

CABINET**MINUTES OF MEETING HELD ON 9 MARCH 2016****I N D E X**

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CABINET

MINUTES OF MEETING HELD ON 9 MARCH 2016

Present:

Councillor G Baxter MBE Leader (in the Chair)

Councillor J Austen

" N Barker

" M Gordon

Councillor Mrs E A Hill

" P R Kerry

" Mrs L Robinson

659 Apologies for Absence

All members of Cabinet were present at the meeting.

660 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 N Barker and Mrs E A Hill declared significant other interests in item 9(c) – Housing Revenue Account Budget and Rykneld Homes Management Fee 2016/17 – and item 13 – Strategic Plan for North Wingfield, Phase 1, arising from their membership of the Rykneld Homes Board. They would leave the meeting for consideration of both items.

661 Minutes of Last Meeting

RESOLVED – That the Minutes of the meeting of the Cabinet held on 10 February 2016 be approved as a correct record and signed by the Leader.

662 Change of Order of Agenda

RESOLVED – That item 10 on the agenda - Update on Safeguarding Vulnerable Adults and Children - be taken before item 5 – Member Development Strategy 2016-2019 and Member Role Profiles 2016-201.

663 Recommendation from the Audit and Corporate Governance Scrutiny Committee

Cabinet considered the following recommendation from the meeting of the Audit and Corporate Governance Scrutiny Committee held on 4 February 2016:-

The Committee requests Cabinet make the adoption of the District Council Local Plan at the earliest opportunity a key corporate priority for the Council.

Cabinet noted the request and commented that the adoption of a District Council Local Plan was already incorporated within the recently approved Corporate Plan and was a key priority of the Council. Cabinet welcomed the endorsement of this approach by the Audit and Corporate Governance Committee.

RESOLVED – That Cabinet agrees that the adoption of a District Council Local Plan be a key corporate priority for the Council.

Reason for Decision

To respond to the recommendation of the Audit and Corporate Governance Scrutiny Committee.

Other Options Considered and Rejected

None.

664 Update on Safeguarding Vulnerable Adults and Children

Cabinet considered Report No LR/06/15-16/PH of Councillor L Robinson which provided an update on activity around safeguarding for both vulnerable adults and children for North East Derbyshire District Council and provided an overview of the county wide Vulnerable Adults Risk Management panels and the Council's involvement in that process.

The Child Protection and Vulnerable Adults Policies were due for review later this year following the introduction of the Care Act.

The report listed the safeguarding link officers within the Council who act as a contact point for any referrals through to Derbyshire County Council or the Police.

The joint Corporate Safeguarding Group had continued to meet bi-monthly to ensure that the Council's activities surrounding safeguarding were co-ordinated and that all Council staff were aware of the process.

The Council's activities to raise awareness of the Child Protection and Vulnerable Adults Policy were detailed in the report. These included various training and briefing events for officers and Members, as well as publication of information on the Council's intranet and staff briefing cards. It was also noted that a scrutiny review into sexual exploitation had been underway since September 2015.

The Derbyshire Safeguarding Adults Board had developed the Vulnerable Adults Risk Management process (VARM) Policy to provide professionals with a framework to facilitate effective multi-agency working with vulnerable adults.

The multi-agency approach was designed to discuss, identify and document high risks cases and formulate action plans identifying the appropriate agency responsibility for actions. Both the Council and Rykneld Homes Limited had been increasingly involved in recent VARM cases since 2014 and had often acted as the lead agency.

Details of safeguarding and VARM referrals made by the Council and Rykneld Homes Limited during the period November 2014 to November 2015 were provided in the report.

RESOLVED – That Cabinet:-

- (1) Notes the work carried out by officers to safeguard vulnerable adults and children and, where appropriate, to ensure that the Police or Derbyshire County Council's Adult Social Care and Children and Young Adults Teams are made aware of the incidents as part of their safeguarding duties.
- (2) Notes that Scrutiny are reviewing aspects around safeguarding at the current time and that they may make suggestions to Cabinet to further improve the Council's processes in due course.

Reason for Decisions

To provide an overview and update on incidents and activity around the Council's Safeguarding Vulnerable Adults and Child Protection Policies.

Other Options Considered and Rejected

None.

