

Time began: 6.00pm  
Time ended: 6.45pm

## **COUNCIL CABINET** **1 October 2014**

Present                      Councillor Banwait (Chair)  
                                    Councillors Afzal, Hussain, Rawson, Repton, Russell and  
                                    Shanker

In attendance              Councillors Graves, Holmes and Jones

This record of decisions was published on 3 October 2014. The key decisions set out in this record will come into force and may be implemented on the expiry of five clear days unless a key decision is called in.

### **50/14      Apologies**

An apology for absence was received from Councillor Martin.

### **51/14      Late Items Introduced by the Chair**

There were no late items

### **52/14      Receipt of Petitions**

There were no petitions received.

### **53/14      Identification of Urgent Items to which Call In will not                  apply**

The following item had to be implemented with immediate effect and had therefore been exempted from call-in on the grounds of urgency.

#### **Items 8 and 13 – Duckworth Square – Possible Site Acquisition (Minutes nod 57/14 and 62/14).**

The reason it was necessary to suspend call-in was that a decision was required by 2 October 2014.

The Chair of the Regeneration and Culture Overview and Scrutiny Board had agreed the matter could be treated as an urgent item and therefore not subject to call-in.

### **54/14      Declarations of Interest**

There were no declarations of interest.

## 55/14 Minutes of the meeting held on 3 September 2014

The minutes of the meeting held on 3 September 2014 were agreed as a correct record and signed by the Chair.

### Key Decisions

#### 56/14 Derby Core Strategy – Publication and Submission for Examination

The Council Cabinet considered a report on Derby Core Strategy – Publication and Submission for Examination. Consultation took place on the draft Local Plan Part 1 (Core Strategy) between October and December last year. This established a housing provision figure of 12,500 homes for Derby over a plan period of 2008 to 2028 and identified sites for development to meet this. It also included detailed policy wording on a wide range of topic policies covering regeneration, the economy, affordable housing, the city centre, shopping, transport, the environment and the River Derwent, including the 'Our City Our River' flood defence project. A summary of comments made and officer responses to these was attached as Appendix 2 to the report and Members were asked to approve the responses to them. This document would be made available as part of the consultation on the Publication Plan and submitted to the Examination.

The report set out the key issues facing the plan, including those raised through the consultation and sought approval for a number of relatively minor changes that were being proposed for the next stage of the process which was formal Publication of the Plan followed by Submission and Examination. The majority of amendments made had been to make the policies clearer or rectify minor errors such as spelling mistakes. The main substantive changes to policy were set out in the report. Many of the issues raised had been considered before, particularly those relating to housing need, scale of provision and the location of development sites proposed. Whilst many housing allocations, particularly those on greenfield sites, remained unpopular with local residents, the lack of alternatives means there was little flexibility in the plan. No significant changes were proposed. Those that were, dealt mainly with the detail of policy wording. The main changes were highlighted in the report and a more detailed schedule of issues and proposed changes was set out in Appendix 3 of the report. Members were being asked to approve these for inclusion in the Publication Plan. They were also being asked to authorise the Cabinet Member for Planning, Environment and Regeneration, together with the Strategic Director for Neighbourhoods, to finalise the text for the Publication Plan and to make the necessary arrangements to Submit the Plan provided no significant new issues were raised. A 'track changed' version of the text was attached as Appendix 4 to the report. This illustrated the proposed changes in context.

One of the key tasks Local Authorities were required to undertake in drawing up their local plans was to assess their housing needs and to prepare a strategy for meeting these. Housing need was assessed across the three Housing Market Area (HMA)

authorities through a Housing Requirements Study and refined through the Strategic Housing Market Area study. Housing need for the City from 2008 to 2028 was assessed at 16,125 new homes.

In recognition that Derby could not meet its housing needs in full, last year's draft plan set a housing provision figure, or target, of 12,500 new homes. The remaining 3,625 homes were to be met in South Derbyshire and Amber Valley, mainly as urban extensions to the City. At the same time, a further 3,000 homes were proposed in South Derbyshire as urban extensions to the City to meet their own needs. This was justified on the basis of the sustainability advantages a city offered and because of Derby's economic growth ambitions. However, Members would recall that Derby City Council informed South Derbyshire that it did not support the two additional reserve sites identified on the edge of the City in their draft plan, partly because it was considered that enough extensions to the city were now proposed. South Derbyshire had taken these comments on board and were no longer proposing these reserve sites. However, they were currently considering a planning application for a smaller scheme of about 300 homes on one of these sites to the west of Mickleover.

Amber Valley submitted their plan for Examination earlier this year and formal Hearings began in March 2014. Early on in this process, the Inspector asked for some further work to be undertaken on the HMA housing need figure to take account of the latest thinking on how to assess need. As a result, he had advised that in order to have 'Sound' Plans, the HMA housing need figure should be increased by just under 1,500 homes and that the three authorities should decide between themselves how to distribute these. Derby remained unable to increase its housing target due to a lack of suitable land and South Derbyshire had also indicated they were unable to take more. Amber Valley was currently consulting on additional sites that would meet this additional need in full. This process had resulted in some delay to all three Authorities timetables, but had been necessary to ensure Sound Plans. The Amber Valley Inspector had also advised that the start of the plan period should be amended to 2011 rather than 2008. This was mainly to align the basis of the figures with the 2011 census. Members were being recommended to accept this technical adjustment which would not affect the amount of land that had to be identified.

