

**CABINET****Tuesday, 25th July, 2017**

Present:-

Councillor P Gilby (Chair)

Councillors T Gilby  
Bagley  
Blank  
Huckle

Councillors Brunt  
Ludlow  
Serjeant

Non Voting Catt  
Members Dickinson

J Innes

\*Matters dealt with under the Delegation Scheme

39 **DECLARATIONS OF MEMBERS' AND OFFICERS' INTERESTS  
RELATING TO ITEMS ON THE AGENDA**

No declarations of interest were received.

40 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors A Diouf and Serjeant.

41 **MINUTES**

**RESOLVED –**

That the minutes of the meeting of Cabinet held on 11 July, 2017 be approved as a correct record and signed by the Chair.

42 **FORWARD PLAN**

The Forward Plan for the four month period 1 August to 30 November 2017 was reported for information.

**\*RESOLVED –**

That the Forward Plan be noted.

**43 DELEGATION REPORT**

Decisions taken by Cabinet Members during June 2017 were reported.

**\*RESOLVED –**

That the Delegation Report be noted.

**44 MINUTES OF THE SHEFFIELD CITY REGION COMBINED AUTHORITY**

Minutes of the meeting of the Sheffield City Region Combined Authority held on 12 June, 2017 were reported for information.

**\*RESOLVED –**

That the Minutes be noted.

**45 QUARTER 1 BUDGET MONITORING 2017/18 & UPDATED MEDIUM TERM FINANCIAL FORECAST**

The Director of Finance and Resources submitted a report to provide an update on the budget position at the end of the first quarter including the General Fund Revenue and the Housing Revenue Account (HRA).

The Council approved the current budget for 2017/18 in February 2017 which forecasted a deficit of £209k. The report noted that indications for the medium term outlook continued to show a challenging picture. At the end of the first quarter, variances had produced a revised deficit forecast of £258k. The report included details of the changes to the approved budget.

The report noted that the uncommitted balances of the three major reserves had reduced to £0.87m. As there would be significant demand upon these reserves in the future the report advised that the Cabinet should continually review commitments against the finite financial resources to ensure these would be used in the most effective way.

At the end of the first quarter all major income sources of the HRA were on target and expenditure was in line with the profiled budget. The report outlined future pressures on the HRA including the Welfare Reform and Work Act 2016 which introduced a 1% reduction in social housing rents for 4 years from April 2016. The estimated result of this change would be a loss of £10m of rental income over the 4 year period.

A range of measures to improve the financial viability of the HRA had been agreed by a Steering Group and were in the process of being implemented. The latest budget forecast showed that if these measures were successful the HRA Working Balance would still fall to £1.4m by 2021/22.

The report noted that a full budget risk assessment would be included in the budget setting reports later in the year. Work would be carried out in the coming months to enable the Council to set a balanced budget for 2018/19 in February 2018.

#### **\*RESOLVED –**

1. That the financial performance in the first quarter of the financial year and the new medium term forecast be noted.
2. That the use of reserves, as set out in section 5 of the report, be approved.
3. That the changes to the Housing Revenue Account budgets be noted.

#### **REASON FOR RECOMMENDATIONS**

To monitor the Council's finances.

#### **46 THE ANTI-SOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014 CONSULTATION ON THE DESIGNATION OF PUBLIC SPACES PROTECTION ORDERS**

The Health and Wellbeing Manager submitted a report outlining the proposed consultation for the Anti- Social Behaviour Crime and Policing Act 2014, Designation of the Public Spaces Protection Orders (PSPO) relating to anti-social behaviour (ASB).

The PSPO was introduced as a new power under the Anti-Social Behaviour, Crime and Policing Act 2014 and came into force in October 2014. PSPO's address a particular nuisance in a geographical area which is detrimental to local communities' quality of life.

To implement PSPO's a local authority needs to be satisfied on reasonable grounds that the activities carried out or likely to be carried out, in a public place:

- Have had, or are likely to have a detrimental effect on the quality of life of those in the locality;
- Are, or are likely to be of a persistent nature;
- Are, or are likely to be unreasonable.

