

## **CABINET**

### **MINUTES OF THE MEETING HELD ON THURSDAY, 2 MARCH 2023**

#### **Present:**

Councillor Alex Dale (Chair) (in the Chair)  
Councillor Charlotte Cupit (Vice-Chair)

Councillor Jeremy Kenyon

Councillor Alan Powell

#### **Also Present:**

M Broughton	Director of Growth and Assets
J Dethick	Director of Finance and Resources & (Section 151 Officer)
K Drury	Information Engagement & Performance Manager
L Ingram	Legal Team Manager & Deputy Monitoring Officer
L Pepper	Housing Strategy and Homelessness Manager
A Maher	Interim Governance Manager
T Scott	Governance and Scrutiny Officer

#### **CAB/ Apologies for Absence**

**59/2**

**2-23** An apology for absence was received from Councillor C Renwick.

With the agreement of the Chair, Councillor M Foster contributed to the meeting virtually through the electronic Conference Call system. He did not participate in the decisions taken by Cabinet.

#### **CAB/ Declarations of Interest**

**60/2**

**2-23** There were no Declarations of Interest.

#### **CAB/ Minutes of Last Meeting**

**61/2**

**2-23** RESOLVED - That the Minutes of the meeting held on 26 January 2023 were approved as a true record.

#### **CAB/ Medium Term Financial Plan Budget Monitoring Report April - December 2022**

**62/2**

**2-23** Members were informed that the purpose of the monitoring report was to update Cabinet on the financial position of the Council at Quarter 3.

Appendices 1 and 2 summarised the General Fund position

The General Fund was £117,000 under spent at Quarter 3. The main variances were detailed in the report at 2.4 – 2.6. Variances at Quarter 3 were generally not material in nature as they were measured against the recently revised budget. Pay budget savings made up a large proportion of the under spend. Income was lower than forecast at the newly opened Killamarsh Active, but this was covered by savings in pay costs.

It was noted at 2.3 in the report that the shortfall in the revised budget of £343,000 would be reduced by the Quarter 3 underspend to £226,000, reducing the resilience on reserves.

There were very few variances of note on the HRA so Members were pointed to Appendix 3 which provided the Quarter 3 position.

Appendix 4 detailed the capital expenditure incurred on a scheme by scheme basis. Details of variances were included at 2.15 in the Appendix.

Appendix 5 provided a report on the Treasury Management activity for Quarter 3.

Members discussed the report. They welcomed the effective financial management and the savings which had been achieved. They emphasised the important contribution that achieving these savings would make towards helping the Council to maintain its services to the District and its communities.

RESOLVED - That Cabinet noted the quarter three budget monitoring position outlined in the report.

REASONS FOR DECISION - To inform Cabinet of the financial position of the Council following the third quarter's Budget Monitoring exercise for the General Fund, the Housing Revenue Account, Capital Programme and Treasury Management activity.

OTHER OPTIONS CONSIDERED AND REJECTED - None. The report provided information about the financial position against the Council's previously approved budget.

**CAB/ 63/2** **Council Plan Targets Performance Update - October to December 2022**

**2-23** The report to Cabinet updated Members on the outturns against the Council Plan 2019-2023 performance targets.

Cabinet heard progress updates on all performance targets with a focus on any underperforming. Cabinet discussed the general status and were pleased with the progress.

RESOLVED - That Cabinet noted outturns against the Council Plan 2019-2023 targets.

REASONS FOR DECISION - This was an information report to keep Members informed of progress against the Council Plan targets.

OTHER OPTIONS CONSIDERED AND REJECTED - Not applicable to this report as it was providing an overview of performance against agreed targets.

**CAB/ 64/2** **North East Derbyshire Local Development Scheme 2023**

**2-23** Cabinet considered a proposal to adopt an interim Local Development Scheme (Appendix A to the report) to be brought in to effect on 6 March 2023 and to make

the scheme publicly available on the Council's website.

Cabinet heard how the Council last updated its Local Development Scheme in September 2018 to reflect a revised timetable for the later stages of the preparation of the then emerging Local Plan. The North East Derbyshire Local Plan was adopted in November 2021, so the information in the current published Local Development Scheme was out of date, and Councils had a statutory requirement to maintain an up-to-date Local Development Scheme.

Members supported the proposal because it would keep the Council in line with other Councils who had an up-to-date Local Development Scheme.

RESOLVED - That the interim Local Development Scheme be brought into effect on 6 March 2023 and published on the Council's website.

REASONS FOR DECISION - This was a need to publish an up to date LDS to meet statutory requirements.

