

BOROUGH OF CHESTERFIELD

You are summoned to attend a Meeting of the **Council** of the **Borough of Chesterfield** to be held in the Council Chamber, Town Hall, Rose Hill, Chesterfield S40 1LP at the **Town Hall** on **Wednesday, 16 October 2013** at **5.00 pm** for the purpose of transacting the following business:-

1. To approve as a correct record the Minutes of the meeting of the Council held on 24 July, 2013. (Pages 1 - 8)
2. Mayor's Communications.

To receive the Mayor's announcements and any apologies for absence.
3. Declarations of Members' and Officers' Interests relating to items on the Agenda.
4. Public Questions to the Council

To receive questions from members of the public in accordance with Standing Order No. 10.
5. Petitions to Council.

To receive petitions submitted under Standing Order No. 10A.
6. Treasury Management Annual Report 2012/13 and Monitoring Report 2013/14. (Pages 9 - 26)
7. Discretionary Housing Payments Report (Pages 27 - 48)
8. Introduction of Scrap Metal Act 2013. (Pages 49 - 56)
9. Membership of Committees 2013/14 (Pages 57 - 58)
10. To receive the Minutes of the meetings of the Appeals and Regulatory Committee of 17, 24 and 31 July, 7, 21 and 28 August, 4, 11, 18 and 25 September, 2013. (Pages 59 - 80)
11. To receive the Minutes of the meetings of the Cabinet of 23 July, 10 and 24 September, 2013. (Pages 81 - 106)
12. To receive the Minutes of the Employment and General Committee of 7 August, 2013. (Pages 107 - 120)
13. To receive the Minutes of the meeting of the Joint Cabinet and


Employment and General Committee of 23 July, 2013. (Pages 121 - 126)

14. To receive the Records of Decision Licensing Committee of 11, 17, 25 and 26 September, 2013. (Pages 127 - 134)
15. To receive the Minutes of the meetings of the Planning Committee of 15 July, 5 and 27 August, 16 September and 7 October, 2013. (Pages 135 - 218)
16. To receive the Minutes of the meeting of the Standards and Audit Committee of 20 September, 2013. (Pages 219 - 222)
17. To receive and adopt the Minutes of the meeting of the Community, Customer and Organisational Scrutiny Committee of 1 August, 2013. (Pages 223 - 230)
18. To receive and adopt the Minutes of the meeting of the Enterprise and Wellbeing Scrutiny Committee of 5 September, 2013. (Pages 231 - 238)
19. To receive and adopt the Minutes of the meeting of the Overview and Performance Scrutiny Forum of 25 July and 26 September, 2013. (Pages 239 - 254)
20. Notice of Motion under Standing Order No. 12:-
 - (1) That the Secretary of State help protect community pubs in England by ensuring that planning permission and community consultation are required before community pubs are allowed to be converted to betting shops, supermarkets and pay-day loan stores or other uses, or are allowed to be demolished.
 - (2) The Council notes that if this power was acquired it would allow the Council to determine if the pubs should be demolished or converted into other uses and could save many valued community pubs.
 - (3) The Council resolves to submit the proposal to the government under the Sustainable Communities Act and to work together with Local Works and the Campaign for Real Ale to gain support for the proposal from other councils in the region and across the country.

(Councillor M. A. Higginbottom)
21. Questions under Standing Order No. 20.

To receive questions from Councillors in accordance with Standing Order No. 20.

By order of the Council,

A handwritten signature in black ink, appearing to read 'Huw Jones', with a small dot at the end.

Chief Executive

Chief Executive's Unit,
Town Hall,
Chesterfield

9 October 2013

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COUNCIL MEETING

Wednesday, 24th July, 2013

Present -

The Mayor

Councillor Allen
Bagley
Barr
Bingham
Blank
Bradford
Brittain
Brown
Burrows
Callan
Clarke
Davenport
Diouf
Dyke
Elliott
Fanshawe
Flood
Gibson
Gilby
Hawksworth
Higginbottom

Councillor Hill
Hollingworth
Huckle
Innes
Lang
Lowe
Ludlow
McManus
Miles
Morgan
Avis Murphy
Tom Murphy
Niblock
Mark Rayner
Neil Rayner
Russell
Serjeant
Simmons
David Stone
Martin Stone

0007 MINUTES

RESOLVED - That the Minutes of the meetings of Council held on 24th April and 8th May, 2013, be approved as a correct record, and signed by the Chair.

0008 MAYOR' S COMMUNICATIONS

The Mayor referred with sadness to the death of Alderman Michael Caulfield, a previous Councillor and Mayor of Chesterfield Borough Council.

Members observed a minute's silence in memory of Alderman Caulfield.

The Mayor announced that he had sent sincere congratulations to the Duke and Duchess of Cambridge on the birth of their son, on behalf of the residents of Chesterfield.

The Mayor welcomed newly elected Labour Members, Councillors Linda Clarke and Helen Bagley to their first full Council meeting. He also welcomed

Councillors Stewart Bradford and Denise Hawksworth back following their recent illnesses.

The Mayor went on to highlight the following Mayoral engagements attended since the previous meeting:-

- the Service of Dedication at the Crematorium, to mark the opening of the Garden of Remembrance for Stillborn and Neonatal Deaths on 2nd June. The garden was themed on Peter Pan's Never Never Land with a "Memories Tree" at its centre.
- the presentation of New Colours to the Mercian Regiment on 6th June.
- attendance at the re-opening of Eastwood Park on 9th June, following its restoration.

The Mayor made reference to the truly inspirational ladies who had participated in the Annual Race for Life, which had taken place in the town centre on 16th June.

The Mayor announced that his first charity appeal event had taken place on Sunday 21st July and been a great success.

0009 DECLARATIONS OF MEMBERS' AND OFFICERS' INTERESTS RELATING TO ITEMS ON THE AGENDA

There were no declarations.

0010 QUESTIONS FROM THE PUBLIC

In accordance with Standing Order No. 10, Mrs A Bell, Mr P King and Mr R Fearn submitted questions relating to the Council's plans to replace the Queen's Park Sports Centre.

Councillor Serjeant replied to the questions.

0011 PRESENTATION OF PETITIONS TO COUNCIL

In accordance with Standing Order No. 10A, Council debated the following petition received from Mr Alan Maris on 3rd May 2013 in respect of the planned Queen's Park Sports Centre replacement project ...

"No to the dual usage scheme with Chesterfield College.

No to building on Queen's Park Annexe at £9 million.

Yes to renovating the existing Queen's Park at £3.76 million.

Yes to holding onto the Queen's Park Annexe as an Athletics arena and multi use facility for the future."

Mr. Alan Maris, the Lead Petitioner, attended Council to present the petition, answer questions and respond to the debate.

- RESOLVED** - (1) That the Council receives and notes Mr Maris' petition against the Council's plans to construct a new leisure centre at the Queen's Park Annexe to replace the existing Queen's Park Sports Centre and to operate the new centre through a dual-use agreement with Chesterfield College.
- (2) That the petition and tonight's 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.

No other petitions were presented to Council.

0012 ELECTION TO THE BOROUGH COUNCIL - 2ND MAY, 2013

The Head of Governance reported that Councillor Helen Bagley had been elected as Councillor for St. Helen's Ward and Councillor Linda Clarke had been elected as Councillor for St Leonard's Ward at the by-elections held on the 2nd May, 2013.

- RESOLVED** - That it be noted that Councillor Bagley has been elected as Councillor for St. Helen's Ward and that Councillor Linda Clarke has been elected as Councillor for St Leonard's Ward.

0013 MEMBERSHIP OF COMMITTEES - 2013/14

The Head of Governance reported on a number of proposed changes to Committee memberships.

- RESOLVED** - (1) That the following changes to Committee memberships be approved:
- Appointment of Councillor Lowe to Planning Committee in place of Councillor Bagley.
 - Appointment of Councillor Flood to Appeals and Regulatory Committee in place of Councillor Bellamy.
 - Appointment of Councillor Ludlow to Licensing Committee to replace Councillor Lowe.

- (2) That Councillor Flood be appointed as Chair of Appeals and Regulatory Committee and Licensing Committee for the remainder of the Council Year.
- (3) That Councillor Miles be appointed as Vice-Chair of Appeals and Regulatory Committee and Licensing Committee for the remainder of the Council Year.

0014 CHESTERFIELD LOCAL PLAN: CORE STRATEGY ADOPTION

Pursuant to Minute No. 0052 of Cabinet, the Head of Regeneration submitted a report seeking Council approval to adopt the Local Plan Core Strategy, incorporating the recommended modifications and to agree to the recommended actions for the set of Supplementary Planning Documents.

- RESOLVED -**
- (1) That the Inspector's report, attached at Appendix A to the report, be noted.
 - (2) That the Local Plan: Core Strategy, attached at Appendix B to the report, incorporating the recommended modifications be adopted.
 - (3) That the Head of Regeneration and Deputy Leader and Executive Member for Planning be given delegated authority to make any minor changes (including formatting and images) necessary to make the Local Plan: Core Strategy ready for printing and uploading to the Council's website.
 - (4) That the recommended actions for the set of Supplementary Planning Documents be approved.

0015 RISK MANAGEMENT STRATEGY AND ANNUAL REPORT

The Head of Finance reported on Risk Management developments at the Council during 2012/13 and sought Council approval for a number of recommended updates to the Risk Management Policy, Strategy and Corporate Risk Register.

- RESOLVED -**
- (1) That the progress made in developing the Council's approach to risk management during 2012/13 be noted.
 - (2) That the updated Risk Management Policy, Strategy and Corporate Risk Register be approved.

0016 GENERAL FUND CAPITAL PROGRAMME 2013/14 TO 2015/16

Pursuant to Minute No. 0065 of Cabinet, the Head of Finance submitted a report seeking Council approval to the updated General Fund capital expenditure programme and financing arrangements, the revised Treasury Management

Prudential Indicators and the proposals for addressing the financing gap.

- RESOLVED -**
- (1) That the updated General Fund Capital Programme expenditure and financing arrangements be approved.
 - (2) That the revised Treasury Management Prudential Indicators be approved.
 - (3) That the proposals for addressing the financing gap in 2013/14 be approved.

0017 REVIEW OF REVISED OVERVIEW AND SCRUTINY ARRANGEMENTS

Pursuant to Minute No. 0056 of Cabinet, the Scrutiny Officer submitted a report setting out the outcomes of a recent review of the Council's revised overview and scrutiny arrangements.

- RESOLVED -**
- (1) That the new overview and scrutiny committees and arrangements be retained and their operation and effectiveness be further evaluated in 12 months.
 - (2) That the following working arrangements be confirmed:
 - (a) That the new scrutiny link officer role be retained, further developed and promoted.
 - (b) That the new scrutiny committee pre-agenda meetings be retained, further developed and promoted.
 - (c) That the Scrutiny Project Group initiation and scoping process be further developed and supported with appropriate guidance and procedures.
 - (d) That administrative support for Scrutiny Project Groups be provided by the Committee Services Team, or the Business Support Unit, when requested.
 - (e) That the new constitutional Scrutiny Procedure Rules and informal protocols be retained, further developed as necessary and re-evaluated in a further 12 months.
 - (f) That informal meetings between the scrutiny chair, vice-chair and cabinet portfolio holders be introduced as required.
 - (g) That ongoing learning and development opportunities be increased and further development and improvement of the overview and scrutiny arrangements over the next 12 months take into consideration the findings of the

evaluation survey.

- (h) That promotion of Overview and Scrutiny takes place through the Borough Bulletin and Service Team Meetings to further raise the profile, awareness and understanding of the function.
- (i) That the Head of Governance provide a further report following evaluation after a further 12 months of operation.

0018 MINUTES OF APPEALS AND REGULATORY COMMITTEE

RESOLVED - That the Minutes of the meetings of the Appeals and Regulatory Committee of 17th April, 1st, 8th, 15th, 22nd, 29th May, 5th, 12th June, 3rd and 10th July, 2013 be noted.

0019 MINUTES OF CABINET

RESOLVED - That the Minutes of the meetings of Cabinet of 23rd April, 14th May, 4th, 11th, 25th June and 9th July, 2013 be noted.

0020 MINUTES OF COMMUNITY FORUMS

RESOLVED - That the Minutes of the following meetings of Community Forums be noted:-

Barrow Hill and Whittington - 20th March, 2013
 Brimington and Tapton - 6th March, 2013
 Dunston, Moor and St. Helen's - 12th March, 2013
 Hasland and St. Leonard's - 5th March, 2013
 Holmebrook and Rother - 5th March, 2013
 Newbold and Brockwell - 6th March, 2013
 Staveley - 21st March, 2013
 Walton and West - 26th March, 2013

0021 MINUTES OF JOINT CABINET AND EMPLOYMENT AND GENERAL COMMITTEE

RESOLVED - That the Minutes of the meeting of the Joint Cabinet and Employment and General Committee of 11th June, 2013 be noted.

0022 RECORDS OF DECISION OF LICENSING COMMITTEE

RESOLVED - That the records of decision of the Licensing Committee of 9th, 29th May, 26th and 27th June, 2013 be noted.

0023 MINUTES OF PLANNING COMMITTEE

RESOLVED - That the Minutes of the meetings of the Planning Committee of 22nd April, 13th May, 3rd and 24th June, 2013 be noted.

0024 MINUTES OF STANDARDS AND AUDIT COMMITTEE

RESOLVED - That the Minutes of the meeting of the Standards and Audit Committee of 3rd July, 2013 be noted.

0025 MINUTES OF COMMUNITY, CUSTOMER AND ORGANISATIONAL SCRUTINY COMMITTEE

RESOLVED - That the Minutes of the meeting of the Community, Customer and Organisational Scrutiny Committee of 30th May, 2013 be approved.

0026 MINUTES OF ENTERPRISE AND WELLBEING SCRUTINY COMMITTEE

RESOLVED - That the Minutes of the meetings of the Enterprise and Wellbeing Scrutiny Committee of 18th April and 27th June, 2013 be approved.

0027 NOTICE OF MOTION UNDER STANDING ORDER NO. 12

There were no questions.

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FOR PUBLICATION

AGENDA ITEM:

TREASURY MANAGEMENT ANNUAL REPORT 2012/13 AND MONITORING REPORT 2013/14 (J070R)

MEETING: COUNCIL
DATE: 16TH OCTOBER 2013
REPORT BY: HEAD OF FINANCE
WARD: ALL
FORUM ALL
KEY DECISION REF: 290

FOR PUBLICATION

BACKGROUND PAPERS

Local Government Act 2003, CIPFA Prudential Code & Guidance,
Accountancy Services' final accounts working papers.

1. PURPOSE OF REPORT

- 1.1 To consider the Annual Treasury Management Report for 2012/13.
- 1.2 To consider the Treasury Management activities for the first five months of 2013/14.

2. RECOMMENDATIONS

- 2.1 That the Council is recommended to:
 - (i) Note the outturn Prudential Indicators for 2012/13;
 - (ii) Note the treasury management stewardship report for 2012/13;
 - (iii) Note the treasury management position for the first five months of 2013/14
- 2.2 That the Council notes that the reports have been scrutinised and approved for submission to the Cabinet and the Council by the Standards and Audit Committee.

3. BACKGROUND

- 3.1 The Council's Treasury Management Strategy requires the full Council to receive three treasury reports each financial year; the Strategy report before the start of each financial year, an annual report for the previous financial year and a mid-year review for the current year.
- 3.2 The Annual Report for 2012/13 is attached at Annexe 1. The report meets the requirements of both the CIPFA Code of Practice on Treasury Management and the CIPFA Prudential Code for Capital Finance in Local Authorities. The Council is required to comply with both Codes through Regulations issued under the Local Government Act 2003.
- 3.3 Following the Icelandic banks collapse in 2008 the regulatory framework places a much greater emphasis on the review and scrutiny by Members of treasury management activities. The attached report provides details of the treasury management activities in 2012/13 and confirms compliance with the Council's approved policies.
- 3.4 The report was considered by Cabinet at Minute No. 0083 and Standards and Audit Committee at Minute No. 0018 where it was recommended to Council for approval.

4. SUMMARY OF THE ANNUAL REPORT

- 4.1 During 2012/13, the Council complied with its legislative and regulatory requirements. The key actual prudential and treasury indicators detailing with the impact of capital expenditure activities during the year, with comparators, are as follows:

Actual prudential and treasury indicators	2011/12 Actual £'000	2012/13 Revised £'000	2012/13 Actual £'000
Actual capital expenditure	132,027*	21,850	19,950
Capital Financing Requirement:			
- General Fund	7,848	8,297	8,357
- HRA	142,680	142,680	142,680
- Total	150,528	150,977	151,037
External debt	152,159	147,253	146,742
Investments – all under 1 year	25,041	23,701	24,202
Net borrowing	127,118	123,552	122,540

* includes £117m capital payment re HRA self financing

- 4.2 Other prudential and treasury indicators are to be found in Annexe 1. The Head of Finance also confirms that borrowing over the medium term is only undertaken for a capital purpose and the statutory borrowing limit (the authorised limit), was not breached in 2012/13.
- 4.3 The financial year 2012/13 continued the challenging environment of previous years; low investment returns and continuing counterparty risk continued. There was a large differential between borrowing and investments rates during the year.
- 4.4 New long term borrowing of £1m was taken in 2012/13 over 20.5 years at an interest rate of 2.79%.
- 4.5 Repayments of £1m were made during the year.

5. 2013/14 MID YEAR REVIEW

5.1 Annual Investment Strategy

In accordance with the Cipfa Code and the Council's Investment Strategy, the investment priority is to ensure security and liquidity of capital, and to obtain an appropriate level of return which is consistent with the Council's risk appetite. In the current economic climate with the Bank Rate at just 0.5% investment returns are at a historically low level. The continuing uncertainty of any economic recovery and its potential impact on banks, prompts a low risk and short term strategy. Officers can confirm that the approved limits within the Annual Investment Strategy were not breached during the five months ended 31.08.2013.

5.2 Internally Managed Cash Balances

In the first quarter of the year the interest rates achieved were above those assumed when setting the budget (1.22% against 1.05%). The average internal investment balance and the temporary borrowing requirement have been higher than the assumptions in the original budget. The net internal investment returns are forecast to be £38,000 above the original budget target for the year.

5.3 Performance of External Fund Manager

In the performance monitoring report for the quarter ended 30th June 2013 Sector commented on Investec's performance as follows:

"The Fund performed below the benchmark due largely to the gilt market moving against the Fund Manager. The gilts were acquired on

a buy and hold basis as opposed to a tactical stance. Investec are expecting a gilt market correction, which if it comes to fruition will allow the manager to recoup some or all of the capital loss in the forthcoming quarter. Money market rates are expected to show little or no change and the Manager is likely to be faced with limited opportunities to find a pick up in yield in the money market to enhance overall portfolio performance.”

The gross return achieved to the end of July was a loss of 0.07%, compared to the budget target for the year of 1.0%. The 1.0% target however is unlikely to be achieved.

- 5.4 No new long term borrowing has been undertaken in the year to date.
- 5.5 Repayments of principal of £1.05m have been made during the year.
- 5.6 No debt rescheduling was undertaken to date.
- 5.7 Compliance with Treasury & Prudential Limits

In the first part of the financial year the Council has operated within the treasury limits and Prudential Indicators set out in the Council’s Treasury Management Strategy Statement and in compliance with the Council’s Treasury Management Practices.

The main Prudential Indicators relating to borrowing are:

- Authorised Borrowing Limit – the limit for the year was set at £162m, the limit has not been breached.
- Operational Boundary – this was set at £150.65m for the year, again the limit has not been breached.

6. RECOMMENDATIONS

- 6.1 That the Council is recommended to:
 - (i) Note the outturn Prudential Indicators for 2012/13;
 - (ii) Note the treasury management stewardship report for 2012/13;
 - (iii) Note the treasury management position for the first five months of 2013/14
- 6.2 That the Council notes that the reports have been scrutinised and approved for submission to the Cabinet and the Council by the Standards and Audit Committee.

7. REASON FOR RECOMMENDATION

- 7.1 To comply with the Council's Treasury Management Policy and Practices, the CIPFA Code of Practice on Treasury Management (2009) and the CIPFA Prudential Code for Capital Finance in Local Authorities (2009).

**B DAWSON
HEAD OF FINANCE**

Further information on this matter can be obtained from Barry Dawson, Head of Finance Services (ext. 5451).

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Annual Treasury Management Review 2012/13

Annual Treasury Management Review 2012/13

Purpose

This Council is required by regulations issued under the Local Government Act 2003 to produce an annual treasury management review of activities and the actual prudential and treasury indicators for 2012/13. This report meets the requirements of both the CIPFA Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code).

During 2012/13 the minimum reporting requirements were that the full Council should receive the following reports:

- an annual treasury strategy in advance of the year (Council 28/02/2012)
- a mid year (minimum) treasury update report (Council 16/10/2012)
- an annual review following the end of the year describing the activity compared to the strategy (this report)

The regulatory environment places responsibility on members for the review and scrutiny of treasury management policy and activities. This report is important in that respect, as it provides details of the outturn position for treasury activities and highlights compliance with the Council's policies previously approved by members.

This Council also confirms that it has complied with the requirement under the Code to give prior scrutiny to all of the above treasury management reports by the Standards & Audit Committee before they were reported to the full Council.

Executive Summary

During 2012/13, the Council complied with its legislative and regulatory requirements. The key actual prudential and treasury indicators detailing the impact of capital expenditure activities during the year, with comparators, are as follows:

Prudential and treasury indicators	2011/12 Actual £000	2012/13 Revised £000	2012/13 Actual £000
Capital expenditure	132,027	21,850	19,950
Capital Financing Requirement:			
• General Fund	7,848	8,297	8,357
• HRA	142,680	142,680	142,680
• Total	150,528	150,977	151,037
Net borrowing	127,118	123,552	122,540
External Debt	152,159	147,253	146,742
Investments – all under 1 year	25,041	22,701	24,202

Other prudential and treasury indicators are to be found in the main body of this report. The Head of Finance also confirms that borrowing was only undertaken for a capital purpose and the statutory borrowing limit (the authorised limit), was not breached.

The financial year 2012/13 continued the challenging investment environment of previous years, namely low investment returns and continuing heightened levels of counterparty risk.

1. The Council's Capital Expenditure and Financing 2012/13

The Council undertakes capital expenditure on long-term assets. These activities may either be:

- Financed immediately through the application of capital or revenue resources (capital receipts, capital grants, revenue contributions etc.), which has no resultant impact on the Council's borrowing need; or
- If insufficient financing is available, or a decision is taken not to apply resources, the capital expenditure will give rise to a borrowing need.

The actual capital expenditure forms one of the required prudential indicators. The table below shows the actual capital expenditure and how this was financed.

	2011/12 Actual £000	2012/13 Revised £000	2012/13 Actual £000
General Fund capital expenditure	2,367	4,963	3,739
HRA capital expenditure	129,660	16,887	16,211
Total capital expenditure	132,027	21,850	19,950
Financed by:			
• Capital receipts	609	1,157	1,247
• Capital grants/contributions	1,287	4,882	4,047
• Capital reserves	5,986	-	-
• Revenue	6,927	14,848	13,634
• Unfinanced/Borrowing	117,218	963	1,022
Total capital financing	132,027	21,850	19,950

2. The Council's Overall Borrowing Needs

The Council's underlying need to borrow for capital expenditure is termed the Capital Financing Requirement (CFR). This figure is a gauge of the Council's debt position. The CFR results from the capital activity of the Council and what resources have been used to pay for the capital spend. It represents the 2012/13 and prior years' net or unfinanced capital expenditure that has not yet been charged to revenue or other resources.

Part of the Council's treasury activities is to address the funding requirements for this borrowing need. This may be sourced through borrowing from external bodies (such as the Government, through the Public Works Loan Board [PWLB] or the money markets), or utilising temporary cash resources within the Council.

Reducing the CFR – the General Fund element of the CFR is reduced each year by a statutory revenue charge.

The total CFR can also be reduced by:

- the application of additional capital financing resources (such as unapplied capital receipts); or
- charging more than the statutory revenue charge (MRP) each year through a Voluntary Revenue Provision (VRP).

The Council's 2012/13 MRP Policy (as required by CLG Guidance) was approved as part of the Treasury Management Strategy Report for 2012/13 on 28/02/2012.

The Council's CFR for the year is shown below, and represents a key prudential indicator.

CFR : General Fund	31 March 2012 Actual £000	31 March 2013 Revised £000	31 March 2013 Actual £000
Opening balance	8,036	7,848	7,848
Add unfinanced capital expenditure (as above)	269	963	1,022
Less MRP/VRP	(457)	(514)	(513)
Closing balance	7,848	8,297	8,357

CFR : HRA	31 March 2012 Actual £000	31 March 2013 Revised £000	31 March 2013 Actual £000
Opening balance	25,731	142,680	142,680
Add unfinanced capital expenditure (as above)	-	-	-
Add adjustment for HRA reform	116,949	-	-
Less VRP	-	-	-
Closing balance	142,680	142,680	142,680

Borrowing activity is constrained by prudential indicators for net borrowing and the CFR, and by the authorised limit.

Net borrowing and the CFR - in order to ensure that borrowing levels are prudent over the medium term the Council's external borrowing, net of investments, must only be for a capital purpose. This essentially means that the Council is not borrowing to support revenue expenditure. Net borrowing should not therefore, except in the short term, have exceeded the CFR for 2012/13 plus the expected changes to the CFR over 2013/14 and 2014/15 from financing the capital programme. This indicator allows the Council some flexibility to borrow in advance of its immediate capital needs in 2012/13. The table below highlights the Council's net borrowing position against the CFR. The Council has complied with this prudential indicator.

	31 March 2012 Actual £000	31 March 2013 Revised £000	31 March 2013 Actual £000
Net borrowing position	127,118	123,552	122,540
CFR	150,528	150,977	151,037

The authorised limit - the authorised limit is the "affordable borrowing limit" required by s3 of the Local Government Act 2003. The Council does not have the power to borrow above this level. The table below demonstrates that during 2012/13 the Council has maintained gross borrowing within its authorised limit.

The operational boundary – the operational boundary is the expected borrowing position of the Council during the year. Periods where the actual position is either below or over the boundary is acceptable subject to the authorised limit not being breached.

The table below shows the highest borrowing position reached in the year (including temporary borrowing and other long term liabilities) compared to the Authorised Limit and Operational Boundary.

	2012/13 Actual £000
Authorised Limit	162,000
Maximum gross borrowing position during 2012/13	150,843
Operational Boundary	150,850
Average gross borrowing position during 2012/13	145,650
Minimum gross borrowing position during 2012-13	142,857

Actual financing costs as a proportion of net revenue stream - this indicator identifies the trend in the cost of capital (borrowing and other long term obligation costs net of investment income) against the net revenue stream.

Financing costs as a proportion of net revenue stream	2011/12 Actual %	2012/13 Revised %	2012/13 Actual %
General Fund	2.97	3.21	3.23
HRA	5.16	16.26	16.19

3. Treasury Position as at March 2013

The Council's debt and investment position is organised by the treasury management service in order to ensure adequate liquidity for revenue and capital activities, security for investments and to manage risks within all treasury management activities. Procedures and controls to achieve these objectives are well established both through Member reporting detailed in the summary, and through officer activity detailed in the Council's Treasury Management Practices. At the beginning and the end of 2012/13 the Council's treasury position was as follows:

	31 March 2012		31 March 2013	
	Principal £000	Rate/ Return	Principal £000	Rate/ Return
Fixed rate funding:				
-PWLB	144,528	7.49%	142,717	4.09%
-Market	30	6.12%	25	6.16%
Variable rate funding:				
-PWLB	-		-	
-Market	7,601	0.35%	4,000	0.39%
Total debt	152,159	7.13%	146,742	4.04%
CFR	150,528	7.10%	151,037	4.04%
Over/ (under) borrowing	1,631		(4,295)	
Investments:				
- in house	3,498	1.58%	2,500	1.99%
- with managers	21,543	1.70%	21,702	1.00%
Total investments	25,041	1.68%	24,202	1.18%

The total debt position was as follows:

	2011/12 Actual £000	2012/13 Revised £000	2012/13 Actual £000
Gross borrowing	150,843	147,253	146,742
Other long term liabilities	-	-	-
Total External Debt	150,843	147,253	146,742

The maturity structure of the debt portfolio was as follows:

	31 March 2012 Actual £000	31 March 2013 Actual £000
Under 12 months	2,798	2,836
12 months and within 24 months	2,798	1,861
24 months and within 5 years	6,544	6,743
5 years and within 10 years	9,536	10,783
10 years and above	122,882	120,519

All investments made were for under one year.

4. The Strategy for 2012/13

The Council's overall core borrowing strategy is as follows:-

- To reduce the revenue costs of debt
- To manage the Council's debt maturity profile, leaving no one future year with a high level of repayments that might cause problems in re-borrowing
- To secure funding at the cheapest cost commensurate with future risk
- To reschedule debt in order to take advantage of potential savings as interest rates change. Any reschedule exercise will be considered in terms of the premiums and discounts on the General Fund and HRA.
- To manage the day to day cash flow of the Authority in order to, where possible, negate the need for short term borrowing.

The Head of Finance will take the most appropriate form of borrowing depending on prevailing interest rates at the time. It is likely that short term fixed rates may provide lower cost opportunities in the short/medium term.

The option of postponing borrowing and running down investment balances will also be considered. This would reduce counterparty risk and offset the expected fall in investment returns.

5. The Economy and Interest Rates

The financial year 2012/13 continued the challenging investment environment of previous years, namely low investment returns and continuing heightened levels of counterparty risk. The original expectation for 2012/13 was that Bank Rate would start gently rising from quarter 4 2014. However, economic growth in the UK was disappointing during the year due to the UK austerity programme, weak consumer confidence and spending, a lack of rebalancing of the UK economy to exporting and weak growth in our biggest export market - the European Union (EU).

The UK coalition Government maintained its tight fiscal policy stance against a background of warnings from two credit rating agencies that the UK could lose its AAA credit rating. Moody's followed up this warning by actually downgrading the rating to AA+ in February 2013 and Fitch then placed their rating on negative watch, after the Budget statement in March. Key to retaining the AAA rating from Fitch and S&P will be a return to strong economic growth in order to reduce the national debt burden to a sustainable level, within a reasonable timeframe.

Annexe 1

Weak UK growth resulted in the Monetary Policy Committee increasing quantitative easing by £50bn in July to a total of £375bn. Bank Rate therefore ended the year unchanged at 0.5% while CPI inflation fell from 3% at the start of the year to end at 2.8% in March, with a fall back to below 2% pushed back to quarter 1 2016. The EU sovereign debt crisis was an ongoing saga during the year with first Greece and then Cyprus experiencing crises which were met with bailouts after difficult and fraught negotiations.

Gilt yields oscillated during the year as events in the ongoing Eurozone debt crisis ebbed and flowed, causing corresponding fluctuations in safe haven flows into / out of UK gilts. This, together with a further £50bn of QE in July and widely expected further QE still to come, combined to keep PWLB rates depressed for much of the year at historically very low levels.

Deposit rates. The Funding for Lending Scheme, announced in July, resulted in a flood of cheap credit being made available to banks and this has resulted in money market investment rates falling sharply in the second half of the year. However, perceptions of counterparty risk have improved after the ECB statement in July that it would do “whatever it takes” to support struggling Eurozone countries. This has resulted in some return of confidence to move away from only very short term investing.

6. Borrowing Outturn for 2012/13

Borrowing – New long term borrowing of £1m was taken in 2012/13.

Rescheduling - No debt rescheduling was undertaken in the financial year.

Repayments – Repayments of £1m were made in the year.

Summary of debt transactions – management of the debt portfolio resulted in a fall in the average interest rate of 3.05%, representing net General Fund savings of £113,000 p.a.

Interest payable on borrowing	2011/12 Actual £000	2012/13 Revised £000	2012/13 Actual £000
General Fund	359	397	399
HRA	1,634	5,518	5,513

7. Investment Outturn for 2012/13

Investment Policy – the Council’s investment policy is governed by CLG guidance, which has been implemented in the annual investment strategy approved by the Council on 28th February 2012. This policy sets out the approach for choosing investment counterparties, and is based on credit ratings provided by the three main credit rating agencies supplemented by additional market data (such as rating outlooks, credit default swaps, bank share prices etc

The investment activity during the year conformed to the approved strategy, and the Council had no liquidity difficulties.

Resources – the Council’s cash balances comprise revenue and capital resources and cash flow monies. The Council’s core cash resources comprised as follows:

Annexe 1

Balance Sheet Resources	31 March 2012 £000	31 March 2013 £000
General Fund Working Balance	1,500	1,750
HRA Balances	6,397	8,276
Earmarked Reserves	8,605	7,896
Revenue Grants unapplied - HRA	148	184
Revenue Grants unapplied - GF	1,038	876
Capital Receipts reserve	-	206
Capital Grants unapplied	1,344	1,117
Total	19,032	20,305

Investments held by fund managers – the Council uses Investec Asset Management as external fund managers to invest part of its cash balances. The performance of the manager is summarised in the table below:

	2011/12 Actual	2012/13 Revised	2012/13 Actual
Average investment balance	£21m	£22m	£22m
Gross return	1.7%	1.0%	1.0%
Net return	1.48%	1.0%	0.74 %
Benchmark – 7 day LIBID compounded	0.48%		0.39%

The end of year report from Sector Treasury Services states that Investec had comfortably outperformed their benchmark during the year. The strong performance was achieved through trading in the gilt market as well as CD activity. The portfolio has been structured in a way to allow the Manager to take advantage of any attractive opportunities that may arise in 2013/14.

Investments held by the Council - the Council's Accountancy team manages the day to day cash flows. Details of the average balances held and the returns are summarised in the table below:

	2011/12 Actual	2012/13 Revised	2012/13 Actual
Average investment balance	£4.5m	£4.4m	£4.5m
Net return	1.58%	1.99%	2.00 %
Benchmark – 7 day LIBID un-compounded	0.48%		0.46%

Counterparty security remains the most important factor but falling credit ratings for the majority of financial institutions means there are only a few counterparties available to the Council for investment. Rates of return on money market funds have continued to fall throughout the year and are now below the bank base rate.

APPENDIX 1: Prudential and Treasury Indicators

1. PRUDENTIAL INDICATORS	2011/12	2012/13	2012/13
Extract from budget and rent setting report	actual	revised	actual
	£'000	£'000	£'000
Capital Expenditure			
General Fund	2,367	4,963	3,739
HRA	129,660	16,887	16,211
TOTAL	132,027	21,850	19,950
Ratio of financing costs to net revenue stream			
General Fund	2.97%	3.21%	3.23%
HRA	5.16%	16.26%	16.19%
Net borrowing requirement General Fund			
brought forward 1 April	8,036	7,848	7,848
carried forward 31 March	7,848	8,297	8,357
in year borrowing requirement	(188)	449	509
Net borrowing requirement HRA			
brought forward 1 April	25,731	142,680	142,680
carried forward 31 March	142,680	142,680	142,680
in year borrowing requirement	116,949	0	0
Net debt	127,118	123,552	122,540
CFR			
General Fund	7,848	8,297	8,357
HRA	142,680	142,680	142,680
TOTAL	150,528	150,977	151,037
Annual change in Cap. Financing Requirement			
General Fund	(188)	449	509
HRA	116,949	-	-
TOTAL	116,761	449	509

2. TREASURY MANAGEMENT INDICATORS	2011/12	2012/13	2012/13
	actual	revised	actual
	£'000	£'000	£'000
Authorised Limit for external debt -			
borrowing	164,000	162,000	162,000
other long term liabilities	-	-	-
TOTAL	164,000	162,000	162,000
Operational Boundary for external debt -			
borrowing	152,200	150,850	150,850
other long term liabilities	-	-	-
TOTAL	152,200	150,850	150,850
Actual external debt	152,159	147,253	146,742
Upper limit for fixed interest rate exposure	50% - 100%	50% - 100%	50% - 100%
Upper limit for variable rate exposure	0% - 50%	0% - 50%	0% - 50%
Upper limit for total principal sums invested for over 364 days (per maturity date)	25%	25%	25%

Maturity structure of fixed rate borrowing during 2012/13	upper limit	lower limit
under 12 months	15%	0%
12 months and within 24 months	15%	0%
24 months and within 5 years	45%	0%
5 years and within 10 years	75%	5%
10 years and above	95%	25%

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FOR PUBLICATION

AGENDA ITEM

DISCRETIONARY HOUSING PAYMENTS (S000R)

MEETING: FULL COUNCIL
DATE: 16 OCTOBER 2013
REPORT BY: CUSTOMER CENTRIC SERVICES MANAGER
WARD: ALL
KEY DECISION REFERENCE (IF APPLICABLE): 333

FOR PUBLICATION

BACKGROUND PAPERS FOR PUBLIC REPORTS: NONE

TITLE: LOCATION:

1.0 PURPOSE OF REPORT

1.1 To seek approval for the adoption of a refreshed Discretionary Housing Payments (DHP) policy and procedures document.

2.0 RECOMMENDATIONS

2.1 That approval for the adoption of a refreshed DHP policy and procedures document be granted.

2.2 That a review be undertaken after 6 months of operation, and a progress report presented.

- 2.3 That monthly reports be presented to Appeals and Regulatory Committee, starting immediately, detailing DHP applications and details of decisions, for information.
- 2.4 That a further review be undertaken when Universal Credit is implemented.

3.0 **BACKGROUND**

- 3.1 The scheme was originally introduced on 2 July 2001, and a policy and procedure document was drawn up and adopted at that time.
- 3.2 Funding and expenditure for recent years is shown in the table below:

Year	Government funding £	Amount awarded £
2013/14	169,828	
2012/13*	79,978	79,881
2011/12	36,300	20,768
2010/11	26,600	24,304
2009/10	25,392	23,074

*2012/13 government funding includes the balance of unspent grant from 2011/12

- 3.3 With the advent of Welfare Reforms in the last few years, the Government has increased the funding available for DHPs and has advocated the use of the funding to alleviate specific issues and circumstances. Unspent funds from 2011/12 were carried forward, at our request, as a one off provision. A Council is allowed to spend up to 2.5 times the government amount (the permitted total), using its own funds.
- 3.4 The replacement of Council Tax Benefit with a local Council Tax Reduction Scheme means that DHP can no longer be used to top up Council Tax Benefit to assist with Council Tax liabilities.
- 3.5 Changes are needed to allow for a DHP award when Universal Credit, including a Housing Allowance, is in payment, once that scheme starts to affect Chesterfield residents.

- 3.6 The refreshed document incorporates amendments to recognise these changes and is attached along with an appendix 1, specifically intended to cover the under-occupation charge, also known as 'bedroom tax'.
- 3.7 The original policy allowed appeals against officer decisions to Members of the Appeals and Regulatory Committee. Since its adoption there has been one appeal heard.
- 3.8 The report was considered by the Appeals and Regulatory Committee on 11th September, 2013 (Minute No. 0070) and Cabinet on 24th September, 2013 (Minute No. 0085). where it was recommended to Council for approval.

4.0 **PROPOSAL**

- 4.1 The document includes provisions for alleviating hardship arising from the implementation of the Welfare Reform changes, including the withdrawal of Housing Benefit for tenants of social landlords who have spare bedrooms.
- 4.2 The refreshed policy also allows for a customer to request the review of a DHP decision to be considered by a panel of senior managers of Customer Services and Community Housing, instead of the Appeals and Regulatory Committee. This change is suggested because of the significant increase in available funds and the uplift in applications.
- 4.3 Initially, monthly monitoring reports will be prepared and submitted to Appeals and Regulatory for information.

5.0 **CONSIDERATIONS**

- 5.1 There have been significant changes and the policy and procedure document is no longer fit for purpose.
- 5.2 More detailed guidance is needed for customers, their advisers and the staff involved in administering the scheme.

5.3 More requests for decisions to be reviewed are anticipated due to there being more applications and the increased likelihood of hardship as Welfare Reforms start to bite. 299 awards were made in 2012/13. The following table shows the position in financial year 2013/14, 1st April to 31st July:

5.4

No. of awards	No. refused	No. yet to be decided	Gov't. Funding £	Committed to date £
232	78	78	169,828	60,000

Senior managers of Customer Services and Community Housing are working closely together to give residents, including tenants of social landlords, the best possible advice to resolve their Housing difficulties. A DHP may be an appropriate temporary solution whilst alternative Housing provision is sought.

5.5 It is imperative that these decisions, reviews and appeals are processed speedily to enable customers to make life choices, such as where they can afford to live, in full knowledge of all of the facts. Managers are committed to facilitating this for our residents.

5.6 Consistent decision making is critical if customers are to receive an equitable and fair service. This can only be achieved in full knowledge of decisions made, to award or not, whether challenged or not. This evidence is readily available to officers.

6.0 **EQUALITIES**

6.1 A preliminary Equalities Impact Assessment has been undertaken and no negative impacts have been identified. The policy is anticipated to have a positive impact on a number of groups, including vulnerable people, people who may be at risk of homelessness, families with dependents where the hardship is having particular effects on individuals within the family, for instance young children, and people with disabilities or health conditions that make it essential for them to remain in their current accommodation. In addition, the 'Wednesbury' test of unreasonableness will apply when considering an applicant's non-essential expenditure.

7.0 **RISK MANAGEMENT**

7.1 Risks have been considered and mitigated as follows:

Risk	Likelihood (H/M/L)	Impact (H/M/L)	Mitigating action
Failure to spend the budget allocation	H	M	Regular monitoring by officers. Intervention to proactively identify potential cases.
Overspend against the budget allocation	M	H	Regular monitoring by officers. Short term awards with regular reviews if circumstances allow.
Consistency of decision making which may be challenged externally (Ombudsman or Judicial Review)	H	M	One officer responsible for decision making. Experienced officer panel to consider review requests.
Legislative changes may impact, for instance, Universal Credit	M	M	Undertake review once Universal Credit introduced properly.

8.0 **RECOMMENDATIONS**

- 8.1 That approval for the adoption of a refreshed DHP policy and procedures document be granted.
- 8.2 That a review be undertaken after 6 months of operation, and a progress report be presented.

- 8.3 That monthly reports be presented to Appeals and Regulatory Committee, starting immediately, detailing DHP applications and details of decisions, for consideration.
- 8.4 That a further review be undertaken when Universal Credit is implemented.

9 REASONS FOR RECOMMENDATIONS

- 9.1 The existing document is no longer fit for purpose.
- 9.2 Reviews will be more quickly and equitably decided by a panel of senior managers of Customer Services and Community Housing.
- 9.3 Further appeals to Members would require that they be apprised of all DHP awards made and refused so that consistency of decision making could be guaranteed.
- 9.4 A review of the operation of the policy after 6 months is appropriate in the circumstances, as the impacts of Welfare Reform come to be fully understood, including the Benefits Cap which came into operation in July 2013.

You can get more information about this report from Fran Rodway, Customer Centric Services Manager, 345475.

Chesterfield Borough Council Discretionary Housing Payments Policy and Procedure Document

1. Policy Statement

The Council supports the aims of the Discretionary Housing Payment (DHP) Scheme, originally introduced on 2 July 2001, which is to relieve financial hardship associated with excessive housing costs.

The objective of this policy is to -

- help claimants through difficult personal events;
- offer temporary respite by granting additional financial assistance with housing costs;
- prevent homelessness;
- support vulnerable people in the transition to independent living;
- encourage and sustain people in employment.

The procedures that are to be followed in the administration of this scheme are outlined later in this document.

We pro - actively promote the DHP scheme by working in partnership with Community, Voluntary and Statutory organisations and by making guidance and claim forms available to the wider community in the Customer Service Centre and via the Council website. Staff identify potential cases and issue information leaflets with Housing Benefit notifications in appropriate cases.

Applications for a DHP can be considered when a customer is entitled to Housing Benefit or Universal Credit and there is a shortfall between the customer's Housing Benefit and contractual rent (less all ineligible service charges).

The customer must also demonstrate that further financial assistance is needed in order to meet housing costs. For the purpose of this scheme, housing costs are not defined and local authorities have a broad discretion as to interpretation. In general, housing costs means rental liability. More widely, housing costs includes:-

- rent in advance;
- deposits; and
- other lump sum costs associated with a housing need such as removal costs,

not already claimed by way of grants or discretionary funds available elsewhere.

For lump sum payments such as deposits, there is no weekly eligible rent limit because Regulation 4 of the Discretionary Financial Assistance Regulations 2001 only applies where the award is calculated as a weekly sum.

The Council, when making a decision on the award of a DHP has complete discretion. It decides whether or not an award will be made, and to whom, the amount and for how long a DHP is awarded.

Regulation 3 of the Discretionary Financial Assistance Regulations 2001 identify payments which do not qualify for a DHP.

When considering whether it is appropriate to award a DHP, the Council takes into consideration a wide variety of circumstances, some of which are listed below as a guide for customers and advisers. This list is not exhaustive.

