

CABINET

MINUTES OF MEETING HELD ON 22 OCTOBER 2014

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CABINET

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Present:

Councillor G Baxter MBE Leader (in the Chair)

Councillor N Barker

" N Foster

" M Gordon

" Mrs E A Hill

Councillor P R Kerry

" Mrs L Robinson

" P Williams

360 Apologies for Absence

There were no apologies for absence submitted to the meeting as all Members were present.

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.

Councillors N Barker and Mrs E A Hill declared an other interest which was not significant in Report No NF/08/14/SB – Rykneld Homes Limited and North East Derbyshire District Council Fleet Vehicle Service Level Agreement – as they were both Council appointed representatives on the Rykneld Homes Board.

It was noted as both the above Members had declared an other interest which was not significant they could remain in the meeting and speak and vote on the matter.

Councillor Mrs E A Hill declared an other interest which was significant in Report No PRK/30/14/BM – Mill Lane – Refurbishment Contract – as she was a personal acquaintance of one of the directors of the company referred to in the report.

Councillor Mrs E A Hill having an other interest, which was significant in Report No PRK/30/14/BM, left the room when the matter was discussed and did not speak or vote.

362 Minutes of Last Meeting

RESOLVED – That the Minutes of the meeting of the Cabinet held on 24 September 2014 be approved as a correct record and signed by the Leader.

363 Development of North East Derbyshire District Council Housing and Economic Development Strategy 2015-2019

Cabinet considered Report No EAH/PRK/20/14/RS, the joint report of Councillor Mrs E A Hill and Councillor P R Kerry, supported by Councillor M Gordon. The purpose of the report was to:-

- Update Cabinet on the development of the Council's Housing and Economic Development Strategy.
- Seek approval of the scope, proposed key strategic priorities and consultation and delivery timetable.
- Seek approval for a draft Housing and Economic Development Strategy to be considered by Cabinet at its meeting in December 2014, with a view to circulating it internally and externally as part of the consultation process.

Cabinet was advised that as part of the Council's Growth Agenda a draft joint Housing and Economic Development Strategy had been prepared. The Strategy would last for five years and would identify specific themes relating to both housing and economic development, together with common themes and priorities across both of these elements.

The Strategy was intended to provide a spatial picture of the key areas and identify opportunities for targeted work, together with an overview of the action required to meet the housing and economic development needs of the District.

The following key strategic priorities had been identified for consultation:-

- Supporting enterprise: maintaining and growing the business base;
- Maximising employment, skills and training opportunities;
- Unlocking the potential of major employment and housing sites;
- Town Centres: realise the vitality and viability of town centres;
- Supporting the rural economy, including through tourism;
- Maximise affordable housing to rent and buy through new build and making best use of existing stock;
- Enable people to live in and sustain their own homes;
- Prevention of homelessness.

The Strategy would link directly to a number of the Council's key internal and external strategic documents, including the Growth Strategy, Core Strategy and emerging Local Plan. The Strategy will also seek to ensure that it delivered against the key priorities from the Sheffield City Region Local Enterprise Partnership and the Derby and Derbyshire, Nottingham and Nottinghamshire (D2N2) Strategic Economic Plans, including the development of Growth Hubs, Housing Zones and Joint Investments Funds.

The Strategy would incorporate priorities for homelessness prevention within the District. In addition to the priorities outlined in the Strategy there were a number of cross cutting themes in respect of:-

- Tackling health inequalities and promotion of good health and well being;
- Tackling deprivation, including the impact of welfare reforms on communities and the economy.

The underlying principles which ran throughout the Strategy were:-

- Ensure good quality and design;
- Address equality and diversity issues.

The options for Cabinet's consideration were detailed at paragraphs 1.1 to 5.3.1 of the report. The alternative options considered and rejected were detailed at paragraphs 4.1 to 4.3 of the report.

In terms of finance and risk implications, the production of the Strategy would provide a robust framework in which to meet the Housing and Economic Development needs and contribute to growth within the District. The Strategy will outline opportunities for maximising funding and grant opportunities to support delivery of the Council's key strategic priorities.

In terms of the legal implications, including Data Protection, the Strategy will provide key targets for housing in the District and meet the requirements of the Council's statutory duty in respect of the needs of homelessness and potential homeless households.

