

CABINET**Tuesday, 19th July, 2022**

Present:-

Councillor P Gilby (Chair)

Councillors Blank
D Collins
Holmes
J InnesCouncillors Ludlow
Mannion-Brunt
Sarvent
SerjeantNon Voting P Innes
Members

*Matters dealt with under the Delegation Scheme

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

No declarations of interest were received.

21 APOLOGIES FOR ABSENCE

No apologies for absence were received.

22 MINUTES**RESOLVED –**

That the minutes of the meeting of Cabinet held on 21 June, 2022 be approved as a correct record and signed by the Chair.

23 FORWARD PLAN

The Forward Plan for the four month period 1 August to 30 November, 2022 was reported for information.

***RESOLVED –**

That the Forward Plan be noted.

24 **PERIOD 2 BUDGET MONITORING**

The Service Director – Finance presented a report outlining the Council's General Fund revenue budget position at the end of the second period of 2022/23 (through 31 May, 2022).

Assuming no further changes to those reported at the end of the second period, the Council would be facing a deficit of £694k at year end. A table containing the key variances was included in paragraph 4.8 of the officer's report.

The report also outlined a number of emerging spending pressures that were now being considered alongside already known financial challenges as part of the Council's ongoing medium term financial planning activities.

The report noted the anticipated movement in the Council's reserves. The Budget Risk Reserve had been increased to £2.066m.

The original General Fund Capital Programme budget for 2022/23 had been revised to include slippage of £6.2m from the 2021/22 Capital Programme. There had been no new additions to the 2022/23 Capital Programme.

***RESOLVED –**

1. That the position of the General Fund Revenue Account at the close of month two of the financial year 2022/23, be noted.
2. That the proposal to ringfence £200k from the Budget Risk Reserve to support any interim or recruitment agency costs which may be required to mitigate recruitment pressures, as set out in paragraph 4.5 of the officer's report, be approved.
3. That the use of new burdens funding of £140k to strengthen council tax and rent recovery and provide increased levels of customer support, as set out in paragraph 4.10 of the officer's report, be approved.
4. That the updated General Fund Capital Programme and financing, as set out in paragraphs 4.15 to 4.17 of the officer's report, be approved.

5. That the position of the Housing Revenue Account Revenue and Capital budgets at the close of month two of the financial year 2022/23, as set out in paragraphs 4.18 to 4.24 of the officer's report, be noted.

REASONS FOR DECISIONS

1. This periodic report summarises the current assessment of the Council's forecast outturn and enables formal monitoring and active management against the 2022/23 budget.
2. This is the first monitoring report for the 2022/23 financial year and comes at a time when the Council is experiencing financial pressures due to the current economic situation, the high levels of cost inflation and the ongoing impact of the Covid-19 pandemic.

25 BIODIVERSITY NET GAIN RECEPTOR SITES

The Housing Delivery Manager submitted a report seeking approval for a pilot scheme to create units for biodiversity enhancement to support off-site provision of habitat as part of applications for planning permission where applicants were unable to provide a measurable net gain in biodiversity on-site.

The Environment Act introduced a mandatory requirement for new developments to provide a net gain in biodiversity and measurably improve habitats.

Developers who were unable to accommodate a measurable net gain in biodiversity on-site would be required to find, fund, and deliver an appropriate scheme on an alternative site.

***RESOLVED –**

1. That the implementation of a pilot scheme to create units for biodiversity enhancement to be used to support off-site provision of habitat as part of applications for planning permission, where applicants have been unable to provide a measurable net gain in biodiversity on-site, be authorised.

2. That an assessment of the council's full land portfolio to identify potential medium and long term Biodiversity Net Gain (BNG) opportunity sites which would form a 'habitat bank' to support nature recovery across the borough, dependent on subsequent Cabinet approval following an evaluation of the pilot schemes, be authorised.
3. That officers be authorised to work with partners to determine sites of strategic significance for biodiversity within the borough, with the aim to bring a strategy document for BNG informed by the results of the pilot, to a future Cabinet meeting.

