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Derbyshire County Council

<https://www.gov.uk/government/organisations/active-travel-england>

**UNDER STRICT EMBARGO**

13 September 2023

Dear Chris Henning,

## **Active Travel Capital and Revenue Funding 2023/24**

**Please note that the following information is under media embargo until it is published on gov.uk. We will contact you again to confirm publication plans. Please do not share this information publicly.**

This letter sets out proposed funding allocations for your authority for 2023/24. Section 1 explains how the ATF4 Extension funding may apply to your authority and Section 2 sets out your Capability Fund grant award and determination, which should be accepted by returning the slip at the end of the letter.

### **1. Active Travel Fund 4 Extension funding 2023/24 (capital)**

As set out in my letter of 15 August 2023, the focus for ATF4 Extension funding is to support priority schemes within ATF4 indicative allocations that did not attract funding in March 2023 and to provide funding to local authorities that did not bid in ATF4. Derbyshire County Council received more than 185% of indicative allocations in ATF4 and/or had all priority bids funded. Therefore, you will not be eligible for funding as part of the ATF4 Extension funding. We would like to encourage you to progress existing ATF schemes to make a strong case for future funding. ATE support continues to be available to review schemes as they are developed and ensure they are compliant with design quality standards.

### **2. Capability Fund 2023/24 (revenue)**

As set out in my letter of 15 August 2023, Active Travel Capability Funding for 2023/24 is set at 50% of 2022/23 funding levels. Derbyshire County Council will be provided with £142,535. This will be paid as a revenue grant under Section 31 of the Local Government Act 2003. Your grant allocation for 2023/24 is also shown at Annex C.

Your grant determination for this funding is shown at Annex B. Please arrange for your Section 151 officer to sign and date the grant acceptance slip in Annex D and return it to ATE via the [contact@activetravelengland.gov.uk](mailto:contact@activetravelengland.gov.uk) mailbox by **6 October**

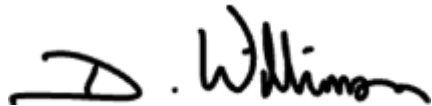
**2023.** Following receipt of this, we will make payment in one instalment and e-mail you to confirm this.

In line with your 2022/23 programme, we expect 2023/24 Capability Fund to have a clear focus on building technical skills, including for community engagement.

I would also like to thank authorities that submitted fully completed monitoring returns on time in May for capital and revenue schemes. Future Capability Ratings and funding levels will be informed by timely spend and delivery of Active Travel Fund and Capability Fund programmes. We therefore encourage you to commit any outstanding funding as soon as possible.

The information contained in this letter and its annexes should be brought to the attention of all relevant staff in the authority. As stated at the top of this letter, this information is under strict media embargo.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'D. Williams'.

**Danny Williams**

**Chief Executive Officer, Active Travel England**

## **ANNEX A - Capability Fund 2023/24 (revenue)**

The Capability Fund revenue funding is provided subject to the following:

- i. Your authority will extend delivery of the programme of work set out in the Active Travel Capability Fund proposal of 30 September 2022 as approved in accordance with this letter dated 13 September 2023.
- ii. Your authority will be solely responsible for meeting any expenditure over and above the grant provided.
- iii. Funding is provided to extend Capability Fund delivery for 6 months, with delivery expected to take place between January and June 2024. Funding should be committed, spent and delivery completed by 31 December 2024 at the latest. Should delivery not progress as agreed, ATE will review whether it is appropriate to reduce, suspend or withhold future grant funding.
- iv. We appreciate that, during implementation, opportunities or challenges may arise that require a change to your project for outcomes to be realised to their full potential, including where activities interact with and support objectives in the Active Travel Fund (local authority capital funding). Smaller changes, within the scope of the funding, should be reported through monitoring returns. However, any substantive changes, which equate to over 25% of the total sum of your revenue funding allocation, or which mean that delivery (other than limited monitoring and evaluation) will extend beyond 31 December 2024, should be emailed to [contact@activetravelengland.gov.uk](mailto:contact@activetravelengland.gov.uk) for agreement, including the activities, cost and delivery timescales proposed for change. Changes will then be confirmed by email reply. Future funding may be offset, withheld or reduced if a change is outside the scope of original funding, if your ability to deliver the objectives for which funding was awarded is significantly compromised, or for any breach of these terms.
- v. ATE has provided your authority with Monitoring and Evaluation Guidance. The guidance sets out the monitoring and evaluation requirements, which aim to improve the quality and consistency of evidence generated, whilst acknowledging that the scale and nature of monitoring and evaluation will depend on the scale and type of intervention. Your authority will report back on progress and outputs including completing monitoring surveys. Your authority will share data collected from beneficiaries with ATE for evaluation purposes. ATE's national evaluation partner will be conducting a thematic evaluation of scheme types. This means that some local authorities will be required to participate in a national evaluation of Active Travel Capability Fund activities. If you need any advice, please email [contact@activetravelengland.gov.uk](mailto:contact@activetravelengland.gov.uk)
- vi. Your authority will be responsible for being GDPR compliant. If authorities are selected to be part of the national evaluation programme, ATE will require access to data for evaluation purposes. If this is the case, ATE will agree a data processing agreement with the authority, outlining what data will be shared and for what purposes. Under this agreement, ATE and your authority will be independent data controllers. ATE will also provide a privacy notice

outlining how data will be used for evaluation purposes. This should be used alongside your own privacy notice when collecting data from beneficiaries.

