

## CABINET

### MINUTES OF MEETING HELD ON 13 DECEMBER 2017

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## **CABINET**

### **MINUTES OF MEETING HELD ON 13 DECEMBER 2017**

#### **Present:**

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

Councillor N Barker  
“ M Gordon

Councillor P R Kerry  
“ J Lilley

#### **Also Present:**

D Swaine	-	Chief Executive Officer
L Hickin	-	Strategic Director
K Hanson	-	Strategic Director
D Clarke	-	Assistant Director – Finance & Revenues and Benefits
S Sternberg	-	Assistant Director – Governance and Solicitor to the Council & Monitoring Officer
N Clark	-	Director of Property Services and Development – Rykneld Homes
H Fairfax	-	Planning Policy Manager
K Drury	-	Information, Engagement and Performance Manager
S Cottam	-	Senior Governance Officer (Acting)

*A member of the public was also in attendance at this meeting of Cabinet.*

#### **420 Apologies for Absence**

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

#### **421 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.

There were no interests declared at this meeting of Cabinet.

#### **422 Minutes of Last Meeting**

RESOLVED – That the Minutes of the meeting of the Cabinet held on 22 November 2017 be approved as a correct record and signed by the Leader.

#### **423 Minutes of the Member Development Working Group**

RESOLVED – That the Minutes of the Member Development Working Group held on 15 November 2017 be noted.

**Non Key Decisions****424 Customer Service Excellence Assessment**

Cabinet considered a report of Councillor G Baxter MBE, Leader of the Council, which updated Cabinet on the arrangements for the Customer Service Excellence Assessment in January 2018.

The Council had a commitment to achieve council wide Customer Service Excellence (CSE) Accreditation by March 2018 (Corporate Plan targets).

The Standard consisted of 5 parts and 57 elements in total. To achieve accreditation the Council must demonstrate compliance across the Standard and record less than 10 elements of partial compliance.

In January 2017 Customer Services achieved the Customer Service Excellence Accreditation. The assessment process consisted of two parts, an online submission of evidence and onsite assessments where the Assessor spent time at the offices talking to customers, staff, Managers, Members and partners.

Good progress had been made with uploading the electronic evidence and the Council was on course to submit its evidence in good time. It was planned to do this prior to the Christmas break. However, the Council were only required to submit the evidence two weeks prior to the assessment.

Cabinet were advised that the onsite assessment would be taking place from Tuesday, 30 January 2018 to Friday, 2 February 2018 and the visit requirements and draft schedule were outlined to Members.

RESOLVED – That Cabinet note the report.

REASON FOR DECISION – To advise Members of the arrangements for the Customer Service Excellence Assessment

ALTERNATIVE OPTIONS CONSIDERED & REJECTED - The options for Cabinet's consideration were detailed in paragraph 4.1 of the report. There were no alternative options considered and rejected.

(Information, Performance & Engagement Manager)

*K Drury left the meeting at this point*

**425 Decision and Referendum on Ashover Neighbourhood Plan**

Cabinet considered a report of Councillor M Gordon, Portfolio Holder with Responsibility for Environment which sought approval on the recommended modifications of the Examiner of the Ashover Neighbourhood Plan and to agree a date for the referendum. Approval was also sought to authorise that following a successful referendum if more than half of those voting in the referendum voted in favour of the Ashover Neighbourhood Plan then the Neighbourhood Plan would be brought into effect ("Made").

On 3 December 2014 Ashover Parish Council submitted an application to North East Derbyshire District Council for the designation of a Parish as a Neighbourhood Area. This was in line with Neighbourhood Planning (General) Regulations 2012. The designation was confirmed on 16 February 2015 for the preparation of the Ashover Neighbourhood Plan.

The Parish Council consulted its residents and businesses and prepared the Ashover Draft Neighbourhood Development Plan. Consultation on the Parish's Draft Plan was held between 22 January to 8 March 2016 and again on a revised Draft Plan between 30 January and 13 March 2017.

The submission version of the Neighbourhood Plan for Ashover was completed and submitted to the District Council in May 2017. North East Derbyshire District Council accepted the Plan was legally compliant and held a six week consultation period on the submitted Plan from 20 July to 31 August 2017 in accordance with Regulation 16 of the Neighbourhood Planning Regulations.

