
REPORT TO:	Environmental & Development Services	AGENDA ITEM: 8
DATE OF MEETING:	30 January 2014	CATEGORY: DELEGATED
REPORT FROM:	Chief Executive	OPEN
MEMBERS' CONTACT POINT:	Mike Roylance, 01283 595725 mike.roylance@south-derbys.gov.uk	DOC:
SUBJECT:	TOURISM UPDATE	REF:
WARD(S) AFFECTED:	All	TERMS OF REFERENCE: EDS03, EDS10 & EDS11

1.0 Recommendations

1.1 It is recommended that the Committee:

- Welcome the emergence of The National Forest as a visitor destination in its own right, reflecting the rapid development of the tourism sector throughout South Derbyshire in recent years.
- Endorse proposals for the funding of the Visit Peak District & Derbyshire Destination Management Organisation for the current year and next year, including the refocusing of activity on to the National Forest & Beyond together with business support activities.

2.0 Purpose of Report

2.1 To provide an overview of the development of the visitor economy in South Derbyshire, including reporting on proposed changes to the relationship with the Visit Peak District & Derbyshire Destination Management Organisation (DMO) including associated financial implications in 2013/14 and 2014/15.

3.0 Detail

Visit England

3.1 Visit England is the national tourist board for England, responsible for marketing England to domestic and established overseas markets and for improving England's tourism product. As a result of the work of the National Forest Company and the District Council over the last year, The National Forest is now featured as a visitor destination in Visit England's promotional activities. The joint activity has led to features on the area in the national media and inclusion in Visit England's seasonal tourism campaigns. This has the potential to further raise the profile of the area amongst both domestic and international visitors.

D2N2 Local Enterprise Partnership

- 3.2 The D2N2 Local Enterprise Partnership covering Derby, Derbyshire, Nottingham and Nottinghamshire has now published its Strategy for Growth 2013-2023. The vision is of: 'A more prosperous, better connected, and increasingly resilient and competitive economy'. The Strategy aims to support business through a focus on business skills, innovation, finance and infrastructure. It also targets six priority sectors, one of which is the visitor economy, that D2N2 believes are already strong or have the capacity to grow.
- 3.3 D2N2 is currently undertaking a visitor economy review and investment assessment, which will provide an evidence base for future policy and investment. It is notable that the draft D2N2 Tourism Impact Study for Derbyshire (November 2013) states that, "The area is made up of a number of distinct destinations: Derby City; the Peak District National Park; the rest of Derbyshire; and The National Forest".
- 3.4 Publication of a Derbyshire economic strategy statement and a Derbyshire destination management plan are awaited.

Visit Peak District & Derbyshire

- 3.5 The Visit Peak District & Derbyshire Destination Management Organisation (DMO) is the legacy body, previously supported by the regional development agency along with local partners to promote tourism in Derbyshire. The DMO has responded to the loss of regional funding by seeking to increase its private sector income from advertising and membership fees, aided in the interim by increased local authority contributions.
- 3.6 In 2013/14, the DMO has continued to develop its electronic marketing through its website and smartphone app, alongside its visitor guide and other printed publications. It has also actively sought to raise awareness of the area through social media and promotional activities with television programmes, newspapers and magazines. A copy of the Service Level Agreement with Visit Peak District & Derbyshire for 2013/14 can be found at Annex A.
- 3.7 In recent years, the decline in funding and thus staffing has led the DMO to move away from business support and focus predominantly on marketing as public support programmes have expired. There has also been a growing move away from the Derbyshire County administrative boundary towards a more natural visitor destination of the Peak District National Park and surrounding areas, encompassing local authorities outside Derbyshire such as Sheffield, Cheshire and Kirklees.
- 3.8 The combination of these two developments has arguably reduced the value of the organisation's services to the tourism sector in South Derbyshire. As such, it is proposed that the District Council will not take up membership of Visit Peak District & Derbyshire in 2014/15, with the released funds being used for business support and tourism activities linked to the National Forest & Beyond.

