

MINUTES OF COUNCIL MEETING HELD ON 19 MAY 2014

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NORTH EAST DERBYSHIRE DISTRICT COUNCIL

MINUTES OF THE MEETING OF THE COUNCIL

HELD ON 19 MAY 2014

Present:

Councillor K G Savidge Chair
Councillor Mrs T Reader Vice Chair

Councillor J Allsop

“ Mrs P Antcliff
“ Mrs J Austen
“ N Barker
“ B Barnes
“ G Baxter MBE
“ P Blackburn
“ G Butler
“ A Cooper
“ J A Dargue
“ Mrs C F Ellis
“ S Ellis
“ Miss M Emmens
“ Mrs A Foster
“ N Foster
“ A D Garrett
“ K Gillott
“ M Gordon
“ R Hall
“ Mrs P Hemsley
“ Mrs E A Hill
“ Mrs J Hill
“ Mrs A Holmes

Councillor Mrs C D Huckerby

“ C Hunt
“ P R Kerry
“ H Laws
“ B Lewis
“ W Lilleyman
“ T J Moon
“ D S Oxspring
“ S Peters
“ G P Ramshaw
“ B Rice
“ B Ridgway
“ Mrs J Ridgway
“ P J Riggott
“ Mrs L Robinson
“ D Skinner
“ Mrs C Smith
“ L Stone
“ M E Thacker
“ P Widdowson
“ Miss T Williams
“ J Windle
“ B Wright

787 Apologies for Absence

Apologies for absence had been received from Councillors Mrs A Blackburn, Mrs N C Dolby, P Elliott, J D McGrory and G Morley.

788 Declarations of Interest

Members were requested to declare the existence and nature of any disclosable pecuniary interest 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.

No interests were declared at this meeting.

789 Minutes of Previous Meetings

RESOLVED – That the minutes of the meetings of Council held on 24 February and 3 March 2014 be approved as a correct record and signed by the Chair.

790 Chair's Announcements

The Chair began by saying what a genuine honour and privilege it had been to serve the Council as its Chair over the previous two years. He was always grateful to Members for giving him the opportunity to be the Chair and hoped that he had repaid them by treating them with respect inside the Chamber and by working alongside them outside of it to promote and champion the cause of North East Derbyshire.

The Chair commented that, over the last two years, it had been a privilege to work with them as well as with officers, residents, community groups and businesses around the District to help raise money for his two appeal charities, the Air Ambulance and The Children's Hospital.

The latest amounts raised were £1,108.02 from his civic service in March and £906.07 from a ladies paper night at the Nenna Kind Centre in Chesterfield. This was followed by a bucket collection where Chesterfield fans donated £394.45. The Chair would reveal his final appeal total prior to the annual Council meeting but in the meantime thanked everyone who had worked on or contributed to his appeal.

791 Public Participation

In accordance with Council Procedure Rule No 8 members of the public were allowed to ask questions about the Council's activities for a period of up to 15 minutes.

No questions were asked at the meeting.

792 Minutes of Council Meetings held between 13 February and 29 April 2014

The following meetings had taken place between 13 February and 29 April 2014:

	MEETING	DATE
(a)	Licensing Sub Committee (Scrap Metal)	13 February 2014 11 March 2014
(b)	Economic Regeneration, Skills and Environment Scrutiny Committee	18 February 2014 15 April 2014

(c)	Planning Committee	18 February 2014 18 March 2014 15 April 2014
(d)	Cabinet	19 February 2014 19 March 2014 16 April 2014
(e)	Strategic Alliance Joint Committee	6 March 2014
(f)	Safer Homes and Neighbourhoods Scrutiny Committee	12 March 2014 23 April 2014
(g)	Healthy Communities and Wellbeing Scrutiny Committee	14 March 2014
(h)	Standards Committee	27 March 2014
(i)	Licensing Sub-Committee (Taxis)	1 April 2014 29 April 2014
(j)	Audit and Corporate Governance Scrutiny Committee	3 April 2014
(k)	Licensing Sub-Committee (Pubs and Clubs)	14 April 2014

There were no recommendations within the above meetings requiring Council approval that were not already on the agenda.

