

CABINET**Tuesday, 29th July, 2014**

Present:-

Councillor Burrows (Chair)

Councillors	Gilby King Ludlow Russell	Serjeant Bagley Flood
Non Voting Members	Brown Hill Hollingworth	Huckle Martin Stone

Flood +
Bagley ++

+ Attended for Item 67.

++ Attended for Item 63.

*Matters dealt with under Executive Powers

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

Councillor Huckle explained that he had declared a conflict of interest in respect of Minute No. 70 at the meeting of the Planning Committee on 19 May, 2014 and had withdrawn from that meeting during consideration of the planning application in respect of this item.

Councillors Hill and Gilby declared conflicts of interest in Minute No. 70 as Members of the Planning Committee and left the meeting during consideration of this item.

The Chief Executive declared a prejudicial officer interest in Minute No. 70 as a member of the Corporation of Chesterfield College and left the meeting during consideration of this item.

59 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors McManus and Blank.

60 MINUTES**RESOLVED -**

That the Minutes of the meetings of Cabinet on 7 and 15 July, 2014 be approved as a correct record and signed by the Chair.

61 FORWARD PLAN

The Forward Plan for the four month period 1 August, 2014 to 30 November, 2014 was reported for information.

***RESOLVED –**

That the Forward Plan be noted.

62 DELEGATION REPORT

Decisions taken by Executive Members during May and June, 2014 were reported.

***RESOLVED –**

That the Delegation Report be noted.

63 CONSIDERATION OF THE REPORT AND RECOMMENDATIONS OF THE OVERVIEW AND PERFORMANCE SCRUTINY FORUM ON MATTERS REGARDING EXTERNAL COMMUNICATIONS.

Councillor Bagley presented a report on the findings of the Scrutiny Project Group which had carried out a review of the Council's approach to external communications. The Scrutiny Project Group had made the following recommendations which had been accepted by the Overview and Performance Scrutiny Forum at Minute No. 9 (2014/2015).

The recommendations made were:

- (i) That the Council adopts clear branding and a 'one council approach'.
- (ii) That a review be undertaken to look at how better coordination of marketing and communication activities can be achieved to enable the objectives of the new external communications strategy to be delivered, which may involve the need for a review of the organisational structure.
- (iii) That analytics (the discovery and communication of meaningful patterns in data) are used to guide web content and to be able to better predict and improve performance.
- (iv) That the Council considers adopting a 'digital first approach' to all of its external communications.

The Overview and Performance Scrutiny Forum's report and recommendations were now required to be considered by Cabinet in accordance with the Council's Scrutiny Procedure Rules.

***RESOLVED –**

- (1) That thanks be conveyed to Members of the Scrutiny Review Panel and the Overview and Performance Scrutiny Forum for their work and observations on the Council's approach to external communications.
- (2) That the recommendations at (i), (iii) and (iv) above be agreed and taken into account in the formulation of the new external communications strategy.
- (3) That the recommendation at (ii) above be implemented following the approval of the external communications strategy.

REASON FOR DECISIONS

To help ensure the production of the new External Communications Strategy is customer focused and embraces new technology and communications methods.

64 PARKSIDE UPDATE AND APPOINTMENT OF DEVELOPER (H000)

The Housing Services Manager – Business Planning and Strategy presented a report setting out the current position with regards to the redevelopment of the Parkside Older Persons Housing Scheme and to seek approval to award the construction contract following the completion of the tender process.

Of the six tenders received, A & S Enterprises were recommended to undertake the development on the basis that their proposal fulfilled all of the tender criteria, was the lowest price and achieved the highest score at tender evaluation.

***RESOLVED –**

- (1) That a contract be entered into with A & S Enterprises to construct the proposed new Parkside Older Persons Housing Scheme.
- (2) That a further report be brought to Cabinet on completion of the project.

REASON FOR DECISIONS

To continue to deliver the Council's strategy in respect of the sheltered housing stock.

65 ANNUAL REPORT TO TENANTS (H000)

The Housing Services Manager – Customer Division submitted a report on the draft Annual Report 2013/2014 to tenants, as required by the Homes and Communities Agency (HCA). A copy of the text of the Annual Report was attached to the report at Appendix A.

The Annual Report included details of the Housing Services' performance in 2013/14 against the HCA's standards and also made comparisons with previous years' performance. The report also set out the performance targets and details of service improvements (Local Offers) planned for the following year 2014/15.

The report stated that the STAR Customer Satisfaction Survey showed a marked increase in tenant satisfaction with Housing Services, with a 10% increase to 88% compared to 78% in 2008, and that performance in relation to the Local Offers and individual functional disciplines, had also largely shown improvement with targets either met or exceeded. There was also an improvement in the length of time it took to deal with complaints, enquires and correspondence.