National Forest & Beyond

- 3.9 The District Council continues to actively participate in the successful National Forest & Beyond Partnership. Working in collaboration with the National Forest Company and neighbouring local authorities, this promotes tourism throughout the whole of South Derbyshire. Through marketing the District as part of the wider National Forest

& Beyond, the area is able to appeal to a diverse range of visitors with a mix of attractions and accommodation that can cater for longer stays throughout the year. The Partnership enables a cost effective solution to achieving a substantial destination marketing campaign for the area. The District Council's tourism activities are co-ordinated with the partner organisations, to deliver the objectives of the 'Vision & Strategy for Sustainable Tourism in The National Forest'.

- 3.10 The 2013 marketing campaign includes production and distribution of 40,000 copies of the main Visitor Guide and 200,000 mini Attractions Guides, together with downloadable versions. The campaign has attracted advertising from almost one hundred local businesses and organisations, from hotels and B&Bs, to visitor attractions and tearooms. Other promotional activities include a national advertising campaign, e-shots targeting potential visitors electronically, an update of the destination website content, a discount voucher scheme for tourist attractions, and the specific target marketing of group travel organisers.
- 3.11 The impact of the 2012 visitor campaign has been independently assessed in terms of visitor conversion and Return On Investment (ROI). This found that, "After receiving the guide or downloading vouchers, 10% of respondents took a short break in the area and 34% visited on a day trip - a good conversion rate, particularly for day trip visitors which are not normally higher than 30%. The campaign generated visitor spend of at least £338,196 before adjustment for non-response bias. With a campaign cost of £30,000, this gives a return on investment ratio of 11.3:1 which is up from 8.2:1 in the previous survey. After bias adjustment, the estimated incremental spend is at least £270,557 with a ROI ratio of 9:1 which is a good result".

South Derbyshire District Council

- 3.12 The South Derbyshire Economic Development Statement (2013) aims, 'To promote greater economic wellbeing in South Derbyshire, in order that it becomes a healthier, more prosperous and safer place to live with better jobs and prospects for local people and businesses'. This includes the specific ambition to 'Develop tourism and the woodland economy, maximising the potential of The National Forest to address rural issues'. The Statement envisages the development of tourism through achievement of the objectives set out in the 'Vision & Action Plan for Sustainable Tourism in The National Forest' (2009).
- 3.13 The District Council funds Swadlincote Tourist Information Centre (TIC) to respond to enquiries from those interested in visiting or already on holiday in the area. In 2012/13, the TIC responded to over 22,000 enquiries, ranging from face-to-face and telephone queries to downloads of leaflets and hits on webpages maintained with visitor information. These figures also include enquiries received through representation at national and local trade and public events, such as The National Forest Wood Fair. More recently, the TIC has launched onto social media such as Facebook.
- 3.14 The Tourist Information Centre plays a key role in promoting local festivals, events and markets that will bring visitors into the area and support other District Council objectives, such as promoting town centre vitality. This includes publication of the events guide 'What's On in South Derbyshire' which promotes Council events together with the activities of numerous small businesses and community organisations in the District. In addition to the printed editions, this publication now has an online readership of up to 750 people each month.

- 3.15 For major events, such as The National Forest Walking Festival, the 2020VISION street gallery, the Swadlincote Scarecrow Hunt and Heritage Open Days, the TIC acts as the 'visitor centre'. This role includes responding to enquiries from the public and selling tickets for charged events at The Glade and other local venues.
- 3.16 The sixth National Forest Walking Festival took place in May 2013, co-ordinated by the District Council with sponsorship from the National Forest Company, Leicestershire County Council, The National Trust (Calke Abbey) and Treasure Trails. The Festival was similar in length to 2012 but with almost 25% more walks. In 2013 it attracted some 1,459 walkers, up from 1,330 in 2012.
- 3.17 It is estimated that the 2013 National Forest Walking Festival also generated a higher visitor spend of around £68,500 (compared to just over £65,000 in 2012). Walkers are known to have visited and stayed in the area from Lincolnshire, Huntingdon, Hampshire, Kent, Stourbridge, Yorkshire, Lancashire and Cheshire. A number stated the Walking Festival had been an excellent introduction to an area they had not previously known, and that they now intended holidaying in the area again in the future. Visitors from Germany and the USA also took part.
- 3.18 More generally, the District Council continues to deliver a programme of events ranging from Swadlincote Pancake Races on The Delph to theatrical performances at Rosliston's 'The Glade' outdoor arena; to work with key National Forest tourist attractions such as Sharpe's Pottery Museum and Rosliston Forestry Centre; and, to promote appropriate commercial developments such as Sealwood Vineyard and Mercia Marina.