OTHER OPTIONS CONSIDERED AND REJECTED - The preparation of a LDS is a statutory requirement and there are no reasonable alternative options.

**CAB/ Urgent Items (Public)**

65/2

2-23 None.

**CAB/ Exclusion of Public**

66/2

2-23 RESOLVED – That the public be excluded from the meeting during the discussion of the following item(s) of business to avoid the disclosure to them of exempt information as defined in Part 1 of Schedule 12A to the Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006).

**CAB/ Management of Corporate Debt - Write Off of Outstanding Amounts**

67/2

2-23 Cabinet considered a proposal to the write off of debts in respect of rents, council tax and business rates as detailed in Appendix 1 to the report.

Members supported the proposal because they felt it struck the balance between collecting as much debt as possible, but not committing resources to debt that was unobtainable.

RESOLVED - That Cabinet agreed to the proposed write off of debts in respect of rents, council tax and business rates as detailed in Appendix 1 to the report.

REASONS FOR DECISION – All available options to recover this debt had been explored with write off being the final option in the debt management process.

OTHER OPTIONS CONSIDERED AND REJECTED – These were outlined in the main body of the report.

**CAB/ Compulsory Purchase Order - Empty Property**

**68/2**

**2-23**

Cabinet considered a proposal to make a Compulsory Purchase for 72 Hilltop Road, Dronfield, which was a long-term empty property.

Members discussed the reasons for the proposed Compulsory Purchase Order and the benefits that this would have for the local community.

RESOLVED - That Cabinet agreed:

- (1) To make the North East Derbyshire District Council (72 Hilltop Road, Dronfield) Compulsory Purchase Order 2023 (the "CPO") under section 17 of the Housing Act 1985 of land and rights within the area edged red on the Order Map (the Order Land) at Appendix 2 for the purposes of enabling the refurbishment of the Property for one of the purposes set out in section 17(1) of the Housing Act 1985 and
- (2) That the Director of Finance and Resources (S151 Officer) in consultation with the Assistant Director of Governance and Monitoring Officer be authorised to effect the making, confirmation, and implementation of the CPO and to take all necessary steps to give effect to the CPO in respect of the Order Land included, but not limited to, the following procedural steps:
  - a) finalising the Statement of Reasons (at Appendix 1) setting out the Council's reasons for making the CPO;
  - b) making the CPO, the publication and service of any press, site and individual notices and other correspondence for such making;
  - c) acquiring all interests and new rights within the Order Land as may be necessary to facilitate the redevelopment of the Property either by agreement or compulsorily, including entering into negotiations with any third parties for the acquisition of their land interests; the payment of compensation and dealing with any blight notices served in connection with the CPO;
  - d) approving agreements with landowners or statutory undertakers as applicable, setting out the terms for withdrawal of any objections to the CPO, including where appropriate seeking exclusion of land from the CPO;
  - e) making any necessary additions, deletions, or amendments to the Order Land and to seek any requisite modifications to the CPO Order and any CPO Order Map.
  - f) the preparation and presentation of the Council's case at any Public Inquiry which may be necessary.
  - g) seeking confirmation of the CPO by the Secretary of State (or, if permitted, by the Council pursuant to Section 14A of the Acquisition of Land Act 1981) (the 1981 Act);

- h) publication and service of notices of confirmation of the CPO and thereafter to execute and serve any general vesting declarations and/or notices to treat and notices of entry, and any other notices or correspondence to acquire those interests within the area, including, if required, High Court Enforcement Officer notices; and
  - i) referral and conduct of disputes, relating to compulsory purchase compensation, to the Upper Tribunal (Lands Chamber).
- (3) That the Director of Finance & Resources (S151 Officer) in conjunction with the Portfolio Holder for Housing and Communities be authorised to further appraise and consider potential options for the use or disposal of the specified long-term empty property and associated land following its purchase and to determine and implement the most appropriate option.

REASONS FOR DECISION – To achieve both a quantitative and qualitative housing gain to an area of the District, providing an additional unit or units of residential accommodation that could be occupied and significantly increasing the amenity of the Property and the residential area surrounding it.

Failure to secure the CPO would result in further dilapidation to the Property and further complaints from local residents, and the CPO would enable the Property to be brought back into use, either as one or two dwellings.

OTHER OPTIONS CONSIDERED AND REJECTED – Other options were considered but rejected for the reasons specified in the report. One of the alternative options considered was to not proceed with the CPO and to continue to work with the executor.

**CAB/ Urgent Items (Private)**

**69/2**

**2-23** None.