

CABINET

MINUTES OF MEETING HELD ON 15 APRIL 2015

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CABINET

MINUTES OF MEETING HELD ON 15 APRIL 2015

Present:

Councillor G Baxter MBE Leader (in the Chair)

Councillor N Barker

" M Gordon

" Mrs E A Hill

Councillor P R Kerry

" Mrs L Robinson

" P Williams

735 Apology for Absence

An apology for absence from the meeting was received from Councillor N Foster.

736 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 declarations of interests by Members at this meeting.

737 Minutes of Last Meeting

RESOLVED – That the Minutes of the meeting of the Cabinet held on 18 March 2015 be approved as a correct record and signed by the Leader.

738 Minutes of the Member Development Group – 18 February 2015

Cabinet considered the Minutes of the Member Development Working Group from its meeting held on 18 February 2015. The Minutes were introduced by the Chair of the Working Group, Councillor N Barker.

The Working Group had considered the following matters at its meeting on 18 February 2015:-

- Members Data Reporting System;
- Being a Councillor in North East Derbyshire: A Guide for Prospective Candidates;
- Member E-Learning Modules;
- Planning Advisory Service – “Defensible Decisions” – Evaluation Report;
- East Midlands Councils Event: “The Future of Local Government and Public Services in the next Parliament”;
- Member Involvement Half Day – 2 December 2014 – Evaluation Results;
- Member Development Budget 2014/2015;
- The Provision and Monitoring of Training and ICT Support for North East Derbyshire and Bolsover District Councillors;
- Member Involvement Half Day – Tuesday, 7 April 2015;

- East Midlands Councils: Regional Policy Briefing Events for Councillors 2015-2016 Programme;

The Chair advised that one of the Working Group's most significant areas of work were the arrangements for Members Induction following the elections in May 2015. The Chair, on behalf of the Group, placed on record his thanks to the Governance Team for its support in the Council's ongoing work on Member Development.

RESOLVED – That Cabinet:-

- (1) Notes the Minutes of the Member Development Working Group from its meeting held on 18 February 2015.
- (2) Places on record its thanks to the Governance Team for its support for the Council's work on Member Development during the municipal year 2014/2015.

Reason for Decisions:-

The consideration of the Working Group Minutes from the meeting on 18 February 2015 enabled Cabinet to be advised of the Council's ongoing work and commitment to Member Development.

(Governance Team)

739 Motion from the Disabled Peoples' Joint Consultative Group – 11 March 2015

Cabinet considered the following motion from the meeting of the Disabled Peoples' Joint Consultative Group held on 11 March 2015:-

Ensure that we continue to have a permanent presence in Chesterfield Town Centre to ensure the most vulnerable people in North East Derbyshire can pay bills and seek advice in a central position in the area.

RESOLVED – That whenever there is a proven need for the District Council to have a presence in Chesterfield Town Centre in the future, Cabinet will give the matter careful consideration.

Reason for Decision:-

Cabinet considered the resolution from the Disabled Peoples' Joint Consultative Group meeting on 11 March 2015 and agreed that if there was a proven need demonstrated for the Council to have a presence in Chesterfield Town Centre in the future, it will give careful consideration to the matter.

(Strategic Alliance Management Team)

740 Working with Parish and Town Councils Scrutiny Review

Cabinet considered Report No JW/02/15/SRB of Councillor J Windle, Chair of the Economic Regeneration, Skills and Environment Scrutiny Committee. The purpose of the report was to seek Cabinet's approval of the recommendations of the Economic Regeneration, Skills and Environment Scrutiny Committee following its review of working with Parish and Town Councils.

The objectives of the scrutiny review of the Council's working with Parish and Town Councils were as follows:-

- Identify and establish what communication takes place with our parishes;
- Look at training provided for Parish Councils in areas such as Planning and Code of Conduct;
- Understand how the Parishes work and what issues concern them;
- Look at potential of where we could work together better in delivering mutually agreed objectives, for example, through partnership working and procurement of services;
- Look at the effectiveness of the District/Parish Liaison Group;
- Identify any best practice.