Economic Impact Research

- 3.19 The most recent economic impact research for South Derbyshire was prepared using the 'STEAM' model in 2011. This indicated a total visitor spend in South Derbyshire of £162.8 million, made up of £47.43 million arising from 0.32 million overnight visitor trips and £115.37 million arising from 3.66 million day visitor trips. This supported (directly and indirectly) an estimated 2,389 full time equivalent jobs.

4.0 Financial Implications

- 4.1 The 2013/14 membership contribution of £6,000 to Visit Peak District & Derbyshire can be met from within existing budgets. This represents a reduction of £3,500 on the cost in 2012/13. It is proposed that the District Council does not take up membership in 2014/15. The saving in 2014/15 would be reinvested into supporting tourism events and initiatives linked to the National Forest & Beyond and continuing the South Derbyshire Business Advice Service. In its first year of operation the Service has assisted over 200 businesses, including many visitor-related enterprises.
- 4.2 The Destination Management System is a shared Derbyshire IT system – an online database of information about accommodation, attractions and events - which underpins Tourist Information Centres and visitor websites. The cost of this for 2013/14 is £6,552 which can be met from within existing budgets. It is proposed to continue to work with Derbyshire partners with regards to the System in 2014/15 but to keep this under review.

5.0 Corporate Implications

5.1 Development of the tourism sector contributes directly to the Corporate Plan's vision to 'make South Derbyshire a better place to work, live and visit' and to the theme of 'Sustainable Growth & Opportunity – strengthening South Derbyshire's economic position within a 'clean' and 'sustainable' environment.

6.0 Community Implications

6.1 Development of the tourism sector contributes directly to the South Derbyshire Partnership's Sustainable Community Strategy vision of 'a dynamic South Derbyshire, able to seize opportunities to develop successful communities, whilst respecting and enhancing the varied character of our fast growing district'. 'Sustainable Development' is highlighted as a key theme, with the aim of achieving 'sustainable existing and new communities that meet the population's needs and aspirations.

7.0 Conclusions

7.1 A recent study for Visit Britain (2013) forecasts that the country's tourism sector is expected to continue to grow strongly in the coming years, in terms of both value and numbers employed, outperforming the overall economy. In South Derbyshire, The National Forest has led to the rapid growth of the tourism sector throughout the District. The development of the visitor economy is of particular value given its ability to create employment in rural communities, attracting visitors and so helping to sustain services such as village shops and pubs.

8.0 Background Papers

8.1 Tourism: jobs and growth – the economic contribution of the tourism economy in the UK (2013).
D2N2 Local Enterprise Partnership: Strategy for Growth 2013-2023.
Vision & Action Plan for Sustainable Tourism in The National Forest (2009).
South Derbyshire Economic Development Statement (2013).

SERVICE LEVEL AGREEMENT

between

VISIT PEAK DISTRICT AND DERBYSHIRE DESTINATION MANAGEMENT PARTNERSHIP (*in partnership with DERBYSHIRE and NOTTINGHAMSHIRE CHAMBER of COMMERCE*)

and

SOUTH DERBYSHIRE DISTRICT COUNCIL

THIS AGREEMENT is made on the {insert day} day of {insert month} 2013

BETWEEN:

- (1) **SOUTH DERBYSHIRE DISTRICT COUNCIL** (hereinafter called "SDDC") of Civic Offices, Civic Way, Swadlincote, Derbyshire, DE11 OAH
- (2) **VISIT PEAK DISTRICT AND DERBYSHIRE DESTINATION MANAGEMENT PARTNERSHIP** (hereinafter called **VPDD DMP**) *in partnership with DERBYSHIRE and NOTTINGHAMSHIRE CHAMBER of COMMERCE.*

This agreement shall be read in conjunction with the VPDD DMO constitution and financial statement. It will be time limited to the financial years 2012/13, **2013/14** and 2014/15 ending on 31 March 2015 subject to an annual review.

Both the VPDD DMP and SDDC reserve the right to amend this agreement in response to any unforeseen financial or other circumstances but would wherever possible give 3 months written notice of any significant changes.

