

## CABINET

### MINUTES OF MEETING HELD ON 27 SEPTEMBER 2017

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## CABINET

### MINUTES OF MEETING HELD ON 27 SEPTEMBER 2017

#### **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
L Hickin	-	Strategic Director
J Dethick	-	Chief Accountant
G Galloway	-	Assistant Director – Property & Estates
S Sternberg	-	Assistant Director – Governance and Solicitor to the Council & Monitoring Officer
L Shaw	-	Managing Director – Rykneld Homes
N Clark	-	Director of Property Services and Development
S Lee	-	Strategic Partnership Co-Ordinator
J Lee	-	Links CVS
S Cottam	-	Senior Governance Officer (Acting)

#### **276 Apologies for Absence**

Apologies for absence were received from Councillor Mrs E A Hill.

#### **277 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 No 12 – Partnership Arrangements with Rykneld Homes – Update Report. Councillor N Barker would leave the meeting for consideration of this item.

Councillor J Austen declared a non-significant other interest in Item No 4 – Voluntary and Community Organisations – Links CVS arising from her membership as a Board Member at Links CVS. As the interest was non-significant Councillor J Austen could remain in the meeting for consideration of this item.

#### **278 Minutes of Last Meeting**

RESOLVED – That the Minutes of the meeting of the Cabinet held on 30 August 2017 be approved as a correct record and signed by the Leader.

**279 Voluntary and Community Organisations – Links CVS**

Cabinet considered a presentation from Links CVS as part of a suite of presentations from the Voluntary Sector Organisations funded by the Council in 2016/17. James Lee of Links CVS attended the meeting to give the presentation.

Cabinet were advised that 17% of Links CVS funding came from North East Derbyshire District Council and they wished to thank the Council for their continued support.

Over the past year Links CVS had supported 275 community groups in North East Derbyshire, however, many groups still had not registered on the Links CVS database. Cabinet were advised that the majority of the support to community groups was due to a reduction in funding. As at the end of August Links CVS had already supported 43 groups in North East Derbyshire which was mainly residents seeking funding for community events.

The Leader on behalf of Cabinet thanked Links CVS for their hard work and dedication to 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)

<b>Non Key Decisions</b>
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**280 Holymoorside and Walton Neighbourhood Plan – Consideration of Examiner's Report and Decision to go to Referendum**

Cabinet considered a report of Councillor M Gordon, Portfolio Holder with Responsibility for Environment which advised on the background to the preparation of the Holymoorside and Walton Neighbourhood Plan, recommended the modifications of the Examiner and to make a decision on how to proceed. Approval was also sought to authorise that following a successful referendum, if more than half of those voting in the referendum vote in favour of the Holymoorside and Walton Neighbourhood Plan, then the Neighbourhood Plan be brought in to effect ('Made').

On 12 January 2015 Holymoorside and Walton Parish Council submitted an application to North East Derbyshire District Council for the designation of the Parish as a Neighbourhood Area. This was in line with the Neighbourhood Planning

(General) Regulations 2012. The designation was confirmed on 4 March 2015 for the preparation of the Holymoorside and Walton Neighbourhood Plan.

The Parish Council subsequently consulted its residents and businesses and prepared the Holymoorside and Walton Draft Neighbourhood Development Plan. A six week consultation period on the Parish's Draft Plan was held between 22 January and 8 March 2016.

The submission of the Neighbourhood Plan was completed and submitted to the District Council in April 2017. The Council accepted the Plan was legally compliant and held a six week consultation period on the submitted Plan from 26 May to Friday, 7 July 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.

An independent examiner was appointed in July 2017 to take the examination of the submission version of the Holymoorside and Walton Neighbourhood Plan and this was completed with the final examination report sent to both the Parish Council and District Council on 12 September 2017.

The report outlined the issues for consideration by the examiner and also the referendum arrangements.

The Neighbourhood Plan had been subject to examination by an independent examiner. The examiner's view, that subject to modifications, the Plan would meet basic conditions and other relevant legal requirements.

The Council must consider each of the recommendations made in the examiner's report and decide what action to take in response. The Council's decision statement, which was attached to the report as an appendix, set out the examiner's recommended modifications and a proposed Council decision in respect of each of them. It was not considered that the examiner's proposed modifications fundamentally altered the main aim of the Plan and were not regarded to be significant and it was therefore recommended that they were applied to the final referendum version of the Neighbourhood Plan. Therefore subject to the modifications being made the Draft Neighbourhood Plan met legal requirements and basic conditions as set out in legislation and could proceed to referendum.

