

**CABINET****MINUTES OF MEETING HELD ON 31 AUGUST 2016****I N D E X**

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## **CABINET**

### **MINUTES OF MEETING HELD ON 31 AUGUST 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

" J Lilley

#### **212 Change of Order of the Agenda**

The Chair, with the consent of the meeting, agreed to change the order of the agenda as set out within these Minutes.

#### **213 Apologies for Absence**

All Members of Cabinet were present at the meeting.

#### **214 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 non-significant interests in items 16(a) – Proposed Purchase of a Maisonette at Pankhurst Place, Clay Cross, 16(b) – Proposed Disposal of Council owned Garage Site at Allendale Road, Wingerworth and 16(c) – Manor Farm, Dronfield – Proposed Regeneration – arising from their membership of the Rykneld Homes Board. As the interests were non-significant, Councillors N Barker and Mrs E A Hill could remain in the meeting for these items.

#### **215 Minutes of Last Meeting**

It was agreed that the first resolution at Minute No 190 – Powers under the Anti-Social Behaviour, Crime & Policing Act 2014 – should state “Community Protection Notices” not “Fixed Penalty Protection Notices”.

RESOLVED – That the Minutes of the meeting of the Cabinet held on 3 August 2016 be approved as a correct record, subject to the amendment above, and signed by the Leader.

#### **216 Funding to Voluntary and Community Organisations – Rural Action Derbyshire**

Cabinet considered an update from Rural Action Derbyshire as part of a suite of presentations from Voluntary Sector Organisations funded by the Council in 2015/16. Sylvia Green of Rural Action Derbyshire attended the meeting.

Cabinet were advised that Rural Action Derbyshire offers a range of services for rural communities within Derbyshire, based on available funding and the needs of the communities. These included a collective oil purchasing scheme, an agricultural chaplain, training on suicide awareness, Village Hall management advice, Wheels to Work Scheme and Financial Action and Advice Derbyshire, a collective network to address financial exclusion.

The Chair, on behalf of the Council, thanked Rural Action Derbyshire for their work on behalf of the residents of North East Derbyshire and for attending the Cabinet meeting to provide the update.

**RESOLVED** – That the update from Rural Action Derbyshire be noted.

**Reason for Decision**

To ensure that the Council maximises efficient use of outcomes through commissioning and voluntary sector organisations to help the Council achieve its corporate priorities.

**Other Options Considered and Rejected**

None.

**217 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 of 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].

<b>Key Decisions</b>
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**218 Chesterfield & District Crematorium Delivery Options**

Cabinet considered a report of Councillor M Gordon, Portfolio Holder with Responsibility for Environment, which sought Cabinet's support to the proposal by the Joint Crematorium Committee to establish a wholly owned company for the future management of the Chesterfield and District Crematorium.

The crematorium had been managed on behalf of Chesterfield Borough Council, Bolsover District Council and North East Derbyshire District Council by a joint Committee for many years with the latest legal agreement dating back to 2003.

The operation of the Chesterfield Crematorium had been generating a trading surplus over recent years. The Joint Crematorium Committee had identified that under the current arrangements for the management of the Crematorium it could not continue to generate a surplus and therefore identified the following options. The first option was to reduce the fees charged for the crematorium services,

however, it was identified that this would be a high risk option which could result in insufficient funds being available to reinvest in the business in the future, opening the Crematorium to allegations from the private sector that it was competing unfairly and reducing the ability to invest and develop in the Crematorium to meet the ongoing needs of the bereaved.

The option that was supported by the Joint Crematorium Committee was that a wholly owned company be developed for the operation of the Crematorium that could continue to make a surplus to allow improved services to be provided to the bereaved in the area.

The implications of setting up a wholly owned company were outlined in the report, although further specialist advice needed to be obtained before details of the proposal would be finalised.

**RESOLVED** – That

- (1) Cabinet understand the rational for the proposed wholly owned company and supports this in principle, however, believes that alternative options should be considered in more detail by the Joint Committee before their recommendations are determined.
- (2) Subsequent to this the Joint Committee's recommendations be referred to the respective Councils to clarify the preferred option and to outline the necessary legal and governance arrangements.

**Reason for Decision**

To allow the Crematorium services to continue to be improved and for sufficient funds to be held for the reinvestment in the business in order to provide services to the bereaved in the area.

**Other Options Considered and Rejected**

As outlined above.