(Executive Director - Transformation)

665 Member Development Strategy 2016-2019 and Member Role Profiles 2016-2019

Cabinet considered Report No NB/05/15-16/DC of Councillor N Barker which recommended for approval a revised Member Development Strategy for 2016-2019, to replace the Member Development Strategy 2013-2016, the Member Development Evaluation Strategy 2013-2016 and the Member Training and Development Policy 2013-2016. The report also recommended for approval revised Member Role Profiles for 2016-2019.

In the preparation of the new Member Development Strategy the criteria for the East Midlands Regional Councillor Development Charter had been considered as it provided guidance on best practice. The Member Development Working Group however had previously agreed that re-accreditation for the Charter be held in abeyance but that it be revisited if there were adequate resources to do so. It was not proposed that the re-accreditation should be pursued at this time.

The revised Member Development Strategy set out aims and objectives for how member development activities would be carried out within the Council with links to the Corporate Plan. The Strategy established a framework for how Councillors' learning and development needs would be identified and how a programme would be designed to meet these needs. Attached to the Strategy was an action plan which set out actions for implementing the Strategy's objectives. Performance against the action plan was to be reported to the Member Development Working Group.

Revised Role Profiles for Members were also recommended as they were a useful tool to help define the work and roles of Councillors. The Member Development Working Group had considered the current Role Profiles at its meeting in January 2016. The Working Group suggested that the Role Profiles should be restricted to covering the following roles:-

- Member of the Council;
- Chair and Vice Chair of the Council;
- Leader and Deputy Leader of the Council;
- Leader of the largest Opposition Group;
- Cabinet Member;
- Chair and Vice Chair of a Scrutiny Committee;
- Chair and Vice Chair of a Regulatory Committee;
- Chair and Vice Chair of the Standards Committee.

This would result in the removal of the following Role Profiles:-

- Scrutiny Committee Member;
- Member of a Regulatory Committee;
- Member of the Standards Committee;
- Member on Member Development Working Group;
- Member on Strategic Alliance Joint Committee;
- Leader of the minority Opposition Group.

Other than the reduction in the number of Role Profiles only minor re-wording was proposed.

Thanks were passed on to the Senior Governance Officer for the work undertaken on the Strategy and Role Profiles.

RESOLVED –

- (1) That the Member Development Strategy 2016-2019 as attached to the report be approved.
- (2) That the following Member Role Profiles for 2016-2019 as attached to the report be approved:-
 - Member of the Council;
 - Chair and Vice Chair of the Council;
 - Leader and Deputy Leader of the Council;
 - Leader of the largest Opposition Group;
 - Cabinet Member;
 - Chair and Vice Chair of a Scrutiny Committee;
 - Chair and Vice Chair of a Regulatory Committee;
 - Chair and Vice Chair of the Standards Committee.

Reason for Decisions

To provide a framework for delivering member development activities and to ensure Members are well equipped, confident and able to carry out their role.

Other Options Considered and Rejected

The existing Member Development Strategy and Role Profiles could have been allowed to lapse, however, it was considered good practice to have an up-to-date Strategy and Role Profiles in place to support Members in carrying out their functions as Councillors.

(Senior Governance Officer)

666 Review of District and Parish Liaison Group

Cabinet considered Report No GBXR/23/15-16/MK of Councillor G Baxter MBE which presented for approval new arrangements for the District and Parish Liaison Group.

In July 2015 Cabinet considered a report of a scrutiny review undertaken by the Economic Regeneration, Skills and Environment Scrutiny Committee on the Council's working relationship with Town and Parish Councils.

One of the recommendations of the review, which was supported by Cabinet, was:-

that a review of the District and Parish Liaison Group be undertaken to identify ways in which its agenda could be more equally balanced between the District and Parishes and be re-formatted to encourage attendance by Parish and Town Councils.

The District and Parish Liaison Group was informed of the outcomes of the scrutiny review in July 2015 where an alternative format for the group was presented for their discussion. This was followed by consultation with the Parish and Town Councils on these proposals, with a further presentation being made to the District and Parish Liaison Group at their meeting in January 2016. The new arrangements were proposed to begin from 2016/17.

