

CABINET**MINUTES OF MEETING HELD ON 14 DECEMBER 2016****I N D E X**

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CABINET

MINUTES OF MEETING HELD ON 14 DECEMBER 2016

Present:

Councillor G Baxter MBE Leader (in the Chair)

Councillor J Austen
" N Barker
" M Gordon

Councillor P R Kerry
" J Lilley

Also Present:

D Swaine - Chief Executive
S Barker - Assistant Director – Human Resources & Payroll (for Min No 364)
Steve Brunt - Assistant Director – Streetscene
N Clark - Director of Property Services and Development
Paul Hackett - Executive Director – Transformation
P Wilmot - Human Resources Manager (for Min No 364)
A Wylie - Legal Team Manager (Contentious) (Solicitor) & Deputy
Monitoring Officer
S Cottam - Governance Officer

360 Apologies for Absence

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

361 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.

No interests were declared at this meeting of Cabinet.

362 Minutes of Last Meeting

RESOLVED – That the Minutes of the meeting of the Cabinet held on 23 November 2016 be approved as a correct record and signed by the Leader.

Non Key Decisions

363 Disposal of 2 Springfield Road, Barlow and 183 Longedje Lane, Wingerworth

Cabinet considered a report of Councillor J Austen, Portfolio Holder with Responsibility for Information Technology, E-Information and Asset Management, which sought approval to apply to the Secretary of State to dispose of 2 Springfield Road, Barlow and 183 Longedje Lane, Wingerworth.

On 3 August 2016 Cabinet approved the disposal of 2 Springfield Road, Barlow and 183 Longedge Lane, Wingerworth, which were of a non traditional construction as substantial works were required to both properties to bring them up to a lettable standard. At the time it was unclear who would want to purchase the properties, however, the Council were in a position to sell to the developer who would re-develop the site.

The Council may dispose of housing properties without the specific consent of the Secretary of State, however, one of the conditions of this was that the purchaser must intend to use the property as their only or principal home. If this condition was imposed on purchasers of the properties it would exclude developer purchases, therefore seriously restricting the markets which could reduce the sale price.

RESOLVED – That Cabinet resolved to make an application to the Secretary of State for the Communities and Local Government under Section 32 of the Housing Act 1985 for the disposal of 2 Springfield Road, Barlow and 183 Longedge Lane, Wingerworth to a purchaser who does not intend to use the properties as his/her only principal home and asks Council to confirm the application.

Reason for Decision

Both properties, which were of a non traditional construction, required substantial works in order to bring them to a lettable standard. The Council were now in a position to sell to a developer who would re-develop the site.

Other Options Considered and Rejected

To put properties on the open market without the Secretary of State's consent in which the Council would more likely than not achieve the best return if the purchaser had to use the properties as their only principle home.

(Assistant Director of Governance and Solicitor to the Council &
Monitoring Officer)

364 Apprenticeship Reforms

Cabinet considered a report of Councillor N Barker, Portfolio Holder with Responsibility for Human Resources, Training and Member Development, which sought information on the new Apprenticeship Levy and apprenticeship start targets due to be introduced in April 2017 and how these would impact on the Council. The Council needed to establish if it wished to collaborate with its strategic alliance partner on its response to the Government's Apprenticeship Reforms and to consider the various options for optimising apprenticeship funding, achieving the Public Sector Target and contributing towards the Council's corporate aims.

The Government announced a new Apprenticeship Levy in the Summer budget 2015. The purpose of the Levy was to fund an increase in the number and quality of apprenticeships and to meet the Government's target of three million apprenticeship starts by 2020. The Apprenticeship Levy would apply to all employers with an annual payroll of more than £3m. The Levy would be charged at a rate of 0.5% and payments would be collected monthly by HM Revenue and Customs (HMRC) through Pay as You Earn (PAYE). There would be a £15,000

fixed annual allowance for employers to offset against their levy payment and the Government would apply a 10% top up to monthly funds into an employer digital accounts.

The total annual funding would then be made available back to the Council via a new digital apprenticeship service (DAS) account, which would be used to pay for apprentices training, assessment and certification costs. The levy could not be used to cover apprentices' wages and other associated costs such as overheads and supervision costs. Funding caps would be in place to limit the amount of levy funds that could be spent on training for an individual apprentice and this would vary according to the levy and type of apprenticeship.

RESOLVED – That Cabinet agree, in principle, to endorse the Strategic Alliance Management Team to implement an Apprenticeship Strategy to include the options included in 1.14 and 1.15 of the report with a view to maximising the new Apprenticeship Levy and to provide the opportunity for the Council to achieve its apprenticeship target, subject to the finalised Government guidelines.

