

CABINET**Tuesday, 12th December, 2023**

Present:-

Councillor Gilby (Chair)

Councillors Holmes
Sarvent
Serjeant
Davies

Councillors J Innes
Staton
Stone

*Matters dealt with under the Delegation Scheme

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

No declarations of interest were received.

43 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Baldauf-Good.

44 **MINUTES**

RESOLVED –

That the minutes of the meeting of Cabinet held on 14th November 2023 be approved as a correct record and signed by the Chair.

45 **FORWARD PLAN**

The Forward Plan for the four month period January, 2024 to April, 2024 was reported for information.

***RESOLVED –**

That the Forward Plan be noted.

46 PROPOSAL FOR INVESTMENT ZONE

The Service Director – Economic Growth presented a report seeking approval for 2no. development sites within the borough of Chesterfield to be part of an East Midlands submission to Government for Investment Zone (IZ) status and for the Chesterfield sites to be designated as Business Rates Retention areas.

It was noted that in its Spring Budget the Government had announced that 12 UK regions would be invited to submit proposals for new IZs – this included the East Midlands. Each region was asked to co-design the proposals with the Government working to the principles set out in an IZ Policy Prospectus, dated March 2023.

Subject to finalising and submitting a detailed business case to the Government, the region could expect to receive £160m over 10 years to support growth in two priority target sectors, namely ‘Green’ industries and Advanced Manufacturing.

Tax incentives would be available to businesses locating within the IZ for the full ten-year period, as would flexible funding for investment in a range of interventions aimed at unlocking barriers currently holding back growth of the two priority target sectors. The funding could be used for:

- Research and Innovation
- Skills
- Local Infrastructure
- Local Enterprise and Business Support
- Planning and Development

It was proposed that two sites within Chesterfield borough would be included in the East Midlands IZ. These sites were shown on maps within Appendix A of the Director’s report. The north-eastern site was formerly the location of Hartington Colliery whilst the south-western site was part of the Staveley Growth Corridor (previously allocated as the site for HS2’s Infrastructure Maintenance Depot).

It was anticipated that the new East Midlands Mayoral Combined County Authority (EMMCCA) would be established in April 2024 with the inaugural elections for the Mayor held in May 2024.

The EMMCCA would oversee delivery of the East Midlands IZ with a launch date for the IZ planned to coincide with its establishment, in April 2024.

***RESOLVED** – That is be recommended to Full Council;

1. That the submission of an East Midlands Investment Zone proposal to Government, to include 2no. development sites (as identified by the plan in Appendix A) within the borough of Chesterfield be supported.
2. That it be agreed in principle by the Council for the 2no. development sites to be designated as Business Rates Retention areas in line with Government policy, subject to;
 - a) The formal establishment of the East Midlands Mayoral Combined County Authority (EMMCCA) in May 2024
 - b) The Council being satisfied with the final terms of the Business Rates Retention Policy applicable to the East Midlands Investment Zone
 - c) The Council being satisfied with the final terms of the Reinvestment Strategy developed by EMMCCA to guide the reinvestment of the retained Business Rates within the East Midlands area
 - d) The Council being satisfied with the governance arrangements for the East Midlands Investment Zone, when finalised, and the Council's role within them
3. That, given the need for the Council to be able to advise EMMCCA and Government in a timely manner of its position ahead of the final Gateway submissions, authority be delegated to the Chief Executive, in consultation with the Service Director for Finance and the Leader of the Council to consider the final proposals and arrangements for the East Midlands Investment Zone and conclude the terms of the Council's involvement.
4. That an update report be submitted to Cabinet on the East Midlands Investment Zone as and when the outcome of EMMCCA's submission to Government is known.
5. That the Council reserves it's right to review its position in relation to the 2no. development sites being designated as Business Rates

Retention areas should there be a change in Government policy and / or a change in the Council's relationship with EMMCCA.

REASONS FOR DECISIONS

1. An Investment Zone (IZ) offers the potential for the Council to secure tax incentives and additional capital and revenue funds to support the development of 2no. key regeneration sites within the borough of Chesterfield for the benefit of local residents and businesses. The proposal supports work already carried out with partners and landowners to catalyse development of the Staveley Growth Corridor as detailed in the Council Plan 2023-27.
2. The designation of the 2no. development sites as Investment Zone sites with a focus on green industries and advance manufacturing will help support delivery of the Council's Growth Strategy by strengthening Chesterfield's competitive location as a place to do business, securing new business investment in the borough and supporting the move to a stronger, more diversified and high value economy offering high quality, high value jobs to local people.
3. The Council will have the opportunity to take advantage of both the capital and revenue funds that EMMCCA will make available over a 25-year period once positive Business Rates returns are achieved over an agreed baseline.

47 FEES AND CHARGES - UPDATED POLICY AND SERVICE SPECIFIC CHANGES

The Head of Accountancy and Finance presented a report seeking approval for a new policy to direct the setting of fees and charges and for the implementation of a range of specified fees and charges changes for the financial year 2024/25. The latter had been developed in alignment with the Council's overall budget strategy and were aimed at supporting the Council to achieve a balanced budget for the financial year 2024/25.