- Is there any genuine risk of eviction if help with housing costs is not provided?
- What other outgoings does the customer have which make it harder for them to meet their housing costs?
- What assets does the customer have which might be used to help with their housing costs?
- Does the customer have access to other funds, including state benefits, as yet unclaimed?
- Does the customer have disregarded income that might be used?
- Is it possible for the customer to negotiate a rent reduction with the landlord?
- Could the customer relocate to alternative accommodation that would incur lower housing costs?
- Does the customer or a family member suffer from health problems that make it essential for them to remain in their current accommodation, and would it be detrimental to their condition if they were to move to other accommodation? Are there additional costs associated with any illness?
- Is the hardship having particular effects on individuals within the family, for instance young children?
- Are non-dependants living in the household contributing financially?
- Is the claimant likely to be able to sustain the tenancy in the longer term?
- Is there a risk of the customer being declared statutorily homeless if a payment is not made?
- Is the shortfall between Housing Benefit or Universal Credit and housing costs attributable wholly or in part to Welfare Reforms, such as a 'benefit cap' or the 'under occupancy' provisions for the social rented sector?

The Council reserves the right, when awarding a DHP, to advise customers to seek alternative accommodation if it feels that the current accommodation is inappropriate for their needs.

When considering the circumstances of the customer it is essential that we obtain a breakdown of the customer's financial situation. A personal budget sheet is incorporated within the claim form, for this purpose.

The Council maintains that it is reasonable to look into a customer's spending pattern to establish if any hardship can be minimised, but recognises that the customer should not be expected to reduce expenditure on essentials, such as food and fuel unless expenditure in these areas is unreasonably high.

It may be reasonable to expect the customer to reduce expenditure on non-essential items, such as mobile phones, cable television, cigarettes, entertainment and leisure activities. However, the personal circumstances of the customer will be considered when determining if this expenditure is non-essential. The 'Wednesbury' test of unreasonableness will apply.

In the event of a surge of claims, priority will be given to those claimants known to be at risk of eviction for rent arrears.

The Government determines, annually, the level of the contribution it will make towards the total spending on DHPs. The Council can not spend more than a permitted amount on this activity. All decisions on the award of DHPs are made on this basis. Revised figures are notified at the start of each financial year. When awarding a DHP, the Council informs customers that the DHP scheme is cash limited and that future payments of DHPs are not to be relied upon. The Council will maintain effective monitoring systems to ensure that there is no overspend of the permitted amount.

The Council recognises that the scheme is subject to internal and external audit, and will ensure that there are clear systems in place to facilitate such processes.

Discretionary Housing Payments and the Under Occupation of Social Housing

In addition to the general guidance above, more detailed criteria have been drawn up for dealing with DHP claims associated with the provisions of the Welfare Reform Act 2012 relating to the under occupation of social housing. Details can be found in appendix 1, and these may change to reflect trends and demand.

There will also be close liaison with colleagues in Community Housing to ensure that claimants receive advice about alternative housing options.

2. Discretionary Housing Payment Scheme: Administrative Procedures

Claiming a Discretionary Housing Payment

In order to be considered for a DHP a customer must be entitled to Housing Benefit or Universal Credit for the duration of the period that they are wishing to claim a DHP. A DHP claim will only be considered once a decision has been made on a customer's Housing Benefit or Universal Credit entitlement.

DHPs can only be awarded to cover housing costs. This means eligible rent and other related housing costs. A DHP cannot be awarded for the following:

- Ineligible service charges;
- Charges for water, sewerage and environmental services;
- Increases in rent due to outstanding rent arrears;
- Council Tax Liability;
- Any reduction in benefit as a result of a sanction (as defined in the Discretionary Financial Assistance Regulations);
- Housing costs where the customer is getting Council Tax Support but not Housing Benefit or help with housing costs in Universal Credit, and;
- Shortfalls caused by Housing Benefit overpayment recovery.

A written claim for a DHP is required from a customer or someone acting on their behalf. This can be by using the claim form provided or by letter. Use of our claim form is encouraged because it invites the customer to state the details of their circumstances. It also contains a budget sheet allowing them to indicate weekly expenses.

Decision Making

Each claim is considered on its own merits. However, previous decisions made in similar circumstances may influence decision making, to ensure fairness.

We try to make a decision within 14 days of receipt of a complete claim. Customers will receive written confirmation of the outcome of their application for a DHP within 7 days of a decision being made. It will show the amount and duration of any award, the reasons for the decision and their right to request a review of the decision.

Payment of Discretionary Housing Payments

Payment is usually made along with Housing Benefit. It normally starts from the Monday following the day we get the claim form. Discretionary Housing Payments in respect of weekly housing costs are paid for at least a week.

Amount and duration of a Discretionary Housing Payment

Awards will usually be made for a period of 13 weeks unless the individual circumstances of a case require a differing period.

Customers will be given an opportunity to reclaim at the end of the period of award. If, at the time of the initial award, it is felt that the accommodation is inappropriate, the customer will be advised to look for alternative ways of alleviating the hardship, for example, moving to cheaper accommodation.

Customers will also receive advice about further additional benefit entitlement and help with claims is available.

Referral for help with debt management is also offered.

In exceptional circumstances, an award may be backdated provided there is also payment of Housing Benefit or Universal Credit in respect of the backdated period.

Following the introduction of Universal Credit, DHP's will be payable to people who are receiving Universal Credit. Universal Credit does not identify a specific amount towards housing costs and the DHP can therefore be any amount up to the weekly eligible rent.

Reviewing a DHP decision

Although there are no formal rights of appeal on DHP decisions, customers will be given the opportunity to have a decision on their claim reviewed by senior Council administrators.

Third parties, such as landlords, will not be given the right of review on decisions other than one where it has been decided to recover an overpayment from them.

Requests for review must be made in writing, although verbal requests will be accepted in certain circumstances e.g. where there are language/literacy problems. Any request for review, either written or verbal, must be received within one calendar month of the decision being notified to the customer. The Reviewing Officer may extend this period if there are special reasons for doing so. The customer may be asked to provide additional information in support of the request for review.

The review may involve an oral hearing which will take place within 6 weeks of the request, or as soon as practicable after that.

The review decision will be confirmed in writing within 7 days of a decision.

No further right of appeal exists.

Changes of circumstance and overpayments

Customers will be advised of their duty to notify the Council of any changes in their circumstances that may affect their entitlement to a DHP. These will normally be the changes that affect their entitlement to Housing Benefit or

Council Tax Benefit at the address for which the DHP is claimed. They will also be advised that the Council will seek to recover any overpayment of DHP that they receive.

Where an overpayment of a DHP is identified recovery will be sought from the person to whom it was paid. DHP overpayments cannot be recovered from ongoing payments of housing benefit.

Under Occupancy DHP groups

Provisions for the award of DHP in respect of under occupancy reduction only

Group No Family	Description	Details of support
1	Family no actual spare bedroom and bedroom requirement due to change within 1 year	Allow with means test until bedroom requirement changes
2	Family, not actually got a spare bedroom, bedroom requirement not due to change within a year but large age gap between the children expected to share, E.g. two boys aged 14 and 2	Allow with means test to ensure no maintenance, etc. that would enable customer to be able to afford the shortfall.
3	Family, no actual spare bedroom but not falling into one of the above groups, E.g. boy and girl aged 7 and 5	Allow with means test
4	Spare room but expecting a baby	Allow (up to bed requirement once child born)– no means test
5	Visiting children, spare bedroom a requirement of custody order etc.	Allow with means test up to bedroom requirement

6	Children <u>temporarily</u> in care	Allow with means test (up to bedroom requirement when children at home) if there is a realistic prospect of child returning home. May need social services to confirm the situation.
Disabled		
7	Actual spare room but unreasonable to move due to <u>substantial</u> disabled adaptations or vital medical equipment being stored, for example dialysis or oxygen equipment	If substantial adaptations allow without means test (regs not intended to affect these households). If moderate adaptations only, then means test and work with tenant/landlord to see if there is better housing solution.
8	Couples sleeping in separate rooms due to disabilities or moderate adaptations	Allow with means test. However, look at nature of disabilities, benefits in payment and may need medical practitioners report to support the need for separate rooms. If moderate adaptations only then means test and work with tenant/landlord to see if there is a better housing solution.
9	Has a spare bedroom and unreasonable to move due to disability, closeness to family support	Allow with means test due to long term nature of the award. Liaise with landlord/tenant to see if there is alternative accommodation in the same area.

		Waive the means test if there are mental health issues resulting in an inability to cope with budgeting etc.
Carers		
10	Caring responsibilities. Includes grandparents regularly caring for grandchildren to assist a family under the supervision of social services.	Allow with means test due to long term nature of the award. Liaise with landlord/tenant to see if there is alternative accommodation in the same area.
11	Foster carers/new foster carer applicants and prospective adopter parents. We can allow 1 extra bedroom (amended legislation March 2013)	Allow with means test, unless operating as self employed foster carer. These can normally be identified by being in receipt of Working Tax Credit. If there is any further bedroom requirement for additional children the expectation is that we pay DHP.
Other		
12	Young person aged under 25 with a history of homelessness and now settled	Allow with means test but work with tenant and landlord to see if there is a more sustainable long term housing solution. DHP not a long term solution.
13	Reaching retirement age within 1 year	Allow with means test but liaise with landlord/tenant to see if a smaller property would be more appropriate.

14	Has spare bedroom, has periods of employment and current period has extended beyond 13 week protection or no entitlement to protection but good prospect of future employment	Not reasonable to expect to move if temporarily unemployed. Allow with means test for up to 13 weeks then review.
15	Has spare bedroom, not unreasonable to move but unable to afford the shortfall and looking for alternative accommodation	Allow with means test for up to 13 weeks (longer if reasonable) as long as working with landlord to find alternative accommodation.
16	Has spare bedroom, unable to afford, not looking for alternative accommodation and no immediate prospect of increasing income	Low DHP priority, but consider each case on its own merits.
17	High risk offenders, with community support packages	Allow with means test due to long term nature of the award where, in the interest of public safety, it is unreasonable for them to move.

Chesterfield Borough Council

Equality Impact Assessment - Full Assessment Form

Service Area: Customer Services and Organisational Development

Section: Customer Centric Services

Lead Officer: Fran Rodway

Title of the policy, project, service, function or strategy the preliminary EIA is being produced for: Discretionary Housing Payments (DHP)

Is the policy, project, service, function or strategy:

Existing

Changed X

New/Proposed

STEP 1 – MAKE SURE YOU HAVE CLEAR AIMS AND OBJECTIVES

What is the aim of the policy, project, service, function or strategy?

The aim of the policy is to use the funding available to relieve financial hardship associated with paying housing costs.

Who is the policy, project, service, function or strategy going to benefit and how?

It will benefit Chesterfield residents who are already claiming housing benefit to assist with paying their rent liability.

What outcomes do you want to achieve?

Help claimants through difficult circumstances; offer temporary respite by granting additional financial assistance; prevent homelessness; support vulnerable people in the transition to independent living; and encourage and sustain people in employment. The policy will ensure that these outcomes are achieved fairly and consistently.

What barriers exist for both the Council and the groups/people with protected characteristics to enable these outcomes to be achieved?

This policy aims to assist some of the most vulnerable people in the community and needs to be simple and easily implemented and understood. This is why each claim is considered individually and claimants are given all of the support they need to access the scheme. Officers in Revenues, Customers Service, and Housing are fully aware of DHP's and the process of claiming.

STEP 2 – COLLECTING YOUR INFORMATION

What existing data sources do you have to assess the impact of the policy, project, service, function or strategy?

Existing computer systems, and data collections tools updated for every DHP claim.

STEP 3 – FURTHER ENGAGEMENT ACTIVITIES

Please list any additional engagement activities undertaken to complete this EIA e.g. met with the Equalities Advisory Group, local BME groups, Employee representatives etc. Could you also please summarise the main findings.

Date	Engagement Activity	Main findings
Ongoing	With claimants, including through their representatives	Identified that proactive implementation of the policy is needed to achieve maximum effective impact
Planned	Equalities Advisory Group	Not yet known

STEP 4 – WHAT'S THE IMPACT?

Is there an impact (positive or negative) on some groups/people with protected characteristics in the community? (think about race, disability, age, gender, religion or belief, sexual orientation and other socially excluded communities or groups). You may also need to think about sub groups within each equalities group or protected characteristics e.g. older women, younger men, disabled women etc.

Please describe the potential impacts both positive and negative and any action we are able to take to reduce negative impacts or enhance the positive impacts.

Impact on Customers

Group or Protected Characteristic	Positive impacts	Negative impacts	Action
Age – including older people and younger people.	Some of the new customer service channels available are particularly popular with younger people.	Customers may not have access to technology, or the skill sets to use the services. Complex enquiries are often best handled face to face.	Tailor services to needs of customers. Educate customers over time to options available. Continue to provide human contact for those service deliverables where customer reassurance is required.
Disabled people – physical, mental and sensory including learning disabled people and people living with HIV/Aids and cancer.	The Customer Service Centre is a warm welcoming environment, and is easily accessible Having more services based in one location results in customers receiving improved access to employees with specialist skills, e.g. BSL. New communication methods may be preferred, e.g. texting for hearing impaired customers	Customers may not have access to technology, or the skill sets to use the services. Complex enquiries are often best handled face to face.	Assess facilities and access issues and consider opportunities for improvements. Tailor services to needs of customers. Continue to provide human contact for those service deliverables where customer reassurance is required.
Gender – men, women and transgender.	N/A	N/A	N/A
Marital status including civil partnership.	N/A	N/A	N/A
Pregnant women and people on maternity/paternity. Also consider	Recent investment in the Customer Service Centre has improved facilities	N/A	Assess facilities and access issues and consider opportunities for

Group or Protected Characteristic	Positive impacts	Negative impacts	Action
breastfeeding mothers.	for pregnant women and young families e.g. improved seating, rest areas, ramps for pushchairs etc.		improvements.
Sexual Orientation – Heterosexual, Lesbian, gay men and bi-sexual people.	N/A	N/A	N/A
Ethnic Groups	Consolidating staff in one contact centre improves access to specialist skills, e.g. interpretation	Those for whom English is not a first language are disadvantaged but translation services are available	Arrange access to translation services
Religions and Beliefs including those with no religion and/or beliefs.	N/A	N/A	N/A
Other groups e.g. those experiencing deprivation and/or health inequalities.	Customers are able to come to one place to resolve all of their housing and financial issues, as we work closely with our colleagues in Community Housing.	Complex enquiries are often best handled face to face.	Tailor services to needs of customers. Continue to provide human contact for those service deliverables where customer reassurance is required.

Impact on Employees

Group or Protected Characteristic	Positive impacts	Negative impacts	Action
Age – including older people and younger people.	N/A	N/A	N/A
Disabled people – physical, mental and sensory including learning disabled people and people living with HIV/Aids and cancer.	N/A	N/A	N/A

Group or Protected Characteristic	Positive impacts	Negative impacts	Action
Gender – men, women and transgender.	N/A	N/A	N/A
Marital status including civil partnership.	N/A	N/A	N/A
Pregnant women and people on maternity/paternity. Also consider breastfeeding mothers.	N/A	N/A	N/A
Sexual Orientation – Heterosexual, Lesbian, gay men and bi-sexual people.	N/A	N/A	N/A
Ethnic Groups	N/A	N/A	N/A
Religions and Beliefs including those with no religion and/or beliefs.	N/A	N/A	N/A
Other groups e.g. those experiencing deprivation and/or health inequalities.	N/A	N/A	N/A

From the information gathered above does the policy, project, service, function or strategy directly or indirectly discriminate against any particular group or protected characteristic?

Yes
 No

If yes what action can be taken to stop the discrimination?

STEP 5 – RECOMMENDATIONS AND DECISION MAKING

How has the EIA helped to shape the policy, project, service, function or strategy or affected the recommendation or decision?

The policy is reliant on contact with customers, and considering equalities has helped to reinforce the need to manage the impact of proposals for all groups. Staff play a significant role in shaping the customer experience. The impact for them has been properly considered too.

How are you going to monitor the policy, project, service, function or strategy, how often and who will be responsible?

The application of the policy will be reviewed after 6 months by the Appeals and Regulatory Committee. Any changes to the policy will be authorised appropriately within the Council.

STEP 6 – KNOWLEDGE MANAGEMENT AND PUBLICATION

Please note the draft EIA should be reviewed by the appropriate Head of Service/Service Manager and the Policy Service before WBR, Lead Member, Cabinet, Council reports are produced.

Reviewed by Head of Service/Service Manager

Name: Fran Rodway

Date: 5.8.13

Reviewed by Policy Service

Name: Katy Marshall

Date:

Final version of the EIA sent to the Policy Service

Decision information sent to the Policy Service

FOR PUBLICATION

AGENDA ITEM

INTRODUCTION OF THE SCRAP METAL ACT 2013

MEETING:	COUNCIL
DATE:	16 TH OCTOBER 2013
REPORT BY:	HEAD OF ENVIRONMENT
WARD:	ALL
COMMUNITY FORUM:	ALL

FOR PUBLICATION

TITLE: Scrap Metal Dealers 2013 LOCATION: Licensing Group

1. PURPOSE OF REPORT

- 1.1 To inform members of the introduction of the Scrap Metal Dealers Act 2013 which replaces the previous registration system for scrap metal dealers created by the 1964 Scrap Metal Dealers Act.
- 1.2 To request Members to delegate powers to Officers to grant, renew and approve variations of applications. Decisions to refuse or add conditions at time of grant will be referred to Appeals and Regulatory Committee.
- 1.3 To request members approve the associated fees.

2. RECOMMENDATIONS

- 2.1 That the Council sets the initial fees in accordance with the amounts stipulated in paragraph 3.5 of this report.

2.2 That the Constitution is amended in accordance with the table shown in Appendix 1 of the report.

3. BACKGROUND

3.1 Metal theft over the last few years has had a significant impact on communities, businesses and councils themselves. The result was the Scrap Metal Dealers Act 2013, taken through Parliament by Richard Ottaway MP as a Private Members Bill.

3.2 The new licensing regime will commence on the 1st October 2013 and will be administered by Local Authorities. Every scrap metal dealer will be required to have a licence and operating without one will be a criminal offence. Under the legislation the definition of scrap metal dealers will be extended to include that of Motor Salvage Operators. (Previously licensed under the provisions of the Vehicles (Crime) Act 2001.)

3.3 Those registered under the previous Scrap Metal Dealers 1964 and the Vehicles (Crime) Act 2001 will be deemed to have a licence under the 2013 Act until the Council grants a licence provided they have applied to the Council by the 15th October (a transitional period for existing registered dealers). Failure to submit an application will result in their existing licence lapsing on 16th October 2013.

3.4 The report was considered by the Appeals and Regulatory Committee on 25th September, 2013 (at Minute No. 0077) and is recommended to Council for approval.

3.5 In addition to the recommendations in the report, the Appeals and Regulatory Committee made the following additional recommendations:

- (i) That appropriate publicity be given to the effects of the new Act.
- (ii) That a review of the scheme be undertaken in 6 months time and a report be brought to the Committee to update members.

4. MAIN CHANGES

4.1 Under the 2013 Act there will be two types of licences;

- **Site Licence**

All the sites where a licensee carries on business as a scrap metal dealer have to be identified within the local authority area and each requires a site manager to be named for each site. This licence allows the licensee to transport scrap metal to and from those sites from any local authority area.

- **Collectors Licence**

A collector's licence authorises the licensee to operate as a mobile collector in the area of the issuing local authority, permitting them to collect any scrap metal as appropriate. This includes commercial and domestic scrap metal. It does not allow the collector to operate in any other local authority area, so a separate licence has to be obtained from each council the collector wishes to operate in. This licence does not authorise the licensee to operate a site, to do so they need a site licence from the relevant local authority.

A dealer can only hold one type of licence in any one local authority area. They have to decide whether they are going to have a site or a mobile licence in any one area. They cannot hold both a site and mobile collectors licence from the same council.

4.2 **Assessing the Suitability of the Applicant**

The local authority must not issue a licence unless it is satisfied the applicant is a suitable person to carry on a business as a scrap metal dealer – the 'suitability test.' In the case of a partnership this means assessing the suitability of each of the partners in the partnership, whilst in respect of a company it means accessing the suitability of any directors, company secretaries or shadow directors.

Applicants will be asked to provide a Basic Disclosure Certificate with their application form. It is proposed that this is no more than three months olds when accepted in line with the

LGA guidelines. The Basic Disclosure contains details of any unspent convictions as of the date the certificate is issued. Should the Basic Disclosure reveal an unspent relevant conviction the local authority will consult with the Police to enable them to better assess whether an applicant is suitable.

Further information, such as whether the applicant has been refused a scrap metal dealers licence or had a previous licence revoked may be obtained via the application.

Local Authorities may also consider consulting with the Environment Agency for relevant offences secured by the Environment Agency or other local authorities.

4.3 Notifications to the National Register

The Scrap Metal Dealers Act 2013 creates a requirement for a register of scrap metal dealers licences. The Environment Agency must maintain a register of scrap metal licences issued in England, and Natural Resources Wales (NRW) must maintain a register of scrap metal licences in Wales. Both registers will be open to the public.

Under provisions of the Act, when Local Authorities issue a licence they are obliged to pass certain information to the Environment Agency/NRW. The information in respect of each licence will be;

- The name of the local authority issuing the licence
- The name of the licensee
- Any trading name under which the licensee conducts business
- The address of any site identified in the licence
- The type of licence(site or mobile)
- The date the licence expires.

4.4 Application hearings

Contested applications are to be referred to the Appeals and Regulatory Committee.

4.5 Fees

The Council currently has 22 Scrap metal dealers registered and 2 Motor Salvage Operators. Currently scrap metal registration for three years is free whilst Motor Salvage Operators are charged £ 94.00 for a three year licence.

The application must be accompanied by a fee. The fee can include the cost of administering the licence application process, including any compliance monitoring undertaken. The fee cannot include the cost of investigating unlicensed activity which remains at a cost to the Council.

The fee is calculated based on the table below;

Process of Application	Site	Collectors
Process Application (including assessing, administering, processing, experienced licensing officers to review them, consulting on suitability of the applicant, reviewing relevant offences, staff training)	£54.00	£54.00
Administration Costs (including printing, storing, material costs for licence etc)	£11.00	£12.00 (includes windscreen pouch)
Referral to Committee (20% possibility)	£27.00	£27.00
Legal Advice (20% possibility)	£9.00	£9.00
Collectors Annual check (to cover 3 years of inspections)		£44.00
Annual Site Visit (to cover 3 years of inspections.)	£277.00	
Complaint Investigation	£22.00	£22.00
Total	£400.00	£168.00

5. DELEGATION

5.1 The current delegations in the Council's Constitution, for matters under the Scrap Metal Dealers Act 1964, need to be replaced. Under the current delegations all matters are

delegated to the Head of Environment. A table showing the proposed new delegations is shown at Appendix 1 to the report. The functions under the 2013 Act are non-executive functions. Essentially, fee setting (except for the initial fee setting) and for those matters where an applicant requests a hearing will be dealt with by the Appeals and Regulatory Committee and non-contentious matters and enforcement will be dealt with by officers.

- 5.2 Although the proposed delegations include a delegation that the Appeals and Regulatory Committee sets the fees, it will be necessary, in order to process pending and new applications, for full Council to set the initial fees.

6. RECOMMENDATIONS

- 6.1 That the Council sets the initial fees in accordance with the amounts stipulated in paragraph 3.5 of this report.
- 6.2 That the Constitution is amended in accordance with the table shown in Appendix 1 of the report.

7. REASONS FOR RECOMMENDATIONS

- 7.1 To ensure that the initial fees are set for the processing of pending and new applications.
- 7.2 To ensure that delegations are in place to administer the new regulatory scheme.

D W WEST
HEAD OF ENVIRONMENT

September 2013

Report Author Grace Dowson, Senior Licensing Officer tel 345740
grace.dowson@chesterfield.gov.uk

**SCRAP METAL DEALERS ACT 2013
DELEGATIONS**

Matters to be dealt with	Full Council	Appeals & Regulatory Committee	Head of Environment
Fee Setting		X	
Processing applications and supply of information to external agencies			X
Entry, inspection & enforcement			X
Inclusion of conditions under section 3(8)			X
Refusal of licence		If the applicant requests a hearing	If no hearing is requested
Variation/Imposition of a Conditions on a licence under section 4		If the applicant requests a hearing	If no hearing is requested
Revocation of licence		If the applicant requests a hearing	If no hearing is requested

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FOR PUBLICATION

LATE ITEM

MEMBERSHIP OF COMMITTEES 2013/14

MEETING: COUNCIL

DATE: 16TH OCTOBER, 2013

REPORT BY: HEAD OF GOVERNANCE

WARD: ALL

FOR PUBLICATION

BACKGROUND PAPERS FOR PUBLIC REPORTS: Nil

1.0 PURPOSE OF REPORT

- 1.1 To enable the Council to consider a change to the membership of the Appeals and Regulatory Committee.

2.0 BACKGROUND

- 2.1 The Leader has made a change to the Assistant Executive Member Appointments replacing Councillor Bellamy with Councillor Hill, as the Assistant Executive Member for Governance and Organisational Development.
- 2.2 As Assistant Executive members attend Joint Cabinet and Employment and General Committee in a non-voting capacity for executive functions only, Councillor Hill needs to be replaced on Appeals and Regulatory Committee, as members of the Appeals and Regulatory Committee may not sit on an Employment Committee. It is proposed that Councillor Bellamy replaces Councillor Hill on Appeals and Regulatory Committee.

3.0 RECOMMENDATION

- 3.1 That the change to membership of Appeals and Regulatory Committee be approved.

S. GOODWIN
HEAD OF GOVERNANCE

For further information contact Shirley Bates (Extension 5277).

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APPEALS AND REGULATORY COMMITTEE

Wednesday, 17th July, 2013

Present -

Councillor Bagley
Bingham
Davenport

Councillor Avis Murphy
Parsons

*Matter dealt with under the Delegation Scheme

0034 APPOINTMENT OF CHAIR

RESOLVED - That Councillor Avis Murphy be appointed Chair for the meeting.

Councillor Murphy then took the Chair.

0035 DECLARATIONS OF MEMBERS' AND OFFICERS' INTERESTS RELATING TO ITEMS ON THE AGENDA

No declarations were received.

0036 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bradford and Bellamy.

0037 LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF PUBLIC

RESOLVED - That under Section 100 (A) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Act.

0038 REVIEW OF DECISION TO TERMINATE AN INTRODUCTORY TENANCY (A090) (6-13/14)

RESOLVED - That this matter be deferred to the 24th July, 2013, to enable the tenant and her representative to attend.

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APPEALS AND REGULATORY COMMITTEE

Wednesday, 24th July, 2013

Present -

Councillor Miles
Tom Murphy

Councillor Niblock

*Matter dealt with under the Delegation Scheme

0039 APPOINTMENT OF CHAIR

RESOLVED - That Councillor Miles be appointed Chair for the meeting.

(Councillor Miles then occupied the Chair.)

0040 DECLARATIONS OF MEMBERS' AND OFFICERS' INTERESTS RELATING TO ITEMS ON THE AGENDA

No declarations were received.

0041 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bradford, Bellamy and Morgan.

0042 MINUTES

RESOLVED - That the Minutes of the meetings held on 29th May, 5th, 12th June, 3rd and 10th July, 2013 be signed by the Chair as a true record.

0043 LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF PUBLIC

RESOLVED - That under Section 100 (A) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Act.

0044 REVIEW OF DECISION TO TERMINATE AN INTRODUCTORY TENANCY (A090) (6-13/14)

Pursuant to Minute No. 0038, the Committee considered a request from a tenant for a review of the Council's decision to terminate an introductory tenancy.

The appeal was heard in accordance with the Council's Introductory Tenant's Procedure.

The tenant and her representatives attended the meeting.

***RESOLVED** - That the officer's decision be upheld, suspended on payment of the current rent plus £4.46 per week (£25 in total), including rent free weeks, the first payment to be made within the next 7 days.

APPEALS AND REGULATORY COMMITTEE

Wednesday, 31st July, 2013

Present -

Councillor Flood (Chair)

Councillor	Bingham	Councillor	Niblock
	Hill		Parsons
	Miles		Mark Rayner
	Morgan		Slack
	Avis Murphy		David Stone
	Tom Murphy		

*Matter dealt with under the Delegation Scheme

0045 DECLARATIONS OF MEMBERS' AND OFFICERS' INTERESTS RELATING TO ITEMS ON THE AGENDA

No declarations were received.

0046 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bagley and Bradford.

0047 REVIEW OF CURRENT QUALIFICATIONS REQUIRED FOR A SKIPPERS LICENCE – PUBLIC HEALTH ACTS AMENDMENT ACT 1907 (A000)

The Head of Environment submitted a report for Members to review the qualifications, competency level and conditions required when applying for a Skippers Licence to navigate a pleasure boat with Chesterfield Borough Council.

At its meeting held on the 23 May 2007, the Committee had resolved:-

- “(1) That the Royal Yacht Association (RYA) Helmsman Qualification with 12 months relevant experience be approved as a suitable qualification for a Skippers Licence from Chesterfield Borough Council.
- (2) That those with an existing Skippers Licence, who have received training through the Canal Society itself, and whose licence remains current (i.e. the licence does not expire) be allowed to continue as a Skipper.
- (3) That the ‘Inland Waters Small Passenger Boat Code’ be reviewed in due course”

At its meeting held on 29th April 2009, the Committee had further resolved:-

- “(1) That the Certificate in Boat Management (CCBM) be accepted as a new qualification for the Skippers Licence.
- (2) That the existing Skipper Licence holders who have received training, through the Canal Society or the Royal Yacht Association, and whose licence remains current, be allowed to continue as a skipper.”

The Committee were informed of the current competencies which were accepted by the Maritime and Coastguard Agency (MCA), which was responsible throughout the UK for implementing the Government’s maritime safety policy and was the responsible body for national standards for inland waterway vessels and training for boat masters.

The Committee were also informed that the MCA accepted the RYA qualification, but that currently the Borough Council did not and approval was sought to the inclusion of this qualification on future applications for a Skippers Licence under the Public Health Acts Amendment Act 1907.

***RESOLVED** - That the following qualifications be approved for future applications for a Skippers Licence under the Public Health Acts Amendment Act 1907:-

- Royal Yacht Association Inland Helmsman Certificate with 12 months relevant experience
- Royal Yacht Association Powerboat (Level 2) with 12 months relevant experience
- National Community Boats Association Certificate in Community Boat Management

APPEALS AND REGULATORY COMMITTEE

Wednesday, 7th August, 2013

Present -

Councillor Flood (Chair)

Councillor Bagley
Bingham
Davenport

Councillor Miles
Avis Murphy
Parsons

*Matter dealt with under the Delegation Scheme

0048 DECLARATIONS OF MEMBERS' AND OFFICERS' INTERESTS RELATING TO ITEMS ON THE AGENDA

No declarations were received.

0049 LOCAL GOVERNMENT ACT 1972 – EXCLUSION OF PUBLIC

RESOLVED - That under Section 100(A)(4) of the Local Government Act, 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part I of Schedule 12A of the Act.

0050 REVIEW OF DECISION TO TERMINATE AN INTRODUCTORY TENANCY (A090) (7-13/14)

The Committee considered a request from a tenant for a review of the Council's decision to terminate an introductory tenancy.

The appeal was heard in accordance with the Council's Introductory Tenant's Procedure, in the tenant's absence.

***RESOLVED** - That the officer's decision be upheld.

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APPEALS AND REGULATORY COMMITTEE

Wednesday, 21st August, 2013

Present -

Councillor Flood (Chair)

Councillor Hill
Miles
Mark Rayner

Councillor Slack
David Stone

*Matter dealt with under the Delegation Scheme

0051 DECLARATIONS OF MEMBERS' AND OFFICERS' INTERESTS RELATING TO ITEMS ON THE AGENDA

No declarations were received.

0052 LOCAL GOVERNMENT ACT 1972 – EXCLUSION OF PUBLIC

RESOLVED - That under Section 100(A)(4) of the Local Government Act, 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part I of Schedule 12A of the Act.

0053 REVIEW OF DECISION TO TERMINATE AN INTRODUCTORY TENANCY (A090) (8-13/14)

The Committee considered a request from a tenant for a review of the Council's decision to terminate an introductory tenancy.

The appeal was heard in accordance with the Council's Introductory Tenant's Procedure, in the tenant's absence.

***RESOLVED** - That the officer's decision be upheld.

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APPEALS AND REGULATORY COMMITTEE

Wednesday, 28th August, 2013

Present -

Councillor Miles (In the Chair)

Councillor Bagley
Bingham

Councillor Avis Murphy

*Matter dealt with under the Delegation Scheme

0054 DECLARATIONS OF MEMBERS' AND OFFICERS' INTERESTS RELATING TO ITEMS ON THE AGENDA

No declarations were received.

0055 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Flood, Parsons and Davenport.

0056 LOCAL GOVERNMENT ACT 1972 – EXCLUSION OF PUBLIC

RESOLVED - That under Section 100(A)(4) of the Local Government Act, 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part I of Schedule 12A of the Act.

0057 REVIEW OF DECISION TO TERMINATE AN INTRODUCTORY TENANCY (A090) (9-13/14)

Following legal advice, this item was withdrawn from the agenda.

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APPEALS AND REGULATORY COMMITTEE

Wednesday, 4th September, 2013

Present -

Councillor Flood (Chair)

Councillor Miles
Tom Murphy

Councillor Niblock

*Matters dealt with under the Delegation Scheme

0058 DECLARATIONS OF MEMBERS' AND OFFICERS' INTERESTS RELATING TO ITEMS ON THE AGENDA

Councillor Miles declared a potential conflict of interest at Minute No. 0063, because the hackney carriage driver was known to him and left the meeting.

0059 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bradford and Morgan.

0060 LOCAL GOVERNMENT ACT 1972 – EXCLUSION OF PUBLIC

RESOLVED - That under Section 100(A)(4) of the Local Government Act, 1972 the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Part I of Schedule 12A of the Act.

0061 REVIEW OF DECISION TO TERMINATE AN INTRODUCTORY TENANCY (A090) (10-13/14)

The Committee considered a request from a tenant for a review of the Council's decision to terminate an introductory tenancy.

The appeal was heard in accordance with the Council's Introductory Tenant's Procedure. One of the two tenants attended the meeting.

***RESOLVED** - That the officer's decision be upheld, suspended on payment of the current rent plus £20 per week, including rent free weeks, until the arrears are cleared.

0062 REVIEW OF DECISION TO TERMINATE AN INTRODUCTORY TENANCY (A090) (11-13/14)

The Committee considered a request from a tenant for a review of the

Council's decision to terminate an introductory tenancy.

The appeal was heard in accordance with the Council's Introductory Tenant's Procedure. One of the two tenants attended the meeting, with a representative.

***RESOLVED** - That the officer's decision be upheld, suspended on payment of the current rent plus £4.19 per week, including rent free weeks, until the arrears are cleared.

0063 REVIEW OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE - JOHN McMANUS (A230)

The Head of Environment submitted a report to review Mr. John McManus' hackney carriage/private hire driver's licence.

Mr. McManus attended the meeting.

***RESOLVED** - That Mr McManus' licence be revoked, with immediate effect.

APPEALS AND REGULATORY COMMITTEE

Wednesday, 11th September, 2013

Present -

Councillor Flood (Chair)

Councillor Bingham⁺
Hill
Miles

Councillor Mark Rayner
Slack

*Matters dealt with under the Delegation Scheme

⁺Attended for Minute No. 0070 only

0064 DECLARATIONS OF MEMBERS' AND OFFICERS' INTERESTS RELATING TO ITEMS ON THE AGENDA

No declarations were received.

0065 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors David Stone, Bagley, Bradford, Davenport, Avis Murphy, Tom Murphy, Morgan and Niblock.

0066 LOCAL GOVERNMENT ACT 1972 – EXCLUSION OF PUBLIC

RESOLVED - That under Section 100(A)(4) of the Local Government Act, 1972 the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Part I of Schedule 12A of the Act.

0067 REVIEW OF DECISION TO TERMINATE AN INTRODUCTORY TENANCY (A090) (12-13/14)

The Committee considered a request from a tenant for a review of the Council's decision to terminate an introductory tenancy.

The appeal was heard in accordance with the Council's Introductory Tenant's Procedure.

The tenant attended the meeting with a representative from the Chesterfield Law Centre.

***RESOLVED** - That the officer's decision be not upheld and that the tenant continue with their introductory tenancy until 6th February, 2014.

0068 REVIEW OF DECISION TO TERMINATE AN INTRODUCTORY TENANCY (A090) (13-13/14)

The Committee considered a request from a tenant for a review of the Council's decision to terminate an introductory tenancy.

The appeal was heard in accordance with the Council's Introductory Tenant's Procedure . The tenants attended the meeting.

***RESOLVED** - That the officer's decision be upheld and the introductory tenancy be terminated.

0069 RE-ADMISSION OF PRESS AND PUBLIC

RESOLVED - That the press and public be re-admitted to the meeting.

0070 DISCRETIONARY HOUSING PAYMENTS (A000)

The Customer Centric Services Manager submitted a report to consult the Committee on proposed changes to the Discretionary Housing Payments Policy and Procedures document which would be submitted to Full Council for approval.

A discussion took place and the following amendments to the policy were proposed:-

- To include a paragraph relating to the support given to tenants who are given notice to find alternative accommodation.
- To include information about the process for dealing with cases to include that exceptional cases being given priority.

Members also asked for an additional recommendation to be included in the report recommending that a further review be undertaken once Universal Credit is introduced.

- *RESOLVED** - (1) That the recommendations outlined in the report be noted and supported.
- (2) That consideration be given to including the suggested amendments to the policy and additional recommendation to the report.

APPEALS AND REGULATORY COMMITTEE

Wednesday, 18th September, 2013

Present -

Councillor Flood (Chair)

Councillor Bagley
Bingham
Davenport

Councillor Miles
Avis Murphy
Parsons

*Matter dealt with under the Delegation Scheme

0071 DECLARATIONS OF MEMBERS' AND OFFICERS' INTERESTS RELATING TO ITEMS ON THE AGENDA

No declarations were received.

0072 APOLOGIES FOR ABSENCE

No apologies were received.

0073 LOCAL GOVERNMENT ACT 1972 – EXCLUSION OF PUBLIC

RESOLVED - That under Section 100(A)(4) of the Local Government Act, 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 1 of Part I of Schedule 12A of the Act.

0074 REVIEW OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE – MATTHEW BREALY (A230)

RESOLVED - That the matter be deferred to the 2nd October, to give Mr Brealy the opportunity to attend.

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APPEALS AND REGULATORY COMMITTEE

Wednesday, 25th September, 2013

Present -

Councillor Flood (Chair)

Councillor Bagley Bingham Hill Miles Morgan	Councillor Avis Murphy Tom Murphy Niblock Parsons David Stone
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*Matter dealt with under the Delegation Scheme

0075 DECLARATIONS OF MEMBERS' AND OFFICERS' INTERESTS RELATING TO ITEMS ON THE AGENDA

No declarations were received.

0076 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bradford, Davenport, Mark Rayner and Slack.

0077 SCRAP METAL ACT 2013

The Head of Environment submitted a report to inform members of the introduction of the Scrap Metal Dealers Act 2013, replacing the previous registration system for scrap metal dealers created by the 1964 Scrap Metal Dealers Act.

The new licensing regime would commence on 1st October, 2013 and would be administered by Local Authorities. All scrap metal dealers would be required to have a licence and operating without one would be a criminal offence.

Under the 2013 Act there would be two types of licences:

- Site Licence for all sites where a licensee carries on business as a scrap metal dealer in the local authority area. This would require each site to have a named manager and allow the licensee to transport scrap metal to and from other sites in any local authority area.
- Collectors Licence which authorises the licensee to operate as a mobile collector in the area of the issuing local authority, permitting them to collect any scrap metal as appropriate, including commercial and domestic scrap metal. It would not allow the collector to operate in any other local authority area or to operate a site.

It was noted that a dealer could only hold one type of licence in any one local authority area.

A licence must not be issued unless the local authority was satisfied that the applicant was a suitable person to carry on a business as a scrap metal dealer. Applicants would be asked to provide a Basic Disclosure Certificate with their application form, which must be no more than three months old.

It was noted that Local Authorities may also consider consulting with the Environment Agency for relevant offences secured by the Environment Agency or other local authorities. However members felt that in Chesterfield this should be a requirement when assessing the suitability of an applicant.

Any contested application would be referred to the Appeals and Regulatory Committee for consideration.

Scrap Metal registration for three years is currently free whilst Motor Salvage Operators are charged £94.00 for a three year licence.

Future applications must be accompanied by a fee which will include the cost of administering the application process, including any compliance monitoring. The fee was calculated based on the following:

Process of Application	Site	Collectors
Process Application (including assessing, administering, processing, experienced licensing officers to review them, consulting on suitability of the applicant, reviewing relevant offences, staff training)	£54.00	£54.00
Administration Costs (including printing, storing, material costs for licence etc)	£11.00	£12.00 (includes windscreen pouch)
Referral to Committee (20% possibility)	£27.00	£27.00
Legal Advice (20% possibility)	£9.00	£9.00
Collectors Annual check (to cover 3 years of inspections)		£44.00
Annual Site Visit (to cover 3 years of inspections)	£277.00	
Complaint Investigation	£22.00	£22.00
Total	£400.00	£168.00

The current delegations in the Council's Constitution, for matters under the Scrap Dealers Act 1964, would need to be replaced, and the proposed new delegations were shown at Appendix 1 to the report.

- RESOLVED** - (1) That it be recommended to Full Council:
- (i) That the Council sets the initial fees in accordance with the amounts stipulated above.
 - (ii) That the constitution be amended in accordance with the table shown in Appendix 1.
- (2) That appropriate publicity be given to the effects of the new Act.
- (3) That a review of the scheme be undertaken in 6 months time and a report be brought to the Committee to update members.

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CABINET MEETING

Tuesday, 23rd July 2013

Present -

Councillor Burrows (Chair)

Councillor Blank
Brown⁺
Gilby
Hollingworth⁺
Ludlow

Councillor McManus
Russell
Serjeant
Martin Stone⁺

⁺Non-voting Members

*Matters dealt with under Executive Powers

0061 DECLARATIONS OF MEMBERS' AND OFFICERS' INTERESTS RELATING TO ITEMS ON THE AGENDA

Councillor Russell declared an interest, as a governor of the Chesterfield Royal Hospital, in respect of Minute No. 0064.

0062 MINUTES

RESOLVED - That the Minutes of the meeting of Cabinet of 9th July, 2013 be approved as a correct record, and signed by the Chair.

0063 TALENT MATCH (R000)

The Head of Regeneration submitted a progress report on the Sheffield City Region (SCR) bid to the Big Lottery Talent Match programme. This programme provided funding to assist unemployed young people aged 18-24 to find work or to start their own business.

SCR had been awarded £8.6 million for this purpose over a 5 year period and it was applying for an additional £1.4 million to benefit more young people in the SCR region.

The SCR had divided the region into clusters, to ensure that the funding was used at the local level. Chesterfield, Bolsover, North East Derbyshire and Bassetlaw were one cluster, and funds were allocated to each local authority area within the cluster.

Local authorities had been tasked with obtaining private sector support from local businesses, to increase the resources available for the programme.

Details of the SCR Talent Match programme were provided in the report, including:

- Talent Match coaches to provide individual support to young people
- employer engagement, including peer mentoring and job creation
- signposting to other sources of support
- plans to target 'hotspot' areas with a higher than average number of young people out of work. In Chesterfield the priority areas were Rother, Loundsley Green, Middlecroft and Poolsbrook.

Bolsover District Council had agreed to be the accountable body, responsible for commissioning projects and managing them.

- *RESOLVED** - (1) That Chesterfield Borough Council continues to participate in the bid being developed by the Sheffield City Region for Talent Match funding.
- (2) That Rother, Loundsley Green and Middlecroft and Poolsbrook become the focus areas for Talent Match activities in the Borough of Chesterfield.

REASON FOR DECISION

To improve support for young people in Chesterfield to find employment.

0064 SALTERGATE MEDICAL CENTRE PLANNING BRIEF (J000)

The Head of Regeneration submitted a report on the planning brief that had been developed for the Saltergate Medical Centre and associated land, to guide redevelopment of the site in line with current planning policy.

The report included the results of consultation on the proposals to develop the site, which was owned by the Chesterfield Royal Hospital. The issues raised included:

- impact on protected trees
- loss of car parking spaces
- density and number of dwellings to be developed on the site
- relationship of the development with existing dwellings
- improvement of walking and cycling routes.

The Planning Brief for the site reflected the Local Plan: Core Strategy policies. And, also took account of suggestions made by North East Derbyshire District Council on the future of their office site.

- *RESOLVED** - (1) That the planning brief for the Saltergate Medical Centre site, as attached at Appendix 2 to the report, be approved as the Council's stated planning position for the future development of the site for residential, office or health and institutional uses.

- (2) That the Head of Regeneration be granted delegated authority to make minor amendments to the brief that may be necessary as a result of the anticipated adoption of the Local Plan Core Strategy

REASONS FOR DECISION

1. To ensure the proper planning of the site and to provide guidance in determining relevant planning applications.
2. To ensure that the planning brief accurately reflected the approved development plan.