The Council, as the Local Planning Authority, submitted formal comments on the Submitted Neighbourhood Plan. Cabinet were advised that an independent examiner was appointed in September 2017 to undertake the examination of the Submission Version of the Ashover Neighbourhood Plan.

It was the examiner's view that subject to modification the Plan would meet the basic conditions and other relevant legal requirements.

The Council had to consider each of the recommendations made in the examiner's report and decide what action to take in response. The Council's Decision Statement was attached to the report as an appendix and this set out the examiner's recommended modifications and the proposed Council decision in respect of each of them.

It was not considered that that examiner's proposed modifications fundamentally altered the main aims of the Plan and were not regarded to be significant and it was therefore recommended that they were applied to the final Referendum Version Ashover Neighbourhood Plan. Subject to the modifications being made the Draft Neighbourhood Plan met the legal requirements and basic conditions as set out in legislation and could proceed to referendum.

Cabinet were advised that the provisional date for the referendum was set for Thursday, 8 February 2018.

**RESOLVED** – That:-

- (1) The Examiner's Report and recommended modifications are accepted in their entirety and the Plan, as amended, is taken forward to referendum within the Parish as outlined in the report.
- (2) Cabinet delegate authority to the Chief Executive, in consultation with the Portfolio Holder for Environment, that following a successful referendum if more than half of those voting in the referendum vote in favour of the relative Neighbourhood Plan, then the Neighbourhood Plan is brought into effect ("Made").

REASON FOR DECISION – To meet the requirements of the Localism Act 2011.

ALTERNATIVE OPTIONS CONSIDERED & REJECTED – The options for Cabinet's consideration were detailed in paragraph 4.1 of the report. An alternative option would be to reject some of the Examiner's amendments or introduce some of the District Council's own amendments. The Inspector's recommendations generally align with the District Council's Planning Officers' views, and do not compromise the emerging Local Plan. Consequently neither of these are necessary in order to produce a Plan that meets the basic conditions.

(Planning Policy Manager)

#### **426 Publication of Brownfield Land Register**

Cabinet considered a report of Councillor M Gordon, Portfolio Holder with Responsibility for Environment on the preparation of North East Derbyshire's Brownfield Land Register and sought approval of the contents of the Brownfield Land Register for its publication on the Council's website.

The purpose of the Brownfield Land Register was to provide up-to-date and consistent information on previously developed land that was considered to be appropriate for residential development. The Government hoped that this would provide certainty for developers, land owners and communities and encourage investment on Brownfield Land. However, it was important to note that the exercise was separate from the need to produce a Local Plan and maintain a five year supply of available and deliverable housing land and in no way replace these requirements.

The Town and Country Planning (Brownfield Land Register) Regulations 2017 required that each Local Planning Authority must prepare, maintain and publish a register of previously developed (Brownfield Land). This register must be published by 31 December 2017 and should be reviewed at least once a year. The National Planning Practice Guidance (NPPG) updated on 28 July 2017 described the Government's requirements in more detail.

The North East Derbyshire Brownfield Land Register took in to account potential sites from a range of sources including the former National Land Use Database (NLUD), the updated Urban Capacity Study, the up-to-date Housing LAA and the proposed Housing Allocations in the emerging Local Plan. This was complemented by an analysis of all Brownfield Sites with planning permission or Brownfield Sites which were currently subject to planning application. In total 31 Brownfield Sites had been identified which comprised approximately 115 hectares of land that could accommodate up to 2,125 dwellings. These figures included sites with planning permission and sites allocated in the emerging Local Plan, including the former Biwaters Site and part of The Avenue Site. It also includes sites, that whilst potentially useful for housing development, not necessarily available or capable of development without significant investment.

For these reasons the Brownfield Land Register was no more than a list of possible sites and did not replace the need for a Local Plan to identify sufficient suitable, available and deliverable land for both the five year supply and the Plan period.

**RESOLVED** – That Cabinet approves the content of the North East Derbyshire Brownfield Land Register for its publication on the Council’s website.

**REASON FOR DECISION** – The Council has a statutory duty to prepare, maintain and publish a Brownfield Land Register.

**ALTERNATIVE OPTIONS CONSIDERED & REJECTED** – The options for Cabinet’s consideration were detailed in paragraph 4.1 of the report. Given the current priority to deliver a Local Plan at the earliest opportunity it was considered inappropriate to focus additional resources on Part 2 of the Brownfield Land Register. This is however something that could be considered for future updates to the Register as necessary.