REASONS FOR DECISIONS

1. To enable the council to become a provider of off-site BNG to:
 - i. Support the delivery of Local Plan policy CLP16.
 - ii. Support housing delivery and economic growth through the provision of a clear and accessible solution to achieving planning compliance where applicants have demonstrated that they are unable to provide BNG on-site.
 - iii. Support the creation and retention of appropriate habitat types within the borough, enhancing local communities and reducing the risk of developers seeking solutions outside of the borough.
 - iv. Support implementation of the Climate Change Action Plan.
2. A number of planning applications currently under consideration have demonstrated that they are unable to meet the entirety of their BNG requirement on-site. Timely assessment of sites shortlisted as suitable for rewilding through scoping work initially undertaken by Derbyshire Wildlife Trust will maximise opportunity to deliver BNG and maintain housing growth across the borough, however further investigation is recommended around the number of BNG units these sites can accommodate. The procurement of further assessment would ensure that the council is able to sustain an offer of biodiversity units throughout the pilot period.
3. When the Environment Act makes BNG mandatory (expected to be Winter 2023) the demand for off-site biodiversity opportunities is likely to increase. Establishing a habitat bank within the council's landholdings provides an opportunity to gain best value by identifying suitable land capable of accommodating a range of

habitat types, in locations which are strategically important for nature.

26 **EQUALITY AND DIVERSITY ANNUAL REPORT**

The Policy Officer presented the Equality and Diversity Annual Report for the financial year 2021/22 updating members on Council improvements and achievements relating to equality and diversity matters.

The Annual Report had been developed in consultation with the Equality and Diversity Forum and included a summary of the equality impact assessments undertaken during 2021/22 with regards Council policies, strategies and plans, and progress updates on the Council's work in promoting equality and diversity both within the Council and with our communities.

***RESOLVED –**

That it be recommended to Full Council that:

1. The Equality and Diversity Annual Report be approved.
2. The Equality and Diversity Annual Report be published on the Council's website and circulated to partners.

REASON FOR DECISIONS

Equalities legislation and good practice require public bodies to publish annual equalities reports.

27 **PRIVATE SECTOR HOUSING REPORT (INCORPORATING EPC AND HMO AMENITIES AND SPACE STANDARDS)**

The Private Sector Housing Manager submitted a report seeking approval for the Private Sector Housing Energy Performance Certificate Policy and the Private Sector Housing Amenities and Space Standards Policy.

The Energy Performance of Buildings (England and Wales) Regulations 2012 had been introduced to ensure that landlords had a valid EPC certificate in relation to all properties in their ownership and that all privately rented properties had at least an E rated EPC to ensure a minimum level of thermal efficiency. Enforcement of the relevant statutory

provisions had been delegated to District and Borough Councils in Derbyshire from Derbyshire County Council Trading Standards.

The Government had issued revised guidance which empowered Local Authorities to set their own standards for houses in multiple occupation (HMOs). Chesterfield Borough Council's existing standards had therefore been reviewed and updated.

***RESOLVED –**

1. That the update on the activities of the private sector housing team during 2021/22, be noted.
2. That the Private Sector Housing Energy Performance Certificate Policy, be approved.
3. That the Private Sector Housing Amenities and Space Standards Policy, be approved.
4. That the Service Director – Housing, in consultation with the Cabinet Member for Housing, be granted delegated authority to agree minor policy adjustments in between review periods.

REASON FOR DECISIONS

In April 2021 Cabinet approved the Private Sector Housing Action Plan. This report provides an update on the activities of the team during 2021/22 and gives further details on additional and revised policies which will enable the Private Sector Housing Team to continue to work proactively with those landlords willing to comply with housing legislation and actively regulate noncompliant landlords.

28 PARK HOMES LICENSING AND FIT AND PROPER PERSON POLICY

The Private Sector Housing Manager submitted a report seeking approval for the revised Park Homes Licensing and Fit and Proper Person Policy.

