

## CABINET

### MINUTES OF MEETING HELD ON 3 AUGUST 2016

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## CABINET

### MINUTES OF MEETING HELD ON 3 AUGUST 2016

#### **Present:**

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

Councillor J Austen

" N Barker

" M Gordon

Councillor P R Kerry

" J Lilley

#### **177 Apologies for Absence**

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

#### **178 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 significant other interest in relation to item 15 – Amendments to the Memorandum and Articles of Association of Rykneld Homes Ltd – arising from his membership of the Rykneld Homes Board. Due to the nature of this interest, Councillor N Barker left the room for this item and did not take part in the discussion or the vote.

Councillor N Barker also declared a non-significant interest in items 19(a) – Disposal of a Property on Springfield Road, Barlow and 19(b) – Disposal of a Property on Longedge Lane, Wingerworth – arising from his membership of the Rykneld Homes Board. As the interest was not significant Councillor N Barker could remain in the meeting for these items.

Councillor M Gordon declared a non-significant interest in relation to item 4 – Funding to Voluntary and Community Organisations, Presentation of Outcomes for 2015/16 – arising from his membership of the Derbyshire Law Centre Board. As the interest was not significant Councillor M Gordon could remain in the meeting for this item.

#### **179 Minutes of Last Meeting**

RESOLVED – That the Minutes of the meeting of the Cabinet held on 29 June 2016 be approved as a correct record and signed by the Leader.

#### **180 Minutes of the Member Development Working Group – 22 June 2016**

RESOLVED – That the Minutes of the Member Development Working Group held on 22 June 2016 be noted.

**181 Funding to Voluntary and Community Organisations – Derbyshire Law Centre**

Cabinet considered a presentation from the Derbyshire Law Centre as part of a suite of presentations from Voluntary Sector Organisations funded by the Council in 2015/16. Tony McIlveen and Lisa Haythorne of Derbyshire Law Centre attended the meeting to give the presentation

Cabinet were advised that the Derbyshire Law Centre helped provide free legal advice and representation to individuals and families on low and unsustainable incomes across North East Derbyshire District. They specialised in social welfare law, including community care, debt, discrimination, employment, housing, homelessness, immigration, mortgage rescue and tackling hate and harassment. The Law Centre also provide the Chesterfield County Court Duty Scheme for advice on possession hearings.

Cabinet were also advised of the other funding that the Law Centre receives and the projects that they deliver.

Following the presentation Members expressed a concern at the future of the funding available for the Law Centre's Hate and Harassment Programme and also discussed the importance of the various advice agencies within the District working together to avoid duplication.

The Chair, on behalf of the Council, thanked Derbyshire Law Centre for their work on behalf of the residents of North East Derbyshire and for attending the Cabinet meeting to provide the presentation.

**RESOLVED** – That the presentation from the Derbyshire Law Centre be noted.

**Reason for Decision**

To ensure that the Council maximises efficient use of outcomes through commissioning and voluntary sector organisations to help the Council achieve its corporate priorities.

**Other Options Considered and Rejected**

None.

**Matters referred from Scrutiny****182 Proposed Overview and Scrutiny Work Programmes for 2016/2017**

Cabinet considered a report of the Chairs of the Council's Overview and Scrutiny Committees and the Overview and Scrutiny Manager which advised of the proposed Work Programmes for Scrutiny for 2016/17.

Scrutiny Members had developed their Work Programmes for 2016/17 having regard to suggestions from elected Members and officers at the Council. The Monitoring Officer had also been provided with a copy for consideration.

It was important that the Work Programmes remained realistic and manageable and there needed to be capacity to respond to issues and developments throughout the year. It was therefore suggested that each Committee undertake no more than one review during the year. In addition to this, Committees would undertake policy and strategy development work and assess the performance of the Council overall.

**RESOLVED** – That Cabinet support the Work Programmes for the Overview and Scrutiny Committees for 2016/17 as attached as an appendix to the report.

