

CABINET MEETING**Tuesday, 19th November, 2013**

Present:-

Councillor Burrows (Chair)

Councillors	Gilby Blank King	McManus Russell
Non Voting Members	Brown Hill Hollingworth	Huckle Martin Stone

*Matters dealt with under Executive Powers

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

No declarations were received.

98 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Ludlow and Serjeant.

99 MINUTES

*RESOLVED –

That the Minutes of the meeting of Cabinet held on 22nd October, 2013, be approved as a correct record, and signed by the Chair.

100 FORWARD PLAN

The Forward Plan of key decisions was reported for information.

*RESOLVED –

That the Forward Plan be noted.

101 PERFORMANCE OUTTURN FOR APRIL 2013 TO SEPTEMBER 2013 (J000)

The Business Transformation Manager reported on the performance outturn data for April 2013 – September 2013, including progress made against the Corporate Plan (Version 2013/14 Update).

The report included information on achievement against the Corporate Plan Performance Indicators, and summarised progress on Corporate Plan Projects

*RESOLVED -

That the performance outturn for April 2013-September 2013 be noted.

REASONS FOR DECISION

- (1) To raise awareness of performance against the Corporate Plan.
- (2) To help facilitate performance improvement.

102 **BETTER BUSINESS FOR ALL (E000)**

The Head of Environment submitted a report outlining the Better Business for All initiative, and explaining how it related to Chesterfield's businesses and services.

Approval was sought for the Council's regulatory services to become a signatory to the D2N2 Regulatory Services Partnership that would deliver the initiative.

Better Business for All (BBfA) was a Government initiative to promote economic recovery by entrusting Local Enterprise Partnerships (LEPs) with establishing effective local regulation for businesses, in partnership with local authorities.

BBfA was a brand and toolkit of resources for LEPs to use to:

- reduce the regulatory burden on businesses;
- promote two-way communication between businesses and regulatory services;
- improve the business perception of regulators;
- support regulators to find the right balance between encouragement, education and enforcement;
- develop a joint offer of support from regulatory services to businesses;
- build trust of both regulators and businesses;
- advise government how to do things better for both businesses and regulators.

The intention was to remove real and perceived barriers to growth, by ensuring that regulators were seen as enablers as well as enforcers, encouraging businesses to seek their advice and support. This would make it possible to concentrate limited enforcement resources on dealing with non-compliant businesses.

- *RESOLVED -
- (1) That approval be given to the Council joining the D2N2 Regulatory Services Partnership.
 - (2) That the principles set out in the draft Regulator and Business Partnership Charter (Appendix 1 to the report) be approved.

- (3) That the final drafting and sign-off of the Charter and supporting terms of reference for the Partnership be delegated to the Head of Environment.
- (4) That all decisions relating to the delivery of projects, including funding associated with the aims of the project, be delegated to the Head of Environment.
- (5) That the Council's enforcement policies be reviewed by the Head of Environment and the Head of Regeneration, in light of the Regulators Code, and a further report be made to Cabinet.

REASON FOR DECISIONS

To assist the Local Enterprise Partnership, D2N2, supporting local businesses to grow through timely and effective regulation and advice.

103 ABSENCE OF MEMBER OF THE COUNCIL (B100)

The Head of Governance submitted a report to enable the Cabinet to consider, for the purposes of Section 85 (1) of the Local Government Act 1972, the reasons for the absence of a Member of Council from meetings of the Authority.

- *RESOLVED -
- (1) That, for the purposes of Section 85(1) of the Local Government Act, 1972, the reason for the absence from meetings since the 18th June, 2013 of Councillor A. Bellamy, i.e. ill health, be noted and his continued absence from meetings be authorised until 31st December, 2013.
 - (2) That the best wishes of all his Council colleagues be sent to Councillor Bellamy.

REASON FOR DECISION

To meet the requirements of Section 85 (1) of the Local Government Act 1972.

104 HOUSING OMBUDSMAN - NEW ARRANGEMENTS (H000)

The Housing Service Manager - Customer Service Division submitted a report seeking approval for a change in the complaints procedure, in accordance with changes to the referral mechanism for complaints to the Housing Ombudsman, established in April 2013.

The proposed changes to the complaints procedure had been trialled informally since April 2013, and it was suggested that these informal procedures now be formally adopted.

The proposal was that Ward Members become 'designated persons', to whom complainants about the Housing Service would be referred after the completion of the landlord's internal complaints process. A designated person could then choose to refer the complaint straight to the Ombudsman, in writing, or could attempt to resolve the complaint locally.

A complainant would also still have the facility to go straight to the Ombudsman but would have to wait until 8 weeks had elapsed following the completion of the landlord's internal complaints process.

It was proposed that referral of complaints to Ward Members was preferable to establishing a Designated Tenants Panel.

The complaints procedure would be changed to include this referral process, and Members would be provided with a written procedure and briefing sessions.