The options for Cabinet's consideration were detailed at paragraphs 1.1 to 5.3.1 of the report. There were no alternative options considered and rejected.

The Scrutiny Review Panel met on four occasions and considered a variety of information to gain an understanding of the subject area. The Review Panel also interviewed a number of District Council officers and Parish clerks. The panel recommendations were:-

- (1) That consideration be given when providing training as to:-
 - Whether any District Council events could be opened up to Parish/Town Councils;
 - Whether more training could be provided in partnership with the Derbyshire Association of Local Councils.
- (2) That a contact list of the services available to Parish/Town Councils at the District Council be circulated to all Parish clerks within North East Derbyshire and this list should also be provided to the Contact Centre and be available on the Council's intranet/internet for use by all Council officers and elected Members.
- (3) That a calendar of meetings for the District Council be circulated to all Parish Councils for information.
- (4) That any consultations involving Parish Councils be undertaken in a timely manner to help Parish Councils schedule in the item at Parish Council meetings.
- (5) That consideration is given to how Parish Councils can best be involved in any consultation on how Section 106 monies were to be allocated in their Parish.
- (6) That a review of the District/Parish Liaison Group be undertaken to identify ways in which its agenda could be more equally balanced between the District and Parishes and be reformatted to encourage attendance by Parish/Town Councils.
- (7) That the Council welcomes any support the Derbyshire Association of Local Councils could provide to encourage and assist Parish/Town Councils in

building their capacity through mechanisms such as the Local Award Scheme and the Certificate in Local Council Administration.

RESOLVED – That Cabinet approves the following recommendations of the Economic Regeneration, Skills and Environment Scrutiny Committee following its review of Working with Parish and Town Councils as part of its Work Programme for 2014/2015:-

- (1) That consideration be given when providing training as to:
 - Whether any District Council Events could be opened up to Parish/Town Councils;
 - Whether more training could be provided in partnership with the Derbyshire Association of Local Councils.
- (2) A contact list of the services available to Parish/Town Councils at the District Council be circulated to all Parish Clerks within North East Derbyshire and this list should also be provided to the contact centre and be available on the Councils intranet/internet for use by all Council officers and elected members
- (3) That a calendar of meetings for the District Council be circulated to all Parish Councils for information
- (4) That any consultations involving Parish Councils be undertaken in a timely manner to help Parish Councils schedule in the item at Parish Council meetings.
- (5) That consideration is given to how Parish Councils can best be involved in any consultation on how Section 106 monies were to be allocated in their Parish.
- (6) That a review of the District/Parish Liaison Group be undertaken to identify ways in which its agenda could be more equally balanced between the District and Parishes and be reformatted to encourage attendance by Parish/Town Councils
- (7) The Council welcomes any support the Derbyshire Association of Local Councils could provide to encourage and assist Parish/Town Councils in building their capacity through mechanisms such as the Local Award Scheme and the Certificate in Local Council Administration

Reason for Decisions:-

The decisions seek to ensure that the District Council maintains a good working relationship with the Parish/Town Councils in the District.

(Overview and Scrutiny Manager/
Governance Team)

741 Mental Health Services Scrutiny Review

Cabinet considered Report No TR/01/15/SRB of Councillor T Reader, Chair of the Healthy Communities and Well Being Scrutiny Committee. The purpose of the report was to request Cabinet's approval of the recommendations of the Healthy

Communities and Well Being Scrutiny Committee following its review of Mental Health Services as part of its work programme for 2014/2015.

The objectives of the scrutiny review of Mental Health Services were:-

- Raise awareness of mental health conditions and the Council's role in supporting people using the Council's services;
- To ensure where appropriate that staff are adequately trained and that any provision is refreshed and monitored;
- To consider how the Council ensure that people are treated in a non discriminatory way;
- To identify any appropriate improvements we could make in this area.

The Review Panel met on five occasions and considered a variety of information to gain an understanding of the subject matter. The Review Panel interviewed a number of District Council officers, together with those from Rykneld Homes Limited.