**Reason for Decision**

Scrutiny was required to keep Cabinet informed of its Work Programmes and to communicate its work to other members of the Council. The Work Programmes were live documents that would change during the year as issues arose.

**Other Options Considered and Rejected**

None.

(Overview & Scrutiny Manager)

**183 Lead Officer Response, in conjunction with the Portfolio Holder, into the Scrutiny Review on Vacant Land**

Cabinet considered the Lead Officer response, in conjunction with the Portfolio Holder with Responsibility for Information Technology, E-information and Asset Management, into the Scrutiny Review on Vacant Land.

At its meeting on 8 June 2016 Cabinet had considered a report of the Growth Scrutiny Committee which presented recommendations following a review into vacant land. Ten recommendations had been put forward by the review, which were accepted by Cabinet.

The Lead Officer's response to the review was set out as an appendix to the report in the form of an Action Plan and this would be taken forward by the Assistant Director – Property and Estates who was designated as the Lead Officer for the Review, in consultation with the Portfolio Holder. Cabinet agreed that the action required in relation to the second recommendation be amended to state "Local Members should also be fully consulted at this stage".

**RESOLVED** – That Cabinet endorses the proposed actions as outlined in the Action Plan attached as an appendix to the report, to address the recommendations arising from the vacant land scrutiny review.

**Reason for Decision**

To comply with the requirement to address scrutiny recommendations that had been approved by Cabinet.

**Other Options Considered and Rejected**

None.

(Assistant Director – Property & Estates)

**184 Lead Officer Response, in conjunction with the Portfolio Holder, into the Scrutiny Review on Administrative Arrangements and Action Plan**

Cabinet considered the Lead Officer response, in conjunction with the Portfolio Holder with Responsibility for Human Resources, Training and Member Development, into the Scrutiny Review on Administrative Arrangements and Action Plan.

At its meeting on 8 June 2016 Cabinet had considered a report of the Organisation Scrutiny Committee which presented recommendations following a review into administrative arrangements and joint officers. Nine recommendations had been put forward by the review, which were accepted by Cabinet.

The Lead Officer's response to the review was set out as an appendix to the report in the form of an Action Plan and this would be taken forward by the Executive Director – Transformation who was designated as the Lead Officer for the review.

**RESOLVED** – That Cabinet endorses the proposed actions set out in the Action Plan attached as an appendix to the report, to address the recommendations arising from the administrative arrangements and joint officers scrutiny review.

**Reason for Decision**

To comply with the requirement to address scrutiny recommendations that had been approved by Cabinet.

**Other Options Considered and Rejected**

None.

(Executive Director – Transformation)

**185 Lead Officer Response, in conjunction with the Portfolio Holder, into the Scrutiny Review on Environmental Despoilment and Action Plan**

Cabinet considered the Lead Officer response, in conjunction with the Portfolio Holder with Responsibility for Environment, into the Scrutiny Review on Environmental Despoilment and Action Plan.

At its meeting on 8 June 2016 Cabinet had considered a report of the Communities Scrutiny Committee which presented recommendations following a review into environmental despoilment. Five recommendations had been put forward by the review, which were accepted by Cabinet.

The Lead Officer's response to the review was set out as an appendix to the report in the form of an Action Plan and this would be taken forward by the Assistant Director – Streetscene who was designated as lead officer for the review.

Cabinet agreed that further work be undertaken to develop a business case in relation to establishing a second community recycling promoter in order to provide greater resource to enhance education and awareness activities in relation to environmental despoilment.

**RESOLVED** That:-

- (1) Cabinet approves the Action Plan attached as an appendix to the report to address the recommendations arising from the scrutiny review into environmental despoilment.
- (2) The Assistant Director – Streetscene be requested to develop a business case in consideration of establishing a second Community Recycling Promoter; subject to which, he reports back to Cabinet where new funding is required; or, alternatively, that the Chief Executive Officer be requested to establish the post through delegated powers where costs are containable within existing budgets and jointly met by the Council’s Strategic Alliance Partner.
- (3) The Environmental Health Manager be requested to review the current arrangements and resources to address illegal waste activities at both Councils and report back to Cabinet.

