

CABINET**Tuesday, 6th May, 2014**

Present:-

Councillor Burrows (Chair)

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

*Matters dealt with under Executive Powers

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

Councillor Gilby declared a conflict of interest in Minute No. 205 as a Member of the Planning Committee and left the meeting during consideration of this item.

Councillors Huckle and Hill declared a conflict of interest in Minute No. 205 as Members of the Planning Committee.

The Chief Executive declared a prejudicial officer interest in Minute No. 205 as a member of the Corporation of Chesterfield College and left the meeting during consideration of this item.

197 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Russell.

198 MINUTES**RESOLVED –**

That the Minutes of the meeting of Cabinet held on 8 April, 2014, be approved as a correct record and signed by the Chair.

199 **FORWARD PLAN**

The Forward Plan of key decisions for the four month period 1 May, 2014 to 31 August, 2014 was reported for information.

*** RESOLVED –**

That the Forward Plan be noted.

200 **PROPOSED CHATSWORTH ROAD CONSERVATION AREA DESIGNATION (J000)**

The Development Management and Conservation Manager submitted a report on the proposed designation of a new Conservation Area along Chatsworth Road.

Following a detailed character appraisal and public consultation exercise, an area encompassing Chatsworth Road was proposed as a new Conservation Area, in addition to the eleven existing Conservation Areas within Chesterfield Borough. The establishment of this new Conservation Area had been set as a priority in the Council's Corporate Plan for 2013-2015 under its corporate aim, "*a Sustainable Community – Our built heritage will be protected and enhanced*".

An evaluation of the area had been carried out, including a proposed boundary, and on 9th September 2013, the Deputy Leader and Executive Member for Planning had agreed a public consultation exercise on a draft appraisal document.

A six week public consultation exercise had been undertaken from the 4th November 2013 to 13th December 2013. Considerable effort had been made to ensure that as many people as possible were aware of the consultation exercise, including letters to all properties and businesses within the area and its immediate surroundings and to amenity groups and relevant organisations. Details of the proposals had also been made available at the Council's Customer Services Centre, Chesterfield Library, St Thomas's Centre, on the Council's website and at South and West Community Assembly meetings.

Representations received had been considered and amendments made to the appraisal document. Details of comments received, initial responses and actions taken were attached as an Appendix to the report.

The area was generally recognised as having a special character and appearance worth safeguarding, and public support for designation outweighed the objections.

The responses received were split 65.57% in support (40), 22.95% against (14) and 11.48% (7) not expressing an opinion.

The Conservation Area Character Appraisal and Management Plan document was attached to the report.

If the area was designated there would need to be a more thorough survey to identify properties which should be covered by an Article 4 Direction, which would control certain permitted developments, and consultation with the property owners directly before such a Direction was imposed.

It was confirmed that where existing planning applications had already been determined prior to the formal adoption of the Conservation Area these would not be affected by the Conservation Area status.

*** RESOLVED –**

(1) That the Conservation Area Appraisal and Management Plan, as amended following consultation, and appended to the report, be adopted and be communicated to all interested parties.

(2) That the Chatsworth Road Conservation Area, as indicated by the boundary shown on the plan appended to the report, be agreed for adoption.

(3) That officers prepare, consult and undertake the formal designation of an Article 4 Direction.

REASON FOR DECISION

To implement the Council's Corporate Plan aims and advance the conservation of the historic environment within the Borough, and to fulfil the statutory procedures set out in sections 69 and 70 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which require local planning authorities to determine which parts of their area are of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance, and to designate those areas as Conservation Areas.

201 **LOCAL GOVERNMENT EQUALITIES FRAMEWORK SELF ASSESSMENT (S000)**

The Policy Manager submitted a report on the self assessment of the Council's achievements against the Local Government Equalities Framework 'Excellent' Level.

In February 2011 the Council had been successfully peer assessed against the Local Government Equality Framework 'Achieving' level, and had started to make progress towards the highest level of the framework – 'Excellent'.

In March 2012 the Local Government Association had re-launched the Local Government Equality Framework, taking into account the requirements of the Equality Act 2010, resulting in a much tougher test with extended criteria requirements for all levels.

Since 2012/13 the Council had sought to consolidate performance at the now tougher 'Achieving' level as well as to make progress towards the 'Excellent' level.

