

**CABINET****MINUTES OF MEETING HELD ON 5 AUGUST 2015****I N D E X**

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## **CABINET**

### **MINUTES OF MEETING HELD ON 5 AUGUST 2015**

#### **Present:**

Councillor G Baxter MBE ..... Leader (in the Chair)

Councillor J Austen

" N Barker

" M Gordon

Councillor P R Kerry

" Mrs L Robinson

" P Williams

#### **215 Apology for Absence**

An apology for absence had been received from Councillor Mrs E A Hill.

#### **216 Declarations of Interests**

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

Councillors J Austen and L Robinson declared a non significant other interest in Agenda Item No 4 – Voluntary Community Groups – Links CVS.

#### **217 Minutes of Last Meeting**

RESOLVED – That the Minutes of the meeting of the Cabinet held on 8 July 2015 be approved as a correct record and signed by the Leader.

#### **218 Voluntary Community Groups Presentation – Links CVS**

Cabinet considered Report No GBXR/11/15-16/DR of Councillor G Baxter MBE, which gave Cabinet information regarding the outcomes of five voluntary sector organisations funded by the Council in 2014/15.

A presentation was given by James Lee of Links CVS which updated Members on the work done by the organisation. Funding from the Council had formed 17% of the core budget and had allowed Links CVS to offer services such as information, advice and training to groups through training and access to weekly email bulletins and quarterly newsletters. There was also a dedicated website to offer access to information and basic advice.

39 groups had been supported which were either based in or provided services in the Council area in the last year compared to 22 in the previous year. Each group had been given 4 to 6 hours of advice. Positive feedback had been received.

Links CVS had now become the trusted organisation to deliver the Big Local Project in Hasland and Grassmoor.

RESOLVED – That the presentation be received by Cabinet

Reason for Decision

To ensure that the Council maximises efficiencies and outcomes through commissioning voluntary sector organisations to help us achieve our corporate priorities.

Other Options Considered and Rejected

The presentation aimed to provide a first-hand account from the voluntary sector of services already commissioned by the Council. No alternative options were considered appropriate as the aim of the aforementioned review was to increase transparency and accountability of commissioned services.

**219 North East Derbyshire Local Plan**

Cabinet considered Report No MG/03/15-16/HF of Councillor M Gordon, which updated Members on the progress that had been made in preparing the Local Plan and advised of the issues and risks associated with continuing with the local Plan (Part 1) as currently planned and to commence preparation of a single Local Plan.

Cabinet had previously endorsed a two stage approach for the Local Plan, but following the call for development sites, the Plan would be heavily skewed to the south of the District. This meant that it would be difficult for stage two to pass inspection. There was still a Duty to Co-operate with neighbouring authorities and housing development should be evenly distributed throughout the District.

Further Government proposals to be implemented in 2017 meant that local authorities without a Local plan could have one implemented by the Government.

RESOLVED That Cabinet:-

- 1) Notes the issues and risks associated with continuing with the Local Plan Part 1 as currently planned,
- 2) Authorises the commencement of the preparation of a single Local plan, which will consider options for an alternative strategic distribution of housing and other development, including bringing forward a comprehensive review of the Green Belt,
- 3) Notes the need to understand the full implications of accommodating all, or a proportion, of a neighbouring authority's housing supply in order to fulfil the legal requirements of the Duty to Co-operate, and the possible future involvement of Members in this process,
- 4) Notes the Government's further planning reforms and their potential implications for the Council's Local Plan

**Reason for Decision**

In order to enable the Local plan to be progressed to the next stages and ensure timely delivery of a sound plan which is positively prepared, justified, effective and consistent with national policy and current guidance.

**Other Options Considered and Rejected**

To continue with the two stage approach.

**220 Risk Management Update, Partnership Working and Strategic Risk Register**

Cabinet considered Report No PRK/08/15-16/BM of Councillor P R Kerry, which updated Members on the current position regarding Risk Management and the arrangements currently in place to manage partnership arrangements including the associated risk.

