

CABINET**Tuesday, 19th March, 2019**

Present:-

Councillor P Gilby (Chair)

Councillors Bagley
 Blank
 Brunt
 T Gilby

Councillors Huckle
 Ludlow
 Serjeant

Non Voting Catt
 Members Dickinson

J Innes

*Matters dealt with under the Delegation Scheme

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

No declarations of interest were received.

112 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor A Diouf.

113 **MINUTES**

RESOLVED –

That the minutes of the meeting of Cabinet held on 26 February, 2019 be approved as a correct record and signed by the Chair.

114 **FORWARD PLAN**

The Forward Plan for the four month period 1 April to 31 July, 2019 was reported for information.

***RESOLVED –**

That the Forward Plan be noted.

115 DELEGATION REPORT

Decisions taken by Cabinet Members during February and March, 2019 were reported.

***RESOLVED –**

That the Delegation Report be noted.

116 SPORT AND LEISURE FEES AND CHARGES 2019/2020

The Assistant Director – Health and Wellbeing submitted a report recommending for approval proposed changes to the fees and charges for sport and leisure activities provided at Queen's Park Sports Centre and Staveley Healthy Living Centre, to take effect from 1 April, 2019.

The fees and charges are reviewed annually in accordance with the Council's Financial Regulations. The proposed revisions to the fees and charges had taken into account:

- the Council's commitment to promoting health and wellbeing, particularly amongst the borough's most vulnerable communities;
- the rise in competition from private gym operators;
- the need to achieve financial sustainability, balancing competitive pricing whilst maximising income;
- how best to retain customers by offering a variety of payment options;
- benchmarking with other public sector sport and leisure providers.

Both facilities would continue to deliver promotional opportunities to stimulate demand and support the retention of customers. In addition, the Change4Life membership option would continue to provide access to reduced fees and charges in line with the Council's Concessions Policy.

The proposed fees and charges were predicted to achieve an overall 3% uplift in income which would help to offset the increased inflationary pressures relating to the cost of facility operations. Full details of the fees and charges were provided in Appendix A of the officer's report.

***RESOLVED –**

1. That the proposed sport and leisure fees and charges, as outlined in Appendix A of the officer's report, be approved and implemented from 1 April, 2019.
2. That the proposals for concessionary charges, as outlined in Appendix A of the officer's report, be approved.
3. That the Assistant Director – Health and Wellbeing, in agreement with the Cabinet Member for Health and Wellbeing, be authorised to apply appropriate fees and charges to new activities that are introduced during the period 1 April, 2019 through 31 March, 2020.
4. That the Assistant Director – Health and Wellbeing, in agreement with the Cabinet Member for Health and Wellbeing, be authorised to adjust the agreed fees and charges to maximise promotional opportunities in order to stimulate usage, support the retention of customers and respond to external market forces.

REASON FOR DECISION

To set the fees and charges for sport and leisure activities and facilities with effect from 1 April, 2019.

117 CHANGE TO THE WASTE LEGISLATION - HOUSEHOLDER DUTY OF CARE FIXED PENALTY NOTICE

The Senior Environmental Health Officer submitted a report providing details on recent changes to the Environmental Protection Act 1990 and associated guidance with regards to local authorities issuing fixed penalty notices for the illegal disposal of household waste. The report also sought approval to introduce a new £250 fixed penalty notice.

Nationally, there had been a year on year increase in fly tipping offences of which over a third arose from households. Changes in legislation had placed greater accountability on householders for disposing of their household waste responsibly, and introduced provision for prosecutions or the issuing of fixed penalty notices. Whilst the Council would resort to bringing prosecutions where appropriate, the option of a fixed penalty notice was preferred as it was more cost-effective and productive in changing behaviour.

The legislation set a minimum and maximum level of fixed penalties at £150 and £400 respectively. Other nearby local authorities had set the level of the fixed penalty notice at £250. The report therefore proposed to set the level for Chesterfield at £250 to reflect the seriousness of the offence and encourage householders to dispose of their waste safely and legitimately.

***RESOLVED –**

1. That the proposals to enable enforcement of the provisions of sections 34 and 34(2A) of the Environmental Protection Act 1990, as outlined in the officer's report, be approved.
2. That the fixed penalty level of £250 be adopted.
3. That the Assistant Director – Health and Wellbeing, in agreement with the Cabinet Member for Health and Wellbeing, be granted delegated authority to introduce and carry out the new powers.
4. That the Assistant Director – Health and Wellbeing be granted delegated authority to authorise the appropriate officers to issue fixed penalty notices under the Environmental Protection Act 1990.

REASONS FOR DECISIONS

1. Illegally disposed of waste is a significant blight on local environments, a source of pollution, a potential danger to public health and a hazard to wildlife.
2. Illegally disposed of waste has wider links with criminal activities, imposes avoidable costs on the public purse and draws money away from other priorities.
3. The intention is that the level of the new fixed penalty would act as a deterrent to residents using unauthorised or unregulated waste carriers.

118 ENFORCEMENT POLICIES

The Assistant Director – Health and Wellbeing presented a report seeking approval for the adoption of two new policies: Private Sector Housing

Enforcement Policy and Private Sector Housing Fees and Charges Policy. Both policies were attached as appendices to the officer's report.

The Private Sector Housing Enforcement Policy would provide an overview of the legislation and administrative processes which the Council would follow when taking action to ensure private sector housing in the borough is well maintained and safe.

The Private Sector Housing Fees and Charges Policy would support the enforcement policy by setting out the fees and charges that would be levied by the Council for undertaking enforcement actions.

Both policies were designed to encourage good, responsible behaviour by landlords and ensure that, where possible, the cost of enforcement was borne by the offender. The fees and charges policy would also introduce a revised Houses in Multiple Occupation (HMO) licensing fee, to reflect the true costs incurred in administering the HMO licensing process; and make changes to the cost of carrying out work in default by requiring the owner or landlord to pay the actual cost for officer time spent arranging the work.

***RESOLVED –**

1. That the Private Sector Housing Enforcement Policy be approved.
2. That the Private Sector Housing Fees and Charges Policy be approved.

REASONS FOR DECISIONS

1. To ensure that the Council is able to recover legitimately incurred costs for housing enforcement as set out in the Housing Act 2004.
2. To ensure that the Council can meet its obligations that all properties let as residential dwellings and those in private ownership throughout the Borough are of good quality and are well managed.
3. The Private Sector Housing Enforcement Policy is designed to help deliver the Council's priorities identified in the Council Plan.