RESOLVED – That the minutes of the meetings held between 13 February and 29 April 2014 be received.

793 Questions from Members

No questions had been received from Members under Procedure Rule No 9.

794 Motions on Notice from Members

No motions had been received from Members under Procedure Rule No 10.

795 Result of Coal Aston By-election

RESOLVED – That the outcome from the Coal Aston By-election on 10 April 2014, in which Councillor J Allsop was elected, be noted.

796 Successful Places Interim Planning Guidance

This item had been withdrawn.

797 Public Service Network

Council received a presentation from the ICT Manager on the Public Service Network (PSN) which was a foundation layer of the Government's ICT Strategy.

PSN aimed to provide the platform required by the UK public sector to deliver increasingly innovative, shared and cost effective services. PSN would replace the ageing Government Secure Extranet (GCSX) and Government Connect Framework (GCF). A new Code of Connection (COCO) to support PSN had been introduced in April 2013. As part of the new arrangements annual COCO submissions and external audits were required.

PSN had a number of uses. Principally they allowed the Council to access a number of services provided by Central Government, including the Department of Works and Pensions (DWP), Customer Information System (CIS) for benefits claim checking, the DWP Data Transfer Appliance (DTA) to transfer benefits data, the new Individual Electoral Registration (IER) system and the Tell Us Once service for births, deaths and marriages.

PSN required tighter and more stringent controls but it was hoped that it would also facilitate more shared working and shared use of facilities. It was acknowledged that PSN would provide benefits in the future, but this may mean usability and accessibility issues in the short term.

There was a brief debate amongst members. It was acknowledged that PSN was a resource intensive initiative but which was critical to the organisation's future and would need to be financed appropriately.

RESOLVED – That the presentation on the Public Service Network be noted.
(ICT Manager)

798 European Structural and Investment Fund (ESIF) Programme 2014 – 2020

Council received a presentation from the Economic Development and Investment Manager on the European Structural and Investment Fund (ESIF) Programme.

The ESIF Programme was a national partnership which would be managed by the Local Enterprise Partnerships (LEPs) and through which funding could be devolved down in order to support national and local growth initiatives. Each LEP had been asked to lead the development of a structural and investment fund strategy which would set out how they would invest the funds and this was required to be submitted to Government. It formed part of the LEP's wider strategic economic plan and linked to the Growth Strategy.

The ESIF Programme aimed to promote sustainable growth and combine a number of EU structural funds to create a Single Structural and Investment Fund Growth Programme. The 2014 to 2020 ESIF Programme was based around key investment themes which had been identified, including

innovation, research and technological development, social inclusion and education, skills and lifelong learning. As part of developing the strategy, LEPs were required to agree a set of principles which would guide the strategy.

The ESIF Programme included a match-funding requirement which assumed a 50% intervention rate, i.e. no more than half of the total eligible project costs would be funded. Some match-funding would be available through the Government's single local growth fund but other sources may need to be found from public, private and third sector partners. The Government had developed an opt-in offer to allow LEPs to join with national organisations or ESIF Programmes to deliver key priorities. By opting into a service offer a LEP committed part of its strategy funds to the ESIF Programme and the LEP then accessed match-funding administrative support. The ESIF Programme was due to commence in mid 2014.

Following the presentation there was a brief discussion about the points made.

RESOLVED – That the presentation on the ESIF Programme 2014 to 2020 be noted.

(Economic Development and investment Manager)

799 Review of the Chair of Planning Committee's Special Responsibility Allowance

Council considered Report ADGMO/11/14/MK of the Chair of the Independent Remuneration Panel which advised on the Review of the Chair of Planning Committee's Special Responsibility Allowance (SRA).