The options for Cabinet's consideration were set out at paragraphs 1.1 to 5.3.1 of the report. There were no alternative options considered and rejected.

The recommendations arising from the report were:-

- (1) That the Council set up a task force with relevant partners to formulate a policy setting out a proactive approach to Mental Health within the organisation.
- (2) That the action plan resulting from the policy sets out how the Council will achieve this including the issues raised in this report on:
 - Awareness of mental health conditions;
 - Training of staff and members;
 - Support available for employees;
 - Mechanisms for identifying people with mental health conditions failing to respond to contact from the Council.
- (3) That a progress report on the implementation of the policy and action plan be provided to the relevant Scrutiny Committee within six months.

RESOLVED – That Cabinet approves the following recommendations of the Healthy Communities and Well Being Scrutiny Committee following its review of Mental Health Services as part of its Work Programme for 2014/2015:-

- (1) That the Council set up a task force with relevant partners to formulate a policy setting out a proactive approach to Mental Health within the organisation.
- (2) That the action plan resulting from the policy sets out how the Council will achieve this including the issues raised in this report on:
 - Awareness of mental health conditions;
 - Training of staff and members;
 - Support available for employees;

- Mechanisms for identifying people with mental health conditions failing to respond to contact from the Council.
- (3) That a progress report on the implementation of the policy and action plan be provided to the relevant Scrutiny Committee within six months.

Reason for Decisions:-

The decisions seek to ensure that the Council is proactive in its approach to mental health and is fulfilling its responsibilities in this area.

(Overview and Scrutiny Manager)

742 Anti-Social Behaviour and Young People Scrutiny Review

Cabinet considered Report No BW/02/15/SRB of Councillor B Wright, Chair of the Safer Homes and Neighbourhoods Scrutiny Committee. The purpose of the report was to request Cabinet's approval of the recommendations of the Safer Homes and Neighbourhoods Scrutiny Committee following its review of anti-social behaviour and young people as part of its work programme for 2014/2015.

It was considered timely to review this area of work as it was relevant to both the public and elected Members, the Scrutiny Committee was also the statutory body for the review of the work of the Community Safety Partnership. The objectives of the scrutiny review were:-

- (1) That the Council and the Community Safety Partnership identify further measures that can be taken to engage young people in our communities.
- (2) That the Council and the Community Safety Partnership identify any opportunities to provide facilities for young people in the District, including outreach activities.
- (3) That the Council continue to support the Community Safety Partnership in exploring further how they can join their services to work better with other partner agencies.
- (4) That the Council and Community Safety Partnership review the provision of CCTV within the District.
- (5) That the Council and the Community Safety Partnership continue to identify any available funding.

The Scrutiny Review Panel met on five occasions and considered a variety of information to gain an understanding of the subject area. The Review Panel had also interviewed the Police, a number of District Council offices and those from Derbyshire County Council. A questionnaire had also been sent to residents and Parish Councils.

The options for Cabinet's consideration were detailed at paragraphs 1.1 to 5.3.1 of the report. There were no alternative options considered and rejected.

The recommendations the Scrutiny review report were:-

- (1) That the Council and the Community Safety Partnership identify further measures that can be taken to engage young people in our communities.
- (2) That the Council and the Community Safety Partnership identify any opportunities to provide facilities for young people in the District, including outreach activities.
- (3) That the Council continue to support the Community Safety Partnership in exploring further how they can join their services to work better with other partner agencies.
- (4) That the Council and Community Safety Partnership review the provision of CCTV within the District.
- (5) That the Council and the Community Safety Partnership continue to identify any available funding.

RESOLVED – That Cabinet approves the following recommendations of the Safer Homes and Neighbourhoods Scrutiny Committee following its scrutiny review of Anti Social Behaviour and Young People:

- 1) That the Council and the Community Safety Partnership identify further measures that can be taken to engage young people in our communities.
- 2) That the Council and the Community Safety Partnership identify any opportunities to provide facilities for young people in the District including outreach activities.
- 3) That the Council continue to support the Community Safety Partnership in exploring further how they can join their services to work better with other partner agencies.
- 4) That the Council and Community Safety Partnership review the provision of CCTV within the District
- 5) That the Council and the Community Safety Partnership continue to identify any available funding.