PSPOs would create a framework to control the impacts of anti-social behaviour. The PSPO could be in place for a maximum of 3 years without a limit on the number of times the Order could be renewed as long as the need was still present. Breaching a PSPO would be a criminal offence and an enforcement officer could issue a Fixed Penalty Notice or recommend commencement of legal proceedings.

The Council had previously adopted 2 separate DPPOs which related to alcohol control. The existing DPPOs would automatically become PSPOs on 20 October, 2017 if they were not adapted or changed prior to 19 October, 2017.

There had been reductions in levels of reported crime within Chesterfield during 2016/17 but an increase of 13% in reported ASB in the town centre. A number of multi-agency meetings had taken place, including a summit chaired by the Police and Crime Commissioner, which discussed the issues and possible controls. Following a detailed review of intelligence on ASB, a number of new PSPO controls were considered and were subject to extensive consultation with the police.

It was proposed that 2 separate PSPOs were required; both orders were attached as appendices to the report along with the associated map. PSPO Chesterfield (No1) would prohibit the drinking of alcohol within the restricted area (other than at an exempted location) and required that where a person is, has been or intends to consume alcohol they would (if required) surrender for disposal any alcohol. PSPO Chesterfield (No2)

related to a range of anti-social behaviour including positioning or occupying any tent or other temporary structure without express permission, nuisance behaviour, loitering and begging, urination and defecation, unattended material or paraphernalia and intoxicating substances.

Analysis has been carried out on information taken from the Empowering Communities Inclusion and Neighbourhood Management System database recording ASB from both council and police systems. After the data was reviewed there were 444 incidents within the proposed area of the PSPO. It was considered that the evidence provided reasonable grounds to consider the controls proposed in the PSPOs as necessary to ensure that activities did not have a detrimental effect on the quality of life of those in the locality.

The Anti-Social Behaviour Crime and Policing Act 2014 required local authorities to carry out public consultation on any proposed PSPOs. Consultation would run for 8 weeks and be published on the council's website and widely advertised. Paper copies would be made available at local libraries and on the reception desks at the customer contact centre, town hall and sports centres.

A review was underway to redesign the resourcing for enforcement across the health and wellbeing service; a report would be brought to Members following the outcome of the formal consultation. The equalities impact assessment was attached as an appendix to the report and would be updated and reassessed following the consultation.

**\*RESOLVED –**

1. That approval to undertake formal consultation for a period of 8 weeks on the Public Spaces Protection Order Chesterfield (No1) (relating to restricting alcohol consumption) and the Public Spaces Protection Order Chesterfield (No2) (relating to other anti-social behaviour controls) be granted.
2. That the establishment of a Site Management Agreement (SMA) with the Public Fundraising Association (PFRA) to control charity collectors seeking collections by means of 'Direct Debit' or 'Standing Order' payments (commonly referred to as 'Chuggers') within the town centre be noted.

## **REASONS FOR RECOMMENDATIONS**

1. PSPO's are intended to deal with a particular nuisance or problem in a particular geographical area that is detrimental to the local community's quality of life by imposing conditions on the use of that area which apply to everyone. They are designed to ensure the law-abiding majority can use and enjoy public spaces safe from anti-social behaviour.
2. To test that the proposals included in the PSPOs are proportionate, based on evidence and analysis and are necessary to address the issues of ASB within the specified designated locations.

### **47 ALLOCATIONS POLICY REVIEW**

The Housing Manager submitted a report on the current position relating to the Choice Based Lettings Allocations and Transfer Policy.

The Choice Based Lettings Allocations and Transfer Policy was extensively reviewed and the recommendations were agreed by Cabinet in 2015 and the policy was implemented in 2016.

The majority of the changes had resulted in positive and successful outcomes however there had been considerable and unexpected effects which were exacerbated by the implementation of the 12 month residency requirement. This requirement stated that an applicant must "have lived in the Borough for a minimum of twelve months" with some exceptions." Since the implementation of this requirement the number of applications to join the council's housing register had notably decreased from 2148 in 2014 to 1609 in 2016.

