

## CABINET

### MINUTES OF MEETING HELD ON 28 OCTOBER 2015

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## CABINET

### MINUTES OF MEETING HELD ON 28 OCTOBER 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

*Before the meeting began, members observed a moment's silence in memory of Councillor T Williams, who had recently passed away.*

#### **362 Apologies for Absence**

Apologies for absence had been received from Councillor J Austen.

#### **363 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 non significant other interest in item 7(b) as he was employed by Derbyshire County Council.

Councillors N Barker and Mrs E A Hill declared significant other interests in items 10(a) Housing Investment North Wingfield and 10(b) Future Development Proposals arising from their membership of the Rykneld Homes Board. They both left the meeting when these reports were considered and did not participate in the discussion or voting on the matter.

#### **364 Minutes of Last Meeting**

RESOLVED – That the minutes of the meeting of the Cabinet held on 30 September 2015 be approved as a correct record and signed by the Leader.

#### **365 Recommendation from the Disabled Peoples' Joint Consultative Group – 1 July 2015**

Cabinet considered the following recommendation from the meeting of the Disabled Peoples' Joint Consultative Group held on 1 July 2015:-

*To keep a presence permanently in Chesterfield to ensure the most vulnerable in North East Derbyshire can pay benefits/council tax in a central position.*

Cabinet had previously considered a recommendation from the meeting of the Disabled Peoples' Joint Consultative Group on this matter in April 2015 and had agreed 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*".

Cabinet noted that evidence of proven need had not yet been provided.

It was noted that this issue would be considered as part of the wider issues relating to the future of the Saltergate site and Cabinet repeated its previous response to the Disabled Peoples' Joint Consultative Group.

**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**

To respond to the recommendation of the Disabled Peoples' Joint Consultative Group.

**Other Options Considered and Rejected**

None.

(Governance Manager)

**366 Ambition Sheffield City Region Update**

Cabinet considered Report No GBXR/15/15-16/AWC/JW of Councillor G Baxter MBE, Leader of the Council which provided an update on the Ambition Sheffield City Region (SCR) Programme.

Ambition SCR was a two year pilot employment support programme for 18-24 year old Jobseekers Allowance claimants from day one of unemployment. The programme started local delivery in January 2015. The pilot programme was funded through the Sheffield City Region Local Enterprise Partnership from the Youth Contract Underspend. North East Derbyshire District Council was delivering the programme on behalf of the sub-region local authorities (which also included Bassetlaw District Council, Bolsover District Council, Chesterfield Borough Council and Derbyshire Dales District Council) and were the accountable body for the sub-region.

The report outlined the delivery methods and the staffing structure of the programme. Details of the programme's performance to-date were attached to the report.

Back to Work bonuses were being paid to young people on the programme when they sustained employment for 26 weeks. The payments were to be made into credit union accounts.

A communications protocol had been developed and regular meetings had been taking place with individual authorities to provide regular updates.

An Ambition Partnership Group was being formed with member and officer representatives from the five local authority areas which would meet bi-annually to provide a strategic overview of the programme.

The programme's financial position and risk management information were summarised in the report.

An external interim evaluation was due to take place in November 2015 and a further update was to be provided to Cabinet in March 2016.

**RESOLVED** – That Cabinet note the progress made to-date by the Ambition SCR Programme.

**Reason for Decision**

To enable Cabinet to be informed of the progress of the Ambition SCR Programme.

**Other Options Considered and Rejected**

None.

(Employment and Skills Officer)

**367 Turning the Urban Design Academy into a Social Enterprise**

Cabinet considered Report No GBXR/16/15-16/AWC/MH of Councillor G Baxter MBE, Leader of the Council which recommended for approval the business and legal structures for creating a social enterprise for the Urban Design Academy (UDA).

The report outlined the options for the social enterprise to be incorporated or remain unincorporated. If it were to become incorporated the main models it could have adopted were a company limited by shares or a company limited by guarantee. It was recommended that the UDA become an incorporated social enterprise to ensure it would be a separate legal entity which provides the Council with legal separation. It was also recommended that UDA be incorporated as a company limited by guarantee.

It was also considered whether the social enterprise should become a community interest company, a charity or remain as neither. It was recommended that UDA should become a community interest company to provide additional legal protections for any of its assets. This status prevented UDA from becoming a charity however it was considered that this did not greatly inhibit its ability to obtain external funding.

In terms of the governance of the social enterprise it was recommended that the Economic Development Unit draw up a list of candidates to invite to become a director or member of the Social Enterprise Board of Directors based on the skills and experience required for the position.

An Equalities Impact Assessment (EIA) was due to be undertaken prior to the launch of UDA as a social enterprise. Any recommendations from the EIA would be incorporated into the set up and operation of the social enterprise.

The costs of setting up the UDA as a social enterprise were outlined in the report and it was recognised that these costs were unlikely to be funded by an external organisation. It was therefore recommended that the Council provide this support for the initial period of the social enterprise. It was expected, however, that once the UDA social enterprise was up and running as a separate entity, it would begin to make its own income that would pay for any future costs.

