock Chase	£5,706
Redditch	£4,732
Newcastle-under-Lyme	£3,432.36
Worcester	£5,081
Wyre Forest	£4,907
Ipswich	£4,401.96
Gloucester	£11,395
Carlisle	£4,887
Copeland	£3,408
Mean Basic Allowance	£5,821.93

## Chesterfield Borough Council Equality Impact Assessment - Full Assessment Form

<i>Title of the policy, project, service, function or strategy:</i>		Review of Members Allowance Scheme / Independent Remuneration Panel Review
<i>Service Area:</i>	Corporate	
<i>Section:</i>	Democratic and Elections / Monitoring Officer	
<i>Lead Officer:</i>	Gerard Rogers	
<i>Date of assessment:</i>	November 2023	
<i>Is the policy, project, service, function or strategy:</i>		
<i>Existing</i>	<input type="checkbox"/>	
<i>Changed</i>	<input checked="" type="checkbox"/>	
<i>New / Proposed</i>	<input type="checkbox"/>	

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### Section 1 – Clear aims and objectives

<b>1. What is the aim of the policy, project, service, function or strategy?</b>
<p>The Local Authorities (Members Allowances) (England) Regulations 2003 requires the Council to establish an independent remuneration panel (IRP) and have due regard to their findings when establishing or updating their member allowances scheme. The Chesterfield Borough Council members allowance scheme is reviewed every four years following borough elections.</p> <p>An Independent Remuneration panel has been recruited to for the period 2023 – 2027. The panel have now submitted their report which recommends a number of changes to the members allowance scheme. These will be considered by Full Council in December 2023 and if accepted will be implemented for 2024/25.</p>
<b>2. Who is intended to benefit from the policy and how?</b>
<p>The overall scheme helps to attract a more diverse range of potential elected members by providing fair remuneration and increased support. Enhanced provisions around sickness, ill health, disability and care responsibilities have been considered specifically as</p>

part of the scheme. Between the 2019 review and this current review additional voluntary provisions have already been made around members parental leave.

### 3. What outcomes do you want to achieve?

A fair and affordable members allowance scheme which adequately remunerates and supports elected members and helps to maintain / increase the diversity of potential candidates for elected members roles and improve community representation and decision making.

### 4. What barriers exist for both the Council and the groups/people with protected characteristics to enable these outcomes to be achieved?

The scheme must meet the legal criteria around member remuneration and provide value for money for residents.

### 5. Any other relevant background information

N/A

## Section 2 – Collecting your information.

### 6. What existing data sources do you have to assess the impact of the policy, project, service, function or strategy?

- 2019 IRP report and background submissions
- 2019 – 2023 Chesterfield BC scheme
- Benchmarking - Derbyshire district councils
- Benchmarking – Cipfa family group authorities
- Briefing note and evidence from the Service Director – Corporate detailing changes made during the Local Government Boundary Review of the Council, changes made to committee sizes and Cabinet responsibilities following the election in May 2023, impact of local government pay rises and member support policies
- Discussions with the Chief Executive, Monitoring Officer and Democratic Services Officer to clarify information

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### Section 3 – Additional engagement activities

7. Please list any additional engagement activities undertaken when developing the proposal and completing this EIA. Have those who are anticipated to be affected by the policy been consulted with?		
Date	Activity	Main findings
September / October 2023	All elected members received a letter with information about the review and how to engage in the process – including how to make representations to the panel.	The IRP met with six elected members and received written submissions from three elected members. These representations raised issues around clarity and parity of policies within the member allowance scheme, these have been addressed within the report.

### Section 4 – What is the impact?

8. Summary of anticipated impacts. <i>Please tick at least one option per protected characteristic. Think about barriers people may experience in accessing services, how the policy is likely to affect the promotion of equality, knowledge of customer experiences to date. You may need to think about sub-groups within categories eg. older people, younger people, people with hearing impairment etc.</i>			
	Positive impact	Negative impact	No disproportionate impact
Age	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Disability and long term conditions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender and gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Marriage and civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Pregnant women and people on parental leave	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Ethnicity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Religion and belief	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

### 9. Details of anticipated positive impacts.

a)	<ul style="list-style-type: none"> <li>• The dependant carers allowance has been increased to better reflect costs. This has a positive impact for members impacted by either childcare responsibilities or the care of an adult with care needs related to ill health or disability.</li> <li>• Since the last review of the members allowance scheme a voluntary policy around allowances for parental leave has been introduced to support members taking parental leave including for adoption</li> <li>• The IRP carefully considered representations around arrangements for long-term illness of committee chairs – this has now been clarified within the proposed scheme and improves this provision.</li> </ul>						
	<input type="checkbox"/> Age	<input checked="" type="checkbox"/> Disability	<input type="checkbox"/> Gender	<input type="checkbox"/> Marriage	<input checked="" type="checkbox"/> Pregnancy	<input type="checkbox"/> Sexual orientation	<input type="checkbox"/> Ethnicity