Reason for Decisions:-

The decisions seek to ensure that the Council is tackling the issue of Anti-Social Behaviour and Young People within the District.

(Overview and Scrutiny Manager)

743 North East Derbyshire Local Plan – Authority Monitoring Report 2013/14

Cabinet considered Report No NF/07/15/HF of Councillor N Foster. The purpose of the report was to:-

- Advise Members of the tenth North East Derbyshire Authority Monitoring Report and the Council's five year housing land supply position.
- To seek approval of the content of the tenth North East Derbyshire Authority Monitoring Report for the period 1 April 2013 – 31 March 2014 and for the publication of it on the Council's website.

The Localism Act 2011 requires the production of an Authority Monitoring Report. The Town and Country Planning (Local Planning) (England) Regulations 2012 set out that a Local Authority Monitoring Report should contain the following information:-

- Details of the title of the plans or documents specified in the local development scheme and their progress in relation to the adopted timetable;
- Detailed reports on policy implementation;
- Details of net additional dwellings and net additional affordable dwellings in the local planning authority's area in the period in respect of which the report is made and since the policy was first published, adopted or approved;
- Details of the preparation of any neighbourhood development order or neighbourhood development;
- Details of any income and expenditure generated through the implementation of the Community Infrastructure Levy (CIL);
- Details of actions taken to co-operate with other bodies as prescribed by the Duty to Co-operate.

The key findings of the tenth Authority Monitoring Report for the period 1 April 2013 – 31 March 2014 were:-

- The net completion of new dwellings for the 2013/14 period was 49;
- The Council does not have a five year supply of housing land;
- 57% of all new housing for the monitoring period was built upon previously developed (brownfield) land;
- There was a loss of 10 affordable houses during the monitoring period due to demolitions;
- 0.07ha of employment land was completed during 2013/14.

The Council did not have a five year supply of housing land as required by the National Planning Policy Framework. This meant that the relevant policies for the supply of housing land could not be considered up-to-date if a local authority could not demonstrate a five year supply of deliverable housing sites. On this basis, all applications should be considered on the presumption in favour of sustainable

development. This had significant implications for the determination of applications for new housing considered by the Council and any matters considered on appeal.

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

RESOLVED – That Cabinet approves the content of the tenth North East Derbyshire Authority Monitoring Report for the period 1 April 2013 – 31 March 2014 and authorises its publication on the Council's website.

Reason for Decision:-

The publication of the Authority Monitoring Report 2013/2014 fulfils the Council's statutory duty to prepare and publish such a document.

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

744 Anti-Social Behaviour, Crime and Policing Act 2014: Community Protection Notice

Cabinet considered Report No LR/04/15/JF of Councillor Mrs L Robinson. The purpose of the report was to provide guidance on the Community Protection Notice powers contained in the Anti-Social Behaviour, Crime and Policing Act 2014. The Council was required to set the level of the fixed penalty payable on service of a fixed penalty notice under that legislation.

The Anti-Social Behaviour, Crime and Policing Act came into force on 13 March 2014. One of the principle provisions of the Act was the introduction of Community Protection Notices. These were powers designed to combat environmental crime. They replaced Litter Clearing Notices, Street Litter Control Notices and Defacement Removal Notices. However, the existing power in respect of statutory nuisance in the Environmental Protection Act 1990 was retained.

Members were advised that the power to issue Community Protection Notices was available to Councils', the Police and Registered Providers of social housing (if designated by the relevant local authority).

The test for serving a Community Protection Notice was that the conduct complained of must have a detrimental effect of a persistent or continuing nature on the quality of life of those in the locality and that conduct was unreasonable. It was for each local authority to set the level of its penalty payable on the service of a fixed penalty notice the amount must not exceed £100.

The matters for Cabinet's consideration were detailed at paragraphs 1.1 to 5.3.1 of the report. There were no alternative options considered and rejected.