0065 GENERAL FUND CAPITAL PROGRAMME 2013/14 TO 2015/16 (J050R)

The Head of Finance submitted a report on the General Fund Capital Programme expenditure and financing arrangements.

The General Fund Capital Programme had been approved by Council at Minute No. 0087 (2012/13) and the outturn position for 2012/13 had been reported to Cabinet on 25th June, 2013 at Minute No. 0039.

The report provided an updated capital programme forecast, based on actual expenditure during the first quarter of 2013/14.

The report also included some additions to the programme since the last report to Council, and reported progress on major schemes and recurring schemes.

Proposals for capital financing were outlined, and the net financing position was explained. Future capital pressures were identified.

***RESOLVED** - That it be recommended to Council that:

- (1) the updated General Fund Capital Programme expenditure and financing position, as set out in Appendix A to the report, be approved;
- (2) the revised Treasury Management Prudential Indicators, as set out in paragraph 5.2 of the report, be approved;
- (3) the proposals for addressing the financing gap in 2013/14, as set out in paragraph 6.2 of the report, be approved.

REASON FOR DECISION

To update the Council's General Fund Capital Programme and to ensure that it is fully financed over the medium term.

0066 PPP PERFORMANCE OUTTURN FOR THE PERIOD OCTOBER 2012 TO MARCH 2013 (B000)

The Client Officer submitted a report providing an update on the arvato partnership's contract performance from October 2012 to March 2013.

The report provided details of performance outturns, service improvements and contract growth achieved in the reporting period.

***RESOLVED** - That the partnership Service Improvements and Key Performance Indicators outturn for the period October 2012 to March 2013 be noted.

REASON FOR DECISION

To raise awareness of contract performance against agreed targets.

0067 THE SHARED PROCUREMENT UNIT (B000)

The Head of Business Transformation and the Head of Governance submitted a report on developments concerning the Shared Procurement Unit (SPU). And, to seek approval for a course of action for the future delivery of the procurement function at Chesterfield Borough Council.

The background to the development of the SPU, and the current issues affecting its operation were explained. Alternative options for securing the effective delivery of the Council's procurement function were outlined.

- *RESOLVED** -
- (1) That Chesterfield Borough Council (CBC) advises the other member authorities of the Shared Procurement Unit (SPU) of its intention to withdraw from the consortium with immediate effect.
 - (2) That a strategic link be maintained with the SPU to maximise, wherever possible, procurement opportunities by aggregating spend.
 - (3) That the interim resourcing arrangements, as set out in paragraph 5.2 of the report, be noted.
 - (4) That a review of the Council's procurement and contract arrangements be undertaken by the Procurement/Contract Project Group on a task and finish basis (as outlined in Section 7 of the report).
 - (5) That a proposed organisational structure for the CBC Procurement Unit be presented to a meeting of the Joint Cabinet and Employment and General Committee in September 2013.

- (6) That the funding for the new Procurement Unit be split appropriately between the General Fund and the Housing Revenue Account based on actual workload.
- (7) That approval be given, in the medium term, for the Council to enter into discussions with Derbyshire County Council about the feasibility of establishing a countywide procurement service.

REASON FOR DECISION

To ensure that CBC has a fit for purpose procurement service in place.

0068 APPROVAL FOR REFRESH OF DISASTER RECOVERY (DR) CAPABILITY FOR CHESTERFIELD BOROUGH COUNCIL VIRTUAL INFRASTRUCTURE (B000)

The ICT Manager submitted a report seeking approval to procure and implement a new virtual infrastructure to improve Disaster Recovery (DR) capability, and to meet the requirements identified in recent Internal Audit reports

The proposal would enhance the ICT Disaster Recovery Plan, by ensuring that the virtual infrastructure met the recovery timescale in the Council's Business Continuity Plan.

An off-site device would hold a DR copy of current data, as well as backup archives.

The report included details of the capital and revenue costs, and outlined savings that would be made by moving from the current data backup system to the proposed virtual DR infrastructure.

It was proposed that tendering requirements be suspended, under Contract Procedure Rule 7.1, because for technical reasons only one contractor could provide the necessary goods and services.

- *RESOLVED** -
- (1) That the proposal to implement a new virtual infrastructure Disaster Recovery solution be approved.
 - (2) That approval be authorised to suspend tendering requirements under Contract Procedure Rule 7.1(a), because only one contractor is able to carry out the work or service or to supply the goods for technical reasons'.
 - (3) That the expenditure on the proposed Disaster Recovery solution, as set out in Section 6 of the report, be approved.

REASON FOR DECISION

To provide the Council with a clear strategic DR capability in line with its own Business Continuity Plan, and to address the current virtual tape-based DR solution that had been highlighted as not fit for purpose by recent Internal Audits, resulting in the benefits for the Council outlined in the report.

0069 PURCHASE OF 47 PAISLEY CLOSE, MIDDLECROFT (H000)

The Head of Housing submitted a report seeking approval to negotiate the purchase of 47 Paisley Close Middlecroft from Affinity Sutton, in order to convert it to a two-bedroom bungalow.

The property was being used as an office and workshop, with a yard and parking area attached. It had the potential to be converted into wheelchair-accessible accommodation.

An estimate was provided of the likely cost of the purchase and conversion of the property for domestic use. It was proposed that unallocated funds in the 2013/14 capital programme and additional Right to Buy receipts be used to fund the necessary work.

- *RESOLVED** -
- (1) That approval be given for the Council to enter into negotiations to purchase 47 Paisley Close, Middlecroft for between £40,000 and £50,000 from the Housing Revenue Account Capital Programme budget, to meet the identified need for two bedroom bungalows.
 - (2) That authority be granted for the Housing Service to spend an estimated £40,000 on converting the property to residential accommodation, and on any costs associated with the purchase of the property.
 - (3) That the costs of purchasing the property and of carrying out its refurbishment be met from the Housing Revenue Account.

REASON FOR DECISION

To help meet the demand for affordable two-bedroom bungalows.

0070 POLICY FOR DISPOSAL OF SOLAR PANELS IN CONJUNCTION WITH RIGHT TO BUY APPLICATIONS (H000)

The Head of Housing submitted a report seeking approval for a policy on the sale of solar panels, including their feed-in tariff rights, and for the transfer of financial liability for their maintenance, in conjunction with Right to Buy applications.

Approval of the policy would necessitate a change to the current tenancy agreement between the Council and its tenants.

***RESOLVED** - That where there is a Right to Buy application for a property where solar panels are installed, the Council's policy position, as set out in option 2 of the report, is to agree to the sale of the solar panels to the purchaser in conjunction with the sale of the property, and to transfer to the purchaser the right to the feed-in tariff and the ongoing financial liability for the management and maintenance of the solar panels.

REASON FOR DECISION

To ensure that Right to Buy applications were progressed within the statutory timescales, and to provide guidance on how to proceed when a Right to Buy application was received for a property fitted with solar panels.

0071 DEPOT RATIONALISATION PROJECT (E000)

The Head of Business Transformation submitted a report seeking approval for consolidating the Environmental Services and Housing Services operational divisions into a single shared depot at Stonegravels.

It was suggested that by consolidating the two operational service divisions into one depot the East Lodge/Boythorpe depot could be closed and sold. Staff at satellite yards in Holmebrook Valley Park, Eastwood Park and King George V Fields, Staveley would also be relocated to Stonegravels. Some staff would be moved from the Town Hall, including officers from Waste Management and Parks Development.

Improvements to staff accommodation and storage facilities for vehicles and equipment were proposed.

Staff and trade unions had been consulted, and issues raised during the consultation had been addressed.

The alterations needed to convert the Stonegravels depot into a shared facility would require planning permission.

The report outlined the financial and non-financial benefits of the proposed shared depot.

Proposals were made for financing the necessary alterations to the depot, until the cost could be covered by the sale of East Lodge/Boythorpe depot.

- *RESOLVED** - (1) That the proposal to relocate Environmental Services from the Boythorpe Depot to share the Housing Services Operational Services Division Depot at Stonegravels be approved.
- (2) That the financial investment and necessary timescales to convert the Stonegravels depot into a shared service facility be approved.

- (3) That the proposed rental agreement between the Housing Services' Operational Services Division and Environmental Services be approved.
- (4) That the sale of East Lodge/Boythorpe Depot be agreed, with the proceeds of the sale funding the construction of a new garage at Stonegravels.

REASONS FOR DECISION

1. Improved staff facilities for both services.
2. Greater cross service collaboration and continuity.
3. The sale of East Lodge/Boythorpe Depot would pay for the new depot garage and would avoid costly essential maintenance costs.
4. There would be annual budget savings from the General Fund from the proposal.
5. The initial outlay by OSD would be reimbursed in the short term, before providing a long term source of income.

CABINET MEETING**Tuesday, 10th September, 2013**

Present -

Councillor Burrows (Chair)

Councillor	Blank	Councillor	Lang ⁺⁺
	Brown ⁺		McManus
	Gilby		Russell
	Hollingworth ⁺		Serjeant
	Huckle ⁺		Martin Stone ⁺
	King		

⁺Non-voting Members⁺⁺ Attended for Minute No.0077

*Matters dealt with under Executive Powers

0072 DECLARATIONS OF MEMBERS' AND OFFICERS' INTERESTS RELATING TO ITEMS ON THE AGENDA

No declarations were made.

0073 ANNOUNCEMENT

The Head of Business Transformation announced that on Thursday 5th September, 2013, the Council had won the Best Employee and Equality Initiative prize at the annual Association of Public Service Excellence (APSE) Awards, for the Project Academy.

This scheme had provided staff with formal training in project management skills, and had enabled these staff to undertake a range of corporate projects which had achieved significant savings for the Council.

0074 MINUTES

RESOLVED - That the Minutes of the meeting of Cabinet of 23rd July, 2013 be approved as a correct record, and signed by the Chair.

0075 FORWARD PLAN

The Forward Plan of key decisions for the four month period 1st September, 2013 to 31st December, 2013 was reported for information.

***RESOLVED** - That the Forward Plan be noted.

0076 DELEGATION REPORT

Decisions taken by Executive Members during July and August were reported.

***RESOLVED** - That the report be noted.

0077 REPORT OF THE OVERVIEW AND PERFORMANCE SCRUTINY FORUM ON CORPORATE ANTI-SOCIAL BEHAVIOUR

Councillor Lang submitted the Report of the Overview and Performance Scrutiny Forum on the Council's corporate approach to tackling anti-social behaviour, for consideration.

The report proposed that Housing Services maintained responsibility for dealing with anti-social behaviour by Council tenants, and the Community Safety Team became responsible for responding to anti-social behaviour in the wider community

The report identified the resources needed to carry out this work, and proposed measures to improve communication within the Council and with other agencies, in order to tackle anti-social behaviour effectively.

- *RESOLVED** -
- (1) That the thanks of Cabinet be conveyed to Members of the Scrutiny Review Panel and of the Overview and Performance Scrutiny Forum for their work and candid observations on the Council's approach to tackling anti-social behaviour.
 - (2) That Cabinet notes and takes cognisance of the contents of the report produced and, in particular, of the recommendations made by the Overview and Performance Scrutiny Forum on how the Council might modify its approach to tackling anti-social behaviour.
 - (3) That the Overview and Performance Scrutiny Forum's report and recommendations be referred for immediate consideration by the Joint Member/Officer Working Group that has been established to review the Council's arrangements for the management of private sector anti-social behaviour.
 - (4) That Members of the Scrutiny Review Panel and of the Overview and Performance Scrutiny Forum be afforded the opportunity to consider and comment on the final working drafts of any new policy and procedures so developed for the management of private sector anti-social behaviour prior to their submission to full Council for final approval.

- (5) That the Joint Member/Officer Working Group be encouraged to complete their review of the Council's arrangements for the management of private sector anti-social behaviour by 31st December, 2013.

REASON FOR DECISION

To review the Council's Corporate Anti-Social Behaviour Policy and Strategy, taking the scrutiny work into consideration, and to re-emphasise anti-social behaviour across the community as being corporate Council business, irrespective of housing tenure.

0078 TOWN HALL - OPTION TO TAX

The Head of Finance submitted a report on the option to tax the Town Hall.

The implications of charging VAT on the Town Hall premises were outlined in the report.

To ensure that the Council's 'exempt' activities, on which VAT is recoverable, remained below the 5% threshold for exemption from this tax, it was necessary to make the Town Hall taxable.

If the 5% threshold for 'exempt' activities in all Council premises were to be exceeded, the Council would become liable for payment of VAT on all 'exempt' activities without any possibility of recovering any of the tax paid.

When the building is registered as taxable, VAT could be added to the rents charged of occupiers. If the tenants were registered for VAT, they could recover the VAT element of their rent from HMRC.

Discussions had been held with the voluntary organisations intending to rent space in the Town Hall, and further advice on the implementation of VAT regulations was being sought, to mitigate the effect on these tenants.

RESOLVED - That the Council exercises its option to charge VAT on the premises known as the Town Hall, with effect from 10th September, 2013.

REASON FOR DECISION

To protect the Council's exempt VAT recovery position.

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CABINET MEETING**10th September, 2013****DELEGATION REPORT****DECISIONS TAKEN BY LEAD MEMBERS****Leader (Joint Board with NEDDC and Bolsover DC)**

Decision Record No.	Subject	Delegation Reference	Date of Decision
15/13/14	Minutes of Previous Meetings	R116L	15th July, 2013
<p>Decision</p> <p>That the notes and Records of Decision of the Joint Board meeting held on 20th May, 2013 and the draft notes of the Chief Executives meeting held on 20th June 2013, be approved as a correct record, and signed by the 3 Leaders.</p>			
<p>Reason for Decision</p> <p>To note progress on joint working.</p>			
16/13/14	Transformation Challenge Grant Bid	R116L	15th July, 2013
<p>Decision</p> <p>That the Joint Board notes the bid made by CBC on behalf of the 3 Councils and also all Derbyshire Councils for funding from the Government's Transformation Challenge Fund to support future shared services working on Internal Audit and Procurement.</p>			
<p>Reason for Decision</p> <p>To help facilitate effective future Joint Working between Derbyshire Councils.</p>			

Decision Record No.	Subject	Delegation Reference	Date of Decision
17/13/14	Shared Procurement Unit (SPU) Issues Update	R116L	15th July, 2013
<p>Decision</p> <p>That the Joint Board notes the update on the future direction of the Shared Procurement Unit, and the interim position taken by Chesterfield Borough Council to withdraw from the Unit to focus its resources on a number of current major procurement projects.</p>			
<p>Reason for Decision</p> <p>To ensure that the Shared Procurement Unit continues to provide best value for Member Councils.</p>			
18/13/14	Community Covenant - Update	R116L	15th July, 2013
<p>Decision</p> <p>That the update report on the countywide delivery of the Community Covenant be noted.</p>			
<p>Reason for Decision</p> <p>To ensure that the communities of north eastern Derbyshire have fair access to the Community Covenant grants process.</p>			
19/13/14	BCN Consultancy (Building Control) Update	R116L	15th July, 2013
<p>Decision</p> <p>(1) That the current budget position of BCN be noted.</p> <p>(2) That progress on the options Appraisal be noted.</p>			
<p>Reason for Decision</p> <p>To effectively manage BCN in accordance with legislation and the legal agreement for the joint working consortium.</p>			

Deputy Leader and Executive Member for Planning

Decision Record No.	Subject	Delegation Reference	Date of Decision
20/13/14	Ten Year Lease of Unit 9, The Pavements	J420L	29th July, 2013
<p>Decision</p> <p>(1) That Love Forever Midlands Ltd be granted a ten year lease of Unit 9, The Pavements, Chesterfield.</p> <p>(2) That the Head of Governance be granted delegated authority to deal with any late amendments to the terms of the lease.</p>			
<p>Reason for Decision</p> <p>The letting will secure at least a five or ten year income stream. Financially the Council will benefit from not having to pay empty business rates. The letting will secure a tenant of a unit which has been vacant and proved difficult to let.</p>			

Executive Member for Customers and Communities

Decision Record No.	Subject	Delegation Reference	Date of Decision
21/13/14	Application for financial assistance - The Volunteer Centre, Chesterfield and North Derbyshire	S370L	23rd July, 2013
<p>Decision</p> <p>(1) That the application for financial assistance with the cost of hiring the Pomegranate for an event to promote volunteering be approved.</p> <p>(2) That in response to a request by the manager of the Volunteer Centre to send a representative to serve on their management committee, a place on the management committee be accepted.</p>			
<p>Reason for Decision</p> <p>To support the work of the Volunteer Centre in Chesterfield.</p>			
22/13/14	Application of Discretionary Rate Relief (NACRO)	S460L	15th August, 2013
<p>Decision</p> <p>That the application for discretionary rate relief be refused.</p>			
<p>Reason for Decision</p> <p>Application determined against agreed criteria and the provisions of the Local Government Finance Act 1988.</p>			

Decision Record No.	Subject	Delegation Reference	Date of Decision
23/13/14	Application for Discretionary Rate Relief - Barrow Hill Memorial Club	S460L	15th August, 2013
<p>Decision</p> <p>That the previously granted 20% discretionary rate relief continue in respect of the financial year 2013/14, with the category of other organisations.</p>			
<p>Reason for Decision</p> <p>Application determined against agreed criteria and the provisions of the Local Government Finance Act 1988.</p>			
24/13/14	Application for Discretionary Rate Relief - People Potential Possibilities trading as P3	S460L	15th August, 2013
<p>Decision</p> <p>That the application for discretionary rate relief be refused.</p>			
<p>Reason for Decision</p> <p>Application determined against agreed criteria and the provisions of the Local Government Finance Act 1988.</p>			
25/13/14	Application for Discretionary Rate Relief - Turning Point	S460L	15th August, 2013
<p>Decision</p> <p>That the application for discretionary rate relief be refused.</p>			
<p>Reason for Decision</p> <p>Application determined against agreed criteria and the provisions of the Local Government Finance Act 1988.</p>			

Decision Record No.	Subject	Delegation Reference	Date of Decision
26/13/14	Application for Discretionary Rate Relief - YMCA Derbyshire	S460L	15th August, 2013
<p>Decision</p> <p>That discretionary rate relief be granted at the rate of 20%, with the category of other organisations.</p>			
<p>Reason for Decision</p> <p>Application determined against agreed criteria and the provisions of the Local Government Finance Act 1988.</p>			
27/13/14	Outstanding Debts for Write-off	G100L	28th August, 2013
<p>Decision</p> <p>That the sum of £23,368.60 be written off against the Bad Debt Provision.</p>			
<p>Reason for Decision</p> <ol style="list-style-type: none"> 1. The customer cannot be traced. 2. There is little or no likelihood of obtaining payment of the debt. 			
28/13/14	Insolvency Debts for Write-off	G100L	28th August, 2013
<p>Decision</p> <p>That the debts shown in the report, totalling £141,138.41 be written off.</p>			
<p>Reason for Decision</p> <p>Payment of these debts is unlikely to be forthcoming, and early write-off has been recommended by the Council's external auditors.</p>			

CABINET MEETING**Tuesday, 24th September, 2013**

Present -

Councillor Burrows (Chair)

Councillor	Blank	Councillor	Ludlow
	Brown ⁺		McManus
	Hollingworth ⁺		Russell
	Huckle ⁺		Martin Stone ⁺
	King		

⁺Non-voting Members

*Matters dealt with under Executive Powers

0079 DECLARATIONS OF MEMBERS' AND OFFICERS' INTERESTS RELATING TO ITEMS ON THE AGENDA

No declarations were made.

0080 MINUTES**RESOLVED** - That the Minutes of the meeting of Cabinet of 10th September, 2013 be approved as a correct record, and signed by the Chair.**0081 ASSISTED AREAS MAP CONSULTATION (R000)**

The Head of Regeneration submitted a report summarising the Council's proposed response to a Government consultation on the development of a new Assisted Areas map.

The Department for Business, Innovation and Skills was undertaking a two-stage consultation in order to prepare a new Assisted Areas Map for the period 2014-2020. The first stage of the consultation process would end on 4th October, 2013, and the second stage would be consultation on a draft map incorporating the results of the first consultation. The final version of the map would come into effect on 1st July, 2014.

The Council's response would be submitted to the Sheffield City Region and D2N2 Local Enterprise Partnerships (LEPs), to show the Council's proposed priorities for the electoral wards in Chesterfield. LEPs were responsible for co-ordinating the first stage consultation responses, and forwarding them to the Government.

Assisted Area status would confer some priority for regional financial support for business development in the electoral wards identified. Economic need was the main criterion for identifying areas in need of financial assistance, and consideration

was also given to the economic potential of each area proposed for assistance.

***RESOLVED** - That the following response to the Assisted Areas Map consultation in relation to Chesterfield be approved, and submitted to the SCR and D2N2 Local Enterprise Partnerships (LEPs):-

- (1) Chesterfield wishes to retain in full its existing Assisted Area coverage including the following wards based on economic need and business concentration - Dunston, Lowgates and Woodthorpe, Middlecroft and Poolsbrook, Moor, Old Whittington, Barrow Hill and New Whittington, Hollingwood and Inkersall, St Helen's, St Leonards, Hasland, Brimington North and Brimington South.
- (2) If there is an opportunity to increase Assisted Area coverage within either D2N2 or SCR LEP areas, then based on economic need and business concentration, Holmebrook Ward should also be included.
- (3) If all areas within the existing Assisted Area map of the two LEPs are required to contribute towards a reduction in coverage to 80% of the current Assisted Area population, then Chesterfield should initially offer a 15.23% reduction by releasing Brimington North and Brimington South wards on the basis that they have a relatively low concentration of manufacturing businesses and would have less to lose in terms of regional aid. If further reductions are demanded then Moor ward be released, as it would have the least negative impact on Chesterfield's Assisted Area coverage.
- (4) To request that the SCR and D2N2 LEPs collaborate on the final Assisted Areas Map to ensure the North Derbyshire and North Nottinghamshire areas receive adequate coverage.

REASON FOR DECISION

To enable a response to the Assisted Areas Map consultation.

0082 DRAFT PROPOSED DESIGNATION: CHATSWORTH ROAD CONSERVATION AREA (J000)

The Group Leader for Development Management submitted a report on the draft Conservation Area Appraisal document, covering the proposed conservation area along Chatsworth Road, which had been produced in preparation for public consultation.

The report outlined the duty of local planning authorities, under Section 69 of the Planning (Listed Buildings Conservation Areas) Act, to identify areas of special

historical or architectural interest to be preserved or enhanced by being designated as conservation areas.

One of the Council's key outcomes, as stated in the Corporate Plan for 2013-15 is that 'our built heritage will be protected and enhanced'; and the designation of conservation areas was one means of achieving this.

A six-week consultation period on the proposed Chatsworth Road conservation area was proposed. Residents, the wider public and local amenity groups, institutions and organisations would be consulted.

After the consultation period any comments received would be considered and a recommendation made to the Cabinet on whether or not to designate Chatsworth Road as a conservation area.

***RESOLVED** - That the draft Conservation Area Appraisal document for the proposed Chatsworth Road Conservation Area be approved for the purposes of public consultation.

REASON FOR DECISION

Designating the area as a conservation area will provide a greater level of protection to the existing built heritage. This will fulfil the Council's corporate aims as well as its statutory duties.

0083 TREASURY MANAGEMENT ANNUAL REPORT 2012/13 AND MONITORING REPORT 2013/14 (J070R)

The Head of Finance submitted a report on the Annual Treasury Management Report for 2012/13 and the Treasury Management activities for the first five months of 2013/14.

- *RESOLVED** -
- (1) That the Council be recommended to:-
 - (i) note the outturn Prudential Indicators for 2012/13;
 - (ii) note the treasury management stewardship report for 2012/13;
 - (iii) note the treasury management position for the first five months of 2013/14.
 - (2) That the Cabinet recommends that the Reports be submitted to the Council for approval.
 - (3) That the Council notes that the Reports have been scrutinised and approved for submission to the Cabinet and the Council by the Standards and Audit Committee.

REASON FOR DECISION

To comply with the Council's Treasury Management Policy and Practices, the CIPFA Code of Practice on Treasury Management (2009) and the CIPFS Prudential Code for Capital Finance in Local Authorities (2009).

0084 VOLUNTEERING REVIEW (B000)

The Head of Regeneration submitted a report on a review of the Council's volunteering policy. The report included an assessment of the policy's suitability for the whole Council, and the steps needed to implement it.

The report summarised the results of a pilot in Cultural Services.

At Minute No. 0204 (2011/12) Cabinet had approved the introduction of a volunteering policy, to be piloted for 12 months in Cultural Services. The pilot at the Winding Wheel and Pomegranate had been deferred until October 2013, because of staff restructures in Cultural Services, but volunteers had been placed at the Visitor Information Centre, in the Museum, and used at some outdoor events.

Staff and volunteers had found the experience positive, and trade unions had supported volunteering as a route to employment, to complement the work of paid staff.

Issues arising during the pilot included:

- where responsibility should rest at the Council for co-ordinating any expansion of the volunteering programme;
- the value of the continuing assistance of the Volunteer Centre for Chesterfield and North Derbyshire in recruiting volunteers;
- the decision not to use Disclosure and Barring Service (DBS) checks for volunteers in Cultural Services, because it was seen as a low risk activity;
- the development of Corporate Induction training for volunteers, co-ordinated by Support Services, in addition to service-specific training;
- the development of procedures to manage volunteers effectively;
- an assessment of the benefits to volunteers of participation;
- an assessment of the flexibility of volunteers;
- clarification of the role of volunteers, to minimise staff resistance to working alongside them.

The report included details of the cost of paying volunteers' expenses, the risks of implementing any volunteer programme, and the mitigating measures to be

taken, and also provided an equalities impact assessment for the policy.

- *RESOLVED -**
- (1) That the volunteering policy, piloted in Cultural Services, be adopted as a Council-wide policy for all services to use, should suitable opportunities arise.
 - (2) That staff in Support Services take on the responsibility of being the first point of contact for volunteer enquiries and organising corporate induction training.
 - (3) That Service Managers be responsible for volunteering within their respective service areas, and that all volunteer expenses for travel, training and Disclosure and Barring Service checks be paid for by the host service from existing budgets.
 - (4) That all policies and procedures relating to volunteering at Chesterfield Borough Council be put on the Council's website and intranet.

REASON FOR DECISION

Volunteering can offer mutual benefits to the Council and the community.

0085 DISCRETIONARY HOUSING PAYMENTS (S000R)

The Customer Centric Services Manager submitted a report seeking approval for the adoption of a refreshed Discretionary Housing Payments (DHP) policy and procedures document.

Amendments to the current policy were proposed, to take into account the effect of changes in Government policy on Council Tax Benefit (now called the local Council Tax Reduction Scheme). The revised policy was also a response to the impact of Welfare Reforms on tenants deemed to have spare bedrooms, and subject to the under-occupation charge (known as the 'bedroom tax) on their Housing Benefit payments.

It was proposed that regular monitoring reports on the implementation of the DHP policy would be made to the Appeals and Regulatory Committee, for information. A further review of the policy would be required when Universal Credit was implemented.

- *RESOLVED -** That it be recommended to full Council:
- (1) That the refreshed DHP policy and procedures document be agreed, adopted and published.
 - (2) That a review be undertaken after 6 months of the operation of the refreshed policy and procedures, and a progress report

be presented to the Cabinet.

- (3) That monthly progress reports be presented to the Appeals and Regulatory Committee, starting immediately, detailing DHP applications and decisions taken, for information.
- (4) That a further review be undertaken when Universal Credit is implemented.

REASONS FOR DECISION

- (1) The existing document is no longer fit for purpose.
- (2) Reviews will be more quickly and equitably decided by a panel of senior managers of Customer Services and Community Housing.
- (3) Further Appeals to Members would require that they be appraised of all DHP awards made and refused so that consistency of decision making could be guaranteed.
- (4) A review of the operation of the policy after 6 months is appropriate in the circumstances, as the impacts of Welfare Reform come to be fully understood, including the Benefits Cap which came into operation in July 2013.

0086 LOCAL GOVERNMENT ACT 1972 – EXCLUSION OF 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 involves the likely disclosure of exempt information as defined in Paragraph 3 of Part I of Schedule 12A to the Local Government Act 1972, on the grounds that it included information about the financial or business affairs of companies.

0087 DISPOSAL OF THE FORMER NEWBOLD SCHOOL SITE (J000)

The Head of Finance and Head of Governance submitted a report seeking approval to proceed with the sale of the former Newbold School site, by accepting a bid from Barratt Homes.

The report provided details of the bids received when the land was marketed from May to July 2013, and justification for the recommendation to accept the bid from Barratts Homes.

It was proposed that the Head of Governance be given delegated authority to vary the terms of the sale, and to include additional land if required for highway junction improvements near the site, in co-operation with Derbyshire County Council.

- *RESOLVED** - (1) That the Barratt Homes bid for the former Newbold School site be accepted, to allow the Heads of Terms to be negotiated.
- (2) That the Head of Governance be granted delegated authority to vary the terms of the sale and to include the sale of any additional land to the north of Newbold Road in CBC ownership required for highway junction improvement purposes, as necessary, at no additional cost to Barratt Homes.

REASON FOR DECISION

The sale of the former Newbold School site will generate a valuable capital receipt for the Council, in addition to bringing back into beneficial use an unused site.

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EMPLOYMENT AND GENERAL COMMITTEE

Wednesday, 7th August, 2013

Present -

Councillor Elliott (Chair)

Councillor Gibson

Councillor King

*Matters dealt with under the Delegation Scheme

0001 DECLARATIONS OF MEMBERS' AND OFFICERS' INTERESTS RELATING TO ITEMS ON THE AGENDA

No declarations were received.

0002 APOLOGIES

Apologies for absence were received from Councillors Blank and Fanshawe.

0003 MINUTES OF THE MEETING HELD ON 25TH MARCH, 2013

RESOLVED - That the Minutes of the meeting of the Committee held on 25th March, 2013 be approved as a correct record and signed by the Chair.

0004 MINUTES OF COUNCIL HEALTH AND SAFETY COMMITTEE HELD ON 18TH APRIL AND 4TH JULY, 2013 (EC210)

The Minutes of the meetings of the Council Health and Safety Committee held on 18th April and 4th July, 2013 were submitted.

(For Minutes see Appendices 'A' and 'B'.)

***RESOLVED -** That the Minutes be received and noted.

0005 ELECTORAL FRAUD IN THE UK ELECTORAL COMMISSION EVIDENCE AND ISSUES PAPER (EC000)

The Head of Governance submitted a report for members to consider the Consultation Paper by the Electoral Commission on Electoral Fraud and agree the consultation responses.

The review focused on areas of the electoral process which the Electoral Commission believed may be vulnerable to fraud which were identified as:

- Absent vote applications (postal and proxy)
- Postal voting processes
- Proxy voting processes
- Polling station security and voting processes.

Views were sought on the suggested changes in the following key areas:

- Restricting the availability of postal voting in Great Britain
- Providing alternatives to postal voting
- Restricting the handling of postal vote application forms and postal ballot packs by political parties, candidates, canvassers and campaigners and prohibiting of absent voters' lists before elections
- Requiring all proxy votes to be attested
- Restricting the number of electors for whom a proxy can be appointed
- Restricting the availability of proxy voting
- Requiring all voters at polling stations in Great Britain to provide proof of their identity
- Introduction of statutory restrictions on the activities of campaigners outside polling stations

***RESOLVED** - That the draft consultation response to the Electoral Commission Evidence and Issues Paper on the potential impact of Electoral Fraud in the UK, set out in the report, be agreed.

APPENDIX 'A'**COUNCIL HEALTH AND SAFETY COMMITTEE****Thursday, 18th April, 2013**

Present -

M. Bollands (Operational Services Manager)	M. Jasinski (Corporate Health and Safety Adviser)
P. Breedon (Vice Chair) (UNITE)	
A. Chapell (UNISON)	D. Johnson (Assistant Corporate Health and Safety Adviser)
I. Clay (Housing/OSD)	
R. Cook (Landscape and Streetscene Services)	A. Kaushik (Human Resources)
	Councillor G. King
R. Davenport (UCATT)	P. Longley (UNISON)
N. Debell (UNISON)	B. Offiler (Democratic Services)
Councillor H. Elliott	M. Spottswood (Kier Asset Management)
M. Evans (Head of Business Transformation)	B. Tomlinson (Landscape and Streetscene Services)
Councillor R. Gibson	J. Vaughan (Kier Asset Management)
M. Hayden (Head of Regeneration)	D. West (Head of Environment)
C. Hayes (UNISON)	
Councillor J. Innes	

0016 APOLOGIES

Apologies for absence were received from Councillors S. Bradford and A. Slack and M. Blythe, B. Dawson, T. Devereux and S. Goodwin.

0017 CORPORATE HEALTH AND SAFETY IMPROVEMENT PLAN – REVIEW OF PROGRESS IN 2012/13 AND PRIORITIES FOR 2013/14

The Chair explained that the Committee would consider progress during the last year in each Service Area against the targets for the four objectives in the Corporate Health and Safety Improvement Programme and consider the priorities for the coming year.

Accident Performance

Marc Jasinski, Corporate Health and Safety Adviser, presented the report on Accident/Incident statistics for the quarter 21st December, 2012 – 8th March, 2013.

The total number of accidents/incidents processed this quarter had decreased by 25% (from 107 to 80) compared with the previous quarter.

There had been three employee RIDDOR reportable accidents/incidents and 19 employee non-RIDDOR reportable accidents/incidents for this quarter.

There had been two non-employee RIDDOR reportable accidents/incidents and 37 non-employee non-RIDDOR reportable accidents/incidents during this quarter.

The report included breakdowns of the types of injury, the causes of accidents and the locations of accidents (for employee and non-employee incidents) during the quarter, the most common type of injury being 'contusions/swellings' (20 compared to 36 in the previous quarter), 'cuts/abrasions/puncture wounds' (20 compared to 21 previously) and 'no injury/near miss' (20 compared to 18 previously). The most common causes were 'contact with fixed object' (22, the same number as the previous quarter) and 'slip/trip/fall' (14 compared to 26 previously), and the most common location was Leisure Centres (32 incidents compared to 48 previously).

In respect of the Accident Performance targets within the Improvement Programme, it was noted that:-

- the incidence rate for non-fatal employee injury (20.9 per 1,000 employees in this quarter) had decreased by 18% over the whole year, exceeding the target of a 12% annual reduction;
- the number of accidents leading to employees having time off work (4 in this quarter) totalled 17 over the whole year, which was a 54% increase on the previous year, resulting in the target reduction of 8% having not been met;
- the average number of days lost due to accidents (11.5 days per accident in this quarter) amounted to 5.8 days per accident over the whole year, just outside the target of 5 or fewer days per accident.

It was noted that a significant number of incidents which led to lost time involved manual handling, and, whilst recognising the major reduction which had been achieved in manual handling injuries in recent years, it was suggested that each Service Area review each manual handling incident to determine whether its Manual Handling Risk Assessment needed to be revised in respect of working practices, further aids or training. The importance of training being delivered specific to each workplace and of early support and treatment through Occupational Health in such cases was stressed. The trial of physiotherapy and chiropractic treatment had been well received and Service Managers were encouraged to contact Human Resources where staff may benefit from this.

Arising from the more detailed analysis of accidents undertaken by the Project Academy it was noted that the increase in 'road traffic incidents' included incidents causing damage to vehicles (where there was no injury to people). It was suggested that Service Managers analyse in more detail those incidents with common causes, such as 'road traffic incidents', 'slips, trips, falls' and 'violence and aggression' to determine whether further measures could be taken to minimise these.

The issue of the amount of information which could be made available to staff about people who may present a 'violence and aggression' risk, especially for staff working outside in public spaces, was discussed, and the Corporate Health and Safety Adviser and Head of Business Transformation agreed to clarify this with the Community Safety Officer. It was noted that currently the Staff Caution List was being maintained by the Corporate Safety Unit with access restricted to those staff requiring this information.

In respect of non-employee 'slip, trip and fall' incidents, it was noted that a new surface had been trialed in the Pavements Shopping Centre, it being suggested that, if successful, this should be extended as part of the planned refurbishment of the Centre. Similarly it was suggested that the non-slip treatment of wet-side surfaces in the leisure centres be maintained and be included within the design of the proposed new Sports Centre.

Health and Safety Performance in Regeneration Services

Mike Hayden, Head of Regeneration, gave a presentation on health and safety performance during the last year in Regeneration Services.

The number of accidents/incidents reported during the year had increased for both employees and non-employees, which it was felt was partly due to greater attention being given to reporting. There were no serious safety implications arising from the accidents.

Joint safety inspections had been held on a regular basis and procedures reviewed, leading to greater attention being given to health and safety issues and greater clarity on organisational and personal responsibilities. A new fire safety system had been introduced at the Winding Wheel and evacuation exercises carried out at the Winding Wheel and Pomegranate. Monthly safety meetings had been held for Venues, and it was proposed to extend this approach for Markets.

Arrangements for on-site management of health and safety risks, where contractors were being used, had been reviewed and strengthened, including regular meetings with contractors. Training had been delivered across a number of subjects, including legionella and fire safety.

There had been a reduction in staff time lost due to ill health. Stress Risk assessments had been completed for Venues and Tourism and were being undertaken in other service areas.

Health and Safety Performance in Business Transformation Services

Mark Evans, Head of Business Transformation, reported on health and safety performance during the last year in Business Transformation Services.

A restructure of the Corporate Health and Safety Unit had been approved, which would facilitate a more strategic approach to the Council's management of

health and safety and a revised approach to the management of asbestos in Council properties.

Revised arrangements had been implemented in respect of the control of contractors through regular meetings of a Steering Group and included training, a proposed contract management system/register, Constructionline accreditation as a pre-requisite to tender for Council contracts and minimum standards across the Council. An external audit of the arrangements was planned for July 2013.

A revision of the 'Organisation' and 'Arrangements' sections of the Corporate Health and Safety Policy had been drafted, which was due to be considered later in the meeting.

A health and safety tour of the high risk work areas in the Town Hall had been undertaken, and an action plan was being prepared for Service Managers to address issues identified, including storage in the basement.

Stress Risk Assessments had been completed in Business Transformation service areas, and Service Managers were to undertake monthly safety inspections of their areas.

Following a question about information on the Council's Asbestos Register, Martyn Bolland, Operational Services Manager, agreed to clarify the detail in respect of communal areas in Council properties.

Performance against the Corporate Health and Safety Performance Index (CHaSPI)

Marc Jasinski, Corporate Health and Safety Adviser, reported on progress achieved against the Corporate Health and Safety Performance Index (CHaSPI). Following the initial assessment in June 2011, which resulted in a score of 4.5, the score had increased at each of the subsequent assessments to 4.8 in May 2012, 5.4 in September 2012 and 5.6 in March 2013, remaining on course to achieve the target score of 6.6 by March 2015.

The Chair thanked Service Managers and staff for driving forward the improvements in health and safety management which had contributed to this improved score, and he highlighted dealing with serious incidents and sickness absence as areas to be focused on in the coming year to enable the score to be further increased.

In considering progress in the area of the Council's health and safety climate and culture, the Committee discussed options for repeating the Staff Health and Safety Opinion Survey, which had been carried out corporately at the start of the three year performance period. The survey had been repeated within the Operational Services Department to check progress, and it was suggested that this be done within each Service Area during the coming year, with a further Council-wide survey to be undertaken the following year.

Occupational Health Performance

Ashish Kaushik, Human Resources Officer, reported progress against the Occupational Health objective of reducing work-related ill health.

The revised system to enable the recording of work-related ill health had been introduced in October 2012. From November 1st, 2012 until 15th April, 2013 there had been 22 cases of work-related ill health recorded, resulting in 236 lost days. The most common causes were 'other musculoskeletal' (excluding 'back pain') and 'stress', with 10 cases being in Environmental Services and 9 in Housing Services. The data gathered over this 6 months period would provide a benchmark level for the incidence of cases of work-related ill health, meeting the target set for 2012/13 within the Improvement Plan.

It was emphasised that the physiotherapy and chiropractic treatment services were available for staff, whether injuries were work-related or not, and it was confirmed that Heads of Service were responsible for developing action plans for the management of stress from the stress risk assessment questionnaires.

It was noted that the Corporate Health and Safety Unit reported RIDDOR reportable incidents where this was clear from the accident report, but that Service Managers would need to identify reportable cases of work-related absence to enable these to be reported to HSE within the required timescale. It was hoped that the new Accident Reporting system may be able to assist this process and enable the costs of absence to be calculated.

Health and Safety Performance in Environment Services

Darran West, Head of Environment, gave a presentation on health and safety performance during the last year in Environment Services.

There had been an increase in the number of employee incidents recorded, which it was felt was partly due to increased awareness of reporting incidents.

The Leisure Centres had reviewed their operating procedures and emergency action procedures and had revised their maintenance reporting system. As a result repairs had been undertaken to the grouting at the Healthy Living Centre pool, leading to a reduction in the number of incidents reported.

SpirePride had undertaken regular inspections of Parks and other assets, with required repairs being prioritised, and had revised arrangements for working at the side of high speed roads, personal protective equipment and clothing, control of legionella, dealing with sharps and preventing overloading of vehicles. The inspection programme of memorial stones in cemeteries had been recommenced.

A HSE assessment had found the arrangements for the management of waste collection to be satisfactory, and a Transport Code of Practice had been introduced on the use of vehicles.

There had been greater engagement with staff on the Leisure Transformation Project and regular training for lifeguards, drivers and driver assessors and on the control of legionella, premises management and grave digging as well as tool box talks. Safety representatives were involved in accident investigations and monthly checks with supervisors.

Arising from the stress risk assessments, it was planned to use ACAS to attempt to address some of the issues raised.

Kier Contractor Management Process

Mark Spottswood and Jon Vaughan of Kier Asset Management gave a presentation on the Kier Contractor Management Process used for contractors working on Council sites, covering the stages of contractor selection, project risk assessment / method statement evaluation, project monitoring and supervision and project performance feedback and review.

Details were provided of the information requested from contractors, including risk assessments, method statements, policy statements and insurance, registration and accreditation certificates and of the documentation used by Kier to evaluate these prior to work commencing. An electronic database was being developed to record this information, which would identify when certificates were due for renewal.

Formal inspections and monitoring was undertaken on all contracts, with the frequency and level of monitoring dependent on the nature of the task, the environment, previous contractor performance and feedback from the on-site premises manager and staff.

Feedback on project performance was obtained from maintenance work report sheets, client satisfaction sheets and project manager inspections.

Kier was working with the Council through the Contractor Working Group, and premises managers were now more aware of their responsibilities through the training which had been undertaken. It was confirmed that the Council's use of Constructionline ensured that minimum standards were being met and that Kier were aiming to achieve the next standards level during the coming six months. The Business Transformation Group was considering how to set up objective criteria to provide a scoring system as part of the feedback on project performance.

Health and Safety Performance in Housing Services, Governance and Finance

Due to the time constraints at the meeting it was agreed that reports of the health and safety performance in Housing Services, Governance and Finance would be provided to the Corporate Health and Safety Unit and be available outside the meeting.

The Chair thanked Service Managers and Trade Union representatives for their contribution to the significant achievements over the previous year and for the reports which had assisted the Committee to focus on the priorities for the coming

year.

RESOLVED - That the reports on health and safety performance against the targets for 2012/13 and the priorities for 2013/14 in the Corporate Health and Safety Improvement Programme be noted.

0018 MINUTES - 24TH JANUARY, 2013

The Minutes of the meeting held on 24th January, 2013 were presented.

RESOLVED - That the Minutes be approved as a true record and signed by the Chair and Vice-Chair.

0019 DRAFT REVISION OF SECTION 2 (ORGANISATION) AND SECTION 3 (ARRANGEMENTS) OF THE CORPORATE HEALTH AND SAFETY POLICY

The draft revision of Section 2 (Organisation) and Section 3 (Arrangements) of the Corporate Health and Safety Policy was presented. The Vice Chair requested that more time be provided for this to be considered and he agreed to respond to the Corporate Health and Safety Adviser with any comments within the next two weeks.

It was confirmed that once the draft revision had been agreed, the revised Policy would be available to employees via the Council's Intranet, with hard copies available if required where staff were unable to access the Intranet.

RESOLVED - That subject to any final amendments to the draft revision being agreed by the Chair and Vice-Chair, the draft revision of Section 2 (Organisation) and Section 3 (Arrangements) of the Corporate Health and Safety Policy be approved.

0020 ANY OTHER BUSINESS

Trials of Accident Reporting Systems

The CHaSPI Working Group had considered one potential Accident Reporting System to date and was due to look at another one. It was proposed that the preferred system would be trialled in one Service Area and then rolled out to others, subject to finance being available.

RESOLVED - That the CHaSPI Working Group determine the preferred Accident Reporting System to be trialled, subject to finance being available.

Online Health and Safety Training

In response to a question about the records of health and safety training undertaken online, it was agreed to clarify the arrangements for who could access these and whether they could be identified by Service Area.

Health and Safety Newsletter

It was reported that the electronic newsletter would be finalised with the information currently available.