It was reported that the current economic climate and the prevailing high rates of inflation meant that the costs of delivering services were increasing, making it more important than ever that all services were delivered as efficiently and effectively as possible, embedding commercial

operating principles to how budgets were set and managed. This included the need to ensure that fees and charges were regularly reviewed to ensure that wherever possible the costs of service delivery were recovered, and that there was no cross subsidy from other service areas.

A key part of the fees and charges review for the financial year 2024/25 was the development of a new policy, attached at Appendix A of the officer's report, which set out the Council's approach to charging across the full breadth of services currently delivered. The estimated impact of the fees and charges changes proposed for specific services would be incorporated within the General Revenue Fund Medium-Term Financial Plan report to Council in February 2024.

It was recognised that there were a range of different factors to consider in setting fees and charges, including legislative requirements and constraints, the costs of delivering services, benchmarking the Council's levels with those of other Councils, and potential impacts on other Council policies and objectives.

The proposed fees and charges for specified Council services for the financial year 2024/25 were set out in Appendix B of the officer's report.

It was noted that Appendix B excluded fees and charges proposals for the financial year 2024/25 in relation to Open Markets, Car Parking, Venues, Leisure, and Outdoor Pitches. The fees and charges proposals for these service areas would be subject to separate reports to Cabinet in January and February 2024.

***RESOLVED –**

1. That the fees and charges policy as set out in Appendix A of the report be approved.
2. That the proposed fees and charges as set out in Appendix B of the report be approved for introduction from 1 April 2024.
3. That it be noted that the fees and charges for Open Markets, Car Parking, Venues, Leisure, and Outdoor Grass Football Pitches will be subject to separate reports.

REASON FOR RECOMMENDATIONS

To comply with the Council's Budget Strategy for recovering fees and charges to contribute to the costs of service delivery.

48 **INDEPENDENT REMUNERATION PANEL REVIEW OF MEMBERS ALLOWANCES**

The Head of Regulatory Law & Monitoring Officer presented a report for Cabinet to consider the report and recommendations of the Independent Remuneration Panel (IR Panel) following its recent review of the Members' Allowances Scheme. The Cabinet were also invited to make their own representations on the IR Panel's report and recommendations for consideration by Full Council when the matter came before it on Wednesday, 13 December 2023.

The IR Panel was convened in accordance with the terms of reference agreed by Cabinet on 19 September 2023, and asked to make recommendations on:

- The amount of Basic Allowance to be paid to all Members.
- The roles for which a Special Responsibility Allowance (SRA) should be payable and the amount of such allowances.
- The amount of Dependent Carers Allowance and other Allowances to be paid.
- Pensions for Members.
- Arrangements for the payment of SRAs in the event of a Member being unable to fulfil their duties for an extended length of time e.g., as a result of long-term illness.

Full details of the IR Panel's recommendations were provided in paragraphs 4.3 to 4.8 of the report.

The Leader of the Council recommended to Cabinet that the new scheme of Members' Allowances, as set out in the IR Panel's report, be adopted but with effect from 1 April 2024 and not 1 April 2023.

Councillor Holmes asked for his vote to be recorded against the Cabinet resolution for the new scheme of Members' Allowances to be adopted by Full Council.

***RESOLVED – That it be recommended to Full Council;**

1. That the report of the Independent Remuneration (IR) Panel be considered by Full Council and it be determined whether or not to approve some or all of the Panel's recommendations.
2. That the new scheme of allowances, when determined, be adopted and implemented from 1 April 2024.
3. That the description of the Telecommunications Allowance be amended in line with the IR Panel's recommendation.
4. That the IR Panel's report be published in the press and on the Council website and be adopted and implemented with immediate effect.
5. That a supplementary estimate to meet the additional costs outlined in para 5.4 of the report be approved.
6. That both its appreciation and thanks to the members of the IR Panel be expressed by Full Council for the thorough and efficient way in which they carried out the review.
7. That the basic allowance, special responsibility allowances, subsistence allowance and Mayoral Allowance be updated annually in line with the annual percentage pay increase given to Chesterfield Borough Council employees (or by a percentage equivalent to that of the mean/median pay increase, in the event of a flat rate increase) as agreed for each financial year by the National Joint Council for Local Government Staff until 31 March, 2027 unless the Council has before then sought a further recommendation from its IR Panel on their application in this scheme.

REASONS FOR RECOMMENDATIONS

1. The Council's Members' Allowances Scheme must be reviewed on a periodic basis, as required by the Local Government Act 2000 and The Local Authorities (Members' Allowances) (England) Regulations 2003.
2. The Council has a legal duty to have regard to the IR Panel's recommendations.