**Reason for Decision**

To comply with the requirement to address scrutiny recommendations that have been approved by Cabinet.

**Other Options Considered and Rejected**

None.

(Assistant Director – Streetscene)

**186 Safeguarding Arrangements Scrutiny Review**

Cabinet agreed that this report be deferred to the next meeting of Cabinet in order for it to be considered at the same time as the Lead Officer response.

**RESOLVED** – That this report be deferred to the next meeting of Cabinet.

<b>Non Key Decisions</b>
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**187 Dronfield Railway Station Car Park**

Cabinet considered a report of Councillor J Austen, Portfolio Holder with Responsibility for Information Technology, E-Information and Asset Management which advised Cabinet that Network Rail were seeking to end the lease arrangements under which the Council operated the car park at Dronfield Railway Station and proposed the Council’s response.

The Council had operated the car park at Dronfield Railway Station in excess of 30 years in order to provide public car parking adjacent to the railway station. This had been on the basis of a lease granted by Network Rail who is the owner of the land.

The lease under which the Council occupied the car park allowed Network Rail to terminate the agreement after giving six months notice.

Network Rail had contacted the Council with a view to ending the lease of the car park and sought a voluntary agreement to end the current lease, saving both parties legal costs associated with undertaking a formal termination process.

In view of the fact that the Council had no grounds on which to object to the proposed termination of the lease, it was proposed that coming to an agreement with Network Rail would be the most appropriate means for concluding the current arrangements.

It was understood that Network Rail intended to continue to use the land as a car park, although it was presumed that this would be restricted to rail passengers and that charging may be introduced.

**RESOLVED** – That, in recognition of Network Rail's rights in this matter, Cabinet agrees that officers enter into negotiations to facilitate the ending of the lease granted to the Council by Network Rail in respect of the Dronfield Station car park on the basis of a voluntary agreement.

**Reason for Decision**

Ending the lease by voluntary agreement was the only realistic option which would also save on legal costs associated with a formal termination process.

**Other Options Considered and Rejected**

The option for a formal termination process was rejected as outlined above.

(Assistant Director – Property & Estates)

**188 Enforcement Policy (Joint Environmental Health Service) – May 2016**

Cabinet considered a report of Councillor M Gordon, Portfolio Holder with Responsibility for Environment which recommended for approval a revised Enforcement Policy for the Joint Environmental Health Service which updated the Council's existing Statement of Enforcement Policy (2007).

The revision was required by the new Regulators' Code which had been made under the Legislative and Regulatory Reform Act 2016. The Code aimed to reduce regulatory burdens and encourage regulators to provide support to compliant business and growth through an open and constructive relationship between regulators and those they regulate.

The Enforcement Policy outlined the main Government guidance which is followed in arriving at a decision in relation to action that may be taken against commercial businesses or an individual member of the public. It also provided an outline of the possible enforcement options available to the Council.

The main changes to the Policy included the requirements of the Regulators' Code, changes to formatting and number referencing, an updated Equalities Statement and an update in relation to the Corporate Plan aim.

**RESOLVED** – That Cabinet approves the Enforcement Policy (Joint Environmental Health Service) – May 2016.



Reason for Decision

To ensure that the Enforcement Policy remains up-to-date and compliant with the new Regulators' Code.

Other Options Considered and Rejected

There were no other options considered as the Council was required to have an Enforcement Policy in place.

(Environmental Health Manager)

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

**189 Amendments to the Memorandum and Articles of Association of Rykneld Homes Ltd**

Cabinet considered a report of Councillor Mrs E A Hill, Portfolio Holder with Responsibility for Housing Strategy and Social Inclusion which recommended for approval the amendments to the Memorandum and Articles of Association of Rykneld Homes Ltd, which were attached as an appendix to the report.

The Rykneld Homes Board had recently reviewed the Memorandum and Articles of Association in line with their practice to do so every three years.