APPENDIX 'B'**COUNCIL HEALTH AND SAFETY COMMITTEE****Thursday, 4th July, 2013****Present -**

P. Breedon (UNITE)	S. Goodwin ⁺ (Head of Governance)
T. Bryan (UNISON)	C. Hayes (UNISON)
A. Chapell (UNISON)	Councillor A. Hill
J. Clarke-Humphries ⁺ (The Pavements Centre)	Councillor J. Innes
B. Dawson ⁺ (Head of Finance)	M. Jasinski (Corporate Health and Safety Adviser)
J. Tingle ⁺ (Housing/OSD)	Councillor G. King
R. Cook (Landscape and Streetscene Services)	P. Longley (UNISON)
R. Davenport (UCATT)	B. Offler (Democratic Services)
M. Evans (Head of Business Transformation)	Councillor A. Slack

+ for Minute No. 0004

Min. No.	<u>Item</u> Decision / Action	By Whom
0001	<u>Apologies for Absence</u> Councillor R. Gibson and M. Blythe, M. Bolland, I. Clay, D Johnson and A. Kaushik.	
0002	<u>Appointment of Chair for 2013-14</u> <ul style="list-style-type: none"> Councillor Graham King be appointed Chair for the Council Year 2013-14. 	
0003	<u>Appointment Of Vice-Chair for 2013-14</u> <ul style="list-style-type: none"> Peter Breedon be appointed Vice-Chair for the Council Year 2013-14. 	
0004	<u>Corporate Health and Safety Improvement Programme – Review of Progress in 2012/13 and Priorities for 2013/14</u> Reports considered on progress on health and safety issues during the last year and priorities for 2013/14 in the following Service Areas: <u>Accountancy & Internal Audit</u> Plans for 2013/14:	

	<ul style="list-style-type: none"> • Review Risk Assessments and undertake workplace inspections; • Revise staff survey forms to enable to be more appropriate for office-based staff. <p><u>Pavements Shopping Centre</u></p> <p>Plans for 2013/14:</p> <ul style="list-style-type: none"> • Deliver full programme of training, including toolbox talks, training days and external training courses; • Develop Security Handbook, including section on health and safety, and roll out to all staff; • Bring up vacant properties to safe standard before re-letting; • Develop new Shopfitting Guide, including health and safety standards, and distribute to tenants; • Consider possible solutions for slippery floor surfaces as part of potential Centre refurbishment; • Involve Safety Representatives in Kier property safety inspections. <p><u>Housing Services and OSD</u></p> <ul style="list-style-type: none"> • Continue to deliver staff training and to notify Corporate Health and Safety Adviser of courses and dates to enable staff from other Services to attend where appropriate. <p><u>Governance Service</u></p> <ul style="list-style-type: none"> • Service Managers to clear obsolete records in store in basement in line with Corporate Record Retention and Disposal Schedule; • Implement revised room layouts and safe working procedures for meetings of Regulatory Committees to minimise risk; • Update Fire Risk assessment; • Finalise Governance's local Health and Safety arrangements; • Complete Stress Management Action Plan. <p>As part of managing stress, aim to ensure consistent approach across the Council to supporting 'at risk' staff applying for alternative posts.</p>	<p>Head of Finance Corporate Health & Safety Adviser</p> <p>Pavements Centre Manager</p> <p>Operational Services Manager</p> <p>Service Managers Head of Governance</p> <p>Head of Business Transformation, Head of HR</p>
0005	<p><u>Accident Statistics and Performance Against Targets</u></p> <p>Considered report of accident / incident statistics during the period 8th March – 8th June, 2013 and the year to date</p>	

	<p>progress against targets:</p> <ul style="list-style-type: none"> • 29.5 employee non-fatal accidents per 1,000 employees in this quarter, slightly above the target of reducing these by 12% (93 accidents per 1,000 employees for the whole year). Service Managers to focus on minimising 'manual handling' and 'slips, trips, falls' accidents in order to achieve annual target; • 5 lost time accidents in this quarter, above the target of reducing these by 8% (9 accidents for the whole year). CHaSPI Group to review whether target based on realistic baseline; • An average of 5.4 days per accident lost due to accidents in this quarter, slightly above the target of 5 days. Service Managers to analyse causes within Service meetings and to address through tool-box talks and use of Council's free, early physiotherapy and chiropractic treatment service in order to achieve annual target. <p>Service Managers to ensure Safety Representatives are informed directly, and promptly, and invited to participate in investigation of accidents within their Service area, to enable Representatives to be aware of individual accidents before preparation of corporate quarterly accident data.</p> <p>Discussion of individual accident investigation reports at Council Health and Safety Committee to normally be limited to cases where the investigation has shown there to be wider implications / lessons for other Service areas, identifying the immediate and root causes and indicating the actions that have, or are being, taken to prevent recurrence.</p>	<p>Service Managers</p> <p>CHaSPI Group</p> <p>Service Managers</p> <p>Service Managers, Safety Representatives</p> <p>Corporate Health & Safety Adviser, Health & Safety Committee</p>
0006	<p><u>Corporate Health and Safety Improvement Programme Targets for 2013/14</u></p> <p>Considered updated targets to improve Accident Performance, Health and Safety Management, Health and Safety Climate / Culture and Occupational Health Performance (reducing cases of work-related ill health) which had been prepared by CHaSPI Group and approved by Corporate Management Team, including actions outlined in minutes of CHaSPI Group meeting on 23rd May, 2013 (previously circulated to members of Health and Safety Committee), with particular emphasis on:</p> <ul style="list-style-type: none"> • Reducing workplace accidents through prevention of slips, trips and falls, prevention of manual handling 	<p>Service Managers</p>

	<p>injuries, prevention of workplace transport accidents and reporting and analysis of incidents involving abuse, aggression or threats of violence;</p> <ul style="list-style-type: none"> • Further improvements in the systems for selecting, managing and monitoring the health and safety performance of contractors; • Individual Service areas to repeat the employee health and safety climate survey during 2013/14; • Reducing work-related ill health, especially in areas of stress and musculoskeletal disorders, through improved arrangements for health surveillance and use of free rehabilitation scheme for musculoskeletal disorders. <p>Aim to set up new Accident Reporting system in early 2014, including training for users, prior to use from April 2014.</p>	<p>Service Managers</p> <p>Service Managers Service Managers, Head of HR</p> <p>CHaSPI Group</p>
0007	<p><u>Minutes of Meeting held on 18th April, 2013</u></p> <ul style="list-style-type: none"> • Minutes of the meeting held on 18th April, 2013 be approved as a true record, with amendment to include Councillor A. Hill as present, and signed by the Chair and Vice-Chair. • Future minutes of meetings to be produced in action notes format, summarising key points, actions and those responsible for actions. • Heads of Service and Service Managers to be requested to provide their progress reports in advance of Council Health and Safety Committee meetings so that they can be distributed with the agenda. 	<p>Democratic Services Officer, Chair, Vice-Chair</p> <p>Democratic Services Officer</p> <p>Corporate Health & Safety Adviser, Democratic Services Officer</p>

JOINT CABINET AND EMPLOYMENT AND GENERAL COMMITTEE

Tuesday, 23rd July, 2013

Present -

Councillor Burrows (in the Chair)

Councillor	Blank	Councillor	Ludlow
	Brown ⁺		McManus
	Elliott		Russell
	Fanshawe		Serjeant
	Gibson		Simmons
	Gilby		Martin Stone ⁺
	Higginbottom		
	Hollingworth ⁺		

*Non-voting Cabinet Members

*Matters dealt with under Executive Powers

0005 DECLARATIONS OF MEMBERS' AND OFFICERS' INTERESTS RELATING TO ITEMS ON THE AGENDA

No declarations were made.

0006 MINUTES

RESOLVED - That the Minutes of the meeting of the Joint Cabinet and Employment and General Committee of 11th June, 2013 be approved as a correct record and signed by the Chair.

0007 CAR MILEAGE ALLOWANCE SCHEME (R000/EC000)

The Corporate Management Team submitted a report on the results of the recent consultation exercise on proposed changes to the CBC car mileage scheme. The report proposed a revised scheme, based on rates used by the HMRC, in order to make savings to meet the financial challenges facing the Council.

At Minute No. 0022 (2012/13) the Joint Cabinet and Employment and General Committee resolved that a consultation exercise on the proposed car mileage scheme changes would be undertaken.

Consultation had been carried out by:

- issuing a briefing to explain the proposed changes
- issuing a comments form for a response on paper or electronically
- facilitated focus groups in service areas
- staff briefings by service managers
- discussions at team meetings
- discussions with trade unions.

The consultation phase had been extended to allow sufficient time for staff to respond. The report included all the written responses received.

Concerns raised during the consultation included the risk of staff not continuing to use their cars for business purposes, the potential impact of losing the essential car allowance on individuals, and health and safety considerations.

Information had been obtained about car share schemes, as a possible alternative option, but when staff voted on the proposals a majority had preferred the HMRC scheme.

A separate arrangement, for operational reasons, was proposed for Spirepride supervisors, and for Building Control officers.

Consideration was given to the financial implications, associated risks, equalities impact and human resources implications of adopting the new car mileage rate.

It was proposed that the new car mileage allowance scheme be implemented on 1st January, 2014.

- *RESOLVED** -
- (1) That the Council introduces the H M Revenues and Customs (HMRC) flat rate mileage scheme from 1st January, 2014.
 - (2) That the existing essential car allowance payment ceases from 1st January, 2014.
 - (3) That the Head of Environment and Head of Regeneration be authorised to implement an appropriate vehicle leasing scheme for the SpirePride and BCN Services respectively.

REASON FOR DECISION

To introduce a new car mileage scheme that secures significant financial savings and introduces a fair scheme for employees.

0008 REQUEST TO APPOINT TWO ADDITIONAL TENANCY SUPPORT WORKERS (H000)

The Head of Housing submitted a report recommending the appointment of two additional Tenancy Support Workers (one permanent and one fixed term for two years) to support tenants, particularly those affected by the Welfare Benefit Reforms.

The proposal stemmed from the notable increase in the caseload of the existing Tenancy Support Worker, and the growing complexity of the cases presenting to the tenancy support service.

The additional staff would enable the Housing Service to support tenants before they reached the stage where rent recovery enforcement action might be

necessary.

***RESOLVED** - That two additional Tenancy Support Worker posts be added to the Housing Service establishment (one permanent, one fixed term for two years).

REASON FOR DECISION

To strengthen the Tenancy Support Service in order to support more tenants, and to respond proactively to the impacts of Welfare Reform, particularly financial hardship, and to assist tenants in maintaining their tenancies.

0009 PROPOSED APPRENTICE INTAKE (H000)

The Head of Housing submitted a report seeking approval to recruit four additional trade apprentices within the Housing Service's Operational Services Division (OSD).

The additional apprenticeships would be funded from the OSD operating surplus.

Providing apprenticeships would enable skilled employees to be developed to meet the future workload of the Housing Service, in some cases replacing any departing or retiring staff.

The proposed recruitment of apprentices would make a positive contribution to the Council's Workforce Plan.

***RESOLVED** - That the Service Manager - Operational Services Division be authorised to recruit four additional trade apprentices, as outlined in the report.

REASON FOR DECISION

To offer additional employment and training opportunities to support the Council's Workforce Plan.

0010 REQUEST TO APPOINT AN ADDITIONAL TECHNICAL OFFICER AND A TECHNICAL SUPPORT OFFICER (H000)

The Head of Housing submitted a report requesting approval to add an additional Technical Officer, and an additional Technical Support Officer, to the Council's establishment. The posts would be funded from the OSD surplus.

Tenants affected by the so-called 'bedroom tax' were creating a demand for more appropriately sized accommodation, resulting in more applications for mutual exchanges and transfers.

The additional inspections of void properties resulting from this movement, and work on these properties, had been covered, temporarily, by redeployees and by sub-

contractors, but a permanent solution was needed, since the demand seemed likely to continue to increase.

More staff were needed to also ensure that the Council's Performance Indicators for void turnaround times could be maintained.

***RESOLVED** - That the two additional posts of Technical Officer and Technical Support Officer be added to the Housing Service establishment, to deliver the extra work involved in relation to the changes which came into effect on 1st April 2013 in relation to Welfare Reform.

REASON FOR DECISION

To respond to the impact of Welfare Reform on Council tenants in the Borough, and to deliver the additional work resulting from this impact.

0011 LOCAL GOVERNMENT ACT 1972 – EXCLUSION OF 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 involve the likely disclosure of exempt information as defined in Paragraphs 1, 2 and 3 of Part 1 of Schedule 12A of the Local Government Act 1972” because it contains information relating to individuals, and to consultations and negotiations in connection with labour relations matters.

0012 UPVC FACTORY REPORT (H000)

The Head of Housing submitted a report to inform Cabinet of a change in the procurement process for UPVC windows and doors, and to seek approval for the introduction of a new programme for replacing the existing UPVC windows.

It was proposed that because there were now many specialist UPVC companies that could supply and fit good-quality new doors and windows at a lower cost to the Council than the UPVC factory was able to do, the UPVC window factory, originally established to provide windows for Council-owned properties, be closed.

A two-stage procurement process would enable Housing Services to seek the most competitive prices. And, a further report would be made to Cabinet when this process had been carried out.

Human resources and equalities impacts, financial considerations, etc. were outlined in the report.

***RESOLVED** - (1) That a new programme for replacing the UPVC windows and doors in Council-owned stock be approved with a start date of 1st April, 2014.

- (2) That authority be granted to carry out a detailed procurement exercise and to conduct full market testing to procure the supply and fitting of the new UPVC windows and doors.
- (3) That the UPVC Window Factory based at the Operational Services Division depot at Stonegravels be closed.
- (4) That the post of Senior Technical Officer attached to the factory be made redundant.

REASON FOR DECISION

To initiate a new programme of UPVC window and door renewals for the Council's housing stock, by means of a cost-efficient and modern process.

0013 PUBWATCH ADMINISTRATIVE ASSISTANT - PERMANENCY REQUEST (2S030)

The Community Safety Officer submitted a report requesting approval to make the Pubwatch Administrative Assistant post permanent.

The report set out the benefits of the work done by the postholder, and the outcomes achieved since the post had been created in 2009. Pubwatch enabled licensed premises to ensure the safe and legal supply of alcoholic beverages. Two-way communication by radio during trading hours and an online information sharing hub facilitated a range of measures targeted at reducing alcohol-related crime and disorder in the Borough.

Since 2009 the Community Safety Partnership had worked with Pubwatch, assisting with administration and delivery of the scheme. The scheme had expanded from Chesterfield Town Centre along Sheffield Road to reduce street crime and anti-social behaviour, and evidence was provided to show that significant reductions had been achieved.

At Minute No. 0010 (2009/10) the Employment and General Committee had resolved to appoint a Pubwatch Administrative Assistant on a fixed term contract, which had subsequently been extended such that the postholder had now been in post for three and a half years.

The post was included in the Community Safety Service budget and no additional funding was required to make it permanent.

***RESOLVED** - That the post of Pubwatch Administrative Assistant be made permanent.

REASON FOR DECISION

To mitigate the risks around violent crime and its association with alcohol consumption, particularly in the Town Centre.

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LICENSING COMMITTEE RECORD OF DECISIONS

Date of Hearing and Determination:	Wednesday, 11th September, 2013
Members Present:	Councillor Flood (Chair) Gibson King Miles Morgan Niblock Slack
Declarations of Interest:	None
Name:	--
Nature:	--
Minutes:	Licensing Committee dated 13th, 26th February, 6th March 10th April, 9th, 29th May, 26th and 27th June, 2013 be signed by the Chair.
Minute No:	0005 (13/14)
Subject:	Draft Revised Statement of Principles made under the Gambling Act 2005.
Meeting in Public <input checked="" type="checkbox"/> X Private <input type="checkbox"/>	
Name of Applicant:	--
Applicant's Representatives:	--
Responsible Authorities who made Representations:	--
Premises Licence Holder	--
Interested Parties who made Representations:	--
Record of Decision:	*That consultation on the proposed Statement of Principles made under the Gambling Act 2005 be approved.
Signed as a correct record:	
Date:	11th September, 2013

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LICENSING COMMITTEE RECORD OF DECISIONS

Date of Hearing and Determination:	Tuesday, 17th September, 2013
Members Present:	Councillor Flood (Chair) Gibson Miles
Declarations of Interest:	None
Name:	--
Nature:	--
Minute No:	0006 (13/14)
Subject:	Application For A New Premises Licence In Respect Of The Beer Parlour, 1 King Street North, Chesterfield, Derbyshire, S41 9BA
Meeting in Public X Private	
Name of Applicant:	Steven Andrew Jackson And Dawn Elizabeth Jackson
Applicant's Representatives:	Ms Anna Cattee, BRM Solicitors
Responsible Authorities who made Representations:	
Premises Licence Holder	--
Interested Parties who made Representations:	
Record of Decision:	*That the application for a Premises Licence was defective and could not be considered on the basis that the notice did not contain a statement of the relevant licensable activity, which contravened the Regulations.
Signed as a correct record:	
Date:	17th September, 2013

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LICENSING COMMITTEE RECORD OF DECISIONS

Date of Hearing and Determination:	Wednesday, 25th September, 2013
Members Present:	Councillor Flood (Chair) Miles Morgan Tom Murphy Niblock
Declarations of Interest:	None
Name:	--
Nature:	--
Minute No:	0007 (13/14)
Subject:	Application For A New Premises Licence In respect of the Londis Convenience Store, Market Place, Staveley, Chesterfield, Derbyshire, S43 3UR.
Meeting in Public X Private	
Name of Applicant:	Mrs Rachael Alberici
Applicant's Representatives:	
Responsible Authorities who made Representations:	
Premises Licence Holder	--
Interested Parties who made Representations:	
Record of Decision:	<p>* That the application for a Premises Licence be granted as per the application submitted to the Licensing Authority but subject to the relevant mandatory conditions and to the following conditions -</p> <p>The operating schedule which accompanied the application is modified as follows –</p> <p>The following conditions are added to the licence –</p> <p>Full training is provided to staff on commencement of employment on the law relating to all age-restricted products sold and any system or procedures they are expected to follow in the course of dealing with these goods. Refresher training should be provided at regular intervals (at least 6-monthly).</p> <p>Records detailing the training provided will be kept on the premises for production, on request, to an officer of a Responsible Authority. Records shall be retained on the premises for a minimum of 2 years.</p> <p>The age verification policy applying to the premises is 'Challenge 25'; that means anyone attempting to purchase alcohol (or other minimum 18 restricted</p>

	<p>product) that appears under the age of 25 years will be asked to prove their age. Acceptable forms of identification will be a PASS-accredited proof of age card, photo driving licence or passport. Failure to produce satisfactory proof of age will result in a refused sale.</p> <p>Clear, prominent and unobstructed signage informing customers of the age verification policy in operation and the age restriction on products, will be clearly displayed at:</p> <ul style="list-style-type: none"> • All entry points to the premises, • Adjacent to the products, where displayed, and • All points of sale. <p>A system of recording sales refused under the age verification policy will be operated at all times.</p> <p>At least weekly, the Designated Premises Supervisor (or deputy, authorised in writing) will:</p> <ul style="list-style-type: none"> • Examine the record and compare it against the normal operating pattern for the premises • Indicate any action required following that examination • Sign off/endorse the record to indicate the above points have been carried out. <p>The refusal record will be kept on the premises for production, on request, to an officer of a Responsible Authority. Records shall be retained on the premises for a minimum of 2 years.</p> <p>The decision also means that Miss Jamie-Alecia Moore is appointed as the Designated Premises Supervisor.</p>
Signed as a correct record:	
Date:	25th September, 2013

LICENSING COMMITTEE RECORD OF DECISIONS

Date of Hearing and Determination:	Thursday 26th September, 2013
Members Present:	Councillors Miles (In the Chair) Diouf King Mark Rayner Slack
Declarations of Interest:	
Name:	Councillor Diouf
Nature:	He considered that he had a potential conflict of interest, because there could be a perception that he had a closed mind on the matter. Councillor Diouf left the meeting during consideration of this item.
Minute No:	0008 (13/14)
Subject:	Application for a variation of the Premises Licence by Rontec Watford Limited in respect of the Brampton Service Station, 561 Chatsworth Road, Chesterfield, Derbyshire, S40 3JX
Meeting in Public X Private	
Name of Applicant:	Rontec Watford Limited
Applicant's Representatives:	Mr Robert Botkai, Winckworth Sherwood solicitors Mr Peter Maclean, Rontec Area Manager
Responsible Authorities who made Representations:	Derbyshire County Council Trading Standards (withdrawn) Chesterfield Borough Council Environmental Protection
Premises Licence Holder	Rontec Watford Limited
Interested Parties who made Representations:	Mr and Mrs White Mr Morris for Lord Peter Hunt
Record of Decision:	<p>*That the application for an extension of the premises licence to 24 hours daily be granted in accordance with the application submitted to the Licensing Authority, subject to the following conditions:</p> <ol style="list-style-type: none"> 1. All staff engaged or to be engaged in the sale of alcohol on the premises shall receive the following training in age restricted sales: <ul style="list-style-type: none"> - induction training which must be completed and documented prior to the sale of alcohol by the staff member; - refresher/reinforcement training at intervals of no more than 6 months. <p>Training records kept on site or at the licence holder's head office for a period of 12 months during which time they will be available for inspection by a police officer or other authorised officer.</p>

	<p>2. All cashiers shall be trained to record refusals of sales of alcohol in a refusals book/register.</p> <p>The book/register will contain:</p> <ul style="list-style-type: none"> - details of the time and date the refusal was made; - the identify of the staff member refusing the sale; - details of the alcohol the person attempted to purchase. <p>This book/register will be kept on site or at the licence holder's head office for a period of 12 months during which time it will be available for inspection by a police officer or other authorised officer.</p> <p>3. A notice shall be prominently displayed at the exit requesting patrons to respect the needs of local residents and to leave the area quietly.</p> <p>4. The waste disposal/litter management plan to be completed to the satisfaction of Environmental Health within 14 days, to uphold the licensing objective relating to public nuisance.</p>
Signed as a correct record:	
Date:	26th September, 2013

PLANNING COMMITTEE

Monday, 15th July, 2013

Present -

Councillor Brittain (Chair)

Councillor	Allen	Councillor	Davenport
	Barr		Elliott
	Bingham		Gilby
	Callan		Hill
	Clarke		A. Murphy
	Collard		D. Stone

*Matters dealt with under the Delegation Scheme

The following site visits took place immediately before the meeting attended by the following Members:-

- CHE/13/00229/COU - Change of use from A1 to A5 hot food takeaway at 28 High Street, Old Whittington Chesterfield for Mr K Gangley

Councillors Allen, Barr, Bingham, Brittain, Callan, Clarke, Collard, Davenport, Elliott, Fanshawe, Gilby, Hill, Avis Murphy and David Stone.
- CHE/13/00226/FUL – Proposed residential development of 4 No two bedroom dwellings (revised plans received on 12th June 2013) at land at Upper King Street, Brimington, Chesterfield for Mr A Kelly

Councillors Allen, Barr, Bingham, Brittain, Callan, Clarke, Collard, Davenport, Elliott, Fanshawe, Gilby, Hill, Avis Murphy and David Stone.
- CHE/13/00322/FUL – Proposed erection of petrol station (sui generis) with ancillary retail floorspace (for the sale of convenience goods including food, cards and newspapers, stationery and a sandwich shop) and drive thru café/restaurant (use class A3) with associated parking, access arrangements and landscape works at Plot 7 Markham Lane, Chesterfield for Henry Boot developments Limited and Euro Garages Limited

Councillors Allen, Barr, Bingham, Brittain, Callan, Clarke, Collard, Davenport, Elliott, Gilby, Hill, Avis Murphy and David Stone.
- NED/13/00386/OL - Development Proposals at The Avenue site, Wingerworth by Homes and Communities Agency (HCA)

Councillors Allen, Barr, Bingham, Brittain, Callan, Clarke, Collard, Davenport, Elliott, Flood (Ward Member), Gilby, Hill, Avis Murphy and David Stone.

0035 DECLARATIONS OF MEMBERS' AND OFFICERS' INTERESTS RELATING TO ITEMS ON THE AGENDA

Councillors Allen and Brittain considered that they had a potential conflict of interest in Minute No. 0040 (NED/13/00386/OL - Development Proposals At The Avenue Site, Wingerworth By Homes And Communities Agency (HCA)) as they had formed a view on the application and had arranged to speak on this item.

0036 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bagley, Huckle and Simmons.

0037 MINUTES

RESOLVED - That the Minutes of Planning Committee passed at the meeting held on 24th June, 2013 be signed by the Chair as a true record.

0038 MINUTES OF PLANNING SUB-COMMITTEE

The Minutes of the meeting of Planning Sub-Committee held on 18th June, 2013 were presented.

(For Minutes see Appendix.)

RESOLVED - That the Minutes of the meeting of Planning Sub-Committee dated 18th June, 2013 be signed by the Chair as a true record.

0039 APPLICATION FOR PLANNING PERMISSION - PLANS DETERMINED BY THE COMMITTEE (P050)

*The Committee considered the under-mentioned applications in light of reports by the Group Leader, Development Management and resolved as follows:-

CHE/13/00226/FUL - PROPOSED RESIDENTIAL DEVELOPMENT OF 4 NO. TWO BEDROOM DWELLINGS (REVISED PLANS RECEIVED ON 12/06/2013) AT LAND AT UPPER KING STREET, BRIMINGTON, CHESTERFIELD, DERBYSHIRE S43 1HU FOR MR A KELLY

In accordance with Minute No. 299 (2001/2002), Paula Elliott (objector) and Mr. S. Haslam of Mitchell Proctors (applicant's architect and agent) addressed the meeting.

That the officer recommendation be upheld and the application be approved subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2. All external dimensions and elevational treatments shall be as shown on the approved plans, 13-317-01 R A and 13-317-02 R A, with the exception of any approved non material amendment.
3. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
4. No development shall take place until details of the proposed means of disposal of foul drainage, including details of any balancing works and off-site works, have been submitted to and approved in writing by the local planning authority.
5. No buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.
6. No piped discharge of surface water from the site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted and approved by the local planning authority before development commences.
7. No building or other obstruction shall be located over or within 3.0 (three) meters either side of the centre line of the public combined and surface water sewers which cross the site.
8. A. Development shall not commence until details as specified in this condition have been submitted to the Local Planning Authority for consideration and those details, or any amendments to those details as may be required, have received the written approval of the Local Planning Authority.
 - I. A desktop study/Phase 1 report documenting the previous land use history of the site.
 - II. A site investigation/Phase 2 report where the previous use of the site indicates contaminative use(s). The site investigation/Phase 2 report shall document the ground conditions of the site. The site investigation shall establish the full extent, depth and cross-section, nature and composition of the contamination. Ground gas, groundwater and chemical analysis, identified as being appropriate by the desktop study, shall be carried out in accordance with current guidance using UKAS accredited methods. All technical data must be submitted to the Local Planning Authority.
 - III. A detailed scheme of remedial works should the investigation reveal the presence of ground gas or other contamination. The scheme shall include a Remediation Method Statement and Risk Assessment Strategy to avoid any risk arising when the site is developed or occupied.

- B. If, during remediation works any contamination is identified that has not been considered in the Remediation Method Statement, then additional remediation proposals for this material shall be submitted to the Local Planning Authority for written approval. Any approved proposals shall thereafter form part of the Remediation Method Statement.
- C. The development hereby approved shall not be occupied until a written Validation Report (pursuant to A II and A III only) has been submitted to and approved in writing by the Local Planning Authority. A Validation Report is required to confirm that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement.
9. Work shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 5:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.
10. Before construction works commence or ordering of external materials takes place, precise specifications or samples of the walling and roofing materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development.
11. Upon commencement of the development details of energy efficiency measures to be utilised within the development shall be submitted to the Local Planning Authority for consideration. Only those details which receive the written approval of the Local Planning Authority shall be installed on site prior to occupation of the dwelling and shall thereafter be retained.
12. Unless otherwise agreed in writing by the local planning authority, no development shall take place until space is provided within the site curtilage, for site accommodation, storage of plant and materials, parking and manoeuvring of site operative's and visitor's vehicles together with the loading/unloading and manoeuvring of goods vehicles. The space shall be constructed and laid out to enable vehicles to enter and leave the site in a forward gear, in surface materials suitable for use in inclement weather and maintained free from impediment throughout the duration of construction works.
13. The building shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans.
14. No part of the development hereby approved shall be occupied until space has been laid out within the site in accordance with the approved plan for cars to be parked, for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear.
15. Upon commencement of the development details of all boundary treatments

for the site, including the retaining walls, shall be submitted to the Local Planning Authority for consideration. Only those details approved in writing by the Local Planning Authority shall be installed on site, prior to the occupation of the dwellings and shall be retained as such thereafter.

REASON FOR DECISION

1. The proposal is appropriately designed such that it is considered in keeping with the character of the surrounding area and would not have an unacceptable detrimental impact on the amenities of neighbouring residents or highway safety. As such, the proposal accords with the requirements of policies HSN5, HSN6 and GEN10 in the Replacement Chesterfield Borough Local Plan adopted June 2006; Policy CS17 of the emerging Core Strategy and the wider National Planning Policy Framework.

CHE/13/00322/FUL - PROPOSED ERECTION OF PETROL FILLING STATION (SUI GENERIS) WITH ANCILLARY RETAIL FLOORSPACE (FOR THE SALE OF CONVENIENCE GOODS INCLUDING FOOD, CARDS AND NEWSPAPERS, STATIONERY AND A SANDWICH SHOP) AND DRIVE THRU CAFE/RESTAURANT (USE CLASS A3), WITH ASSOCIATED CAR PARKING, ACCESS ARRANGEMENTS AND LANDSCAPING WORKS AT PLOT 7, MARKHAM LANE, CHESTERFIELD, DERBYSHIRE FOR HENRY BOOT DEVELOPMENTS LTD AND EURO GARAGES LTD

- A: That the officer recommendation be upheld and the application be approved subject to the following conditions:-
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 2. All external dimensions and elevational treatments shall be as shown on the approved plans with the exception of any approved non material amendment.
 3. Development shall not commence until a scheme comprising:
 - a. The installation and maintenance of oil and petrol interceptors;
 - b. Evidence relating to whether the proposed underground storage tanks are below the water table;
 - c. Evidence that there are no suitable alternatives to below ground storage;
 - d. Evidence that the proposals comply with appropriate engineering standards (APEA 2011);
 - e. Evidence that effective leak detection and stock management systems will be in place for all underground tanks; and

- f. A pollution risk assessment appropriate to the volume and type of pollutants being stored and the hydro-geological situation.

has been submitted to, and approved in writing, by the local planning authority. The development shall only be implemented as per the approved scheme.

4. The development hereby approved shall be constructed in accordance with the details shown on the submitted drainage plan LDH/047/SK04 (Rev P3) dated 07/02/2011 prepared by BWB Consulting Engineers (unless a further revision is approved in accordance with condition 3 above).
5. There shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.
6. Construction work shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 5:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.
7. Before construction works commence or ordering of external materials takes place, precise specifications or samples of the walling and roofing materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development.
8. No development shall take place until space is provided within the site curtilage, for site accommodation, storage of plant and materials, parking and manoeuvring of site operative's and visitor's vehicles together with the loading/unloading and manoeuvring of goods vehicles. The space shall be constructed and laid out to enable vehicles to enter and leave the site in a forward gear, in surface materials suitable for use in inclement weather and maintained free from impediment throughout the duration of construction works.
9. No part of the development hereby approved shall be occupied until space has been laid out within the site in accordance with the approved plan for cars to be parked, for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear.
10. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any order revoking or re-enacting that order, there shall be no change from the permitted A3 (Restaurant / Cafe) to A2 (Financial & Professional Services) or A1 (Retail).

11. The retail floorspace approved in connection with the Petrol Filling Station shall be restricted to the sale of convenience goods only and shall not at any time exceed a maximum of 478.5sqm.
12. Prior to their installation, and before the development is brought into use, full details of the renewable technologies and efficiency measures to be incorporated into the development to achieve BREEAM very good shall be submitted to the Local Planning Authority for consideration. Only the approved details shall be installed and brought into operation, prior to the building being brought into use, and be retained thereafter.
13. Prior to the occupation of the buildings hereby approved the developer shall have implemented both the soft landscaping scheme (as per DEP Landscape Architecture Drawing No 11_076_01) and the hard surfacing and boundary treatments (as per Drawing No MLGPS/DOOIA/RevB and Architectural Design Services Drawing No 1277 5). The features of such schemes shall thereafter be maintained in perpetuity.
14. Upon commencement of the development details of secure covered cycle parking shall be submitted to the Local Planning Authority for consideration. Only those details which receive the written approval of the Local Planning Authority shall be implemented on site and retained as such thereafter.
15. Upon commencement of the development a revised parking layout shall be submitted to the Local Planning Authority showing the 8 parking spaces to the front of the HGV filling area relocated or removed from the scheme and any consequential amendments which may arise from this reconfiguration. Only those revised parking layout details approved in writing by the Local Planning Authority shall be implemented on site prior to the development being occupied and shall be retained as such thereafter.
16. The development shall not be taken into use until space has been provided within the application site in accordance with the revised application drawings, which shall have been approved in writing by the Local Planning Authority, for the parking/loading and unloading/picking up and setting down of passengers/manoeuvring of visitors/staff/customers/service and delivery vehicles (including secure covered cycle parking) laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.
17. The sole means of vehicular (and pedestrian) access to the application site shall be from the existing 'stub' off the road known as The Western Link in accordance with the revised application drawing. There shall be no means of direct access (either vehicular or pedestrian) to the road known as The Western Link and to this end, details of a permanent physical barrier across the entire site frontage shall be submitted to the

Local Planning Authority for consideration. Only those details which receive the written approval of the Local Planning Authority shall be erected on site and maintained as such thereafter.

18. Notwithstanding the submitted drawings, the premises the subject of the application shall not be occupied until a scheme has been submitted demonstrating a safe and desirable pedestrian route into the site from the 'stub'.
- B. That planning approval be granted after the expiry of the advertisement on 18th July 2013 and that if any additional comments be received up to 18th July 2013 which were not covered by this report then a further report be submitted to Plans Sub Committee.

REASON FOR DECISION

1. It is considered that the proposed development contributes to the wider aspiration of the Markham Vale redevelopment scheme. The principle of the development proposals are considered to accord with the provisions of Policies EMP1 and SHC6 of the Replacement Chesterfield Borough Local Plan (adopted June 2006) and emerging Core Strategy policies CS2, CS15 and PS4 in so far as they are considered to be appropriately sited and designed such that they do not present any adverse impacts upon the amenity, character or appearance of the surrounding area.
2. The proposals do not give rise to any adverse highway safety issues and are adequately served by existing and proposed infrastructure in accordance with Policies TRS8 and TRS11 of the Replacement Chesterfield Borough Local Plan (adopted June 2006).

CHE/12/00229/FUL - FULL PLANNING APPLICATION A FULL PLANNING APPLICATION FOR A CHANGE OF USE FROM A1 TO HOT FOOD TAKEAWAY AT 28 HIGH STREET, OLD WHITTINGTON, CHESTERFIELD S41 9JT

That the officer recommendation be upheld and the application be approved subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The use hereby permitted shall not take place other than between the hours of 0900hrs to 2200hrs Mondays to Saturdays and 1000hrs to – 2200hrs on Sundays and Public Holidays.
3. Development shall not commence until a scheme for the installation of noise attenuation for any equipment to control the emission of fumes and smell from the premises has been submitted to, and approved in writing by, the local planning authority and the approved scheme has been implemented. All attenuation installed as part of the scheme shall thereafter be maintained in

accordance with the approved scheme.

4. Development shall not commence until a scheme for the installation of noise attenuation to control the transmission of airborne and vibration noise from within the premises to adjoining properties has been submitted to, and approved in writing by, the local planning authority and the approved scheme has been implemented. All attenuation installed as part of the scheme shall thereafter be maintained in accordance with the approved scheme.
5. Development shall not commence until a scheme for the installation of equipment to control the emission of fumes and smell from the premises has been submitted to, and approved in writing by, the local planning authority and the approved scheme has been implemented. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.
6. Prior to the installation of the shop frontage hereby permitted more detailed plans including cross sections, of the architectural components of the shop frontage, namely the fascia, pilasters, cornice, glazing bars and door frame, and also details of materials and colour finish, shall be submitted in writing to the Local Planning Authority for its consideration. The shop frontage shall not be installed until the submitted details have been approved in writing by the Local Planning Authority, and the shop frontage shall be installed in accordance with the approved details and shall be retained as such thereafter.
7. Any external flue serving as an extraction system to the use hereby permitted shall be installed in a matt black colour finish and retained and maintained as such thereafter.
8. Prior to the use hereby permitted commencing, the rear garage on the site shall be made available for the parking of one car and the parking space shall be available for use by the occupier of the flat/dwelling at first floor at all times.
9. Prior to the use hereby permitted commencing, a scheme for refuse bin storage for the use hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority and the approved scheme shall be implemented. The provision so approved and implemented shall be retained thereafter as available for its approved use.

REASON FOR DECISION

1. The proposal would be an appropriate use in the local centre and, subject to mitigation via conditions, should not have a significant adverse effect on neighbouring occupier's amenity. Existing parking controls are thought by the Highway Authority to be sufficient to prevent a significant adverse effect on highway safety. The proposal would (subject to conditions) accord with the Development Plan, emerging Core Strategy and the National Planning Policy Framework.

0040 NED/13/00386/OL - DEVELOPMENT PROPOSALS AT THE AVENUE SITE, WINGERWORTH BY HOMES AND COMMUNITIES AGENCY (HCA)

The Group Leader, Development Management submitted a report for Members to consider the application concerning the Avenue Works site south of Chesterfield and to approve a response to a consultation on the submitted planning application from North East Derbyshire District Council.

Councillors Allen, Brittain and Flood addressed the meeting expressing their concerns on the implications of increased traffic on Derby Road and the need for the County Council to reassess its transport assessment.

Members of the Committee had concerns relating to air quality and its impact on health. They also had concerns about the increased traffic on Derby Road and agreed that a link road from the A61 to the A617 should be provided as part of the proposed development.

- *RESOLVED** - (1) That the Council's response to the consultation on the planning application NED/13/003486/OL be amended to strengthen its concerns on the applications of increased traffic on Derby Road and the need for a link road between the A61 and the A617.
- (2) That should the timescale for the response expire prior to the next scheduled Committee, Councillors Gilby and Hill approve the amended response to North East Derbyshire District Council.

0041 BUILDING REGULATIONS (P880D)

*The Chief Building Control Officer reported that pursuant to the authority delegated to him, he had determined the under-mentioned plans under the Building Regulations:-

(a) Approvals

13/00325/MUL	Multiple Domestic - Extension over garage and refurb of utility at 31 Norbriggs Road Chesterfield Derbyshire S43 3BT
13/00763/MUL	Multiple Domestic - Front extension and alterations to rear dormer at 1 White Leas Chesterfield Derbyshire S40 4PS
13/00547/OTHC	Other Works (Commercial) - Internal alterations at Council House Saltergate Chesterfield Derbyshire S40 1LF
13/00819/DCC	Derbyshire County Council - Internal alterations/bathroom adaptation through floor lift/external access at 35 Princess Street Brimington Chesterfield Derbyshire S43 1HP

(b) Decision Advice Notice

- 13/00725/DCC Derbyshire County Council - Internal alterations to create new changing facilities and music practice rooms at Ripley Junior School Poplar Avenue Ripley Derbyshire DE5 3PN
- 13/00781/DCC Derbyshire County Council -Replace bathroom floor with new wet floor shower and internal access at 3 Wharf Court Wharf Road Whaley Bridge SK23 77BK
- 13/00502/DCC Derbyshire County Council - Internal alteration and refurbishment of the Heather House wing of the school involving new doors, suspended ceilings, kitchen units, structural alterations and new external window and two doors at Stanton Vale Special School Thoresby Road Long Eaton NG10 3NP
- 13/00503/DCC Derbyshire County Council - Adaptations for disabled pupils; access WC provision, internal ramps and external entrance access regarding at Cromford CE Primary School Cromford Matlock Derbyshire DE4 3RG
- 13/00642/DCC Derbyshire County Council - Adaptations for disabled pupils; external access ramp at Buxton Infants School Hardwick Square South Buxton Derbyshire SK17 6QB

0042 APPLICATIONS FOR PLANNING PERMISSION - PLANS DETERMINED BY THE GROUP LEADER DEVELOPMENT MANAGEMENT (P140D)

*The Group Leader, Development Management reported that pursuant to the authority delegated to him, he had determined the under-mentioned applications subject to the necessary conditions:-

(a) Approvals

- CHE/12/00685/RET Attach advertising panels promoting market refurbishment scheme, to these will be attached existing hoardings surrounding contractor's compound, the hoardings and panels will remain until refurbishment is complete at Market Hall Market Place Chesterfield Derbyshire S40 1AR for Chesterfield Borough Council
- CHE/13/00176/FUL Proposed new dwelling with parking facility including altered car parking and garden provision at 117 Ringwood Road Brimington Chesterfield S43 1DF for Property Plus
- CHE/13/00206/FUL Extension of the existing hospital building to create a new operating theatre, with associated plant space above at Chesterfield and North Derbyshire Royal Hospital

Chesterfield Road Calow Chesterfield Derbyshire S44 5BL
for Chesterfield Royal Hospital NHS Foundation Trust

- CHE/13/00207/FUL Resubmission of CHE/12/00755/FUL - extension over existing garage and alteration of flat roof to pitched type roof to utility room and render to front elevation, with erection of conservatory to rear of dwelling at 31 Norbriggs Road Mastin Moor Chesterfield S43 3BT for Mr and Mrs Anthony Parkes
- CHE/13/00212/ADV 2 replacement fascia signs and 2 new panels to existing double sided projection sign at 4 Central Pavement Chesterfield Derbyshire S40 1PQ for Midlands Co-operative
- CHE/13/00218/FUL Proposed extension at Nova Interiors Dunston Trading Estate Foxwood Road Chesterfield Derbyshire S41 9RF for Nova Interiors
- CHE/13/00221/FUL Insertion of 2 no. first floor windows in southern elevation in place of 1 no. window approved under application ref no. CHE/12/00119/FUL and insertion of window in existing single storey building in place of door - description revised following removal of proposed garden room and submission of revised plans on 12/06/2013 at Barns and Outbuildings 23 Bridle Road Chesterfield Derbyshire S43 3BY for Miss Alexandra Collis
- CHE/13/00224/RET Replacement of garage doors to existing outbuilding with a new window (internal alterations also proposed - planning permission not needed) at Chapel House Vet Surgery Hady Hill Chesterfield Derbyshire S41 0DZ for Chapel House Veterinary Practice
- CHE/13/00230/FUL Two storey side extension and single storey rear extension at 15 Tunstall Way Chesterfield Derbyshire S40 2RH for Mr and Mrs L Bissett
- CHE/13/00232/FUL Remove old broken wooden gates and replace with fabricated metal gates in period style at 406 Chatsworth Road Chesterfield Derbyshire S40 3BQ for Mr Peter Jackson
- CHE/13/00233/FUL Redesign of hipped roofs to form gable ends, enlargement of rear facing dormers and window and door reconfigurations at 193 Handley Road Chesterfield Derbyshire S43 2ES for Mrs Jean Nightingale
- CHE/13/00235/FUL New vehicular access and dropped kerb to front and garage extension to the rear at 24 Station Road Hollingwood Chesterfield Derbyshire S43 2HS for Mr Andrew Crich

- CHE/13/00248/FUL Rear kitchen and living room single storey extension at 44 Paxton Road Chesterfield Derbyshire S41 0TN for Mr Mark Aldred
- CHE/13/00250/LBC New fascia signage at First Choice 47 Low Pavement Chesterfield Derbyshire S40 1PB for Tui UK Retail Limited
- CHE/13/00256/FUL Two storey rear house extension at 7 Westwood Close Chesterfield Derbyshire S43 3JE for Mr James Shorten
- CHE/13/00259/FUL Conversion of garage to dining room and first floor extension for additional bedroom and en suite at 37 Douglas Road Chesterfield Derbyshire S41 0UD for Mr David Hulbert
- CHE/13/00261/FUL Single storey rear extension at 39 Corve Way Chesterfield Derbyshire S40 4YA for Mr & Mrs S Moore
- CHE/13/00265/FUL Erection of external canopy with roller shutters at St Josephs RC and C Of E Voluntary Aided Primary School Calver Crescent Chesterfield Derbyshire S43 3LY for St Josephs Primary School
- CHE/13/00268/COU Change of use of unit 1 from light industrial use as approved under CHE/12/00666/FUL to sui generis use as a pet grooming salon at land to south west of Trust Carpet Co. Ltd Foxwood Close Sheepbridge Chesterfield Derbyshire S41 9RN for Mr Lee Hollingworth and Mr Martin Mawson
- CHE/13/00272/FUL Removal of existing swing entrance doors and glazed shop front surrounds and replace with bi-parting telescopic sliding entrance doors and glazed shop front panels with frames to match existing, additional plant equipment is to be installed to the rooftop at HMV Su 9 25 - 27 Vicar Lane Chesterfield Derbyshire S40 1PY for Mace Group
- CHE/13/00275/LBC Replacement signage to the front and side elevation and replacement projection sign at 4 Central Pavement Chesterfield Derbyshire S40 1PQ for Midlands Co-operative
- CHE/13/00285/COU Change of use of derelict land into garden of 4 Roecar Close at Garage Site off Webster Croft Chesterfield Derbyshire for Mr Stephen Dolby
- CHE/13/00289/FUL New frontage to existing stores building at Chesterfield Borough Council Operation Services Division Old Brick Works Lane Chesterfield Derbyshire S41 7LF for Chesterfield Borough Council

- CHE/13/00292/FUL Proposed detached garage at 15 Malia Road Chesterfield Derbyshire S41 0UF for Mr Liam Brown
- CHE/13/00294/FUL Install four canopies within the school site to provide shelter/shade for students at Brookfield Community School Chatsworth Road Chesterfield Derbyshire S40 3NS for Brookfield Community School
- CHE/13/00299/CA Laburnum Tree at the driveway entrance, poor condition to be replaced with Silver Birch at 47 Newbold Road Chesterfield Derbyshire S41 7PG for Mrs Tracy Johnson
- CHE/13/00300/FUL Two storey side extension at 35 Wayside Court Chesterfield Derbyshire S43 1BS for Mr Mark Brereton
- CHE/13/00303/FUL Installation of vehicular access and timber fencing and gates at Crow Lane Storm Water Pumping Station, Public Park off Crow Lane Chesterfield Derbyshire S41 0EQ for Yorkshire Water
- CHE/13/00321/FUL Single storey rear extension to form kitchen/dining room at 49 Ardsley Road Chesterfield Derbyshire S40 4DG for Mr and Mrs A Hancock
- CHE/13/00324/FUL Front canopy at 10 Foxbrook Court Chesterfield Derbyshire S40 3SS for Mr Carl Reynolds
- CHE/13/00337/TPO Crown clean, clear building by 2m and crown lift to 4m; T2 - clear lamp and T6 - reduce 1 branch growing towards house by 60% back to replacement and 2 branches growing towards the highway by approx 50% back to suitable replacement at 1 Park Hall Gardens Chesterfield Derbyshire S42 7NQ for Mr Antony Wills
- CHE/13/00341/TPO T1 Cedar - crown thin by 15% concentrating on east side of tree, crown reduce branches to east side by 1 to 1.5 metres, crown reduce by removing tip by 2 metres, crown clean to remove dead wood at 7 Netherleigh Road Chesterfield Derbyshire S40 3QJ for Mr P K Watson
- CHE/13/00366/TPO Three Beech Trees - Crown lift to height of Limes nearby, Crown thin 20% and Crown reduction extending branches approx 2/3 metres of extended growth required to reduce overall size now excessive at 396 Old Road Chesterfield Derbyshire S40 3QF for Mr Peter Jackson
- CHE/13/00375/TPO Crown lift to 5m for light and security of tree A1 (conifer), remove one dead copper beech (A3) and replant like for like, remove dead wood from 3 spruce at 398 Old Road

- CHE/13/00396/TPO Chesterfield Derbyshire S40 3QF for Mr Richard Crampton
2 x Yew trees, overhanging drive, trim back branches at 98
Mansfield Road Chesterfield Derbyshire S41 0JF for Mr Alan
Leverton
- (b) Withdrawn
- CHE/13/00295/REM Variation of condition 3 of CHE/05/00495/FUL at Markham
Retail Park Markham Road Chesterfield Derbyshire for CBRE
Global Investors Ltd
- (c) Environmental Impact Assessment not required
- CHE/13/00310/EIA Proposed development for a new petrol filling station (SUI
Generis) with ancillary retail floorspace (for the sale of
convenience goods including food, cards and newspapers,
stationary and a sandwich shop) and drive through
cafe/restaurant (use class A3) at Plot 7 M1 Commerce Park
Markham Lane Duckmanton Chesterfield Derbyshire for
Alliance Planning
- (d) CLUD Granted
- CHE/13/00317/CLU Certificate of lawful use for mixed B2 (vehicle repairs) and B8
(storage) at Former Depot Lincoln Street Chesterfield
Derbyshire for Mr Chris Brown
- (e) Other Council no objection without comments
- CHE/13/00344/CPO Extension to main car park area to include 18 additional
spaces. Temporary planning permission expires June 2013,
application is for permanent planning permission under
regulation 3 at Parkside Community School Boythorpe
Avenue Chesterfield Derbyshire S40 2NS for Derbyshire
County Council
- (f) Discharge of Planning Conditions
- CHE/13/00374/DOC Discharge of condition 2 of CHE/13/00240/FUL to make
minor reconfiguration of the drive thru lane and car park to
provide a side by side order point including the construction
of a new signage island, reconfigured kerb lines and
associated works to the site, installation of 2 no customer
order displays (COD) and amendments to the existing
signage suite with additional signs at McDonalds Restaurant
Ltd Unit 5 Alma Leisure Park Derby Road Chesterfield
Derbyshire S40 2EZ for McDonald's Restaurants Ltd

CHE/13/00406/DOC Discharge of condition 3 of CHE/13/00218/FUL at Nova Interiors Dunston Trading Estate Foxwood Road Chesterfield Derbyshire S41 9RF for Nova Interiors

0043 APPLICATION TO FELL OR PRUNE TREES (P690D)

*The Head of Planning reported that pursuant to the powers delegated to him he had determined the under-mentioned applications:-

(a) in respect of the felling and pruning of trees

CHE/13/00337/TPO Consent granted to the pruning of 8 Beech trees within G3 on the Order map for Mr A Wills of 1 Park Hall Gardens, Walton, Chesterfield

CHE/13/00375/TPO Consent granted to the pruning of 1 Conifer within A1 and 3 Spruce trees within A3. Also the felling of one dead Copper Beech within A3 on the Order map for Mr R Crampton of 398 Old Road, Chesterfield.