49 HOMES ENGLAND CAPACITY FUNDING REPORT

The Strategic Planning and Key Sites Manager presented a report seeking approval to appoint consultants to carry out detailed technical and viability work relating to Chesterfield Waterside and Spire Neighbourhood, and the potential for widening the residential offer within Chesterfield Town Centre - following completion of relevant procurement processes. This would follow the Council's acceptance of grant funding offers from Homes England to part fund the work.

In July 2023, Cabinet considered a draft refresh of the Chesterfield Waterside masterplan and authorised the Cabinet Member for Climate Change, Planning, and Environment, in consultation with the Service Director - Economic Growth and other key officers, to finalise materials and arrangements for consultation. The consultation was however deferred pending the determination of a planning appeal relating to the Tapton Business Park site within Chesterfield Waterside. The Planning Inspector had now determined the appeal, granting planning permission for a development comprising 144 dwellings.

Homes England had made an offer of £100,000 to contribute towards the costs of commissioning consultants to carry out further detailed technical and viability work in relation to Chesterfield Waterside and Spire Neighbourhood. The grant funding would be supplemented by funding from the Council's business rates retention reserve..

Officers had also secured a grant funding offer of £25,000 from Homes England to help better understand the complex viability challenges relating to strategic site SS5 (The Staveley and Rother Valley Corridor). The funding would enable the Council to commission a viability expert to assist the Council with future grant funding applications and in determining planning applications relating to developments within the Corridor.

A requirement of the grant funding was that all work would need to be completed by the end of March 2024.

***RESOLVED –**

1. That the offers from Homes England of £100,000 in grant funding to fund housing market evidence base work for Spire Neighbourhood and Chesterfield Town Centre, and £25,000 towards understanding the viability of development within the Staveley Corridor be accepted.
2. That officers be authorised to appoint consultants and issue contracts to undertake work related to;
 - a) Chesterfield Waterside - Establishing a detailed understanding of the financial viability of the revised scheme
 - b) Spire neighbourhood - assess and understand technical constraints, compile an evidence base, assess financial viability and present areas for consideration of possible future projects
3. That officers be authorised to appoint consultants and issue contracts to undertake work related to obtaining an understanding of the financial viability and funding issues relating to the future redevelopment of the former Staveley Works site in the context of the Chesterfield Staveley Regeneration Route (CSRR).

REASONS FOR RECOMMENDATIONS

1. To provide an up to date evidence base to support implementation of the Local Plan Strategic Sites allocations – SS1 (Spire neighbourhood), SS3 (Chesterfield Waterside) and SS5 (Staveley works) and to support the determination of relevant planning applications and the securing of developer contributions.
2. To maximise the contribution made by development to place making and the provision of community infrastructure mitigate the impact of the development on local communities.

50 PUBLIC SPACES PROTECTION ORDER

The Head of Community Safety and Regulatory Services presented a report requesting Members to renew the Public Spaces Protection Orders (PSPOs) that were currently in place to control street drinking and other anti-social behaviour within specified areas within Chesterfield borough.

PSPOs were designed to ensure the law-abiding majority could use and enjoy public spaces, safe from anti-social behaviour. Since their introduction in December 2017, the PSPOs had been an effective mechanism to support the Council and its partners in tackling town centre anti-social behaviour and street drinking.

It was reported that in the last two years, PSPOs had been issued on 143 occasions, of which 81 had been in the last twelve months. The issue of PSPOs had also informed and enabled further enforcement action to be taken, specifically 19 Community Protection warnings, 7 Community Protection notices and one civil injunction.

The current PSPOs expire on 15 December 2023. The decision to renew them must be taken prior to the expiry date and following a period of public consultation. The Council had therefore carried out a public consultation exercise from 30 October through 15 November 2023. Copies of notices relating to each PSPO consultation were included for information in Appendix One of the officer's report and the full report on the outcomes of the public consultation exercise in Appendix Two.

In addition to public consultation, the Council was also required to engage with Derbyshire Constabulary, Derbyshire County Council, and the Police and Crime Commissioner as part of the renewal process. The responses received were copied in Appendices Three, Four and Five. All overwhelmingly confirmed their support for the PSPOs to be renewed.

***RESOLVED –**

1. That the outcomes of the consultations undertaken 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) and related issues be acknowledged by Members.
2. That 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 continued with effect from 15 December 2023 for a period of three years.

REASONS FOR RECOMMENDATIONS

1. The current PSPOs were initially considered and approved by Cabinet on 10 October 2017, following a Cabinet report regarding the potential for the PSPOs being considered on 25 July 2017. This report outlined the legislative background and evidence that supported the restrictions and the scope of the two PSPOs to restrict alcohol consumption and other anti-social behaviour (ASB) in Chesterfield town centre.
2. The PSPO's were subsequently renewed for a period of three years commencing on 15 December 2020. The PSPOs can only be in place for a maximum of three years before they are required to be renewed, consequently this report seeks approval to again renew the existing orders. There is no limit on the number of times that Orders can be renewed, if the evidence need is still present.