RESOLVED – That Cabinet:

- (1) Notes the content of the Anti-Social Behaviour Crime and Policing Act 2014: Community Protection Notice Report.

- (2) Sets the amount of the fixed penalty for a breach of a Community Protection Notice, under Part 4 of the Anti-Social Behaviour, Crime and Policing Act 2014 at £100.

Reason for Decisions:-

It is necessary for a local authority to set the level of fixed penalties applicable if a Community Protection Notice is not complied with.

(Assistant Director – Governance and Monitoring Officer)

745 Urgent Business (Public Session)

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

746 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 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].

747 Kerbside Recycling (Burgundy Bin) Contract Extension

Cabinet considered Report No NF/08/15/SB of Councillor N Foster. The purpose of the report was to request approval of an extension of the Council's Kerbside Recycling Waste (Burgundy Bin) collection contract upon it reaching its five year anniversary.

The Council had procured jointly its current kerbside recyclable waste collection service with its strategic partner, Bolsover District Council, in 2010. The contract had been made with H W Martin Waste Ltd. The contract was for a five year period from 1 November 2010, with options to extend for two, one year periods in 2015/16 and 2016/17.

In anticipation of the Kerbside Recycling Waste Collection contract reaching its fifth anniversary notice had been given of the Council's intention to extend the contract further. Discussions had been held with the current service provider. The conclusions and reasons for the recommendations were set out at paragraphs 2.1 to 2.5 of the report.

The alternative options considered and rejected were detailed at paragraph 4.1 of the report. The financial implications in respect of the proposals were detailed at paragraph 5.1.1 to 5.1.4 of the report. The legal implications, including data protection, were detailed at paragraphs 5.2.1 to 5.2.3 of the report. The Risk Implications were detailed at paragraphs 5.5.1 to 5.5.3 of the report.

RESOLVED – That Cabinet:

- (1) Approves that the Council's Kerbside Recycling Contract with H W Martin Waste Limited be extended from 1 November 2015 for up to a further period of two years, ending 31 October 2017, in accordance with Clause 5.1 of the conditions of contract.
- (2) Approves that the range of materials to be collected as part of the Council's recyclable waste service be extended to include waxed food packaging and that the original contract be varied to enable this.

Reason for Decisions:-

The decisions enable the Council's Kerbside Recycling Contract with H W Martin Waste Limited to be extended for a further period of up to two years period, ending 31 October 2017.

(Assistant Director – Streetscene/
Executive Director - Operations)

748 Corporate Property Estates Maintenance Contract 2015-2016

Cabinet considered Report No PRK/16/15/TB of Councillor P R Kerry. The purpose of the report was for Cabinet to:-

- Consider the tenders received for the Corporate Property Estates Maintenance Contract 2015/2016;
- Advise Cabinet that in accordance with Part 4 of the Council's Constitution, Contract Rules, the tenders received had been evaluated in accordance with the evaluation criteria issued with the tender documents , a tender was proposed to be accepted as "most economically advantageous";
- Approve acceptance of the lowest and best tender from Gary Fletcher (Surfacing) Ltd.

The Council's Corporate Estates Maintenance Contract 2015/2016 was to cover work such at patching, re-surfacing and re-construction of tarmac areas, together with minor civil engineering schemes on Council owned assets, including footpaths and park areas throughout the District. The contract would run from 1 April 2015 to 31 March 2016. The option to extend for a further three years would be evaluated on a year on year basis and mutually agreed between both parties.

Tenders had been requested from suitable contractors who had registered an interest with North East Derbyshire District Council via the open tender advertised on Source Derbyshire.

The conclusions and reasons for the recommendations were detailed at paragraphs 2.1 to 2.5 of the report.

The contract has been assessed on the basis of 80% cost, 20% method, which concluded that the lowest priced tender also received the highest scoring. Gary Fletcher (Servicing) Ltd was the lowest tender submitted.