The replacement tree is to be a Copper Beech planted as near as practical to the original tree.

CHE/13/00366/TPO Consent granted to the pruning of 3 Beech trees within G2 on the Order map for Mr Peter Jackson of 396 Old Road, Chesterfield.

CHE/13/00396/TPO Consent granted to the pruning of two Yew trees within G2 on the Order map for Mr Leverton of 98 Mansfield Road, Hasland, Chesterfield.

(b) Notification of Intent to Affect Trees in a Conservation Area

CHE/13/00299/CA - The felling of one Laburnum tree at 47 Newbold Road which is allegedly in a poor condition and obstructing the new driveway entrance.

Agreement to the felling of one Laburnum tree which is growing one sided and has a poor form. The felling of the tree will have no adverse effect on the amenity value of the area.

The tree is within the Abercrombie Street Conservation Area and the applicant wishes to remove the tree and plant a new Silver Birch nearby.

0044 APPEALS REPORT (P000)

The Group Leader, Development Management reported on the current position in respect of appeals which had been received.

***RESOLVED** - That the report be noted.

0045 OMBUDSMAN CASES (P000)

The Group Leader, Development Management submitted a report on an Ombudsman case which had been concluded.

***RESOLVED** - That the report be noted.

0046 ENFORCEMENT REPORT (P510)

The Senior Solicitor and the Group Leader, Development Management submitted a joint report on the current position regarding enforcement action which had been authorised by the Council.

***RESOLVED** - That the report be noted.

0047 PLANNING AGREEMENT REPORT (P000)

The Senior Solicitor and the Group Leader, Development Management reported on progress of authorised planning agreements and the monitoring of performance on recently completed agreements.

***RESOLVED** - That the report be noted.

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PLANNING SUB-COMMITTEE**Tuesday, 18th June, 2013**

Present -

Councillor Gilby (Chair)

Councillor Barr

Councillor Brittain

Mark Shewring, Senior Planning Officer
 Graham Wrightson, Munro White Hilton
 P Welch, THP architects
 Kate Watson, Beam

*Matter dealt with under the Delegation Scheme

0003 DECLARATIONS OF PERSONAL OR PREJUDICIAL INTEREST BY MEMBERS RELATING TO ITEMS ON THE AGENDA

No declarations were received.

0004 PERCENT FOR ART SCHEME FOR THE RETAIL DEVELOPMENT AT RAVENSIDE, CHESTERFIELD (P370)

The Head of Regeneration submitted a report for Members to consider a proposal to progress the percent for art scheme for the Ravenside retail development (phase 3) by Ravenside Development Limited.

A requirement to produce a work of art was included in the S106 planning obligation in connection with planning application (reference CHE/06/00243/FUL) for residential development at Ravenside Retail Park.

Condition 19 of the planning permission also included timescales, which stated that details of the art work to be located in the landscaped pedestrian route should be submitted within 6 months of the commencement of the development, but it was considered that this timescale was too tight and the developer was requested to submit a revised timetable for the approval of details of the artwork and for installation.

It was noted that a suitable method of procurement and means of engaging with the community would need to be considered in order to progress the scheme further. As the Council had had extensive and satisfactory experience of using Beam to procure the artworks for the percent for art scheme it was proposed that they would be uniquely placed to deliver a quality service for this type of work in this area.

An 'offer of service' was submitted by Beam and a copy of this was attached to the report.

The next stage would be for Beam to draft a brief to present to the Committee for joint approval with the developer and a short list would then be drawn from a long list of suitable candidates provided by Beam.

- *RESOLVED** -
- (1) That Beam be confirmed as the commissioning body for the Ravenside Retail Park (phase 3) percent for art.
 - (2) That the 'offer of service' from Beam in the sum of £6,400 be accepted.
 - (3) That Beam produce a draft brief for the artwork.
 - (4) That Ward Members and representatives of the Community as appropriate be invited to the Plan Sub-Committee to consider the draft brief.
 - (5) That the timescales set out by Beam in their 'Offer of Service' be accepted, and that the Sub-Committee supports a revised timescale under Condition 19 of the developer's Planning Approval.

PLANNING COMMITTEE**Monday, 5th August, 2013**

Present -

Councillor Brittain (Chair)

Councillor	Allen	Councillor	Elliott
	Barr		Fanshawe
	Bingham		Gilby
	Callan		Hill
	Clarke		Murphy Avis
	Collard		Simmons
	Davenport		

*Matters dealt with under the Delegation Scheme

The following site visits took place immediately before the meeting attended by the following Members:-

1. CHE/13/00252/FUL – Demolition of existing conservatory, erection of extension and side access ramps, access alterations and parking and installation of plant equipment and associated screening to service yard and additional hardstanding to rear – re-submissions of CHE/12/00785/FUL, CHE/12/00786/FUL and CHE/12/00788/FUL at Crispin Inn, Ashgate Road, Chesterfield and CHE/13/00253/FUL –Alterations to front and side elevations and installations of front access ramp at Crispin Inn, Ashgate Road, Chesterfield

Councillors Allen, Barr, Bingham, Borrell (Ward Member), Brittain, Callan, Clarke, Collard, Davenport, Elliott, Fanshawe, Gilby, Hill, Niblock (Ward Member) and Simmons

2. CHE/13/00336/FUL – Erection of a pair of semi detached dwellings on land adj former Railway PH (currently an unused car park),801-807 Sheffield Road

Councillors Allen, Barr, Bingham, Brittain, Callan, Clarke, Collard, Davenport, Elliott, Fanshawe, Gilby, Hill, Avis Murphy and Simmons

3. CHE/13/00353/FUL – Construction of a bungalow with two bedrooms in roof space – re-submission of CHE/12/00738/FUL on land to the east of 100 Church Street North, Chesterfield for Mr B Heard

Councillors Allen, Barr, Bingham, Brittain, Callan, Clarke, Collard, Davenport, Elliott, Fanshawe, Gilby, Hill, Avis Murphy and Simmons

4. CHE/13/00311/REM1 – Variation of condition 7 of CHE/12/00431/COU at Unit 4 and Unit 6 Lockoford Lane, Chesterfield for Chesterfield College

Councillors Allen, Barr, Bingham, Brittain, Callan, Clarke, Collard, Davenport, Elliott, Fanshawe, Gilby, Hill, Avis Murphy and Simmons

5. CHE/13/00282/FUL – Proposed re-development of builders yard, phase 2 to provide 12 semi detached dwellings with associated parking served by new access road (Re-submission of CHE/12/00481/FUL) at 102 Storforth Lane, Hasland for Coverland UK Ltd

Councillors Allen, Barr, Bingham, Brittain, Callan, Clarke, Collard, Davenport, Elliott, Fanshawe, Gilby, Hill, Avis Murphy and Simmons

0048 DECLARATIONS OF MEMBERS' AND OFFICERS' INTERESTS RELATING TO ITEMS ON THE AGENDA

Councillor Avis Murphy considered that she had a potential conflict of interest in Minute No. 0051 (CHE/13/00252/FUL- Demolition Of The Existing Conservatory, The Erection Of An Extension And Side Access Ramps, Access Alterations And Parking And The Installation Of Plant Equipment And Associated Screening To The Service Yard And Additional Hardstanding To The Rear - Re-Submission Of CHE/12/00785/FUL, CHE/12/00786/FUL AND CHE/12/00788/FUL At The Crispin Inn, Ashgate Road, Chesterfield. Derbyshire and CHE/13/00253/FUL - Alterations To The Front And Side Elevations And Installations Of Front Access Ramp At The Crispin Inn, Ashgate Road, Chesterfield, Derbyshire) as she had expressed opposition to the proposal.

Paul Staniforth, the Group Leader, Development Management, considered that he had a potential conflict of interest in Minute No. 0051 (CHE/13/00311/REM1 - Variation of Condition 7 of CHE/12/00431/COU at Unit 4 and Unit 6, Lockoford Lane, Chesterfield for Chesterfield College) as his wife was an employee of the College.

0049 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Huckle and David Stone.

0050 MINUTES

RESOLVED - That the Minutes of Planning Committee passed at the meeting held on 15th July, 2013 be signed by the Chair as a true record.

0051 APPLICATION FOR PLANNING PERMISSION - PLANS DETERMINED BY THE COMMITTEE (P050)

*The Committee considered the under-mentioned applications in light of reports by the Group Leader, Development Management and resolved as follows:-

CHE/13/00311/REM1 - VARIATION OF CONDITION 7 OF CHE/12/00431/COU AT UNIT 4 AND UNIT 6, LOCKOFORD LANE, CHESTERFIELD FOR CHESTERFIELD COLLEGE

The Group Leader, Development Management, having declared an interest, left the meeting during consideration of this item.

That the officer recommendation be upheld and the application for a variation of a condition application be approved and condition 7 varied as follows:-

Condition 7

The hours of operation of the approved D1 use on the site shall be as follows:-

- Monday to Thursday 08.00 – 21.00
- Only on one of these days (Monday to Thursday) in any student calendar week shall the workshops be used for an evening class
- Friday 08.00 - 18.00
- Saturday 08.00 – 18.00 (the workshops shall only be used until 13.00 on this day)

CHE/13/00252/FUL- DEMOLITION OF THE EXISTING CONSERVATORY, THE ERECTION OF AN EXTENSION AND SIDE ACCESS RAMPS, ACCESS ALTERATIONS AND PARKING AND THE INSTALLATION OF PLANT EQUIPMENT AND ASSOCIATED SCREENING TO THE SERVICE YARD AND ADDITIONAL HARDSTANDING TO THE REAR - RE-SUBMISSION OF CHE/12/00785/FUL, CHE/12/00786/FUL AND CHE/12/00788/FUL AT THE CRISPIN INN, ASHGATE ROAD, CHESTERFIELD. DERBYSHIRE

CHE/13/00253/FUL - ALTERATIONS TO THE FRONT AND SIDE ELEVATIONS AND INSTALLATIONS OF FRONT ACCESS RAMP AT THE CRISPIN INN, ASHGATE ROAD, CHESTERFIELD, DERBYSHIRE

Councillor Avis Murphy, having declared an interest, left the meeting.

In accordance with Minute No. 299 (2001/2002), Mr. A. Meikle, Ms. S. Butt, Councillor S. Niblock and Ms. K. Bagnell, objecting to the application and Ms. J. Rams of CgMS (Applicant's agent) addressed the meeting.

Officers gave advice relating to material considerations and issues relevant in the event of appeals.

A. **CHE/13/00252/FUL**

Members felt that although there had been improvements to the previous applications, there were still aspects that were not satisfactory.

Members felt that further improvements could be made on the proposal for the roof on the extension and raised concerns about the siting of the air conditioning units

and the possible noise nuisance to neighbouring residents.

Members also had concerns about the volume of traffic entering and exiting the premises and the impact of this on traffic travelling along Ashgate Road. Concerns were raised about the number of parking spaces proposed, which they felt would increase on street parking on Ashgate Road.

That the officer decision be overruled and the application be refused for the following reasons:-

1. The elevated roof level position for the plant and equipment would lead to the perception of, and increase in, noise which would be sufficient to adversely affect the residential amenity of occupiers around the Crispin building.
2. The predicted vehicle movements to the site during a day associated with the limited off street car parking provision would be likely to result in congestion around the site with indiscriminate parking on street contrary to the best interests of highway and pedestrian safety. The activity associated with the daily vehicle movements will also contribute to the noise and disturbance in the area contrary to the amenity of the neighbouring residents.

B. **CHE/13/00253/FUL**

Members felt that this was an iconic building, and that the proposed balustrade and door opening would affect the symmetry and character of the building and its surroundings.

That the officer decision be overruled and the application be refused for the following reasons:-

1. The alteration of the building as proposed is incongruous, failing to respect the architectural style of the existing building and which would adversely affect the visual character and distinctiveness of the building and its surroundings.

CHE/13/00336/FUL - FULL PLANNING APPLICATION FOR THE ERECTION OF A PAIR OF SEMI-DETACHED DWELLINGS ON LAND ADJACENT TO FORMER RAILWAY PUBLIC HOUSE (CURRENTLY AN UNUSED CAR PARK, DESIGNATED 801-807 SHEFFIELD ROAD), CHESTERFIELD FOR ROCHE ENTERPRISES LTD.

That the officer recommendation be upheld and the application be approved subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall not commence until scaled plans with surveyed cross sections showing site levels (existing and proposed) and development heights, on an axis from Sheffield Road to the rear (east) of the

- site, and also on a north to south axis, have been submitted to and approved in writing, by the Local Planning Authority. The development shall be carried out in accordance with the levels so approved.
3. The development hereby permitted shall not commence until a scheme which demonstrates that the development has secured a lawful right of vehicular access off Mary Ann Street in perpetuity, has been submitted to and approved in, writing by, the Local Planning Authority.
 4. The development hereby permitted shall not commence until a scheme for the management of construction traffic and parking during the construction phase of the development has been submitted to and approved in writing, by the Local Planning Authority. The construction phase of the development shall be carried out in accordance with the scheme so approved.
 5. Prior to development hereby permitted commencing a scheme which demonstrates that the development will achieve a minimum of Level 4 of the Code for Sustainable Homes and a sustainable urban drainage system, shall be submitted in writing to the Local Planning Authority. The development shall not commence until the scheme has been approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved scheme.
 6. Prior to the first occupation of the dwelling hereby permitted commencing, the approved vehicular access to and parking within the site shall be laid out, hard surfaced with a permeable but not loose surface in accordance with the approved layout. The vehicular access and parking once provided shall be maintained and retained thereafter as free from any impediment to its designated use as vehicular access and parking for the two dwellings hereby permitted with two parking spaces being provided/available in perpetuity for each dwelling.
 7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking and re-enacting that Order, no windows or roof-lights, extensions or outbuildings, or means of enclosure or alterations to existing means of enclosures or vehicular accesses other than those hereby permitted, shall be constructed on the site without the permission of the Local Planning Authority.
 8. Unless otherwise approved in writing by the Local Planning Authority construction work to implement the permission hereby granted shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 1:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.
 9. The development hereby permitted shall not commence until a dropped footway crossing and kerb in the highway has been constructed at the sites access onto Mary Anne Street in accordance with the approved constructional specification of the Local Highway Authority. Once implemented the crossing

shall be retained and maintained thereafter.

10. All external dimensions, building siting and elevational treatments shall be as shown on the approved amended plans with the exception of any approved non material amendment and any amended required under other conditions on this permission.

CHE/13/00282/FUL - PROPOSED REDEVELOPMENT OF BUILDERS YARD, PHASE 2 TO PROVIDE 12 NO. SEMI DETACHED DWELLINGS WITH ASSOCIATED PARKING SERVED BY NEW ACCESS ROAD (RESUBMISSION OF CHE12/00481/FUL) AT 102 STORFORTH LANE, HASLAND, CHESTERFIELD, DERBYSHIRE S41 0QA FOR COVERLAND UK LTD.

- A: That, subject to completion of a unilateral agreement specifying that implementation of the planning permission will not be undertaken before a Section 106 Legal Agreement is completed, or the S106 Legal Agreement is completed before the 21st August, 2013, the officer decision be upheld and the application be approved subject to the following conditions:-
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 2. All external dimensions and elevational treatments shall be as shown on the approved plans, with the exception of any approved non material amendment.
 3. No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been prepared in an appropriate drainage strategy to be submitted to and approved in writing by The Local Planning Authority. The site shall be developed with separate systems of drainage for foul and surface water on and off site and the required drainage strategy should have regard to the Council's appended 'minimum standards for drainage' document.
 4. There shall be no piped discharge of surface water from the development site prior to completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to the completion of the approved foul drainage works.
 5. Development shall not commence until intrusive site investigations have been carried out by the developer to establish the exact situation regarding coal mining legacy issues on the site and approval for commencement of development given in writing by the Local Planning Authority. The investigation and conclusions shall include any remedial works and mitigation measures required/proposed for the site. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site.

6. Prior to development commencing an Employment and Training Scheme shall be submitted to the Local Planning Authority for consideration and written approval. The Scheme shall include a strategy to promote local supply chain, employment and training opportunities throughout the construction of the development.
7. Development shall not commence until a revised layout of the proposed access road has been submitted to the Local Planning Authority for consideration. The revised access road layout shall demonstrate swept path analysis to illustrate adequate functionality of the turning head for both refuse and fire tender vehicles. Only those details that receive subsequent written approval shall be implemented on site to at least binder course level prior to any other development commencing on site and shall thereafter be implemented in full prior to first occupation of any of the dwellings hereby approved.
8. Development shall not commence until a revised layout of the proposed new access road junction to Storforth Lane has been submitted to the Local Planning Authority for consideration. The revised junction layout shall include amendment to the existing carriageway markings to provide an expanded junction edge and central turning area (as illustrated in the appended sketch drawings which accompanied the Highways Authority's comments dated 06 June 2013). Only those details that receive subsequent written approval shall be implemented on site prior to first occupation of any of the dwellings hereby approved. The developer should be aware that they will be required to enter into a S278 Agreement with the Highways Authority for these works.
9. Notwithstanding the details submitted, the footpath link illustrated to run along the southern boundaries of Plots 14-17 shall be relocated to the south of the parking court serving these properties (as illustrated in the appended sketch drawings which accompanied the Highways Authority's comments dated 06 June 2013). Prior to its implementation a revised layout plan shall be submitted to the Local Planning Authority for consideration. Only those details that receive subsequent written approval shall be implemented on site prior to first occupation of any of the dwellings hereby approved.
10. Notwithstanding the details submitted, the 'waiting table' illustrated to be provided at the junction of the new access road with Storforth Lane (drawing no. IDS/CL/12/031B) shall be deleted from the scheme.
11. No part of the development hereby approved shall be occupied until space has been laid out within the site in accordance with the approved plans for car to be parked, for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in a forward gear.

12. No development shall take place until space is provided within the site curtilage, for site accommodation, storage of plant and materials, parking and manoeuvring of site operative's and visitor's vehicles together with the loading/unloading and manoeuvring of goods vehicles. The space shall be constructed and laid out to enable vehicles to enter and leave the site in a forward gear, in surface materials suitable for use in inclement weather and maintained free from impediment throughout the duration of construction works.
13. Before construction works commence or ordering of external materials takes place, precise specifications or samples of the walling and roofing materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development.
14. Work shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 5:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.
15. Within 2 months of commencement of development full details of hard landscape works for the approved development shall be submitted to the Local Planning Authority for consideration.

Hard landscaping includes proposed finished land levels or contours; means of enclosure; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.) retained historic landscape features and proposals for restoration, where relevant. These works shall be carried out as approved prior to occupation of each respective dwelling.

16. Within 2 months of commencement of development details of a soft landscaping scheme for the approved development shall be submitted to the Local Planning Authority for consideration.

The required soft landscape scheme shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers; densities where appropriate, an implementation programme and a schedule of landscape maintenance for a minimum period of five years. Those details, or any approved amendments to those details shall be carried out in accordance with the implementation programme.

17. Upon commencement of the development details of energy efficiency measures to be utilised within the development shall be submitted to the Local Planning Authority for consideration. Only those details which receive the written approval of the Local Planning Authority shall be installed on site prior to occupation of the dwelling and shall

thereafter be retained.

18. The first floor windows positioned in the side elevation of house types A, B and C shall be obscurely glazed and fixed (unless the window opening is positioned above 1.7m internal floor height). The obscure glazing to be used shall be of obscurity level 4 or 5 and shall be installed before the dwelling is first occupied. The approved windows shall thereafter be retained obscurely glazed in perpetuity.
19. Notwithstanding the provision of the Town and Country Planning (General Permitted) Development Order 1995 (as amended) there shall be no extensions outbuildings or garages constructed (other than garden sheds or greenhouses of a volume less than 10 cubic metre) or additional windows erected or installed at or in the dwelling hereby approved without ascertaining the relevant planning permission from the Local Planning Authority.

B: That if the unilateral undertaking or S106 legal agreement is not signed by 21st August, 2013, the application be refused on the basis that the development fails to secure funding for the upgrading and maintenance of public open space/play and local education provision in accordance with the Core Strategy.

CHE/13/00353/FUL - CONSTRUCTION OF A BUNGALOW WITH 2 NO BEDROOMS IN THE ROOF SPACE – RE-SUBMISSION OF CHE/12/00738/FUL ON LAND TO THE EAST OF 100 CHURCH STREET NORTH, CHESTERFIELD FOR MR BILL HEARD

That the officer recommendation be upheld and the application be approved subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
3. Before construction works commence or ordering of external materials takes place, precise specifications or samples of the walling and roofing materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development unless otherwise agreed by the Local Planning Authority in writing.
4. Before any other operations are commenced, revised detailed designs shall be submitted to the Local Planning Authority for consideration indicating exit visibility splays at the existing vehicular access measuring 2.4m x 43m in either direction over land in the control of the applicant measured to nearside carriageway edge and 2m x 2m 45 degree pedestrian intervisibility splays.

These plans shall also indicate the location of a temporary refuse collection area for use on collection days only. There shall be no object greater than 1 metre in height (0.6m in the case of vegetation) within either sightline. Only those details approved in writing by the Local Planning Authority shall be implemented on site.

5. The dwelling shall not be occupied until the vehicular access and parking and manoeuvring space for the new residents has been provided on site in accordance with the revised plans submitted as required by Condition 4 above. The parking and manoeuvring areas provided on site shall be maintained throughout the life of the development as such from impediment for its designated use.
6. There shall be no gate/s on the site located on, or open in a manner to include within its/their opening arc/s, any land within 5 metres of the highway unless otherwise approved by the Local Planning Authority.
7. Unless otherwise agreed in writing by the Local Planning Authority work shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 5:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.
8. Upon commencement of the development full details of hard and soft landscaping works for the approved scheme shall be submitted to the Local Planning Authority for consideration. These details shall include cross sections and surfacing for the driveway or other means to ensure no surface water run-off from the site discharges onto the footway. Only the details that are approved in writing by the Local Planning Authority shall be implemented on site as part of the development.
9. Upon commencement of the development details of all the boundary treatments for the site, including retaining walls, shall be submitted to the Local Planning Authority for consideration. Only those details approved in writing by the Local Planning Authority shall be implemented on site, and retained as such thereafter.
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) 1995 Order as amended, or any Order revoking and re-enacting that Order, no additional windows shall be installed in the walls or roof slopes of the dwelling hereby approved, including dormer windows, without the prior express consent of the Local Planning Authority.
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) 1995 Order as amended, or any Order revoking and re-enacting that Order, there shall be no extensions, outbuildings, garages, greenhouses or sheds constructed on site without the prior express consent of the Local Planning Authority.

12. The dwelling shall be constructed to a minimum of Sustainable Homes Code Level 4 standard, or equivalent. On completion of the development, and prior to first occupation, a copy of the certificate issued as evidence of compliance in this respect shall be submitted to the Local Planning Authority.
13. All external dimensions and elevational treatments shall be as shown on the approved plans, Drg No. 2013-45-14 and Drg No 2013-45-12, with the exception of any approved non material amendment

0052 BUILDING REGULATIONS (P880D)

*The Chief Building Control Officer reported that pursuant to the authority delegated to him, he had determined the under-mentioned plans under the Building Regulations:-

(a) Approvals

- | | |
|---------------|---|
| 13/00154/DEX | Domestic Extensions/Alterations - Single storey extension and alterations at 32 Aspley Close Chesterfield Derbyshire S40 4HG |
| 13/00764/OTHD | Other Works (Domestic) - Structural alterations at 2 Bar Croft Chesterfield Derbyshire S40 4YG |
| 13/00765/DEX | Domestic Extensions/Alterations - Ground floor rear extension at 9 Vincent Crescent Chesterfield Derbyshire S40 3NW |
| 13/00488/DEX | Domestic Extensions/Alterations - Single storey rear extension at 5 Blueberry Close Chesterfield Derbyshire S43 3GG |
| 13/00840/DCC | Derbyshire County Council - Removal of partition and installation of new internal partition and fire door at Ripley Nursery School Sandham Lane Ripley Derbyshire DE5 3HE |
| 13/00691/DEX | Domestic Extensions/Alterations - Two storey extension to side and single storey extension to rear at 11 Hollythorpe Close Chesterfield Derbyshire S41 0DN |
| 13/00586/OTHD | Other Works (Domestic) - 2nd floor extension over existing 1st floor extension inc loft conversion and ground floor extension at 6 Shaftesbury Avenue Chesterfield Derbyshire S40 1HN |
| 13/00860/DEX | Domestic Extensions/Alterations - Demolition of existing garage and conservatory and construction of new rear and side extensions with internal alterations at 1 Woodvale Close Chesterfield Derbyshire S40 3LY |
| 13/00924/DCC | Derbyshire County Council - Recovering of 3no flat roof areas including insulation and new rainwater goods at Ashgate Croft School Ashgate Road Chesterfield Derbyshire S40 4BN |

- 13/00872/OTHD Other Works (Domestic) - Convert garage to study/music room at 193 Church Street North Chesterfield Derbyshire S41 9QR
- 13/00832/DIS Disabled Work - Form wet room to rear of garage for disabled use at 2 Fieldhead Way Chesterfield Derbyshire S41 8BE
- 13/00711/OTHC Other Works (Commercial) - Removal of 3 internal supporting pillars and replace with goal post steel frame at 4 Market Place Staveley Chesterfield Derbyshire S43 3UR
- 13/00874/OTHC Other Works (Commercial) - Office alterations and installation of new partitions at Spire House First Floor Spire Walk Business Park Spire Walk Chesterfield Derbyshire S40 2WG
- 13/00624/DEX Domestic Extensions/Alterations - Addition of porch and wc to side of property at 8 Cuttholme Road Chesterfield Derbyshire S40 4RD
- 13/00631/OTHD Other Works (Domestic) - Removal of load bearing brick wall and installation of new steel beam at Chapel Cavendish Place Chesterfield Derbyshire S43 2NS

(b) Refusals

- 13/00572/DCC Derbyshire County Council - New build primary school at Dallimore Primary School Dallimore Road Ilkeston Derbyshire DE7 4GZ
- 13/00677/DCC Derbyshire County Council - New ground floor toilet extension and first floor bathroom to shower room adap at 31 Malson Way Chesterfield Derbyshire S41 7DQ
- 13/00555/DCC Derbyshire County Council - Internal refurbishment to create main entrance, office and staff support space, classroom and external security improvements at Barrow Hill Primary School Station Road Barrow Hill Chesterfield Derbyshire S43 2PG

(c) Decision Advice Notice

- 13/00354/DCC Derbyshire County Council - Rear extension to provide level access shower room at 4 Bishop Street Alfreton Derbyshire DE55 7EF
- 13/00722/PART Partnership Application - Single storey rear extension at 5 Headland Drive Crosspool Sheffield S10 5FX
- 13/00773/DCC Derbyshire County Council - Refurbish ground floor store to form wc and store room . Install whb and relocate bath on first floor at 11 Hillside Langley Mill Derbyshire NG16 4FT

- 13/00850/PART Partnership Application - Conversion of existing outbuildings, (WC/Store) to kitchen at 30 Haywood Lane Deepcar S36 2QE
- 13/00837/DCC Derbyshire County Council - Replacement of existing single glazed aluminium curtain walling system to Sports Hall at Wilsthorpe Community School Derby Road Long Eaton Derbyshire NG10 4WT
- 13/00838/DCC Derbyshire County Council - Sash window repairs and installation of new aluminium doors at St Andrews CE Junior School Hadfield Road Hadfield Derbyshire SK13 2DR
- 13/00873/DCC Derbyshire County Council - Phased replacement windows and replacement columns as necessary if required at Eureka Primary School Dunsmore Way Midway Swadlincote Derbyshire DE11 7LA
- 13/00830/DCC Derbyshire County Council - Installation of internal fire door and removal of window and wall to allow for new final exit door at Heanor Langley Infant & Nursery School Laceyfields Road Heanor Derbyshire DE75 7HJ
- 13/00805/PART Partnership Application - Construction of a garden room at 2 Victor Road Dore Sheffield S17 3NH
- 13/00541/DCC Derbyshire County Council - Internal and external access at 18 Chatsworth Avenue Crich Matlock Derbyshire DE4 5DY
- 13/00542/DCC Derbyshire County Council - Replacement of existing timber framed windows to Block 2 including replacement of existing claddings and cills at Kilburn Infants School The Flat Kilburn Derbyshire DE46 0LA
- 13/00820/DCC Derbyshire County Council - Provision of drainage to temporary kitchen POD unit at Loscoe Primary School Church View Loscoe Heanor Derbyshire DE57 7RT

0053 APPLICATIONS FOR PLANNING PERMISSION - PLANS DETERMINED BY THE GROUP LEADER DEVELOPMENT MANAGEMENT (P140D)

*The Group Leader, Development Management reported that pursuant to the authority delegated to him, he had determined the under-mentioned applications subject to the necessary conditions:-

(a) Approvals

- CHE/13/00038/ADV Replacement of existing advertisement signage at Lloyds TSB Bank Plc 30 Rose Hill Chesterfield Derbyshire S40 1LR for

Lloyds Banking Group

- CHE/13/00238/FUL Erection of a conservatory at 5 Compass Crescent Chesterfield Derbyshire S41 9LX for Miss Vicky Owen
- CHE/13/00254/FUL Improvement works to existing car park to provide formal parking bays and manoeuvring facilities in accordance with national standards at Mill Green Car Park Mill Green Chesterfield Derbyshire S43 3XB for Derbyshire County Council
- CHE/13/00258/FUL Erection of an orangery and a porch at 12 Blunt Avenue Chesterfield Derbyshire S43 3AP for Miss P Rodgers
- CHE/13/00265/FUL Erection of external canopy with roller shutters at St Josephs RC and C Of E Voluntary Aided Primary School Calver Crescent Chesterfield Derbyshire S43 3LY for St Josephs Primary School
- CHE/13/00266/FUL Conservatory Extension at 42 Greenbank Drive Chesterfield Derbyshire S40 4BT for Mr G Booker
- CHE/13/00267/FUL New powder coated shop front with sliding entrance at Unit B Lordsmill Street Chesterfield Derbyshire S41 7RW for TJ Morris Ltd
- CHE/13/00269/FUL Single storey rear and side extension to bungalow at 29 Riber Close Chesterfield Derbyshire S43 3EU for Mr S Rowntree and Mrs J Burkitt
- CHE/13/00280/ADV Internally illuminated signage to front and rear elevations at Unit B Lordsmill Street Chesterfield Derbyshire S41 7RW for T J Morris Ltd
- CHE/13/00288/REM Construction of Class B2 unit including office and storage space, with associated landscaping, and associated access and car parking arrangements - reserved matters application for CHE/0502/0312 (additional plans submitted 05/07/2013) at Markham Employment Growth Zone Markham Lane Duckmanton Chesterfield Derbyshire S44 5HS for Henry Boot Developments Ltd
- CHE/13/00298/ADV Removal of existing fixed posters and HMV sign and also the projected sign, to be replaced with the new proposed branded Morrisons bulkhead sign which includes the opening and closing times. Morrisons vinyl to be applied to shop front window, warning vinyl also to be applied to both doors and CCTV vinyl. Morrisons logo to be applied along existing shop front left window and parting doors. New Morrisons hanging

sign to replace the existing projecting sign, revised plans received 3rd July 2013 at HMV Su 9 25 - 27 Vicar Lane Chesterfield Derbyshire S40 1PY for Mace Group

- CHE/13/00302/FUL Renewal of planning consent CHE/10/00228/FUL for temporary car park for a further 3 years at Britannia Parking Ltd Newbold Road Chesterfield Derbyshire S41 7XD for Britannia Parking Ltd
- CHE/13/00304/FUL Single storey ground floor extension for toilet facility at 31 Malson Way Chesterfield Derbyshire S41 7DQ for Mr B Rimmington
- CHE/13/00305/FUL Single storey extension to front at Newbridge Works Whitting Valley Road Chesterfield Derbyshire S41 9EY for Mr Richard Staniforth
- CHE/13/00306/FUL Single storey extension to side at Newbridge Works Whitting Valley Road Chesterfield Derbyshire S41 9EY for Mr Richard Staniforth
- CHE/13/00307/FUL New detached dwelling, revised front elevation received 6th July 2013 at land adjacent to 4 Rectory Road Staveley Chesterfield Derbyshire S43 3UZ for Mr W.P Cooney
- CHE/13/00308/FUL Erection of non advertising two bay cantilever with full end panels bus shelter complete with hard standing at land opposite 103 Racecourse Road Chesterfield Derbyshire for Chesterfield Borough Council
- CHE/13/00313/FUL Proposed ground floor rear extension at 9 Vincent Crescent Chesterfield Derbyshire S40 3NW for Mr and Mrs D Edwards
- CHE/13/00323/FUL Proposed single storey extension to form retail kiosk to an existing café building and internal alterations include amendment to an internal lobby wall, the removal of timber stud partition with reinstatement of internal floor structure and relocation of existing cleaners cupboard at Café Queens Park Boythorpe Avenue Chesterfield Derbyshire S41 2QE for Fredericks of Chesterfield
- CHE/13/00339/DEM 1960/70's brick and concrete frame building on Mill Street to be demolished, previous office. Brick and steel frame building on Mill Street and Station Road to be demolished, previously offices and printing works. Office building (brick) and main entrance (stone) to be retained as offices at The Derbyshire Times Station Road Chesterfield Derbyshire S41 7XE for Cordwell Properties LLP

- CHE/13/00342/FUL Construction of a single storey, flat roofed extension comprising a shower/wetroom and entrance lobby at 225 Ashgate Road Chesterfield Derbyshire S40 4AP for Mrs D Carter
- CHE/13/00371/TPO Reduction of limbs growing towards property, removal of 2 competing stems, removal of ivy and crown clean at 9 Old Pheasant Court Chesterfield Derbyshire S40 2GY for Mrs Caroline Pell
- CHE/13/00399/TPO G2 x 2 Yew trees, crown lift to 2.5m and x 2 trees trim back by maximum 600mm at 96 Mansfield Road Chesterfield Derbyshire S41 0JF for Mr C Kirby
- CHE/13/00422/TPO T1 Yew to fell. Blocks light into property, tree too large for location, damage to retaining wall, obstructing public footpath. T2 Maple to fell. Replacement tree planted too close to wall. Species too large for garden at ultimate height and spread. In mitigation, replace with 2 suitable species, as requested at 23 Cromwell Road Chesterfield Derbyshire S40 4TH for Mrs Helen Bagley

(b) Refusals

- CHE/13/00237/TPO Fell/dismantle Oak tree to as near to ground level as possible at 47 Newbold Road Chesterfield Derbyshire S41 7PG for Mrs Tracey Johnston
- CHE/13/00274/FUL Proposed garage and conservatory at 589 Newbold Road Chesterfield Derbyshire S41 8AA for Mr David Downing
- CHE/13/00316/FUL Proposed rear extension at 35 Brearley Street Chesterfield Derbyshire S41 9LN for Mr J Wooley
- CHE/13/00328/FUL Erection of a conservatory at 85 Tupton View Road Chesterfield Derbyshire S41 7LA for Mr Daniel Palfreyman

(c) Other Council no objection with comments

- CHE/13/00365/CPO Upgrading of existing footpaths NE22/32, NE22/31 (part) and C2/86 to Greenway which will link into the existing rights of way/cycling network at Footpath 86 To Greendale Avenue Holymoorside Somersall Lane Chesterfield Derbyshire S40 3LA for Derbyshire County Council

(d) Discharge of Planning Conditions

- CHE/13/00406/DOC Discharge of condition 3 of CHE/13/00218/FUL at Nova Interiors Dunston Trading Estate Foxwood Road Chesterfield

Derbyshire S41 9RF for Nova Interiors

0054 APPLICATION TO FELL OR PRUNE TREES (P620D)

*The Head of Planning reported that pursuant to the powers delegated to him he had determined the under-mentioned applications:-

(a) in respect of the felling and pruning of trees

CHE/13/00399/TPO Consent granted to the pruning of four Yew trees within G2 on the Order map for Mr Kirby of 96 Mansfield Road, Hasland, Chesterfield.

CHE/13/00371/TPO Consent granted to the pruning of 3 Ash trees within G1 on the Order for Mrs C Pell of 9 Old Pheasant Court, Chesterfield.

CHE/13/00422/TPO Consent granted to the felling of one Yew tree reference T1 and one Maple reference T2 for Mrs Helen Bagley of 23 Cromwell Road, Chesterfield.

The replacement trees are to be Himalayan Birch, Mountain Ash species, Ornamental apple, or paperbark maples which are small to medium size trees more suited to the small 3.5 metre wide raised planting bed.

(b) Notification of Intent to Affect Trees in a Conservation Area

CHE/13/00436/CA Agreement to the removal of four branches on one Horsechestnut tree. The pruning of the tree will have no adverse effect on the amenity value of the area.

The pruning of one Horsechestnut tree in the grass verge to the frontage of 48 Somersall Lane which has two dead branches and two dying branches overhanging the highway.

The tree is within the Somersall Lane Conservation Area and the applicant wishes to remove the branches in order to maintain highway safety.

CHE/13/00440/CA Agreement to the pruning of two trees, one Apple and one Ash tree to the rear of NEDDC Council House, Saltergate. The pruning works are to clear the neighbouring properties and general pruning works to the apple to open up the crown and prune for fruit.

Agreement to the pruning of two trees to the rear of NEDDC Council House, Saltergate which will have no adverse effect on the amenity value of the area.

The trees are within the Town Centre Conservation Area and the work are for general maintenance.

0055 APPEALS REPORT (P000)

The Group Leader, Development Management reported on the current position in respect of appeals which had been received.

***RESOLVED** - That the report be noted.

0056 ENFORCEMENT REPORT (P410)

The Senior Solicitor and the Group Leader, Development Management submitted a joint report on the current position regarding enforcement action which had been authorised by the Council.

***RESOLVED** - That the report be noted.

PLANNING COMMITTEE

Tuesday, 27th August, 2013

Present -

Councillor Brittain (Chair)

Councillor Barr
Bingham
Callan
Clarke

Councillor Collard
Gilby
Avis Murphy
David Stone

*Matters dealt with under the Delegation Scheme

The following site visit took place immediately before the meeting attended by the following Members:-

1. CHE/13/00352/OUT - Full planning application demolition of workshop buildings and redevelopment for residential use - resubmission of CHE/12/00440/OUT at 49 Barker Lane, Chesterfield

Councillors Barr, Bingham, Brittain, Callan, Clarke, Collard, Gilby, Miles (Ward Member), Avis Murphy and David Stone.

0057 DECLARATIONS OF MEMBERS' AND OFFICERS' INTERESTS RELATING TO ITEMS ON THE AGENDA

No declarations were received.

0058 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Allen, Davenport, Elliott, Fanshawe, Hill, Lowe and Simmons.

0059 MINUTES

RESOLVED - That the Minutes of Planning Committee passed at the meeting held on 5th August, 2013 be signed by the Chair as a true record.

0060 MINUTES OF PLANNING SUB-COMMITTEE

The Minutes of the meeting of Planning Sub-Committee held on 13th August, 2013 were presented.

(For Minutes see Appendix.)

