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To: All Members of the Council  
Chief Executive

Please ask for

Direct Line 01246 345277  
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Our Ref  
Your Ref

Dear Councillor,

Record of Decision taken by Cabinet - 19 July, 2022

At a meeting of the Cabinet held on 19 July, 2022, the following decisions were reached on the items listed in the attached schedule.

The implementation of these Cabinet decisions is suspended until the call-in period has expired without a call-in being validly invoked. Any Member of the Council shall be entitled to call for a decision to be suspended by giving notice to the Monitoring Officer *either by telephone, fax, email or in writing not later than 5.00 pm on the day following the date of the Cabinet meeting.*

Any decision so suspended shall not be capable of implementation for a period of five calendar days from the date of the Cabinet meeting which will expire on 24 July, 2022.

(DURING THE CALL-IN PERIOD A REQUEST MAY BE MADE IN RESPECT OF ANY DECISION SO SUSPENDED BY NOT LESS THAN ONE QUARTER OF THE TOTAL MEMBERSHIP OF THE OVERVIEW AND PERFORMANCE SCRUTINY COMMITTEE. TO DO THIS YOU WILL NEED TO NOTIFY THE MONITORING OFFICER IN WRITING, BY FAX OR BY EMAIL BY 5.00 PM ON 24 JULY, 2022 BEING FIVE DAYS FOLLOWING THE DAY OF THE CABINET MEETING.)

continued

## Public Information

### 5. Period 2 Budget Monitoring

#### **\*RESOLVED –**

1. That the position of the General Fund Revenue Account at the close of month two of the financial year 2022/23, be noted.
2. That the the proposal to ringfence £200k from the Budget Risk Reserve to support any interim or recruitment agency costs which may be required to mitigate recruitment pressures, as set out in paragraph 4.5 of the officer's report, be approved.
3. That the use of new burdens funding of £140k to strengthen council tax and rent recovery and provide increased levels of customer support, as set out in paragraph 4.10 of the officer's report, be approved.
4. That the updated General Fund Capital Programme and financing, as set out in paragraphs 4.15 to 4.17 of the officer's report, be approved.
5. That the position of the Housing Revenue Account Revenue and Capital budgets at the close of month two of the financial year 2022/23, as set out in paragraphs 4.18 to 4.24 of the officer's report, be noted.

#### **REASONS FOR DECISIONS**

1. This periodic report summarises the current assessment of the Council's forecast outturn and enables formal monitoring and active management against the 2022/23 budget.
2. This is the first monitoring report for the 2022/23 financial year and comes at a time when the Council is experiencing financial pressures due to the current economic situation, the high levels of cost inflation and the ongoing impact of the Covid-19 pandemic.

### 6. Biodiversity Net Gain receptor sites

#### **\*RESOLVED –**

1. That the implementation of a pilot scheme to create units for biodiversity enhancement to be used to support off-site provision of habitat as part of applications for planning permission, where applicants have been unable to provide a measurable net gain in biodiversity on-site, be authorised.
2. That an assessment of the council's full land portfolio to identify potential medium and long term Biodiversity Net Gain (BNG) opportunity sites which would form a 'habitat bank' to support nature recovery across the borough, dependent on subsequent Cabinet approval following an evaluation of the pilot schemes, be authorised.
3. That officers be authorised to work with partners to determine sites of strategic significance for biodiversity within the borough, with the aim to bring a strategy document for BNG informed by the results of the pilot, to a future Cabinet meeting.

## **REASONS FOR DECISIONS**

1. To enable the council to become a provider of off-site BNG to:
  - i. Support the delivery of Local Plan policy CLP16.
  - ii. Support housing delivery and economic growth through the provision of a clear and accessible solution to achieving planning compliance where applicants have demonstrated that they are unable to provide BNG on-site.
  - iii. Support the creation and retention of appropriate habitat types within the borough, enhancing local communities and reducing the risk of developers seeking solutions outside of the borough.
  - iv. Support implementation of the Climate Change Action Plan.
2. A number of planning applications currently under consideration have demonstrated that they are unable to meet the entirety of their BNG requirement on-site. Timely assessment of sites shortlisted as suitable for rewilding through scoping work initially undertaken by Derbyshire Wildlife Trust will maximise opportunity to deliver BNG and maintain housing growth across the borough, however further investigation is recommended around the number of BNG units these sites can accommodate. The procurement of further assessment would ensure that the council is able to sustain an offer of biodiversity units throughout the pilot period.

