

**COUNCIL MEETING****Wednesday, 17th December, 2014**

Present:-

The Mayor

Councillors	Allen	Huckle
	Bagley	Innes
	Barr	King
	Bellamy	Ludlow
	Bingham	McManus
	Blank	Miles
	Borrell	Morgan
	Brittain	Avis Murphy
	Brown	Tom Murphy
	Burrows	Niblock
	Callan	Parsons
	Clarke	Mark Rayner
	Collard	Neil Rayner
	Davenport	Russell
	Dyke	Serjeant
	Flood	Simmons
	Gilby	Slack
	Hawksworth	David Stone
	Higginbottom	Martin Stone
	Hill	Paul Stone
	Hollingworth	

**54 MINUTES****RESOLVED –**

That the Minutes of the meeting of the Council held on 15 October, 2014 be approved as a correct record and be signed by the Chair.

**55**     **MAYOR'S COMMUNICATIONS**

The Mayor referred with sadness to the deaths of long serving County Councillor and former Chairman of Derbyshire County Council; Walter Burrows and of former Mayoress Marjorie Willett. Members stood for a minutes silence in their honour.

The Mayor referred to the following Mayoral engagements:

- Hosting events with local schools at the Town Hall to mark Local Democracy Week.
- Attending several events to mark Remembrance Day including the Festival of Remembrance at the Winding Wheel, the Service of Remembrance at the Parish Church and the parade to the Chesterfield War Memorial.
- Visiting the French Military Cemetery in Albain-Saint-Nazaire.
- Meeting the High Commissioner of Namibia to recognise 20 years of Chesterfield's twinning link with Tsumeb.

He also referred to recent and upcoming fundraising events for the Mayor's appeal and welcomed new Executive Director; Michael Rich to his first Council meeting.

**56**     **APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Elliott, Gibson, Lang and Lowe.

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

No declarations of interest were received.

**58**     **PUBLIC QUESTIONS TO THE COUNCIL**

There were no questions.

**59**     **PETITIONS TO COUNCIL.**

No petitions had been received.

**60**     **EXTERNAL COMMUNICATIONS STRATEGY**

Pursuant to Cabinet Minute No. 127 the Communications and Marketing Manager submitted for approval the new External Communications Strategy for the period 2014-17.

Many of the strategy's objectives of the proposed were aimed at addressing the changing consumer expectations of communicating and transacting with the Council, particularly through enhancing the use of digital communication channels to reach out to different audiences. The use of more traditional methods of paper-based communications would, however, be continued to ensure the needs of all residents of the Borough were met.

**RESOLVED –**

That the Council's External Communications Strategy for the period 2014-17 be approved.

**61**     **GENERAL FUND REVENUE AND CAPITAL BUDGET MONITORING REPORT AND UPDATED MEDIUM TERM FINANCIAL FORECAST-SECOND QUARTER OF 2014/15**

Pursuant to Cabinet Minute No. 145 the Chief Finance Officer submitted a report to update Council on General Fund revenue and capital budget monitoring variances reported in the second quarter of 201/15, and progress with the development of the General Fund Revenue Budget for 2015/16, and for future years.

This update included information recently received from the Government about the provisional local government financial settlements, council tax freeze grants and changes to Business Rates. The report also outlined the actions being taken to address the forecast budget deficits.

**RESOLVED –**

1. That the budget monitoring variances and updated budget forecasts be noted.
2. That the previously approved use of reserves be noted.

**62**     **MARKHAM VALE ENTERPRISE ZONE – PROPORTION OF THE BUSINESS RATES INCOME TO BE TRANSFERRED TO THE SHEFFIELD CITY REGION COMBINED AUTHORITY**

Pursuant to Cabinet Minute No. 126 the Chief Finance Officer submitted a request for Council to approve the transfer of growth in Business Rates income arising from development at the Markham Vale Enterprise Zone to the Sheffield City Region Local Enterprise Partnership/Combined Authority.

Government policy in respect of Enterprise Zones requires business rates growth within such zones to be retained to support the Partnership's economic priorities and to ensure that enterprise zone growth is re-invested locally.

**RESOLVED –**

1. That the growth in Business Rates income from the Markham Vale Enterprise Zone be paid to the Sheffield City Region Local Enterprise Partnership/Combined Authority.
2. That the arrangement be reviewed in the future if there is a change in Government policy or a change to the Council's membership of the Sheffield City Region Combined Authority.

**63**     **ANNUAL AUDIT LETTER, 2013/14**

The Council's District Auditor, Sue Sunderland, attended to present KPMG's Annual Audit Letter for 2013/14.

The report covered the audit of the Council's financial statements and assessment of arrangements to achieve value for money in the use of resources. The arrangements were assessed against the criteria of financial resilience and securing economy, efficiency and effectiveness. The report advised that KPMG had issued an unqualified value for money conclusion for 2013/14 on 30 September, 2014, and had also concluded that the Council had proper arrangements in place to secure financial resilience and to challenge how it secures economy, efficiency and effectiveness.

**RESOLVED -**

That KPMG's Annual Audit Letter for 2013/14 be received.

