

CABINET

Minutes of the Meeting held on Tuesday, 11th June 2013 at Worksop Town Hall

Present: Councillor S A Greaves (Chair),
Councillors A Chambers, J Evans, J A Leigh, S May, J White and
G J Wynne.

Assistants: Councillors G Jones and J Potts.

Advisory Members: Councillor D Challinor.

Liaison Members: Councillors B Barker, H Burton, K H Isard and C Wanless.

Officers: D Armiger, P Clark, J Hamilton, M Hill, E Prime (for Agenda Item Nos.
9(a) and 9(b) only) and R Theakstone.

Also present: Councillors J M Sanger, A Simpson and K Sutton.

(The Chairman welcomed all to the meeting and read out the Fire Evacuation Procedure.)

(The meeting opened at 6.35pm.)

1. QUESTION TIME - PUBLIC

Council Procedure Rules were suspended for fifteen minutes to allow questions from the public; three members of the public were present and two asked questions:

“Thanks to the Liberal Democrats’ campaign, Worksop will be getting a new bus station, has the Council any plans for the regeneration of the old one and Hardy Street, especially for the businesses nearby?”

The Leader of the Council replied that the Labour Party had led an excellent campaign for a new bus station, and went on to say that he expected further announcements to be made in the next few weeks. The existing garage site is not part of the proposals, he is aware that the new station does not include garage facilities, and he is also aware that Stagecoach need garage facilities in the District.

“Are there any plans for the redevelopment of the area as the businesses on Hardy Street will struggle without the necessary work to make the area a nicer place?”

The Leader of the Council replied that he is not aware of any plans but that any will be considered along with any opportunities. For example, the old CAB offices, could be redeveloped and the garage site and Hardy Street could also be part of the solution.

“Is the Council satisfied that it is doing everything possible with regard to J G Pears operating in line with its permits, thus ensuring that residents do not have to suffer the foul and noxious smells and sound emissions as they have done for the past five years.”

The Leader of the Council replied that he is aware that problems are being experienced and that he is aware that applications relating to the Pears’ site have been before the Planning Committee in recent times but he is not directly aware of the details of the applications.

He advised that a full response would be sent to the questioner, in relation to permit arrangements, this Authority's role and other agencies' roles. He would personally be interested in the response.

"In relation to the permits, what action is the Council taking to prevent J G Pears from operating outside its permits?"

The Principal Environmental Health Manager advised that the Authority is looking closely at the condition of the permit and is aware of such problems. The site is being monitored in the evenings and weekends, and a meeting has taken place with the solicitor last week regarding enforcement action.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors H M Brand, I J Campbell and M Gregory.

3. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

(a) Members

Councillor S May declared a non-pecuniary interest in Agenda Item No. 11(a) – Retford Food Bank, as she is a member of the steering group; she remained in the meeting.

(b) Officers

There were no declarations of interest by officers.

4. MINUTES OF THE MEETING HELD ON 9TH APRIL 2013

RESOLVED that the minutes of the meeting held on 9th April 2013 be approved.

5. MINUTES FOR ACTION AND IMPLEMENTATION

RESOLVED that the Minutes for Action and Implementation be received.

6. OUTSTANDING MINUTES LIST

RESOLVED that the Outstanding Minutes List be received.

7. FORWARD PLAN

RESOLVED that the Forward Plan be received.

SECTION A – ITEMS FOR DISCUSSION IN PUBLIC

Key Decisions

8. REPORT(S) OF THE CABINET MEMBER – HOUSING – COUNCILLOR A CHAMBERS

(a) Homeless Prevention Grant (Key Decision No. 391)

Members' approval was sought for future expenditure of the Department for Communities and Local Government (DCLG) General Grant Income, including the provision of a post for a Homeless Prevention/Landlord Liaison Officer.

The report outlined: background and discussion; the Council's duty; the Homeless Prevention Grant/General Grant Income; and work to date.

Since 2012, the Council has made significant progress in developing initiatives to prevent Homelessness and has developed a number of effective partnerships to assist in this objective. However, the on-going economic situation in the United Kingdom, reductions in financial resources available to Housing Authorities, the implementation of Welfare Reform and outcomes from the Localism Act have led to further increases in homelessness locally, in parallel with the national picture.

