

## CABINET

### MINUTES OF MEETING HELD ON 26 OCTOBER 2016

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## **CABINET**

### **MINUTES OF MEETING HELD ON 26 OCTOBER 2016**

#### **Present:**

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

Councillor N Barker

Councillor Mrs E A Hill

" M Gordon

#### **350 Apologies for Absence**

Apologies for absence were received from Councillors J Austen and J Lilley.

#### **351 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 G Baxter MBE declared a non-significant other interest in item 5 on the agenda arising from his membership on the Derbyshire Unemployed Workers Centre.

Councillors Mrs E A Hill and N Barker declared a non-significant other interest in items 8(a) and 8(b) on the agenda arising from their membership on Rykneld Homes' Board.

As the interests were non-significant Councillors G Baxter MBE, Mrs E A Hill and N Barker could remain in the meeting for these items.

#### **352 Minutes of Last Meeting**

RESOLVED – That the Minutes of the meeting of Cabinet held on 28 September 2016 be approved as a correct record and signed by the Leader.

#### **353 Change of Order of Agenda**

The Leader, with the consent of other Members of Cabinet, agreed to change the order of the agenda to move forward the item in respect of the Derbyshire Unemployed Workers Centre.

#### **354 Funding to Voluntary and Community Organisations – Derbyshire Unemployed Workers Centre**

Cabinet considered an update from Derbyshire Unemployed Workers Centre as part of a suite of presentations from Voluntary Sector Organisations funded by the Council in 2015/16. Colin Hampton of Derbyshire Unemployed Workers Centre attended the meeting.

A breakdown of all benefit cases by ward area was provided to the meeting. It was advised that the computer system used to collate all the details was put together by an individual who had received support from the Derbyshire Unemployed Workers Centre and wished to do something in return to thank them for their help.

Cabinet were advised that without the voluntary help received the Derbyshire Unemployed Workers Centre would not be able to function effectively. The Derbyshire Unemployed Workers Centre worked hard to remove the stigma attached to claiming benefits and referred to a film called "I, Daniel Blake" which was showing at the Pomegranate Theatre on 11 November 2016 which concerned a hard working carpenter, after suffering a heart attack, seeking to claim state benefits.

Members were provided with two leaflets, one which listed all the possible benefits that people could be entitled to. It was hoped that a copy of this leaflet would be made available throughout North East Derbyshire in due course. The second leaflet explained what the Welfare Charter was and its purpose was to raise awareness of people in poverty throughout the District.

Various Members of Cabinet commented on the good work carried out by the Derbyshire Unemployed Workers Centre and hoped that this hard work would continue.

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

**RESOLVED** – That the update from Derbyshire Unemployed Workers Centre be noted.

**Reason for Decision**

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

**Other Options Considered and Rejected**

None.

**355 Minutes of the Member Development Working Group – 7 September 2016**

**RESOLVED** – That the Minutes of the Member Development Working Group held on 7 September 2016 be noted.

**Key Decisions****356 North Wingfield – Local Lettings Policy, including temporary removal of the Equity Cap**

Cabinet considered a report of Councillor Mrs E A Hill, Portfolio Holder with Responsibility for Housing Strategy and Social Inclusion which sought approval for a Local Lettings Policy to waive the £30,000 and £16,000 equity/assets or savings cap stipulated in the Council's Choice Based Lettings (CBL) and Allocations Policy and approval of a delegated decision for the detailed development of and approval to the Local Lettings Policy.

In April 2013 the Council amended the Choice Based Lettings and Allocations Policy as it was felt that a more robust policy was required to ensure that only those in most need were able to join the Council's waiting list and access Council accommodation. Therefore any applicant assessed as having equity assets or savings of £30,000 or over (excluding existing North East tenants and Extra Care specialist housing applicants) would not be able to register with Rykneld Homes' Choice Move Team to join the housing waiting list.

On 9 March 2016 Cabinet agreed Report No EAH/14/15-16/LS which outlined proposals for a phased approach to the strategic development of the Whiteleas Estate. Officers considered that these homes did not have a sustainable future and that a regeneration scheme in respect of these homes needed to be undertaken in the next few years. The report stated that regeneration would replace the Council's existing non traditional housing with new homes, it also stated that a significant complication to the development was that a number of properties on the Whiteleas estate were owned privately.

