

## CABINET

### MINUTES OF MEETING HELD ON 30 AUGUST 2017

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## CABINET

### MINUTES OF MEETING HELD ON 30 AUGUST 2017

#### **Present:**

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

Councillor J Austen  
“ N Barker

Councillor M Gordon  
“ P R Kerry

#### **Also Present:**

D Swaine - Chief Executive  
D Clarke - Assistant Director – Finance & Revenues & Benefits  
A Wylie - Team Manager (Contentious Solicitor)  
D Raybould - Partnership Development Officer (**Min No 219**)  
S Brunt - Assistant Director – Streetscene (**Min No 225**)  
G Galloway - Assistant Director – Property and Estates (**Min No 228**)  
L Shaw - Managing Director Rykneld Homes  
S Veerman - Overview and Scrutiny Manager (**Min No 224**)  
S Cottam - Senior Governance Officer (Acting)  
B Parker - Rural Action Derbyshire (**Min No 219**)

#### **218 Change of Order of Agenda Items**

The Leader, with the consent of the other members of Cabinet, agreed to change the order of the Agenda as set out within these Minutes.

#### **219 Voluntary and Community Organisations – Rural Action Derbyshire**

Cabinet considered a presentation from Rural Action Derbyshire as part of a suite of presentations from the voluntary sector organisations funded by the Council in 2016-2017. Beverley Parker from Rural Action Derbyshire attended the meeting to give the presentation.

Cabinet received a reflection of the past 12 months of Rural Action Derbyshire. Rural Action Derbyshire were currently in a stable position with £778,000 income this year. Cabinet were advised that a significant amount of funding was also received by the Methodist Church. Funding from North East Derbyshire had significantly helped raise a further £233,000 in donations and throughout North East Derbyshire 449 individuals had been supported over 14 groups. Rural Action Derbyshire also ran initiatives such as Wheels to Work which loaned mopeds to eligible people to get to work. Ten enquiries had been received regarding this.

The Leader, on behalf of Cabinet, thanked Rural Action Derbyshire for all their hard work and dedication with the residents of North East Derbyshire.

**RESOLVED** – That the presentation be received by Cabinet and any comments from Members arising from the presentation be included in future commissioning considerations.

**REASON FOR DECISION** – To ensure that the Council maximises efficiencies and outcomes through commissioning voluntary sector organisations to help achieve Corporate Priorities.

**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.

(Partnerships Team)

**220 Apologies for Absence**

Apologies for absence had been received from Councillors Mrs E A Hill and J Lilley.

**221 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.

Councillor N Barker declared a disclosable pecuniary interest in item 11 – Purchase of Affordable and Shared Ownership Housing Units – Mill Lane, Wingerworth – Update Report August 2017, arising from his membership of the Rykneld Homes Board.

Councillor N Barker would leave the meeting for consideration of this item.

**222 Minutes of Last Meeting**

**RESOLVED** – That the Minutes of the meeting of the Cabinet held on 2 August 2017 be approved as a correct record and signed by the Leader.

**223 Minutes of the Member Development Working Group – 19 July 2017**

**RESOLVED** – That the Minutes of the Member Development Working Group held on 19 July 2017 be noted.

**RESOLVED** – That Cabinet notes the Minutes of the Member Development Working Group from its meeting held on 19 July 2017.

**REASON FOR DECISION** – The consideration of the Working Group Minutes from the meeting held on 19 July 2017 enabled Cabinet to be advised of the Council's ongoing work and commitment to Member Development.

**ALTERNATIVE OPTIONS CONSIDERED & REJECTED** – The Minutes were submitted for Cabinet's information. There were no other options considered and rejected.

(Governance)

**Matters referred from Scrutiny****224 Proposed Overview and Scrutiny Work Programme for 2017/18**

Cabinet considered a report of the Chairs of Scrutiny and the Overview and Scrutiny Manager on the proposed Overview and Scrutiny Work Programme 2017/18. The purpose of the report was to inform Cabinet of the future work programme of Scrutiny for 2017-18. To build on successful Scrutiny previously undertaken at North East Derbyshire and respond pro-actively to external reviews and new legislation a Scrutiny Development Plan was developed. The Plan was endorsed and supported by Cabinet on 5 December 2007 and the Overview and Scrutiny Board on 21 December 2007. As part of the Development Plan the need to develop an annual work programme for Overview and Scrutiny was identified. A process for developing the Overview and Scrutiny Work Programme was agreed, this included informing Cabinet of the proposed programme. Scrutiny Members had considered their work programme for this year and suggestions were also sought from elected Members and Officers of the Council. The Monitoring Officer had also been provided a copy for consideration. It was important that the Work Programme remained realistic and manageable. There needed to be capacity to respond to new issues and developments throughout the year. It was therefore suggested that each Committee undertook no more than one piece of review work during the year.