3. When the Environment Act makes BNG mandatory (expected to be Winter 2023) the demand for off-site biodiversity opportunities is likely to increase. Establishing a habitat bank within the council's landholdings provides an opportunity to gain best value by identifying suitable land capable of accommodating a range of habitat types, in locations which are strategically important for nature.

## 7. Equality and Diversity Annual Report

### **\*RESOLVED –**

That it be recommended to Full Council that:

1. The Equality and Diversity Annual Report be approved.
2. The Equality and Diversity Annual Report be published on the Council's website and circulated to partners.

### **REASON FOR DECISIONS**

Equalities legislation and good practice require public bodies to publish annual equalities reports.

## 8. Private Sector Housing report (incorporating Energy Performance Certificate and Houses in Multiple Occupation Amenities and Space Standards)

### **\*RESOLVED –**

1. That the update on the activities of the private sector housing team during 2021/22, be noted.
2. That the Private Sector Housing Energy Performance Certificate Policy, be approved.
3. That the Private Sector Housing Amenities and Space Standards Policy, be approved.
4. That the Service Director – Housing, in consultation with the Cabinet Member for Housing, be granted delegated authority to agree minor policy adjustments in between review periods.

## **REASON FOR DECISIONS**

In April 2021 Cabinet approved the Private Sector Housing Action Plan. This report provides an update on the activities of the team during 2021/22 and gives further details on additional and revised policies which will enable the Private Sector Housing Team to continue to work proactively with those landlords willing to comply with housing legislation and actively regulate noncompliant landlords.

### **9. Park Homes Licensing and Fit and Proper Person Policy**

#### **\*RESOLVED –**

1. That the new statutory powers granted to local authorities under the Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020, be noted.
2. That the revised Private Sector Housing Park Licensing and Fit and Proper Person policy, be approved.
3. That the Service Director – Housing, in consultation with the Cabinet Member for Housing, be granted delegated authority to agree minor policy adjustments in between review periods.

## **REASON FOR DECISIONS**

To ensure compliance with the Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020.

### **10. UK Shared Prosperity Fund**

#### **\*RESOLVED –**

1. That the strategic direction and indicative funding proposals, as set out in the draft Chesterfield UK Shared Prosperity Fund Investment Plan, be approved.
2. That the Chief Executive, in consultation with the Leader of the Council, be granted delegated authority to make changes to the draft document to enable completion of the Chesterfield UK Shared Prosperity Fund Investment Plan for submission to Government.

## **REASON FOR DECISIONS**

Work on the Investment Plan is ongoing and this will enable the submission of the Chesterfield UK Shared Prosperity Fund Investment Plan to Government by the 1 August, 2022 deadline.

### **12. Peak Gateway Round Two Levelling Up Fund bid**

#### **\*RESOLVED –**

1. That the bid for Peak Gateway be submitted to round two of the Levelling Up Fund.
2. That the undertakings the section 151 officer has to make in submitting the bid, be approved.
3. That the role the council will play in light of the undertakings and the approach to managing risk, be approved.
4. That the continuation of work on the project prior to bid announcements in order to maintain momentum and refine the understanding of project risk, be endorsed.
5. That the Service Director for Economic Growth, in consultation with the Cabinet Member for Economic Growth, the Service Director for Finance and the Procurement and Contract Law Manager, be granted delegated authority to finalise the Heads of Terms and Funding Agreement to be entered into between Chesterfield Borough Council and the delivery partners for Peak Gateway.
6. That a further report on Peak Gateway, including the outcome of additional assurance work, be brought to a future Cabinet meeting prior to the council accepting any Levelling Up Funding should it be offered.

## **REASON FOR DECISIONS**

To provide approval of the bid on behalf of the council and to ensure that Cabinet is aware of the role the council would play in project delivery and the approach it would take to managing risk.

Yours sincerely,



Head of Regulatory Law and Monitoring Officer

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