Areas for improvement had, however, been identified through the Survey and other tenant feedback, such as car parking, dog fouling and litter.

Disappointment was expressed at the slight drop off in performance with regard to the management of anti-social behaviour cases, however it was recognised that previous years' performance had been higher than average and difficult to maintain. Improved performance was set as a target for 2014/2015, with a focus on support to tenants.

***RESOLVED –**

- (1) That the Annual Report to tenants be approved and submitted to the HCA.
- (2) That a full copy of the Annual Report be published on the Council's website and a summary of it be sent out to all tenants as part of the Autumn edition of 'Our Homes'.
- (3) That the performance targets for 2014/15 contained within the Annual Report be approved.

REASON FOR DECISIONS

To ensure compliance with the requirements of the HCA.

66 NON TRADITIONAL STOCK CONDITION SURVEY (H000)

The conduct of a Structural Survey of a 10% sample of Non-Traditional Housing Stock had been approved by the Executive Member for Housing in April 2013 (Decision Record No. 88/12/13) in order to assess building structure and condition, and to advise on the extent, cost and financial viability of structural refurbishment to ensure a minimum future life of 30 years.

The Housing Services Manager – Business Planning and Strategy submitted a report on the findings of the Structural Survey of the Non-Traditional Housing Stock and sought approval:

- to procure a suitable contractor to carry out the recommended works to the ‘BL8’ and ‘Cornish’ construction type properties;
- to procure consultants to provide advice and a contract administrator role in relation to the works to be carried out to non-traditional properties; and
- to carry out a detailed option appraisal with regard to the ‘Unity’ construction type properties.

***RESOLVED -**

- (1) That the Structural Survey of the Non-traditional Housing Stock be received.
- (2) That the Housing Services Manager – Business Planning and Strategy be authorised to update the HRA Business Plan to incorporate the Non-traditional Stock Condition Survey results and that a further report be submitted to Cabinet.
- (3) That the Housing Services Manager – Business Planning and Strategy be authorised to procure consultants, in accordance with the Council’s Standing Orders, to provide structural / technical advice and act as contractor administrators in relation to the proposed investment in the non-traditional housing stock and any associated options appraisal.
- (4) That the Housing Services Manager – Business Planning and Strategy be authorised to carry out an open tender process, in accordance with the Council’s Standing Orders, to procure a suitable contractor to carry out the recommended works to the BL8 and Cornish properties and that the costs associated with this work be met from the 2014/15 Housing Capital Programme.
- (5) That the Housing Services Manager – Business Planning and Strategy be authorised to carry out a detailed option appraisal on the investment needs associated with the Unity properties and the options available to the Council, and that a further report be submitted to Cabinet.

REASONS FOR DECISIONS

To contribute to meeting the Council's Corporate priority 'To improve the quality of life for local people' by improving the quality of housing in the Borough.

To contribute to improved performance against the key performance indicator NI158 (% Decent Council Homes).

To contribute to the actions set out in the Council's Home Energy Conservation Act (HECA) Plan.

67 **CONSIDERATION OF THE REPORT AND RECOMMENDATIONS OF THE ENTERPRISE AND WELLBEING SCRUTINY COMMITTEE ON MATTERS REGARDING THE WATER RATES COLLECTION PROCESS AND RELATED EVICTIONS POLICY**

Councillor Flood presented a report on the findings of the Scrutiny Project Group which had carried out a review of the Council's water rates arrears evictions policy and water rates collection process. The Enterprise and Wellbeing Scrutiny Committee had considered and revised recommendations of the Project Group (Minute No. 38 (2013/2014)).

The recommendations made were:

- (i) That officers report to Scrutiny in six months time, as to the outcome/progress on the water rates collection process and technology review.
- (ii) That an update be made to Scrutiny when the Contract with Severn Trent Water is formally signed, and again after one year.
- (iii) That support be given to reviewing the Tenant's information to:
 - (a) include more robust and prominent information on support available and advice regarding water rates and water meters.
 - (b) re-emphasise to all tenants the importance of communication with Revenues and Tenancy Support, if it is likely that the tenant may be approaching financial difficulties that may lead to arrears.

- (iv) That a progress report be made to Scrutiny in six months time, monitoring the number of evictions for water rates arrears.
- (v) That the Council's policy and procedure document in respect of evictions for arrears of water rates only, be amended to adopt the wording set out in Appendix 2 to the report.

