

Council Cabinet Decisions made on 14 August 2013 relating to the Planning, Housing and Leisure Board Remit

SUMMARY

- 1.1 This report outlines the decisions made by Council Cabinet on items relating to the Planning, Housing and Leisure Board. Its aim is to keep members informed on decisions made on items relevant to the Board and to highlight the development of items that are on-going and that members may wish to include in the work programme for future scrutiny.

RECOMMENDATION

- 2.1 To note decisions made by Council Cabinet.
- 2.2 To identify any future areas for scrutiny informed by decisions made by Council Cabinet.

REASON FOR RECOMMENDATION

- 3.1 To ensure that the Board is aware of decisions made by Council Cabinet that are relevant to the portfolio of Planning, Housing and Leisure (PHL).
- 3.2 To ensure that the Board is kept up to date with developments made in relevant On-going work areas that may merit future scrutiny.

SUPPORTING INFORMATION

- 4.1 The following decisions relevant to the PHL Board portfolio have been made by the Council Cabinet in August 2013:

48/13 The PM10 Air Quality Consultation

- 4.2 The Council Cabinet considered a minute extract from the Planning, Housing and Leisure Overview and Scrutiny Board's meeting of 24 July 2012 in relation to the PM₁₀ Air Quality Consultation.

The minute extract detailed that the board had recommended that Council Cabinet support the revocation of the PM₁₀ Air Quality Management Area on the basis that any future operations on the site would be subject to self-monitoring and regular

reporting to the Environment Agency.

4.3 Decision

To note minute 16/12 of the Planning, Housing and Leisure Overview and Scrutiny Board, including its recommendation to Council Cabinet, and to take the board's views fully into account in consideration of the reports of the Cabinet Member for Planning, Environment and Public Protection and the Strategic Director for Neighbourhoods relating to the proposed revocation of the Victory Road PM₁₀ Air Quality Management Area.

52/13 Revocation of the Victory Road PM₁₀ Air Quality Management Area

4.4 The Council Cabinet considered a report on the Revocation of the Victory Road PM₁₀ Air Quality Management Area alongside the recommendations of the Planning Housing and Leisure Overview and Scrutiny Board detailed at minute 48/13.

4.5 Decision

To revoke the Victory Road Air Quality Management Area for PM₁₀.

4.6 Reasons

The case for revocation of the Victory Road AQMA was based upon scientific evidence which demonstrated that levels of PM₁₀ around Victory Road no longer exceeded the national air quality objectives and were unlikely to in the future.

53/13 Management and Operation of the Council Golf Courses

4.7 The Council Cabinet considered a report on the Management and Operation of the Council Golf Courses.

4.8 Decision

1. To further explore the option of externalising the management and operation of the Allestree and Sinfyn golf courses, and the Markeaton pitch and putt course.
2. That prior to making any final decision on the management and operation of the three council courses a further report be brought to Council Cabinet taking into account the outcomes of the council's Outdoor Sports Strategy. Should this report be recommending the appointment of a preferred organisation to operate and manage the golf courses it should also include the main terms and conditions of the proposed lease and contract with the council.
3. To approve the following Head of Terms which will form the basis of the assessment that will inform the procurement of an external operator to manage and operate the Council's golf courses;
 - To operate the courses at no cost to the council and make an annual payment to the council which is RPI linked.
 - To increase the number of people playing municipal golf.
 - To increase investment and improve infrastructure of the courses.
 - To transfer the repair and maintenance liability of the golf buildings.
 - To offer affordable pricing to the customer.
 - To increase participation and develop the game of golf.
 - To note that the in-house interim management arrangements for the golf

courses will be maintained while further options are explored.

4.9 Reasons

1. The soft market tendering exercise identified there was sufficient external interest from the market to progress and undertake a full procurement exercise to explore further the appointment of a preferred partner organisation to manage and operate the council's golf courses.
2. The assessment of the in-house operating model required significant levels of capital investment and this made the in-house options a less viable option going forward for the council.
3. The external management and operation of the council's golf courses had the potential to provide a long term solution that could transfer and reduce the risk to the council with the potential to attract investment to ensure the longer term viability of the courses.
4. This approach ensured that the council demonstrated best value for money and also secured a long term operating agreement that will be sustainable and improves access to the golf courses and the pitch and putt facilities in the city.
5. Limited leisure development interest was received for Allestree Hall and those that expressed an interest were keen to limit their on-going liabilities and therefore this was not considered a viable option going forward for the council.
6. This approach enabled external consultants who had been employed to update the city's Outdoor Sports Strategy to make recommendations, which could be considered before any final decision on the management and operation of the two golf courses was made.

58/13 Food Law Enforcement Plan

- 4.10 The Council Cabinet considered a report on Food Law Enforcement Plan. To satisfy its statutory obligations under the Food Safety Act 1990, the Food Hygiene (England) Regulations 2006, the Official Feed and Food Controls (England) Regulations 2006, the Food Labelling Regulations 1996, the Agriculture Act 1970 and the Animal Health Act 2006, the council was required to produce a Food Law Enforcement Plan, including a description of the resources made available to discharge those obligations.

4.11 Decision

To approve the Food Law Enforcement Plan 2013/2014.

59/13 Health and Safety Enforcement Plan

- 4.12 The Council Cabinet considered a report on Health and Safety Enforcement Plan. Section 18 (4) of the Health and Safety at Work Act 1974 required Local Authorities to make adequate arrangements for enforcement within their areas of jurisdiction. In complying with Section 18, Enforcing Authorities (EAs) were required to follow the Health and Safety Commission's Enforcement Policy Statement (EPS) on the purpose, method and principles of enforcement. A Section 18 'Standard' had been introduced, which added to the EPS, setting out the broader requirements for EAs

when complying with their duty to make ‘adequate arrangements for enforcement’. Since April 2008, EAs had been required to work towards compliance with the principles set out in the Standard. From 31 March 2011, compliance had been mandatory and the arrangements must be set out in a formal plan.

4.13 **Decision**

To approve the Health and Safety Enforcement Plan 2013/14.

OTHER OPTIONS CONSIDERED

5.1 None.

This report has been approved by the following officers:

Legal officer	N/A
Financial officer	N/A
Human Resources officer	N/A
Service Director(s)	N/A
Other(s)	Mahroof Hussain - Scrutiny Officer

For more information contact: Clare Harrison 01332 643648 clare.harrison@derby.gov.uk

Background papers: Council Cabinet – Minutes and Reports 14 August 2013

List of appendices: Appendix 1 – Implications

IMPLICATIONS

Financial and Value for Money

- 1.1 None arising directly from this report.

Legal

- 2.1 Section 21 (3) of the Local Government Act 2000 requires that the power of an overview and scrutiny committee to review or scrutinise a decision made but not implemented includes power to recommend that the decision be reconsidered by the person who made it.

Personnel

- 3.1 None arising directly from this report.

Equalities Impact

- 4.1 Effective scrutiny benefits all Derby people.

Health and Safety

- 5.1 None arising directly from this report.

Environmental Sustainability

- 6.1 None arising directly from this report.

Property and Asset Management

- 7.1 None arising directly from this report.

Risk Management

8.1 None arising directly from this report.

Corporate objectives and priorities for change

9.1 Our aim is to work together so that Derby and its people will enjoy a thriving sustainable economy, good health and well-being and an active cultural life.