**64 LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF THE PUBLIC****RESOLVED –**

That under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Act.

**65 NORTHERN GATEWAY SITE**

Pursuant to Cabinet Minute No. 147 the Development and Growth Manager submitted a request for Council to approve the commencement of a further competitive dialogue process to secure a development partner for the Northern Gateway scheme; and to approve the allocation of a provisional sum of £100,000 from the Service Improvement Reserve to finance the progress of the scheme.

The Council's relationship with a previous partner had ended, however there was continuing developer interest in the site and a view that a viable alternative scheme(s) would be realised.

**RESOLVED -**

1. That a further competitive dialogue process to secure a development partner for the Northern Gateway scheme commences.
2. That a provisional sum of £100,000 be allocated from the Service Improvement Reserve to finance the progress of the Northern Gateway scheme.

**66 PROPOSED ACQUISITION OF INVESTMENT PROPERTY IN CHESTERFIELD**

Pursuant to Cabinet Minute No. 148 the Head of Kier submitted a report seeking approval for the proposed acquisition of the Council House,

Saltergate (the current North East Derbyshire District Council offices) for the purpose of an investment office block.

The Borough Council has a long history of investing in property to provide annual rental income and the Council's investment portfolio currently returns in excess of £6million per annum.

**RESOLVED –**

1. That the Council House, Saltergate be acquired from North East Derbyshire District Council.
2. That the property be held as an investment property within the General Fund and potentially for regeneration purposes.
3. That a budget of £250,000 towards upgrade works be allocated.
4. That the Procurement and Contract Law Manager and Chief Finance Officer be granted delegated approval to agree late amendments to the contract for purchase.
5. That the purchase of the property be subject to Kier undertaking a condition survey on behalf of Chesterfield Borough Council as part of the due diligence process leading to acquisition.
6. That the acquisition of the property be funded by a mix of prudential borrowing and capital receipts only.

**67 LOCAL GOVERNMENT ACT 1972 - RE-ADMISSION OF THE PUBLIC**

**RESOLVED –**

That the public be readmitted to the meeting.

**68 LOCAL COUNCIL TAX SUPPORT SCHEME 2015/16**

Pursuant to Cabinet Minute No.129 the Chief Finance Officer submitted for approval Chesterfield Borough Council's Council Tax Support Scheme for the next financial year (2015/16).

The scheme being recommended for adoption in respect of the next financial year (2015/16) was unchanged from that in 2014/15.

**RESOLVED –**

1. To approve the continued operation of a local Council Tax Support scheme for 2015/16 based on The Council Tax Reduction Scheme England Regulations 2012 amended to reflect the following local decisions concerning the key principles of the scheme:
  - For those of working age the maximum amount of Council Tax that will be eligible for reduction is 91.5% of their full Council Tax Liability (£84 for a Band A property).
  - The Council continues its policy of disregarding war pensions for the purposes of calculating income in respect of the Council Tax Reduction Scheme at a total estimated cost of £16k.
  - The ‘taper’, i.e. the rate at which support is withdrawn as income increases be maintained at 20%.
2. That the Chief Finance Officer be granted delegated powers to update the scheme to reflect such up-ratings of premiums, allowances and non dependent deductions as may be determined by the Department of Work and Pensions, and any other minor technical changes which may be required.
3. That the local council tax discounts originally agreed for 2013/14 be continued.

69

**PROPOSED OPEN MARKET RECONFIGURATION PROJECT**

Pursuant to Cabinet Minute No. 145 the Visitor and Cultural Services Manager submitted a request for Council to approve the allocation of a sum of £15,000 from the Service Improvement Reserve to pay for a consultant to undertake a feasibility study and provide costed options for the redesign and upgrading of the Market Place.

**RESOLVED -**

1. That support in principle be given to the upgrading of the Market Place environment.

2. That an allocation of £15,000 from the Service Improvement Reserve be made to pay for a consultant to undertake a feasibility study and provide costed options for the redesign and upgrade of the Market Place.

70 **PLAYING PITCH AND OUTDOOR SPORTS STRATEGY 2015 - 2031**

Pursuant to Cabinet Minute No. 116 the Sports and Leisure Manager submitted a Playing Pitch and Outdoor Sports Strategy to satisfy statutory Planning obligations and support delivery of the Council's core strategy and corporate priorities for Chesterfield.

The Strategy sets out the facility requirements for playing pitches, tennis courts and bowling greens in Chesterfield Borough, taking into account anticipated population growth that was anticipated, and the impact of the changing age profile of the population. As part of the development of the new Leisure Centre at the Queen's Park Annexe the Council had entered in to a legal agreement for Sport England grant funding which required the adoption of a Playing Pitch and Outdoor Sports Strategy by the end of January, 2015.

**RESOLVED –**

That the Playing Pitch and Outdoor Sports Strategy 2015 – 31, be approved.

71 **OPENNESS OF LOCAL GOVERNMENT BODIES REGULATIONS 2014**

Pursuant to Cabinet Minute No. 132 the Local Government and Regulatory Law Manager submitted a report to advise Members of the implications for the Council of, and the consequent proposed amendments to the Constitution as a result of the new Openness of Local Government Bodies Regulations, 2014.