**10. Details of anticipated negative impacts.**

a)	N/A							
	<input type="checkbox"/> Age	<input type="checkbox"/> Disability	<input type="checkbox"/> Gender	<input type="checkbox"/> Marriage	<input type="checkbox"/> Pregnancy	<input type="checkbox"/> Sexual orientation	<input type="checkbox"/> Ethnicity	<input type="checkbox"/> Religion

**11. Have all negative impacts identified in the table above been mitigated against with appropriate action?**

X Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A	<i>If no, please explain why:</i>
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## Section 5 – Recommendations and monitoring

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**12.** How has the EIA helped to shape the policy, project, service, function or strategy or affected the recommendation or decision?

The initial EIA – including the consideration of the current members allowance scheme helped to identify areas for consideration by the panel including carers allowance and arrangements for long-term ill health.

**13.** How are you going to monitor the policy, project, service, function or strategy, how often and who will be responsible?

The EIA will remain under review and will be a key source of information for the next formal IRP review.

## Section 6 – Knowledge management and publication

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Please note the draft EIA should be reviewed by the appropriate Service Manager and the Policy Service **before** WBR, Lead Member, Cabinet, Council reports are produced.

Reviewed by Head of Service/Service Manager	Name:	Donna Reddish
	Date:	15.11.2023
Reviewed by Policy Service	Name:	
	Date:	
Final version of the EIA sent to Policy Service	<input type="checkbox"/>	
Decision information sent to Policy Service	<input type="checkbox"/>	

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## For publication

### Chesterfield Waterside and Spire Neighbourhoods masterplan and delivery strategy

<b>Meeting:</b>	Cabinet
<b>Date:</b>	12 <sup>th</sup> December 2023
<b>Cabinet portfolio:</b>	Economic Growth
<b>Directorate:</b>	Economic Growth
<b>For publication</b>	

#### 1.0 Purpose of the report

- 1.1 The following report seeks approval to appoint consultants to carry out detailed technical and viability work relating to the Chesterfield Waterside Scheme, Spire Neighbourhood, and the potential wider residential offer within Chesterfield Town Centre - following completion of procurement processes. This will follow acceptance of grant offers from Homes England to part fund this work. These grants have been made to fund viability and technical work on future residential delivery around waterside/town centre and viability work at Staveley corridor.
- 1.2 The following report also sets out the current position regarding the Chesterfield Waterside masterplan, and the future relationship between residential delivery at Chesterfield Waterside and the opportunity to progress the Spire Neighbourhood, a residential 'offer' to support the objectives in the Chesterfield Growth strategy 2023-2027

#### 2.0 Recommendations

- 2.1 To accept the offers from Homes England of £100,000 in grant funding from Homes England to fund housing market evidence base work for Spire Neighbourhood and Chesterfield Town Centre, and £25,000 towards understanding the viability of development within the Staveley Corridor.
- 2.2 To Authorise officers to appoint consultants and issue contracts to undertake work related to:
  - i. Chesterfield Waterside - Establishing a detailed understanding of financial viability of the revised scheme

- ii. Spire neighbourhood - assess and understand technical constraints, compile an evidence base, assess financial viability and present areas for consideration possible future projects
- 2.3 And, separately, to Authorise officers to appoint consultants and issue contracts to undertake work related to obtaining an understanding of financial viability and funding issues relating to the future redevelopment of former Staveley Works site in the context of the Chesterfield Staveley Regeneration Route (CSRR).

### **3.0 Reason for recommendations**

- 3.1 To provide up to date evidence base to support implementation of the Local Plan Strategic Sites allocations – SS1 (Spire neighbourhood), SS3 (Chesterfield Waterside) and SS5 (Staveley works) and to support the determination of relevant planning applications and securing of developer contributions.
- 3.2 To maximise the contribution made by development to place making and the provision of community infrastructure to support the development and the community created.