The continued period of austerity meant that more difficult decisions would need to be taken and it may be difficult to manage cuts going forward. Legislative changes were also in progress which meant that if the Council failed to adapt, there was a risk that the services the Council provided could become less relevant with a risk of failure to communities.

**RESOLVED That:-**

- 1) Cabinet approve the Council's Strategic Risk Register
- 2) An update of the Strategic Risk Register as at 30 September 2015 be brought back to a future meeting of the Cabinet for approval.

**Reason for Decision**

In order to assist in maintaining effective governance arrangements, service and financial performance

**Other Options Considered and Rejected**

Under the relevant good practice and to facilitate the development of robust managerial arrangements the Council was required to prepare a Strategic Risk Register as part of its risk management framework and to manage its Partnership arrangements effectively.

**221 Urgent Business (Public Session) – Proposed PSPO for Mickley**

Cabinet considered Report No LR/03/15-16/PC of Councillor L Robinson, which requested authorisation to make a Public Spaces Protection order in an area of Mickley.

There had been an acceleration of Anti-Social Behaviour around Mickley Hut and a PSPO was requested to be made to cover the whole area and to include an alcohol Exclusion Zone. The PSPO could be in place for three years and Fixed penalty Notices could be issued to persons in the area if necessary.

**RESOLVED** That:-

- 1) Members authorise the making of a Public space protection Order pursuant to section 59 of the Anti Social Behaviour Crime and Policing Act 2014 for the area of Mickley referred to in the report. The effect of the order will prevent people:
  - Being in possession of open alcohol vessels in a public place.
  - Playing golf, or being in possession of golf equipment, on the open park areas at and surrounding the Hut and BMX track.
  - Making excessive noise which causes a nuisance.
- 2) The order be in place for three years unless extended before the end of the three year period,
- 3) The fixed penalty for breaching the order be £100,
- 4) The impact of the PSPO be monitored by the Community Safety Strategic Group and reported to local Members,
- 5) Standards committee include a delegation to the Chief Executive Officer relating to the determination of Public Spaces Protection Orders in the Delegation Scheme when it is next reviewed.

**Reason for Decision**

That a PSPO be introduced for the identified area in Mickley, this would give the Police additional powers to address anti-social behaviour.

**Other Options Considered and Rejected**

Do nothing. This was rejected as the area was deteriorating and action was needed to address this.

**222 Exclusion of Public**

**RESOLVED** - That the public be excluded from the meeting during the discussion of the following items of business to avoid the disclosure to them of exempt information as defined in Paragraph 1, Part I of Schedule 12A to the Local Government Act 1972 (as amended by the Local Government (Access to Information)(Variation) Order 2006). [The category of exempt information is stated after each Minute].

**223 Medium Term Financial Plan**

Cabinet considered Report No PRK/09/15-16/BM of Councillor P R Kerry, which sought to inform Cabinet of a number of staffing issues and agree a budget for potential planning appeal costs.

**RESOLVED** – That Cabinet agrees the utilisation of the Invest to Save Reserve in order to fund the employment termination costs and the potential costs of Planning Appeals as outlined in the report.

**Reason for Decision**

The costs of proposals in respect of employment termination within the report would in effect be met from the savings which had already been secured from service restructures in respect of the printing service and the Improvement team.

With respect to the Planning Appeals position, it is necessary to agree an appropriate financial provision in order to make potential payments which are likely to arise as a result of the appeals process. With respect to all of the situations outlined within the report, the Council was in a position where it needed to recognise the financial liabilities which on balance had arisen.

**Other Options Considered and Rejected**

The options recommended are considered to be the appropriate ones as they recognise that in the situations outlined in section 2 of the report that the Council is now in a position where it has financial liabilities which were not previously recognised. Given that these financial liabilities have been identified, the Council needs to put itself into a position where it has agreed budgets available to fund these costs. Given that these costs are largely associated with the legal and employment framework within which the Council operates, there is not an alternative to recognising the costs which are likely to be incurred.

(Executive Director – Operations)

**224 Urgent Business (Private Session)**

There was no urgent business to be considered in the private session at this meeting of Cabinet.

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