The new arrangements would be monitored and reviewed in 2014, as part of a review of Tenant Involvement.

- *RESOLVED –
- (1) That the informal procedures currently in place be formally adopted, and that local Ward Members be appointed as designated persons, for the purpose of dealing with complaints about the Council's housing service, and/or to act as referral points, as appropriate, for such complaints to be made to the Housing Ombudsman.
 - (2) That the Council's complaints procedure be changed to reflect these changes, and that a tenants panel be not set up at the current time.
 - (3) That briefing sessions be held with Members of Council on the process to be followed should a complainant make contact, and that a procedure for dealing with complainants be produced.
 - (4) That the new arrangements be monitored and reviewed in 2014, as part of the review of Tenant Involvement.

REASON FOR DECISION

To formalise the current arrangements and to reflect them in the revised complaints procedure.

105 THE COUNCIL'S TENANCY POLICY IN RELATION TO HOUSING TENANTS (H000)

The Housing Service Manager – Customer Service Division submitted a report recommending the adoption of a revised Tenancy Policy, incorporating the Assignment and Mutual Exchange Policy.

A Tenancy Strategy was approved by Cabinet at Minute 0175 (2012/13), and published in January 2013. It required the production of a Tenancy Policy which would include changes to the succession rules that came into effect with the Localism Act 2011, and applied to all new tenancies since 1st April, 2013. The Council had also developed a policy on the assignment of tenancies and the encouragement of mutual exchanges.

*RESOLVED – That the Tenancy Policy, and Assignment and Mutual Exchange Policy, be approved.

REASON FOR DECISION

To ensure compliance with statutory requirements in having a Tenancy Policy in place, and to clarify the Council's position with regard to the management of its housing tenancies.

106 **WESTWOOD AVENUE, MIDDLECROFT, STAVELEY (H000)**

The Housing Service Manager – Business Planning and Strategy Division submitted a report recommending action in respect of the demolition of 6 Council properties at 1,3,5,7,8 and 10 Westwood Avenue, Middlecroft, Staveley, and requesting authorisation to investigate options, including the use of a Compulsory Purchase Order in respect of 2 Westwood Avenue.

The properties recommended for demolition had been affected by subsidence. All were Council properties, except 2 Westwood Drive, which was privately owned.

Remedial action including the reduction in chimney stack height, and regular monitoring, were recommended while arrangements were being made to rehouse the tenants. Four other properties in Court Place and Westwood Avenue were already being vacated prior to demolition, and the tenants were being rehoused.

Neighbouring properties would continue to be monitored annually to check on tilt levels, and tenants would be kept informed about the outcome of the monitoring exercise.

- *RESOLVED –
- (1) That the properties at 1, 3, 5, 7, 8 and 10 Westwood Avenue be demolished.
 - (2) That the Business Planning and Strategy Manager be authorised to liaise and negotiate with the owners of 2 Westwood Avenue about the actions required in respect of their property and, as a matter of last resort, investigate the option of applying for a Compulsory Purchase Order.
 - (3) That the Business Planning and Strategy Manager be authorised to tender and appoint a demolition contractor.

- (4) That the Business Planning and Strategy Manager be authorised to arrange the remedial work to lower the chimney stacks prior to the properties at Westwood Avenue being vacated.

REASONS FOR DECISIONS

- (1) The properties were at risk of collapse and could cause damage to other adjacent properties or persons.
- (2) The cost of repairs to the properties would be extremely high and uneconomic.

107 INCOME DEVELOPMENT AT CHESTERFIELD VENUES (T230)

The Head of Regeneration submitted a report on the options for developing new income streams at Chesterfield Venues for future capital projects.

The report outlined the reasons why additional funding was required to maintain and improve the Winding Wheel and Pomegranate Theatre.

A successful Arts Council bid had been made for funds to upgrade both venues. Partnership funding was required from the Council for this work, which would be carried out between May and September 2014.

Additional funds were also needed to carry out further improvements to public areas and back of house, to make both venues more comfortable and attractive places to visit.

Consultation had been done with users, and with Chesterfield Theatre Friends, using focus group and questionnaire methods.

Four options for increasing income had been considered:-

- a new Friends Scheme
- a Restoration Levy
- a Lottery
- setting up a Charitable Trust.

The two options with most support in the consultation were a new Friends Membership Scheme, giving discounts on ticket prices, and a Restoration Levy on all tickets sold.

It was also recommended that commercial flexibility be maintained by permitting venues to offer special ticket prices, to maximise attendances and revenue.

- *RESOLVED – (1) That a compulsory restoration levy of £1.50 on all tickets sold for Council-promoted professional events at the Winding Wheel and Pomegranate Theatre be introduced from 3rd February, 2014.