Council was advised that it had completed all necessary legislative stages under its power in order to progress the report to a conclusion. However, despite two requests, the notice required to be placed in a local newspaper advising of the Independent Remuneration Panel's recommendations had not been placed. As the Council had not met this requirement it was proposed to defer the report until the next meeting of Council once the required statutory steps had been taken.

RESOLVED – That the report on the Review of the Chair of Planning Committee's SRA be deferred until the next meeting of Council on 14 July 2014.

(Governance Manager)

800 Investors in People - Update

Council considered Report No NB/02/14/AG of the Portfolio Member for Human Resources, Training and Member Development which asked Council to note the progress and plan for the forthcoming assessment for North East Derbyshire in respect of Investors in People.

Investors in People was an internationally recognised standard for organisations to measure their performance with regard to business strategy, learning and development, equality strategies, capability of managers, recognition and reward, ownership and responsibility, investment and improvement. It measured an organisation against the above areas of business performance using 39 indicators from the Core Standard Assessment Framework. In recent years, further challenges under an extended framework had allowed organisations to achieve a bronze, silver or gold category. This required the organisation to meet further evidence requirements in addition to the 39 indicators.

Both North East Derbyshire District Council and its Strategic Alliance partner, Bolsover District Council, had committed to achieving the Investors in People Standard for a number of years through corporate objectives and work plans with a three yearly external assessment process. In September 2012 the Council was re-assessed as meeting the Standard.

It had become apparent whilst undertaking initial preparation work that a significant amount of work had been produced with both councils in mind. External assessors working with council officers, had suggested that both councils may wish to progress to joint Strategic Alliance assessment for Investors in People. Although this would mean one assessment covering both organisations, each Council, subject to the appropriate standard being met would have individual recognition as an Investors in People organisation.

Following consideration of the report, there was a brief discussion around the importance of member involvement in the Investors in People assessment.

RESOLVED that:

- (1) Bolsover and North East Derbyshire District Councils be assessed as a Strategic Alliance against the extended framework in July 2015.
- (2) Human Resources staff continue working with the assessors and producing action plans for the progress of Investors in People which would be discussed at all relevant groups.
(Assistant Director – Human Resources and Payroll)

801 Decisions Taken Under Special Urgency

Council considered Report No GBXR/09/14/MK of Councillor G Baxter, MBE which advised Council of the decisions taken under special urgency as required by law.

New regulations published in 2012 required all Key Decisions of the Executive to be published 28 clear days in advance of the decision being taken. If it was not practicable for this to happen special rules applied. In cases where a Key Decision was required to be taken and it was impracticable to wait for the five clear days required under the General Exception rule then a decision could only be taken if the decision-maker had

consent from the relevant scrutiny chair that the decision was urgent and could not be reasonably deferred.

At least once a year, the Leader of the Council was required under the regulations to submit a report to Council setting out the key decisions taken under special urgency since the preparation of the last report. In 2013/14 the Council made one decision under special urgency provisions relating to the need for the Council to enter into a Deed of Adherence to access Homes and Communities Agency grant funding that would contribute to the Tarran homes build in Eckington and Killamarsh.

RESOLVED – That Council notes the Executive decisions taken under special urgency since 13 May 2013.

(Governance Manager)

802 Annual Report of Scrutiny 2013/14

Council considered the Annual Report of Scrutiny for 2013/14. Councillor B Ridgway, Chair of the Healthy Communities and Well Being Scrutiny Committee, presented the report on behalf of the Scrutiny Chairs.

The report set out the work of the Council's four scrutiny committees over the past municipal year which included reviews into the Allocations Experience, the Relationship Between the Council and Rykneld Homes and Tourism. Committees had also been involved in monitoring the delivery of action plans from previous scrutiny reviews covering child poverty, welfare reform and the Joint ICT Service. The Council had also been actively engaged in joint scrutiny with Bolsover District and Chesterfield Borough Councils, monitoring the delivery of shared services in respect of Building Control, Internal Audit and shared procurement.