RESOLVED - That the Minutes of the meeting of Planning Sub-Committee dated 13th August, 2013 be signed by the Chair as a true record.

0061 APPLICATION FOR PLANNING PERMISSION - PLANS DETERMINED BY THE COMMITTEE (P050)

*The Committee considered the under-mentioned applications in light of reports by the Group Leader, Development Management and resolved as follows:-

CHE/13/00352/OUT - FULL PLANNING APPLICATION DEMOLITION OF WORKSHOP BUILDINGS AND REDEVELOPMENT FOR RESIDENTIAL USE - RESUBMISSION OF CHE/12/00440/OUT AT 49 BARKER LANE, CHESTERFIELD S40 1EE

In accordance with Minute No. 299 (2001/2002), Councillor K. Miles, supporting the application and Mr. G. Graham of Chase and Partners (applicant's agent) addressed the meeting.

That the officer recommendation be upheld and the application be approved, subject to:

(A) the completion of a Section 106 Planning Obligation covering the following Heads of Terms:-

- Public Open Space (Contribution in Lieu)
- Public Art (Contribution and Provision)
- Affordable Housing (Provision)
- Highways Works (Contribution)
- Education (6 secondary school places)
- Local Labour Clause

(B) the following conditions:-

1. Approval of the details of the Access, Scale, Layout, External appearance and Landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
2. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the matters reserved by this permission for subsequent approval by the Local Planning Authority, or in the case of the approval of such matters on different dates the date of the final approval of the last of such matters to be approved.

4. No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of a sustainable urban drainage system and any balancing works and off-site works, have been submitted to and approved in writing by The Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
5. Notwithstanding the details submitted plans showing the following:-
 - i) cross sections of the site showing existing and proposed levels
 - ii) proposed finished floor levels of dwellings, finished eaves and ridge heights
 - iii) levels of any paths, drives and parking areas (proposed and existing)
 - iv) the height of any new retaining walls and their appearance shall be submitted in writing to the Local Planning Authority, concurrently with any application for the reserved matters of scale or layout being submitted, and the development shall not be commenced until the details have been approved in writing by the Local Planning Authority.

The development shall be carried out in accordance with the details so approved.

6. Concurrent with the submission of the reserved matters full details of a scheme that demonstrates the development will secure a minimum of Level 4 of the Code Level for Sustainable Homes or; BREEAM residential 'Very Good' or the highest viable level feasible shall be submitted to, and approved in writing by the Local Planning Authority. The development shall not commence until the scheme has been approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved scheme.
7. Prior to the development hereby permitted commencing (with the exception of demolition operations) a 'Coal Mining Risk Assessment' of the site including details of any necessary mitigation shall be submitted in writing to the Local Planning Authority for its consideration. The development shall not commence until the Local Planning Authority has given its approval in writing to the assessments and any necessary mitigation. The development shall only be carried out in accordance with the approved details and mitigation.
8. Any boundary treatments approved as a reserved matter shall be implemented prior to occupation of any part of the development, and shall be retained thereafter.

9. The landscaping approved as part of the reserved matters shall be implemented within the first planting season following the substantial completion of the development and retained thereafter. Any trees dying within the first 5 years after the completion of planting shall be replaced with a tree of the same species and specification planted in the same location no later than the end of the first available planting season following the death of the tree.
10. Concurrent with the submission of the reserved matter of access a scheme of phased implementation of the access and parking provision for the development also including measures to provide off-street parking, storage areas and access during the construction phase, shall be submitted to and approved in writing, by the Local Planning Authority. Development shall not commence until the scheme has been approved in writing by the Local Planning Authority. Subsequently, the development shall only be carried out in accordance with the scheme of implementation and the access details and parking so provided shall be retained thereafter.
11. Unless otherwise approved in writing by the Local Planning Authority demolition, remediation or construction work to implement the permission hereby granted shall only be carried out on site between 8:00am and 6:00pm Monday to Friday, 9:00am to 1:00pm on a Saturday and no work on a Sunday or Public Holiday. The term "work" will also apply to the operation of plant, machinery and equipment.
12. Concurrent with the submission of the reserved matter of access a scheme of external highway lighting shall be submitted to the Local Planning Authority for its consideration. Development shall not commence until the Local Planning Authority has approved a scheme and timescales for implementation in writing, and thereafter the scheme shall be carried out in accordance with the approved scheme and timescales and retained thereafter.
13. Before construction works commence or ordering of external materials takes place, precise specifications or samples of the walling and roofing materials to be used including their colour and finish shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development unless otherwise agreed by the Local Planning Authority in writing.
14. Prior to the commencement of the development approved by this planning permission (or such other date or stage in development as may be approved in writing by the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

- 1) A site investigation scheme, based on the submitted phase I study to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 2) The site investigation results and the detailed risk assessment (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - 3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.
15. A verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to the Local Planning Authority for consideration and approved in writing by the Local Planning Authority before occupation of any of the dwellings. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long term monitoring and maintenance plan) for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and the reporting of this to the Local Planning Authority.
16. If during development contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how the unsuspected contamination shall be dealt with.
17. No development shall take place until a Written Scheme of Investigation for archaeological work has been submitted to and approved by the local planning authority in writing, and until any pre-start element of the approved scheme has been completed to the written satisfaction of the local planning authority. The scheme shall include an assessment of significance and research questions; and
1. The programme and methodology of site investigation and recording

2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation" No development shall take place other than in accordance with the archaeological Written Scheme of Investigation approved under condition. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the archaeological Written Scheme of Investigation approved by the Local Planning Authority and the provision to be made for analysis, publication and dissemination of results and archive deposition has been secured.
18. Concurrent with the submission of the reserved matters of layout, external appearance or landscaping a scheme or schemes of biodiversity enhancement shall be submitted to and approved in writing by the Local Planning Authority. The development shall not commence until the scheme has been approved in writing by the Local Planning Authority and the development shall only be carried out in accordance with the approved scheme.
 19. Prior to development commencing (excluding demolition and site clearance), a scheme of provision of infrastructure for broadband connection within the site and to outside the site shall be submitted to and approved in writing by the Local Planning Authority unless it is demonstrated in writing to the Local Planning Authority by means of a viability appraisal, that it is not viable to deliver the infrastructure with the development. The development (excluding demolition) shall not commence until either a scheme has been approved in writing by the Local Planning Authority or; the Local Planning Authority has accepted in writing that it is not viable to deliver the infrastructure with the development.
 20. All external dimensions and elevational treatments shall be as shown on the plans approved by subsequent reserved matters with the exception of any approved non material amendment.
- (C) That should the Section 106 Obligation be not signed and sealed before the 8th September 2013 then the application be refused on the basis that the

proposal would not accord with the Development Plan in so far as meeting the requirements for public open space, education, highway improvements in the area, affordable housing, public art and a local labour clause.

CHE/13/00014/REM1 - VARIATION OF CONDITIONS 7, 11, 20, 21, 47, 49 AND 50 OF CHE/0502/0312 - MARKHAM VALE (MEGZ) REGENERATION SCHEME (CONDITIONS 12 AND 23 REMOVED FROM APPLICATION BY LETTER DATED 6TH JUNE 2013 AND NOISE ASSESSMENT SUBMITTED 2ND AUGUST 2013) FOR HENRY BOOT DEVELOPMENTS LTD

In accordance with Minute No. 299 (2001/2002), Mr. G. Sweeney of Alliance Planning Ltd (applicant's agent) addressed the meeting.

That the officer recommendation be upheld and the application to vary Conditions 7, 11, 20, 21, 47, 49 and 50 of planning permission CHE/0502/0312 be approved and the conditions be revised as follows:-

7. No development within sites 13 and 14, except for the creation of landforms, road works and infrastructure, and the construction of the road bridges and link road from Erin Road to access Seymour, shall commence until 75% of the development plots shown on plan 9033/432C in phases 1 and 4 are first occupied and the south tip and phase 2 has been restored and completed save for the tree planting and aftercare period. Unless the development cannot reasonably be accommodated within phases 1 and 4 and agreed in writing by the Local Planning Authority.
11. Deleted
20. Deleted
21. A maximum of 265,000sqm of employment led (B1, B2 and B8) development within MEGZ shall be developed within the MEGZ site. No more than 6,038sqm net of B1 Business Use (as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) shall be developed. Of the remaining 258,962sqm no more than 201,362sqm gross shall be developed for B2 General Industrial Use (as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) and no restriction is place on the proportion of the 258,962sqm gross which is developed for B8 Storage and Distribution Use (as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).
47. Details of a replacement football pitch and associated facilities for the one shown on drawing no 9033/371 on the south side of Markham Road, Duckmanton shall be submitted to the Local Planning Authority for consideration within two years of the date of approval of this planning permission. The new football pitch and associated facilities shall be implemented and be made available for use within one year of the date of the written approval of the details and shall be thereafter be retained.

49. Prior to the commencement of any phase of works on the Staveley Northern Loop Road (as detailed on drawing no. 9033/463A – northern loop road phase 1 and 2), details shall be submitted to the Local Planning Authority of how the future Chesterfield Canal route will be protected to allow for future restoration in connection with the associated phase of the Staveley Northern Loop Road.
50. Within 5 years of the relevant phase of the Staveley Northern Loop Road being open to traffic the associated section of the Chesterfield Canal shall be restored and navigable in accordance with details approved in association with condition 49.

0062 BUILDING REGULATIONS (P880D)

*The Chief Building Control Officer reported that pursuant to the authority delegated to him, he had determined the under-mentioned plans under the Building Regulations:-

(a) Approvals

- 13/00931/OTHD Other Works (Domestic) - Conversion of public house to 4 No SC flats at The Odd Couple 799 Sheffield Road Sheepbridge Chesterfield Derbyshire S41 9EQ
- 13/01026/OTHD Other Works (Domestic) - Internal alterations at 10 Foxbrook Court Chesterfield Derbyshire S40 3SS
- 13/00960/OTHD Other Works (Domestic)- Conversion of GF garage and existing FF bedroom to habitable accommodation at 680 Chatsworth Road Chesterfield Derbyshire S40 3NU
- 13/00896/DRO Domestic in-roof Extensions/Alterations - Creation of 2 enlarged dormers, redesign of gable end wall (remove hips) internal thermal upgrade at 193 Handley Road Chesterfield Derbyshire S43 2ES

(b) Refusals

- 13/00744/DOM Domestic Buildings and New Dwellings - 77 New dwellings at The Bungalows At West Street Pipeyard Lane And Pitt Street Eckington
- 13/00745/DOM Domestic Buildings and New Dwellings - 52 New dwellings at The Bungalows Off Sheffield Road Killamarsh Derbyshire
- 13/00699/DCC Derbyshire County Council - Forming openings in ex. Walls to open out space general refurbishment at Manor Infant School Manor Road Brimington Chesterfield Derbyshire S43 1NT

(c) Decision Advice Notices

- 13/00312/DCC Derbyshire County Council - Provision of double classroom block with associated toilets and groundworks; existing drainage infrastructure to be picked up at Swanwick Primary School South Street Swanwick Derbyshire DE55 1BZ
- 13/00313/DCC Derbyshire County Council - New single classroom block with associated toilets and groundworks; existing infrastructure for drainage to be picked up at Walton On Trent Primary School Coton Road Walton On Trent Derbyshire DE12 8NL
- 12/01515/DCC Derbyshire County Council - Reception and classroom alterations at Bennerley Fields School Stratford Street Cotmanhay Ilkeston Derbyshire DE7 8QZ
- 13/00974/DCC Derbyshire County Council - Erection of stud wall to form roof store at Elmsleigh Infant School Queens Drive Swadlincote Derbyshire DE11 0EG
- 13/00774/DCC Derbyshire County Council - New demountable system partitioning to existing office accommodation to provide additional meeting rooms, office space and accessible shower rooms at 6 Mercian Close Manners Industrial Estate Ilkeston Derbyshire DE7 8HG
- 13/00993/DCC Derbyshire County Council - Replacement of 3 no dormer windows and replacement of existing flat roof to office area at Little Eaton Primary School Alfreton Road Little Eaton Derbyshire DE21 5AB
- 13/00994/DCC Derbyshire County Council - Replacement timber windows at Hartshorne CE Primary School Main Street Hartshorne Swadlincote Derbyshire DE11 7ES
- 13/00995/DCC Derbyshire County Council - Installation of new stud partition, new door-set and window to existing CDT/Technology Room at St Thomas More Catholic School Palace Road Buxton Derbyshire SK17 6AF
- 13/00996/DCC Derbyshire County Council - Alteration works to: Main entrance, reception counter, head teachers office at Buxton Junior School Mosley Road Buxton Derbyshire SK17 9DR
- 13/01034/DCC Derbyshire County Council - Re-roof and structural repairs at Lea Green Centre Lea Main Road Dethick Matlock Derbyshire DE4 5GJ

- 13/01035/DCC Derbyshire County Council - Conversion of external store at 4 Sycamore Crescent Sandiacre NG10 5EX
- 13/00831/DCC Derbyshire County Council - Removal of section of existing internal wall to store room to create new teaching space at New Mills Primary School Meadow Street New Mills SK22 4AY

0063 APPLICATIONS FOR PLANNING PERMISSION - PLANS DETERMINED BY THE GROUP LEADER DEVELOPMENT MANAGEMENT (P140D)

*The Group Leader, Development Management reported that pursuant to the authority delegated to him, he had determined the under-mentioned applications subject to the necessary conditions:-

(a) Approvals

- CHE/13/00156/ADV Remove old signage and replace with new signage to a better position at Holy Trinity Church Newbold Road Chesterfield Derbyshire S41 7PG For Holy Trinity Church
- CHE/13/00181/FUL Erection of a single dwelling at land adjacent to 8 Lathkill Avenue Chesterfield Derbyshire S43 3JA for Mr Dave Redfern
- CHE/13/00247/FUL Garage extension and re-roof of existing porch. Replacement of flat roof to existing rear extension with a pitch roof at 135 Newbold Back Lane Chesterfield Derbyshire S40 4HH for Mr Mark Slatcher
- CHE/13/00251/HH High hedge between 14 Loxley Close and Longlands at Longlands The Dell Chesterfield Derbyshire S40 4DL for Mrs Judith Roden
- CHE/13/00264/FUL Second floor extension over existing two storey rear extension, new dormer at rear, demolition of existing conservatory, single storey rear extension, new wider drive as amended by the plans received on the 11th July 2013 at 6 Shaftesbury Avenue Chesterfield Derbyshire S40 1HN for Mr O Donovan
- CHE/13/00278/FUL Extension to rear and side and drive extension to front at 26 Douglas Road Chesterfield Derbyshire S41 0UD for Mr Adrian Brierley
- CHE/13/00283/FUL Change of use - from garage services, workshop, MOT and associated uses to car parking accessed from the existing Spa Lane car park (with Hollis Lane access blocked off). The proposal will provide approximately 10 additional parking spaces (15 additional, with loss of 5 in existing car park). Works - this will include removing the existing wooden garage and resurfacing the area in tarmac to match the existing and

fencing the boundary with the terrace houses in wooden panel fencing to match existing. The access to Hollis Lane will be fenced off as per plan as proposed (06)002 D0. Highways - access to the site will be from Spa Lane via the existing car park, thereby negating the current dangerous entry/ egress to Spa Lane. The egress is almost entirely blind from the left. At 46 Hollis Lane Chesterfield Derbyshire S41 7RE for English Roses Group SIPP

- CHE/13/00309/FUL Single storey extension to rear and two storey extension to side (revised plans received 26/07/2013) at 11 Hollythorpe Close Chesterfield Derbyshire S41 0DN for Mr Steve Harper
- CHE/13/00325/FUL First floor side/rear extension, revised plans received 11th July 2013, at 40 Enfield Road Chesterfield Derbyshire S41 7HN for Mr A Thompson
- CHE/13/00326/FUL Removal of existing garage and replaced with two storey side extension at 15 Belvedere Close Chesterfield Derbyshire S40 3LU for Mr Paul Ryan
- CHE/13/00330/FUL Extension of existing cattle housing at Manor Farm Manor Road Brimington Chesterfield Derbyshire S43 1NP for GD and M Rodgers and Sons
- CHE/13/00331/FUL Rear two storey extension - resubmission of CHE/13/00190/FUL at 55 Rhodes Avenue Chesterfield Derbyshire S41 7HQ for Mrs F Hill
- CHE/13/00333/FUL Proposed single storey extension to the rear elevation and canopy to the side elevation at 73 Vernon Road Chesterfield Derbyshire S40 1EL for Mrs K A Noble
- CHE/13/00343/FUL Proposed front extension at 1 White Leas Chesterfield Derbyshire S40 4PS for Mr and Mrs Ludditt
- CHE/13/00345/ADV 3 No Replacement blue timber backboards with new non illuminated brandmarks. 1 No New projecting sign to be installed on existing hanging bracket. 2 No ATM tablets. At Halifax Plc 6 Central Pavement Chesterfield Derbyshire S40 1PQ for Lloyds Banking Group
- CHE/13/00349/FUL Alterations and extensions of existing dwelling-house at 167 Old Road Chesterfield Derbyshire S40 3QL for Mr N Catt
- CHE/13/00350/FUL Two storey side extension built over existing single storey rear extension - resubmission of CHE/13/00220/FUL at 60 Highfield Avenue Chesterfield Derbyshire S41 7AS for Mr Jones

- CHE/13/00351/FUL Erection of a greenhouse at The Meadows Hobnar Lane Chesterfield Derbyshire S43 3SD for Mr Peter Droegmoeller
- CHE/13/00361/FUL Extension to first floor above existing sun room to form extra bedroom at 58 Rhodesia Road Chesterfield Derbyshire S40 3AL for Mr Such
- CHE/13/00363/FUL Installation of air-conditioning plant to the rear of the unit in plant area prepared by the landlord and installation of ATM to the front elevation of the building at Unit 9 Ravenside Retail Park Markham Road Chesterfield Derbyshire for Asda
- CHE/13/00364/ADV Illuminated flex face fascia sign to front elevation with 2 non illuminated signs to the side and rear at Unit 9 Ravenside Retail Park Markham Road Chesterfield for Asda
- CHE/13/00369/FUL Erection of a sub-station and associated works at Land at Ravenside Retail Park Park Road Chesterfield Derbyshire S40 1TB for Ravenside Investments Limited
- CHE/13/00385/MA Material Amendment to application CHE/12/00566/FUL - Proposed additional accommodation in six 3 bedroomed apartments in two blocks with associated parking at The Sandpiper Hotel Sheffield Road Sheepbridge Chesterfield Derbyshire S41 9EH for The Old Spinner Ltd
- CHE/13/00389/TPO T5 -T17 crown clean to include removal of ivy and deadwood; T20 - T25 (dead Poplars) dismantle to ground level, replant in adjacent gap in shrubbery within grassed area and along boundary with 46 High Street. Species to replant: Persian Ironwood, Tulip Tree, Cedar of Lebanon, Tree of Heaven. Standard 10/12 or C10 as appropriate. T60 crown reduce Ash with Inonotus hispidus infection by 30% and clean. T67 crown clean Hawthorn at Victoria Park Duke Street Staveley Chesterfield Derbyshire S43 3PD for Chesterfield Borough Council
- CHE/13/00398/FUL New shop front glazing system to replace existing, new fascia board and signage at 5C Market Place Chesterfield Derbyshire S40 1TW for Mark Keeson Hair, body and Mind
- CHE/13/00403/NMA Non Material Amendment to application CHE/10/00521/FUL - Reduce width to rear lean to, change to front elevation, increase width to double side extension and changes to internal layout at 245 Chesterfield Road Staveley Chesterfield Derbyshire S43 3SA for Mr Robert Meadows

- CHE/13/00407/FUL Existing softwood single glazed, multi-bar windows and doors to be replaced with softwood double glazed, non-bar units. Additional window openings to be created in front elevation at Tupton Grove Nursing Home Balmoak Lane Chesterfield Derbyshire S43 1QQ for Sun Healthcare Limited
- CHE/13/00416/TPO T8 Sycamore removal of 1 lower branch, rebalance remainder of crown and crown clean to remove dead and damaged branches at Oak House Chesterfield Road Brimington Chesterfield Derbyshire S43 1AX for Mrs Amy Holmes
- CHE/13/00423/TPO T145 to T146 - crown lift to 2m from ground to avoid contact with vehicles on access road; T54 to T58 - crown lift to 3m from ground to avoid contact on play area; T36 to T53 - crown lift to 2m from ground to avoid contact with runners and persons using sit on mower; T341, T338, T355, T345, T337, T335 - crown lift to 3m off ground to prevent contact in heavily used play and teaching area; T330 to T332 - crown lift to 3m above buildings, overhanging onto flat roofs at St Peter and St Paul School Hady Hill Chesterfield Derbyshire S41 0EG for St Peter and St Paul School
- CHE/13/00427/TPO T7 - Pine - Clear neighbouring property to a clearance of 1 metre (getting close to neighbours roof) and T5 - Horsechestnut - Crown lift to 6.5 metres and crown thin by 20%, remove 1 branch growing towards east rear corner of neighbouring property and clear stem of new shoots at 15 Penmore Lane Chesterfield Derbyshire S41 0SG for Mr R Bond
- CHE/13/00439/TPO Shorten 2 branches and lower 2 branches of ash (G2) on boundary with Brookfield school fields at 7 Old Pheasant Court Chesterfield Derbyshire S40 2GY for Westside Landscape
- CHE/13/00440/CA General pruning works of apple tree, crown thinning of ash tree by maximum 25%, removal of ascending branches over adj. properties, at Council House Saltergate Chesterfield Derbyshire S40 1LF for North East Derbyshire District Council
- CHE/13/00449/TPO 1 Horsechestnut - Crown reduction (maximum 2m), crown lift (6 metre from base of tree) light thinning (15%) and 1 branch to be removed (hanging towards No. 21) and one lime tree crown lift at 19 Penmore Lane Chesterfield Derbyshire S41 0SG for Mrs C Widdowson
- CHE/13/00460/TPO T2 - T7 Lime - Crown lift to 2.5 metres/crown clean to remove damaged branches. T1 Maple - remove 3 lower branches overhanging public footpath and neighbouring property and crown clean at 1 Avondale Road Chesterfield Derbyshire S40

4TF for Miss Emma Proctor

- CHE/13/00461/TPO Large Sycamore: raise crown to 5.2 metres at Royal Court Basil Close Chesterfield Derbyshire S41 7SL for Mrs Jill Green
- CHE/13/00462/CA Large Horse Chestnut in corner of car park: remove large limb growing towards car park and crown lift to 5.2 metres. Other trees between the above Horse Chestnut and the large Sycamore as mentioned in 'URS Sycamore July 2013' application to prune trees: crown lift to 5.2 metres at Royal Court Basil Close Chesterfield Derbyshire S41 7SL for Mrs Jill Green
- CHE/13/00478/TPO 1 No. Lime Tree - Crown lift to 5m over garden area, 2.5m over public footpath and clear lamp head by 0.5m at 18 Booker Close Chesterfield Derbyshire S43 3WA for Mr Simon Collins
- CHE/13/00485/TPO Fell storm damaged tree at 58 Kirkstone Road Chesterfield Derbyshire S41 8HD for Mr Jim Hadfield

(b) Refusals

- CHE/13/00227/OUT Outline application for demolition of existing buildings and residential development of five dwellings at Points Of Sale 95 - 97 Rectory Road Duckmanton Chesterfield Derbyshire S44 5EE for Mr David Jowle
- CHE/13/00270/FUL Two storey and single storey extension at rear of property at Dee's Newsagents 79 Station Road Brimington Chesterfield Derbyshire S43 1LJ for Mr S Hinglajia
- CHE/13/00293/DOC Discharge of conditions 2, 3, 4, 5 and 6 of CHE/13/00137/FUL at 799 Sheffield Road Sheepbridge Chesterfield Derbyshire S41 9EQ for WHS
- CHE/13/00315/FUL First floor extension for residential use at 34 Clifton Street Chesterfield Derbyshire S40 1DQ for Mr Omar Rafiq
- CHE/13/00327/FUL Proposed erection of a timber/brick fence along boundary at 2 Cropston Close Chesterfield Derbyshire S41 0YD for Mr and Mrs Paul Allan
- CHE/13/00359/LBC Installation of stainless steel remedial ties into front elevation of Building 8 (Gisborne House) at Netherthorpe School Ralph Road Staveley Chesterfield S43 3PY for Netherthorpe School
- CHE/13/00362/FUL Loft conversion at 52 Peak View Road Chesterfield Derbyshire S40 4NN for Mrs Julie Collins

(c) Found to be Permitted Development

CHE/13/00332/TPD Rear extension to accommodate downstairs bedroom, small conservatory, utility room and small study -amended plans submitted 23 July 2013 making extension permitted development at 109 The Green Chesterfield Derbyshire S41 0JT for R H Needham

(d) Discharge of Planning Conditions

CHE/13/00348/DOC Discharge of planning conditions 3, 5, 8, 9 and 10 of CHE/12/00456/FUL (detail also submitted for conditions 6, 7, 11, 12, 13 and 14) - 2 no. semi-detached dwellings at land adjacent 15 West Street Chesterfield Derbyshire S40 4TY for Mr Va Sung Ma

CHE/13/00354/DOC Discharge of planning conditions 3,6,8,9,11,13 and 20 of CHE/11/00545/FUL - Erection of an Aldi food store and associated car parking at land at Plot 3 Sheffield Road Whittington Moor Chesterfield Derbyshire for Aldi Stores Ltd

CHE/13/00372/DOC Discharge of conditions 3,5,6,7,13 and 16 of application CHE/13/00080/FUL at Nags Head 261 Derby Road Birdholme Chesterfield Derbyshire S40 2EU for Huntson Holdings plc

CHE/13/00376/DOC Discharge of conditions 3,4,6,8,9 and 10 of CHE/12/00479/FUL - demolition of existing dwelling and garage and erection of new dwelling and garage at 3 Oakfield Avenue Chesterfield Derbyshire S40 3LE for Mr Roger Needham

CHE/13/00390/DOC Discharge conditions 4 and 5 (materials and drainage) from application CHE/12/00692/FUL - Proposed demolition of existing dwelling (bungalow) and erection of new larger dwelling (chalet bungalow) at 35 Brookside Bar Chesterfield Derbyshire S40 3PL for Dr S Gillam

CHE/13/00392/DOC Discharge conditions 3 and 4 (samples of guttering/fixings to be used) from application CHE/13/00177/LBC at 39 - 41 Holywell Street Chesterfield Derbyshire for Mr Simon Gough

CHE/13/00433/DOC Discharge of conditions - planning application CHE/12/00307/MA at Dumble Lodge Inkersall Green Road Chesterfield for Mr R Birtles

CHE/13/00434/DOC Discharge of condition 4 of CHE/13/00207/FUL at 31 Norbriggs Road Chesterfield Derbyshire S43 3BT for A J Parkes

CHE/13/00445/DOC Discharge of conditions 3,4,12,18,20 and 21 of CHE/06/00243/FUL (as varied by CHE/12/00246/REM1) -

Extension to Ravenside Retail Park to create new Class A1 retail floorspace, including associated car parking, footpath link, landscaping floorspace, including associated car parking, footpath link, landscaping and new access arrangements at Ravenside Retail Park Park Road Chesterfield Derbyshire S40 1TB for Ravenside Investments Ltd.

(e) Withdrawn

CHE/13/00373/FUL Proposed light Industrial Units at Land to the south of Unit 5 Pearson Trading Estate Whitting Valley Road Chesterfield Derbyshire for Mr T Pearson

(f) Planning Application Not Required

CHE/13/00379/TPD Single storey rear extension at 16 Webster Croft Chesterfield Derbyshire S41 9NX for Ms E Stapleton

CHE/13/00410/TPD Kitchen Extension at 8 Balmoak Lane Chesterfield Derbyshire S41 0TH for Mr Peter Rodgers

0064 APPEALS REPORT (P000)

The Group Leader, Development Management reported on the current position in respect of appeals which had been received.

***RESOLVED** - That the report be noted.

0065 ENFORCEMENT REPORT (P510)

The Senior Solicitor and the Group Leader, Development Management submitted a joint report on the current position regarding enforcement action which had been authorised by the Council.

***RESOLVED** - That the report be noted.

PLANNING SUB-COMMITTEE

Tuesday, 13th August, 2013

Present -

Councillor Gilby (Chair)

Councillor Barr

Councillor Brittain

*Matter dealt with under the Delegation Scheme

0005 DECLARATIONS OF PERSONAL OR PREJUDICIAL INTEREST BY MEMBERS RELATING TO ITEMS ON THE AGENDA

No declarations were received.

0006 PERCENT FOR ART SCHEME AT RAVENSIDE RETAIL PARK, MARKHAM ROAD (P370)

The Head of Regeneration submitted a report for Members to consider proposals submitted by the following artists for the commission of a percent for art scheme at Ravenside Retail Park, Markham Road, Chesterfield:-

Robert Ward
Tim Ward
Laura Johnston

Each artist presented material illustrating relevant previous work and their initial thoughts on what they would propose for the commission.

Graham Wrightson of Monro White Hilton and Paul Welch, Architect, The Harris Partnership attended the meeting.

***RESOLVED** - That Robert Ward be commissioned to provide the per cent for art scheme for the Ravenside Retail Park, Markham Road, Chesterfield.

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PLANNING COMMITTEE**Monday, 16th September, 2013**

Present -

Councillor Brittain (Chair)

Councillor	Barr	Councillor	Elliott
	Bingham		Gilby
	Callan		Hill
	Clarke		Avis Murphy
	Collard		Simmons
	Davenport		David Stone

*Matters dealt with under the Delegation Scheme

The following site visits took place immediately before the meeting attended by the following Members:-

1. CHE/13/00380/FUL - Single storey rear extension, external alterations, elevation changes, installation of plant, external lighting and associated external works at Goldminers Arms, Littlemoor, Newbold, Chesterfield, Derbyshire S41 8QQ for Marston Estates Limited

Councillors Barr, Bingham, Brittain, Callan, Clarke, Collard, Davenport, Elliott, Gilby, Hill, Avis Murphy, Simmons and David Stone.

2. CHE/13/00426/OUT - Construction of 2 No dwellings on land adjacent to 38 Cranborne Road, Chesterfield for Vanessa Silvers

This item was deferred to a future meeting at the request of the applicant.

3. CHE/13/00383/COU - Full planning application for change of use of land for war games at weekends at Parkers Wood, Ringwood Road, Chesterfield for Mr I Hutton

Councillors Barr, Bingham, Callan, Clarke, Collard, Davenport, Elliott, Gilby, Hill, Avis Murphy, Simmons and David Stone.

4. CHE/13/00471/FUL - Proposed extension to existing car park with an increase of 33 spaces at Chesterfield & District Crematorium, Chesterfield Road, Brimington, Chesterfield, Derbyshire, S43 1AU for Chesterfield Borough Council

Councillors Barr, Bingham, Brittain, Callan, Clarke, Collard, Davenport, Elliott, Gilby, Hill, Avis Murphy and David Stone.

5. CHE/12/00687/FUL - Hybrid application for change of use and external alterations to former Tesco store to form Go Outdoors flagship store and offices for their headquarters plus construction of new staff parking to south of store together with Outline for up to 1,406 sqm floorspace to be developed for a variety of uses (A2, B1, D1, D2, Sui Generis (Car Showroom) at former Tesco Store, Meltham Lane, Chesterfield for Spenhill and Go Outdoors

Councillors Barr, Bingham, Brittain, Callan, Clarke, Collard, Davenport, Elliott, Gilby, Hill, Avis Murphy, Simmons and David Stone.

0066 DECLARATIONS OF MEMBERS' AND OFFICERS' INTERESTS RELATING TO ITEMS ON THE AGENDA

Councillor Simmons declared an interest in Minute No. 0069 (CHE/13/00471/FUL – Proposed extension to existing car park with an increase of 33 spaces at Chesterfield and District Crematorium, Chesterfield Road, Brimington, Chesterfield, Derbyshire S43 1AU) as a member of the Joint Crematorium Committee.

Councillor Callan considered that he had a potential conflict of interest in Minute No. 0076 – Unauthorised buildings and operational development and use and condition of land at Swiss Cottage, Balmoak Lane, Tapton, Chesterfield as he felt that he did not have an open mind on the matter.

Councillor Brittain considered that he had a potential conflict of interest in Minute No. 0069 (CHE.13/00383/COU – Full planning application for change of use of land for war games at weekends at Parkers Wood, Ringwood Road, Chesterfield) as his wife knew the applicant's wife.

0067 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Allen, Huckle and Fanshawe.

0068 MINUTES

RESOLVED - That the Minutes of Planning Committee passed at the meeting held on 27th August, 2013 be signed by the Chair as a true record, subject to the inclusion of Councillor Huckle's apologies for absence from the meeting.

0069 APPLICATION FOR PLANNING PERMISSION - PLANS DETERMINED BY THE COMMITTEE (P050)

*The Committee considered the under-mentioned applications in light of reports by the Group Leader, Development Management and resolved as follows:-

CHE/13/00380/FUL - SINGLE STOREY REAR EXTENSION, EXTERNAL ALTERATIONS, ELEVATION CHANGES, INSTALLATION OF PLANT, EXTERNAL LIGHTING AND ASSOCIATED EXTERNAL WORKS AT GOLDMINERS ARMS, LITTLEMOOR, NEWBOLD, CHESTERFIELD, DERBYSHIRE S41 8QQ FOR MARSTON ESTATES LIMITED

In accordance with Minute No. 299 (2001/2002) Councillor Mark Rayner, (objecting on behalf of residents living near the application site) and Mr I. Trew, Cerda Planning (applicant's agent) addressed the meeting.

That the officer recommendation be overruled, and the application be refused for the following reasons:-

1. In the opinion of the Local Planning Authority the proposed extension is considered to be invasive on the amenity of the neighbouring residential properties at 50 and 52 Littlemoor having regard to its positioning and proximity to the boundary and is therefore at odds with policy CS18 of the adopted Local Plan Core Strategy 2011-2031.
2. In the opinion of the Local Planning Authority the proposed extension precludes the use of the existing vehicular route around the rear of the building to the detriment of the servicing arrangements for the site and which is therefore at odds with policy CS18 of the adopted Local Plan Core Strategy 2011-2031.

CHE/12/00687/FUL - HYBRID APPLICATION FOR CHANGE OF USE AND EXTERNAL ALTERATIONS TO FORMER TESCO STORE TO FORM GO OUTDOORS FLAGSHIP STORE AND OFFICES FOR THEIR HEADQUARTERS PLUS CONSTRUCTION OF NEW STAFF PARKING TO SOUTH OF STORE TOGETHER WITH OUTLINE FOR UP TO 1,406 SQM FLOORSPACE TO BE DEVELOPED FOR A VARIETY OF USES (A2, B1, D1, D2, SUI GENERIS (CAR SHOWROOM) AT FORMER TESCO STORE, MELTHAM LANE, CHESTERFIELD FOR SPENHILL AND GO OUTDOORS

In accordance with Minute No. 299 (2001/2002) Councillor Keith Brown (requesting further consideration of football match parking), Ms Michelle Bath of DPP One Ltd (applicant's agent) and Mr M. Cloke (on behalf site owner) addressed the meeting.

That the officer recommendation be upheld and the hybrid application for Go Outdoors and the outline consent for the uses identified be approved subject to the following conditions:-

1. The Go Outdoors element of the development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. For the outline areas of the site approval of the details of the layout, scale and external appearance of the building(s) and landscaping (hereinafter called "the reserved matters"), shall be obtained from the Local Planning Authority in

writing before any of the outline element development is commenced.

3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
4. The outline development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
5. Before construction works commence or ordering of external materials takes place, with the exception of Go Outdoors, precise specifications or samples of the walling and roofing materials to be used shall be submitted to the Local Planning Authority for consideration. Only those materials approved in writing by the Local Planning Authority shall be used as part of the development.
6. With the exception of Go Outdoors, development shall not commence until intrusive site investigations have been carried out by the developer to establish the exact situation regarding the coal mining legacy on the site and approval for commencement of development given in writing by the Local Planning Authority. The investigation and conclusions shall include any remedial works and mitigation measures required/proposed for the site. Only those details which receive the written approval of the Local Planning Authority shall be carried out on site.
7. Unless otherwise agreed in writing by the local planning authority, no building or other obstruction shall be located over or within 6 (six) metres either side of the centre line of the surface water sewer which crosses the site.
8. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
9. No development, with the exception of Go Outdoors, shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the local planning authority.
10. Unless otherwise approved in writing by the local planning authority there shall be no piped discharge of surface water from the development prior to completion of the approved surface water drainage works and no buildings shall be occupied or brought into use, with the exception of the former Tesco building for Go Outdoors, prior to completion of the approved foul drainage works.
11. Surface water drainage discharge from the new build development will be restricted to the existing impermeable discharge less a 30% reduction to provide betterment to the wider surface water network.

12. Prior to commencement of the new build development a Flood Action Plan for the site shall be submitted to the local planning authority for consideration. Only those details approved in writing by the local planning authority shall be implemented on site as part of the development.
13. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated November 2012 Issue 3 by Fairhurst and the following mitigation measures detailed within the FRA:-
 - Finished floor levels of the new buildings are set no lower than 68.0 metres AOD or similar approved based on the 1:100 year floor level + 600 mm.
14. Prior to commencement of development protective fencing shall be erected along the eastern boundary of the former Tesco building adjacent to the River Rother. The fencing shall be installed on the existing car park kerb line. The fencing shall conform to BS5837 Trees in Relation to Design, Demolition and Construction – Recommendations 2012 and shall be retained on site during any clearance works and whilst any construction work is in progress.
15. Upon commencement of the Go Outdoors development details of soft landscaping proposed for the scheme, including which trees/shrubs are to be retained/removed shall be submitted to the Local Planning Authority for consideration. Only those details, or any amendments to those details as may be required, which receive the written approval of the Local Planning Authority shall be implemented on site. The soft landscaping details shall also include planting plans, implementation programme and a schedule of landscape maintenance for a minimum of five years. Those details, or any approved amendments to those details, shall be carried out only in accordance with the approved implementation programme.
16. The Go Outdoors development hereby permitted shall not be commenced until details of secure cycle parking facilities for the staff and visitors to the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times.
17. Notwithstanding any information submitted as part of the Go Outdoors application proposals, the access to Meltham Lane serving the staff car park shall be laid out at least 5.5m wide and be provided with 2.4m x 43m visibility sightlines in each direction, measured to the nearside carriageway channel, the area in advance of the sightlines remaining free from any obstructions to visibility over 1m high (600mm in the case of vegetation) relative to the nearside carriageway edge. To be designed, laid out and constructed in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. The works being laid out strictly in accordance with

the approved details prior to the premises being taken into use.

18. The development, the subject of the Go Outdoors application, shall not be commenced until precise details of the intensity, direction, spread of luminance and shielding of light sources (so as to minimise the risk of drivers on the highway being dazzled), has been submitted to and approved in writing by the Local Planning Authority and thereafter maintained in accordance with the approved scheme.
19. Before first occupation of the retail store (Go Outdoors) details of pedestrian and cycling provision to serve the store, including covered cycle parking and safe and convenient access routes from the existing public highway / existing nearby infrastructure to the store shall be submitted to the Local Planning Authority for consideration. The details approved in writing shall be provided on site and available for public use prior to the premises being taken into use and shall be retained as such thereafter.
20. Before any other operations are commenced, including Go Outdoors, space shall be provided within the site curtilage for the storage of plant and materials, site accommodation, loading and unloading of goods vehicles, parking and manoeuvring of site operatives and visitors vehicles, laid out and constructed in accordance with detailed designs to be submitted in advance to the Local Planning Authority for written approval and maintained throughout the contract period in accordance with the approved designs free from any impediment to its designated use.
21. In respect of the Go Outdoors development the primary access to the site off the Meltham Lane roundabout shall be laid out at least 6.75m wide for the initial 20m, all in accordance with a scheme first submitted to and approved in writing with the Local Planning Authority. The approved details being appropriately laid out, constructed and available for public use prior to the premises, the subject of the application, being taken into use.
22. The Go Outdoors premises, shall not be taken into use until space has been provided within the application site in accordance with the application drawings for the parking and manoeuvring of visitors, staff and customers vehicles, laid out, surfaced all as may be agreed with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.
23. In respect of the Go Outdoors development no building or use hereby permitted shall be occupied or use commenced until the facilities for loading, unloading, circulation and manoeuvring of service / delivery vehicles has been laid out in accordance with the application drawings and is available for use. Thereafter, these areas shall be kept free of obstruction and available for these uses at all times.
24. In respect of the Go Outdoors development no building or use hereby permitted shall be occupied or the use commenced until a Travel Plan

comprising immediate, continuing and long-term measures to promote and encourage alternatives to single-occupancy car use has been prepared, submitted to and been approved in writing by the Local Planning Authority. The approved Travel Plan shall then be implemented, monitored and reviewed in accordance with the agreed travel Plan Targets.

25. Throughout the period of construction within any phase, with the exception of Go Outdoors, vehicle wheel cleaning facilities shall be provided and retained within the site. Where appropriate construction vehicles shall have their wheels cleaned before leaving the site in order to prevent the deposition of mud or other extraneous material on the public highway.
26. Before any other operations are commenced, with the exception of Go Outdoors, details of access / egress arrangements and their operation (i.e. 1-way, 2-way) from the site to Meltham Lane shall be submitted to and approved in writing by the Local Planning Authority. Any new estate street junction to Meltham Lane shall be located, designed, laid out, constructed and provided with 2.4m x 43m visibility splays in either direction, the area in advance of the sightlines being levelled, forming part of the new street, constructed as footway and not forming part of any plot or other sub-division of the site. Only the details approved shall be implemented in a timescale to be agreed in advance of works commencing on site, with the Local Planning Authority.
27. The premises, the subject of the reserved matters application, shall not be taken into use until space has been provided within the site curtilage for the parking, loading and unloading, picking up and setting down passengers and manoeuvring of visitors, staff, customers, service and delivery vehicles (including secure/ covered cycle parking), located, designed, laid out and constructed all as agreed in writing with the Local Planning Authority and maintained throughout the life of the development free from any impediment to its designated use.
28. Reserved matters applications for development falling within A2, B1, D1, D2 and for Car Showrooms shall be accompanied by a framework travel plan for the proposed use.
29. Notwithstanding the provision of the Town and Country (Permitted Development) Order 2008 (or any subsequent order revoking or re-enacting that Order with to without modification), floorspace with consent for use class A2 shall not be changed to uses within classes A1, A3 or B1 without the prior written consent of the Local Planning Authority.
30. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1995 (or any subsequent order revoking or re-enacting that Order with to without modification), no more than 200 sqm of the gross development floorspace shall be used for the purposes of Financial and Professional Services falling within use class A2.
31. Notwithstanding the provisions of the Town and Country Planning (Use

Classes) Order 1995 (or any subsequent order revoking or re-enacting that Order with to without modification), development falling within Use Class D2 shall not be used for the purposes of a cinema.

32. The Go Outdoors retail store shall only be used for the sale of tents, camping, caravanning and outdoor activity equipment and related items including not more than 20% of net retail floor area for the sale of outdoor clothing and footwear.
33. The Go Outdoors retail store shall not commence trading until the management offices have been brought into use.
34. A pre-assessment demonstrating how the development will achieve a minimum non-residential BREEAM assessment of 'very good' shall be submitted with any reserved matters application for new buildings falling within use classes A2, B1, D1, D2 or for Car Showroom use.
35. Before commencement of new build development, a sustainability framework for the site shall be submitted to the Local Planning Authority and approved in writing.
36. The retail unit (A1) and associated offices shall not be occupied until an Employment and Training Scheme has been submitted to the Local Planning Authority for approval and agreed in writing. The scheme shall contain a strategy to promote local supply chain, employment and training opportunities in the operation of the development. Reserved Matters applications for the other uses (A2/B1/D1/D2/Sui Generis (car showroom)) shall be accompanied by a draft Employment and Training Scheme containing a strategy to promote local supply chain, employment and training opportunities throughout the construction and operation of the development that is the subject of the Reserved Matters application.

CHE/13/00393/COU - FULL PLANNING APPLICATION FOR CHANGE OF USE OF LAND FOR WAR GAMES AT WEEKENDS AT PARKERS WOOD, RINGWOOD ROAD, CHESTERFIELD FOR MR L HUTTON

Councillor Brittain, having declared an interest, left the meeting during consideration of this item. Councillor Hill chaired the meeting for this item.

In accordance with Minute No 299 (201/2002) Mrs Rona Davies of Ringwood Hall (objector) addressed the meeting.

That the officer recommendation be upheld and the application be refused for the following reasons:-

1. The site is of biodiversity importance and the development has the potential to have a significant adverse effect on biodiversity and 'green infrastructure' as a consequence of the following:-

- (1) Noise pollution and ground disturbance;
- (2) Erosion and Engineering Operations (excavating and building structures);
- (3) Light pollution;
- (4) Non-biodegradable waste depositions;
- (5) Air pollution from smoke grenades and a fires;
- (6) Removal of undergrowth;
- (7) Positioning of substantial lengths of netting above ground level.