The review had identified the following proposed amendments:-

- That the Board members terms of office be changed from 3 terms of 3 years to 2 terms of 4 years to align with Council appointments and terms of office;
- That the meeting quorum requirement be reduced from six to five members;
- That general amendments be made to the accuracy of the language within the document.

**RESOLVED** – That Cabinet approves the amendments to the Memorandum and Articles of Association of Rykneld Homes Ltd attached as Appendix 2 to the report.

Reason for Decision

To enable Rykneld Homes Ltd to have a Memorandum and Articles of Association that are current, fit for purpose and reflect the organisation's requirements.

Other Options Considered and Rejected

None.

(Managing Director – Rykneld Homes Limited)

*Councillor N Barker returned to the meeting at this point.*

**190 Powers under the Anti-Social Behaviour, Crime & Policing Act 2014**

Cabinet considered a report of Councillor J Lilley, Portfolio Holder with Responsibility for Community Safety, Equality & Diversity and Health which requested that the Council designate Rykneld Homes as an authorised person in

relation to various powers under the Anti-Social Behaviour, Crime and Policing Act 2014.

The report outlined the proposal that Rykneld Homes be designated as an authorised person to:-

- Issue Community Protection Notices under Section 42 of the Anti-Social Behaviour, Crime and Policing Act 2014;
- Issue Fixed Penalty Notices in relation to Community Protection Notices under Section 52 of the Anti-Social, Crime and Policing Act 2014;
- Issue Fixed Penalty Notices in relation to areas subject to Public Space Protection Orders in North East Derbyshire under Section 68 of the Anti-Social Behaviour, Crime and Policing Act 2014.

The report detailed the implications of the Community Protection Notices and public Space Protection Orders and the issuing of Fixed Penalty Notices in relation to each of these.

These powers would equip officers with a more streamlined and flexible range of powers to deal with low level problems before they escalate. It would also give officers the tools they need to take swift action against individuals in areas which had the most corrosive effect upon the quality of life of residents in North East Derbyshire. The appropriate training would be provided to the officers who would be exercising these powers.

**RESOLVED** – That Cabinet:-

- (1) Designate Rykneld Homes as an authorised person to issue Fixed Penalty Protection Notices under Section 43 of the Anti-Social Behaviour, Crime and Policing Act 2014.
- (2) Designate Rykneld Homes as an authorised person to issue Fixed Penalty Notices (£100 as previously approved by NEDDC) in relation to Community Protection Notices under Section 52 of the Anti-Social Behaviour, Crime and Policing Act 2014.
- (3) Designate Rykneld Homes as an authorised person to issue Fixed Penalty Notices (£100 as previously approved by NEDDC) in relation to areas subject to Public Space Protection Orders in North East Derbyshire under Section 68 of the Anti-Social Behaviour, Crime and Policing Act 2014.

#### **Reason for Decision**

To enable Rykneld Homes officers to deal with anti-social behaviour in the most effective way.

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

Not designating Rykneld Homes as an authorised person in relation to these powers was not considered to be in the best interests of Rykneld Homes, their tenants and inhabitants of North East Derbyshire District Council.

(Principal Solicitor)

**191 Disabled Peoples' Joint Consultative Group – Terms of Reference**

Cabinet considered a report of Councillor J Lilley, Portfolio Holder with Responsibility for Community Safety, Equality & Diversity and Health and Chair of the Disabled Peoples' Joint Consultative Group which recommended for approval changes to the Terms of Reference for the Disabled Peoples' Joint Consultative Group.

The Disabled Peoples' Joint Consultative Group had been established for over eight years with the aim to promote equality for disabled people both internally as an organisation and externally to make representations for better access and opportunities.

Over recent years the membership of the Group had changed, as such it was felt that the Terms of Reference needed to be reviewed.

To reflect the changing make up of the Group it was proposed that the representation of the nominated Groups be reduced and the approved list of organisations be limited to two representatives for each. Other minor changes reflected changes in language, moving away from equal opportunities to equality of opportunity and the description of the officer who supports the Group.

Cabinet agreed that the membership of the Group be amended to replace the Leader with the Portfolio Holder for Equality and Diversity.