Definitions

VPDD DMO	Visit Peak District and Derbyshire Destination Management Organisation
SDDC	South Derbyshire District Council
DMS	Destination Management System
TIC	Tourist Information Centre
VE	Visit England
RGF	Regional Growth Fund
RDA	Regional Development Agency

1) Introduction

1.1 2013 - 14

1.1.1 This SLA outlines the investment required from partners and the role of the DMO over year two of a three year Agreement (ending March 2015). It is based on our latest three year business plan which was agreed by the Board in the Autumn 2012 as **option B**.

1.1.2 Option B identified that an additional commitment from public/private sector partners of at least £150,000 per annum is required for the next three years to ensure we remain and achieve the targets we have set ourselves. This 'additional' contribution is shown as a separate amount within the financial table (appendix 1).

1.1.3 In conjunction with working with key partners to secure the extra funds the DMO continues to introduce a number of new strategies, making us a more commercially focussed organisation, with the longer term aim and ambition of becoming less reliant on public sector funding in the future, these include:

- (i) a DMO brand review (launched at the conference in May 2012), a brand positioning strategy should help to attract and secure funding from private sector sponsorship and secure corporate contributions
- (ii) a new partnership with Visit England attracting funds from Regional Growth Fund (RGF) until 2015, securing £116k (2012/13); £117,500 (2013/14); £32,500 (2015).
- (iii) The successful introduction of "a membership only" strategy in 2012/13 has increased private sector investment and unlocked further potential for 2013/14.
- (iv) a more target driven sales team, a sales plan for 2013/14 has been developed, and implemented

1.1.4 with 2013/14 seeing the introduction and development of:

- (v) a special deals short break package. Special deal packages bookable through our website/ partner TIC's linking hotels with attractions, food and drink sector, heritage and experiences.
- (vi) Further development of supply chain membership, with target income set for this year (see KPI table 4.1).

1.2 A list of 'free members' is attached to this SLA appendix 2. This is a list of all non-commercial facilities including parks, sports facilities, museums that are 100% owned by a Local Authority. We have provided a total value for this complimentary list for your information.

2) The Role of VPDD DMO

2.1.1 The aims, objectives and partner roles underpinning this Agreement are detailed below.

2.1.2 Our vision is ambitious but credible and seeks to expand the role of the organisation and deliver services on behalf of the Peak District and Derbyshire, the most fundamental being:

- 2.1.3 To deliver dynamic marketing campaigns which will achieve far greater exposure than locally managed marketing strategies. We aim to capitalise on our 'Destination of Distinction' status, and recent success of being ranked 6th most appealing destination in a recent VE survey. We believe that such a high ranking will help us to continue to achieve record breaking visitor numbers from both domestic and overseas markets and that all our targets will be met if not exceeded, highlighted in table 4.1. During 2013/14 we will invest a total of 64% of our total budget into marketing activity.
- 2.1.4 The marketing strategy will continue to be one of "attract and disperse". Attracting visitors with an iconic and instantly recognisable Peak District destination and then dispersing visitors throughout the destination and introducing them to slipstream destination areas. Thus economic opportunities are generated throughout the region, even for destinations that are not part of the "Peak District holiday/short break" destination brand (The Attract Brand). "Attract campaigns" for 2013/14 includes "Time to Escape", "City Escape" and "Special Deals".
- 2.1.5 In 2014, the DMO will bring together the best of the A4 Welcome magazine and Explorer maps into a single A5 publication, designed to encourage visitor dispersal around the whole of the Peak District & Derbyshire destination. Themed editorial sections will include Peak attractions, key events, market towns & villages, well dressings & gardens, and film & TV locations. It will also include an area map and contact details for all of the area's TICs and visitor centres. The new Welcome will be published in February 2014, and 150,000 distributed through an established network of 400 sites across the destination.
- 2.1.6 Derbyshire festivals and events will be developed and supported together with social media networking via Twitter, Facebook and YouTube, press and PR work as well as Derbyshire tourism product and accommodation on www.visitpeakdistrict.com and within the Peak District Holiday Guide. In particular for 2013-14 we will see the launch of the Peak Explorer App, a comprehensive visitor guide designed specifically for smart phones. It includes details of hundreds of things to see and do, towns & villages, attractions, outdoor activities, places to eat, shopping and information on Derbyshire's famous well dressings. With plenty of ideas about great places to visit, this app will become an invaluable guide for trips to the Peak District, and is intended to become the DMO's central on-line visitor dispersal tool.