(Executive Director - Operations)  
(Paragraph 3)

**219 Re-admission of the Public**

**RESOLVED** – That members of the public be re-admitted to the meeting.

<b>Non Key Decisions</b>
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**220 Budget Monitoring Report, Quarter 1 – April to June 2016**

Cabinet considered a report of Councillor P R Kerry, Portfolio Holder with Responsibility for Economy, Finance and Regeneration, which updated Cabinet on the financial position of the Council following the first quarter's budget monitoring exercise for the General Fund, the Housing Revenues Account, the Capital Programme and Treasury Management activity.

Officers had continued the integrated approach to budget monitoring in the first quarter of 2016/17 with Performance, Risk and Finance being considered at Directorate management meetings during July 2016.

In respect of the General Fund, the original savings target for the financial year 2016/17 was £0.395m. The current budget shows that the position for the savings target for 2016/17 now stands at £0.165m. A comparison of the profiled budget against the actual expenditure to-date was shown in Appendix 1 to the report.

In respect of the Housing Revenue Account the dwelling rents budget had been performing better than expected and supervision and management costs were below budget at quarter one.

In respect of the Capital Programme the approved Capital Programme for 2016/17 was £14.469m, the profiled budget for the Capital Programme for quarter 1 was £3.68m and the actual spend and known commitments totalled £2.199m, giving a favourable variance of £1.481m. The main area of underspend related to the Decent Homes schemes but this was fully expected to reverse over the coming months with delivery of planned works on target for the year.

Details of the Treasury Management activity undertaken in the first quarter of 2016/17 were attached to the report.

**RESOLVED** – That Cabinet:-

- (1) Notes the monitoring position of the General Fund at the end of the first quarter of 2016/17 as detailed in Appendix 1 to the report and requests officers to continue with work designed to deliver the targeted level of savings required in respect of 2016/17.
- (2) Notes the satisfactory position on the Housing Revenue Account, the Capital Programme and Treasury Management at the end of the first quarter of 2016/17.

**Reason for Decision**

To advise Members of the first quarter budget monitoring exercise for the General Fund, Housing Revenue Account, Capital Programme and Treasury Management activity.

**Other Options Considered and Rejected**

None.

(Executive Director - Operations)

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

Cabinet considered a report of Councillor P R Kerry, Portfolio Holder with Responsibility for Economy, Finance and Regeneration, which updated Members on the position regarding Risk Management and Partnership arrangements and sought approval for the revised Strategic Risk Register as at 30 June 2016.

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

- Identify 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 the recent quarterly Performance meetings the three key issues raised concerned the impact of the Referendum decision that Britain would leave the European Union, the pace of legislative change and the ability to recruit and retain appropriately qualified staff. Given that the issues/risks arising from the vote to leave the European Union were effectively the same as those associated with legislative change and change arising from the national political agenda, both these issues were covered by the same strategic risk (risk 1) as outlined in the Appendix to the report.

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

**RESOLVED** – That Cabinet notes the report and approves the Strategic Risk Register as at 30 June 2016 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 maintain effective governance arrangements, service and finance performance.

#### Other Options Considered and Rejected

None.

(Executive Director - Operations)

### **222 Government Consultation concerning proposals to reform National Non-Domestic Rates (NNDR)**

Cabinet considered a report of Councillor P R Kerry, Portfolio Holder with Responsibility for Economy, Finance and Regeneration, which advised Cabinet of the main details of the Government's consultation on the future of National Non Domestic Rates (NNDR), also known as Business Rates, and to agree a process for submitting a response to that consultation paper.

The Government had issued a consultation paper on Business Rates Retention on 14 July 2016 with a closing date for responses at 26 September 2016. Given the importance of the issue to the future of the Local Government Financial Framework, it was important that the Council submitted a response and accordingly it was recommended that the Executive Director – Operations be delegated the power to

agree a response on behalf of the Council, following consultation with the Leader of the Council, the Portfolio Member for Finance and the Chief Executive.

The report set out the key principles as contained within the Government's consultation paper, which proposed that all Business Rates would be retained by local councils by the end of the current Parliament in May 2020.

In addition to considering the proposals at a technical level, officers were also involved in working across Derbyshire to ascertain whether it would be appropriate to submit a Derbyshire wide response rather than a number of responses from individual authorities.

A session had been scheduled on the Member Involvement Half Day on 6 September to outline the consultation papers in more detail.

**RESOLVED** – That Cabinet notes the report and grants delegated powers to the Executive Director – Operations, following consultation with the Chief Executive, the Leader of the Council and the Portfolio Member for Finance, to agree and submit the Council's response to the Government consultation papers concerning 100% Business Rates Retention.

#### **Reason for Decision**

To enable Cabinet to consider the issues raised within the Government's Consultation Paper and to agree a mechanism by which the Council could meet the timetable for submitting a response to the consultation.