### **4.0 Report details**

#### **Chesterfield Waterside – masterplan update**

- 4.1 The Outline Planning Permission (reference CHE/09/00662/OUT), which set out the original vision and framework for Chesterfield Waterside lapsed in March 2021.
- 4.2 The Chesterfield Borough Local Plan 2018-2035 continues to allocate the site for comprehensive development in “accordance with an adopted masterplan”, although the lapsed outline permission has a clear masterplan, aspects of this masterplan, such as high density apartment residential are no longer in step with market demand. The existing masterplan was prepared on the assumption that the majority of the site would be brought forward by a master developer, allowing for the co-ordination of the various ‘Character Areas’ described in the masterplan.
- 4.3 In July 2023, Cabinet considered a draft refresh of a masterplan for Chesterfield Waterside and authorised Cabinet member for climate Change, Planning, and Environment, in consultation with officers and the Service Director - Economic Growth, to finalise materials and arrangements for consultation. The consultation was deferred pending the determination of an appeal relating to the Tapton Business Park site, which has now been concluded, granting permission for a development of 144 additional dwellings.

### ***Chesterfield Waterside – viability and delivery plan***

- 4.4 The viability of the proposed development was a key material consideration in determining the recent planning application for the Tapton Business Park site, with the developer arguing (successfully in this case), that the development could not support significant investment in infrastructure (although a review mechanism has been put in place). It is anticipated landowners/developers submitting future planning applications at Chesterfield Waterside, developers will also seek to submit viability evidence with the in tension of demonstrating it is not 'financially viable' for their development to provide some or all of the infrastructure officers have defined in the draft masterplan as being 'critical' to a comprehensive neighbourhood.
- 4.5 To assist the Council in both determining future planning applications and gaining a comprehensive understanding of future development viability, £40,000 has been set aside from the Business Rates Retention budget. Homes England funding will also supplement the viability assessment through exploring all possible routes and structures open to assist delivery, for example opportunities available to obtain external funding or recover up front public investment. Officers are seeking authority to appoint a consultant to provide detailed advice. This advice will also include recommendations around what steps the Council can take to improve the financial viability of developments and a possible strategy for achieving this.
- 4.6 The desired outcome of the viability analysis and delivery strategy will be for the Council to secure delivery of a comprehensive development at Chesterfield Waterside, which contains public infrastructure and connects the various land parcels currently in multiple ownership, rather than a series of developments that do not relate to each other and do not create a sense of place for future residents.
- 4.7 Officers have been working closely with Homes England over the past three years and has secured grant funding which has enabled the council to carry out assessments of the wider market context, technical assessment of infrastructure and in this financial year, a grant has been secured to carry out the work identified that is needed to understand viability and delivery options.
- 4.8 The successful delivery of Chesterfield Waterside will shape the future housing market and provide tangible momentum to enable the council to enable and deliver Spire Neighbourhood.

### ***Spire Neighbourhood - Defining and setting a road map to delivery***

- 4.9 The Chesterfield local plan – 2018-2035 identifies Spire Neighbourhood as part of strategic site SS1 (Chesterfield Town Centre), a potential residential area consisting of previously developed sites and car parks located between St Mary's Gate and the A61.

- 4.10 Over the past decade the pace of change in and around the town centre has increased as many of the established uses, such as retail, method of socialising and previously in person services such as banks has declined.
- 4.11 The Council has responded to this challenge through a clear objective set out in the Chesterfield Growth Strategy 2023-2027 as community leaders to “Strengthen the distinctive character and vibrancy of our town centres”
- 4.12 It is intended that Spire neighbourhood will be the ‘primary’ residential ‘offer’ for the town centre area, containing high quality new build homes, along with re-purposing buildings that are no longer fulfilling their intended purpose for retail, office, or leisure use.
- 4.13 Spire neighbourhood will be a planned neighbourhood of homes for new residents in the town centre. New residents will assist vibrancy through supporting businesses in the town centre, along with supporting the town centre as a location for agglomeration of services and, through being located next to transport hubs, support climate change objectives by promoting active travel and public transport use. Spire neighbourhood will play a complimentary role supporting and in turn benefiting from investment in levelling up and public realm works to create a high quality public and private environment in and around the town centre.
- 4.14 To assist with defining what Spire neighbourhood will look like, how it will connect to the other parts of the town centre, understand constraints such as ground conditions, noise, pollution and where vital infrastructure is required, an evidence base is needed. . It is also essential a sound understanding of potential future customer preferences is obtained, so a future development plan will ensure that Spire neighbourhood will be a location of choice for future residents, how this can be assembled/facilitated and if there are any barriers to viability and delivery.
- 4.15 Homes England recognises the need for an approach to revitalising the urban area that is not just based on a single site, such as Waterside, but also includes a holistic and integrated approach and have made an offer of £100,000 to contribute towards understanding the viability and technical requirements of Chesterfield Waterside and Spire neighbourhood.
- 4.16 The grant funding from Homes England will be combined with existing business rates retention budgets allocated for Chesterfield Waterside to deliver all parts of the brief for Waterside and Spire assessments, with no additional contribution from the Council required. A tender is currently out to market for a consultant to carry out the work identified above, it is a requirement of the grant that work is completed by the end of March 2024, authority is therefore sought to appoint consultant and issue contract once procurement processes have been followed.