It was also noted that Cabinet remained separate to Overview and Scrutiny and had no influence over the work carried out by Scrutiny Members.

**RESOLVED** – That Cabinet supports the Overview and Scrutiny Work Programmes for 2017/18 attached as an appendix to the report.

**REASON FOR DECISION** – To keep Cabinet informed of its work programme and communicate to other Members of the Council.

**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.

(Overview & Scrutiny Manager)

**Key Decisions****225 Refuse Collection Arrangements – Access to Private Unadopted Residential Carriageways**

Cabinet considered a report of Councillor M Gordon, Portfolio Holder with Responsibility for Environment, which sought Member authority to enter in to 'indemnity agreements' with developers and/or their management company/successors in title to facilitate access over roads at new housing developments which the Highway Authority (Derbyshire County Council) do not adopt for maintenance at public expense.

As part of a new housing development planning process Streetscene were consulted in respect of service delivery arrangements, in particular to ensure suitable access was in place to undertaken waste collection arrangements. Carriageways and footways at new developments were constructed to meet the Highways Authority's '6C's Highway Design Standards and following a period of maintenance by developers adopted for maintenance at public expense. The Highway Authority had refused their approach in adopting estate roads in particular at developments of 20 or fewer properties. In the future it was unlikely that they would adopt estate roads on small developments for maintenance at public expense.

With the increasing number of small developments Streetscene were receiving requests from housing developers to undertaken bin collections from unadopted roads as an alternative to nominating collections/presentation points on the edge of developments, which in some instances could be of lengthy distance. Due to the size of these developments it often emerged that carriageways were small and may required multiple reversing and/or turning manoeuvres in cul-de-sacs which presented potential for high wear points and complaints and/or claims against the Council. To safeguard the Council against complaints and/or claims for potential repairs it was proposed that the developers or their successors in title provide the Council with an 'indemnity' to ensure that the Council was not held liable for future repair and renewal costs on unadopted roads/footways on new developments where the Highway Authority refused to adopt them for maintenance at public expense.

Cabinet discussed the issue at length and felt it would be beneficial to speak to other Councils in the area to ascertain if this was a shared concern.

**RESOLVED** – That Cabinet defer the report pending the Chief Executive in consultation with the Leader and Portfolio Member write to the Leaders of the District Councils seeking views on the County Council's approach to the adoption of Highways and the consequences and future difficulties which is likely to be created for the residents and the waste collection services.

**REASON FOR DECISION** – To seek other District Councils' views on the County Council's approach to the adoption of Highways.

**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.

(Chief Executive Officer/Assistant Director - Streetscene)

## **226 Urgent Business (Public Session)**

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

**227 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].

<b>Non Key Decisions</b>
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**228 Land Sale – Proposed Disposal of Lockobrook Depot**

Cabinet considered a report of Councillor J Austen, Portfolio Holder with Responsibility for Information Technology, E-Information and Asset Management, on the land sale – proposed disposal of Lockobrook Depot.

RESOLVED – That Cabinet approves the recommendations as set out in 6.1 and 6.2 of the report.

REASON FOR DECISION – The reasons for Cabinet’s decision were set out in paragraphs 2.1 and 2.2 of the report.

ALTERNATIVE OPTIONS CONSIDERED & REJECTED - The options for Cabinet’s consideration were detailed in paragraph 4.1 of the report.  
(Commercial Property & Development Manager)  
(Paragraph 3)

Councillor N Barker left the meeting at this point.

**229 Purchase of Affordable and Shared Ownership Housing Units – Mill Lane, Wingerworth – Update Report August 2017**

Cabinet considered a report of Councillor Mrs E A Hill, Portfolio Holder with Responsibility for Housing Strategy and Social Inclusion, which provided Cabinet of an update of the Council’s purchase of affordable and shared ownership housing units on Mill Lane, Wingerworth.

RESOLVED – That Cabinet approve the recommendations set out in 9.1, 9.2, 9.3 and 9.4 of the report.

REASON FOR DECISION – The reasons for Cabinet’s decision were set out in paragraphs 2.1 and 2.2 of the report.

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.  
(Director of Property Services & Development – Rykneld Homes Ltd)  
(Paragraph 3)

**230 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 (0830) 2017/AJD/MD