**RESOLVED** – That Cabinet approves the amendments to the Disabled Peoples' Joint Consultative Group Terms of Reference, as attached as an appendix to the report, subject to the replacement of the Leader with Portfolio Holder in the membership.

**Reason for Decision**

To provide the Disabled Peoples' Joint Consultative Group with clear and updated Terms of Reference.

**Other Options Considered and Rejected**

The option to retain the existing Terms of Reference was rejected as it no longer reflected the make up of the Group.

(Improvement Officer)

**192 Urgent Business (Public Session)**

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

**193 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 and 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].

<b>Key Decisions</b>
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**194 Disposal of a Property on Springfield Road, Barlow**

Cabinet considered a report of Councillor J Austen, Portfolio Holder with Responsibility for Information Technology, E-Information and Asset Management which recommended for approval the disposal of a Council owned non traditional property on Springfield Road in Barlow.

The property was void and would need significant investment to bring the property up to a lettable standard, also taking into account the cost of works required to the external fabric of the building in order to achieve a further 30 years life. It was therefore proposed that the property be disposed of to provide a Capital Receipt that would support the wider objectives of improving the overall quality and availability of public housing in the District.

RESOLVED That Cabinet:-

- (1) Agrees to the disposal of 2 Springfield Road, Barlow.
- (2) Grants delegated powers to the Executive Director – Operations, following consultation with the Portfolio Member for IT, E-Information and Asset Management, to agree terms for the sale of land at 2 Springfield Road, Barlow on the basis that the price received satisfies the Council's obligation to secure best consideration reasonably achievable.

Reason for Decision

To support the wider objectives of improving the overall quality and availability of public housing in the District.

Other Options Considered and Rejected

The alternative of bringing the property up to a lettable standard and retaining it within the Council's housing stock was rejected as this would not have been economically viable.

(Managing Director – Rykneld Homes Limited)

**195 Disposal of a Property on Longedge Lane, Wingerworth**

Cabinet considered a report of Councillor J Austen, Portfolio Holder with Responsibility for Information Technology, E-Information and Asset Management which recommended for approval the disposal of a Council owned non traditional property on Longedge Lane in Wingerworth.

The property was void and would need significant investment to bring the property up to a lettable standard, also taking into account the cost of works required to the external fabric of the building in order to achieve a further 30 years life. It was therefore proposed that the property be disposed of to provide a Capital Receipt that would support the wider objectives of improving the overall quality and availability of public housing in the District.

RESOLVED That Cabinet:-

- (1) Agrees to the disposal of 183 Longedge Lane, Wingerworth.
- (2) Grants delegated powers to the Executive Director – Operations, following consultation with the Portfolio Member for IT, E-Information and Asset Management, to agree terms for the sale of land at 183 Longedge Lane, Wingerworth on the basis that the price received satisfies the Council's obligation to secure best consideration reasonably achievable.

Reason for Decision

To support the wider objectives of improving the overall quality and availability of public housing in the District.

Other Options Considered and Rejected

The alternative of bringing the property up to a lettable standard and retaining it within the Council's housing stock was rejected as this would not have been economically viable.

(Managing Director – Rykneld Homes Limited)

**196 Management of Corporate Debt – Write Off of Outstanding Amounts**

Cabinet considered a report of Councillor P R Kerry, Portfolio Holder with Responsibility for Economy, Finance and Regeneration which sought agreement to a proposed list of write off of debts, in respect of former tenants, owed to the Housing Revenue Account.

The details of the debts proposed to be written off were attached as an appendix to the report.

RESOLVED – That Cabinet agrees to write off the amounts in respect of Housing Revenue Account former tenants totalling £80,567.38 as detailed in Appendix 1 to the report.

Reason for Decision

Given that all the appropriate recovery actions had been exhausted in the case of these debts, it was important that the Council recognised the position and approved the write off of debt given that there was no realistic prospect of recovery.

Other Options Considered and Rejected

As all appropriate recovery actions had been exhausted there were no alternative options.

(Executive Director – Operations)

**197 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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