(Planning Policy Manager)

#### **427 North East Derbyshire Local Plan – Update**

Cabinet considered a report of Councillor M Gordon, Portfolio Holder with Responsibility for Environment. The update advised Members of current issues and progress in relation to the preparation of the Local Plan and to outline the next steps.

The Council adopted the current timetable for the preparation of the Local Plan in October 2015. Since that time the Planning Policy Team, supported by the cross-party Local Plan Steering Group and Members, had worked well to the adopted timetable and with the exception of a minor update combining two Regulation 18 consultations planned for June 2016 and February 2017 in to a single consultation, the Local Plan had progressed in line with the adopted timetable, most recently with the public consultation on a draft Plan in February 2017. To support this, additional staffing resources had been allocated to facilitate the delivery of the Plan as a key corporate priority.

It was clear that keeping to the adopted timetable had been challenging. Furthermore the situation had been compounded by the need to rely upon the co-operation of third parties to provide input and evidence that was critical in the development and delivery of a sound Plan.

At this time key elements of the evidence base remained outstanding, consequently this had directly affected the Council’s ability to meet its proposed publication of the Local Plan in Autumn 2017. Further action was being taken to address the issue of the outstanding information.

Additionally, work was being done to consolidate the evidence to substantiate how this had impacted on the Local Plan timetable and was beyond the reasonable control of the Council.

Over this period that there had been significant changes to the National Planning Policy and the regulations governing Plan production, creating some uncertainty for the process. In September this year the Government consulted on a common methodology for assessing housing need, with consultation and changes to the NPPF signalled for early in the New Year. It was expected that these changes would take effect from 31 March 2018 and would apply to any Local Plan submitted after this date.

The Government had made it clear that Council should not delay Local Plan preparation on the basis of changes to national guidance.

On 16 November 2017 the Secretary of State for Communities and Local Government (SOS) wrote to the Council to confirm that it had been identified as one of 15 local authorities where the Government believed that there had been a lack of progress on Local Plan making. This letter also stated that the Government would prioritise intervention in the Local Plan and requested that the Council provide details on the exceptional circumstances for delays as to its delivery and what action was being taken to address this and accelerate planned publication.

Consequently the Council had been invited to respond to the SOS by 31 January 2018 outlining any exceptional circumstances which the Council considered justified the failure to produce a Local Plan in line with Government expectations. This response would also require the Council to set out any measures that the authority had taken, or intended to take to accelerate planned production. This would then be taken in to account by the SOS when making a final decision on intervention.

The Council had an advisory visit scheduled with the Planning Inspector (PINS) in December. This would enable further consideration of technical and procedural issues surrounding the emerging Local Plan prior to publication. This visit was arranged as part of the ongoing development of the Plan and prior to the SOS's letter. Whilst it would not focus on the risk of intervention, it would ensure consideration of the issues and options currently facing the Council. Additionally the Council would continue its regular dialogue with DCLG and seek advice on the best way forward.

Throughout the development of the Plan there had been positive engagement with DCLG and prior to the SOS's letter there was no formal indication of concerns warranting direct Government intervention.

The Leader wished to put on record that no action had been taken against the Council to-date as recently speculated.

**RESOLVED** – That Cabinet notes the detailed issues set out in the report and approves the actions listed in paragraphs 1.7 to 1.11 of the report, including the appointment of additional resources.

**REASON FOR DECISION** – Delay in the completion of key elements of the evidence base had impacted on the current Local Plan timetable. Due to the SOS letter and the risk of intervention it was essential that the Council makes every effort to address the Government's concerns, evidencing its continued commitment to adopting a new Local Plan as soon as possible.

**ALTERNATIVE OPTIONS CONSIDERED AND REJECTED** – The options for Cabinet's consideration were detailed in paragraph 4.1 of the report. The Council is required to produce a Local Plan, however, if it fails to make sufficient progress the Government will intervene and take over plan production. This would effectively take away the Council's control over the future planning of the District and is not considered to be an appropriate option.