**RESOLVED** – That Cabinet agrees:-

- (1) That the Urban Design Academy be set up as a social enterprise.
- (2) That the Urban Design Academy become an incorporated company.
- (3) That the Urban Design Academy become a company limited by guarantee.
- (4) That the Urban Design Academy become a community interest company.
- (5) That the Economic Development Unit create a short list of potential candidates for a Board of Directors for the Social Enterprise Company utilising the skills required as set out in the report.
- (6) That the paying of initial set up costs from existing budgets for the Urban Design Academy Social Enterprise be approved.

**Reason for Decision**

To enable the Urban Design Academy to become a social enterprise in order to gain wider access to external funding and to become self financing under an appropriate legal structure.

**Other Options Considered and Rejected**

The alternative legal structures that were considered were outlined in the report.

(Economic Development Project Officer)

**368 Corporate Plan Targets Performance Update – July to September 2015 (Q2 – 2015/16)**

Cabinet considered Report No GBXR/17/15-16/JF of Councillor G Baxter MBE, Leader of the Council which reported on the outturns for the second quarter of the year for the Corporate Plan 2015-2019 targets.

The report detailed progress on all key tasks and performance indicators that contributed directly to the priorities within the Council's Corporate Plan.

For the period reviewed, 45 of the 55 targets were on track. Seven had not yet started and three had an alert status, which meant the target may not achieve its intended outcome by the target date. There was also a request to extend the target date for one of the targets from October 2015 to December 2015. Details of the progress achieved on all of the targets were appended to the report.

The Corporate Plan was in the initial phase of delivery and the reported progress on the targets was indicative at this early stage. Progress was to be reported on a regular basis to Members and an annual report would be provided to Council.

**RESOLVED** – That Cabinet notes the early progress against the Corporate Plan 2015-2019 targets and the request for an extension to one target.

**Reason for Decision**

To inform Cabinet of the progress against the Corporate Plan targets and to note the achievements and any areas of concern.

**Other Options Considered and Rejected**

None.

(Assistant Director – Customer Service and Improvement)

**369 North East Derbyshire Local Development Scheme**

Cabinet considered Report No MG/07/15-16/HF of Councillor M Gordon, Portfolio Holder with Responsibility for Environment which sought approval for a revised programme and timetable to prepare the Local Plan and a new Local Development Scheme.

Cabinet had previously agreed that a single Local Plan should be prepared, including considering options for an alternative strategic distribution of housing and other developments, bringing forward a comprehensive review of the Green Belt.

A new timetable and project plan had been drawn up for the preparation and adoption of a single Local Plan in consultation with the Local Plan Steering Group. The revised timetable had been incorporated into the revised Local Development Scheme which was attached to the report. It was intended to balance the need for adopting a Local Plan at the earliest possible stage while ensuring a robust and credible evidence base would be established that was sufficient to reduce the risk of the Local Plan being found unsound upon independent examination.

It was noted that moving to a single Local Plan had not resulted in a time extension beyond that previously agreed to prepare the Local Plan in two parts.

The Local Development Scheme included details of the consultation and public participation arrangements that would be carried out.

The Local Development Scheme included projected adoption dates for the North East Derbyshire Local Plan by November 2018 and the North East Derbyshire Community Infrastructure Levy provisionally by 2020.

The report outlined the Government's written statement from July 2015 which stated that *"in cases where no Local Plan had been produced by early 2017 [the Government] will intervene to arrange for the Plan to be written in consultation with local people, to accelerate production of a Local Plan"*. It was considered that by having a clear draft plan put out to public consultation by early 2017, the threat to the Council of this intervention would be avoided.

It was agreed that meeting the timetable for the delivery of the Local Plan needed to be kept under review and that consideration would be given to the provision of adequate resources to support the project throughout its duration.

**RESOLVED** – That Cabinet:-

- (1) Notes the content of the report.
- (2) Adopts the revised Local Development Scheme (LDS7) and proposed timetable for the preparation of the North East Derbyshire Local Plan and notes that it shall take effect from 1 November 2015.
- (3) Authorises work to commence on a Green Belt review.

**Reason for Decision**

To adopt a revised timetable which set out the most appropriate and expedient way for the Council to adopt a Local Plan in conformity with planning policy which can be used as the basis for decisions and will support housing growth and provide certainty for local communities.

**Other Options Considered and Rejected**

An alternative option was to continue with the preparation of a two part Local Plan, but it was considered that the format of the Plan as set out in the revised Local Development Scheme was the best option to reduce the risk of the Local Plan being found unsound at examination.

(Planning Policy Manager)

**370 Budget Monitoring Quarter 2, July to September 2015**

Cabinet considered Report No PRK/12/15-16/BM of Councillor P R Kerry, Portfolio Holder with Responsibility for Economy, Finance and Regeneration which provided an update on the financial position of the Council following the second quarter's budget monitoring exercise. Summaries of the General Fund Revenue Account, the Housing Revenue Account, the Capital Programme and the treasury management activity were attached to the report.

