

CABINET**Tuesday, 22nd September, 2015**

Present:-

Councillor T Gilby (Vice Chair as Chair)

Councillors	Burrows T Murphy Blank	Councillors	Huckle Serjeant A Diouf
Non Voting Members	Bagley Hollingworth		Wall

At the request of Councillor Burrows, Councillor T. Gilby took the chair for this meeting.

*Matters dealt with under the Delegation Scheme

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

No declarations of interest were received.

69 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Brown, J. Innes and Ludlow.

70 **MINUTES**

RESOLVED –

That the minutes of the meeting of Cabinet held on 8 September 2015 be approved as a correct record and signed by the Chair.

71 **FORWARD PLAN**

The Forward Plan for the four month period October 2015 to January 2016 was reported for information.

*** RESOLVED –**

That the Forward Plan be noted.

72 DELEGATION REPORT

Decisions taken by Cabinet Members during July and August 2015 were reported.

*** RESOLVED –**

That the Delegation Report be noted.

73 BUDGET MONITORING FOR 2015/16 AND UPDATED MEDIUM TERM FINANCIAL PLAN

The Chief Finance Officer submitted a report outlining budget variances in the current financial year, highlighting budget issues and providing an update on the medium term financial forecast. A number of measures were also proposed to tackle the forecast deficit positions in the short and medium-term.

RESOLVED –

That it be recommended to Full Council:

- (1) That the budget monitoring report for the four months to the end of July 2015 be noted.
- (2) That short term prudential borrowing be approved in principle at this stage to cover any capital funding deficit caused by the delays in generating capital receipts.
- (3) That the proposed use of reserves as set out in the report be approved.
- (4) That the updated medium term forecast, risks and savings targets be noted.
- (5) That the 2016/17 budget preparation guidelines be approved.
- (6) That the proposed approach to budget consultation be approved.

- (7) That the proposed short and medium term actions to address the forecast revenue budget deficits in 2015/16, 2016/17 and 2017/18 be supported.

REASON FOR DECISIONS

To maintain strategic oversight of the Council's finances.

74 TREASURY MANAGEMENT REPORT 2014/15 AND MONITORING REPORT 2015/16

The Chief Finance Officer submitted a report on the Annual Treasury Management Report for 2014/15 and Treasury Management activities for the first five months of 2015/16.

The report was to be considered by the Standards and Audit Committee before being presented to Full Council for approval.

***RESOLVED –**

- (1) That the report be noted.
- (2) That it be recommended to Full Council to:
- (i) Note the outturn Prudential Indicators for 2014/15;
 - (ii) Note the treasury management stewardship report for 2014/15;
 - (iii) Note the treasury management position for the first five months of 2015/16;
 - (iv) Approve the proposed changes to the investment arrangements and limits (Section 5).
- (3) That Standards and Audit Committee be recommended to scrutinise the report and propose any changes to Full Council.

REASON FOR DECISIONS

To comply with the Council's Treasury Management Policy and Practices, the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice on Treasury Management (2009) and the CIPFA Prudential Code for Capital Finance in Local Authorities (2009).

75 **HEALTH AND SAFETY POLICY**

The Business Transformation Manager and the Corporate Health and Safety Adviser submitted a report recommending for approval a revised Corporate Health and Safety Policy.

The Policy was revised following a biennial review to ensure the policy took into account recent legislative changes and to demonstrate the Council's commitment to continuous improvements in health and safety arrangements.

The Council's Health and Safety Committee had been consulted on the review of the policy.

The Corporate Health and Safety Adviser outlined the proposed amendments to the Policy, which was attached to the report. Section Two of the Policy detailed the organisational structure for the implementation of the Policy, which would be circulated to all Services following approval.

***RESOLVED –**

- (1) That the Corporate Health and Safety Policy be approved and issued to all Service Areas.
- (2) That the Corporate Health and Safety Policy be reviewed again before the end of 2017.

REASON FOR DECISIONS

To ensure the Council's health and safety arrangements are appropriate and up-to-date.

76 **REVIEW OF TRANSPORT CODE OF PRACTICE**

The Housing Services Manager – Operational Services Division submitted a report recommending for approval a revised Transport Code of Practice and a new Action Plan.