A number of options for the owner occupiers were included and agreed in the report to help proceed with the regeneration, however, the equity clause in the Choice Based Lettings and Allocations Policy posed a barrier which would stall the site and funding could be lost.

Members were advised that the property value at which the Council would buy back would be over the £30,000 equity cap, but insufficient to purchase another property. It needed to be recognised that all parties were working to tight deadlines therefore Whiteleas estate would need to be cleared of all its residents in their allotted phase appropriately within policy and within the timescale.

To enable the options to be implemented efficiently and within policy, a separate local letting policy for this small group could be put in place to waiver the equity barriers, allowing the owner occupiers to access Council housing, should they wish to do so. This would enable a quicker process to clear the estate and would be more of an incentive to help with the engagement of the owner occupiers, which would be beneficial to all parties and limit financial losses that would arise if tight deadlines were being met.

**RESOLVED:-**

- (1) That Cabinet agrees in principle the Local Lettings Policy as outlined in the report.
- (2) That delegated powers be given to the Executive Director – Transformation, in consultation with the Portfolio Holder for Housing, to approve the revised Local Lettings Policy on the basis of the principles set out within the report.

**Reason for Decision**

To enable the owner occupiers of this regeneration/development scheme in phase one and two to access Council accommodation, if they choose to do so, which would be beneficial to all parties and limit the financial losses if the tight deadlines of the development were not met.

**Other Options Considered and Rejected**

Not putting a local lettings policy in place would mean that the options in the previously agreed reports could not be utilised as it would be against policy.

(Housing Strategy Manager)

**357 Change of Designation – Stephenson Place, Meadow Road, Rock Crescent, Holmgate**

Cabinet considered a report of Councillor Mrs E A Hill, Portfolio Holder with Responsibility for Housing Strategy and Social Inclusion which sought approval to change the designation of 2 bed first floor flats to 1 bed properties in Stephenson Place, Meadow Road and Rock Crescent as set out in the report.

Within the current stock North East Derbyshire District Council had 19 first floor flats at Stephenson Place which were designated as two bedrooms, a further seven at Rock Crescent and twelve at Meadow Road, a total of 38 two bed properties.

These properties were being managed by Rykneld Homes and were considered to be hard to let. Considerable effort and resource had been put into letting the units which had included the creation of a show home at Stephenson Place through placing adverts on Right Move, but despite these efforts the properties continued to be difficult to let.

A key consideration on the first floor units was that they were designated as two bedrooms. In August 2013 the Coalition Government put out a highly detailed definition of what was a single bedroom, a twin bedroom and a double bedroom. The Government advised that a single bedroom measured at least 75.55 sq ft in floor space and this included enough room for:-

- A bed;
- A wardrobe;
- A chest of drawers;
- A bedside cabinet;
- A table and chair.

Rykneld Homes had undertaken an assessment of the existing second bedroom within these flats based on architect plans. This assessment identified that the second bedroom measured 66.40 sq ft which was smaller than stated in paragraph 1.2 of the report and below the standards proposed in a new discussion paper issued by the Department for Communities and Local Government. The assessment also failed to take into consideration the inbuilt storage which intruded into the bedroom area further, reducing the floor space to 52.83 sq ft. Members were advised that the re-designation would have an impact on the rent charged and would result in a rent reduction of £10,053 annually, however, this should be offset by a reduction in the number of empty properties.

**RESOLVED** – That Cabinet:-

- (1) Approves the change to the designation of 2 bed first floor flats to 1 bed for (38) properties in Stephenson Place, Meadow Road and Rock Crescent as set out in the appendix to the report.
- (2) Notes the annual reduction in rent of £10,053 resulting from the re-designation which would hopefully be offset by a reduction in the level of voids experienced for these properties.
- (3) Agrees that existing tenants receive a rent reduction from 1 October 2016.

**Reason for Decision**

To increase the take up of these properties reducing the impact of void periods for these properties.