#### **Other Options Considered and Rejected**

Given that the consultation papers set out what amounted to a fundamental reform of local government finance it was considered necessary for the Council to give structured consideration to the potential impact of these changes, therefore the option of not submitting a response was rejected.

(Executive Director - Operations)

### **223 Medium Term Financial Plan**

Cabinet considered a report of Councillor P R Kerry, Portfolio Holder with Responsibility for Economy, Finance and Regeneration, which sought approval to utilise the proceeds of the sale of Ridgeway Craft Centre to fund the previously approved enhancement work at Eckington and Dronfield leisure centres in order to protect the level of financial balances available within the Invest to Save Reserve.

The Council had received the capital receipt in respect of Ridgeway Craft Centre at the end of July 2016 which provides the Council with additional resources of approximately £0.475m. It was recommended that this capital receipt be used to replace Invest to Save resources in the funding of the work on the enhancement of the Council's leisure facilities. This would then leave an uncommitted balance of a corresponding amount (£0.475m) within the Invest to Save Reserve. This balance would be available to support Invest to Save projects going forward and would help the Council to meet its financial targets of securing revenue savings in excess of £1m over the next three financial years.



**RESOLVED** – That Cabinet agrees to allocate the net receipt of £0.475m received from the sale of Ridgeway Craft Centre to fund currently approved capital works at the Council's leisure centres in order to free up an equivalent level of resource within the Council's Invest to Save Reserve.

Reason for Decision

The proposal was necessary in order to provide the Council with the investment funding, will assist in reducing its underlying level of expenditure but will increase its underlying level of income.

Other Options Considered and Rejected

The alternative option of leaving the Invest to Save Reserve fully committed was rejected as this would remove the Council's main source of investment funding for transformation change and was not considered to be an appropriate option.

(Executive Director - Operations)

**224 Urgent Business (Public Session)**

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

**225 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 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].

**Key Decisions**

**226 Disposal of Asset – Pilsley Road, Danesmoor**

Cabinet considered a report of Councillor J Austen, Portfolio Holder with Responsibility for Information Technology, E-Information and Asset Management, which recommended that Council owned land at Pilsley Road, Danesmoor be declared surplus to requirement and be disposed of on the open market.

The land was shown on a plan attached to the report and had formerly housed the Danesmoor Darby and Joan Clubhouse prior to it being demolished in 2008. The site was currently unused.

**RESOLVED:-**

- (1) That the land, as indicated on the plan attached to the report, be declared surplus to requirements.
- (2) That the land be offered for sale on the open market.

- (3) That delegated approval be given to the Executive Director – Operations to agree final terms for the sale, including the price to be paid, following consultation with the Portfolio Holder with Responsibility for Information Technology, E-Information and Asset Management.

#### Reason for Decision

The site was one which accorded with the Disposals and Acquisition Policy in that the land was generating no income and was surplus to Council requirements. In order to achieve the best value for the site the sale on the open market was the preferred option.

#### Other Options Considered and Rejected

The alternative option of allowing the land to be informally used as a car park was rejected due to the considerable risks associated with this.

(Assistant Director – Property and Estates)  
(Paragraph 3)

### **227 Development Land Feasibility Work at Tupton**

Cabinet considered a report of Councillor J Austen, Portfolio Holder with Responsibility for Information Technology, E-Information and Asset Management, which advised Cabinet of the outcome of the initial feasibility works undertaken on a potential development site near Ankerbold Road, Tupton and sought approval and budget to proceed with further feasibility work required in order to proceed with the Ankerbold Road development and to submit an outline planning application for a residential scheme.

Cabinet had approved in March 2016 that a site brief be prepared in respect of Ankerbold Road. This report provided the conclusions of the phase 1 feasibility work carried out in respect of the site. Officers from Housing Strategy and Property and Estates worked together to review the recommendations to ensure that they met the local housing need.

In order to progress the proposals and to obtain outline planning consent significant specialist consultancy support and surveys would be required at a cost of around £70,000. Were this site to be developed it would make an important contribution to meeting the housing need in the District and would generate a significant capital receipt, along with both New Homes Bonus and additional Council Tax income.

#### RESOLVED:-

- (1) That Cabinet approves the use of £70,000 of the Invest to Save funding to secure outline planning consent as outlined in the report.
- (2) Should satisfactory planning consent be obtained a further report be brought back to Cabinet with the options for disposal.

Reason for Decision

To progress the work required for outline planning consent in order to add value to the site and to make an important contribution to meeting housing needs in the District and generating a significant capital receipt.