The Enterprise and Wellbeing Scrutiny Committee's report and recommendations were now required to be considered by Cabinet in accordance with Scrutiny Procedure Rules.

***RESOLVED –**

- (1) That thanks be conveyed to Members of the Scrutiny Review Panel and the Enterprise and Wellbeing Scrutiny Committee for their work and observations on the Council's approach to the water rates arrears evictions policy and water rates collection process.
- (2) That the recommendations at (i), (ii), (iii), (iv) and (v) above be agreed.

REASON FOR DECISION

To review the Council's policy in relation to water rates arrears evictions and the water rates collection process.

68 ESTABLISHMENT OF INFORMATION AND BOOKING HUB (L000)

The Cultural and Visitor Services Manager submitted a report to recommend for approval the establishment of a hub combining the Theatres Box Office, Visitor Information Service, Arts Development, events, venue hire and promotions for Cultural and Visitor Services, to be located at the Visitor Information Centre, and to identify the Council's funding for the capital works.

At present, three buildings (Pomegranate Theatre, The Winding Wheel and the Visitor Information Centre) were open to the public for the sale of tickets, the making of bookings and the provision of information, which incurred significant costs in staffing and utility charges.

It was proposed that the Visitor Information Centre became the main hub for all bookings for the Pomegranate Theatre, Winding Wheel, Market Hall Assembly Rooms and Hasland Village Hall in order to achieve savings, and improve the level of customer service.

To establish the new hub, some structural work was required to the upstairs office of the Visitor Information Centre. Additional ICT and an upgrade to the telephone system were also required. The proposed layout was attached to the report at Appendix A. It was requested that the costs of the necessary alterations be financed from the Council's Invest to Save Fund. It was estimated that the proposals would create savings of £7000 per year in staffing costs, with additional savings in utility costs.

The human resource implications of the proposed changes were outlined in the report. Consultation with staff and trade unions had taken place.

Alternative options of remaining with the current service across three buildings, or locating the information and booking hub at a different site were considered, however the proposed location at the Visitor Information Centre was recommended as it was centrally located, fully accessible to both staff and members of the public and had the capacity to accommodate the centralised service.

***RESOLVED –**

- (1) That the creation of a hub combining the Theatres' Box Offices, Visitor Information Service, Arts Development, events, venue hire and promotions for Cultural and Visitor Services, located at the Visitor Information Centre, be approved.
- (2) That it be recommended to Full Council to approve:
 - (i) The inclusion of the development of a combined information and booking hub in the Capital Programme
 - (ii) That £23,000 from the Council's Invest to Save Fund is allocated for the necessary works to the Visitor Information Centre.

REASONS FOR DECISIONS

To reduce the costs of service delivery and retain a quality service to the public.

69 **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 involved the likely disclosure of exempt information as defined in Paragraphs 1 and 3 of Part I of Schedule 12A to the Local Government Act 1972 – as they contained information relating to an individual and information relating to financial and business affairs.

70 **QUEEN'S PARK SPORTS CENTRE- LEGAL AGREEMENTS AND FUNDING ARRANGEMENTS (L000)**

The Contracts Solicitor submitted a report:

- to provide an update on progress with delivery of the new Queen's Park Sports Centre;
- to provide information on the Sport England grant application process;
- to provide an update on negotiations with Chesterfield College; and
- to seek authorisation to enter into the legal agreements required to complete the new Queen's Park Leisure Centre project.

The new leisure centre was agreed as a dual use facility, with Chesterfield College contributing £2.5 million towards the capital cost and making an annual revenue contribution in return for use of the new facility. Negotiations with Chesterfield College were near completion and approval was sought for the Contracts Solicitor to complete the Collaboration Agreement and the Lease document between Chesterfield College and the Council.

Sport England had advised that the Council's grant application had been successful, subject to the satisfactory completion of grant documentation.

The funding decision was required to remain confidential until after the Commonwealth Games 2014. The grant was to be for the maximum amount of £2 million. It is expressed as a maximum as the costs must first be spent and then claimed back.

A significant condition of the grant was that a restriction was required to be registered against the Council's title to the site upon which the leisure centre was to be built. The effect of the charge was to prevent the Council from charging or selling the site without Sport England's permission, with conditions attached that might require the Council to repay all or part of the grant. The restriction was to apply for 25 years.

In order to accept the Sport England grant, the legal agreement had to be in place imminently. Exemption from call in was therefore sought to ensure that the decisions could be implemented immediately.

Councillor Russell requested that his vote against the recommendations at paragraphs 7.1, 7.2, 7.3 and 7.4 of the report be recorded.