- 4.17 To achieve a synergy between Waterside and Spire it is believed a single contractor will deliver a consistent analysis and enable cross over benefits such as sharing economic analysis, technical consultants and as highlighted, viewing the area holistically. It is therefore important that a single contractor is appointed, and the value of this contract be up to £140,000
- 4.18 It is also intended that alongside building on a very successful relationship with Homes England over the past three years, this will lead to a potential opportunity to secure large capital grant for infrastructure to deliver Waterside or Spire neighbourhood as part of Homes England future grant programmes.
- 4.19 The evidence base established through defining Spire neighbourhood will also form part of a future town centre masterplan and support other work streams currently exploring options for Pavement shopping centre, Revitalizing the Heart of Chesterfield and Levelling up fund.

### **Staveley works – understanding viability**

- 4.20 Officers have also secured a grant funding offer of £25,00 from Homes England to help understand the complex viability situation on strategic site SS5 (The Staveley and Rother Valley Corridor).
- 4.21 To date the focus around Staveley Works/Corridor has centred around the support the Council can provide to Derbyshire County Council to bring forward the Chesterfield Staveley Regeneration Route (CSRR), which is subject to a separate bid for funding via the East Midlands Large Local Major scheme (funded by the DfT). The CSRR is essential to regenerating the area of the former Staveley Works into 1500 new homes and future employment sites.
- 4.22 A more detailed understanding of the financial viability of the elements of regenerating Staveley works is required. It is highly likely that over the medium and long term, a substantial capital grant will be required to support delivery of the infrastructure and connections, such as a local centre, school, active travel paths and connections which are additional to the CSRR and are essential to ensure regeneration delivers a quality new neighbourhood.
- 4.23 The grant funding from Homes England would fund a viability expert to provide a baseline viability that could support future grant applications and assist the Council in determining planning applications for the regeneration of the Corridor.
- 4.24 Authority is therefore sought to accept the grant funding offer and following successful completion of procurement process, appoint a consultant and issue a contract.

## **5.0 Alternative options**

5.1 In preparing this report, the following alternatives were considered:

### **Chesterfield Waterside masterplan viability and delivery strategy**

- 5.2 **Do nothing** – limited weight can continue to be given to the existing masterplan in determining planning applications at Chesterfield Waterside. There has also been a successful challenge by an applicant for planning permission, on viability grounds, to providing the infrastructure identified in the existing and emerging Masterplans. In the absence of up to date viability information, this challenge is likely to be successfully replicated through other applications for development within the Waterside development. . There is also a strong possibility that a do nothing option will see piecemeal development around the town centre with reduced quality conversions, potentially creating a barrier to town centre regeneration and economic development.
- 5.3 **Developer led** – The developer responsible for the previous outline planning application and masterplan at Chesterfield Waterside has clearly indicated that they are not in a position to prepare a replacement masterplan for the entire site. There is no alternative developer in place to take a strategic view of Spire Neighbourhood and as this area has been identified as requiring significant co-ordination it is not likely that one will come forward without direct intervention by the Council
- 5.4 **Entirely In house Review** – the Strategic Planning Team has already reviewed key elements of the development and prepared a revised masterplan, however the team (and by extension the wider Council) does not have the specialist skills required to undertake the viability elements of the review set out above.
- 5.5 The three preceding options risk a piecemeal approach to development that does not deliver the required infrastructure to support a new community. These options have therefore been rejected.

### **Spire neighbourhood**

- 5.6 **Do nothing** - no work would progress on defining Spire neighbourhood and it would not be possible to realise the potential benefits of spire neighbourhood.
- 5.7 **Fund a review from existing and future budgets** - The council has considerable pressure on capital and revenue budgets and no additional budget has been identified to fund future work.