**General Fund Revenue Account**

The current budget reflected savings that had arisen from the Transformation Programme, previously agreed carry forwards and agreed changes in relation to the Council's interest budgets. The quarterly monitoring meetings as part of the monitoring exercise had not identified any significant budget issues and the summary showed that the Council was spending below its profiled budget at the end of the second quarter.

The revised budget position for 2015/16 was due to be brought to Cabinet in November.

**Housing Revenue Account**

Due to a better than anticipated position on voids, the dwelling rents budget had performed better than expected. There were no other significant income or expenditure variances within the Housing Revenue Account (HRA) to report at the end of the second quarter.

Cabinet discussed the potential impact of the recent Government proposals in relation to the HRA over a longer term. It was discussed that a report would be brought to the next Cabinet meeting on the position of the HRA Business Plan.

**Capital Programme**

The main area of underspend in the capital expenditure budget related to the Decent Homes programme, however, Rykneld Homes were confident that they were in a position to ensure full delivery of the planned work for the year.

There were no significant issues to report regarding the capital expenditure at the end of the second quarter.

Cabinet were advised that the Council had sufficient capital resources to finance the actual expenditure and commitments of the Capital Programme at the end of the second quarter and officers were confident that the required level of capital receipts would be in place by the end of the year.

**RESOLVED** – That Cabinet:-

- (1) Notes the monitoring position of the General Fund at the end of the second quarter and requests officers to continue with work designed to deliver the targeted level of savings for 2015/16.
- (2) Notes the satisfactory position of the Housing Revenue Account, the Capital Programme and treasury management at the end of the second quarter.

**Reason for Decision**

For Cabinet to be advised of the Council's financial position following the second quarter's budget monitoring exercise for the General Fund, Housing Revenue Account, Capital Programme and treasury management activity.

**Other Options Considered and Rejected**

The report provided information only on the monitoring of the Council's financial position.

(Executive Director – Operations)

**371 Former Clay Cross Junior School**

Cabinet considered Report No PRK/13/15-16/AWC/BH of Councillor P R Kerry, Portfolio Holder with Responsibility for Economy, Finance and Regeneration which informed Cabinet of a proposal to restore the former junior school in Clay Cross to

bring it back into use as a community asset by a community interest company based in North Wingfield, Positive 4 Young People.

The report recommended that Cabinet support the proposal and that the Leader write to the County Council to express this support.

In 2007 the County Council had closed the Clay Cross Infant and Junior Schools. The Infant School building had been demolished and the site was now a location of a County Council extra care facility. The Junior School had been empty and unused since its closure and had been falling into a state of disrepair.

Interest in the Junior School building had been expressed by the community interest company, Positive 4 Young People (P4YP). The company had developed a robust business plan for the use of the Junior School and another adjacent building, which would be used for a mix of social community and revenue raising activities. The company had held negotiations with the County Council, however, progress had recently stalled.

Cabinet was advised that P4YP's proposal offered a unique opportunity to bring an important and valuable building back into use, which would generate business rates, and create economic and social activity in a town centre that was a Council priority and would contribute positively to the townscape.

**RESOLVED** – That the Leader of North East Derbyshire District Council write to the Leader of Derbyshire County Council to express support for the proposal and request disposal of the two properties at reasonable and acceptable terms.

#### **Reason for Decision**

To facilitate discussions between Derbyshire County Council and P4YP and to expedite the disposal of the two buildings.

#### **Other Options Considered and Rejected**

Leaving the school building in its current state would lead it to fall into further disrepair and would become unviable for a future restoration project. Redevelopment of the site for housing had been tested and was proven to be unviable.

(Senior Regeneration Officer & Urban Designer)

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

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

### **373 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].

**374 Housing Investment in North Wingfield**

Cabinet considered Report No EAH/06/15-16/LS of Councillor Mrs E A Hill, Portfolio Holder with Responsibility for Housing Strategy and Social Inclusion (supported by Councillor J Austen), which sought approval to progress negotiations regarding housing investment in North Wingfield.

The recommendations in the report were approved.

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

**375 Future Development Proposals**

Cabinet considered Report No EAH/07/15-16/LS of Councillor Mrs E A Hill, Portfolio Holder with Responsibility for Housing Strategy and Social Inclusion (supported by Councillor J Austen) which sought approval for Rykneld Homes to progress a number of proposals for housing schemes in North East Derbyshire.

The recommendations in the report were approved.

(Managing Director, Rykneld Homes Ltd)  
(Paragraph 3)

**376 Medium Term Financial Plan**

Cabinet considered Report No PRK/14/15-16/BM of Councillor P R Kerry, Portfolio Holder with Responsibility for Economy, Finance and Regeneration which described the preparation of the Council's budget for 2016/17 and advised on the ongoing negotiations for the sale of the Council House, Saltergate.

The recommendations in the report were approved.

(Executive Director - Operations)  
(Paragraph 3)

**377 Urgent Business (Private Session)**

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