Reason for Decision

The Government's Apprenticeship Reforms would start to impact on the Council from April 2017 through the requirement to pay Apprenticeship Levy of 0.5% and meet a minimum of 2.3% apprenticeship starts annually. A number of options have been outlined in the body of the report which aimed to ensure that the Council made optimum use of the Levy. It was hoped that with a combined collaborative approach resources could be shared and efficiencies could be found and the Council would ensure better purchasing powers.

Other Options Considered and Rejected

A number of options had been discussed within the body of the report, an alternative would be to either do nothing or agree to implement some of the options open to the Council. The option to do nothing had been rejected on the basis that the Levy would be collected by HMRC regardless so it was in the Council's best interest to maximise use of funding, it was considered that this was an opportunity to embed apprenticeships across the strategic alliance as a way of developing new talents and up-skilling existing staff and although there was no penalty for not achieving apprenticeship start dates, public sector employers would be expected to publicise data under the transparency agenda.

(HR Manager)

365 Corporate Plan Targets Performance Update – July to September 2016

Cabinet considered a report of Councillor G Baxter MBE, Leader of the Council, on the quarter 2 outturns for the Corporate Plan 2015-2019 targets.

RESOLVED – That progress against the Corporate Plan 2015-2019 targets be noted.

Reason for Decision

The information provided in the report was to keep Members informed of progress against the Corporate Plan targets noting achievements and any areas of concern.

Other Options Considered and Rejected

None.

(Information, Engagement & Performance Manager)

366 North East Derbyshire Local Plan – Authority Monitoring Report 2015 and 2016

Cabinet considered a report of Councillor M Gordon, Portfolio Holder with Responsibility for Environment, which informed Cabinet of the North East Derbyshire Authority Monitoring Report (AMR11 and 12) and the five year housing land supply position and to seek approval of the contents of the AMR11 for the period of 1 April 2014 to 31 March 2015 and AMR12 for the period 1 April 2015 to 31 March 2016 for their publication on the Council's website.

The Localism Act 2011 required the production of an Authority Monitoring Report (AMR) to cover a period:-

- Which the authority considered appropriate in the interests of transparency;
- Which begins with the end of the period covered by the authority's most recent report, and
- That is not longer than 12 months.

RESOLVED – That Cabinet:-

- (1) Approves the content of the eleventh and twelfth North East Derbyshire Authority Monitoring Report (AMR11) for the period of 1 April 2014 to 31 March 2015 and AMR12 for the period 1 April 2015 to 31 March 2016 and for its publication on the Council's website.
- (2) Delegates authority to the Assistant Director – Planning and Environmental Health, in consultation with the Portfolio Holder for Environment, to approve the employment evidence base for inclusion in the published AMR when it becomes available in the New Year.
- (3) Requests the Chief Executive and Assistant Director – Planning and Environmental Health write to DCLG to advise of the Council's progress on the Local Plan.

Reason for Decision

The report sets out the key findings of the eleventh and twelfth Authority Monitoring Reports. Its publication would fulfil the Council's statutory duty to prepare and publish an Authority Monitoring Report.

Other Options Considered and Rejected

None.

(Planning Policy Manager)

367 Safeguarding Update and Child Safeguarding Policy

Cabinet considered a report of Councillor J Lilley, Portfolio Holder with Responsibility for Community Safety, Equality & Diversity and Health, which sought Members approval on a revised Child Safeguarding Policy and provided an update on safeguarding activity for the year to date for 2016/17.

Following changes to Derbyshire County Council's Safeguarding procedure, changes to legislation and guidance, a revised Policy for Child Safeguarding taking account of these changes was appended to the report.

The revised Policy was intended to replace the current Child Protection Policy (2013). The revised Policy had been reviewed and approved by Derbyshire County Council safeguarding experts and had also been reviewed and commented on by the Communities Scrutiny Committee.

Following feedback from Scrutiny additional guidance was inserted into the Policy relating to child sexual exploitation (CSE) and definitions on grooming.

RESOLVED –

- (1) That Members approve the revised Child Safeguarding Policy.
- (2) That the report is noted.

Reason for Decision

The Child Protection Safeguarding Policy had been updated in light of the changes introduced by Derbyshire County Council and reflected changes in good practice.

Other Options Considered and Rejected

None.

(Executive Director - Transformation)

Key Decisions**368 Dronfield and Killamarsh Regeneration Framework**

Cabinet considered a report of Councillor M Gordon, Portfolio Holder with Responsibility for the Environment, which provided an update on the production of regeneration frameworks for Dronfield and Killamarsh Town Centres and to recommend adoption of the frameworks.