Work plans were being developed for scrutiny and would be finalised following the appointment of the new scrutiny members and chairs. The programme of reviews was also being considered so that scrutiny committees, once appointed, would scope the work they wished to undertake.

Councillor Ridgway on behalf of the scrutiny chairs, passed on his thanks to all scrutiny members and to the Overview and Scrutiny Manager for their contributions throughout the year.

RESOLVED – That the Annual Report of Scrutiny 2013/14 be noted.

(Overview and Scrutiny Manager)

803 Annual Report of the Standards Committee 2013/14

Council considered Report No JA/02/14/FP of Councillor J Austen, Chair of the Standards Committee, which set out the work undertaken by the Committee during the 2013/14 municipal year.

The Committee had met formally on four occasions to consider a range of issues including presentations on the Council's procurement process and the annual report on gifts and hospitality. During the year, the Committee had decided to undertake a survey of views and attitudes to ethical standards which had been sent to Members, officers and parish councils. The results of the survey would be considered in July 2014.

Key to the Committee's work was the monitoring of the Council's Code of Conduct and complaints process. North East Derbyshire District Council continued to receive relatively few complaints that Members had breached the Code of Conduct. In the past year two complaints had been referred for investigation whilst two had resulted in no further action.

The Committee had also requested that the District and Parish Liaison Group receive a six monthly report on the work of the Standards Committee from one of the parish and town council representatives. This presentation was given in January with a further report to come in July. Attached to the report were appendices giving reports from the Council's two Independent Persons.

RESOLVED – That the Annual Report of the Standards Committee 2013/14 be noted.

(Monitoring Officer)

804 Exclusion of Public

The Leader to move:-

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, 3 and 4, Part 1 of Schedule 12A to the Local Government Act 1972, (as amended by the Local Government (Access to Information) (Variation) Order 2006).

805 Strategic Alliance: Senior Management Strategic Capacity

Council considered Report No CEG/04/14/WL of the Joint Chief Executive which sought Members' agreement to create the posts of Joint Assistant Director – Community Safety and Head of Housing (BDC only) and Joint Assistant Director – Property and Estates and to amend the Strategic Alliance Senior Management Team structure accordingly.

Back in January 2014 when the existing senior management structure was implemented, the report commented on the likelihood of the strategic capacity across North East Derbyshire District Council and its Strategic Alliance partner, Bolsover District Council, being significantly reduced. It would be necessary to recognise this and in so doing facilitate the cascading of operational responsibilities to be able to empower managers to take more operational responsibility. At the same time, there was a need to recognise that the two Executive Directors now had strategic responsibility across the two authorities.

Two areas of responsibility that were now having an impact on the Executive Director – Operations were around community safety and property and estates. In both cases there was no specific assistant director and as such officers in middle management positions reported directly to the Executive Director which meant he had potential to become engrossed in operational matters.

It was proposed that the position currently identified as the Head of Housing (BDC) be renamed the Joint Assistant Director – Community Safety and Head of Housing (BDC). This post would have joint responsibility for community safety but also responsibility for housing in Bolsover.

A number of property and estates matters were now coming to the fore, not only around Council owned assets but also externally relating to business growth and housing strategy. Property and estates was one area where both authorities could generate substantial returns and was an area which was currently dealing with projects which carried a high financial risk. To deliver the current and future property and development projects it was proposed that the post of Assistant Director – Property and Estates be created.

The Strategic Alliance Joint Committee had resolved at its meeting on 6 March 2014 to recommend the creation of both posts, subject to appropriate consultation. The post of Assistant Director – Property and Estates would be advertised internally with it being envisaged that the successful candidate would be tasked with restructuring Council's Property and Estates section to deliver an overall saving.