2.2 Further information about the 'attract and disperse' strategy is attached:

- 2.2.1 A copy of the Marketing and PR campaigns and tool map 2013-14 (attached).
- 2.2.2 A copy of the Visitor Dispersal Strategy Map 2013-14 (attached).

2.3 Strategic plans to inform investment and funding over the next 5 years

2.3.1 **Visitor Economy Review and Investment Assessment** – covering the Derbyshire and Nottinghamshire area (D2N2) and funded by the LEP. This assessment will be used to promote and enhance the D2N2 area and will include a list of investment recommendations which will work in conjunction with other funding opportunities.

The study will cover:

- Capital and revenue investment in both physical infrastructure and development of themes.

With the desired outcomes of the study being:

- A robust evidence base and rationale for investment in key areas
- A basis from which future policy can be informed.

This assessment will be available towards the end of the Autumn 2013, and will help to inform the D2N2 Growth Plan and the EU Structural funds 2014 - 2020 strategy.

2.3.2 Visit Peak District and Derbyshire Destination Plan – funded by stakeholder partners and the LEP. This plan will help to inform the Investment Assessment (highlighted above), and will be available in the Autumn 2013, the aim of the plan is to:

- identify gaps, challenges and opportunities
- lead to actions to progress and effectively manage key aspects of the destination.
- address fragmentation of different elements of the tourism system and seek a more coordinated approach.
- be developed in consultation with key stakeholders, the wider tourism industry and local communities, helping to win resources and support for tourism.
- measure the performance and impact of tourism to both inform future developments and provide evidence that benefits flow to communities, environment, industry and visitors.
- feed neatly into the investment assessment strategy document outlined above
- unlock funding from the new emerging D2N2 funding and EU Structural funds 2014 - 20.

3) Aims & Objectives 2011-15

3.1 The overarching aims of the DMO remain the same

- 3.1.1 Grow the value of tourism for the Peak District holiday destination and slipstream brands by 5%+ per annum.
- 3.1.2 Position the Peak District as a viable World Class holiday destination in the global market place.
- 3.1.3 Promote the Peak District as a fashionable and attractive outdoor “activity and adventure” destination.
- 3.1.4 To increase Private Sector investment leading to a 60/40 Private/Public funding ratio by 2015 (a new challenge set by Public Sector Partners during 2012/13).

3.2 Objectives 2011-15

- 3.2.1 Offer a compelling destination of distinction through the development of a sophisticated ‘Attract’ strategy.
- 3.2.2 Complement the attract strategy with an innovative ‘Dispersal’ strategy offering reasons to stay longer and repeat visit.

- 3.2.3 Continually improve engagement with the private sector and increase investment from industry players.
- 3.2.4 Become the main marketing promoter for festivals and events in Derbyshire.
- 3.2.5 Focus marketing campaigns during shoulder periods to create sustainable economic growth for tourism businesses over twelve months of the year.
- 3.2.6 Align destination messages, style and communications to deliver cost efficiencies, reduced duplication of effort, a more powerful aggregated voice and more effective delivery.

4) Key Targets/ Performance Indicators for this financial year 2013/14

4.1 Key Target table:

Detail	2012/13 Actual	2013/14 Target
Visit Peak District and Derbyshire DMO Targets		
Decrease Public Sector investment leading to a 60/40 Private/Public ratio by 2015	42%	40%
Marketing and PR Targets		
Visitor Guide Distribution (print run 150,000)	97%	100%
Unique visitors to the website	939,544	986,000
Data-capture	48,015	50,400
Campaign Bed-nights	12,971	13,620
Bed-nights captured via Guest Web-link	14,588	15,318
Campaign ROI*	Awaiting results	10:01
Brand Awareness (via VE Brand Tracker)	Awaiting results	tbc
Facebook Page Likes	2,018	2,120
Twitter Followers	6,864	7,210
YouTube Views	36,649	38,480
PR Coverage	£1.6million	£2million
Exhibitions and Events	4	5
Coach Operator Open Days	2	2
Dispersal		
Welcome Magazine Distribution (print run 100,000)	85%	100%
Explorer Maps Distribution (255,000)	95%	100%
Number of new Visitor Information Points established	11	10
Customer contact at Dispersal events via face to face, customer data and newsletters	4,000	4,200
Development of an App	1	0
Joint Promotional Initiatives (e.g. ticketing)	1	2
Membership		
Number of members	462	550
Number of Supply Chain members	4	30