Further to Joint Cabinet and Employment and General Committee Minute No. 33 (2013/14), the new Fleet and Facilities Manager had reviewed the Transport Code of Practice to ensure the delivery of continuous improvements in the management of the Council's fleet of vehicles.

The Code of Practice had been revised to reflect changes in the Council's management structure, to provide clarity in the responsibility for the core and grey fleets and to establish stronger budgetary controls.

The Transport Officer Working Group, which included trade union representatives, had been consulted on the development of the revised Code of Practice and the Action Plan.

***RESOLVED –**

- (1) That the revised Transport Code of Practice be approved.
- (2) That the Action Plan be approved.
- (3) That the savings forecast as shown in Appendix B to the report be noted.

REASON FOR DECISIONS

To continue to improve the Council's arrangements for managing risks arising from the purchase, operation and maintenance of the core fleet vehicles and the operation of the grey fleet.

77 VAT TREATMENT OF VENUE HIRE

The Arts and Venues Manager submitted a report on the requirements to charge VAT in relation to the hire of the Council's theatres and associated facilities and services and to seek approval for revised charging arrangements to take account of this.

The report explained the implications for the Council of the advice and guidance from HM Revenue and Customs and the Chartered Institute of Public Finance and Accountancy (CIPFA) on the charging of VAT for theatre hire.

It was proposed that the schedule of fees and charges for new hires of the Winding Wheel and the Pomegranate Theatre be altered to include VAT from 1 October 2015, however existing hire agreements would be honoured at the current charges. The new schedule of fees and charges would indicate the Council's charge and the VAT element separately, alongside the total cost.

Charges for room bookings at Hasland Village Hall would continue to be VAT exempt as no additional services are provided.

In order to ensure the hire charges would continue to cover the running costs for the theatres and venues, it was not financially viable for the base hire charges for the Pomegranate Theatre and the Winding Wheel to be reduced in order for the Council to absorb the extra costs of the VAT charge.

***RESOLVED –**

- (1) That approval be given for VAT to be charged on all new hires at the Winding Wheel and Pomegranate Theatre from 1 October 2015, as required by HM Revenue and Customs.
- (2) That all existing hire agreements at the Winding Wheel and Pomegranate Theatre be honoured at the previously agreed rates.
- (3) That the regular hirers at the Winding Wheel, who have a rolling hire agreement with the Council, be required to commence paying VAT on bookings from 1 April 2016, on the renewal of their agreement.
- (4) That no VAT will be charged for hires at Hasland Village Hall.

REASON FOR DECISIONS

To ensure that the Council complies with current VAT requirements.

78 LOCAL GOVERNMENT ACT 1972 - 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 item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 3 of Part I of Schedule 12A to the Local Government Act 1972 – as it contained information relating to financial and business affairs.

79 **SALE OF THE FORMER NEWBOLD SCHOOL SITE, NEWBOLD ROAD, CHESTERFIELD**

Kier Asset Management submitted a report recommending for approval the disposal of the former Newbold School site at Newbold Road, Chesterfield.

The marketing of the site for disposal for residential development had been previously agreed jointly with Derbyshire County Council (DCC) as Chesterfield Borough Council owned the freehold for site and DCC held a long leasehold interest.

The report explained how the site was marketed and the offers that had been received, the highest of which was recommended for approval. DCC's approval for the sale had already been obtained.

The possibility of retaining the site to market again in the future was not recommended as further delay may have prejudiced the sale. The Council was also not in a position to redevelop the site itself; therefore the recommended proposal for the sale of the site was agreed subject to the terms described in the report.

***RESOLVED –**

- (1) That the former Newbold School Site, Newbold Road be sold on the terms set out in the report.
- (2) That the Procurement and Contracts Law Manager, in consultation with Kier Asset Management's surveyor and Derbyshire County Council's surveyor, be authorised to agree late amendments to the sales contract terms, if necessary.

REASONS FOR DECISIONS

To secure a capital receipt for both Councils, to sell an unused brownfield site, and to procure much needed housing for the Borough.