Following consideration of the report, the Chief Executive responded to issues and questions raised by members.

RESOLVED that:

- (1) The Council agrees to the establishment of the posts of Joint Assistant Director – Head of Housing (BDC) and Joint Assistant Director – Property and Estates.
- (2) The Assistant Directors be paid on the senior management rates of pay as previously set out in Council reports relating to the Strategic Alliance.
- (3) A joint appointments panel consisting of members from the Appointments Committee of North East Derbyshire District Council and from members of Bolsover District Council be set up for the purposes of appointing to these assistant director posts in accordance with the two councils recruitment policies and practices.

(Assistant Director – HR and Payroll)
(Paragraphs 1 and 3)

806 Asset Rationalisation

Council considered Report No PRK/13/14/BM of Councillor P R Kerry, jointly with Councillor T Williams, which updated members regarding the Mill Lane regeneration site (formerly CPL) purchased by the Council and the current administrative headquarters at Saltergate.

The report set out the remediation work undertaken at the Mill Lane redevelopment site to date together with details of its suitability as office accommodation and, in particular, to become the new administrative base for the Council.

Council had previously decided, in principle, that the office building at Mill Lane be the preferred location for the Council's main headquarters. Officers had undertaken the necessary work and were now in a position to recommend to Council that the office block, which formed part of the Mill Lane redevelopment site become the Council's main administrative base from January to March 2015.

The report also set out updated costs for the relocation project and how those costs would be met.

In respect of the Council's current administrative base on the Saltergate site, it was agreed that officers prepare a report to Cabinet concerning its sale price in terms of disposal. The report also provided an updated position in respect of the transfer of open space on the Avenue site from the Homes and Communities Agency to the Council.

RESOLVED that:

- (1) Council note the report and in particular the progress that has been made in the remediation of the Mill Lane Regeneration site.
- (2) Council reaffirms its decision to move to the Mill Lane site as its main administrative building with a target date of January to March 2015 for that relocation.
- (3) Officers continue to progress work to dispose of the Saltergate site at the earliest opportunity but that Council note that this disposal was unlikely to be achieved until after the Council had entered into the contractual commitments to undertake the refurbishment work necessary to the Mill Lane Building to utilise that building as the Council's main administrative base.
- (4) Cabinet be given delegated powers to agree the refurbishment programme in respect of the Mill Lane office block together with the terms of the sale of the Saltergate Offices on the basis that any costs in excess of the £3m of prudential borrowing already approved were met from capital receipts or the Invest to Save reserve.

- (5) The Approved Capital Programme in respect of this scheme be increased to a figure of £3.757m to include the Invest to Save schemes as outlined within this report, with that work to be funded by £3.0m of prudential borrowing, £0.657m from capital receipts and £0.100m from the Invest to Save Reserve.
- (6) Delegated powers be granted to the Chief Executive following consultation with the Leader of the Council to approve any work or actions that were necessary to progress the refurbishment of the Mill Lane site together with the disposal of the Saltergate site in line with the timetable as set out within this report.
- (7) Council approves the use of up to £50,000 from the Invest to Save reserve in order to fund the costs of a Development Brief for the Saltergate Site.
- (8) Council notes the position in respect of accepting open space at the Avenue and future liabilities in respect of the site in return for a dowry totalling some £5.6m to cover grounds maintenance and any future liabilities, with the position following the conclusion of negotiations to be reported to Cabinet for approval.
- (9) Council requests officers to give consideration to an appropriate strategy for the sale of land at the Avenue and commission an external organisation to undertake work on securing outline planning permission at a maximum cost of £50,000 to be met from the Invest to Save Reserve with the outcome of this work to be reported back to Cabinet.
- (10) Council recognises its intention to continue to provide a customer service base in Chesterfield in light of the re-location of the Council's administrative base to Mill Lane

(Executive Director - Operations)
(Paragraphs 3 and 4)