A slight amendment to the proposals was agreed in order to include a closer working relationship between the District Council and the Society of Local Council Clerks, as well as with the Derbyshire Association of Local Councils.

RESOLVED – That the new arrangements proposed in respect of the District and Parish Liaison event be approved as follows:-

- (1) A reduction in the number of meetings from four to two, acknowledging that parishes have a number of demands on their time and a number of sources of information from which to access information (e.g. District Council, National and Local Association of Local Councils, Society of Local Council Clerks). Reducing the number of events also allows the District Council to focus resources into two well planned events per year.
- (2) The first session (in June, after the annual meetings) based around a conference theme on a Friday daytime with a further 'business' style meeting on the usual Wednesday night (in November/December).

- (3) Each Parish being invited to nominate a member representative (and substitute) to attend the meetings along with the clerk although this would not debar other members from attending.
- (4) Future meetings being based on the principles of participation and involvement rather than presentations.
- (5) Closer working between the District Council, Derbyshire Association of Local Councils and the Society of Local Council Clerks, but also with other partners.

Reason for Decisions

To increase the District Council's level and quality of involvement with Parish and Town Councils and to encourage a more collaborative approach to training and information exchange.

Other Options Considered and Rejected

The option for the District and Parish Liaison Group to remain as it had been operating was rejected as the format was not as effective as it could be.

(Governance Manager)

667 Fleet Vehicle Replacements – Streetscene Services

Cabinet considered Report No MG/13/15-16/SB of Councillor M Gordon which sought approval for the purchase of two light commercial fleet vehicles operated by the Council's Streetscene Team.

The Council had previously relied upon finance lease arrangements for vehicle acquisitions, however, over recent years the Council had changed its approach from using finance leasing and contract hire to one of acquiring vehicles by way of outright purchase. The light commercial vehicles would be procured by way of the Nottinghamshire Procurement (Light Commercial Vehicle) Framework Contract for provisions of cars, light commercial vehicles and mini-buses.

It was proposed that the vehicle replacement be funded by prudential borrowing which had previously been approved within the Council's Capital Programme and Treasury Management Strategy.

RESOLVED That:-

- (1) 2 light commercial streetscene vehicles, as set out at paragraph 5.1 of the report, be procured via the Nottinghamshire Procurement (Light Commercial Vehicle) Framework Contract for the provision of cars, light commercial vehicles and mini-buses.
- (2) The financing of the vehicles be undertaken by way of prudential borrowing as previously approved within the Council's Capital Programme and Treasury Management Strategy.

Reason for Decisions

To replace vehicles used by the Council's Street Cleansing Team.

Other Options Considered and Rejected

Replacement of the vehicles by finance lease arrangements was not considered to offer good value to the Council and reduced the scope for flexibility.

(Assistant Director - Streetscene)

668 North East Derbyshire Ambition Mediation Service Policy

Cabinet considered Report No EAH/12/15-16/JH of Councillor Mrs E A Hill which recommended for approval a new policy for the Ambition Mediation Service.

The District Council was the host authority for the delivery of the North Derbyshire Housing Ambition Project across four council areas, including this Council, Chesterfield Borough, Bolsover and Derbyshire Dales District Councils. A key objective of the project was to prevent homelessness in young people.

The introduction of a mediation service was a key tool for the project to prevent young people from becoming homeless in a crisis. The report set out the anticipated outcomes for cases under the Mediation Service as well as the impact such outcomes could have for the local authority and the wider public sector through the prevention of homelessness.

Mediation training had been provided to 10 officers at North East Derbyshire District Council within the Sheffield City Region Ambition, Housing Ambition and Housing Options Teams. Funding for the training had been provided by the Council's partners in health via the Health and Housing Fund.

RESOLVED – That the Ambition Mediation Service Policy, as attached to the report, be approved.

Reason for Decision

To enable the Housing Ambition Project to operate a key too in achieving its objective of reducing homelessness for young people.

Other Options Considered and Rejected

The alternative of not implementing the Policy was rejected as this would have had a detrimental effect on the project's ability to meet its objectives.

(North Derbyshire Housing Ambition Co-ordinator)

669 Single Equality Scheme 2016-2019 and Final Review of Single Equality Scheme 2012-2016

RESOLVED – That this report be deferred until the next meeting of Cabinet.