RESOLVED – That Cabinet:

- (1) Approves the development of a joint Housing and Economic Development Strategy which adopts a spatial approach as detailed in section 1 of the report.
- (2) Approves the following key strategic priorities for consultation:-
 - Supporting enterprise: maintaining and growing the business base
 - Maximising employment, skills and training opportunities
 - Unlocking the potential of major employment and housing sites
 - Town Centres: realise the vitality and viability of town centres
 - Supporting the rural economy, including through tourism
 - Maximise affordable housing to rent and buy through new build and making best use of existing stock
 - Enable people to live in and sustain their own homes
 - Prevention of homelessness
- (3) Approves the consultation and delivery timetable as detailed at Appendix 2 of the report and notes that an update report on the development of the Strategy will be submitted to its December 2014 meeting.

Reason for Decisions:-

The Housing and Economic Development Strategy will provide a strategic framework to meet the Council's Housing and Economic Development needs.

(Assistant Director – Economic Growth/
Housing Strategy and Enabling Manager)

364 Derbyshire Joint Municipal Waste Management Strategy – District Council Action Plan

Cabinet considered Report No NF/06/14/SB of Councillor N Foster. The purpose of the report was to update Cabinet on the developing Derbyshire and Derby City Joint Municipal Waste Strategy and seek approval for the inclusion of the District Council's Action Plan to support waste reduction, increased diversion and recycling of waste.

Cabinet was reminded that in August 2013 it approved the Joint Waste and Recycling Collection Policy which detailed measures to stimulate waste reduction and increased diversification and recycling in the District. Derbyshire County Council and Derby City Council had included all Derbyshire Waste Collection Authority Action Plans in their consultations undertaken throughout January and February 2014.

The Council had undertaken an Equality Impact Assessment of its Joint Waste and Recycling Collection Policy as part of Cabinet's decision at its meeting on 31 August 2013.

The options for Cabinet's consideration were detailed at paragraphs 1.1 to 5.3.1 of the report. Developing the Council's Waste and Recycling Action Plan by way of the Derbyshire and Derby City Joint Municipal Waste Management Strategy review 2013/2016 negated the need to develop the Council's own Waste Management Strategy.

In terms of the legal implications, including Data Protection, the Council was a Waste Collection Authority as defined by the Environmental Protection Act 1990.

There were no financial implications arising directly from the adoption of the Derbyshire and Derby City Joint Municipal Waste Management Strategy Action Plan.

RESOLVED – That Cabinet adopts the Waste Action Plan for North East Derbyshire, attached as **Appendix A** to these Minutes, for inclusion in the Derbyshire and Derby City Joint Municipal Waste Management Strategy.

Reason for Decision:-

The decision enables the development of the Council's Waste and Recycling Action Plan by way of the Derbyshire and Derby City Joint Municipal Waste Management Strategy Review 2013/2016 document.

(Executive Director – Operations/
Assistant Director - Streetscene)

365 Revised North East Derbyshire Local Development Scheme

Cabinet considered Report No NF/07/14/HF of Councillor N Foster. The purpose of the report was to:-

- Update Cabinet on progress in preparing the Local Plan and confirm changes to the scope and format of the Local Plan.
- Clarify that the Local Plan (Part 1) will seek to bring forward a five year supply of allocated sites for housing, including sites for gypsies and travellers and other allocations as required in response to the need identified.
- Seek approval for a revised programme and timetable for the preparation of the Local Plan and a new Local Development Scheme (LDS6).

Cabinet was advised that following the decision from its meeting on 16 April 2014 it was necessary to progress work on the Local Plan (Part 1), including work on:-

- Preparations to undertake a “call for sites”;
- Further work on the evidence base and writing the Plan;
- The need for a revised Local Plan timetable and Project Plan.

Cabinet was informed that work had progressed in all of the above three areas. A “call for sites” had taken place and work was underway to assess all sites submitted to identify those which may form allocations in the Local Plan (Part 1). The evidence base continued to be developed in relation to the quality of the Council’s employment land portfolio to identify what additional land may be needed to be allocated. Additional work was also underway to identify locations in the Local Plan for additional pitches for gypsies and travellers and to assess the infrastructure requirements of the Plan.

A revised timetable for the preparation of the Council’s Local Plan had been prepared in consultation with the Local Plan Steering Group. This report set out a revised timetable to be published with a revised Local Development Scheme. The Local Development Scheme covered the production of the Local Plan (Part 1: Strategic Policies) and the Local Plan (Part 2 – Sites and Boundaries), and detailed a timetable for the preparation of the Community Infrastructure Levy (CIL) for the District should the Council decide to pursue CIL.

The Council was required by statute to prepare and maintain a Local Development Scheme. The Local Development Scheme defined the documents which would form the North East Derbyshire Local Plan and would provide a three year rolling Project Plan for the production of documents.