Other Options Considered and Rejected

The option of not bringing forward the site for development was rejected as this would reduce the level of capital receipt achievable and would be missing the opportunity to contribute to the Corporate Plan Priorities.

(Assistant Director – Property and Estates)  
(Paragraph 3)

**228 Proposed Purchase of a Maisonette at Pankhurst Place, Clay Cross**

Cabinet considered a report of Councillor J Austen, Portfolio Holder with Responsibility for Information Technology, E-Information and Asset Management, which recommended for approval the purchase of a two bed maisonette of traditional construction at Pankhurst Place, Clay Cross.

The current leaseholder of the property had indicated a wish to dispose of the property and had asked if the Council would be interested in a buy back arrangement. The purchase of the maisonette would supplement the Council's current housing stock which Rykneld Homes would manage under the current management agreement. Rykneld Homes had ensured that the future maintenance costs were in line with the current programmes and life cycle replacements within the 30 year Business Plan.

RESOLVED:-

- (1) That Cabinet agrees to the purchase of 29 Pankhurst Place, Clay Cross for £45,000 plus associated costs.
- (2) That Cabinet approves that the Executive Director – Operations be authorised to agree the optimal financing arrangements for this purchase.

Reason for Decision

The purchase of the maisonette would help to deliver the additional housing needs in Clay Cross.

Other Options Considered and Rejected

The option of not purchasing the maisonette was rejected as this would not have helped in the delivery of additional housing needs in Clay Cross.

(Managing Director – Rykneld Homes Ltd)  
(Paragraphs 1 & 3)

**229 Proposed Disposal of Council Owned Garage Site at Allendale Road, Wingerworth**

Cabinet considered a report of Councillor J Austen, Portfolio Holder with Responsibility for Information Technology, E-Information and Asset Management, which recommended for approval the disposal of a former garage site located at Allendale Road, Wingerworth.

The location of the Council owned garage site at Allendale Road, Wingerworth was indicated on the plan attached to the report. The garages on the site had been identified as structurally defective. It was proposed that the site be disposed of on the open market following a planning process to gain consent for residential development on the site.

**RESOLVED:-**

- (1) That Cabinet agrees to the disposal of the garage site at Allendale Road, Wingerworth, as indicated on the map attached to the report, following the grant of planning permission and to the appointment of external agents to market the property.
- (2) That delegated powers be granted to the Executive Director – Operations, following consultation with the Portfolio Holder for Information Technology, E-Information and Asset Management, to agree the terms of the sale of the garage site on the basis that the price received satisfies the Council's obligation to secure best consideration reasonably achievable.

**Reason for Decision**

To provide an opportunity to create a capital receipt for the Council to support the remaining stock through the Housing Revenues Account.

**Other Options Considered and Rejected**

The retention of the site was rejected as this would involve ongoing maintenance associated with the open land and no prospective alternative use.

(Managing Director – Rykneld Homes Ltd)  
(Paragraphs 1 & 3)

**230 Manor Farm, Dronfield – Proposed Regeneration**

Cabinet considered a report of Councillor J Austen, Portfolio Holder with Responsibility for Information Technology, E-Information and Asset Management, which provided an update to Cabinet regarding a design competition in respect of a site at Manor Farm, Dronfield, and sought approval to progress the proposed scheme.

The site was in a conservation area and also subject to a restrictive covenant which requires its use for social housing. The site also had an existing building which would be expensive to convert to meet the requirements of the current property market. Accordingly Rykneld Homes and the Council had come to a view that the

only appropriate option was to act in the spirit of the covenant and to use the proceeds of any development on the site to fund social housing elsewhere in Dronfield.

A design competition was launched in June 2016. The entries were assessed by an evaluation panel comprised of senior officers from Rykneld Homes, together with the Leader of the Council and the Chair of the Growth Scrutiny Committee, with both design and return on investment being key considerations.

The details of the scheme awarded following the evaluation process were outlined in the report.

Cabinet passed its thanks to officers at Rykneld Homes for the work on developing the Scheme, given the difficult brief of ensuring the covenant was respected and the conservation area enhanced.

**RESOLVED** – That Cabinet:-

- (1) Approves the outline of the scheme for the regeneration of Manor Farm as set out within the report and requested a further report covering the outstanding issues be brought back to the next meeting of Cabinet on 28 September 2016.
- (2) Agrees that further work necessary to progress the scheme, including site surveys, legal and valuation advice be commissioned following approval of the proposals within this report.
- (3) Agrees that any surplus generated from a Manor Farm scheme be earmarked towards the financing of future Council housing schemes within the Dronfield area to respect the covenant associated with the site.
- (4) Recommends that a report be taken to Council on 5 September 2016 seeking approval to undertake General Fund Prudential Borrowing of up to £1.77m in order to progress the scheme as outlined within the report.

