

CABINET**Tuesday, 14th July, 2020**

Present:-

Councillor P Gilby (Chair)

Councillors Serjeant
Blank
T Gilby
Ludlow

Councillors Holmes
J Innes
Mannion-Brunt
Sarvent

*Matters dealt with under the Delegation Scheme

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

No declarations of interest were received.

149 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor D Collins.

150 **MINUTES**

RESOLVED –

That the minutes of the meeting of Cabinet held on 23 June, 2020 be approved as a correct record and signed by the Chair.

151 **FORWARD PLAN**

The Forward Plan for the four month period August to November, 2020 was reported for information.

***RESOLVED –**

That the Forward Plan be noted.

152 **DELEGATION REPORT**

Decisions taken by Cabinet Members during June, 2020 were reported.

***RESOLVED –**

That the Delegation Report be noted.

153 MINUTES OF THE SHEFFIELD CITY REGION MAYORAL COMBINED AUTHORITY BOARD

Minutes of the meeting of the Sheffield City Region Mayoral Combined Authority held on 1 June, 2020 were reported for information.

***RESOLVED –**

That the Minutes be noted.

154 MONTH 2 BUDGET MONITORING 2020/21 & UPDATED MEDIUM TERM FINANCIAL PLAN

The Interim Chief Finance Officer submitted a report to update members on the council's budget position for 2020/21, covering the General Fund Revenue Budget, General Fund Capital Programme and Housing Revenue Account.

An updated General Fund Revenue Budget forecast informed by the month 2 outturn for the financial year 2020/21 was included within section 4 of the officer's report. This showed an anticipated in-year deficit for 2020/21 of £3.246m as a consequence of the Covid-19 pandemic.

Detailed information on the medium-term outlook was provided in section 5 of the officer's report.

***RESOLVED –**

That it be recommended to Full Council that:

1. The budget monitoring position for general fund revenue budget financial performance in the first two months of the financial year 2020/21 and the implications for the general fund revenue budget for 2020/21 and the new medium-term financial plan, as detailed in Sections 4 and 5 of the officer's report, be noted.

2. The changes to the medium-term financial plan, as outlined in Sections 4 and 5 of the officer's report, be approved.
3. The updated capital programme, as outlined in Section 6 of the officer's report, be approved.
4. The arrangements for financing of the capital programme, as outlined in paragraph 6.3 of the officer's report, be approved.
5. The budget monitoring position for the first two months of the financial year 2020/21 and the implications for the Housing Revenue Account budget for 2020/21, as detailed in Section 7 of the officer's report, be noted.

REASON FOR DECISIONS

To actively manage the Council's finances in the current financial year and forecast forward the emerging budget position to future financial years.

155 COMMUNITY INFRASTRUCTURE LEVY (CIL) EXPENDITURE

The Strategic Planning and Key Sites Manager presented a report to update members on progress with regards managing the Chesterfield Community Infrastructure Levy (CIL) programme.

The CIL is a mechanism that allows local planning authorities to raise funds from new development in order to contribute to the cost of infrastructure that is, or will be, needed to support new development. Bids for funding were invited in Spring 2019 and, following assessment in line with the CIL Expenditure Strategy, the report recommended that funding be awarded for the expansion of Poolsbrook Primary Academy, providing additional school places to support planned housing growth in the area.

The report also set out proposals for managing expenditure of the neighbourhood portion of CIL receipts, including non-parished areas of the borough.

***RESOLVED –**

1. That the progress on receipts from the Community Infrastructure Levy (CIL) be noted.
2. That CIL be awarded to support the expansion of Poolsbrook Primary Academy from the CIL funding round for 2019, in line with the assessment set out in Appendix 3 of the officer's report.
3. That the recommendation for managing expenditure of the neighbourhood portion of CIL receipts in non-parished areas of the borough, as detailed in Section 5 of the officer's report, be approved.

REASON FOR DECISIONS

To ensure that CIL expenditure takes place in accordance with the CIL Expenditure Strategy in order to ensure that CIL investment supports planned growth and sustainable development and Chesterfield's continued vitality.

156 CHESTERFIELD BOROUGH LOCAL PLAN

The Strategic Planning and Key Sites Manager presented a report on the new Chesterfield Borough Local Plan 2018-2035. The report also detailed the findings of the Inspectors' Report following the Local Plan's examination in public.

Under the Planning and Compulsory Purchase Act 2004, each Local Planning Authority is required to prepare a Local Plan for their area that addresses priorities for development and use of land. The plan must be based on robust evidence and be in accordance with the National Planning Policy Framework.

The new Local Plan covered the period up to 2035, and documented the overall strategy for the pattern, scale and quality of development including suitable and sufficient provision for:

- Housing, employment, retail, leisure and other commercial development;
- Infrastructure;
- Community facilities;
- Conservation and enhancement of the natural, built and historic environment, and planning measures to address climate change.

Formal consultation on the Local Plan started in January, 2019 followed by hearings held by independent Planning Inspectors in October and November, 2019. A further period of consultation took place earlier this year following Cabinet approval on 25 February, 2020 of the main modifications recommended by the Inspectors. The Inspectors' Report was attached at appendix B of the officer's report.