The Local Development Scheme set out a programme and timescale and predicted adoption dates for the following documents:-

- North East Derbyshire Local Plan: Part 1 (Strategic Policies): October 2016
- North East Derbyshire Local Plan: Part 2 (Sites & Boundaries): October 2018
- North East Derbyshire Community Infrastructure Levy: December 2017

There were likely to be equality issues arising out of the preparation of the Development Plan documents in terms of both the content of the document and the way consultation and participation was managed. It was proposed that these issues would be addressed when preparing publicity material and a range of public exhibitions in accordance with the Council’s current procedures.

The options for Cabinet's consideration were detailed at paragraphs 1.1 to 6. The alternative options considered and rejected were detailed at paragraph 5.1 of the report.

In terms of risk implications, the three main areas of risk related to:-

- Insufficient financial resources;
- Staff recruitment and retention;
- Scale and nature of public responses to the Plan;
- The capacity of other agencies to engage with the process.

In terms of legal implications, including Data Protection, the Council had a statutory duty to prepare and keep up-to-date a Local Plan.

RESOLVED – That Cabinet:

- (1) Notes the content of the report on the revised North East Derbyshire Local Development Scheme.
- (2) Adopts the revised Local Development Scheme (LDS6) and timetable for the preparation of the North East Derbyshire Local Plan, attached as **Appendix B** to these Minutes, effective from 31 October 2014.

Reasons for Decisions:-

- (1) The revised timetable approved identifies the most appropriate way to reach a position where the Council has an adopted Local Plan in place, which is in conformity with the National Planning Policy Framework.
- (2) The revised Local Development Scheme (LDSG) can be used for decisions which will support housing growth and provide certainty to local communities.

(Assistant Director Planning/
Environmental Health/
Planning Policy Manager)

366 Urgent Business (Public Session)

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

367 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 I 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].

368 Rykneld Homes Limited and North East Derbyshire District Council Fleet Vehicle Service Level Agreement

Cabinet considered Report No NF/08/14/SB of Councillor N Foster. The purpose of the report was to seek Cabinet's approval for:-

- Establishment of a Service Level Agreement between the District Council and Rykneld Homes Limited for the supply and maintenance of 62 fleet vehicles.
- The purchase of 24 former Kier fleet vehicles to meet Rykneld Homes Limited medium term vehicle needs.
- Authority to vary vehicle hire rates to include costs incurred by Rykneld Homes Limited for the provision of racking and internal fitments to 59 new fleet vehicles items.

Cabinet was reminded that at its meetings in April 2014 it had approved the procurement of 62 light commercial vehicles to meet Rykneld Homes Limited requirements for replacement of their vehicle fleet, consisting mainly of medium range panel vans. This provision excluded items of racking and internal fitments which Rykneld Homes Limited had undertook to arrange itself.

Cabinet was asked to approve a revised Service Level Agreement between the Council and Rykneld Homes Limited to reflect Rykneld Homes' fleet vehicle needs. The Service Level Agreement proposed was for a period of six years with an option to extend for a further year.

The options for Cabinet's consideration were detailed at paragraphs 1.1 to 5.4.1 of the report. The alternative options considered and rejected were detailed at paragraphs 4.1 and 4.2 of the report.

The financial implications were set out at paragraphs 5.1.1 to 5.1.3 of the report. The risk implications were detailed at paragraphs 5.2.1 to 5.2.3 of the report.

RESOLVED – That Cabinet:

- (1) Approves the Service Level Agreement between the District Council and Rykneld Homes Limited for the supply and maintenance of 62 new fleet vehicles.
- (2) Approves the purchase of 24 former Kier (off-hired) fleet vehicles to meet Rykneld Homes Limited medium term requirements and that this be funded from Prudential Borrowing agreed as part of the Council's currently Approved Medium Term Financial Plan and Treasury Management Strategy.
- (3) Approves that the vehicle racking and internal fitment costs of £63,000 incurred by Rykneld Homes Limited be met by the Council and funded from Prudential Borrowing agreed as part of the Council's currently approved Medium Term Financial Plan and Treasury Management Strategy, the costs to be recovered through revised vehicle hire rates.

Reasons for Decisions:-

The reasons for the decisions were:-

- (1) Rykneld Homes Limited had identified a requirement for a further 24 fleet vehicles to meet its short to medium term operational requirements.
- (2) Rykneld Homes Limited had now clarified its racking and internal fitment requirements, the decision at resolution (3) above enables this to be funded from Prudential Borrowing.

(Executive Director – Operations/
Assistant Director – Streetscene/
Managing Director – Rykneld Homes Limited)
(Paragraph 3)

369 Bridge Street, Clay Cross – Offer to Purchase Freehold Interest

Cabinet considered the Joint Report No PRK/29/14/BM, of Councillors P R Kerry and P Williams. The purpose of the report was to advise Members of the negotiations that were taking place concerning an offer by the existing leaseholder to purchase the freehold interest of Plot 20, Bridge Street, Clay Cross.