To address this issue the Council needed to have a full and active housing register. The proposed solution would be a Local Lettings Plan in which the residency requirement would be removed for applicants from Bolsover District and North East Derbyshire District Council areas. To ensure that in the first instance properties would be allocated to people who have lived or worked in the Chesterfield area for a 12 month period it was suggested that applicants who satisfy these residency requirements be given preference in the general needs category. This would be done by awarding an enhancement to the waiting time on the register.

The report noted that there were no adverse financial or human resources implications. The draft local lettings plan was attached as an appendix to the report.

**\*RESOLVED –**

1. That the current position with regards to the Choice Based Lettings Allocations and Transfer Policy be noted.
2. That the Local Lettings Plan, which enables people living in Bolsover District and North East Derbyshire District Council areas to apply to the housing register and bid on hard to let flats, be approved and implemented.
3. That a full and comprehensive review of the Choice Based Lettings, Allocations and Transfer Policy be undertaken at the same time as a review of the Choice Based Lettings IT system and that a further report on this review be submitted to Members by no later than October 2018.

**REASON FOR RECOMMENDATION**

To comply with government legislation on the allocation of social housing and to ensure that the council manages its housing stock as effectively and efficiently as possible to maximise rental income to the Housing Revenue Account.

**48 EXCLUSION OF THE PUBLIC**

**RESOLVED –**

That under Regulation 21(1)(b) of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000, the public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraph 1 of Part I of Schedule 12A to the Local Government Act 1972 – as they contained information relating to an individual.

## 49 **BARROW HILL ENVIRONMENTAL IMPROVEMENTS UPDATE REPORT**

The Housing Manager submitted a report to update the Cabinet on the current position of the proposed regeneration works at Barrow Hill.

In September 2015 Cabinet considered a report on the Barrow Hill Environmental Works and recommendations from that report relating to the demolition of the blocks of flats at Ealing and Chiswick Courts and the tendering process for a demolition contractor were underway.

Planning permission was granted in October 2016 following a delay due to several redesigns requested by Derbyshire County Council (DCC) Highways. A quantity surveyor had reviewed the costs of DCC Highways' redesigns along with the impact of construction inflation and estimated that costs could have escalated by over £1.7m. This additional expenditure could not be funded by the HRA without other Capital Budgets being impacted upon.

As a result, revised options were developed to remove several highway elements and utilise land freed by the demolition of Ealing and Chiswick courts. Seven current options were outlined:

- Option 1: Delivery of the original scheme with required DCC specification for highways and design;
- Option 2: Existing scheme with Highways stopped up and central highway changed from block to asphalt;
- Option 3: Work to paths and boundaries only;
- Option 4: Existing scheme, Highways stopped up with road areas reduced, central areas changed from block to asphalt;
- Option 4A: Existing scheme, Highways stopped up with road areas reduced, central areas remain block paving;
- Option 5: As Option 4 with new links to Station Road through Ealing Court site.

The majority of the proposals requested the stopping up of the existing highway and the ownership and responsibility for the roads being passed



to CBC, this would enable the council to have control over costs. The report indicated that the favoured option was option 4 as it provided the greatest amount of control and fewest factors which could increase costs. The report noted that the proposal for option 4 was estimated to cost more than the July 2015 cost but was still within the total scheme budget.

The report provided details of the legal implications involved in stopping up a highway and concluded that further investigations were needed before any formal process could be commenced.

### **\*RESOLVED –**

1. That the revised scheme and highways layout for the second phase of the regeneration scheme be approved.
2. That the proposed regeneration scheme be split into two phases to ensure works can commence at Barrow Hill during 2017/18. The first phase will cover the area of the estate where no new highways are proposed and can be carried out whilst work to finalise the highway layout continues.
3. That consideration be given to stopping up the highways at Barrow Hill to ensure that a revised, re-priced scheme can be delivered.
4. That a further report be brought to Cabinet for a decision on whether to stop up the highway or to deliver a scheme where the highways are retained by Derbyshire County Council.
5. That the contingency set aside for the scheme be increased by £200,000 and that this contingency be met from within the 2017/18 Housing Capital Programme.

### **REASON FOR RECOMMENDATIONS**

To meet the councils priority 'to improve the quality of life for local people' and objective 5 'To increase the supply and quality of housing in Chesterfield Borough to meet current and future needs'.