(Planning Policy Manager)

*H Fairfax left the meeting at this point.*

**428 Local Lettings Policy – North Wingfield**

Cabinet considered a report of Councillor E A Hill, Portfolio Holder with Responsibility for Housing Strategy and Social Inclusion on a Local Lettings Policy for Wingfield Court, North Wingfield for the remaining new build properties once pre-allocation has been completed for existing tenants whose homes were to be demolished.

The development would provide a total of 50 properties, this included 27 bungalows of which would be owned by North East Derbyshire District Council. Some would be pre-allocated for existing tenants whose home was to be demolished as part of the wider development project.

The other properties being developed were 23 houses of which would be owned by Rykneld Homes Limited, 7 of which would be for Shared Ownership. The rented properties (16) would undergo the same pre-allocation process and also be subject to this Local Lettings Policy.

Any remaining properties not subject to pre-allocation would be advertised by the Choice Move website and subject to NEDDC Allocations Policy. Applications would then be assessed against the Local Lettings Policy giving priority to applicants living on the wider Whiteleas Estate as identified on the map appended to the report.

The Policy aimed to create a thriving and sustainable community from the outset and maintained existing community cohesion where at all possible. The Policy was created in response to a New Build Scheme which would result in a significant number of lettings occurring over a short duration. This required appropriate consideration to the mix of the new community, the sustainability of tenancies and that housing needs in the immediate locality of the development site and North Wingfield as a whole.

**RESOLVED** – That Cabinet approves the implementation of the Wingfield Court, North Wingfield Local Lettings Policy.

**REASON FOR DECISION** – To ensure that the new community thrives and the existing community are adequately housed.

**ALTERNATIVE OPTIONS CONSIDERED & REJECTED** – The options for Cabinet's consideration were detailed in paragraph 4.1 of the report. An alternative option would be to put all applications for the available properties on Wingfield Court through NEDDC Allocations Policy only, this option was not recommended. It was deemed preferable to ensure those applicants who currently live on the Whiteleas Estate, whose home was not to be demolished, but were in housing need should be given priority over applicants from further afield.

(Head of Neighbourhoods)

**Key Decisions****429 Business Rates Discretionary Relief Scheme**

Cabinet considered a report of Councillor P R Kerry, Portfolio Holder with Responsibility for Economy, Finance and Regeneration, which sought approval of the Business Rates Discretionary Relief Scheme.

At the Spring Budget in March 2017 the Government announced the establishment of a £300m discretionary fund payable over 4 years from 2017/18 to support those businesses that faced the steepest increases in their business rates bills as a result of the 2017 re-evaluation.

The intention was that every billing authority in England would be provided with a share of the £300m to support their local businesses. Billing authorities were expected to use their share of the funding to develop their own discretionary relief schemes to deliver targeted support to the most hard-pressed ratepayers.

North East Derbyshire District Council would receive the following over the four financial years from 2017/18:-

- 2017/18 - £210,000;
- 2018/19 - £102,000;
- 2019/20 - £42,000;
- 2020/21 - £6,000.

The Government expected that billing authorities would deliver the Scheme through the use of their discretionary relief powers under Section 27 of the Local Government Finance Act 1988, as amended. Billing authorities would be compensated through a Section 31 grant for the cost to the authority of granting the relief, up to a maximum amount based on the authority's allocation of the £300m fund.

As per the DCLG's consultation the conditions would require the grant to be used to support only ratepayers facing an increase in their bills following re-evaluation after all other types of adjustments had been applied. They also stated "further assume, by and large, more support would be provided to":-

- Ratepayers that faced the most significant increase in bills;
- Ratepayers occupying lower value properties, i.e. properties with a rateable value below £200,000.

**RESOLVED** – That Cabinet formally approves the Business Rates Discretionary Relief Scheme as set out in Appendix 1 to the report.

**REASON FOR DECISION** – To introduce the proposed Local Discretionary Business Rates Relief Scheme in accordance with the Government's establishment of funding.

**ALTERNATIVE OPTIONS CONSIDERED & REJECTED** - The options for Cabinet's consideration were detailed in paragraph 4.1 of the report. A Scheme more generous than the one proposed would result in expenditure greater than the grant which the Council receives, this would incur additional expenditure. A Scheme less generous would result in businesses having to pay more and would create an underspend at the Council which would have to be returned to Government.

(Assistant Director – Finance & Revenues and Benefits/  
Revenues and Benefits Manager)

**430 Urgent Business (Public Session)**

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

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