**Other Options Considered and Rejected**

Rykneld Homes considered the option of re-configuration of the first floor flats. This option was not viable due to the associated costs of the re-location of services to the upper floors, alongside the costs associated with the re-configuration. The associated costs would not provide any significant uplift in floor space and would have remained below the proposed standards for a bedroom. The re-configuration would have also impacted upon ground floor residents.

(Director of Property Services & Development – Rykneld Homes Ltd)

<b>Non Key Decisions</b>
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**358 Local Trusted Organisation Employer Role for Grassland Hasmoor...Big Local**

Cabinet considered a report of Councillor G Baxter MBE, Leader of the Council which informed them of forthcoming changes with the Local Trusted Organisation (LTO) of the Grassland Hasmoor...Big Local Programme and to recommend that the Council supports North Eastern Derbyshire Business Developments (NEDBD) Limited's application to become the new LTO from 1 April 2017 and agrees to become employing body of the Grassland Hasmoor...Big Local Workers, supporting the management and delivery through the Partnerships Team.

In late 2012 Grassmoor Parish at Hasland Ward in Chesterfield Borough were allocated "Big Local" status by the Big Lottery Fund. "Big Local" was an initiative in 150 areas across the country where the Big Lottery had allocated £1m+ to residents to spend on their priorities over a 10 year period. The Local Trust oversaw the management of the funding on behalf of the Big Lottery.

NEDBD Ltd successfully acted as local LTO during the development of the programme, with North East Derbyshire District Council's Partnerships Team fulfilling the staffing duties of the company, co-ordinating the establishment of the Grassland Hasmoor Partnership, the community profile document and the delivery plan. The Local Trust approved the programme to commence in March 2015 at which point the role of the LTO was adopted by Links Council for Voluntary Service (CVS) due to the Local Trust's preference at that time for a voluntary sector group to fulfil the position.

To-date the Grassland Hasmoor Partnership had met a number of their delivery objectives following the overarching aim "to make the area an even better place to live". Working with the local community, voluntary groups, businesses and public sector agencies they had developed a range of community facilities, events and activities, these included local footpath improvements, community notice boards and information points. Imminent plans in Grassmoor included significant investment in a new Barnes Park pavilion and youth room and supporting the development of facilities at the Allotments. They had also employed a support worker successfully fulfilled by a Talent Match placement.

On 5 September 2016 Links CVS advised that they no longer wished to fulfil the role of LTO due to their need to focus on the core services of the organisation and intended to end the arrangement on 31 March 2017. Therefore the Grassland Hasmoor Board needed to find an organisation willing to become LTO as soon as possible who could oversee the financial management of the programme funds and also accept the transfer of the existing two workers through TUPE arrangements. The Grassland Hasmoor Board wished to retain these workers who would be on Links redundancy risk register from 1 January 2017.

The Grassland Hasmoor Board met on 15 September 2016 and agreed to invite organisations wishing to fill the LTO role to apply through a tendering process. It was likely that the process would be developed by the Big Local Advisor and representatives from the Board from late September. It was noted at the meeting that there was tentative interest from one other organisation who necessitated the development of a tendering process.

NEDBD's Board had agreed to tender for the role of LTO, subject to North East Derbyshire District Council becoming the employing body for the TUPED workers. This would follow the same successful model of operation used for the Bolsover/North East Derbyshire (BNED) LEADER approach where programme workers were managed through the North East Derbyshire Partnerships Team who undertook most of the NEDBD staffing duties.

**RESOLVED** – That Cabinet:-

- (1) Supports North Eastern Derbyshire Business Developments Limited's application to become Local Trusted Organisation for the Grassland Hasmoor...Big Local Programme from 1 April 2017.
- (2) Becomes the employer of the two Grassland Hasmoor...Big Local workers as part of the application should North Eastern Derbyshire Business Developments Limited be successful, supporting the management and delivery through the Partnerships Team on the basis of full cost recovery.
- (3) Delegates the responsibility for calculating the reimbursement level required for NEDDC staff management and support to the Strategic Partnership Co-ordinator.

**Reason for Decision**

North East Derbyshire District Council was the only appropriate NEDBD member to adopt the employer and management role for the Grassland Hasmoor workers.