The Housing and Economic Development Strategy 2015-2020 contained a recommendation to create a regeneration framework for each of the District's four town centres. These regeneration frameworks had already been developed for Eckington in 2012 and Clay Cross in 2009 and further revised in 2013, as such the Housing and Economic Development Strategy proposed action 4.1 'Create a Regeneration Framework or Planning Document for each town centre' related only to Dronfield and Killamarsh.

Following a competitive tender, consultants from OPUN were appointed in August 2015 to carry out the work required for the production of regeneration frameworks for Dronfield and Killamarsh. The focus of the consultant's brief was to produce regeneration frameworks for both towns through innovation and a collaborative process by engaging with all key stakeholders in both settlements.

To ensure the maximum amount of community feedback and evidence captured, an intensive consultation exercise was carried out in both towns during October 2016. This included walkabouts to directly engage with people using local facilities, drop-in events held in community buildings, attendance at local interest groups and extensive engagement through social media.

RESOLVED – That Cabinet endorse the Dronfield and Killamarsh Regeneration Frameworks and refers to full Council on 3 January 2017 for adoption.

Reason for Decision

To adopt the regeneration frameworks to guide future development and regeneration projects in Dronfield and Killamarsh.

Other Options Considered and Rejected

Not to adopt the frameworks would be contrary to the adopted Housing and Economic Development Strategy.

(Senior Regeneration Officer & Urban Designer)

369 Streetscene (Waste) Services Arrangements

Cabinet considered a report of Councillor M Gordon, Portfolio Holder with Responsibility for Environment, which updated Members on the ongoing arrangement in review of waste collection arrangements to meet anticipated housing growth over the next several years.

In 2014 'zoned' waste collection arrangements were introduced in North East Derbyshire to bring about greater flexibility and efficient use of the Council's waste collection resource to meet future demand of the District's changing waste streams. This also facilitated the adoption of burgundy bin collection visitation ordering so as to synchronise green bin collections to improve customer service arrangements.

Further to introducing zoned collection arrangements, new waste delivery directions (tipping facilities) had been introduced resulting in northern teams travelling less distance to tipping points and southern teams travelling further. This had further promoted a review of the waste collection rounds to install equity and workload across the two operational depots in Eckington and Doe Lea and in anticipation of

re-market testing the burgundy bin collection contract; and to build growth capacity in collection rounds anticipated housing growth over the next several years.

Planning conditions of new waste delivery tipping facilities had restricted opening hours on Saturdays presenting operation difficulties in teams being able to complete a 7 hour working day within the 5 hour time frame, in particular when Fridays workload rolled into a Saturday following Bank Holidays.

Consultations with waste services staff and trade unions had been undertaken in reviewing working arrangements further to which staff working weeks would change as follows:-

	Monday to Thursday	Friday
Current	7.00am to 3.00pm (7.5hrs)	7.00am to 2.30pm (7hrs)
New	6.30am to 3.00pm (8hrs)	6.30am to 11.30am (5hrs)

RESOLVED – That Members note the report and work being undertaken to future proof the Council’s waste collection service arrangements and establish parity in workload between northern and southern collection teams.

Reason for Decision

A review of the waste collection arrangements was concerned with ensuring demands of the service are best met, in particular to meet new tipping directions received by Derbyshire County Council and to future proof collection rounds to absorb anticipated housing growth.

Other Options Considered and Rejected

The Council’s waste collection service needed to meet anticipated increases in demand and new tipping directions also to ensure collection zones were organised efficiently and effectively in anticipation of awarding a new burgundy bin contract in November 2017, therefore adopting a ‘do nothing standstill’ approach was not in the interests of the service.

(Assistant Director - Streetscene)

370 Urgent Business (Public Session)

Microsoft Office Licence Procurement

Cabinet considered a report of Councillor J Austen, Portfolio Holder with Responsibility for Information Technology, E-Information and Asset Management, which advised Members of the requirement to review the office productivity software at the Council and to seek approval for the procurement of the Microsoft Office Licences.

Microsoft Office 2007 was currently deployed for staff at the Council, the suite of office productivity tools included word processing spreadsheets, presentational tools, email and data bases.

Security support for Office 2007 ends in October 2017 and to maintain public service network (PSN) compliance and ensure that the Council is protected against the latest malware it was critical that the Council remained on the supported version of the software. Plans had been put in place for the procurement and deployment of a later version of Microsoft Office in Spring 2017 and funds had been earmarked as part of the ICT five year Capital Investment Plan. However, on 30 November 2016 Microsoft announced a 13% price increase from 1 January due to fluctuations in exchange rates. To mitigate the cost of the price increase a number of options were considered and quotes were sought from Microsoft resellers as part of the Government framework pricing agreement.