The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 ("the Regulations") introduced a Fit and Proper Person test for mobile home site owners, or the person appointed to manage the site, to protect residents.

The updated Policy and fee structure was attached at Appendix 1 of the officer's report.

***RESOLVED –**

1. That the new statutory powers granted to local authorities under the Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020, be noted.
2. That the revised Private Sector Housing Park Licensing and Fit and Proper Person Policy, be approved.
3. That the Service Director – Housing, in consultation with the Cabinet Member for Housing, be granted delegated authority to agree minor policy adjustments in between review periods.

REASON FOR DECISIONS

To ensure compliance with the Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020.

29 UK SHARED PROSPERITY FUND

The Service Director – Economic Growth and Senior Economic Development Officer submitted a report seeking approval for the final draft version of the Council's Investment Plan to be submitted to the Government.

The United Kingdom Shared Prosperity Fund (UKSPF) would provide £2.6bn of funding to local areas over a three-year period and was intended to replace EU Structural Funds. The primary goal of the UKSPF was to build pride of place and increase life chances across the United Kingdom.

The Council had undertaken a stakeholder engagement session via an electronic questionnaire inviting feedback from Voluntary, Community, Social Enterprise, Education and Skills, and Business organisations on the draft Investment Plan, and had also established a new Partnership Board to oversee delivery of the Plan's activities. The Council's UKSPF Investment Plan was attached at Appendix 3 of the officer's report.

***RESOLVED –**

1. That the strategic direction and indicative funding proposals, as set out in the draft Chesterfield UK Shared Prosperity Fund Investment Plan, be approved.
2. That the Chief Executive, in consultation with the Leader of the Council, be granted delegated authority to make changes to the draft document to enable completion of the Chesterfield UK Shared Prosperity Fund Investment Plan for submission to Government.

REASON FOR DECISIONS

Work on the Investment Plan is ongoing and this will enable the submission of the Chesterfield UK Shared Prosperity Fund Investment Plan to Government by the 1 August, 2022 deadline.

30 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 I of Schedule 12A to the Local Government Act 1972.

31 PEAK GATEWAY ROUND TWO LEVELLING UP FUND BID

The Service Director – Economic Growth submitted a report seeking approval for a bid to be submitted for the second round of the Government's Levelling Up Fund (LUF) and the role Chesterfield Borough Council (CBC) would play if the bid was successful.

When the second round of the LUF was announced the rules for eligibility allowed CBC to submit a second bid. A short-list of projects that could potentially be prepared in time for the bid submission deadline were considered and it was deemed that Peak Gateway stood the best chance of securing funding.

Peak Resort, within which the Peak Gateway would be established, was a major leisure led regeneration scheme planned for the Birchall Estate

and, when completed, would be a significant national and international visitor attraction. The successful development of Peak Resort was highlighted as one of several key developments under the Council Plan 2019-23 priority “to make Chesterfield a thriving Borough”.

***RESOLVED –**

1. That the bid for Peak Gateway be submitted to round two of the Levelling Up Fund.
2. That the undertakings the section 151 officer has to make in submitting the bid, be approved.
3. That the role the council will play in light of the undertakings and the approach to managing risk, be approved.
4. That the continuation of work on the project prior to bid announcements in order to maintain momentum and refine the understanding of project risk, be endorsed.
5. That the Service Director for Economic Growth, in consultation with the Cabinet Member for Economic Growth, the Service Director for Finance and the Procurement and Contract Law Manager, be granted delegated authority to finalise the Heads of Terms and Funding Agreement to be entered into between Chesterfield Borough Council and the delivery partners for Peak Gateway.
6. That a further report on Peak Gateway, including the outcome of additional assurance work, be brought to a future Cabinet meeting prior to the council accepting any Levelling Up Funding should it be offered.

REASON FOR DECISIONS

To provide approval of the bid on behalf of the council and to ensure that Cabinet is aware of the role the council would play in project delivery and the approach it would take to managing risk.