The 2014 Regulations aimed to make unequivocal the public's right to report on meetings in public session. Reporting includes photography, filming, audio recording and social media. Those engaged in reporting may publish, post or share the results of their reporting via any communication method whilst they are in the meeting but such activities must not disrupt the business of the meeting. The changes relating to the recording of officer decisions were also outlined.



**RESOLVED –**

1. That the requirements of the Openness of Local Government Bodies Regulations 2014 be noted.
2. That the proposed amendments to the ‘Guidelines for members of the public attending public meetings’ contained within the Constitution and published on the website be approved.
3. That Notices warning members of the public that they may be filmed are posted in the public areas of the Council Chamber and the committee rooms.
4. That the proposed arrangements for the publication of officer decisions be approved.
5. That the following changes to the Council’s Constitution be made:
  - i. Rule 22.3 of the Access to Information Procedure Rules contained within Part 4 of the Council’s Constitution be amended as set out in paragraph 4.18 of the report.
  - ii. Appendix 2 to Part 3 of the Constitution be amended to the wording at Appendix D of the report.
  - iii. Appendix 3 to Part 3 of the Constitution be removed.

**72 COUNCIL CONSTITUTION REVIEW: COUNCIL STANDING ORDERS, CONTRACT PROCEDURE RULES AND OTHER UPDATES**

Pursuant to Cabinet Minute No. 130 the Local Government and Regulatory Law Manager submitted a report to inform members of the work of the Constitution Working Group, and to request approval that certain changes to the constitution be made, which had arisen from the ongoing Constitution review and other changes at the Council.

The Council’s Constitution was adopted in the early 2000s and, since adoption, had been updated and added to such that the structure had now become cumbersome and difficult to navigate. Changes to procedures had also been incorporated into the document without a

review. The Constitution Working Group had worked closely with the text of the constitution and it had been simplified and put into Plain English.

The Council's Standing Orders had been reviewed and updated with a view to transacting business at Council meetings more efficiently and to assist with the management of the meeting.

The current Contract Procedure Rules no longer accorded with best practice and needed to be amended to take account of changes in the law and procurement procedures. Financial thresholds within the Contract Procedure Rules had not been reviewed for many years and also needed revision.

### **RESOLVED –**

1. That the amended Council Standing Orders be adopted.
2. That the Constitution Working Group reviews the operation of the amended Standing Orders after 12 months of operation.
3. That the new Contract Procedure Rules be adopted.
4. That further amendments to the Contract Procedure Rules be made as necessary to take account of forthcoming changes in the law.
5. That in future, proposed amendments to the constitution be approved by Standards and Audit Committee, unless appropriate, or required by law, to be approved by full Council (or Leader or Cabinet).
6. That appropriate amendments be made to the Constitution to formally reflect the senior management restructure and consequent delegations to Service Managers.
7. That any necessary consequential changes be made to other parts of the Constitution as a result of the above amendments.

**73 MINUTES OF COMMITTEE MEETINGS****RESOLVED –**

That the Minutes of the following Committees be noted:-

Appeals and Regulatory Committee of 22 October, 12, 19, 26 and 27 November and 3 December, 2014

Employment and General Committee of 3 November, 2014

Licensing Committee of 26 November, 2014

Planning Committee of 6 and 27 October, 2014

Standards and Audit Committee of 28 November, 2014

**74 MINUTES OF CABINET****RESOLVED –**

1. That the Minutes of the meetings of Cabinet of 7 and 21 October, 4 November and 2 December be noted.
2. That the recommendation at Cabinet Minute No. 131, that Councillor Barry Bingham be invited to become Deputy Mayor of the Borough for 2015/16 be approved.

**75 MINUTES OF THE JOINT CABINET AND EMPLOYMENT AND GENERAL COMMITTEE****RESOLVED –**

That the Minutes of the meetings of the Joint Cabinet and Employment and General Committee of 7 October and 4 November, 2014 be noted.

76 **MINUTES OF THE OVERVIEW AND PERFORMANCE SCRUTINY FORUM**

**RESOLVED -**

That the Minutes of the meeting of the Overview and Performance Scrutiny Forum of 13 November, 2014 be approved.

77 **MINUTES OF THE COMMUNITY, CUSTOMER AND ORGANISATIONAL SCRUTINY COMMITTEE**

**RESOLVED –**

That the Minutes of the meeting of the Community, Customer and Organisational Scrutiny Committee of 18 September, 2014 be approved.

78 **MINUTES OF THE ENTERPRISE AND WELLBEING SCRUTINY COMMITTEE**

**RESOLVED –**

That the Minutes of the meetings of the Enterprise and Wellbeing Scrutiny Committee of 2 and 20 October, 2014 be approved.

79 **QUESTIONS UNDER STANDING ORDER NO. 20.**

Councillor Paul Stone submitted nine written questions under Standing Order No.20

The questions and the written responses from the Executive Member for Governance and Organisational Development were circulated to all Members prior to the meeting.