

CABINET**Tuesday, 6th October, 2015**

Present:-

Councillor Burrows (Chair)

Councillors T Gilby
T Murphy
Blank
Huckle

Councillors Ludlow
Serjeant
A Diouf

Non Voting Members Bagley
J Innes

Hollingworth
Wall

*Matters dealt with under the Delegation Scheme

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

No declarations of interest were received.

81 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Brown.

82 **MINUTES**

RESOLVED –

That the minutes of the meeting of Cabinet held on 22 September, 2015 be approved as a correct record and signed by the Chair.

83 **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 1 of Part I of Schedule 12A to the Local Government Act 1972 – as it contained information relating to an individual.

84 **APPOINTMENT OF INDEPENDENT PERSONS FOR STANDARDS MATTERS**

The Monitoring Officer submitted a report to inform Members about the recruitment process for a third Independent Person and to seek approval for this appointment. Two Independent Persons had previously been appointed by the Council in October 2014.

The Monitoring Officer explained that, in addition to being consulted during the councillor complaints process, the role of the Independent Persons now included involvement in disciplinary matters that could lead to the dismissal of the Council's statutory officers (Head of Paid Service, Chief Finance Officer and Monitoring Officer).

The applicant was interviewed by the Monitoring officer and the Chair of the Standards and Audit Committee and was recommended for appointment as an Independent Person. The Standards and Audit Committee supported this recommendation (Minute No (2015/16)).

The alternative options that were considered included not appointing an addition Independent Person and continuing with only two, or not appointing this applicant and reopening the recruitment process. It was previously agreed that three Independent Persons would be an appropriate number to be appointed, and it was agreed that this applicant be recommended for appointment.

***RESOLVED –**

That it be recommended to Full Council that the applicant recommended by the Chair of Standards and Audit Committee and the Monitoring Officer be appointed as a third Independent Person for the purposes of giving views on complaints about councillors and involvement in statutory officer disciplinary proceedings.

REASON FOR DECISION

To enable the Council to operate the ethical standards system effectively and as required by the law.

85 RE-ADMISSION OF THE PUBLIC**RESOLVED –**

That the public be re-admitted.

86 FORWARD PLAN

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

*** RESOLVED –**

That the Forward Plan be noted.

87 DELEGATION REPORT

Decisions taken by Executive Members during September 2015 were reported.

*** RESOLVED –**

That the Delegation Report be noted.

88 COMMUNITY INFRASTRUCTURE LEVY

The Development and Growth Manager submitted a report informing Members of the outcome of the Community Infrastructure Levy (CIL) public examination and recommending the introduction of a CIL Charging Schedule, Infrastructure List and Instalments Policy.

In April 2014, the Council approved that the draft CIL Charging Schedule be submitted for independent examination by the Planning Inspectorate (Council Minute No. 100 (2013/14)). The report provided an overview of the outcomes of this examination which took place during August 2014.

It was proposed that the Charging Schedule be introduced from 1 April 2016, which was to give sufficient notice to the local development industry to prepare for the introduction, and would allow the Council to ensure proper management of the CIL process would be in place.

As part of the CIL process, the Council was required to demonstrate the types of infrastructure projects that would be funded in an Infrastructure List. The proposed Infrastructure List, which had been subject to formal consultation, included strategic green infrastructure, transport infrastructure, strategic flood defence and education provision. Any future amendments to the Infrastructure List would require further consultation with relevant stakeholders such as the local community and the development industry.

As the regulations require parish and town councils to receive 15 per cent of CIL payments for developments within their areas, the Council was required to liaise with Brimington Parish Council and Staveley Parish Council to establish arrangements for this to be managed.

An instalments policy was also proposed to allow developers to pay the CIL over a number of weeks or months, depending on the level of the CIL.

Information was provided on amendments to CIL regulations, since the previous report in April 2014, and their likely impact on the implementation of the CIL Charging Schedule in Chesterfield.

The alternative to adopting the CIL Charging Schedule as proposed would have been continuing to negotiate infrastructure contributions through the use of planning obligations under Section 106 of the Town and Country Planning Act 1990. Such obligations were considered a more limited scheme, as they were negotiated directly with the developer and were subject to viability considerations which could reduce the level of the contributions.

***RESOLVED -**

That it be recommended to Full Council:

- (1) To approve the introduction of a CIL Charging Schedule, as set out in Appendix 1 of the report, collection to commence from 1 April 2016.
- (2) To approve the CIL Infrastructure List, as set out in Appendix 2 of the report.
- (3) To approve the CIL Instalments Policy as set out in Appendix 3 of the report.

- (4) To grant delegated authority to the Development and Growth Manager, in consultation with the Deputy Leader and Cabinet Member for Planning, to develop and implement the processes necessary to manage and monitor the collection and spending of CIL receipts.

REASON FOR DECISIONS

To allow the Council to introduce a Community Infrastructure Levy Charging Schedule and begin collecting developer funds for local infrastructure improvements.