Cabinet were advised that by procuring Microsoft Office before 16 December 2016, this would create a considerable saving to the Council.

RESOLVED – That Cabinet:-

- (1) Approves funds identified for office upgrades in the five year ICT Capital Investment Plan for 2017-18, 2018-19 and 2019-20 are brought forward to the current financial year.
- (2) Approves the purchase of the new Microsoft Office Licences.
- (3) Approve Bytes as the preferred provider with the best price based on Microsoft governing pricing.

Reason for Decision

By procuring the Microsoft Office Licences before the 16 December 2016, which was Microsoft's deadline to resellers, this would create a considerable saving to the Council.

Other Options Considered and Rejected

Remaining on the current version of Microsoft Office was rejected as this would be both a major non-compliance for our PSN certification and would expose the Council from significant risks of malware.

(ICT Manager)

371 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 1 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**372 Sale of the former Holmewood Depot, Masefield Avenue, Holmewood**

Cabinet considered a report of Councillor J Austen, Portfolio Holder with Responsibility for Information Technology, E-Information and Asset Management, which advised Members of an offer received by the Council for the freehold interest in the site of the former Holmewood Depot, Masefield Avenue, Holmewood.

The Council owns the freehold interest in the site of the former Holmewood Depot, extending to approximately one acre and was shown on the appended map.

RESOLVED – That Cabinet:-

- (1) Having considered all the information in the report and the views of the Asset Management Group agrees to a sale of the freehold interest in the site of the former Holmewood Depot to Ace Developments (Chesterfield) Ltd.
- (2) Agrees to grant delegated powers to the Executive Director – Operations, in conjunction with the Portfolio Member for Information Technology, E-Information and Asset Management, to agree final terms for the sale.

Reason for Decision

The property had been marketed for over 18 months, despite which it had attracted very little interest for use as offices, workshops and only one offer for re-development for housing (the current offer).

Other Options Considered and Rejected

The main alternative was for the Council to retain the site and re-develop itself. This was rejected because the viability of the scheme was more likely to be marginal for most developers.

(Senior Estate and Valuation Officer)

373 Purchase of Land at Grassmoor

Cabinet considered a report of Councillor J Austen, Portfolio Holder with Responsibility for Information Technology, E-Information and Asset Management, which sought approval for the purchase of land off Keats Way, Grassmoor, from South Yorkshire Housing Association.

RESOLVED – That:-

- (1) Cabinet, having considered the information in the report, agrees to grant delegated powers to the Executive Director – Operations, in conjunction with the Portfolio Holder with Responsibility for Information Technology, E-Information and Asset Management to finalise the purchase of land as outlined in the report subject to satisfactory conclusion of due diligence work and confirmation that the price agreed is in line with the market value of the land concerned.

- (2) Officers from the Council and Rykneld Homes explore options for HCA grant or other external funding in order to secure a financial viability model for re-developing the site for housing.

Reason for Decision

The terms of which South Yorkshire Housing Association had offered to sell the land to the Council were considered by officers to represent good value for money.

Other Options Considered and Rejected

The main alternative option was to not purchase the land concerned. Officers considered that this would not assist in securing our corporate priorities of supporting housing growth and providing good quality social housing.

(Executive Director - Operations)

374 Adoption of Coney Green Balancing Pond at Clay Cross

Cabinet considered a report of Councillor M Gordon, Portfolio Holder with Responsibility for Environment, which sought approval to adopt the open space and balancing pond at Coney Green, Clay Cross.

In 2015 the Council adopted open space situated around the Coney Green estate, Clay Cross, from the Homes and Communities Agency (HCA). This land transfer formed part of a Section 106 Agreement made during the development of the site into both a residential and industrial area. However, an area which included a balancing pond was not included, further to which the HCA had since approached the Council with a view to its adoption.

The land in question was shown on a plan appended to the report. A commuted sum had been agreed to be paid to the Council if the balancing pond was adopted.

RESOLVED – That Cabinet adopts the land on condition the HCA undertakes the agreed remedial works and pays to the Council a commuted sum as outlined in paragraph 2.2 of the report.

Reason for Decision

Adopting the land would ensure that the wider amenity value of the area was better managed for the enjoyment of local residents and also to reduce the risk of flooding.

Other Options Considered and Rejected

Refusal to adopt the land – the HCA were required to relinquish all land ownership on the Coney Green site and therefore should the Council refuse to adopt the land then this would result in either a management company in maintaining the land and/or the land not being maintained at all. Adopting the land provided the Council with greater management of the site.

(Assistant Director - Streetscene)

375 Urgent Business (Private Session)

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

CAB MINS (1214) 2016/AJD