The proposal does not include an adequate assessment of habitats and protected species, and the likely impacts of the development on these. There is insufficient information for the Local Planning Authority to adequately assess the development against policies CS2, CS9 and CS18 of the Chesterfield Borough Local Plan: Core Strategy (2011-2031), the derogations of the EU Habitat Regulations and paragraph 118 (and bullet points) of the National Planning Policy Framework.

2. The development is likely to result in the use of 'smoke grenades' which have the potential to adversely affect visual amenity if used during the daytime and also amenity more generally if emitting an odour. The smoke could also cause panic in horses being ridden or handled on the West Wood Stables premises to the east. There are sensitive receptors to the smoke in the form of the West Wood Stables, Ringwood Hall, Ringwood Farm and the public open space around the River Trough and insufficient information on the scale and nature of the impacts likely from smoke grenades has been submitted for the Local Planning Authority to adequately assess the development against policies CS2, CS8, CS9 and CS18 of the Chesterfield Borough Local Plan: Core Strategy (2011-2031) and the core principles of the National Planning Policy Framework.
3. The development could generate a significant increase in vehicular activity on the junction of the A619 which leads to the site and also the private access track to the site from the A619. It could also generate a parking demand which exceeds the existing area within the site available for parking. The junction on the A619 serving the private lane leading to the site is limited in capacity for right turners and the width and forward visibility of the private access lane is also limited. The Highway Authority do not wish to see any significant intensification of the use of the junction and access track on the grounds of there being a potential for a significant adverse effect on highway safety and free flow of traffic on the highway and require the submission of a Transport Statement in order that they can adequately assess the impact of the development. Insufficient information has been submitted for the Highway Authority and Local Planning Authority to adequately assess the likely impact of the development on Highway Safety and Traffic Flow and against policies CS2, CS18 and CS20 of the of the Chesterfield Borough Local Plan: Core Strategy (2011-2031) and paragraph's 32 and 35 and the core principles of the National Planning Policy Framework.

4. The development has the potential to result in a significant and adverse material change in the noise characteristics of the locality as a consequence of the following:-

- (i) Increase in traffic movement and people;
- (ii) Use of airsoft 'guns';
- (iii) Use of Close Quarters Battle (CQB) pyrotechnics such as thunder flash/flashbangs;
- (iv) Use of smoke grenades.

There are sensitive receptors in the locality including a dwelling (Ringwood Farm) a Hotel (Ringwood Hall) and an equestrian use (West Wood Stables) which could experience significant adverse impacts from noise pollution, detrimental to amenity, human and equine health and also the local economy in terms of prejudicing the businesses operated by the Hotel and Stables. Insufficient information has been submitted for the Local Planning Authority to adequately assess the noise impacts of the development and against policies CS2 and CS18 of the Chesterfield Borough Local Plan: Core Strategy (2011-2031) and paragraph 123 and the core principles of the National Planning Policy Framework.

5. The proposal has the potential to result in stray pellets entering the adjoining occupiers land at West Wood Stables, with the potential for horses to ingest the pellets and also for pellets to hit horses, handlers and riders given the nature of the protective netting present on the site. It is not clear if the netting poses a threat to biodiversity and also not clear how effective the netting can be made. It is also not clear what if any adverse effect the pellets may have on the horses on the adjoining land to the east. There is potential for adverse effects on amenity, human and equine health and insufficient information has been submitted for the Local Planning Authority to adequately assess these effects and to assess the development against policies CS2, CS8, CS9 and CS18 of the Chesterfield Borough Local Plan: Core Strategy (2011-2031) and paragraph 123 and the core principles of the National Planning Policy Framework.
6. The use is likely to give rise to the production of waste food, food wrappers and drink containers and also sewage with the potential to adversely affect the quality of the environment and human health to a significant degree. Insufficient information has been submitted to assess the impact and to assess the proposal against policies CS2, CS8, CS9 and CS18 of the Chesterfield Borough Local Plan: Core Strategy (2011-2031) and the core principles of the National Planning Policy Framework.

CHE/13/00471/FUL - PROPOSED EXTENSION TO EXISTING CAR PARK WITH AN INCREASE OF 33 SPACES AT CHESTERFIELD & DISTRICT CREMATORIUM, CHESTERFIELD ROAD, BRIMINGTON, CHESTERFIELD, DERBYSHIRE S43 1AU FOR CHESTERFIELD BOROUGH COUNCIL

Councillor Simmons, having declared an interest, left the meeting for this item.

That the officer recommendation be upheld and the application be approved subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. All external dimensions and elevational treatments shall be as shown on the approved plans, with the exception of any approved non material amendment.
3. There shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works
4. Upon commencement of development a scheme detailing the provision of cycle parking for 8 no. cycles shall be submitted to the Local Planning Authority for consideration. Only the scheme which receives written approval shall be implemented on site, prior to the development hereby approved being brought into operational use, and shall be maintained thereafter in perpetuity.

CHE/13/00426/OUT - CONSTRUCTION OF 2 NO DWELLINGS ON LAND ADJACENT TO 38 CRANBORNE ROAD, CHESTERFIELD FOR VANESSA SILVERS

This item was deferred to a future meeting at the applicant's request.

0070 BUILDING REGULATIONS (P880D)

*The Chief Building Control Officer reported that pursuant to the authority delegated to him, he had determined the under-mentioned plans under the Building Regulations:-

(a) Approvals

13/00992/DEX	Domestic Extensions/Alterations - 2 storey rear extension at 7 Westwood Close Chesterfield Derbyshire S43 3JE
13/01055/OTHD	Other Works (Domestic) - Conversion of existing garage into habitable space at 20 Halesworth Close Chesterfield Derbyshire S40 3LW
13/01133/DEX	Domestic Extensions/Alterations - Single storey side extension at 130 Kirkstone Road Chesterfield Derbyshire S41 8HE
13/00677/DCC	Derbyshire County Council - New ground floor toilet extension and first floor bathroom to shower room adaptation at 31 Malson Way Chesterfield Derbyshire S41 7DQ
13/00827/OTHC	Other Works (Commercial) - Extension to create new operating theatre, with associated plant room above at Chesterfield and

North Derbyshire Royal Hospital Chesterfield Road Calow
Chesterfield Derbyshire S44 5BL

(b) Decision Advice Notices

- 13/01025/PART Partnership Application - Creation of basement room including upgrade of thermal elements, replacement windows and formation of new entrance for 54 South Park Lincoln LN5 8ER
- 13/00660/DCC Derbyshire County Council - Refurbishment and remodelling on inner entrance lobby and front reception area at Holbrook Centre for Autism Portway Holbrook Derbyshire DE56 0TE
- 13/01085/DCC Derbyshire County Council -Replacement doors and windows/ screen at Riddings Junior School Church Street Riddings Derbyshire DE55 4BW
- 13/01088/DCC Derbyshire County Council - Resurfacing of car park and associated works at 173 Community House Derby Road Long Eaton NG10 4LL
- 13/01108/DCC Derbyshire County Council - Replacement of 4no internal doors and 6no external doors at Sawley Junior School Wilmot Street Sawley Long Eaton Nottingham NG10 3PQ

0071 APPLICATIONS FOR PLANNING PERMISSION - PLANS DETERMINED BY THE GROUP LEADER DEVELOPMENT MANAGEMENT (P140D)

*The Group Leader, Development Management reported that pursuant to the authority delegated to him, he had determined the under-mentioned applications subject to the necessary conditions:-

(a) Approvals

- CHE/13/00197/FUL Conversion of internal garage to habitable room and erection of detached garage as amended by the revised plans received by the Council on the 24th June 2013 at 33 Staunton Close Chesterfield Derbyshire S40 2FE for Mr Ian Hazel
- CHE/13/00277/RET Retention of wooden gates and fence at 7 Storrs Road Chesterfield Derbyshire S40 3PY for Mrs Teresa Jones
- CHE/13/00334/FUL Single storey side extension comprising new dining area, kitchen and toilet facilities at St Helens Inn 78 Sheffield Road Stonegravels Chesterfield Derbyshire S41 7LS for St Helens Inn
- CHE/13/00356/FUL Replacement vehicle/pedestrian entrance to property at 225 Newbold Road Chesterfield Derbyshire S41 7AB for Mr Andy

Bird

- CHE/13/00360/LBC Wall mounted powder coated aluminium sign comprising of CNC lettering on a support frame at Brenda Hill House 123 Saltergate Chesterfield Derbyshire S40 1NH for Stopfords Chartered Accountants
- CHE/13/00361/FUL Extension to first floor above existing sun room to form extra bedroom at 58 Rhodesia Road Chesterfield Derbyshire S40 3AL for Mr Such
- CHE/13/00370/EOT Existing detached dwelling to be demolished, New 2 no. semi detached dwellings to be erected. Extension of time on application CHE/10/00265/FUL at 70 Vincent Crescent Chesterfield Derbyshire S40 3NP for Mr Wilson Spencer
- CHE/13/00382/FUL Canopy on rear garden to provide cover for caravan at 6 Traffic Terrace Ingleton Road Chesterfield Derbyshire S41 0RE for Mr Nigel Herrington
- CHE/13/00383/ADV A wall mounted powder coated aluminium sign comprising of CNC lettering on a support frame. A low level post mounted timber sign positioned behind the boundary wall at Brenda Hill House 123 Saltergate Chesterfield Derbyshire S40 1NH for Stopfords Chartered Accountants
- CHE/13/00387/FUL Existing tiled pitched roof to be hand stripped back, insulated and re-tiled. Existing rosemary tiles to be salvaged and re-instated where possible, following completion of structural inspection and insulation works. Existing roof lights to be removed, and covered with tiled pitched roof to match existing. Works to be conducted in two phases to mitigate disturbance to the ecological wildlife habitats at North Block Chesterfield College of Technology and Arts Infirmary Road Chesterfield Derbyshire S41 7NF for Chesterfield College
- CHE/13/00401/FUL Re-submission of CHE/13/00032/FUL - proposed conservatory at Plover Hill Farm Wetlands Lane Chesterfield Derbyshire S43 1QG for Mr Lee Jenkins
- CHE/13/00402/LBC Re-submission of CHE/13/00029/LBC - proposed conservatory and alterations to provide access into the conservatory. Proposed removal of external stainless steel flue at Plover Hill Farm Wetlands Lane Chesterfield Derbyshire S43 1QG for Mr Lee Jenkins
- CHE/13/00408/FUL Two storey side, rear and front extension at 76 Vincent Crescent Chesterfield Derbyshire S40 3NP for Mr and Mrs Ben Sissons

- CHE/13/00414/FUL Change of use from existing retail shop (use class A1, currently vacant) to Micropub (use class A4) at 37 West Bars Chesterfield Derbyshire S40 1AG for Chesterfield Alehouse Ltd
- CHE/13/00415/FUL Erection of non-advertising two bay cantilever with full end panels bus shelter complete with hardstanding (shelter dimensions 3.18m x 1.71m x 2.6m high) at land to the north west of 74 Malson Way Chesterfield Derbyshire for Chesterfield Borough Council
- CHE/13/00418/FUL First floor extension - resubmission of CHE/13/00186/FUL at 17 Wayside Court Chesterfield Derbyshire S43 1BS for Mr Paul Marples
- CHE/13/00430/FUL Ground and first floor extension to form additional living space, removal of unsympathetic extension and reinstatement of bay window and loft conversion to form fifth bedroom at 748 Chatsworth Road Chesterfield Derbyshire S40 3PN for Mr and Mrs J Dengate
- CHE/13/00435/FUL New raised roof and loft conversion at 25 South Lodge Court Chesterfield Derbyshire S40 3QG for Mr Chris Sellars
- CHE/13/00443/FUL Ground and first floor extensions at 46 Yew Tree Drive Chesterfield Derbyshire S40 3NB for Mr K McManus
- CHE/13/00448/FUL Demolition of existing garage, replacement of conservatory with sun lounge as rear extension with lean to side elevation at 11 Walgrove Road Chesterfield Derbyshire S40 2DW for Mr Richard Green
- CHE/13/00450/TPO T1 Oak - Fell at 12 Leyburn Close Chesterfield Derbyshire S40 4DW for Halifax General Insurance
- CHE/13/00451/FUL Proposed extension of dwelling at 19 Sedbergh Crescent Chesterfield Derbyshire S41 8DY for Mr M Grant
- CHE/13/00486/TPO Crown Lift of 1 Copper Beech - T17 at Holy Trinity Church Newbold Road Chesterfield Derbyshire S41 7PG for Holy Trinity and Christ Church PCC
- CHE/13/00487/CA Fell 2 Laburnum trees T1 and T2, 1 Ornamental Plum tree T3, prune 1 Sycamore tree T4 and crown lift 12 Lime/Elm trees T5-16 at Holy Trinity Church Newbold Road Chesterfield Derbyshire S41 7PG for Holy Trinity and Christ Church PCC
- CHE/13/00498/NMA Non material amendment to CHE/12/00231/FUL - extra care facility comprising 55 apartments with communal space/

facilities - raised eaves and ridge level by 300 mm to single storey kitchen to accommodate plant and equipment at Foolow Court Foolow Avenue Chesterfield Derbyshire S40 2NN for Chevin Housing Association

CHE/13/00515/TPO Cutting back of trees overhanging pavement on corner of Dukes Drive/Littlemoor at 135 Littlemoor Chesterfield Derbyshire S41 8QP for Rev Craig Fitzpatrick

CHE/13/00518/TPO 2 x Ash one to coppice, adjacent larger ash to pull away from foundry building by 3 metres, removing 2 x branches at the trunk at land to east of the Foundry Piccadilly Road Chesterfield Derbyshire for Colin Townsley

CHE/13/00523/TPO Reduce Ash tree by 40/50% at 4 Deans Close Chesterfield Road Brimington Chesterfield Derbyshire S43 1GZ for Mrs Angela Caddic

CHE/13/00524/TPO Whitebeam to reduce overhang on St. Helens Close. Lime Prune to reduce overhang on St. Helens Close at Holy Trinity Rectory 31 Newbold Road Chesterfield Derbyshire S41 7PG for Derby Diocesan Board Of Finance Ltd

CHE/13/00526/TPO Fell dead tree at 4A Oakfield Avenue Chesterfield Derbyshire S40 3LE for Jason Lyne

(b) Refusals

CHE/13/00297/FUL Erection of three bedroom dwelling-house at 799A Sheffield Road Sheepbridge Chesterfield Derbyshire for WHS

CHE/13/00381/TPO Ash (1) - Fell for long term management of garden and churchyard. To allow more space for growth of adjacent trees and to reduced shading of house and garden to more acceptable level. Replant with 1 common walnut elsewhere in garden at Holy Trinity Rectory 31 Newbold Road Chesterfield Derbyshire S41 7PG for Derby Diocesan Board of Finance Ltd

CHE/13/00405/COU Change of use to create an additional dwelling at 6 Occupation Road Chesterfield Derbyshire S41 8TH for Mr J S Kandola

(c) Discharge of Planning Conditions

CHE/13/00411/DOC Discharge of conditions application number CHE/12/00033/FUL at 88 St Johns Road Newbold Chesterfield Derbyshire S41 8TG for Brimington MOT Centre

CHE/13/00476/DOC Discharge of condition 2 of CHE/13/00153/FUL - new air conditioning unit at Unit 4 and Unit 6 Lockoford Lane

Chesterfield Derbyshire S41 7JA for Chesterfield College

0072 APPLICATION TO FELL OR PRUNE TREES (P620D)

*The Head of Planning reported that pursuant to the powers delegated to him he had determined the under-mentioned applications in respect of:-

(a) The felling and pruning of trees

- | | |
|---------------------|--|
| CHE/13/00381/TPO | Consent refused to the felling of one Ash tree at the Holy Trinity Rectory, Newbold Road within G1 on the Order map for T. Pumfrey of the Derby Diocesan Board of Finance, Derby. |
| CHE/13/00518/TPO | Consent granted to the pruning of two Ash trees within W1 on the Order map for Emery Landscapes on behalf of Shepherd Homes on the banking of the River Rother adjacent to the Foundry, Hollis Lane, Chesterfield. |
| CHE/13/00515/TPO | Consent granted to the pruning of 27 trees with G1 on the Order map consisting of 13 Silver Birch, 6 Alder, 4 Sycamore's, 3 Rowan, and 1 Oak for Rev Craig Fitzpatrick of St Hugh's Church, Littlemoor, Chesterfield. |
| CHE/13/00523/TPO | Consent granted to the crown reduction of one large Ash tree reference T9 on the Order map for Mark Whatley Tree Services on behalf of Mrs Caddic of 4 Deans Close, Brimington, Chesterfield. |
| CHE/13/00450/TPO | Consent granted to the felling of one Oak tree reference T12 for Marishal Thompson on behalf of Halifax General Insurance for a property at 12 Leyburn Close, Newbold, Chesterfield.

Condition to replant with a Himalayan Birch in the lawned area between the main dwelling and detached garage which will improve the visual amenity of Leyburn Close. |
| CHE/13/00526/TPOEXP | Consent granted to the felling of one dead Rowan reference T1 on the Order map for Mr Jason Lyle of 4a Oakfield Avenue, Somersall, Chesterfield.

The replacement tree is to be another Rowan which should be planted as close to the original tree as is reasonably possible. |
| CHE/13/00486/TPO | Consent granted to the pruning of one Copper Beech reference G1 for Claire Thurstan (Church Warden) on |

behalf of the Diocesan Board of Finance at The Holy Trinity Church, Newbold Road, Chesterfield.

CHE/13/00524/TPO

Consent granted to the pruning of two trees one Lime and one Whitebeam within G1 on the Order map for the Diocesan Board of Finance at The Holy Trinity Church, Newbold Road, Chesterfield.

(b) Notification of Intent to Affect Trees in a Conservation Area

CHE/13/00487/CA

The felling of two Laburnum trees and one Ornamental Plum at the entrance to The Holy Trinity Church, Newbold Road. The removal of two branches off one Sycamore on the front boundary of the church off Newbold Road and the crown lifting of 12 Limes, 2 Horsechestnuts and 1 Hornbeam along the avenue of trees next to the footpath running from Newbold Road to Sheffield Road through the grounds of the Church.

Agreement to the felling of three trees on condition that one replacement Mountain Ash is planted in the space provided.

Agreement is also given to the pruning of the trees which will allow the Church to be seen from Newbold Road and open up the grounds for a safer environment to walk through.

The felling and pruning of the trees will have no adverse effect on the amenity value of the area.

The trees are within the Abercrombie Street Conservation Area and the applicant wishes to remove the 3 trees due to their poor condition and prune the remainder to give a better view of the church and open up the church grounds.

0073 APPEALS REPORT (P000)

The Group Leader, Development Management reported on the current position in respect of appeals which had been received.

***RESOLVED** - That the report be noted.

0074 ENFORCEMENT REPORT (P4510)

The Senior Solicitor and the Development Management and Conservation Manager submitted a joint report on the current position regarding enforcement action which had been authorised by the Council.

***RESOLVED** - That the report be noted.

0075 LOCAL GOVERNMENT ACT 1972 – EXCLUSION OF PUBLIC

RESOLVED - That under Section 100(A)(4) of the Local Government Act, 1972 the public be excluded from the meeting for the following item of

business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 6 of Part I of Schedule 12A of the Act – containing information relating to proposed enforcement action.

0076 UNAUTHORISED BUILDINGS AND OPERATIONAL DEVELOPMENT AND USE AND CONDITION OF LAND - SWISS COTTAGE, BALMOAK LANE, TAPTON (P410)

Councillor Callan, having declared an interest, left the meeting during consideration of this item.

The Development Management and Conservation Manager submitted a report informing Members of the unauthorised use of land, unauthorised buildings and operational development and condition of the land seeking authority for enforcement action.

- *RESOLVED** -
- (1) That an Enforcement Notice be authorised in respect of the two unauthorised summer house type buildings on the site and requiring they be removed from the site within 3 months.
 - (2) That an Enforcement Notice be authorised in respect of the unauthorised access requiring it to be removed and the embankment reinstated within 3 months.
 - (3) That an Enforcement Notice be authorised in respect of the unauthorised use of the land for storage purposes not arising from the lawful use of the land and requiring the sue to cease within 3 months.
 - (4) That a Section 215 Amenity Notice be authorised requiring piles of soils, concrete, rubble and waste materials not arising from the lawful use of the land to be removed from the site within 3 months.

PLANNING COMMITTEE

Monday, 7th October, 2013

Present -

Councillor Brittain (Chair)

Councillor	Allen	Councillor	Davenport
	Barr		Elliott
	Bingham		Gilby
	Callan		Hill
	Clarke		Simmons
	Collard		David Stone

*Matters dealt with under the Delegation Scheme

The following site visit took place immediately before the meeting attended by the following Members:-

1. CHE/13/00426/OUT - Construction of 2 dwellings on land adjacent 38 Cranborne Road, Chesterfield for Vanessa Silvers

Councillors Allen, Barr, Bingham, Brittain, Callan, Clarke, Collard, Davenport, Elliott, Gilby, Hill, Simmons, David Stone.

0077 DECLARATIONS OF MEMBERS' AND OFFICERS' INTERESTS RELATING TO ITEMS ON THE AGENDA

No declarations were received.

0078 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Fanshawe, Huckle and Avis Murphy.

0079 MINUTES

RESOLVED - That the Minutes of Planning Committee passed at the meeting held on 16th September, 2013 be signed by the Chair as a true record.

0080 APPLICATION FOR PLANNING PERMISSION - PLANS DETERMINED BY THE COMMITTEE (P050)

*The Committee considered the under-mentioned applications in light of reports by the Group Leader, Development Management and resolved as follows:-

CHE/13/00426/OUT - CONSTRUCTION OF 2 NO DWELLINGS ON LAND ADJACENT TO 38 CRANBORNE ROAD, CHESTERFIELD FOR VANESSA SILVERS

In accordance with Minute No. 299 (2001/2002) Councillor King (objecting to the application) and Mrs. V. Silvers (the applicant) addressed the meeting.

That the officer recommendation be upheld and the application be refused for the following reason:-

1. In the opinion of the Local Planning Authority the proposal is unacceptable. The scheme for a pair of dwellings is considered to be overdevelopment of the site resulting in a cramped and uncharacteristic development to the detriment of the privacy and amenity of new and existing residents and the contribution that the site makes to the streetscene. The site is a prominent green area in a planned estate where the open corner aspects are an important and characteristic visual feature. The proposal and the parking required for the new and existing dwelling would detract from this open aspect to the detriment of the streetscene and its wider environs. The proposal is considered to be contrary to the objectives of the NPPF and the Borough Council's adopted residential design guide, Successful Places, and the requirements of Policy CS18 of the Core Strategy.

CHE/13/00386/OUT - OUTLINE APPLICATION FOR THE DEVELOPMENT OF 91 RESIDENTIAL DWELLINGS AND AN AREA OF DESIGNATED PUBLIC OPEN SPACE WITH APPROVAL OF DETAILS OF ACCESS FROM NEWBOLD ROAD AT SITE OF FORMER SHEEPBRIDGE SPORTS AND SOCIAL CLUB, 202 NEWBOLD ROAD, CHESTERFIELD FOR GKN GROUP SERVICES LTD

This item was deferred to a future meeting at the request of officers.

0081 BUILDING REGULATIONS (P880D)

*The Chief Building Control Officer reported that pursuant to the authority delegated to him, he had determined the under-mentioned plans under the Building Regulations:-

(a) Approvals

- | | |
|---------------|--|
| 13/01132/OTHC | Other Works (Commercial) - Internal alterations and forming opening in existing wall at Unit 1 Cobnar Wood Close Chesterfield Derbyshire S41 9RQ |
| 13/01228/DCC | Derbyshire County Council - Door widening and bathroom adaptation amend drainage at 2 Burnthouse Road Heanor Derbyshire DE75 7GS |

- 13/00975/DEX Domestic Extensions/Alterations - First floor and single storey extensions at 46 Yew Tree Drive Chesterfield Derbyshire S40 3NB
- 13/01201/DRO Domestic in-roof Extensions/Alterations - Proposed alterations including creation of room in roof at 16 Central Street Chesterfield Derbyshire S41 0SE
- 13/00948/OTHC Other Works (Commercial) - Conversion of existing store into an M Local Su 9 25 - 27 Vicar Lane Chesterfield Derbyshire S40 1PY
- 13/00985/DEX Domestic Extensions/Alterations - Single storey extension to provide two bedrooms and bathroom at 105 Whitecotes Lane Chesterfield Derbyshire S40 3HJ
- 13/01107/DRO Domestic in-roof Extensions/Alterations - Loft conversion - no dormers at 5 Duckmanton Road Chesterfield Derbyshire S44 5EB
- (b) Refusals
- 13/00914/DEX Domestic Extensions/Alterations - Single storey rear extension at 6 Chatsworth Court Chesterfield Derbyshire S43 3LL
- (c) Decision Advice Notices
- 13/00292/DCC Derbyshire County Council - Extension to school comprising classroom, small group room, accessible WC, staff WC and circulation at Woodthorpe C Of E Primary School Seymour Lane Chesterfield Derbyshire S43 3DA
- 13/01118/DCC Derbyshire County Council - Recovering of the main slate covered pitched roof, including the addition of insulation and replacement of lead flashings at New Mills Adult Community Education Centre Block 01 Springbank Road New Mills Derbyshire DE4 3FW
- 13/01134/DCC Derbyshire County Council - Continuation of previous phase window replacement at Bamford Primary School Fidlers Way Hope Valley Derbyshire DE4 3FW
- 13/01135/DCC Derbyshire County Council - Replacement of windows and roof covering at Fitness Forum County Hall Matlock Derbyshire DE4 3AG
- 13/00951/PART Partnership Application - Single storey rear extension with shower room for at 144 London Road Peterborough PE2 9DP

- 13/01086/DCC Derbyshire County Council - Refurbish managers room to accommodate new office space and reception space at Glossopdale Community College Talbot Road Glossop SK17 7DR
- 13/01177/DCC Derbyshire County Council - Re roof the building and redecoration of windows, doors and beams at The Green Health Enterprise The Gardens The Field Shipley Heanor DE75 7JH
- 13/01244/DCC Derbyshire County Council - Provision of a ground floor shower room for disability living at 18 Morleyfields Close Ripley DE5 3UA

0082 APPLICATIONS FOR PLANNING PERMISSION - PLANS DETERMINED BY THE GROUP LEADER DEVELOPMENT MANAGEMENT (P140D)

*The Group Leader, Development Management reported that pursuant to the authority delegated to him, he had determined the under-mentioned applications subject to the necessary conditions:-

(a) Approvals

- CHE/13/00077/FUL Storage shed with attached sales area, w.c and office - additional information submitted on 05/07/2013 and 19/08/2013 at Siddalls Roofing Supplies Milk Marketing Board Pottery Lane East Chesterfield Derbyshire S41 9BP for Siddalls Roofing Ltd
- CHE/13/00257/FUL Two storey side and single storey rear extension, revised plans received 7th August 2013 at 9 Storrs Road Chesterfield Derbyshire S40 3PY for Mr T Savage
- CHE/13/00291/LBC Replace two rear stone roofs covered in tar with reclaimed Derbyshire Stone Slate, carry out timber replacement work as required. Replace all rotten wooden windows in rear ranges and second floor north bedroom small window with suitable replacements to be agreed (wood or metal). Insert stone surrounds into 2 windows in the rear ranges. Open up and insert suitable fireplaces in first floor north and second floor south bedrooms. Replace living room, dining room and second floor north bedroom fireplaces with suitable replacements. Remove stud wall to create a larger second floor landing to match first floor landing. Remove stud wall from rear staircase to allow more light into the snug. Replace front door with a more secure hard wood door, design to be agreed. Replace rear range guttering, down pipes and soil pipe for cast iron or aluminium. Replace the flat roof on the garage to a pitched roof using Derbyshire reclaimed stone slate. Design to be agreed. Move the en

- suite bathroom in the first floor south bedroom to replace the fitted wardrobes to create a L shaped room at Walton Hall 85 Foljambe Avenue Chesterfield Derbyshire S40 3EY for Mr Matthew Jones
- CHE/13/00340/RET Workshop to end of garden at 66 Foljambe Avenue Chesterfield Derbyshire S40 3EX for Mr Michael Percival
- CHE/13/00352/OUT Demolition of workshop buildings and redevelopment for residential use. Resubmission CHE/12/00440/OUT at 49 Barker Lane Chesterfield Derbyshire S40 1EE for GK Group
- CHE/13/00378/RET To extend the application of one anti-vandal steel unit and one portable jack leg building to be located next to the existing portacabins for the education of children within the construction department at St Mary's R C High School Newbold Road Chesterfield Derbyshire S41 8AG for St Mary's Catholic High School
- CHE/13/00391/FUL Erection of single storey front extension at 33 Greenways Chesterfield Derbyshire S40 3HF for Mr & Mrs Platt
- CHE/13/00394/FUL Demolition of existing prefabricated detached garage and construction of single and double storey extension to rear of the dwelling at 44 Ashgate Avenue Chesterfield Derbyshire S40 1JD for Mr and Mrs Treves
- CHE/13/00409/LBC Proposed secondary glazing at Tapton Grove Nursing Home Balmoak Lane Chesterfield Derbyshire S43 1QQ for Sun Healthcare Limited
- CHE/13/00419/FUL Erection of a two storey side extension and single storey porch to front at 33 Holmebank West Chesterfield Derbyshire S40 4AS for Ms Paula Smith
- CHE/13/00428/COU Change of use from shop to bar selling specialist beers, lagers for consumption on/off the premises and local microbrewery beers at 1 King Street North Chesterfield Derbyshire S41 9BA for Mr Steven Jackson
- CHE/13/00431/FUL Two storey rear extension linked to main house on ground floor via conservatory extension - to provide ground floor shower room for disabled use and new first floor family bathroom at 14 Charles Street Chesterfield Derbyshire S40 1DE for Mr M Farooq
- CHE/13/00432/FUL Proposed single storey conservatory to the rear elevation at 11 Belvedere Avenue Chesterfield Derbyshire S40 3HY for Mr K Wright

- CHE/13/00435/FUL New raised roof and loft conversion at 25 South Lodge Court Chesterfield Derbyshire S40 3QG for Mr Chris Sellars
- CHE/13/00446/REM Variation of Conditions 3, 4, 5 and 6 and removal of Condition 19 of CHE/06/00243/FUL (as varied by permission CHE/12/00246/REM1), revised description received 11th September 2013 at Ravenside Retail Park Park Road Chesterfield Derbyshire S40 1TB for Ravenside Investments Ltd.
- CHE/13/00453/FUL Two storey extension at Avenue House 12 Avenue Road Chesterfield Derbyshire S41 8TA for Kevin Troth
- CHE/13/00454/EOT Extension of time of CHE/10/00363/LBC - extension to form lobby and additional shower room to leisure centre and decking to accommodate hot tubs at Ringwood Hall Chesterfield Road Brimington Chesterfield Derbyshire S43 1DQ for Lyric Hotels
- CHE/13/00455/EOT Extension of Time for CHE/10/00362/FUL - extension to form lobby and additional shower room to leisure centre and decking to accommodate hot tubs at Ringwood Hall Chesterfield Road Brimington Chesterfield Derbyshire S43 1DQ for Lyric Hotels
- CHE/13/00463/FUL Detached garage at 106 Highland Road Chesterfield Derbyshire S43 2EZ for Mr Phil Moore
- CHE/13/00465/FUL Single storey side extension and side extension to bungalow incorporating internal alterations at 111 Meadowhill Road Chesterfield Derbyshire S41 0BG for Mr Peter Archer
- CHE/13/00466/FUL Proposed single storey rear extension to form new orangery and granny flat, resubmission of CHE/13/00236/FUL at 5 Victoria Street North Chesterfield Derbyshire S41 9DW for Mr D Faulkner
- CHE/13/00473/FUL Proposed rear extension at 35 Brearley Street Chesterfield Derbyshire S41 9LN for J Woolley
- CHE/13/00477/FUL Proposed garage at 14 Horsley Close Chesterfield Derbyshire S40 4XD for D Stevenson
- CHE/13/00480/FUL Change temporary car park to permanent car park at Inspirepac Ltd Carrwood Road Chesterfield Derbyshire S41 9QB for Inspirepac Limited

- CHE/13/00481/FUL Proposed two storey extension at 4 Jervis Place Chesterfield Derbyshire S43 3HG for Mr M Banner
- CHE/13/00482/ADV Fascia 1: 400mm individual stainless steel letters stove enamelled white inside, black outside, opal acrylic backs, with spacers to facilitate LED halo illumination. Fitted internally with white LEDs and remote power supply, installed to original fascia prepared and painted by others. Fascia 2:400mm individual stainless steel letters stove enamelled white inside, black outside, opal acrylic backs, with spacers to facilitate LED halo illumination. Fitted internally with white LEDs and remote power supply, installed to original fascia prepared and painted by others. Hanging sign: Externally illuminated double sided 700mm x 767mm, constructed from 20mm Timber panels superimposed with '3' logo and text 'Three.co.uk' cut from 3mm black acrylic. Mild steel ornate support bracket and aluminium housing illuminated with suitable LEDs at The Link 5 Vicar Lane Chesterfield Derbyshire S40 1PY for Turner and Townsend
- CHE/13/00547/TPO Remove branches of sycamore tree which overhang BT lines at 73 Station Road Brimington Chesterfield Derbyshire S43 1LJ for Mr Redfern
- CHE/13/00553/NMA Amendment to the positioning of both plots on site and also the reduction in size of the projecting gable to plot 1 at site of former 70 and 72 Baden Powell Road Chesterfield Derbyshire for Ace Developments (Chesterfield) Ltd
- CHE/13/00557/CA Oak to be trimmed - to comply with request from Derbyshire County Council due to the fact that it obstructs high sided vehicles on Somersall Lane at 1 Somersall Lane Chesterfield Derbyshire S40 3LA for Mr Alan Rees
- CHE/13/00581/TPO Fell one decayed Beech Tree and one storm damaged Ash Tree at woodland to the east of Brearley Hall Off Woodmere Drive Old Whittington Chesterfield Derbyshire for Mr Richard Booth
- (b) Discharge of Planning Conditions
- CHE/13/00491/DOC Discharge of conditions 3 and 4 from application CHE/11/00356/FUL at 2 - 8 Station Road Whittington Moor Chesterfield Derbyshire S41 9AQ for Mr James Holmes
- CHE/13/00504/DOC Discharge condition 13 (vehicle turning area) on application CHE/06/00719/FUL -Demolition of former fire station and erection of proposed residential development, eight No units at 61 Lowgates Chesterfield Derbyshire S43 3TX for Susan

Greaves

CHE/13/00532/DOC Discharge conditions 2 , 7 , 8 of application
CHE/10/00432/EOT at site of former 70 and 72 Baden Powell
Road Chesterfield Derbyshire for Ace Developments Ltd

(c) Conditional Permission Non Material Amendment

CHE/13/00441/NMA Amendment to the layout of the site and the elevations of the
proposed buildings at extension to Ravenside Retail Park
Markham Road Chesterfield Derbyshire for Ravenside
Investments Ltd

(d) Withdrawn

CHE/13/00452/FUL Single storey extension to east elevation, bathrooms in roof
and entrance porch to north elevation, raising of existing roof
height to incorporate gables and erection of detached double
garage at 39 Station Road Brimington Chesterfield
Derbyshire S43 1JU for Mr Brian Laughton

(e) Prior Approval Not Required

CHE/13/00467/TPD Erection of a conservatory at 112 St Augustines Avenue
Chesterfield Derbyshire S40 2SJ for Mr Leslie Shaw

(f) Other Council no objection without comments

CHE/13/00494/CPO Installation and operation of a portacabin building at Former
GKN Sheepbridge Stokes Ltd Sheepbridge Lane Chesterfield
Derbyshire S41 9QD for Veolia Es (UK) Ltd

(g) CLUD granted

CHE/13/00525/CLU Confirmation that the existing 811 sq. m of floorspace (Use
Class A1) at mezzanine level within Unit 4 at the Ravenside
Retail Park, is lawful at Sports Division Unit 4 Ravenside
Retail Park Park Road Chesterfield Derbyshire S40 1TB for
Ravenside Investments Ltd.

CHE/13/00566/CLU Certificate of lawfulness for use of ground floor of premises
as a hairdressers at 6 St Margaret's Drive Chesterfield
Derbyshire S40 4SX for Mr Vittorio Cervi

0083 APPLICATION TO FELL OR PRUNE TREES (P620D)

*The Head of Planning reported that pursuant to the powers delegated to him
he had determined the under-mentioned applications in respect of:-

(a) The felling and pruning of trees

CHE/13/00581/TPOEXP Consent granted to the felling of one Ash tree and one Beech tree within W1 on the Order map for Mr Richard Booth on behalf of the residents of Brearley Hall, Old Whittington, Chesterfield.

The duty to replant with a replacement tree has been dispensed with on this occasion due to the natural regeneration within the woodland.

CHE/13/00547/TPO Consent granted to the pruning of one Sycamore reference T2 on the Order map for Bakewell Tree Services on behalf of Mr Redfern of 73 Station Road, Brimington, Chesterfield.

CHE/13/00479/TPO Consent refused to the pruning of 3 trees reference T13 Beech, T15 Lime and T25 Horsechestnut on the Order map for Mr Martin Reynolds of 40 Netherleigh Road, Chesterfield.

Consent is granted to the limited pruning of one Beech tree by the removal of lower branches growing over the garden of 40 Netherleigh Road. Consent is also granted to the reduction of branches on one Horsechestnut pruning away from the neighbouring Mountain Ash tree which will allow the smaller tree to grow.

(b) Notification of Intent to Affect Trees in a Conservation Area

CHE/13/00557/CA - The pruning of one Oak tree in the grounds of 1 Somersall Lane.

Agreement to the pruning of one Oak tree. The pruning of the tree will have no adverse effect on the amenity value of the area.

The tree is within the Somersall Lane Conservation Area and the applicant wishes to lift the lower branches to give a 5.2 metre clearance over the highway.

0084 APPEALS REPORT (P000)

The Group Leader, Development Management reported on the current position in respect of appeals which had been received.

***RESOLVED** - That the report be noted.

0085 ENFORCEMENT REPORT (P4510)

The Senior Solicitor and the Development Management and Conservation Manager submitted a joint report on the current position regarding enforcement action which had been authorised by the Council.

***RESOLVED** - That the report be noted.

0086 LOCAL GOVERNMENT ACT 1972 – EXCLUSION OF PUBLIC

RESOLVED - That under Section 100(A)(4) of the Local Government Act, 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 6 of Part I of Schedule 12A of the Act.

0087 UNAUTHORISED SITING OF A METAL CONTAINER - BROCKWELL ALLOTMENTS, CHESTERFIELD (P410)

The Development Management and Conservation manager submitted a report seeking approval to enforcement action for the removal of the unauthorised metal container on the Council owned Brockwell Allotments, Chesterfield.

***RESOLVED** - That enforcement action be not authorised for the removal of the green metal storage container from the allotments to the North of 75 Brockwell Lane but that the tenant be recommended to make a formal application for its retention.

STANDARDS AND AUDIT COMMITTEE

Friday, 20th September, 2013

Present -

Councillor Mark Rayner (Chair)

Councillor Diouf
Elliott

Councillor McManus
Avis Murphy

Councillor C Brown (Brimington Parish Council)

*Matters dealt with under the Delegation Scheme

0010 DECLARATIONS OF MEMBERS' AND OFFICERS' INTERESTS RELATING TO ITEMS ON THE AGENDA

No declarations were received.

0011 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor D Collins.

0012 MINUTES OF THE MEETING OF THE STANDARDS AND AUDIT COMMITTEE HELD ON 3RD JULY, 2013

RESOLVED - That the Minutes of the Standards and Audit Committee meeting held on 3rd July, 2013 be approved as a true record.

0013 CHESTERFIELD BOROUGH COUNCIL NATIONAL FRAUD INITIATIVE

The Interim Head of Internal Audit Consortium submitted a report giving a summary of the results of the 2012/13 National Fraud Initiative (NFI) for Chesterfield Borough Council.

***RESOLVED** - That the report be noted.

0014 ANTI-FRAUD, BRIBERY AND CORRUPTION STRATEGY (INCLUDING MONEY LAUNDERING POLICY)

The Interim Head of Internal Audit submitted a report for Members to consider the Council's draft updated Anti-Fraud, Bribery and Corruption Strategy (including Money Laundering Policy).

The Council last reviewed its Anti-Fraud and Corruption Strategy and Money Laundering Policy in 2009. It was agreed at the time that the Strategy should be periodically reviewed to ensure that it was kept up to date and remained relevant.

It was noted that the formal commitment to the strategy would serve to restate the Council's zero tolerance of fraud and all forms of malpractice. The refresh would also provide an opportunity to promote the key message to both Members and Employees.

The revised strategy reflected developing good practice amongst other local authorities including the incorporation of the Bribery Act. The strategy would be reviewed in two years time or sooner if there were any relevant legislative changes or changes in best practice.

- *RESOLVED** - (1) That the revised Anti-Fraud, Bribery and Corruption Strategy (including Money Laundering Policy) be adopted and publicised.
- (2) That the Anti-Fraud and Corruption Strategy (including Money Laundering Policy) be reviewed in two years time, or earlier if necessary.

0015 INTERNAL AUDIT CHARTER

The Interim Head of Internal Audit Consortium submitted a report for approval of the Internal Audit Charter, which replaced the previously adopted Terms of Reference and Policy.

The Public Sector Internal Audit Standards (PSIAS) took effect from 1 April 2013 and specified that the purpose, authority and responsibility of internal audit must be formally defined in an internal audit charter.

The Internal Audit Charter was a formal document and needed to include a number of requirements which had been specified by the PSIAS.

The Charter which was appended to the report had been formulated to adequately cover these requirements and took into account the arrangements for the Internal Audit Consortium set down in the Consortium Agreement.

- *RESOLVED** - (1) That the Internal Audit Charter be agreed.
- (2) That the agreed Internal Audit Charter be reviewed in 2 years time or sooner in the event of any significant changes being made to the Public Sector Internal Audit Standards.

0016 INTERNAL AUDIT PUBLIC SECTOR INTERNAL AUDIT STANDARDS - IMPROVEMENT PLAN

The Interim Head of Internal Audit Consortium submitted a report to inform Members of the results of an internal audit self assessment that had been undertaken to review compliance with the Public Sector Internal Audit Standards.

- *RESOLVED** - (1) That the results of the self assessment and resultant improvement plan be noted.
- (2) That progress against the improvement plan be reported back to the Committee as part of the internal audit annual report for 2013/14.

0017 SUMMARY OF INTERNAL AUDIT REPORTS ISSUED (CONSTITUTION ARTICLE 9, PARAGRAPH 9.4)

The Interim Head of the Internal Audit Consortium presented a summary of Internal Audit reports issued during the period 8th June, 2013 to 30th August, 2013 in respect of the 2013/14 internal audit plan.

- *RESOLVED** - (1) That the report be noted.
- (2) That in the event of excessive delay in responding to reports issued, the relevant Head of Service be invited before the Committee to give their explanation.

0018 TREASURY MANAGEMENT ANNUAL REPORT 2012/13 AND MONITORING REPORT 2013/14

The Head of Finance submitted a report for Members to consider the Annual Treasury Management Report for 2012/13 and the Treasury Management activities for the first five months of 2013/14.

The Committee was responsible for ensuring the effective scrutiny of the Council's treasury management reports before they were considered by the full Council. Three treasury reports were presented each financial year; the Strategy report before the start of the financial year, the annual report for the previous financial year and a mid-year review for the current year.

- *RESOLVED** - (1) That Council be recommended to:-
- (i) note the outturn Prudential Indicators for 2012/13;
 - (ii) note the treasury management stewardship report for 2012/13;
 - (iii) note the treasury management position for the first five months of 2013/14.

0019 2012/13 STATEMENT OF ACCOUNTS (CONSTITUTION ARTICLE 9, PARAGRAPH 9.4)

The Head of Finance submitted a report on the Statement of Accounts for 2012/13, the 'Letter of Representation' and the External Auditor's Annual Governance Report.

Ms. Sue Sunderland and Ms. Helen Brooks of the Audit Commission attended the meeting to present the External Auditor's Report to those Charged with Governance.

The Council's auditors were required to obtain written representations from management in respect of various matters relating to the accounts in the form of a letter of representation. Each year the appointed Auditor was required to "communicate audit matters to those charged with governance".

The report gave details of the adjustments made to the accounts following the audit and included the Audit opinion and the value for money conclusion.

- *RESOLVED** - (1) That the Statement of Accounts for 2012/13 be approved.
- (2) That the Management Letter of Representation be approved, and signed by the Chair and Head of Finance.
- (3) That the Report to those Charged with Governance be noted.