### **Staveley Rother Valley Corridor viability assessment**

- 5.8 **Do nothing** – there are currently two planning applications for residential development on the former Staveley Works site CHE/17/00644/OUT (from Harworth Group) for 590 dwellings and CHE/19/00103/OUT (from Devonshire Group) for 700 dwellings. These are complex applications and Harworth have confirmed there is insufficient financial viability to provide vital placemaking infrastructure, for example active travel connections, biodiversity net gain, and to also make a financial contribution towards the delivery of the Chesterfield Staveley Regeneration Route (CSRR).
- 5.9 A do noting option is likely to result in position where the LPA is required to either agree with the developers position on viability, resulting in a loss of opportunity to capture vital infrastructure, or apply for future external funding to provide infrastructure, or face a serious challenge from the developer on viability grounds.
- 5.10 The council could fund a detailed assessment of viability from own resources, - this would increase the call on resources thar are currently extremely stretched. This would also present future difficulties in terms or accessing future Homes England capital funding pipeline as the assessment might not cover all areas they require to support future business case.

## **6.0 Implications for consideration – Financial and value for money**

- 6.1 The assessments would utilise £125,000 in grant funding from Homes England, which could not be used for any other purpose.
- 6.2 The remainder of the funding would be sourced from existing budgets of £40,000 Business Rates Retention allocated for Chesterfield Waterside in the current financial year 2023-24
- 6.3 The requirement of the grant funding is that all work is completed by the end of March 2024. There are no other conditions to the funding.

## **7.0 Implications for consideration – Legal**

- 7.1 The funding offer from Homes England needs to be formally accepted.
- 7.2 Approval is already in place (see above) to use the Business Rates Retention fund to support the delivery of strategic sites including Chesterfield Waterside.

## **8.0 Implications for consideration – Human resources**

- 8.1 The aspects of the review not to be undertaken by specialists would be carried out by officers of the Strategic Planning Team. This is within the

team's core role, of delivering the Local Plan and the implementation of Strategic Sites.

- 8.2 The Council's Housing Delivery Manager, based within the Strategic Planning Team, would be the project manager for the consultancy aspect of the review.

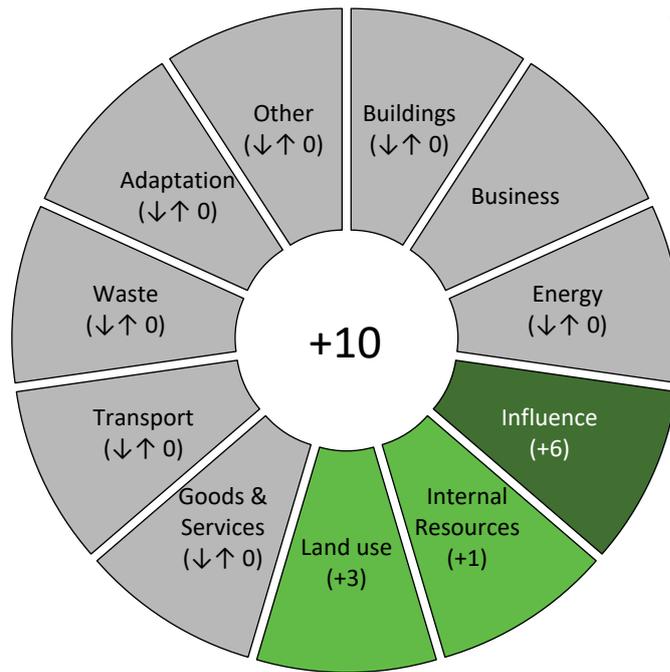
## **9.0 Implications for consideration – Council plan**

- 9.1 The review of the Waterside Masterplan would support two of the Council Plan's priorities:
- i. Making Chesterfield a thriving borough
  - ii. Improving quality of life for local people
- 9.2 Developing an understanding of future residential Spire neighbourhood, will deliver objectives set out in the Chesterfield Growth Strategy 2023-2027 and strategic site allocations in the Chesterfield Local Plan 2018-2035
- 9.3 Enabling Chesterfield Waterside is specifically set out as one of the Council Plan's objectives under making Chesterfield Borough 'a great place to live, work and visit'
- 9.4 It would also contribute towards the objectives to:
- i. Provide quality housing and improve housing conditions across the borough
  - ii. Improve our environment and enhance community safety for all our communities and future generations
  - iii. Help our communities to improve their health and wellbeing

## **10.0 Implications for consideration – Climate change**

- 10.1 This report seeks to authorise supporting technical work to undertake a review of the masterplan. The Climate Impact Assessment is not based on the impact of the development proposed in an updated masterplan, but on the impact of the process of preparing it. The allocation of the sites in the adopted Local Plan included a statutory requirement to undertake a Sustainability Appraisal and the revised Waterside masterplan is subject to its own separate Climate Assessment.

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Chesterfield Borough Council has committed to being a carbon neutral organisation by 2030 (7 years and 1 months away).