Prior to 'submitting' the Plan to the Secretary of State for Examination, the Council must formally consult on it to give people an opportunity to comment on a number of 'Tests of Soundness'. This was different to previous consultations which were more informal and allowed people to make comments as they wished. The Examination was not intended primarily to consider people's objections to the plan, but rather to use comments to test whether it was Sound or not. Respondents would therefore be asked to relate their responses to these tests and to specify why they believe a Test of Soundness was not being met. Given their importance to the Examination, the report included a short explanation of the tests. The Examination would also test whether the plan was compliant with a number of legal tests, such as the 'Duty to Cooperate' and had been subject to an appropriate 'Sustainability Appraisal'. These were also briefly explained in the report.

The Publication Plan was not a draft. It was what the Council considered to be finalised and 'Sound'. In accordance with the constitution it therefore needed to be approved by Council at this stage. It was intended that Council would consider the Plan at its 26th November 2014 meeting and that if approved, it would be Published for consultation as soon as practicable following that meeting and then Submitted to the Secretary of State in early 2015. Examination hearings were then likely to begin in the spring/summer of 2015.

Submission for Examination usually followed immediately after Publication, unless issues were raised which suggested otherwise. In addition to approving the plan for formal publication, Members were therefore also being asked to authorise the Cabinet Member for Planning, Environment and Regeneration and the Strategic Director for Neighbourhoods to make the necessary arrangements to Submit the Plan provided no significant new issues are raised. Representations made on the Publication Plan were forwarded to the Inspector.

Examinations were rigorous processes, requiring quick responses to the Inspector, and inevitably identify issues requiring a degree of clarification and modification. Members were therefore also being asked to authorise officers to offer minor changes to the plan for the consideration of the Inspector. If the Inspector agreed with these, they would need to be consulted on after the Examination. More significant issues would be referred back to Council Cabinet.

### **Options Considered**

Government now advised Local Authorities to prepare a single Local Plan rather than the suite of different documents of the Local Development Framework. Delaying Publication to produce a single Local Plan was considered but would result in too much delay and uncertainty on key planning issues. Instead, a Part 2 Local Plan would be progressed and, once both are adopted, would be combined with the Part 1 Plan (Core Strategy) to form a single Local Plan.

### **Decision**

To recommend Council

1. To agree the responses to comments made on last year's Draft Plan as set out in Appendix 2 of the report.
2. To agree the changes to the draft plan as set out in Appendix 3 of the report and the adjusted housing figures in Paragraphs 4.20 – 4.26 of the report to rebase the start of the plan period from 2008 to 2011.
3. To authorise the Strategic Director for Neighbourhoods, following consultation with the Cabinet Member for Planning, the Environment and Regeneration, to finalise the plan for Publication and to undertake consultation on this from October onwards.
4. To authorise the Strategic Director for Neighbourhoods, following consultation

with the Cabinet Member for Planning, the Environment and Regeneration, following consultation to submit the Plan for Examination, including making minor amendments to it.

5. To authorise officers to offer minor modifications to the Examining Inspector for his or her consideration.

## **Reasons**

1. To consider comments made on the draft plan and to bring forward the start of the plan period to 2011.
2. To take on board comments made on the draft plan and to bring forward the start of the plan period to 2011 as advised by the Inspector Examining Amber Valley's Core Strategy.
3. To enable the text for the Publication Plan to be finalised.
4. To enable the plan to be submitted for formal Examination provided no new significant issues are identified through consultation on the Publication Plan.
5. To enable officers to quickly address issues of concern raised by the Inspector and allow for an efficient Examination process.
6. To authorise the Publication Plan.

## **57/14 Duckworth Square – Possible Site Acquisition**

The Council Cabinet considered a report on Duckworth Square – Possible Site Acquisition. The Duckworth Square site, a former shopping area, cleared of buildings and now vacant, totalling approximately 0.52 Ha (circa 1.3 acres) was owned by Assura Plc.

In September 2013, in a facilitation role, the Council entered a pre-emption agreement and a 'put option' agreement with Assura Properties Plc in support of their purchase of the Duckworth Square element of Becket Well site, to enable the development of new primary health care facilities in Derby. This required the Council to purchase the site if a purchaser had not been found by 23rd December 2016.

The site formed part of the wider Becket Well area and was of potential importance to the development of this part of the City Centre.

Assura had been unable to bring forward a viable development on the site and had decided to sell their freehold interest. They had instructed a local commercial agent to market the property on their behalf but prior to the official commencement of the marketing campaign they received an offer from a third party which they were minded to accept, and had now served a required pre-emption offer notice on the Council, and which formed the basis for the report.