Income from Patron members	£9,000	£15,000
Number of businesses attending events and conferences	95	100
Conference Derbyshire		
Number of businesses advertising**	29	30

* this target has been set by Visit England

** this target is subject to change

5) Service Delivery

5.1 Key functions carried out by the VPDD DMO are detailed below:

- Promote the destination by working in partnership with stakeholders to grow the value of tourism.
- Maximise the funding opportunities available from external sources.
- Deliver a marketing plan that incorporates the strengths of “Slipstream Destinations”.
- Service the needs of visitors and tourism industry partners through the successful implementation of the Visitor Dispersal Strategy.
- Continue to develop and strategically lead on the DMS.
- Engage directly with the Tourism Industry by delivering a programme of effective tourism communications and networking events.
- Develop and deliver a Commercial Plan that maximises private sector support.
- Increase our membership base, in an effort to achieve our ambitious target of 60/40 Private/Public sector funding ratio.
- Successfully deliver and maintain the profile of the Conference Derbyshire programme.
- Support businesses in delivering a quality product.

5.2 See Appendix 1 for SDDC’s agreed financial contribution

5.2.1 SDDC’s total contribution for 2013/14 equals £12,552.

5.3 Key functions carried out by SDDC

5.3.1 A representative from Erewash Borough Council, South Derbyshire District Council and Amber Valley Borough Council to sit on the VPDD Board, and a Senior Officer to sit on panels and attend meetings/ workshops associated with for example:

- Tourism Officer Group
- Visitor Services Panel
- Business Tourism Panel (Conference Derbyshire Board)

5.3.2 Ensure that the wider Peak District and Derbyshire area is mentioned in South Derbyshire District specific PR work where appropriate.

- 5.3.3 Assist with PR work, FAM trips when relevant to South Derbyshire.
- 5.3.4 Ensure that any local guides produced will also reflect the Peak District Brand.
- 5.3.5 Allocate staff support when possible to assist with VPDD marketing initiatives.
- 5.3.6 Annually audit the local area accommodation stock and collect visitor numbers to assist with evaluation.
- 5.3.7 Advise the VPDD DMO of all known tourism development projects in the area.
- 5.3.8 Work with the VPDD DMO to identify any potential developments that will enhance the tourism infrastructure and product of the area and help progress investment.

6) General Principles for Collaboration, Support and Communication

- 6.1.1 The VPDD DMO and SDDC agree to commit to working in partnership to secure mutual aims and objectives.
- 6.1.2 All expenditure and commitment of finances, including in kind valuations, are subject to VPDD DMO and local authority financial regulations. VPDD DMO accounts will be open to SDDC.
- 6.1.3 The VPDD DMO will set up and maintain communication systems that enable a regular, consistent and accurate flow of information on contractual obligations and funding issues.
- 6.1.4 The Chairman and Chief Executive of the VPDD DMO will engage with elected members and officers of SDDC if so requested.

7) Breach of Conditions and Recovery of Funds

- 7.1.1 Partners may reduce, suspend or withhold payments, or require all or part of the contribution to be repaid if there has been a failure by VPDD DMO to comply with the requirements set out in this Agreement in particular where:-
- 7.1.2 Insolvency – VPDD DMO becomes insolvent and unable to pay its debts within the meaning of Section 123 of the Insolvency Act 1986.
- 7.1.3 Misuse of partner contribution – VPDD DMO applies the contribution otherwise than for the project purpose.
- 7.1.4 Poor progress – successful completion of the project in accordance with the project time plan or becomes unlikely to occur.
- 7.1.5 Change of project purpose in accordance with this Agreement, if at any time, the proposed or actual use or operation of the project ceases to materially comply with the project particulars.
- 7.1.6 Fraud and negligence – at any time, VPDD DMO has acted fraudulently or negligently in relation to this Agreement or the project.