### 11.0 Implications for consideration – Equality and diversity

11.1 It is not expected that it will have any direct negative impacts on any protected groups or characteristics at this stage; there may be some positive impacts on some groups (age, disability, and pregnancy/parental leave) as the evidence prepared will support the council in negotiating for developer contributions to active travel infrastructure and play/open space provision on current applications. A separate assessment will be undertaken for the updated masterplan at the appropriate time.

### 12.0 Implications for consideration – Risk management

Description of the Risk	Impact	Likelihood	Mitigating Action	Impact	Likelihood
Not accepting offer of Homes England funding means that council will be unlikely to access future HE funding	High	Medium	Approve recommendations as set out in the report	Med	Low

Development of Chesterfield Waterside and Spire neighbourhood occurs in a piecemeal manner due to lack of up to date masterplan	High	High	Undertake review of masterplan as set out in report	Med	Low
Council is unable to secure developer contributions towards critical infrastructure from individual planning applications – resulting in incomplete infrastructure or additional future requests for CIL funding	High	High	Undertake review of masterplan as set out in report	Med	Low

### Decision information

<b>Key decision number</b>	<b>NA</b>
<b>Wards affected</b>	<b>Spire, Staveley North</b>

### Document information

<b>Report author</b>	
Marc Hollingworth	
<b>Background documents</b>	
These are unpublished works which have been relied on to a material extent when the report was prepared.	
AECOM Waterside Strategic Review BNP Paribas Market Review Dataloft Rental Market Review	
<b>Appendices to the report</b>	



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## For publication

### **Anti-social Behaviour, Crime and Policing Act 2014: Renewal of the Public Spaces Protection Order**

<b>Meeting:</b>	Cabinet
<b>Date:</b>	December 12th 2023
<b>Cabinet portfolio:</b>	Health and Wellbeing
<b>Directorate:</b>	Leisure, Culture and Community Wellbeing

#### **1.0 Purpose of the report**

- 1.1 To ask Members to renew the Public Spaces Protection Orders (PSPO) to continue to provide controls relating to street drinking and other anti-social behaviour.
- 1.2 To inform Members of the outcome of the consultation on proposals for the renewal of the Public Spaces Protection Orders (PSPOs) to control street drinking and other anti-social behaviour.

#### **2.0 Recommendations**

- 2.1 That Members acknowledge the outcome of the consultation received on the Public Spaces Protection Order Chesterfield (No1) (relating to restricting alcohol consumption) and the Public Spaces Protection Order Chesterfield (No2) (relating to other anti-social behaviour controls) and related issues.
- 2.2 That Members agree to the continuation of the Public Spaces Protection Order Chesterfield (No1) (relating to restricting alcohol consumption) and the Public Spaces Protection Order Chesterfield (No2) (relating to other anti-social behaviour controls) with effect from 15 December 2023 for a period of three years.

#### **3.0 Reasons for recommendations**

- 3.1

The current PSPO`s were initially considered and approved by Cabinet on 10 October 2017, following a Cabinet report regarding the potential for the PSPO being considered on 25 July 2017. This report outlined the legislative background and evidence that supported the restrictions and the scope of two PSPOs to restrict alcohol consumption and other anti-social behaviour (ASB) in Chesterfield town centre.

### 3.2

The current PSPO`s came into effect from the 15 December 2017. The PSPO`s were subsequently renewed for a period of three years commencing on the 15 December 2020.

The PSPO can only be in place for a maximum of three years before it is required to be renewed, consequently this report seeks approval to again renew the existing orders. There is no limit on the number of times that Orders can be renewed, if the need is still present.

## 4.0

### Report details

#### 4.1

PSPO`s are designed to ensure the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour based on reasonable grounds that activities carried out or likely to be carried out;

- Have had or are likely to have a detrimental effect on the quality of life of those in the locality.
- Is, or likely to be of a persistent or continuing in nature.
- Is, or is likely to be unreasonable.
- Justifies the restrictions imposed.

#### 4.2

Since their introduction in December 2017, the PSPO`s have been an effective mechanism to support tackling town centre anti-social behaviour and street drinking.

#### 4.3

The PSPO`s have become a crucial part of the menu of interventions available to the Police and Chesterfield Borough Council enforcement officers when faced with issues pertaining to anti-social behaviour and street drinking.

#### 4.4

In the last two years, a Public Space protection Order (PSPO) has been issued on 143 occasions with 81 of those being issued in the last twelve months. The issue of PSPO notices has also informed and enabled further enforcement action to be taken including 19 Community Protection warnings, 7 Community Protection notices and one civil injunction.