The Cabinet Member gave some statistical information and advised that this would enable the Council to refer people to more appropriate accommodation rather than place them in bed and breakfast accommodation.

Options, Risks and Reasons for Recommendations

In respect of funding which is to be retained by the Council, the option is to fund a temporary Prevention/Landlord Liaison Officer (on a two-year contract) to be solely dedicated to the prevention of Homelessness and also the engagement with the Private Sector including the promotion of the Landlord Accreditation Scheme. The Regional Homelessness Advisor has indicated that the DCLG sees this area of activity as a key element of any local authority's strategy to address Homelessness, and appropriate dedicated resources should be provided.

It is envisaged that the Prevention/Landlord Liaison Officer would be appointed on a full-time basis on Scale 4/5/6 which is the equivalent scale of a Housing Needs Officer. The maximum amount payable at the bottom of Scale 6, including on costs, would be £30,610. This still leaves adequate funds within the Homelessness Prevention Fund for funding rent deposits, bond schemes and other discretionary payments to landlords to prevent Homelessness, together with funds for other external agencies as mentioned in the report.

RESOLVED that:

1. Approval be given for £30,350 from the Corporate Contingency fund, and, if insufficient, funding from the General Reserves, to be utilised during 2013/14 and 2014/15 to recruit a temporary Homeless Prevention/Landlord Liaison Officer, to be employed until 31st March 2015.
2. The job description for the proposed post be circulated to Members.

9. REPORT(S) OF THE CABINET MEMBER – NEIGHBOURHOODS – COUNCILLOR J A LEIGH

(a) Food Safety Service Plan 2013/14 (Key Decision No. 377)

Members' approval was sought for the Food Safety Service Plan for 2013/14, to be adopted by the Council in accordance with Chapter 1, Paragraph 10, and Chapter 2, Paragraph 3.1, of the Food Standard Agency (FSA) 'Framework Agreement on Local Authority Food Law Enforcement'.

The draft Service Plan was appended to the report and ensures that national priorities and standards are addressed and delivered locally. It takes into account local circumstances and reflects the Council's ambitions for the District; it also includes the national Food Hygiene Rating Scheme.

The Cabinet Member gave some statistical information and the Principal Environmental Health Manager advised Members on what action the Authority takes with regard to inspections, offering advice and enforcement action.

Options, Risks and Reasons for Recommendations

Production and approval of a Food Safety Service Plan is a requirement of a central government agency, and therefore there is no other realistic option than to produce a Plan. Failure to produce a Plan could lead to the Food Standards Agency taking formal action to ensure that such a Plan is produced.

RESOLVED that the Food Safety Enforcement Service and Delivery Plan for 2013/14 be endorsed and referred to full Council for approval and implementation.

(b) Health and Safety Service Plan 2013/14 (Key Decision No. 378)

Members' approval was sought for the Health and Safety Service Plan for 2013/14, to be adopted by the Council in accordance with the Health and Safety Commission (HSC) Section 18 Guidance Note to Local Authorities No. 3 – Requirement to Produce a Service Plan Including the Investigation of Complaint Etc.

The draft Service Plan was appended to the report and demonstrates the Council's commitment and approach to the enforcement of Health and Safety legislation within the District. It will help to ensure that policies, procedures and working practices are consistent with national guidance and in line with enforcement activities across the country. It also takes into account local circumstances and reflects the Council's ambitions for the District.

The Cabinet Member reported on activity during the last year and the Principal Environmental Health Manager advised that, although less inspections are taking place, in line with national recommendations, the Authority targets intervention to minimise risk. The Council is still required to ensure that workplaces are safe and to investigate incidents when they occur, but the emphasis is on intervention rather than inspection, and much advice is given to businesses.

Options, Risks and Reasons for Recommendations

Production and approval of a Health and Safety Service Plan is a legal requirement under Section 18 of the Health and Safety at Work etc Act 1974, and therefore there is no other realistic option than to produce a Plan. Failure to produce a Plan could lead to formal action to ensure that such a Plan is produced.