COMMUNITY, CUSTOMER AND ORGANISATIONAL SCRUTINY COMMITTEE

Thursday, 1st August, 2013

Present -

Councillor Innes (Chair)

Councillor Blank ****
Borrell
Brown****

Councillor Tom Murphy
Slack

Anita Cunningham - Scrutiny Officer

Jackie Brobyn - Democratic Services Officer

Trevor Durham – Licensing Manager⁺

Donna Reddish – Policy Manager⁺⁺

Fran Rodway – Customer Services and Revenues Manager⁺⁺⁺

⁺Attended for Minute No 0014

⁺⁺Attended for Minute No 0016

⁺⁺⁺ Attended for Minute No 0017

^{****} Attended for Minute Nos. 0016 & 0017

0012 DECLARATIONS OF MEMBERS' AND OFFICERS' INTERESTS RELATING TO ITEMS ON THE AGENDA

No declarations were received.

0013 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Bagley

0014 APPLICATION FOR AN EARLY MORNING RESTRICTION ORDER (EMRO)

The Licensing Manager submitted a report for members to consider whether an Early Morning Restriction Order (EMRO) should be formally proposed for Chesterfield town centre.

It was noted that an EMRO:

- Applies to the supply of alcohol authorised by premises licences, club premises certificates and temporary event notices;
- Applies to the whole or part of the licensing authority's area;
- Could be introduced for a few weeks to apply to a specific event;
- Does not apply to any premises on New Year's Eve (defined as 12.00 am to 6.00 am on 1st January every year);

- Does not apply to the supply of alcohol to residents by accommodation providers between 12.00 am and 6.00 am, provided the alcohol is sold through mini-bars and/or room service; and
- Will not apply to a relaxation of licensing hours by virtue of an order made under section 172 of the Licensing Act 2003.

The proposed EMRO would apply on each day of the week and would follow the process set out in the statutory guidance.

The proposed EMRO must be advertised for 42 days and include a short summary of the evidence and the manner in which representations can be made, as well as the details of the proposed EMRO. The licensing authority must publish this information on its website and in a local newspaper. They must also send a notice of the proposal to all affected people in its area, which includes holders, and applicants for, premises licences and club certificates and those who have received a provisional statement in respect of premises to which the proposed EMRO applies and to premises users in relation to Temporary Event Notices.

The licensing authority must display a notice of the proposal in the affected area and inform responsible authorities in its area and neighbouring licensing authorities.

Those affected by the proposal have 42 days (starting the day after the day on which the proposed EMRO was advertised) to make relevant representations. A hearing must then be held within 30 days from the end of the 42 day consultation period, unless the authority and all who have made representations agree this to be unnecessary.

At the hearing the licensing authority has three options:

- Decide that the proposed EMRO is appropriate for the promotion of the licensing objectives;
- Decide that the proposed EMRO is not appropriate for the promotion of the licensing objectives and therefore the process should be ended; and
- Decide that the proposed EMRO should be modified and if this involves changes in the area specified, times or days involved then the process of consultation begins again.

Once the licensing authority is satisfied that the proposed order is appropriate for the promotion of the licensing objectives its determination must be put to Full Council for a final decision.

The report set out the evidence in support of an EMRO which included:

- A crime map of the borough of Chesterfield showing all alcohol related crimes and incidents between midnight and 6.00 am for the period 1st October 2011 and 30th September 2012.
- Detail of complaints made to Environmental Health officers in respect of excessive noise from commercial properties.
- Difficulties for street cleaning staff from 5.00 am, particularly at the weekend when they encounter late night drinkers in Chesterfield town centre.
- Problems for police, street pastors and Council licensing enforcement officers caused by alcohol consumption being aggravated by opening until 6.00 am.
- CCTV evidence showed that 71% of the incidents across the borough were within the town centre.
- There were 16 premises licenses across the borough allowing alcohol sale and consumption beyond 3.00 am, 12 of those being in the town centre.

It was noted that the EMRO can only prevent the sale of alcohol, not consumption.

The report gave details of the measures already in place to combat the problems highlighted in the report which included:

- A designated Public Place Order in Chesterfield town centre
- Police partnership with East Midlands Ambulance Service to operate a triage point in Chesterfield town centre at times of most need.
- A Cumulative Impact Policy was adopted by the Council last year
- A system of street pastors had been organised by the Community Safety Partnership
- Attempts by Pubwatch to negotiate voluntary early closure times with licence holders in the town centre.

The EMRO proposal was supported by the Pubwatch co-ordinator, who felt it was a positive measure to combat alcohol consumption in the early hours.

It would also assist the police with resourcing late night drinking, as any duty beyond 3.00 am was classed as a night shift, which then impacts on staff availability the following day.

A discussion ensued and following issues were raised and clarified:

- Reference was made to there being four licensed premises which would not be affected by the EMRO and members felt that this was unfair. It was noted

that the proposal was that the EMRO would only cover the town centre and not the premises outside the town centre.

- A query was raised about special events which were held from time to time and whether these would be affected by the EMRO. It was confirmed that the only time the hours could be extended would be New Year's Eve and National Events, such as the Royal Wedding.
- Members enquired as to whether there would be a time limit for customers to consume their drinks after 3.00 am. It was confirmed that the EMRO only applied to the sale of alcohol, not its consumption.

RESOLVED - That proposals for formal consultation on the introduction of an EMRO, as detailed in the report, be supported and recommended for consideration by the Council's Licensing Committee.

0015 SCRUTINY MONITORING

The Committee considered the Scrutiny Monitoring Report on the implementation of approved Scrutiny recommendations.

With regard to the outstanding action that the impact of alcohol consumption on health services be brought to the attention of the Licensing Committee, it was reported that the relevant statistics from the Chesterfield Royal Hospital were still awaited.

RESOLVED - That the progress on the approved Scrutiny recommendations be noted.

0016 EXECUTIVE MEMBER FOR CUSTOMERS AND COMMUNITIES PROGRESS REPORT ON EQUALITY, DIVERSITY AND SOCIAL INCLUSION STRATEGY ACTION PLAN

Councillor Blank, Executive Member for Customers and Communities, Councillor Brown, Assistant Executive Member for Customers and Communities and Donna Reddish, Policy Manager, attended the meeting to update the Committee on the progress made on the Equality, Diversity and Social Inclusion Strategy and the Equality Framework.

In 2012/13 there had been significant improvement in several areas including:

- Equality analysis – collecting, analysing and using data
- Partnership working – particularly with the Community and Voluntary sector
- Equality leadership – A range of successful activities during 2012/13 promoting the Council as a strong equalities advocate and leader

- Improving Community Engagement structures including the Equality and Diversity Forum
- Workforce monitoring arrangements had been strengthened
- Some services had developed new approaches to staff engagement
- Political leadership – increasing diversity
- Learning and development opportunities.

There were several areas which still require significant improvement in order to achieve the excellent level of the equality framework which included:

- Ensuring that criteria is met by all service areas
- Focusing on the positive outcomes from equalities activities
- Benchmarking data
- Increasing the range of community engagement opportunities and increasing the diversity of participants
- Working with contracted service providers to improve data collected, analysis and action
- Significant challenges in terms of workforce diversity particularly at senior levels
- Significant gaps in employee engagement arrangements.

Reference was made to the performance figures and in particular the Learning and Development score which was 100%, and the question was raised as to whether this meant that all staff had been trained on Equalities and Diversity. It was confirmed that all staff who had started work with the Council in the last 3 years had been trained, but not all of those prior to this.

The Executive Member for Customers and Communities reported that the Diversity and Equalities Forum had made excellent progress, and this was due to the hard work put in by Councillor Martin Stone, and she felt that he should be commended on this.

RESOLVED - That the report and progress be noted.

0017 **EXECUTIVE MEMBER FOR CUSTOMERS AND COMMUNITIES REPORT ON CUSTOMER SERVICES STRATEGY ACTION PLAN**

Councillor Blank, Executive Member for Customers and Communities,
Councillor Brown, Assistant Executive Member for Customers and Communities and

Fran Rodway, Customer Services and Revenues Manager, attended the meeting to update the Committee on the progress made on the Customer Services Strategy Action Plan.

It was noted that NI 14 which related to avoidable contact no longer existed as a national indicator. There was a new mechanism in place through Governance for Freedom of Information requests now, to ensure that duplicated responses were avoided.

There had not been much progress made with the Channel Shift strategy but this was largely due to the financing of it. The upgraded Income Management System went live in December, however the software did not support the mobile devices.

The Customer Service Excellence Accreditation was being implemented and a Customer Services User Panel was to be set up. This would involve customers who used the service on a regular basis, including those who had been dissatisfied with the service.

The Telephone Strategy had not yet been implemented, as it was awaiting financing. In the interim a semi-automated solution had been implemented.

A discussion took place around the methods people now used for making payments. It was noted that around 18% of council tenants paid their rent by direct debit.

With regard to the Mobile Phone Strategy and the Website Strategy, it was noted that the introduction of the Gandlake software would assist when it was available.

With the introduction of the new Customer Service Centre the Face to Face Strategy actions had been achieved.

The New Media Strategy was showing signs of improvement following the appointment of John Fern and James Taylor to the Communications and Marketing Department.

It was noted that regular updates in respect of this would be presented to Cabinet as soon as the financing of the action plan had been agreed.

A comment was made about Council Tax and a query was raised as to whether Scrutiny should be looking at this again. The Scrutiny Officer confirmed that the Overview and Performance Scrutiny Forum would be considering this in November. The Scrutiny Officer agreed to let the Customer Services and Revenues Manager know the timescales for Scrutiny, which could then be provided to the Head of Finance for the start of the Council Tax process.

RESOLVED - That the update be noted.

0018 FORWARD PLAN

The Committee considered the Forward Plan for the period 1st August to 30th November, 2013.

RESOLVED - That the Forward Plan be noted.

0019 WORK PROGRAMME FOR THE COMMUNITY, CUSTOMER AND ORGANISATIONAL SCRUTINY COMMITTEE

The Committee considered the list of items currently on its Work Programme.

It was noted that Crime and Disorder Scrutiny was on the Work Programme for December, but on the Scrutiny Monitoring schedule it was scheduled for October. Members were asked which date they would prefer and it was agreed that it would be included on the agenda for December.

RESOLVED - (1) That the Work Programme be agreed.

(2) That Health Profiles/Reducing Health Inequalities and the Corporate Health and Safety Improvement Plan be included on the agenda for October 2013.

0020 OVERVIEW AND SCRUTINY DEVELOPMENTS

The Scrutiny Officer reported that a survey would be circulated shortly to establish what Members needs were in respect of administrative support for Scrutiny Project Groups, and urged Members to complete it.

RESOLVED - That the report on Scrutiny Developments be noted.

0021 SCRUTINY PROJECT GROUP PROGRESS UPDATESFinancial Inclusion

Councillor Tom Murphy raised his concerns at the length of time it was taking to get this project up and running. He offered to have a look at the scope of the review with a view to leading on it. It was agreed that any decision in respect of this be deferred until the next meeting.

Health Inequalities

The Scoping document in respect of Health Inequalities had been prepared by Councillor Julie Lowe, and this was circulated to Members of the Committee for approval.

RESOLVED - That the content of the scoping document be approved.

0022 **MINUTES**

The Minutes of the meeting of the Committee held on 30th May, 2013 were presented.

RESOLVED - That the Minutes be approved as a correct record and signed by the Chair.

ENTERPRISE AND WELLBEING SCRUTINY COMMITTEE

Thursday, 5th September, 2013

Present -

Councillor Hawksworth (Chair)

Councillor Callan
Flood

Councillor Gilby⁺⁺
Simmons

Anita Cunningham - Scrutiny Officer
Jackie Brobyn - Democratic Services Officer
Mike Hayden – Head of Regeneration⁺⁺⁺
Scott Nicholas – Senior Planning Officer⁺

⁺Attended for Minute No. 0014 only

⁺⁺Attended for Minute Nos. 0014 & 0015 only

⁺⁺⁺Attended for Minute Nos. 0014, 0015 & 0016 only

0012 DECLARATIONS OF MEMBERS' AND OFFICERS' INTERESTS RELATING TO ITEMS ON THE AGENDA

No declarations were made.

0013 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bradford, Dyke and Lang.

0014 DEPUTY LEADER AND EXECUTIVE MEMBER FOR PLANNING - REPORT ON THE COMMUNITY INFRASTRUCTURE LEVY

Councillor Gilby, Deputy Leader and Executive Member for Planning, Mike Hayden, Head of Regeneration and Scott Nicholas, Senior Planning Officer, attended the meeting to update the Committee on the progress made in respect of the Community Infrastructure Levy.

It was noted that the Community Infrastructure Levy (CIL) was being introduced to ensure that developers paid a contribution towards borough-wide infrastructure needs in Chesterfield, to make development acceptable and sustainable. Although it was not compulsory, 100 Local Authorities were in the process of producing or already had a CIL in place.

The Preliminary Draft Charging Schedule had been prepared in accordance with the Community Infrastructure Levy Regulations 2010 (as amended) and was appended to the report. It was noted that the charges would only apply to residential and commercial developments. Four charging zones had been identified for residential rates, which were rated low, medium and high, with a nil rate for the

Staveley Corridor. The commercial rates were the same across the Borough.

Money collected under the CIL could be spent anywhere in the Borough. A draft list of the types of infrastructure the CIL could fund was also outlined, as attached to the report.

The Preliminary Draft Charging Schedule had recently completed its six week consultation period, and the results would be reviewed, and if required, modifications would be made, or further testing undertaken. The next stage was to prepare the Draft Charging Schedule for a further period of consultation later in the year, with a view to examination and adoption in 2014.

A discussion ensued and the following issues were raised and clarified:

- Reference was made to the Neighbourhood funding and plans, and a query was raised as to whether plans under Community Assemblies would qualify as Neighbourhood Plans. It was confirmed that areas with a Town Council or a Parish Council would qualify for a share of CIL revenue. Officers would provide more detail around the eligibility of Neighbourhood Plan areas for CIL revenue when clearer information was available.
- A comment was made about flood remediation and whether some of the CIL should be used to fund this. It was noted that this was the responsibility of the Environment Agency and they were allocated funding from the Government to address flood management, but that CIL could be used to match fund schemes.
- Concerns were raised that currently neither North East Derbyshire nor Bolsover District Councils had considered introducing CIL. It was felt that this might encourage developers to build in those areas rather than in Chesterfield. Members were reassured that the cost of CIL would be a relatively small percentage of the total cost of any development and would therefore be unlikely to have any impact.
- Consultation responses received to date had been generally supportive. However supermarkets had raised some concerns around charging levels for smaller food retail stores.

RESOLVED - (1) That the Deputy Leader and Executive Member for Planning, the Head of Regeneration and the Senior Planning Officer be thanked for their update.

(2) That more information about the eligibility of Neighbourhood Plan areas for a share of CIL revenue, be provided.

0015 DEPUTY LEADER AND EXECUTIVE MEMBER FOR PLANNING - REPORT ON MARKET HALL REFURBISHMENT

Councillor Gilby, Deputy Leader and Executive Member for Planning and Mike Hayden, Head of Regeneration attended the meeting to update the Committee on

the progress made in respect of the Market Hall Refurbishment.

It was noted that the first day of trade for the refurbished Market Hall would be Monday 28th October 2013.

The scaffold surrounding the Market Hall had started to be removed and it was almost scaffold free. The New Square extension was almost complete with the top tier of coping stones being laid this week. The contractor was focusing on the finishings of the new North and South entrances and these would be revealed once the scaffold was removed.

Internally there was substantial progress being made with all the retail units in the main Market Hall almost being completed, with the final clean and last layer of paint to be applied in the next two weeks. The new resin floor had been laid and the café and balcony glazing were being installed the following week. The 'wet' retail area, which was to house the fish, meat and deli stalls, was approximately ten days behind the main retail hall. The new internal public toilet facility, which was to be within this area, was now being fitted out with the cubicles being delivered to site earlier in the week.

The refurbished offices on the first and second floors, which included the new base for the Markets Team, were complete, apart from final commissioning. The new studio/incubation units, which were to be housed within the new first floor extension had been plastered and were awaiting final fix of M&E equipment and decoration.

The refurbished Assembly Room was gradually moving forward, with the decorative ceiling being completed shortly and the remaining walls being decorated following removal of an impressive scaffold system. Meeting Rooms 1 and 2 were complete except for the carpeting.

Negotiations had been concluded with most new and existing traders and new lease documentation was being prepared for the tenants. Lettings had been agreed on 11 out of the 14 units, with strong interest being shown in 2 of the 3 remaining. In the meat/fish/deli retail area, 5 lettings had been agreed of the 7 units available and 4 new lettings had been agreed on the external elevations, with 4 shops remaining unallocated. The offices were all under offer with the exception of 1. Moderate interest had been shown in the new studio/incubator offices, and it was felt that the unique selling point of being new in the town centre and also wheelchair accessible would make them attractive to new occupiers.

Members of the Committee suggested that it would be beneficial to have a tour of the new Market Hall prior to its re-opening, and the Head of Regeneration agreed to make arrangements for this to take place.

- RESOLVED** -
- (1) That the Deputy Leader and Executive Member for Planning, and the Head of Regeneration be thanked for their update.
 - (2) That arrangements be made for Members of the Committee to have a tour of the Market Hall prior to it re-opening.

0016 **SCRUTINY MONITORING**(a) Scrutiny Recommendations Monitoring Form

The Committee considered an update on the implementation of approved Scrutiny recommendations.

(b) Executive Member for Environment - Progress Report on Parking Policy

The Head of Regeneration gave a verbal update on the progress being made in respect of the Parking Policy and implementing the scrutiny recommendations.

He reported that the implementation of pay-on-foot parking across all Town Centre car parks had been incorporated into the Medium Term Strategy. However the budget for this had not yet been identified.

There were 3 projects for 2013 which were:

- The upgrade of the CCTV Control Room
- Improvements to the New Beetwell Street MSCP to bring the facility up to a standard equivalent to that at Vicar Lane.
- Improvements to signage across the town centre and at the entry points to off-street car parks.

It was noted that reserves for funding had been identified for the upgrade of the control room but it had not yet been decided where it would be located. Various locations were being considered including its current location, the Town Hall and the new Market Hall.

Funding had been approved for improvements to signage but it had not been scheduled to commence yet. It was noted that the number of blue badge spaces at Soresby Street would be reduced by 5 and redistributed across town more evenly. New tariffs had been introduced on 1st April 2013 and a charge of £1.00 per day had been reintroduced at Ashgate Road.

Improvements to the lighting, painting and surfacing were scheduled to take place at Beetwell Street MSCP this financial year, subject to a review of costs and funding.

Reference was made to the possibility of introducing a system whereby parking could be paid for via a mobile phone and the viability of this was queried. It was noted that this was something that had been investigated, but that it would require improvement of the wi-fi system in order for it to work, and this would need additional funding.

A discussion took place about how scrutiny could continue to play a role in progressing the Parking Policy and it was agreed that it would be added to the Work Programme for further discussion, with the possibility of undertaking

further review work, subject to confirmation of the executive reporting timetable.

- RESOLVED** - (1) That the Scrutiny recommendations update be noted.
- (2) That the Head of Regeneration be thanked for the update on the Parking Policy.
- (3) That the Parking Policy be added to the Work Programme for further discussion, and further Scrutiny Project Group work be agreed in principle, subject to confirmation of the executive reporting timetable.

0017 FORWARD PLAN

The Committee considered the Forward Plan for the period 1st September 2013 to 31st December, 2013.

- RESOLVED** - (1) That the Forward Plan be noted.
- (2) That it be noted that the earliest date the decision can be taken for key decision 285 on New Beetwell Street MSCP Improvement Scheme and key decision 286 on CCTV Control Centre Improvement Works, was now likely to be December 2013.
- (3) That regarding key decision 319, Housing Ombudsman Arrangements, a written briefing on the matter be provided for the Committee before its next meeting.
- (4) That key decision 333 on Discretionary Housing Payments be added to the work programme.

0018 WORK PROGRAMME FOR THE ENTERPRISE AND WELLBEING SCRUTINY COMMITTEE

The Committee considered a list of items raised to date for its Work Programme.

- RESOLVED** - (1) That the Work Programme be agreed.
- (2) That an update on the following items be considered at the meeting in November 2013:
- Rationalisation of Play Areas
 - Discretionary Housing Payments
 - Chesterfield Sport and Active Recreation Strategy
 - Housing/Credit Union Service.

(3) That the following items be added to the Work Programme:

- Housing Self Financing (Decent Homes Standards and Rents)
- Appointment of Green Deal Eco Partner.

0019 OVERVIEW AND SCRUTINY DEVELOPMENTS

Nothing to report.

0020 SCRUTINY PROJECTS PROGRESS UPDATES

(a) Sports and Leisure Review

Councillor Flood reported that the Panel had met on 6 occasions, on a fortnightly basis. They had interviewed Deloitte and dealt with the covenant and contracting process.

The Panel had received a briefing in respect of financing and this would be analysed shortly.

Councillor Flood had attended a meeting on accessibility. She had also received feedback on the consultation process and confirmed that this met the national standards.

Members of the Committee thanked Councillor Flood for the work which she had done so far to take this review forward.

(b) Water Rates Policy Review

Councillor Simmons reported that the project group had met for the first time the previous day and had agreed to look at the following:

- Whether it was right for tenants to be advised to have water meters installed.
- Make contact with Severn Trent.

Another meeting had been set up for 17th September 2013.

Councillor Hawksworth expressed an interest in joining the panel and it was agreed that she be added as a member.

- RESOLVED -**
- (1) That the update in respect of the Sports and Leisure Review be noted.
 - (2) That the update in respect of the Water Rates Policy be noted.
 - (3) That Councillor Hawksworth be added as a member of the Water Rates Scrutiny Project Group.

0021 MINUTES

The Minutes of the meeting of the Committee held on 27th June, 2013 were presented.

Reference was made to Minute No. 0003 being misleading, and as a point of clarification it was noted that tenants were only made aware of the option to have a water meter installed, but that it was their own responsibility to arrange for its installation and not that of the Revenues Service.

RESOLVED - That the Minutes be approved as a correct record and signed by the Chair.

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OVERVIEW AND PERFORMANCE SCRUTINY FORUM

Thursday, 25th July, 2013

Present -

Councillor Lang (Chair)

Councillor Bagley
Borrell
Callan
Dyke
Flood
Gibson

Councillor Hawsworth
Innes
Lowe
McManus⁺
Tom Murphy
Paul Stone

Jackie Brobyn, Democratic Services Officer
Anita Cunningham, Scrutiny Officer
Barry Dawson, Head of Finance⁺⁺
Julie McGrogan, Service Manager⁺

⁺Attended for Minute No. 0004

⁺⁺Attended for Minute No. 0005

0001 DECLARATIONS OF MEMBERS' AND OFFICERS' INTERESTS RELATING TO ITEMS ON THE AGENDA

No declarations were received.

0002 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bradford and Slack.

0003 THE CARE QUALITY COMMISSION - PRESENTATION BY ROS JOHNSON, COMPLIANCE MANAGER

Ros Johnson, Compliance Manager and Rob Cooper, Local Inspector from the Care Quality Commission (CQC) attended the meeting to give an overview of their work.

Ros Johnson reported that the Care Quality Commission was responsible for regulating Adult Social Care Services. Their role was to make sure that hospitals, care homes, dentists, GP's and other care services provided people with safe, effective and high quality care.

There were 8 Inspectors working in her team who undertook to inspect all these organisations at least once a year. She confirmed that there were currently 23 organisations with levels of non-compliance, which included Chesterfield Royal Hospital. It was specifically reported that a recent inspection at the Chesterfield

Royal Hospital was not good and improvement actions had been requested by the CQC. A further, follow up inspection had also led to enforcement action being taken in relation to non-compliance in meeting nutritional standards, in addition to other outstanding improvement actions required.

Rob Cooper gave an overview of how an inspection was undertaken. He confirmed that at the conclusion of an inspection a written report was produced within 10 days and if there was evidence of non-compliance a warning notice would be issued. In the case of persistent non-compliance an organisation could be taken to court and ultimately have their registration removed.

A discussion ensued and the following issues were raised and clarified:

- How much notice was given that an inspection was taking place? It was confirmed that inspections of care homes were unannounced, but dentists were given 1-2 days notice to ensure that they were available to assist with the inspection.
- Reference was made to the high number of non-compliant organisations in Derbyshire at the moment and a query was raised as to whether this was due to lack of training. Confirmation was given that this was one of the key issues contributing to the non-compliance.
- A query was raised as to what would an inspector be looking for when investigating GPs? Rob confirmed that he would be looking for evidence relating to the patient experiences with the surgery and whether their needs were being met.
- It was queried whether an Inspector would be looking for trends in complaints made. Rob advised that the CQC did not get involved in individual complaints that would be the responsibility of the Health Service Ombudsman.
- Reference was made to adult care in care homes and what action would be taken if a resident was being bullied. It was noted that this would be referred to the Local Authority under Safeguarding.
- A query was raised about involvement of Local Authority Councillors in relation to inspections and it was noted that on occasions joint visits were undertaken.
- A question was asked as to whether patients with mental health issues were given continuity of care. It was noted that as part of meeting a person's needs, it would be an expectation that all patients with mental health problems would receive continuity of care.

RESOLVED - That Ros Johnson and Rob Cooper be thanked for their informative presentation.

0004 EXECUTIVE MEMBER FOR HOUSING ON THE TENANT-LED SELF-REGULATION

Councillor Jim McManus, Executive Member for Housing and Julie McGrogan, Service Manager attended the meeting to update members on progress made in respect of the Tenant-Led Self-Regulation.

Julie McGrogan reported that it was now a legal requirement for individual members of the public, i.e. council tenants, to scrutinise the Council as landlord. As a result of this a Tenant Challenge Panel (TCP) had been set up and currently there had been 10 expressions of interest to participate, with only 7 being actively involved. She confirmed that job descriptions had been drawn up and a training programme was being developed to assist them in undertaking the role.

The panel had recently done a pilot review on the void process which had been completed. The Tenant Officer had been actively involved with them and would be assisting them to approach other organisations. A report had been prepared on their findings including recommendations which would be considered by key people involved in the voids process. It was expected that the next review would be in respect of bedroom tax and rent arrears.

A discussion took place about what measures were in place to encourage new members to the panel. It was noted that consideration was being given as to how the new Community Assemblies could assist with this and how the mobile office could also be used. This would be out and about on Wednesday 31st July in Dunston.

Julie confirmed that it was their aim to encourage representatives from a variety of groups including young people and minority ethnic, to ensure there was a balanced view and a variety of skills.

A discussion ensued about how Scrutiny could work with the Tenant Challenge Panel (TCP). It was noted that, although the TCP needed to sit independently from the Council, it would be useful to have sight of their work programme. It was suggested and agreed that this would be included on the agenda for future meetings as soon as it was available.

It was further suggested that it would be beneficial to the Forum for representatives of the TCP to attend a future meeting along with the Executive Member for Housing and Julie McGrogan, Service Manager, to give an overview of their work.

- RESOLVED** -
- (1) That the update be noted.
 - (2) That representatives from the Tenants' Challenge Panel be invited to attend a future meeting of the Forum, together with the Executive Member for Housing and Julie McGrogan, Service Manager.

- (3) That the work programme for the Tenants' Challenge Panel be included on future agenda, when available.

0005 LEADER AND EXECUTIVE MEMBER FOR REGENERATION REPORT ON THE BUDGET OUTTURN

Barry Dawson, Head of Finance, attended the meeting to give an update on the Budget Outturn for 2012/13, to provide explanations for the significant variations from the revised estimates and to note the carry forward requests.

It was reported that there was a net surplus on the General Fund of £249,575. The original budget was forecast with a deficit of £34,467 but this had been revised earlier in the year to a surplus of £5,127.

There were numerous variances that contributed towards the £39k net change from the original deficit to a small surplus and the most significant were:

- Overspends totalling £257k which included car parking income (£141k), planning fee income (£41k), share of BCN deficit and severance costs (£46k) and rent income from the Open Markets (£29k).
- Underspends totalling £244k which included Queen's Park Sports Centre (£91k), Waste Collection (£87k), share of the Crematorium surplus (£55k) and Tapton Innovation Centre and Dunston Innovation Centre (46k).

A summary of the DLO/DSO surpluses/deficits was appended to the report with all the operations making a surplus.

The report summarised the General Fund Reserves and Provisions, and it was noted that the General Working Balance, which was being maintained at £1.75m, was additional to the balances included in the report.

It was noted that the Budget Risk Reserve provided a supplement to the General Working Balance to cover budget risks and to help finance any severance costs resulting from voluntary staffing reductions through implementation of the Transformation Strategy. The balance in the reserve was above that forecast at the revised estimate stage due mainly to the inclusion of the 2012/13 surplus of £250k. Some additional expenditures had slipped into 2013/14 and further costs on the Northern Gateway scheme had been charged to the reserve.

Other earmarked reserves which were held for specific purposes included:

- Vehicle and Plant (£76k above revised forecast)
- ICT Reserve (£51k above revised forecast)
- DLO/DSO (reserves increased by £255k)

- Working Neighbourhoods Fund (£101k above revised forecast).

The original budget forecast in respect of Capital Receipts was £1.9m but following revisions in October and December 2012 the final figure was £500k.

The Government Spending Review Announcement came at the end of June 2013 and the focus was mostly on:

- Grant reductions of 10%
- Transfer of New Homes Bonus
- Tax Freeze Grant Scheme
- Local Government Pay Award.

There were also a number of budget risks which had not been factored into the budget forecasts and these included:

- Significant potential claims in respect of Housing Benefit for supported accommodation not covered by subsidy
- Backdated claims for refunds of search fee charges
- Further costs falling on the Council if the former insurance company MMI, is forced to increase the claw-back beyond the £300k that had been provided for
- The phased transfer of housing benefits into the Universal Credit system between October 2013 and October 2017
- The impact on employer pension contributions from April 2014 following the current actuarial review of the fund.

A discussion ensued and the following issues were raised and clarified:

- Reference was made to the pensions costs of £124k and a query was raised as to whether this was a realistic figure. It was confirmed that these figures were based on actual cases.
- A comment was made about disposals and whether there was a contingent for those which did not take place. It was noted that a list was in place and that if necessary it could be accelerated.
- A query was raised as to who owned Newbold Green site. It was confirmed that the Council owned the freehold and leased it out with the proceeds being split 50/50 with Derbyshire County Council.

RESOLVED - That the content of the report be noted.

0006 ADOPTION OF SCRUTINY PROTOCOLS AND GUIDANCE DOCUMENTS

The Scrutiny Officer submitted a report for members to consider the formal adoption of protocol and guidance documents to support the operation and delivery of the overview and scrutiny function.

RESOLVED - That the adoption of the Internal Reference Protocol for Effective Scrutiny and the Scrutiny Project Group Guidance be agreed, and their use reviewed in 12 months.

0007 FORWARD PLAN

The Forum considered the Forward Plan for the period 1st August, 2013 to 30th November, 2013.

RESOLVED - That the Forward Plan be noted and Key Decision reference 262 regarding the Governance Restructure be raised for the scrutiny work programme.

0008 SCRUTINY MONITORING

An update on the implementation of approved Scrutiny recommendations was considered.

RESOLVED - That Members note the progress on approved Scrutiny recommendations.

0009 SCRUTINY PROJECT GROUP PROGRESS UPDATES**Dog Control Order**

It was reported that the Dog Control Order had now been approved and was being implemented at Hasland Park. It was suggested and agreed that a further report on progress be presented to the Forum in 10 months time.

Welfare Reform, Universal Benefit and Bedroom Tax

It was agreed that the review on Part 2 of the Welfare Reform be commenced. Councillor Hawksworth agreed to take the lead again and make contact with those members who took part in Part 1.

RESOLVED - (1) That the progress updates be noted.

(2) That a further report on the Dog Control Order be considered in 10 months time.

- (3) That the review on Welfare Reform Part 2 commence, and that Councillor Hawksworth take the lead role and contact those members from the first review.

0010 WORK PROGRAMME FOR THE OVERVIEW AND PERFORMANCE SCRUTINY FORUM

The Forum considered a list of items raised to date for its Work Programme. These included budget monitoring and the Corporate Services PPP update.

- RESOLVED** - (1) That the Work Programme be agreed.
- (2) That the following items be included on the agenda for the next meeting:
- Corporate Services PPP Report
 - Governance Restructure
 - External Communications

0011 JOINT OVERVIEW AND SCRUTINY

The Minutes of the Shared Services Scrutiny Panel held on 11th April, 2013 were presented.

- RESOLVED** - That the Minutes be noted.

0012 OVERVIEW AND SCRUTINY DEVELOPMENTS

Nothing to report.

0013 MINUTES OF THE OVERVIEW AND PERFORMANCE SCRUTINY FORUM MEETING HELD ON 21ST MARCH, 2013

The Minutes of the meeting of the Overview and Performance Scrutiny Forum held on 21st March, 2013 were presented.

- RESOLVED** - That the Minutes be approved as a correct record and signed by the Chair.

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OVERVIEW AND PERFORMANCE SCRUTINY FORUM

Thursday, 26th September, 2013

Present -

Councillor Lang (Chair)

<p>Councillor Bagley Borrell Dyke Hawksworth</p>	<p>Councillor King^{****} Lowe Tom Murphy Paul Stone</p>
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Huw Bowen, Chief Executive⁺⁺⁺
 Jackie Brobyn, Democratic Services Officer
 Anita Cunningham, Scrutiny Officer
 Barry Dawson, Head of Finance^{*****}
 John Moran, Client Officer^{*****}
 John Fern, Communications and Marketing Manager⁺
 Sara Goodwin, Head of Governance⁺⁺

⁺Attended for Minute No. 0016

⁺⁺Attended for Minute No. 0018

⁺⁺⁺ Attended for Minute No. 0016 & 0020

^{****} Attended for Minute No. 0018 & 0021

^{*****} Attended for Minute No. 0020

^{*****} Attended for Minute No. 0021

0014 DECLARATIONS OF MEMBERS' AND OFFICERS' INTERESTS RELATING TO ITEMS ON THE AGENDA

No declarations were received.

0015 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bradford, Callan, Diouf, Flood, Gibson, Innes and Slack.

0016 LEADER AND EXECUTIVE MEMBER FOR REGENERATION - PRESENTATION ON THE CORPORATE COMMUNICATIONS STRATEGY

Huw Bowen, Chief Executive and John Fern, Communications and Marketing Manager attended the meeting to give a Powerpoint presentation on the Corporate Communications Strategy.

The presentation drew specific attention to:

- Where we were
- Issues identified
- Where we are now
- The road to a strategy
- What has happened so far?
- Social media
- Strategic communications in councils – the context
- A strategic approach – 1995 to 2009
- Today's PR Teams
- Media relations – a changing world
- Growing trends
- Mixing the old with the new
- Websites, social media and video
- Leadership – telling people what we do
- What happens if we don't communicate clearly on subjects that matter
- Clear branding to identify the Council and its services
- Marketing
- Development of a strategy with Members through a working group.

Members raised concerns about the use of social media, as it was felt that there was a danger that enquiries would not be answered in a timely manner. It was confirmed that only questions or concerns would be responded to, and comments would just be noted. However it would be necessary to establish an appropriate system in order to ensure a prompt response where necessary.

Members felt that a Communications Strategy was a necessity and would welcome the opportunity to help shape it through involvement in a working group. Councillors Helen Bagley and Barry Dyke volunteered to be part of the working group and it was agreed that an invitation be sent to non-Scrutiny Forum Members to take part. It was agreed that the Scrutiny Officer would email other Members for expressions of interest.

RESOLVED - (1) That Huw Bowen and John Fern be thanked for their informative presentation.

(2) That a scrutiny review group be appointed and other non-Scrutiny Forum Members be invited to join the group.

0017 LOCAL GOVERNMENT ACT 1972 – EXCLUSION OF PUBLIC

RESOLVED - That under Section 100(A)(4) of the Local Government Act, 1972 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1 and 3 of Part I of Schedule 12A of the Act.

0018 **EXECUTIVE MEMBER FOR GOVERNANCE AND ORGANISATIONAL DEVELOPMENT REPORT ON THE GOVERNANCE RESTRUCTURE PROPOSALS**

Councillor King, Executive Member for Governance and Organisational Development and Sara Goodwin, Head of Governance, attended the meeting to report on the Governance restructure proposals.

Councillor King outlined the reasons for the review of Governance. He confirmed that the new structure would ensure an effective and efficient service was delivered, whilst making financial savings for the Council.

Sara Goodwin reported that consultation had commenced with staff and trade unions. Staff had been given a copy of the proposed report together with the new staffing structure and a stress questionnaire.

Another meeting with staff was scheduled to take place on Friday 4th October, 2013 to discuss the proposals further.

A discussion ensued and the following queries were raised and clarified:

- Reference was made to the interview process for new posts, and it was queried whether it would be possible for a previous mayor to form part of the interview panel when interviewing the Mayoral and Civic post. It was confirmed that Members were only involved in the appointment to Senior Management posts and therefore would not take part in any of the interviews for posts in Governance.
- A query was raised about the shift in duties to other services, and whether consultation had taken place with these services to ensure that there was continuity of support for members. It was explained that discussions had taken place at Corporate Management Team and therefore the Head of Business Transformation was well aware of the implications for his service and was in support of the proposals.
- Reference was made to the outsourcing of services by the Council previously, when it had been decided that the legal service should remain with the Council. It was queried whether there had been a change made to this decision. Confirmation was given that the Council would still have its own legal section, with a core of highly qualified staff, but that there may be occasions in the future when specialist staff would need to be brought in to deal with “one off” cases.
- Members queried the financial savings being made and asked how this figure had been arrived at. It was explained that the Chief Executive uses his judgement together with all the service information available to make a decision.

Members thanked Councillor King and Sara Goodwin for their update.

RESOLVED - That the report be noted.

0019 RE-ADMISSION OF THE PUBLIC

RESOLVED - That the public be re-admitted to the meeting.

0020 LEADER AND EXECUTIVE MEMBER FOR REGENERATION REPORT ON BUDGET MONITORING 2013/14

Barry Dawson, Head of Finance, attended the meeting to report on the budget for 2013/14.

He reported that the future deficits were looking serious with a £700k deficit after the 5 month budget review period. The main reasons for this were a £300k estimated shortfall in car parking income and unmet savings targets. In the last financial year, 2012/13, there was an underspend of £250k, but the Council cannot rely on the end of year underspends to cover the level of deficits currently being forecast.

On the positive side, the vacancy target, which had been reduced to £100k had already been achieved. There was forecast underspend of £50k due to increased income in respect of summons costs, and a £100k reduction in the interest charges due to the delayed start on the Queen's Park Sports Centre scheme.

With regard to the medium term financial strategy, there had been two major Government announcements. The first related to the Spending Review where the Government were looking for further cuts of 10% for 2015/16, and an extension to the Council Tax freeze which would have an impact of the Council's budget. The Chancellor announced a 1% per annum limit on Public Sector pay awards which, although technically does not cover Local Government, was likely to influence the settlements. If the local government increase was capped at 1% it would generate a saving of £160k per annum for the Council as we had included 2% in our forecasts. The latest forecast deficit for 2014/15 was £1.9 million and £2.8 million for 2015/16. The second announcement was a consultation paper on the Local Government Finance Settlement in future years, which indicated a 16% grant reduction in 2015/16 and a proposal to transfer either 19% or 35% of the Council's New Homes Bonus to the Local Enterprise Partnership from April 2015. A query was raised about where new homes were likely to be built and it was confirmed that the former Newbold School site was to be re-developed.

The Chief Executive confirmed that the Council were having to review the range of services it currently provides and how some of these might, in the future, be provided through joint working arrangements with, for example North East Derbyshire District Council and Bolsover District Council.

RESOLVED - That the update be noted.

0021 EXECUTIVE MEMBER FOR GOVERNANCE AND ORGANISATIONAL DEVELOPMENT PERFORMANCE REPORT ON THE CORPORATE SERVICES PUBLIC PRIVATE PARTNERSHIP (PPP)

Councillor King, Executive Member for Governance and Organisational Development and John Moran, Client Officer, attended the meeting to report on the PPP Arvato partnership contract performance from October 2012 to March 2013.

It was noted that there had been many Service Improvements achieved during this period and major highlights included:

- Successful launch of the new Customer Service Centre
- ICT Strategy signed off at Full Council in December 2012
- Introduction of an i-Pad solution
- Customer Service financial model agreed between Arvato and CBC
- Channel Shift agenda took effect with customers moving to alternative payments (15% on Direct Debits and 50% using Payment Cards)
- Major preparation works preparing the group for the impact of Welfare Reform, etc in conjunction with other CBC resources/members
- Consolidation and co-location of Kier office and Building Control section within the Town Hall
- Town Centre Retail Occupancy levels remained above national average (96.14%), which was among the Top 5 Town Centres in the Country
- Market Hall redevelopment commenced.

The Growth Agenda had resulted in the creation of additional jobs in the Chesterfield area due to Arvato attracting work from elsewhere. During the period they have:

- Obtained agreement with Derby City Council to create an average of 8FTE jobs to deliver benefits processing and quality assurance for at least 12 months.
- 2FTE NNDR jobs have been created by attracting work from Slough Borough Council
- Contract negotiations scheduled with Derbyshire Dales in the first quarter of 2013 would see the potential transfer of around 30 members of staff to Arvato, with approximately 2/3 of those relocating to Chesterfield within the first 12 months of the partnership start date.

Members noted that 86% of the PPP contract measures were on or above target for the period October 2012 and March 2013, 3% were subject to a 10% penalty due to variance from target level, and 1% was subject to a 25% penalty due to variance from target level.

The most significant area of under performance during this period was in relation to the Customer Service measures CS4 and CS8, which were due to a mixture of staffing and weather issues and the increase in call volumes. The Call Centre experienced an increase of 17% in activity in March 2013 compared to the same period the previous year. This was mainly due to the impact of the increased PR regarding welfare reform changes and citizens seeking further information.

Further developments which were expected within the next 6 months were:

- A principle decision to work with the Voluntary Sector and move their working environments into the basement of the Town Hall.
- A principle decision to close Staveley area office, obtain a capital receipt, move the payments to the Healthy Living Centre and the staff back into the Town Hall.
- A decision to rationalise our Depots and to create one 'Super Depot' at Stonegravels, and make a capital receipt at the current SpirePride depot at East Lodge.
- Install the Virtual Infrastructure which was a key foundation cornerstone on which the majority of the ICT strategy was based.
- A better understanding of the impact of welfare reform on the PPP services.
- In order to maintain existing levels of service, given the continued gap in Government funding, detailed discussions would take place with partners to seek further efficiency savings that would contribute positively to the Council's overall budget situation.

RESOLVED - That the partnership Service Improvements and Key Performance Indicators outturn for the period October 2012 to March 2013 be noted.

0022 ADOPTION OF TERMS FOR INFORMAL SCRUTINY AND EXECUTIVE COMMUNICATIONS MEETING

The Forum considered the Terms of Reference for Informal Scrutiny and Executive Communications meetings.

RESOLVED - That the Terms of Reference for Informal Scrutiny and Executive Communications meetings be adopted.

0023 FORWARD PLAN

The Forum considered the Forward Plan for the period 1st October, 2013 to 31st January, 2014.

RESOLVED - That the Forward Plan be noted.

0024 SCRUTINY MONITORING

An update on the implementation of approved Scrutiny recommendations was considered.

A copy of the Minutes from Cabinet on 10th September 2013 were circulated in respect of Cabinet's consideration of the scrutiny report on Anti Social Behaviour. Reference was made to the Minutes of the Overview and Performance Scrutiny Forum meeting held on 17th January, 2013 regarding the scrutiny report on Anti Social Behaviour, and it was noted that these were incorrect as a recommendation had been included which should not have been.

RESOLVED - That Members note the progress on approved Scrutiny recommendations.

0025 SCRUTINY PROJECT GROUP PROGRESS UPDATES

Nothing to report.

0026 WORK PROGRAMME FOR THE OVERVIEW AND PERFORMANCE SCRUTINY FORUM

The Forum considered a list of items raised to date for its Work Programme.

RESOLVED - (1) That the Work Programme be agreed.

(2) That the following items be included on the agenda for the next meeting:

- Tenant Led Self Regulation
- Local Council Tax Support Scheme Annual Review Update
- Refuse Contract/Blue Bins.

0027 JOINT OVERVIEW AND SCRUTINY

Consideration was given to the Minutes of the Joint Overview and Scrutiny Panel held on 24th July, 2013.

RESOLVED - That the Minutes be noted.

0028 OVERVIEW AND SCRUTINY DEVELOPMENTS

The Chair referred to the training on Scrutiny scoping documents which had taken place prior to the meeting, and commented that the attendance had been poor. It was therefore proposed that this be re-run prior to the next meeting of the Forum on 28th November, 2013.

Reference was made to arranging an in-depth training session on the budget, as concerns were raised about the size of the deficit and the possibility of having to cut services in the future. It was agreed that training should be arranged and a timetable requested.

RESOLVED - That the budget setting timetable be requested and training be arranged.

0029 MINUTES OF THE OVERVIEW AND PERFORMANCE SCRUTINY FORUM MEETING HELD ON 25TH JULY, 2013

The Minutes of the meeting of the Overview and Performance Scrutiny Forum held on 25th July, 2013 were presented.

RESOLVED - That the Minutes be approved as a correct record and signed by the Chair.