RESOLVED – That Cabinet:

- (1) Approves the acceptance of the tender from Gary Fletcher (Surfacing) Limited for the Council's Corporate Property Estates Maintenance Contract for the period 1 April 2015 to 31 March 2016.
- (2) Notes that in accepting the tender from Gary Fletcher (Surfacing) Limited as detailed in resolution (1) above, that it is the lowest and best tender received and that it has an anticipated contract value of £100,000.

Reason for Decisions:-

The reasons for the decisions were detailed at paragraphs 2.1 to 2.5 of the report.

(Assistant Director Property & Estates/
Assistant Engineer)

749 Medium Term Financial Plan

Report No PRK/17/15/BM of Councillor P R Kerry was submitted. Cabinet advised that it wished to defer consideration of the Medium Term Financial Plan report to enable further information to be provided and for discussions to be undertaken in respect of the proposals within the report.

RESOLVED – That Cabinet defers consideration of the Medium Term Financial Plan to enable further information to be provided and discussion to be undertaken in respect of the proposals within the report.

Alternative Options Considered and Rejected:-

The options for Cabinet's consideration were detailed at paragraphs 1.1 to 5.3.1 of the report. Cabinet resolved to defer consideration of the report so that further information could be provided and discussions be undertaken in respect of the proposals within the Medium Term Financial Plan report.

Reason for Decision:-

Cabinet resolved to defer consideration of the report to enable it to receive further information and so that further discussions could take place in respect of the proposals within the report.

(Executive Director – Operations/
Assistant Director – Governance and Monitoring Officer)

750 Ridgeway Craft Centre

Cabinet considered Report No PW/04/15/BM of Councillor P Williams. The purpose of the report was to advise Members of the position in respect of the Ridgeway Craft Centre and to recommend the sale of this site to Ridgeway Courtyard Limited at a price to be agreed, subject to the Executive Director – Operations being satisfied that this price represented best value for the Council.

Information in respect of the detail of the proposals was set out at paragraphs 1.1 to 1.9 of the report. The conclusions and the reasons for the recommendations were detailed at paragraphs 2.1 to 2.2 of the report. The alternative options considered and rejected were detailed throughout the report.

A revised set of recommendations, together with an updated plan of the site, were circulated to all Members present at the meeting.

RESOLVED – That Cabinet:

- (1) Approves the sale of the Ridgeway Craft Centre (site edged red on the attached plan, marked **Appendix A** to these Minutes) and grants delegated authority to the Executive Director – Operations, following consultation with the Portfolio Member for IT, e-Information and Asset Management to conclude the disposal of the site in the light of the requirement to secure best value for the Council.
- (2) Approves that the land to the south east of the Ridgeway Craft Centre (site edged green on the attached plan, marked **Appendix A** to these Minutes), which currently forms part of the lease to the leaseholder of the adjacent former Garden Centre site, be surrendered to the Council.
- (3) Approves that an amount of up to £25,000 be invested in landscaping the area to the south east of the Ridgeway Craft Centre (site shown edged green on the attached plan, marked **Appendix A** to these Minutes).
- (4) Approves that the landscaping work at the site identified at resolution (3) above be funded from the Council's Invest to Save Reserve and be included in approved maintenance budgets in future financial years.
- (5) Requests that the Executive Director – Operations be required to report back to the next meeting of Cabinet concerning the progress of the sale of the Ridgeway Craft Centre.

Alternative Options Considered and Rejected:-

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 throughout the report.

Reason for Decisions:-

The reason for the decisions was to ensure that the Council can demonstrate that it has secured best value from the sale of the Ridgeway Craft Centre.