The Equality Performance Management Group, which included representatives from all service areas, had now completed the 'Excellent' level self assessment for the Council. And, Appendix A to the report showed how the Council was currently performing against each performance criteria and the progress made since the last assessment in 2012/13. The Council was now meeting or exceeding over 75% of the criteria in 26 of the 28 performance areas, compared with 18 in 2012/13.

However, there were significant challenges in maintaining this level of performance in future years given the current and future financial difficulties the Council faced. Discussions were currently taking place around the most effective way to address a number of challenging issues including the Council's employee demographic profile, contractor performance on equalities, and the need for further investment in information, communication and technology.

The key issue for 2014/15 would be maintaining this strong performance, recognising the contribution of activities such as the Equality and Diversity training programme, Equalities Impact Assessment clinics and awareness raising events, with a view to completing the self assessment programme again in 2015/16.

*** RESOLVED -**

- (1) That the Council continues to make progress towards the 'Excellent' level of the Local Government Equality Framework via self assessment.
- (2) That the Council re-assesses its position against the Framework in 2015/16.

REASON FOR DECISION

To deliver the Council's commitment to Equality, Diversity and Social Inclusion and to improve knowledge and understanding these issues.

202 EQUALITY AND DIVERSITY ANNUAL REPORT 2013/14 (S230)

The Policy Officer submitted a report presenting the Council's Equality and Diversity Annual Report for approval.

The Equality and Diversity Annual Report was attached to the report, covering improvements and achievements over the last year and plans for the future. It outlined the role of the Chesterfield Equality and Diversity Forum which had continued its work with local community groups, partners and individuals to promote equality and raise awareness of equality and diversity. It had arranged a number of events, including an accessibility meeting as part of the consultation on the new Queen's Park Sports Centre, a Hate Crime Awareness event with the Sophie Lancaster Foundation, an audit of A-boards in Chesterfield town centre, signing of the Time to Change pledge, a Holocaust Memorial day event, a Generations Together event and an International Women's Day competition.

The Council was required to publish the Annual Report and widely circulate it, which it would do by placing it on the Council's web-site, circulating it with a LINKS mail out (sent to 900 organisations and individuals) and making it available at Community Assemblies.

The meeting thanked the Policy Officer and the Policy Manager for their work on the Annual Report and on equalities and diversity issues.

*** RESOLVED -**

That the Equality and Diversity Annual Report be approved, published and widely circulated.

REASON FOR DECISION

To improve knowledge and understanding of equality and diversity issues and to implement legislative and good practice requirements.

203 REVIEW OF TOWN CENTRE EVENTS PROGRAMME (L000)

The Head of Regeneration submitted a report on the Review of the Town Centre Events Programme.

The budgets allocated to organising events in Chesterfield town centre were for Town Centre Entertainment (for Bank Holiday Markets, the Well Dressing, Love Your Local Market and the Day of Dance), Festivals (Community Arts Festival and Market Festival) and Christmas Illuminations (including the Christmas tree and a lights 'Switch-on' event).

As part of the Council's budget savings for 2014/15, it had been agreed that a recurring saving of £30,500 on town centre events should be made (Minute No. 155 (2013/14)), resulting in an annual budget of approximately £50,000 for future events programmes.

In order to maximise the budgets available and to help tackle the pressures currently impacting on the town, the report recommended that any future events programme in the town centre should seek to fulfil the following objectives:

- Raise the profile of Chesterfield as a destination to shop and visit.
- Enhance the shopping experience.
- Increase footfall and spend in the town centre.
- Add to the vibrancy and vitality of the town centre.
- Compete with other shopping destinations.
- Increase dwell time in the town centre.
- Ensure that events are accessible to all.

The report included outline proposals for future events programmes to focus on enhancing existing markets, running speciality markets,

organising Market Hall events, and continuing with the Chesterfield Market Festival, the Christmas Lights 'switch-on', Well Dressing, Ghost Walks and Guided Walks. It was also proposed to hold more indoor events in the Market Hall and Assembly Rooms to increase footfall through the Market Hall.

There had been consultation with town centre businesses through the Town Centre Forum and the Markets Consultative Committee, and the Market Traders had allocated funds from their marketing budget to support the programme, particularly the Summer Saturdays and the Market Festival.