The land concerned was currently not in use, historically the site had been used for scrap metal dealing and processing and for the disposal of household and other waste. The District Valuer considered that under the current regulatory regime the site was unlikely to secure/retain a waste permit licence without significant improvements to its infrastructure.

The issues for Cabinet's consideration were set out at paragraphs 1.1 to 5.3.1 of the report. The alternative options considered and rejected were detailed throughout the report.

RESOLVED – That Cabinet:

- (1) Notes the content of the report and agrees to reject the current offer of £200,000 for the freehold interest of Plot 20, Bridge Street, Clay Cross, together with the alternative request that the Council agree to vary the terms of the lease for the site.
- (2) Grants delegated authority to the Executive Director – Operations following consultation with the Portfolio Members for Economy, Finance and Regeneration and IT, E-Information and Asset Management, to authorise expenditure of up to £7,500 to enable the commissioning of a piece of work to assess the extent of contamination at the site at Plot 20, Bridge Street, Clay Cross in order to better inform negotiations with the leaseholder.

Reasons for Decisions:-

- (1) The decisions are based on the ongoing negotiations regarding an offer received in respect of the purchase of the site at Plot 20, Bridge Street, Clay Cross.

- (2) The Council is not in a position at present to determine whether the offer to purchase Plot 20, Bridge Street, Clay Cross, represents best value, accordingly the decision was made to commission an assessment of the level of any contamination at the above site.

(Executive Director – Operations/
Assistant Director – Property and Estates)
(Paragraph 3)

370 Mill Lane Office Refurbishment Tender

Cabinet considered Report No PRK/30/14/BM, joint report of Councillor P R Kerry jointly with Councillor P Williams. The purpose of the report was to advise of progress on the refurbishment of the Council's new Mill Lane offices and to seek approval for the appointment of Tomlinson's through the use of a Scape Framework Agreement. Delegated authority was requested for the Chief Executive following consultation with the Leader of the Council to agree appropriate contractual terms on behalf of the Council.

In light of the Council's planned sale of its Saltergate offices and the move to its new offices at Mill Lane, Wingerworth, work had been undertaken regarding the utilisation of a framework agreement to secure a suitable contractor for the refurbishment work of the Council's new offices at Mill Lane, Wingerworth.

Following consultation with the Shared Procurement Unit, Scape had been identified as the best route for procuring a contract for the refurbishment of the Mill Lane site. Working through the framework process Tomlinson's had been identified as the most appropriate contractors to undertake a timely refurbishment of the Mill Lane offices.

The options for Cabinet's consideration were detailed at paragraphs 1.1 to 5.3 of the report. The alternative options considered and rejected were detailed at paragraph 4 of the report.

Councillor Mrs E A Hill, having declared an other interest which was significant, left the room and did not participate in the discussion or voting on the matter.

RESOLVED – That Cabinet:

- (1) Having considered the Scape Framework arrangements, which are based on a competitive tender process, appoints Tomlinson's as the principal contractor for the refurbishment works for the Council's new offices at Mill Lane, Wingerworth.
- (2) Grants delegated authority to the Chief Executive, following consultation with the Leader of the Council, to agree all the appropriate contractual arrangements to give effect to the decision at (1) above.

Reasons for Decisions:-

- (1) Following consultation with the Shared Procurement Unit it was decided to work with Scape who are a framework supplier for the delivery of construction/refurbishment contracts.
- (2) In light of the Council's move to its new Mill Lane offices there is a need to commission refurbishment work at the site at the earliest opportunity, together with the requirement to minimise the burden of the procurement process, accordingly it was necessary to use a framework agreement to secure a suitable contractor.

(Executive Director – Operations/
Assistant Director – Property & Estates)
(Paragraph 3)

371 Urgent Business (Private Session)











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

Appendix A

Appendix A is a separate PDF document – please click on the link below to access the document

WASTE ACTION PLAN FOR NORTH EAST DERBYSHIRE

Appendix B

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| Key: | |
|  | Preparation of Evidence/Consultation  Submission (Reg 22) |
|  | Consultation on Issues & Options (Reg 18)  Pre-Examination meeting |
|  | Consultation on Preferred Options  Examination (Hearings) (Reg 24) |
|  | Publication Consultation (Reg 19)  Receipt of Inspector's Report |
|  | Council Decision on Business Case for CIL  Adoption (Reg 26) |
| (*Subsequent timetable for Community Infrastructure Levy dependant on decision to proceed with CIL) | |