- (2) That the impact of the restoration levy be reviewed after 12 months of implementation.
- (3) That a new membership scheme, to be known as 'The Theatre Club', be introduced from 1st August, 2014, offering an extended range of benefits to members, including discounts on tickets for productions at both the Winding Wheel and the Pomegranate Theatre.
- (4) That income from the proposed restoration levy be channelled into a separate fund to contribute towards the capital improvement of both the Winding Wheel and the Pomegranate Theatre.
- (5) That the first £45,000 of funds raised from the proposed restoration levy be used as part of the match funding required for the Arts Council Capital Development works in 2014.
- (6) That a further report be made to Cabinet seeking agreement on the future capital projects to be financed by the restoration levy.
- (7) That the price of Community Promotions be increased by an average of 5% from 1st April, 2014.
- (8) That flexible pricing and special offers for both ticket prices and hire charge prices be introduced at the Venues, to enable them to respond positively to commercial opportunities as they arise, and to make special offers to selected groups, as well as to the general public.

REASON FOR DECISION

To develop a sustainable business plan to improve and extend the programme of both the Pomegranate Theatre and the Winding Wheel, by making them more financially sustainable, increasing the level and range of usage, and for them to play a stronger and more dynamic role within the regional arts infrastructure.

108 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 items of business on the grounds that they involve the likely disclosure or exempt information as defined by Paragraphs 1 and 3 of Part I of Schedule 12A to the Local Government Act 1972 - on the grounds that it includes information relating to any individual, and information relating to the financial or

business affairs of any particular person (including the authority holding that information).

109 WATER RATES CONTRACT WITH SEVERN TRENT WATER (H000)

The Business Transformation Manager submitted a report on the water rates collection contract between Chesterfield Borough Council and Severn Trent Water (STW).

The report sought approval to transfer responsibility for payment to STW from the Housing Revenue Account to the General Fund.

It was proposed that the collection of water rates with rent, which had begun in 1979, be continued because it was a service to tenants, and guaranteed good collection rates for the water company. The Borough Council received commission for collecting the payments.

The contract had been renegotiated, and Severn Trent Water was willing to increase the fixed allowance for irrecoverable debts from 2% to 4%, which would allow for increases in bad debts resulting from Welfare Reform and, in future, Universal Credit.

The small surplus on collection had been paid into the Housing Revenue Account, but because collection costs were met from the General Fund it was proposed that the surplus be transferred from the Housing Revenue Account to the General Fund from 2013/14.

If at any time the Council no longer wished to collect water rates with rents, it would have to consult tenants before changing the arrangement to do so.

- *RESOLVED –
- (1) That the continuation of the water rate collection contract with Severn Trent Water (STW) be approved, on the basis of the revised terms and conditions outlined in the report.
 - (2) That responsibility for the payment of the STW bill be transferred from the Housing Revenue Account to the General Fund.
 - (3) That £30,000 of the estimated 2013/14 surplus from the contract be transferred into a provision for future tenant consultation.
 - (4) That the current rent collection process and technology be reviewed, to enable the effective monitoring and management of the actual costs relating to the collection of water rates.

REASON FOR DECISION

To achieve best value for Chesterfield Borough Council in its continued agreement with Severn Trent Water.

110 APPROVAL TO EXTEND THE SECURITY SERVICE CONTRACT FOR THE PROVISION OF SECURITY SERVICES TO THE PAVEMENTS CENTRE, YARDS AND MARKET, CHESTERFIELD (J000)

The Head of Kier Asset Management submitted a report seeking approval to extend the Security Services Internal Service Provider (ISP) contract for the provision of security services to the Pavements Centre, Yards and Market in Chesterfield.

Contract performance would be monitored, and regular reports would be made to the Deputy Leader and Executive Member for Planning.

A full review of the ISP would be made after the extended contract had been in operation for six months, and following that review, recommendations would be made to Cabinet on the future delivery of the service from September, 2014.

Councillor Russell expressed his concerns about the extension of the contract and requested that his vote against the recommendations be recorded.

- *RESOLVED –
- (1) That the Internal Service Provider (ISP) be granted a final further one year extension of the contract to provide Security Services at the Pavements Shopping Centre, with effect from 6th September 2013.
 - (2) That the required improvements outlined in the report, to deliver a stepped improvement in the delivery of the service, be noted, and that it be recognised that management and staff were committed to working together to drive through the changes needed to deliver an efficient Internal Service Provider.
 - (3) That if, at 6 March, 2014, the ISP fails to deliver the targeted improved financial and service performance results, consideration be given to expose the contract to the market, with no ISP bid.
 - (4) That the ISP's financial and service performance results be reported to the Deputy Leader and Executive Member for Planning at the end of the third and fifth month of the one-year extension.
 - (5) That a full review of the ISP's financial and service performance be undertaken at the end of month six of the one year extension, and the outcome be reported to

Cabinet, to enable a final decision to be taken on how best to deliver the Security Services contract at the Pavements Shopping Centre from September 2014.

REASON FOR DECISIONS

To ensure that the Security Service ISP provides an efficient, effective and economical security service to the Pavements Shopping Centre, Yards and Market.