RESOLVED that the Health and Safety Enforcement Service and Delivery Plan for 2013/14 be endorsed and referred to full Council for approval and implementation.

Other Decisions

10. REFERRAL(S)

(a) Overview and Scrutiny Committee – 21st May 2013 - Member Delegated Decision No. 4

Members were asked to consider the alternative action proposed by the Overview and Scrutiny Committee in relation to the grant from the Reg Rabbitt Memorial Fund. The Monitoring Officer advised Members of the discussions which had taken place at the meeting of the Overview and Scrutiny Committee and gave them options to consider, which Members discussed.

RESOLVED that:

1. The Delegated Decision be upheld and the grant be made to the applicant.
2. The Reg Rabbitt Memorial Fund be reviewed during the municipal year by the Cabinet Member for Finance in preparation for the 2014/15 Budget.

11. REPORT(S) OF THE CABINET MEMBER – FINANCE – COUNCILLOR J EVANS

(a) Retford Food Bank

Members were asked to consider a request by a prospective tenant (a charity) to rent Unit 5 (E) Exchange Street, Retford. The applicant is the Bassetlaw Food Bank Project who presently operate under the umbrella of a local registered charity organisation, namely HOPE. The rental value would be £9,500 plus VAT per annum, plus a recharge for premises insurance.

The property is one of five retail units located within the pedestrian zone of Retford town centre. All units are currently shells of units and require substantial works to be carried out prior to being operational. Within the Capital Programme 2013/14 there are funds which have been made available to assist incoming tenants in 'fitting out' to include the provision of utilities, walling, flooring and ceilings (up to the sum of £15,000 per unit) by way of incentive and allowing the Council to collect a rental income earlier in the term than if a prospective tenant was expected to make this initial outlay of costs. The Charity has indicated they do not have the funds available to finance such works and would like to access a proportion of these monies to allow them to 'fit out' the property.

The Cabinet Member for Customer and Support Services, as a member of the charity's steering group, reported on progress of the distribution of food parcels in both Retford and Worksop, how food is obtained and parcels made up, the criteria for receiving food parcels, how other suitable properties had been looked at, and what would be needed to fit out the unit.

A Liaison Member asked about a similar scheme in Tuxford and this was clarified by the Ward Member for Tuxford.

Options, Risks and Reasons for Recommendations

Option One – Allow further time to investigate the potential use of alternative available premises within the ownership of the Council and/or the possibility of working with external third parties/partnership organisation to find more suitable premises prior to agreeing an exclusive use of the Exchange Street premises for a food bank.

Option Two – Continue discussions with the charity for a lease of the Exchange Street property along the same terms as those for 78 Lowtown Street, Worksop, to be subject to confirmation there would be no adverse impact upon the funding received from the Homes and Communities Agency.

Option Three – Not to grant consent to rent to the prospective tenant which will result in the charity having to find alternative premises.

The Monitoring Officer advised, in the interests of transparency, that each option should be recorded as an individual decision. Therefore, if the option of identifying alternative suitable premises (Option One) is successful, then there will be no requirement to move to the second option. If it is unsuccessful, then Option Two is the Cabinet decision to support the outcome.

RESOLVED that:

1. Further time be allowed to investigate the potential use of alternative available premises within the ownership of the Council and/or the possibility of working with external third parties/partnership organisations to find more suitable premises.
2. If unsuccessful in finding alternative suitable premises, discussions be continued with the charity for a lease of the Exchange Street property along the same terms as those for 78 Lowtown Street, Worksop, subject to confirmation that there would be no adverse impact upon the funding received from the Homes and Communities Agency.

3. As a member of the charity's steering group, the Cabinet Member for Customer and Support Services provides regular updates to Members on the food banks.

12. REPORT(S) OF THE CABINET MEMBER – HOUSING – COUNCILLOR A CHAMBERS

(a) Empty Homes Officer

Members' approval was sought to create a temporary post of Empty Homes Officer to tackle empty homes within the District, of which there were 875 in April 2012. The report outlined work to date on bringing empty homes back into use and the New Homes Bonus, which could mean that the post would be self-funding. An outline job description for the proposed post was appended to the report, which graded the post at Scale 6.