The report asked Council Cabinet to consider the purchase of the site on the terms and conditions as detailed in the Confidential Report which appeared later in the agenda.

## **Options Considered**

1. Do nothing:

The property would potentially be acquired by a third party. The third party intention for the site was unclear at this time. The location of this site ensured it would be an intrinsic part to any redevelopment solution for the Becket Well area. Any future site assembly by the Council, involving this site, would add (significant) time, risk and cost to any future solution for the Becket Well area.

2. Purchase in accordance with the terms of the 'agreement':

The location in the centre of Derby City was of strategic importance to the future of the City Centre's economy, with its regeneration identified as a key catalyst to further investment in the area. Its purchase would allow early consideration of redevelopment solutions for the site.

3. Seek dialogue with the prospective purchaser to explore the scope for co-operation to achieve the Council's objectives in this area.

A preliminary meeting with the prospective purchaser had been arranged and a verbal update on the purchaser's intentions was provided at the meeting.

## **Decision**

1. To note the report.
2. To approve the purchase of the freehold of the site on the terms detailed in the confidential report later on the agenda.
3. To approve the re-profiling of the existing financial provision for Becket Well from 2015/ 16 to 2014/15, and allocate additional resources from the Regeneration Capital Programme as detailed in the confidential report.
4. To authorise the Chief Executive in conjunction with the Director of Finance and Procurement and the Director of Legal and Democratic Services to approve funds and negotiate the detailed terms and conditions of the purchase.

## **Reasons**

1. The site formed part of the Becket Well area and was of importance to the Council's efforts to deliver a vision and masterplan for the area. The redevelopment of the site and the wider Becket Well area had been identified

as a priority by the Vibrant City Partnership (a partnership between the Council and private sector organisations active in the City Centre).

2. The site had been derelict and empty for 10 years. Bringing the site into public ownership provides a greater potential to bring about the redevelopment of the site.

## Contract and Financial Procedure Matters

### 58/14 Contract and Financial Procedure Matters Report

The Council Cabinet considered a report on Contract and Financial Procedure Matters. The report dealt with the following items that required reporting to and approval by Council Cabinet under Contract and Financial Procedure rules:

- Changes to the current 2014/15-2016/17 capital programme
- English Heritage Funding
- Invitation to tender for Innovation Centre Facilities Management
- Section 106 in year allocations
- Use of the corporate contingency for Public Health.

#### Decision

1. To approve changes, additions and progression of these on the capital programme as set out in Appendix 2 and highlighted in section 4 of the report.
2. To note the revised programme for 2014/15 in table 1 (paragraph 4.1) and the revised indicative programme for 2014/15-2016/17 as shown in table 2 (paragraph 4.7) of the report.
3. To approve additional funding awarded by English Heritage for the Building Frontage Scheme (paragraph 4.4) of the report.
4. To approve the release of an invitation to tender and of the contract conditions. To delegate authority to the Chief Executive following consultation with the Cabinet Member for Planning, Environment and Regeneration to approve appointment of the preferred operator (Paragraph 4.5) of the report.
5. To approve allocation of Section 106 monies shown in Table 3 (paragraph 5.1) of the report.
6. To approve the use of £332,129 from the corporate contingency for Public Health controllable base budget for 2015/2016.

## Performance

### 59/14 Annual Report

The Council Cabinet considered the Annual Report. The Council produces an Annual Report each year to publicise its achievements and progress made in delivering its Council Plan priorities.

The Annual Report had been produced in two parts. Firstly, a summary document which contained highlights and case studies for each Council Plan 2011-14 priority as shown in Appendix 2 of the report. Secondly, a consolidated version of the Annual Report which included the Statement of Accounts, Annual Governance Statement and Annual Performance Results (shown in Appendix 3) of the report.

Subject to Council Cabinet approval, the Annual Report would be published on the Council's website.

#### **Decision**

To approve the Annual Report 2013/14 for publication.

### 60/14 Your Life Your Choice Annual Report for Adult Social Care 2013/14

The Council Cabinet considered a report on Your Life Your Choice Annual Report for Adult Social Care 2013/14.

#### **Decision**

To approve the Annual Report for Adult Social Care 2013/14 for publication.

### 61/14 Exclusion of Press and Public

To consider a resolution to exclude the press and public during consideration of the following items

“that under Section 100(A) of the Local Government Act 1972, the press and public be excluded from the meeting during discussion of the following item on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information”

## Key Decision

### 62/14 Duckworth Square – Possible Site Acquisition

The Council Cabinet considered confidential information in relation to Duckworth Square – Possible Site Acquisition.

#### **Decision**

1. To note the report.
2. To approve the purchase of the freehold of the site on the terms identified in paragraph 4.6 of the report.
3. To approve the re-profiling of the existing financial provision for Becket Well from 2015/16 to 2014/15, and allocate additional resources from the Regeneration Capital Programme as set out in paragraph 4.7 of the report.
4. To authorise the Chief Executive in conjunction with the Director of Finance and Procurement and the Director of Legal and Democratic Services to approve funds and negotiate the detailed terms and conditions of the purchase.

MINUTES END