**RESOLVED** – That:-

- (1) The recommended modifications of the Examiner of the Holymoorside and Walton Neighbourhood Plan are accepted in full and that the Plan is amended accordingly.
- (2) The Plan, as amended, is taken forward to a referendum within the Parish of Holymoorside and Walton, as the defined Neighbourhood Area as outlined in this report.
- (3) Cabinet delegate authority to the Chief Executive in consultation with the Portfolio Holder for Environment that following 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 with 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 was 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)

**281 Urgent Business (Public Session)**

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

**282 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 Paragraphs 1, 3 and 4 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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**283 Exempt Minutes of Last Meeting**

**RESOLVED** – That the Exempt Minutes of the meeting of Cabinet held on 30 August 2017 be approved as a correct record and signed by the Leader.

**284 Change of Order of Agenda Items**

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

**285 Proposed Disposal of Housing Units at Renishaw**

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 structural condition of six non-traditional properties in Renishaw and sought approval to demolish these properties.

RESOLVED – That Cabinet agrees the recommendations as set out in the report, subject to an amendment to recommendation 6.3.

REASON FOR DECISION – To provide the best overall value for money solution to resolve the problems at the homes in question.

ALTERNATIVE OPTIONS CONSIDERED & REJECTED - The options for Cabinet's consideration were detailed in paragraph 4.1 of the report.

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

**286 Proposed Disposal of Housing Unit at Dronfield Woodhouse**

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 disposal of a housing unit in Dronfield Woodhouse, a Council owned three bedroom semi-detached house.

RESOLVED – That Cabinet agrees the recommendations as set out in the report.

REASON FOR DECISION – The isolated location and build type do not fit into an efficient ongoing management and maintenance programme that meets the requirements of NEDDC's and RHL's Asset Management Strategy.

ALTERNATIVE OPTIONS CONSIDERED & REJECTED - The options for Cabinet's consideration were detailed in paragraph 4.1 and 4.2 of the report.

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

**287 Asset Refurbishment**

Cabinet considered a report of Councillor J Austen, Portfolio Holder with Responsibility for Information Technology, e-Information and Asset Management, which sought approval for capital funds to carry out major capital works to Council assets.

RESOLVED – That Cabinet agrees the recommendations as outlined in the report.

REASON FOR DECISION – To address capital work needed to Council assets.

ALTERNATIVE OPTIONS CONSIDERED & REJECTED - The options for Cabinet's consideration were detailed in paragraph 4.1 and 4.2 of the report.

(Corporate Property Manager)  
(Paragraph 3)

*Councillor N Barker left the meeting at this point.*

**288 Partnership Arrangements with Rykneld Homes**

Cabinet considered a report of Councillor Mrs E A Hill, Portfolio Holder with Responsibility for Housing Strategy and Social Inclusion, which updated Cabinet regarding the relationship between North East District Council (NEDDC) and Rykneld Homes Ltd (RHL).

The report reflected on the strengths of the partnership and highlighted some of the achievements over the last 10 years. It also outlined the contractual arrangements between the two organisations as well as the Homes and Communities Agencies (HCA) regulatory standards for housing.

**RESOLVED** – That under the present circumstances, and given the success of the partnership with Rykneld Homes as outlined in the report, Cabinet:-

- (1) Agree to the ongoing contractual arrangements between North East Derbyshire District Council and Rykneld Homes continuing and to extend the management agreement for a further five years from 1 April 2017.
- (2) Recognises that the continuing pressures on the Council may require consideration of the contractual arrangement prior to any further extension to the agreement and requests that the variation to the agreement reflects this.
- (3) Requests that as part of the performance monitoring of the contractual arrangements further reports be brought to Cabinet in order to assist in any future decisions on the extension to the agreement.

**REASON FOR DECISION** – The success and strength of the partnership between Rykneld Homes and NEDDC continues to ensure that housing provision in North East Derbyshire is of the highest standards, providing a choice of homes to meet the needs of current and future residents of the District.

**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.

(Managing Director, Rykneld Homes Ltd)  
(Paragraph 4)

*Councillor N Barker re-entered the meeting at this point.*

**289 Strategic Alliance – Senior Management Team Review – Proposals**

All Officers, except the Chief Executive and the Senior Governance Officer (Acting) were asked to leave the meeting at this point.

Cabinet considered a report of the Chief Executive which sought approval for the continued review of the Senior Management Team, to engage specialist external support to the Chief Executive and Strategic Directors to undertake the review, outline the proposed approach to the review and provide an estimated timeline.

RESOLVED – That Cabinet agrees the recommendations outlined in the report.

REASON FOR DECISION – These were outlined in paragraphs 2.1, 2.2 and 2.3 of the report.

ALTERNATIVE OPTIONS CONSIDERED & REJECTED – The options for Cabinet’s consideration were detailed at paragraph 4.1 and 4.2 of the report.

(Chief Executive)  
(Paragraphs 1, 3 & 4)

**290 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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