Options, Risks and Reasons for Recommendations

The Empty Homes Strategy was adopted without any specific additional resources being allocated to the Housing Team. In order to manage the delivery of the Strategy within existing resources, a number of delivery options have been adopted which have included the use of Environmental Health officers, and advice and support being delivered from the Private Sector Housing Grants Team. However, due to increasing demands placed upon officers, it means they may not have the capacity to deliver the systematic and targeted approach to tackling empty homes as outlined in the Strategy. It has become clear that this semi-informal approach is not appropriate for such a high profile and demanding service development area.

In January 2013, the Council signed an agreement with CapacityGRID Empty Homes Review Service. This service will work mainly with the Council Tax section to assist in the review of the Council Tax list to bring empty homes back into use and increase the income generated by the New Homes Bonus. This however is a short term measure and cannot be considered as a solution to this long term.

The preferred option is a dedicated full-time, fixed term post on pay scale SO1 for 12 months. This equates to £34,013 including on costs, annual pay award pending. This would produce the greater output compared with the other options which can only go part way in delivering the Council's Empty Homes Strategy and increasing the New Homes Bonus.

RESOLVED that a new temporary post of Empty Homes Officer be approved on a pay scale up to SO1 for a 12-month, fixed term contract, to be funded from either Corporate contingency or General Reserves.

13. REPORT(S) OF THE CABINET MEMBER – REGENERATION – COUNCILLOR J WHITE

Members were updated on progress to deliver a new bus station for Worksop, and approval was sought for procedures to finalise land ownership discussions. The report outlined: background, site assembly; public consultation; and land issues.

The proposed bus station would be similar to that already in Retford and would utilise three parcels of land, two of which have already been purchased by the County Council. The third is currently being use for car parking under the ownership of the District Council and would mean the loss of approximately 30 car park spaces. The new bus station will assist to stimulate the economy of Worksop, will improve the quality of bus travel and will make bus travel safer and more appealing.

Options, Risks and Reasons for Recommendations

As the delivery of the bus station is a County matter, it is necessary to work with the County Council to deliver the scheme. Whilst the Council could decide not to provide any land for the scheme, as no suitable alternative site can be found, this is likely to mean that the bus station would not proceed.

RESOLVED that:

1. The progress on the bus station to date be noted and the commitment to work with the County Council to secure early delivery of this project be endorsed.
2. Delegated authority be approved for the Property Manager to
 - (i) Finalise terms for the transfer of the land in consultation with the Cabinet Members for Finance and Regeneration.
 - (ii) Issue instructions to Legal to enable the completion of the land transfer to the County Council.

14. REPORTING MINUTES

It was noted that some of the minutes were "draft" as these were the last meetings to take place and therefore had not been approved by the committee.

(a) Bassetlaw Enterprise Board – 10th December 2012 and 22nd April 2013 (draft)

RESOLVED that the minutes of the meetings of the Bassetlaw Enterprise Board held on 10th December 2012 and 22nd April 2013 (draft) be received.

(b) Council's Health and Safety Committee – 15th January 2013

RESOLVED that the minutes of the meeting of the Council's Health and Safety Committee held on 15th January 2013 be received.

(c) Parish Councils Liaison Group – 30th January and 17th April 2013 (draft)

RESOLVED that the minutes of the meetings of the Parish Councils Liaison Group held on 30th January and 17th April 2013 (draft) be received.

(d) Friends of Kings' Park Sub-Committee – 31st January and 15th March 2013

RESOLVED that the minutes of the meetings of the Friends of Kings' Park Sub-Committee held on 31st January and 15th March 2013 be received.

(e) Information Technology and Access Sub-Committee – 14th March 2013 (draft)

RESOLVED that the minutes of the meeting of the Information Technology and Access Sub-Committee held on 14th March 2013 (draft) be received.

(f) Performance Sub-Committee – 21st February 2013 (draft)

RESOLVED that the minutes of the meeting of the Performance Sub-Committee held on 21st February 2013 (draft) be received.

15. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RESOLVED that, in accordance with Part 1 of Schedule 12A of the Local Government Act 1972, and after considering the public interest test as set out by the officer in the body of the report, Members agreed that the following items of business involved the likely disclosure of

exempt information as defined in Paragraphs 2 and 3, and therefore, in accordance with Section 100A of the Act, the press and public be excluded from the meeting:

Agenda Item No. 15(a) – Proposed Purchase of Mayfair Centre, Worksop (Key Decision No. 384) – Paragraph 3

Agenda Item No. 16(a) – Leisure Management Contract (Key Decision No. 386) – Paragraph 3

Agenda Item No. 17(a) – Review of Car Parking Paragraph 2

(Councillors Sanger and Simpson remained in the meeting with the Chairman's permission.)

SECTION B – ITEMS FOR DISCUSSION IN PRIVATE

Key Decisions

16. REPORT(S) OF THE CABINET MEMBER – FINANCE – COUNCILLOR J EVANS

- (a) Proposed Purchase of the Mayfair Centre, Newgate Street, Worksop (Key Decision No. 384)

This item was withdrawn from the Agenda and not discussed, pending further information.

17. REPORT(S) OF THE CABINET MEMBER – NEIGHBOURHOODS – COUNCILLOR J A LEIGH

- (a) Leisure Management Contract (Key Decision No. 386)

Members were provided with:

- The outcome of formal negotiation with the current provider to identify costs and conditions of a contract extension for a further five years, from April 2015;
- The predicted costs of managing the leisure facilities 'in-house' after March 2015.
- The predicted costs of re-tendering the Leisure Management Contract for March 2015 along with a summary of how other leisure facilities are managed nationally and regionally.
- Information to inform their choice regarding the options for future management of the Council's leisure facilities.

Members' wishes were sought so that officers could pursue the preferred option for the management of the Council's leisure facilities after March 2015 when the current contract reaches its potential break point.

The Leisure and Cultural Services Manager advised Members that the current service provider must provide the Living Wage to employees as sub-contractors of the Authority; and that TUPE regulations do, and will continue, to apply to former employees, and that any new employees are contracted under the same conditions as existing employees.

Options, Risks and Reasons for Recommendations

Option One – To instruct officers to finalise negotiations with the current provider and agree a contract extension until 31st March 2020. The final management fee figures to be included in the Medium Term Budget Strategy.

Option Two – To give notice to the current provider that it is the Council's intention to manage the leisure facilities 'in-house' from April 2015 and to manage the transfer and associated additional costs over a period of months prior to that date.

Option Three – To give notice to the current provider that it is the Council's intention to re-tender the Leisure Management Contract prior to March 2015 with a view to a potential transfer of all staff to a possible new provider on 1st April 2015. Provision of resources will be required for the tendering and one-off costs of transfer.

RESOLVED that:

1. Officers be instructed to complete formal negotiations with the current provider regarding the extension of the Leisure Management Contract until the end of March 2020.
2. Delegated authority be given to the Cabinet Member for Neighbourhoods and the Director of Community Services to complete this process.
3. The revised management fee be reported back to Cabinet via the Medium Term Budget Strategy.

Other Decisions

18. REPORT(S) OF THE CABINET MEMBER – REGENERATION – COUNCILLOR J WHITE

(a) Review of Car Parking

Members' approval was sought for the Council to enter into discussions with the County Council and other Districts about a shared working arrangement in relation to Car Park Management.

Options, Risks and Reasons for Recommendations

Members may decide not to agree with the proposals set out in the report and continue with the current arrangements. However, given the nature of the 'demand led' income, particularly within the car park area, this will not address the on-going shortfall in income figures or a more co-ordinated approach to the management of parking across the County.

RESOLVED that:

1. The Council indicates its willingness to participate in a shared Parking Service arrangement with other Councils involved in the Parking Partnership.
2. Consultation be commenced with staff and trade unions with regard to the potential impact of any agreed changes in accordance with the Council's Job and Structure Redesign Policy and Procedure.
3. A further report be submitted to Cabinet in due course to report back on the outcome of the discussions with the County Council as well as the staff and trade union consultation process.

19. ANY OTHER BUSINESS WHICH THE CHAIRMAN CONSIDERS TO BE URGENT

As there was no other urgent business to be considered, the Chairman closed the meeting, after thanking everyone for their attendance.

(Meeting closed at 8.20pm.)