#### 4.5

Consequently given the number of times PSPO interventions have been used during this period, it is recommended that the PSPO`s are renewed to continue to provide the Police and Chesterfield Borough Council officers an appropriate and proportionate suite of actions to continue to support tackling town centre anti-social behaviour and street drinking.

4.6 It is considered that the number of PSPO interventions provides reasonable grounds to consider that the controls in the PSPOs are necessary to ensure that activities within the Town Centre do not have a detrimental effect on the quality of life of those in the locality and proportionally justify the restrictions imposed.

4.7 The current PSPO`s expire on the 15 December 2023. The decision to renew them must be taken prior to their expiry date and following a period of public consultation.

4.8 Consultation on the two PSPO`s was undertaken from 30 October 2023 until 15 November 2023. Copies of notices relevant to each PSPO consultation can be found in **Appendix One** for PSPO NO 1 and for PSPO NO 2.

4.9 Notices were displayed on the Councils website and shared with Chesterfield Shop Watch, East Midlands Chamber of Commerce.

4.10 25 responses were received to the public consultation about the renewal of the PSPO from a variety of individuals who utilise the town centre, including residents, businesses and those who visit Chesterfield Town centre. Twenty-four of the responses supported the renewal of the PSPO and one response did not agree with the PSPO stating the Police are not able to enforce it. The full report on the public consultation is outlined in **Appendix Two**.

4.11 In addition to public consultation, Chesterfield Borough Councils PSPO renewal requires specific engagement with; Derbyshire Constabulary, Derbyshire County Council, and the Police and Crime Commissioner. The three relevant responses were received, Superintendent (Head of Operations) North Divisional Commander Derbyshire Constabulary, **Appendix three**. Derbyshire County Council Community Safety Unit, **Appendix four** and the Police and Crime Commissioner for Derbyshire, **Appendix five**.

4.12 The responses from the public consultation, Derbyshire County Council, the Police and the Police and Crime Commissioner overwhelmingly confirmed continued support for the orders.

4.13 If the recommendations within this report are approved the PSPOs will be published in accordance with the regulations made by the Secretary of State.

## **Alternative options**

### **5.0**

5.1 The behaviours which the PSPOs are addressing cause a significant impact within the town centre. The alternative options available include; not

renewing the PSPOs, reduce the geographical extent or remove some of the prohibitions.

- 5.2 The Police and Chesterfield Borough Council enforcement teams have found the orders to be an essential tool in tackling anti-social behaviour and street drinking.
- 5.3 The orders have been used in excess of 140 times in the last two years, which is clear evidence that they are a key part of the resources available to those responsible for enforcement. Consequently, it is considered that retaining the PSPO`s is vital to retain an effective intervention and that any removal / adaptation or reduction in the scope of the PSPO`s would undermine the potential for addressing unacceptable behaviours.

### **Implications for consideration – Council Plan**

#### **6.0**

**Thriving Borough - *Vibrant town centre*** - the Council will maintain safety within Chesterfield town centre by continuing to enforce the Public Spaces Protection Order

#### **6.1**

#### **6.2**

**Quality of Life for Local People - *Improve our environment and enhance community safety for all our communities and future generations*** - Combat anti-social behaviour in the Town Centre through the enforcement of the Public Space Protection Order.

### **Implications for consideration – Financial and value for money**

#### **7.0**

The renewal of the current PSPO`s does not create any new or additional

#### **7.1**

budget requirements. All costs associated with the management and delivery of the PSPO`s are covered within existing budgets.

### **Implications for consideration – Legal**

#### **8.0**

The renewal process has been undertaken with the requirements of the Anti-social Behaviour, Crime and Policing Act 2014 and as such all legal

#### **8.1**

requirements have been fulfilled.

#### **8.2**

The councils Local Government & Regulatory Law Team have been fully engaged in the renewal process to ensure that the consultation requirements and required legal notices were displayed.

#### **8.3**

The ongoing use of the PSPO does not present any new or increased legal implications for Chesterfield Borough Council

### **Implications for consideration – Human resources**

#### **9.0**

9.1 There are already a range of enforcement activities undertaken in the areas included within the PSPOs. There is a good working relationship with the police which is proven through the six years that the PSPO has been in existence.

9.2 The existing enforcement activity undertaken by the police and Chesterfield Borough Council staff from the Community Safety, Licensing and Environmental Health, supported by other town centre staff in CCTV, street cleaning, markets and parking, have proved to be suitable and sufficient to support the effective use and enforcement through the PSPO.

9.3 There is suitable capacity across the regulatory team to continue to support the Police in the effective use of the PSPO.