8) Termination

8.1.1 This Agreement is for the current financial year April 1st 2013 until 31st March 2014 and will be for three years in principle, subject to an annual review, ending 31st March 2015.

8.1.2 If the VPDD DMO commits a material breach of this Agreement, which is not capable of remedy, then SDDC may terminate this Agreement with immediate effect by notice in writing.

8.1.3 If the VPDD DMO commits a material breach which it is able to remedy, then SDDC may serve notice on the VPDD DMO specifying a period of not more than 28 working days in which the breach is to be remedied and may not terminate the contract during that period in respect of that breach. If the breach is not remedied in that period, SDDC may terminate this Agreement with immediate effect by notice in writing.

8.1.4 A Material breach will include, but is not limited to:

- a) There is a meeting of creditors of VPDD DMO or any arrangement or composition with or for the benefit of VPDD DMO's creditors (including any voluntary arrangement as defined in Part 1 of the Insolvency Act 1986) is proposed or entered into by or in relation to VPDD DMO; or
- b) A receiver, administrator, administrative receiver, liquidator or similar officer takes possession of or is appointed over the whole or any substantial part of VPDD DMO's assets; or
- c) VPDD DMO ceases to carry on business or is unable to pay its debt within the meaning of Section 123 of the Insolvency Act 1986; or
- d) A petition is presented or a meeting convened for the purpose of considering a resolution for the making of an administration order, the winding up or dissolution of VPDD DMO; or
- e) An event of Force Majeure (any circumstances beyond the reasonable control of VPDD DMO affected by it) prevents VPDD DMO from performing any or a substantial part of its obligations under this Agreement for more than 28 days; or
- f) Either party not achieving the Objectives detailed in this Agreement.

9) Rights and Obligations on Termination

9.1.1 Within 3 calendar months of termination of this Agreement (whether by notice, expiry or otherwise) the VPDD DMO shall:

Forward to SDDC any assets or property or any unused SDDC funds in its possession or control.

- Immediately refrain from holding itself out in any manner whatsoever as having any connection with SDDC.

- Assist SDDC as necessary in ensuring that the duties of the VPDD DMO under this Agreement are efficiently transferred to SDDC. This may include (without limitation) handover of all documents and data in the possession of the VPDD DMO.

10) Variation

10.1.1 In the event that VPDD DMO and SDDC agree that changes to the project are required then such changes (including any change in the amount or timing) will be negotiated between VPDD DMO and SDDC. Any changes will be recorded in writing and appended to this Agreement.

11) Equal Opportunities

11.1.1 The VPDD DMO shall have a written equal opportunities policy statement and shall promote equality of opportunity between all individuals and groups having access to the services

11.1.2 The VPDD DMO shall ensure that any allegations of discrimination or complaints made against it are properly investigated and that appropriate action is taken.

12) Third Party Rights

12.1.1 The provisions of the Contracts (Rights of Third Parties) Act 1999 are hereby expressly excluded from and do not apply to this Agreement.

Signed: _____
For and on behalf of South Derbyshire District Council

Name (in capitals): _____

Position in Organisation: _____

Date: _____

Signed: _____
For and on behalf of VPDD DMO

Name (in capitals): _____

Position in Organisation: _____

Date: _____

APPENDIX 1: 2013/14 South Derbyshire District Council contributions, conditions and comments

Resource element	Cash contribution	In-kind contribution	<u>Comments</u>
Direct cash funding	£6,000		<ul style="list-style-type: none"> • Agreed at Board level • As agreed with New Vision and partners • Agreed with Derbyshire County Council
Direct DMS funding	£6,552		
Additional payment	£nil		
Total contribution	£12,552		<ul style="list-style-type: none"> • Total value of contribution for 2013/14

APPENDIX 2: 2013/14 South Derbyshire venues to be incorporated into SLA

Venue	Contact Name	Notional Value
<i>Swadlincote Tourist Information Centre</i>		
<i>Greenbank Leisure Centre, Swadlincote</i>		
<i>Etwall Leisure Centre</i>		

**a list of all non-commercial facilities including parks, sports facilities, museums that are 100% owned by a Local Authority, is still to be provided...*