**Other Options Considered and Rejected**

If another partner adopted the employer role it would be likely that the North East Derbyshire District Council Partnerships Team would be asked for support and give guidance on a regular but informal basis, therefore removing significant scope for North East Derbyshire claiming remuneration for the time spent undertaking this work.

(Strategic Partnership Co-ordinator)

**359 Procurement of Kerbside Recycling Service**

Cabinet considered a report of Councillor M Gordon, Portfolio Holder with Responsibility for Environment which advised Cabinet of the procurement arrangements of the Council's kerbside recyclable waste collection service in anticipation of it reaching the end of its extended contract duration.

North East Derbyshire and Bolsover District Councils contract with H W Martin Waste Limited, for the provision of its kerbside recycling service, would reach the end of its extended seven year period at 31 October 2017.

In anticipation of this arrangements were being made for both Councils to jointly re-market test their services. The report aimed to advise Members of the outline anticipated timetable the procurement process would follow to meet the requirements of the Public Contracts Regulations.

More recently Chesterfield Borough Council had asked if the timescales could be extended to include their kerbside recycling service into the procurement process.

As part of the procurement process the Council would seek to extend the range of materials collected, in particular plastic film and bags. A high number of replacement paper caddies are being experienced from loss, damage and/or theft, arising from which it is proposed to trial heavy duty woven plastic bags for the

presentation of paper in place of caddies. It was clarified that when a caddy needed replacing a heavy duty woven bag would be supplied instead.

The contract specification would be amended to reflect containment, presentation of paper in caddies and/or bags to offer greater flexibility, in particular as this was identified as the bidders open day event held in May 2016. Members were advised of the anticipated timetable for undertaking joint procurement arrangements of North East Derbyshire, Bolsover and Chesterfield kerbside collection recycling services. A subsequent report would be submitted to Cabinet at the decision stage in awarding contracts.

**RESOLVED** – That:-

- (1) Cabinet note the anticipated timetable for undertaking joint procurement arrangements of North East Derbyshire, Bolsover and Chesterfield kerbside collection recycling services.
- (2) A further report be submitted to Cabinet at the decision stage in awarding contracts.
- (3) Cabinet notes trials would be undertaken in the use of plastic bags as a potential replacement of the current 40 litre plastic paper caddies.

**Reason for Decision**

A high number of replacement paper caddies was being experienced from loss, damage and/or theft arising from which it was proposed to trial heavy duty woven plastic bags for the presentation of paper in place of caddies.

**Other Options Considered and Rejected**

Officers had undertaken work with the Council's shared procurement team at Chesterfield Royal Hospital and the North of England Procurement Collaborative (NOECPC) to identify economies of scale through wider collaboration and including North East Derbyshire and Bolsover District Councils service requirements within a wider health service trust framework contract. However, due to differences in health trust and local authority wage service requirements it was not possible to secure this, hence the Council preparing to undertake a joint procurement exercise with its partners.

(Assistant Director - Streetscene)

**360 Local Plan Position Statement**

Cabinet considered a report of Councillor M Gordon, Portfolio Holder with Responsibility for Environment which sought to update Members on the progress that had been made in preparing the Local Plan and to seek approval to publicise the Local Plan Position Statement.

At its meeting on 5 August 2015 Cabinet endorsed the Local Plan Steering Group's recommendation to cease work on a two Part Local Plan and commence the preparation of a single Local plan, including consideration of options for an

alternative strategic distribution of housing and other development and bringing forward a comprehensive review of the Green Belt.

On 28 October 2015 Cabinet adopted a new timetable for the preparation of the new Single Local Plan and approved proposals to commence work on a Green Belt Review. On 8 June 2016 Cabinet approved an update to the adopted timetable essentially combining two informal consultations planned for June 2016 and February 2017 into a single consultation in late 2016 early 2017. This was to account for the additional work associated with the Green Belt Review and to ensure the overall timetable could still be met. As part of this rationalisation it was agreed that a Position Statement would be published setting out the direction of travel of the Local Plan, paving the way for the consultation plan for February 2017 on the Draft Plan.

Cabinet had continued to delegate the Local Plan Steering Group the general task of overseeing and considering the detailed issues arising out of the preparation of the Local Plan. This has included the preparation of the Local Plan Position Statement.