Opportunities to develop the events programme would be considered as they arose and the viability of particular events would be assessed both against the proposed objectives outlined in the report and the cost of delivery. Income and sponsorship would be sought wherever possible to enhance the programme.

*** RESOLVED -**

- (1) That approval be given to the continuation of an events programme to attract footfall and make the town centre more attractive and vibrant.
- (2) That the principles outlined in paragraph 5.1 of the report that support the delivery of a town centre events programme be approved.
- (3) That the proposed revisions to the Christmas lights display in the town centre be approved.
- (4) That the approval of an annual programme of events be delegated to the Head of Regeneration in consultation with the Executive Member for Leisure, Culture and Tourism.

REASONS FOR DECISION

1. To ensure that the events programme supports the Council's priority of attracting more visitors to the Borough.
2. To support the events programme through income and sponsorship with the aim of making more events self-financing.

3. To provide a mechanism for approval of the events programme in order to meet publicity deadlines in external publications.

204 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 3 of Part 1 of Schedule 12A of the Local Government Act 1972 – on the grounds that it contained information relating to financial or business affairs.

Councillor Gilby and the Chief Executive left the meeting at this point.

205 UPDATE ON THE NEW SPORTS CENTRE PROJECT AND APPOINTMENT OF THE CONSTRUCTION CONTRACTOR (L000)

The Head of Environment submitted a progress report on the new Sports Centre project, including details of the negotiations with Chesterfield College regarding the collaboration agreement and the appointment of a preferred bidder to develop and construct the new Sports Centre.

On 29 January 2013 Cabinet had considered the feasibility study for Queens Park Sports Centre and resolved (Minute 0187 (2012/13)):

“(1) That a new leisure centre be constructed to replace the existing Queen’s Park Sports Centre.

(2) That, in principle, the Queen’s Park Annexe be selected as the preferred site for the new leisure centre.

(3) That officers be authorised to:

- (i) negotiate a Dual Use Agreement with Chesterfield College;
- (ii) proceed with submitting a full planning application;
- (iii) procure project management through a competitive tender process;
- (iv) undertake consultation with the public, national governing bodies and other stakeholders on the location and design of any

new leisure centre and on what use should be made of the present Queen's Park Sports Centre site if a new centre were located on the Annexe;

(v) procure a construction company to build the new leisure centre through a competitive tender process;

(vi) submit grant funding applications to any relevant funding body.

(4) That Cabinet recommends to Full Council that:-

(i) the Queen's Park Sports Centre replacement project be added to the Council's Capital Programme;

(ii) prudential borrowing up to a maximum of £6 million be approved;

(iii) any shortfall in funding be met through the use of reserves, capital receipts or a combination of the two, up to a maximum of £750,000.

(5) That regular progress reports on the procurement and construction of a new leisure centre be provided to Cabinet."

On 24 July 2013 the full Council (Minute No. 0011 (2013/14) had considered a petition with over 1000 signatures against the building of a new sports centre on Queen's Park Annexe. Members had agreed to note the petition, and that the petition and debate at full Council be taken into account by the Executive as part of its ongoing commitment to consult with the public, the sports national governing bodies and other stakeholders before coming to a final view on the format of the Queen's Park Sports Centre replacement project.

Following a procurement exercise using the Cabinet Office's Government Procurement Services (GPS) Framework in May 2013, the Council had procured a Project Management and Design team. A Project Board and an officer working group had been established to work with the Project Management and Design Team.

Extensive consultation had taken place to help shape the design of the new sports centre and the facilities to be included within it having regard to the overall project budget available. This had included survey forms at both the Council's leisure centres, other Council venues and on the Council's website, the opinion meter at Queen's Park Sports Centre, a number of 'road shows' at different locations, a meeting with the Council's

Equalities Group, and events with the relevant National Governing Bodies and with clubs that use the existing Centre.