Reason for Decision

To allow more time for the consideration of the report.

670 Medium Term Financial Plan 2016/17 to 2018/19 Update

Cabinet considered Report No PRK/28/15-16/BM of Councillor P R Kerry which set out options which had been identified for addressing the financial shortfall over the three year period for the current Medium Term Financial Plan and to establish a plan of work to progress those options agreed.

Planning and New Homes Bonus

In relation to the Government's proposals regarding the New Homes Bonus the report set out the likely impact, particularly in respect of the Government's expectations for the planning process. The report also set out the key measures proposed concerning these issues including the desirability of having a local plan in place at the earliest opportunity, and the response being prepared by officers to the Government's consultation.

Economic Development

The report described the benefits to the Council from the building of new homes through the increase in Council Tax, as well as the benefit to the Council of increases in the level of National Non Domestic Rates (NNDR). It was commented however that while the Council may not see any benefits in the immediate future it was crucial that work continue to bring forward major sites suitable for economic development.

Vacancy Management

Within the current Medium Term Financial Plan savings had been anticipated of around £50,000 each year arising from the interval between a job becoming vacant and a new employee commencing work. Any further measures from disestablishing vacant posts were likely to be linked to the transformation project through efficiency savings, with any reduction in staff numbers being brought about through natural wastage wherever possible.

Transformation Programme

In considering the Transformation Programme it was noted that one of the key issues would be the availability of the Invest to Save funding in order to fund the investment and restructuring costs likely to be incurred as a result of the Council's requirement to reduce its cost base.

Leisure

Within the Transformation Programme the key financial benefits that had been identified would arise as a result of the implementation of the Leisure Strategy which had been considered by Cabinet in November 2015. Work was continuing to finalise these proposals. Some of the options with respect to Sharley Park and the Leisure Centres at Eckington and Dronfield were outlined in the report, along with

the possible costs anticipated and additional income generated and the potential payback periods.

Property

Although the Medium Term Financial Plan assumed no further savings from property assets the report outlined a number of potential opportunities for increased rental income or capital receipts that were being considered.

It was proposed that £25,000 from the Invest to Save Fund be allocated in order to provide a site brief in respect of Ankerbold Road, Old Tupton, to explore the options for bringing the site forward for development within the next three years. The work on the site brief would provide a basis for a more detailed report to Cabinet concerning the options available for the site.

RESOLVED That Cabinet:-

- (1) Notes the report and in particular the financial position following the Council meeting of February 2016, and the proposed response to the New Homes Bonus consultation paper.
- (2) Endorses the efforts to secure an increase in the number of new homes and to facilitate business growth within the District boundaries.
- (3) Notes the continuation of vacancy management arrangements which would be used in conjunction with the Transformation Programme to secure efficiency savings.
- (4) Endorses the early implementation of the leisure proposals in respect of Eckington and Dronfield and authorises officers to commence a procurement process with a report brought back to Cabinet to secure approval for a detailed scheme.
- (5) Requests officers to continue with work to identify funding opportunities to replace the current leisure facility at Sharley Park with a new facility.
- (6) Requests officers explore options to secure a longer rental stream from letting out parts of the Mill Lane building.
- (7) Approves the recommendation to utilise £25,000 of the Invest to Save funding to commission a site brief in respect of Ankerbold Road, with the outcome of that work being reported back to Cabinet.

Reason for Decisions

To pursue the measures available to tackle the Council's identified financial shortfall over the period of the current Medium Term Financial Plan.

Other Options Considered and Rejected

As outlined throughout the report.

(Executive Director - Operations)

671 Risk Management Update, Partnership Working and Strategic Risk Register

Cabinet considered Report No PRK/29/15-16/BM of Councillor P R Kerry which updated Members on the position regarding risk management and partnership arrangements and sought approval for a revised Strategic Risk Register as at 31 December 2015.

The revised Strategic Risk Register, which was set out as an appendix to the report, aimed to secure the following objectives:-

- Identifying any newly emerging risks which needed to be added to the Register and removing risks that had been resolved to maintain a focus on current risks.
- To revisit the risks for assessment to ensure that appropriate mitigation remained in place.