### **Implications for consideration – Risk management**

**10** The following risks associated with this report have been considered and are identified as below;

**10.1**

Description of the Risk	Impact	Likelihood	Mitigating Action	Impact	Likelihood
Challenge of the PSPO at High Court by an interested party	High	Medium	The original order from 2017 was introduced in accordance with the Anti-social Behaviour, Crime and Policing Act 2014 and the renewal has been consulted on and is evidence based again to ensure compliance.	Medium	Low
Complaints about non-compliance with the PSPO	High	Medium	Draw upon enforcement capacity across Chesterfield Borough Council and Partners to	Medium	Low

			ensure suitable resource is available.		
Adverse reaction to the renewal by public / media.	Medium	Low	Appropriate publicity to be developed to support the renewal of the PSPO reinforcing the evidence based approach to renewal.	Medium	Low

### 11.0 Implications for consideration – community wellbeing

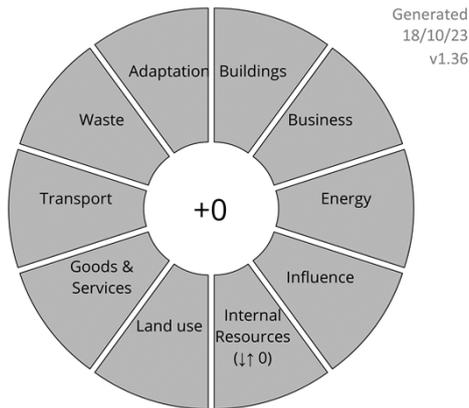
- 11.1 Having the PSPO` s provides the Police and Council enforcement teams with the necessary powers to positively tackle Town Centre anti-social behaviour and drinking. In having these orders in place, it will positively impact on the experience of residents and visitors to the town centre and as a result will help in reducing the fear of crime.
- 11.2 Through collaboration with partners the PSPO` s allows for positive engagement with those most vulnerable and at risk of homelessness and drug abuse for example and as a result, can where the individual is willing to engage, help improve their wellbeing.

### 12.0 Implications for consideration – Economy and skills

- 12.1 Providing a safe, secure and vibrant town centre will support employment, learning and development opportunities for residents of the borough.
- 12.2 The PSPO provides the Police and enforcement officers within the Council, the flexibility they require to challenge and tackle anti-social behaviour and the consumption of alcohol thus putting town centre communities first to positively contribute to the wider economic wellbeing of the Borough.

### 13.0 Implications for consideration – Climate Change

- 13.1 There is no direct impact from the renewal of the PSPO` s on Climate Change.



Chesterfield Borough Council has committed to being a carbon neutral organisation by 2030 (6 years and 2

#### 14.0 Implications for consideration – Equality and diversity

- 14.1 The wording of the PSPO has been specifically drafted in a way to avoid targeting any specific group or type of individuals and only targets the behaviours that cause nuisance, alarm, harassment or distress to others. However it is inevitable that some groups may be more impacted by the controls due to their behaviours.
- 14.2 The potential equality impacts of the PSPOs have been re-assessed following the original EIA produced in 2017 and its renewal on 2020. A copy of the EIA is available in Appendix 6.
- 14.3 Informing the EIA review has been the three years of operation for the current PSPO which has not as a result of its introduction or renewal, disproportionately impacted upon the residents of Chesterfield.
- 14.4 The desired outcome of the PSPO is to make the town centre an attractive place where residents, visitors and those at work can feel safe and protected. In the six years since the current PSPO was introduced this outcome has been supported by the effective and proportionate use of the PSPO.

#### Decision information

<b>Key decision number</b>	<i>All key decisions must be in the Forward Plan at least 28 days in advance. There are constitutional consequences if an item is not in the Forward Plan when it should have been. Contact Democratic Services if in doubt.</i>
<b>Wards affected</b>	<b>Spire. Rother, Brockwell</b>

#### Document information

<b>Report author</b>	
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**Ian Waller, Assistant Director Health and Wellbeing**

**Background documents**

These are unpublished works which have been relied on to a material extent when the report was prepared.

*This must be made available to the public for up to 4 years.*

**Appendices to the report**

Appendix 1



NOTICE OF  
PROPOSAL TO EXTEN



NOTICE OF  
PROPOSAL TO EXTEN

Appendix 2



Public Place  
Protection order Surv

Appendix 3



RE\_ Renewal of the  
Chesterfield Public Sp

Appendix 4



FW\_ Renewal of the  
Chesterfield Public Sp

Appendix 5



RE\_ Renewal of the  
Chesterfield Public Sp

Appendix 6



PSPO EIA Nov  
2023.pdf



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