

## CABINET

### MINUTES OF MEETING HELD ON 3 JANUARY 2018

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## CABINET

### MINUTES OF MEETING HELD ON 3 JANUARY 2018

#### **Present:**

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

Councillor N Barker  
" M Gordon  
" E A Hill

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  
G Galloway - Assistant Director – Property & Estates  
H Fairfax - Planning Policy Manager  
V Dawson - Team Leader – Solicitor (contentious)  
S Cottam - Senior Governance Officer (Acting)

#### **454 Apologies for Absence**

No apologies had been received for this meeting of Cabinet.

#### **455 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.

#### **456 Minutes of Last Meeting**

RESOLVED – That the Minutes of the meeting of the Cabinet held on 13 December 2017 be approved as a correct record and signed by the Leader.

#### **457 Change of Order of Agenda Items**

The Chair, in agreement with the other Members of Cabinet, changed the order of the agenda items as set out within these Minutes.

**458 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 1 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**

**459 Development Investment – Ankerbold Road**

Cabinet considered a report of Councillor P R Kerry, Portfolio Holder with Responsibility for Economy, Finance and Regeneration, which sought approval for a development investment at Ankerbold Road.

*During discussions the Leader adjourned the meeting at 10.20 am.*

*The meeting of Cabinet reconvened at 10.43 am.*

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

REASON FOR DECISION – The proposed development would directly contribute towards the Council’s corporate aims.

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

(Strategic Director/  
Assistant Director – Property & Estates)  
(Paragraph 3)

**460 Re-admission of the Public**

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

**Non Key Decisions**

**461 Review of the Joint RIPA Policy**

Cabinet considered a report of Councillor N Barker, Portfolio Holder with Responsibility for Human Resources, Training and Member Development which advised of a review of the Joint Policy and Procedures covering the Council’s activities under the Regulation of Investigatory Powers Act 2000 (RIPA) and sought approval for the minor amendments proposed.

Cabinet were advised that there had been no changes in regulations since the last review and the previous Code of Practice issues in 2014 was still current. The

RIPA powers had not been used since the last report to Cabinet in February 2016. No significant changes were proposed following a review of the Joint Policy and Procedures, however, the changes in the Strategic Alliance Management Team structure had required that alternative arrangements be made to the authorising officers and designated persons named within the Policy.

As the Council's Senior Responsible Officer, responsible for 'authorising officers' and 'designated persons', the Monitoring Officer had proposed appointing both Strategic Directors and the Assistant Director – Finance and Revenues & Benefits, having removed the Executive Director – Operations and the Executive Director – Transformation from the Policy.

The changes may be made to the appointments following the Senior Management Team Restructure. It was proposed that the Policy be updated by the Monitoring Officer to reflect these appointments made from time to time without requiring the document to be brought back through the Committee process for approval.

An Annual Report would still be brought to Standards Committee with an update on the usage of RIPA Powers and on any changes to appointments to persons as authorising officers and designated persons.

To ensure that the Council was undertaking investigatory activity in compliance with the law on this Policy, refresher training was provided regularly for all relevant officers. Further training would be provided in 2018 and would be available for officers to refer to on the Council's intranet sites. It was anticipated that the Policy would require a more in-depth review prior to bringing in to force of the relevant provisions of the Investigatory Powers Act 2016, during 2018.

**RESOLVED** – That Cabinet:-

- (1) Notes the update provided on the use of the Policy.
- (2) Approves the revised Joint RIPA Policy and Procedure document for approval by Executive at Bolsover District Council and Cabinet at North East Derbyshire District Council.
- (3) Agrees that the Joint RIPA Policy and Procedures document be updated by the Monitoring Officer to reflect the appointment of Authorised Officers and Designated Persons, made by the Monitoring Officer at any future time.

**REASON FOR DECISION** – To ensure the Policy remains accurate and up-to-date.

**ALTERNATIVE OPTIONS CONSIDERED & REJECTED** - The options for Cabinet's consideration were detailed in paragraph 4.1 of the report. The Council is recommended to review and update its RIPA Policy regularly as failure to do so could result in the Policy failing to comply with legislative changes and lead to unlawful investigatory actions taking place.

(Governance Manager)

**Key Decisions****462 North East Derbyshire Local Plan – Revised Timetable and Proposed Publication**

Cabinet considered a report of Councillor M Gordon, Portfolio Holder with Responsibility for Environment which advised Members on the key feedback received from the Planning Inspectorate (PINS) Advisory Visit relevant to the preparation of the Local Plan. The report also updated Members on the progress being made in relation to reducing the risk of Government intervention due to LDS slippage, outlined the next steps for the preparation of the Local Plan and sought approval to consult on the revised draft LDS.

A report to Cabinet at its last meeting on 13 December 2017, which gave an update on the Local Plan, set out that 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 there had been a lack of progress on Local Plan making.

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 the Government's expectations. The response would also require the Council to set out any measures that the authority had taken, or intended to take, to accelerate Plan production. This would then be taken in to account by the SOS when making its final decision on intervention, alongside other factors.

Members were also advised that the Council had an advisory visit scheduled with the Planning Inspectorate (PINS) on 14 December 2017 to enable consideration of technical and procedural issues surrounding the emerging Local Plan prior to publication. Additionally, the Council would continue its regular dialogue with DCLG and seek advice on the best way forward.

The Planning Policy Manager outlined the feedback from the PINS Advisory Meeting and also updated on the work being undertaken to reduce the threat of Government intervention.

The current focus was upon completing outstanding areas of the evidence base and the incorporation of key findings in to the Plan, finalising the chapters and policies on the Plan to reflect PINS feedback, organising publicity and consultation for publication stage and developing a new Project Plan to support delivery against the revised LDS.

It was advised that a report would be brought back to Cabinet on 14 February 2018 seeking approval to formally publish the Local Plan.

It was also advised that Officers were making good progress on the preparation of the emerging Local Plan and were close to a significant publication milestone. The PINS visit had helped to strengthen the Plan. Good progress had also been made in preparing the formal DCLG response to avoid the threat of intervention. The revised LDS would be central to both pieces of work which was why permission was

now sought to carry out a short consultation exercise so that it could be quickly finalised and approved.

Cabinet were also advised that additional resources would be required to strengthen the approach to project management and to augment the team resource following publication. Approximately £6,000 would be required to secure external specialist project management support for the preparation of the revised LDS, staff training and critical friend support. This could be met from the existing budget.

**RESOLVED** – That:-

- (1) Cabinet notes the on-going work related to the preparation of the Local Plan following the PINS visit and the work related to addressing the DCLG threat of intervention.
- (2) The revised LDS, as presented to Cabinet, be approved for consultation by way of publication on the Council's website for a period of five working days; and that the Chief Executive, in consultation with the Leader and Portfolio Holder, be authorised to approve the final LDS following the consultation exercise.
- (3) The Chief Executive, in consultation with the Leader and Portfolio Holder, be authorised to formally respond to the DCLG on behalf of the Council in order to meet the 31 January 2018 deadline.

**REASON FOR DECISION** – To advise Cabinet on the key feedback received from the Planning Inspectorate (PINS) advisory visit relevant to the preparation of the Local Plan, to update on the progress made in relation to reducing the risk of Government intervention due to LDS slippage and to outline the next steps going forward.

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

(Planning Policy Manager)

**463 Urgent Business (Public Session)**

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