(Executive Director – Operations)

751 Urgent Business (Private Session)

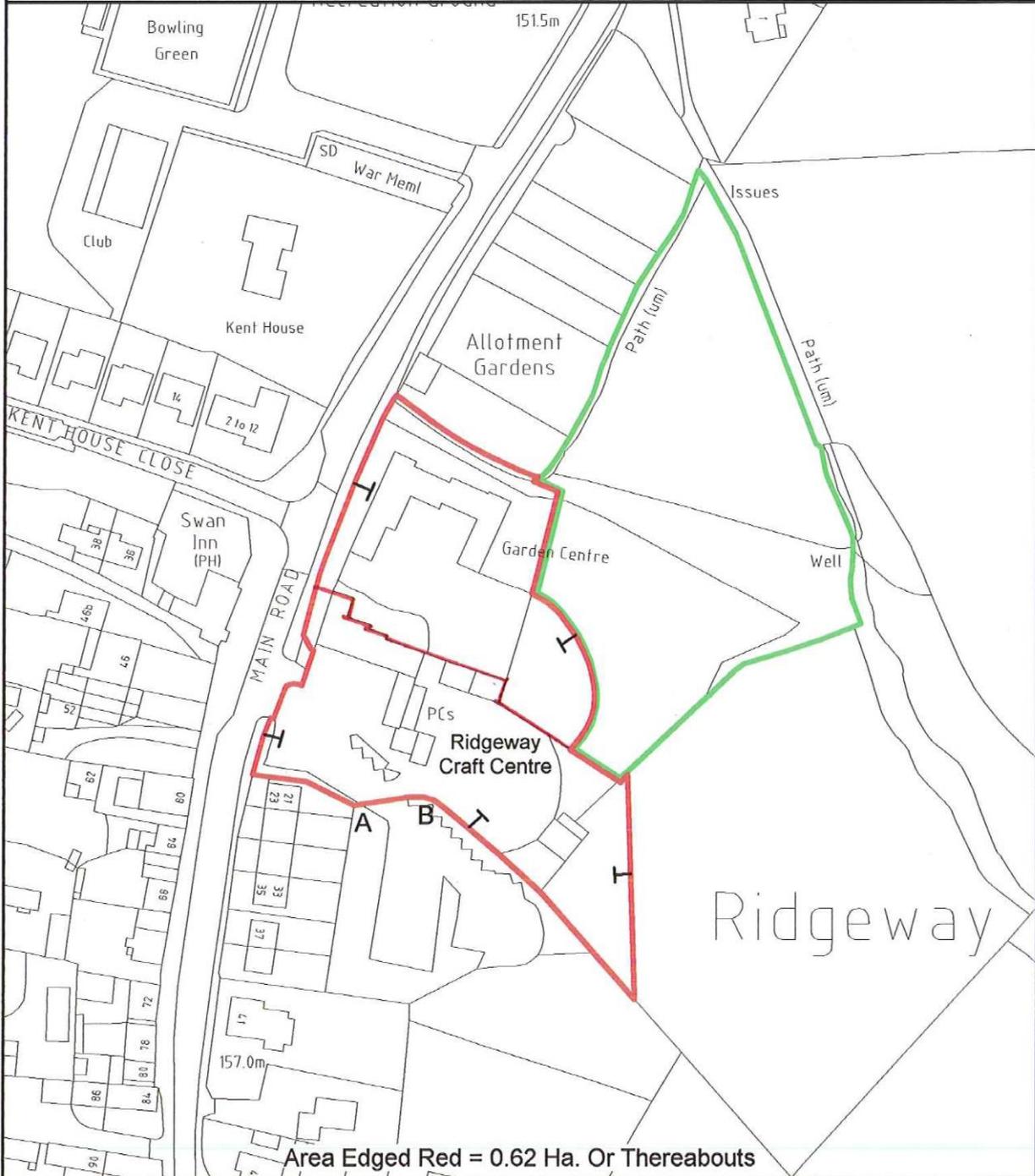
There was no urgent business to be considered in the private session at this meeting of Cabinet.

Appendix A

Amended Plan 7/3/13

NORTH EAST DERBYSHIRE DISTRICT COUNCIL
 COUNCIL HOUSE, SALTERGATE,
 CHESTERFIELD, DERBYSHIRE S40 1LF
 Tel: (01246) 231111 Fax: (01246) 217446

North East
 Derbyshire
 District Council



Area Edged Red = 0.62 Ha. Or Thereabouts

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Scale 1 : 1250



Plan No. 20478

**SALE OF LAND AT MAIN ROAD,
 RIDGEWAY**