**Reason for Decision**

The proposal as set out within the report secures the optimum benefit from the site, supports the Council's Growth Agenda, aims to return on an investment in the Council's housing stock in Dronfield, secure additional homes for sale and bring the key building within Dronfield back into use.

**Other Options Considered and Rejected**

The option of not proceeding with the regeneration of this site was rejected as ultimately this would have increased costs through the essential maintenance work required and would impact negatively on the financial viability of the site and the return of investment in future years. The option to dispose of the site on the open market was rejected due to the Council's commitment to progress the scheme which would deliver a development that enhances the conservation area and makes appropriate use of the historic buildings currently on site.

(Managing Director – Rykneld Homes Ltd)  
(Paragraphs 3 & 5)

**Non Key Decisions****231 Disposal of Asset – Lane off Allendale Road, Wingerworth**

Cabinet considered a report of Councillor J Austen, Portfolio Holder with Responsibility for Information Technology, E-Information and Asset Management, which recommended the sale of an area of land off Wingerworth Drive on Allendale Road to Wingerworth Parish Council, at a nominal figure.

The Council owned land was shown on the plan attached to the report and was maintained as part of the overall parkland in the area and was identified in the Local Plan as formal recreational facilities.

Wingerworth Parish Council had made an application to purchase the land to facilitate the development of a new Parish Hall in the location. The Parish Council had requested that the District Council consider selling the land at a nominal value to assist with the development of the new community facility.

The Asset Management Group had recommended that should the land be sold to the Parish Council at a nominal cost that a restrictive covenant clause be included in the transfer to ensure that any future use of the land be in conjunction with a community facility only and for no other purpose whatsoever.

**RESOLVED:-**

- (1) That approval be given for the land on Allendale Road, Wingerworth, as indicated on the map attached to the report, to be sold to the Parish Council on grant of planning consent and restricted covenant (Overage) clause for a new Parish Hall with the restriction that the use of the land be limited to use in conjunction with a community facility only and for no other purpose whatsoever.
- (2) That the sale proceeds at a nominal value.
- (3) That the final terms for disposal, including the nominal fee, be agreed by the Executive Director – Operations following consultation with the Portfolio Holder with Responsibility for Information Technology, E-Information and Asset Management.

**Reason for Decision**

The site was considered to have a minimal value and it was considered that the sale of the land to the Parish Council would support a community initiative.

**Other Options Considered and Rejected**

The option to decline the request of the Parish Council was rejected as the Council wished to support the Parish Council's community initiative should planning consent be approved.

(Assistant Director – Property and Estates)  
(Paragraph 3)

**Key Decisions****232 Strategic Alliance – Senior Management Review – Interim Proposals**

Cabinet considered a report of Councillor N Barker, Portfolio Holder with Responsibility for Human Resources, Training and Member Development, which sought approval for interim changes to the Strategic Alliance Senior Management structure and an endorsement of proposals for undertaking a wider review of the structure.

The Strategic Alliance Joint Committee had considered a report at its meeting in July 2016 outlining interim proposals for changes to the Strategic Alliance Management Team (SAMT) structure. The Committee requested that the Chief Executive Officer provide a report to the respective Cabinet and Executive setting out the details of the proposed interim review of the Strategic Alliance Management Structure. A consultation was undertaken with the existing Executive Directors and Assistant Directors on the interim proposals and the development of proposals for a wider review.

The current SAMT structure and the structure based on the interim proposals were both attached to the report.

Details of the consultation activity that had taken place and a summary of the consultation responses were included in the report.

**RESOLVED** – That Cabinet authorises the Joint Chief Executive Officer to:-

- (1) Implement the proposed interim structure and commence the relevant recruitment process.
- (2) Provide a further report to Cabinet setting out the process and timeline for a wider Management review.

**Reason for Decision**

To ensure that the Senior Management structure has sufficient capacity to deliver the authority's Growth Agenda in light of the significant financial challenges the Council continues to face.

**Other Options Considered and Rejected**

The option of retaining the existing management structure with no changes was rejected as the current structure provided limited resources to operationally lead successful delivery of the Growth Agenda, particularly due to the increasing demands on the Joint Chief Executive Officer. The further alternative of undertaking a more significant review of the structure immediately was also rejected as this was considered to be premature given the need to reflect the significant issues facing the authority and the need to ensure that the future proposals would be sustainable.

(Chief Executive Officer)  
(Paragraph 3)

**233 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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CAB MINS (0831) 2016/AJD