The Local Plan Position Statement, attached as an appendix to the report, provided a summary of where the Council had got to in its production of the Local Plan and what still needed to be done. It's main purposes was to give an update on how the Plan was evolving and to explain what has been happening since the last publication on the draft Local Plan in February 2015, why the Council had shifted to the production of a single Local Plan, why the Council had undertaken a Green Belt Review and what this may mean for the distribution of development in the District, what the Local Plan was likely to contain and how it would look, what were the next steps in the Plan's development and when the next stage of public consultation would take place.

Subject to Cabinet's approval of the document it was intended to publish this in a design format (including figures and illustrations as indicated in the draft document) on the Council's website during the week commencing 7 November 2016. All statutory consultees and interested parties registered on the Council's Local Plan database would be informed of its publication. Whilst the document was intended to be for information rather than public consultation, interested persons could choose to make comments on it. Any comments received would be taken into consideration as part of the preparation of the Local Plan.

**RESOLVED** – That Cabinet:-

- (1) Notes the progress that has been made on the development of the Local Plan.
- (2) Approves the content of the Local Plan Position Statement.
- (3) Authorises the publication of the Local Plan Position Statement on the Council's website in the week commencing 7 November 2016.
- (4) Requests that the Assistant Director – Planning and Environmental Health, in consultation with the Portfolio Holder with Responsibility for the Environment, approves the final design of the Local Plan Position Statement and to make any minor alterations to the text of the document and ensure its legibility.

Reason for Decision

The Local Plan Position Statement provided a summary of planned preparation so far, explaining what had been done, what remained to be done and the direction of travel.

Other Options Considered and Rejected

A series of alternative options for both the strategic direction of the Local Plan and its detailed policies had been considered as part of the preparation of the document. The consideration of reasonable alternatives was an integral part of Local Plan preparation and would form part of the criteria the plan was tested upon when it was examined by an independent inspector.

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

**361 Urgent Business (Public Session)**

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

**362 Exclusion of Public**

RESOLVED - That the public be excluded from the meeting during the discussion of the following items of business to avoid the disclosure to them of exempt information as defined in Paragraph 1 Part 1 of Schedule 12A to the Local Government Act 1972 (as amended by the Local Government (Access to Information)(Variation) Order 2006). [The category of exempt information is stated after each Minute].

**Key Decisions****363 Manor Farm, Dronfield – Proposed Regeneration**

RESOLVED – That this report be deferred until a future meeting of Cabinet.

Reason for Decision

To allow more time for the consideration of the report.

**Non Key Decisions****364 Human Resources & Payroll Restructure**

Cabinet considered a report of Councillor N Barker, Portfolio Holder with Responsibility for Human Resources, Training and Member Development which sought approval for the restructuring proposal of the Joint HR and Payroll Service as outlined in the report, following a report to the Strategic Alliance Joint Committee and consultation with staff.

Presently the service operated as a joint service with staff employed by both Councils working across the two Authorities. The service supports and delivers the corporate objectives of both Councils. The Transformation Programme gave rise to significant challenges for the team, particularly in terms of potential harmonisation of terms and conditions and/or review of current job evaluation processes. There was a significant workload for the team also in relation to policy development, service reviews and modernisation of systems and processes e.g. self service and e-payslips etc.

Cabinet considered the current and proposed structure appended to the report.

**RESOLVED** – That Cabinet:-

- (1) Requests the Chief Executive to exercise his delegated authority to approve the proposed structure for HR and Payroll.
- (2) Notes the savings overall to NEDDC and that the recharge for BDC, if approved, would increase based on a 50/50 split.

**Reason for Decision**

The proposed structure was as lean as it could be at this stage given the upcoming challenges and was structured to ensure it operated as a joint service in keeping with the objectives of the Strategic Alliance.

**Other Options Considered and Rejected**

Alternative options were explored through consultation and other than a slight change to two posts there were no alternatives put forward by staff. The option of doing nothing was considered and rejected given the current challenges facing the HR and Payroll service and the need to formalise a more joined up structure moving forward, particularly for HR.

(Assistant Director – Human Resources & Payroll)

### **365 Urgent Business (Private Session)**

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