***RESOLVED –**

That it be recommended to Full Council that:

1. The Inspector's Report, attached at Appendix B of the officer's report, be noted.
2. The Local Plan 2018-2035, attached at Appendix A of the officer's report, incorporating the modifications recommended in the Planning Inspectors' Report be adopted by the Council to meet the requirement of Section 38 of the Planning and Compulsory Purchase Act 2004.
3. Delegated authority be granted to the Strategic Planning and Key Sites Manager, in consultation with the Cabinet Member for Economic Growth, to make any minor changes (including formatting and images) necessary to make the Local Plan (that do not materially affect the Plan) and associated documents ready for printing and uploading to the council website.
4. Delegated authority be granted to the Strategic Planning and Key Sites Manager, in consultation with the Cabinet Member for Economic Growth, to make necessary changes to any Supplementary Planning Documents and informal Planning Guidance currently used by the Council to make appropriate reference to the new Local Plan.

REASON FOR DECISIONS

To meet the council's duties under the Planning and Compulsory Purchase Act 2004.

The Internal Audit Consortium Manager submitted a report asking members to review Council compliance with the Code of Corporate Governance during 2019/20, and to approve the Annual Governance Statement and associated action plan for onward submission to, and sign off by the council's Standards and Audit Committee.

The report noted that the Council's Code of Corporate Governance reflected the most recent guidance issued by the Chartered Institute of Public Finance and Accountancy (CIPFA) and the Society of Local Authority Chief Executives (SOLACE).

The Internal Audit Consortium Manager confirmed that the report and various supporting appendices comprising the Annual Governance Statement and associated Action Plan would be presented for final approval at the next meeting of the Standards and Audit Committee on 22 July, 2020.

***RESOLVED –**

1. That the supporting documents to the officer's report, attached at Appendices A, B, C and D, be approved and referred to the Standards and Audit Committee.
2. That a further review of Council compliance with the Code of Corporate Governance be undertaken in 12 months' time.
3. That progress with regard to implementation of the Annual Governance Statement Action Plan be actively monitored by the Corporate Management Team.

REASONS FOR DECISIONS

1. To enable the Cabinet and the Standards and Audit Committee to monitor compliance with the Code of Corporate Governance.
2. In order to comply with the requirements of the Accounts and Audit Regulations 2015.
3. To support the maintenance of sound governance arrangements at the Council.

158 COVID-19 - BUSINESS AND PLANNING ACT 2020

The Monitoring Officer presented a report to update members on the need for two new delegations in response to the Business and Planning Bill enacted in July, 2020. The new delegations had been approved by the Standards and Audit Committee on 2 July, 2020 and would enable the Council to respond promptly to any applications for pavement licences or extension of construction site hours within the statutory timeframes using suitable processes and applying appropriate governance.

***RESOLVED –**

That the delegations proposed to enable the effective discharge of the new executive functions set out in the Business and Planning Act 2020 be noted.

REASON FOR DECISION

To put in place appropriate delegations to enable the provisions of the Business and Planning Act 2020 (which contains measures to respond to the Covid-19 pandemic) to be put into effect.

159 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 involved the likely disclosure of exempt information as defined in Paragraph 3 of Part I of Schedule 12A to the Local Government Act 1972.

160 CHESTERFIELD FOOTBALL CLUB - REQUEST FOR LOAN ASSISTANCE

The Chief Executive presented a report to inform members of a request from Chesterfield Football Club Community Trust for a loan of £0.5m from Chesterfield Borough Council (CBC) to support the acquisition and operation of CFC 2001 Limited, trading as Chesterfield Football Club.

Derbyshire County Council's (DCC) Cabinet had met on 16 March, 2020 and approved in principle a loan of £0.5m to the Trust. Both Council's would complete legal due diligence processes to ensure that their respective interests were properly protected. The two £0.5m loans would be jointly secured by a legal charge on the Club's stadium.

The report noted that the loan would be repayable over a period of 15 years, on an annuity basis and with a commercial rate of interest. The loan would be repaid in full if the Trust chose to sell the Club at some point in the future.

The Trust had invited both CBC and DCC to appoint trustees to the Trust Board and the report sought approval for delegated authority to the Chief Executive, in consultation with the Leader, to make the appointment.

***RESOLVED –**

1. That Chesterfield Borough Council provides a loan of £0.5m to Chesterfield Football Club Community Trust to support the acquisition and operation of CFC 2001 Limited, trading as Chesterfield Football Club.
2. That the loan be provided on the terms set out in Sections 4 and 5 of the officer's report.
3. That delegated authority be granted to the Chief Executive, in consultation with the Deputy Leader and in conjunction with the interim Head of Finance and the Procurement and Contracts Law Manager, to finalise the terms of the loan arrangement between Chesterfield Borough Council and Chesterfield Football Club Community Trust.
4. That delegated authority be granted to the Chief Executive, in consultation with the Leader, to respond to Chesterfield Football Club Community Trust's invitation for Chesterfield Borough Council to appoint a trustee to the Trust's Board.

REASON FOR DECISIONS

To support Chesterfield Football Club Community Trust to acquire Chesterfield Football Club, ensuring the Club's survival as a going

concern and sustaining the Club's and Trust's abilities to promote the social, economic and environmental wellbeing of Chesterfield borough.