***RESOLVED -**

- (1) That the progress of the plans for the development of the new Queen's Park Sports Centre be noted.
- (2) That the Contracts Solicitor be authorised to make such alterations and amendments as may be necessary to the Legal Agreements and including to reflect any final negotiations.
- (3) That the Contracts Solicitor be authorised to take such steps as required to achieve legal completion of the documents and bind the Council to the Legal Agreements (and anything ancillary thereto). The Legal Agreements are:
 - (i) the Collaboration Agreement between Chesterfield College and the Council setting out the rights and obligations between the parties relating to the lease and the new Queen's Park Sports Centre
 - (ii) the Lease document between Chesterfield College and the Council.
 - (iii) The JCT Design and Build Contract (with amendments)

between the Council and Morgan Sindall PLC setting out the rights and obligations pertaining to the build of the facility.

- (iv) The Sport England Grant Agreement between Sport for England and the Council, being a deed to set forth the terms upon which grant will be made available for the project.
- (4) That the decisions at (2) and (3) above constitute urgent decisions exempt from call-in for scrutiny in accordance with paragraph 14.15 of the Scrutiny Procedure Rules.

REASONS FOR DECISIONS

To enable the Council to meet its Corporate Plan key project of building a new facility to replace the existing Queen's Park Leisure Centre and to ensure that the Council has the benefit of the Legal Agreements.

To ensure the legal agreements take effect by the relevant deadlines.

71 NORTHERN GATEWAY SITE (R000)

Further to Minute No. 0247 (2011/2012), a report was submitted by the Development and Growth Manager on progress with the Northern Gateway scheme.

It was recommended that the Council's relationship with Wilson Bowden, as preferred development partner, be ceased. This was due to the changes in the market since May 2012 when Wilson Bowden were selected. It no longer seemed viable for a large foodstore to be included in the development as an anchor tenant and Wilson Bowden had confirmed that there was no longer a commercially viable scheme for the Northern Gateway site that they would be interested in delivering.

It was proposed that the Council explore an alternative scheme with Muse, the reserve bidder who had remained interested in the site.

The report considered the alternative option of stopping the development of the Northern Gateway site in the short to medium term, however this was not considered the best option to ensure the continued viability of Chesterfield town centre and to progress the regeneration of one of the town's key gateway sites.

***RESOLVED –**

- (1) That the report be noted and that the Council's relationship with Wilson Bowden, as preferred development partner, be ceased.
- (2) That an alternative scheme be explored with Muse, the previous reserve bidder, having regard to the changes in the market since the competitive dialogue process was undertaken.

REASON FOR DECISIONS

To enable development of the Northern Gateway site as a key element of the Chesterfield Town Centre Masterplan and to maintain the vitality and viability of the town centre by strengthening its role as a key visitor destination.

72 PURCHASE OF FORMER RIGHT TO BUY AT CARSINGTON CLOSE, HOLME HALL, CHESTERFIELD (H000)

The Housing Services Manager – Business Planning and Strategy submitted a report seeking approval for Housing Services to purchase the property at 34 Carsington Close, Holme Hall, Chesterfield under the Right-to-Buy buy-back legislation.

The Housing Act 2004 introduced the Right of First Refusal (RFR) that gave Local Authorities the first opportunity to 'buy-back' properties being sold by former tenants who had acquired their properties under the Right-To-Buy scheme.

The Carsington Close property was originally purchased through the Right-to-Buy scheme in 2008. In June 2014 the Council were advised of the proposed sale of 34 Carsington Close by solicitors working for the current owners. The Council had 8 weeks to decide whether to purchase the property at current market value, and a further 12 weeks after such notice was given, to enter into a binding contract.

This was the first property that was proposed to be bought back under these regulations as it was determined to be more cost effective to buy this existing property than to build a new property.

It was also proposed that a policy be prepared for both Right-to-Buy re-purchases and Strategic Acquisitions as a more cost effective way of providing new affordable housing than new build

***RESOLVED**

- (1) That the purchase of 34 Carsington Close, Holme Hall, Chesterfield be approved and that the costs be met from the Housing Revenue Account Capital Programme.
- (2) That any costs associated with the purchase of the property and any associated repairs to bring it up to a lettable standard be met from the Housing Revenue Account.
- (3) That a further report is brought to Cabinet setting out policies for the purchase of former Right-to-Buy properties and wider strategic acquisitions such as former Housing Association Properties, section 106 agreements and opportunities to purchase land adjacent to Council owned assets.

REASONS FOR DECISIONS

To help meet the demand for affordable two bedroom homes.

To consider alternative ways in which to increase the Council's supply of affordable housing and ensure a sustainable Housing Revenue Account Business Plan for the future.