- vii. ATE will observe its obligations under the Data Protection Act 1998 in responding to requests made under the Freedom of Information Act 2000. Where a request includes personal information that you have provided, we will consult you before deciding whether such information should be disclosed. Information about junior staff who are not in public facing roles will not normally be disclosed. In addition to this, we may share information for the purposes of countering fraud or otherwise as required or permitted by law.
- viii. Personal information collected for grant purposes will be used by ATE for administering the Active Travel Capability Fund. We may share information for the purposes of countering fraud or otherwise as required or permitted by law. It is suggested that claimants familiarise themselves with the Fraud Act 2006 and the Bribery Act 2010 when making claims, and in provision of funding to partner organisations.
- ix. ATE reserves the right to publish relevant data and use it to inform public statements. Future Government Spending Rounds are subject to evidence showing good performance in delivery. This means that poor or non-delivery of bid objectives for the Active Travel Capability Fund may have an impact on the funding your authority receives in future. All funding will depend on the willingness of your authority to follow relevant national guidance in the course of scheme development and implementation, e.g., Local Transport Note 1/20 (which sets out guidance on designing high-quality, safe cycle infrastructure) and Manual for Streets.
- x. Your authority will work with all appropriate lower tier (district-level) authorities to ensure that the funding supports the delivery of fund and local objectives. Your authority must also demonstrate that it has fully consulted appropriate lower tier authorities in the preparation of Local Cycling and Walking Infrastructure Plans (LCWIPs).
- xi. Your authority will comply with all applicable procurement laws when procuring goods and services in connection with the Project and the Department shall not be liable for your authority's failure to comply with its obligations under any applicable procurement laws.
- xii. Your authority will maintain appropriate records of compliance with the relevant subsidy control regime and will take all reasonable steps to assist ATE to comply with the same and respond to any proceedings or investigation(s) into the use of the funding by any relevant court or tribunal of relevant jurisdiction or regulatory body. The grant must be repaid if the recipient breaks subsidy control rules. Further guidance is available from: [www.gov.uk/government/publications/uk-subsidy-control-statutory-guidance](http://www.gov.uk/government/publications/uk-subsidy-control-statutory-guidance)
- xiii. ATE expects your authority to have robust accounting, monitoring and transparency arrangements in place to allow for appropriate accountability to their communities. ATE however, reserves the right to approach authorities if internal or external auditors require information relevant to their scheme. Our

grant may be audited by internal or external auditors, and if this is the case, ATE will notify your authority in writing.

- xiv. Your authority will ensure they comply with the 2010 Equality Act and the Public Sector Equality Duty. This includes considering impacts of the project on protected characteristic groups during the scheme design process and in the monitoring and evaluation stage.
- xv. To emphasise the role played by government funding, your authority must use the ‘funded by government’ logo on products and materials funded by the Active Travel Capability Fund, for example, websites promoting funded projects, public-facing printed material, press releases or media announcements. The Grant Recipient shall at all times during and following the end of the Funding Period:
- comply with requirements of the Branding Manual<sup>1</sup> in relation to the funded activities; and
  - cease use of the Funded by UK Government logo on demand if directed to do so by ATE.
- xvi. Media announcements and releases must prominently acknowledge the role played by government funding and offer ATE suitable time to include a comment. Where a launch or media event is planned for a project or programme, ATE must be made aware and given the opportunity to consider whether there should be Commissioner or Ministerial involvement.

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<sup>1</sup> Branding Manual means the HM Government of the United Kingdom of Great Britain and Northern Ireland Branding Manual Funded by UK Government first published by the Cabinet Office in November 2022, and is available at <https://gcs.civilservice.gov.uk/guidance/marketing/branding-guidelines/>, including any subsequent updates from time to time.

## **ANNEX B**

### **Active Travel Capability Fund GRANT DETERMINATION (2023-24): No 31/6823.**

The Minister of State for Transport (“the Minister of State”), in exercise of the powers conferred by section 31 of the Local Government Act 2003, makes the following determination:

#### **Citation**

1) This determination may be cited as the Active Travel Capability Fund Grant Determination (2023-24) No 31/6823.

#### **Purpose of the grant**

2) The purpose of the grant is to provide support to local authorities in England towards expenditure lawfully incurred or to be incurred by them.

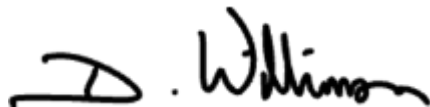
#### **Determination**

3) The Minister of State determines as the authorities to which grant is to be paid and the amount of grant to be paid, the authorities and the amounts set out in Annex C.

#### **Treasury consent**

4) Before making this determination in relation to local authorities in England, the Minister of State obtained the consent of the Treasury.

Signed by authority of the Minister of State for Transport



**Danny Williams**

**Chief Executive Officer, Active Travel England**

13 September 2023

**ANNEX C – Capability Fund 2023/24 (revenue) Grant Amount**

<b>Local Authority</b>	<b>Grant to be paid</b>
Derbyshire County Council	£142,535

**ANNEX D**

**Capability Fund 2023/24 Grant Acceptance Slip**

I acknowledge receipt of this Active Travel Capability Fund 2023-24 Grant Determination letter and I accept the grant on behalf of Derbyshire County Council subject to the conditions set out in this letter. I confirm that I am lawfully authorised to do so.

Signed.....

Mark Kenyon

Please print name.....

Director of Finance and ICT  
Position.....

6 October 2023  
Date.....

Please sign and email a scanned copy to [contact@activetravelengland.gov.uk](mailto:contact@activetravelengland.gov.uk) by 6 October 2023.