During recent quarterly performance meetings two key issues had been identified. The first concerned the pace of legislative change regarding housing, planning, the welfare system, devolution and finance. The second issue raised was the loss of key staff and the difficulty in securing suitable replacements. These issues already featured within the Strategic Risk Register.

A further risk identified for the Council was the increase in the number of planning applications that were being turned down by Planning Committee. There was a clear risk that some of these decisions would be overturned at appeal with a corresponding cost to the Council. Such costs would be met from the Invest to Save Reserve which would reduce the Council's ability to invest in the Transformation Programme and other initiatives to protect and improve services through the minimisation of costs.

The report also set out details of a number of the Council's key partnerships and the arrangements in place for the management of the Council's relationships with these partners.

Thanks were passed on to staff, particularly the Executive Director – Transformation, for the response during the recent IT and telephony outage

RESOLVED – That Cabinet notes the report and approves the Strategic Risk Register as at 31 December 2015 as set out in Appendix 1 to the report.

Reason for Decision

To enable Cabinet to consider risks identified within the Strategic Risk Register in order to assist and maintaining effective governance arrangements, service and financial performance.

Other Options Considered and Rejected

None.

(Executive Director - Operations)

Councillors N Barker and Mrs E A Hill left the meeting at this point having declared significant other interests in the following two items.

672 Housing Revenue Account (HRA) Budget and Rykneld Homes Management Fee 2016/17

Cabinet considered Report No PRK/30/15-16/BM of Councillor P R Kerry which recommended the level of Management Fee to be paid to Rykneld Homes Limited in respect of the financial year 2016/17.

Since April 2007 the Council's Housing Management Function in respect of its housing stock had been undertaken by Rykneld Homes Limited. The Council played an active role in the governance of Rykneld Homes Limited and worked to secure best value for its tenants. In order for it to undertake its roles and responsibilities Rykneld Homes Limited required an appropriate level of funding from the Council's Housing Revenue Account.

The financial protocol agreed between the Council and Rykneld Homes Limited provided that a Management Fee would be payable in 12 monthly instalments. Rykneld Homes Limited is a company owned wholly by the Council. The company's auditors requested that the Council provide a "letter of comfort" on an annual basis. This gives assurance that the Council would provide financial support to the company over the coming financial year.

The level of Management Fee recommended had been reached following discussions between officers from Rykneld Homes Limited and the Council. The report set out the details of the budget allocation.

It was proposed that the level of Management Fee to be paid to Rykneld Homes for 2016/17 should remain at the same level as 2015/16 at £9.902m.

RESOLVED – That Cabinet:-

- (1) Notes the report and approves the allocation of £9.902m Management Fee to Rykneld Homes Limited in respect of 2016/17.
- (2) Notes the financial position on the Housing Revenue Account and requests officers from both Rykneld Homes Limited and the Council continue to work to identify efficiency savings in order to protect and develop the quality of the services to Council tenants.
- (3) Endorses the section in the previously agreed financial protocol which enables the Council to pay temporary cash advances to Rykneld Homes Limited in excess of the Management Fee in order to help meet the cash flow requirements of the company should unforeseen circumstances arise in any particular month.
- (4) Notes the potential requirement to provide Rykneld Homes Limited with a "letter of comfort" to the company's auditors and grants delegated authority to the Council's Chief Financial Officer, following consultation with the Portfolio Member for Finance, to agree the content of that letter.

Reason for Decisions

To agree the level of Management Fee to be paid to Rykneld Homes Limited in respect of 2016/17.

Other Options Considered and Rejected

The option of not approving the proposed Management Fee to Rykneld Homes Limited would have resulted in the company having to secure financial savings from within their services which could have had a detrimental effect on Council tenants.

(Executive Director - Operations)

673 Urgent Business (Public Session)

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

674 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 3 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].

675 Strategic Plan for North Wingfield – Phase 1

Cabinet considered Report No EAH/14/15-16/LS/NC of Councillor Mrs E A Hill which updated Cabinet on the latest position regarding the regeneration proposals for North Wingfield and sought approval for the proposed phased approach to the strategic development.

The recommendations in the report were approved.

(Managing Director, Rykneld Homes Limited)
(Paragraph 3)

676 Urgent Business (Private Session)

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