The Project Board had approved the design of the new facility and in particular the core mix of facilities for the procurement of the construction company:

- 6 lane 25m long main pool
- Learner pool with moveable floor and children's fun water features
- Café and social space
- Midwifery Centre
- 6 court sports hall
- Village Changing Facilities
- Dry Changing Facilities
- Activity Studio
- 70 - 75 Station Gym (depending upon configuration)
- 2 Squash courts with a moveable wall
- Car parking for around 100 cars

A single stage 'Develop and Construct' procurement approach had been adopted in accordance with the Official Journal of the European Union procedures. Expressions of interest in building the new leisure centre had been received from 15 contractors, which had been evaluated having regard to the agreed selection criteria (financial standing, experience of the company in delivering similar leisure centre projects, health and safety, risk management, sustainability etc). Five contractors had been shortlisted and invited to submit a tender, and four tenders had been received by the deadline.

The tenders were assessed against pre-established assessment criteria on the basis of both cost and quality, with a 60% cost : 40% quality weighting applied. The tender evaluation report executive summary was attached as an Appendix to the report.

Council officers had also been working to try and secure external funding that would enable the Council to consider enhancements to the proposed facilities in the new QPSC. English Squash had made an offer of £25,000 funding towards the cost of the two squash courts, and the Council had been invited by Sport England to formally apply for funding from its Strategic Facilities Fund, with the focus being to increase the size of the swimming pool from 6 to 8 lanes and to increase the size of the sports

hall from 6 to 8 courts. It was anticipated that the Council's bid would be considered in summer 2014.

The planning application for the new sports centre had been submitted in late 2013 but had been delayed for further consideration of a number of emerging issues including:

- the need to ensure a safe access to the site from Boythorpe Road;
- the presence of badgers on the site and the need to ensure adequate mitigation measures to minimise disturbance to any habitats;
- the strategic need to evidence the impact of removal of a playing pitch and disused athletics track on the site.

It was anticipated that the planning application would be considered in May or June, 2014.

Following advice from Queen's Counsel regarding the Covenant that applies to the proposal to locate the new Queen's Park Sports Centre on the Queen's Park Annexe, and subject to planning consent, a separate report would be submitted to a future Cabinet meeting regarding land appropriation on the Queen's Park Annexe.

The Council had been working collaboratively with Chesterfield College in respect of the possibility of a 'dual use' leisure centre facility that could be used by both the public and college students. Regular bookings for College use in the current centre had been introduced without any significant relationship and access issues arising.

The report outlined the financial implications, with a total budget of £9.275m, including £6m from prudential borrowing and £2.5m from Chesterfield College. It was estimated that the leisure legacy project would deliver sufficient annual budget savings to meet the annual borrowing costs and also deliver savings to the General Fund. Officers proposed that a maximum of £175,000 be also set aside for improving the whole life cycle building costs by further reducing energy and/or future maintenance costs.

A Risk Management Table was attached as an Appendix to the report, describing the risks associated with the project and the controls to be implemented to manage these, including the need to closely monitor the VAT implications over future financial years.

Subject to planning permission being granted, successful land appropriation on the Annexe being achieved, and the outcome of the bid for additional funding from Sport England, it was anticipated that the new leisure centre would be completed in late 2015. And, a revised project timeline including key milestones was attached as an Appendix to the report.

The meeting recognised the complexities involved in progressing such a project, taking account of the issues which had been raised through the consultation exercise, and the petition which had been presented to Council.

*** RESOLVED -**

- (1) That the progress report on the development of the new Queen's Park Sports Centre (QPSC) be noted.
- (2) That the core facilities of the new QPSC, as detailed in paragraph 4.16 of the report, be approved.
- (3) That the appointment of Morgan Sindall to 'Develop and Construct' the new QPSC on the Annexe, and the entering into of the required legal agreements by the Head of Governance, be approved.
- (4) That a further report be submitted to Cabinet of fully-costed measures for improving the whole life cycle building costs for the new leisure centre, subject to an expenditure limit of £175,000.
- (5) That the Head of Environment or nominee be authorised to submit a bid to the Sport England Strategic Facilities Fund for additional funding to enhance the facilities at the new QPSC.
- (6) That the Head of Governance, in consultation with the Head of Environment, be authorised to enter into the Collaboration Agreement and Lease with Chesterfield College in return for a capital contribution of £2.5m and an ongoing revenue contribution

REASON FOR DECISION

To enable the Council to meet its Corporate Plan key project of building a new facility to replace the existing Queen's Park Sports Centre.