

EXECUTIVE FUNCTIONS DECISION RECORD

The following decisions were taken on Tuesday, 14th March, 2017 by Cabinet.

Date notified to all Members: Monday, 20th March, 2017

The end of the call in period is 5.00 p.m. on Wednesday 29th March, 2017 and therefore, the decisions can be implemented on Thursday 30th March, 2017

Present:

Chair - Mayor Ros Jones (Mayor of Doncaster with responsibility for Budget and Policy Framework)

Vice-Chair - Councillor Glyn Jones (Deputy Mayor and Portfolio holder for Adult Social Care and Equalities)

Cabinet Member for:

Councillor Tony Corden	Portfolio holder for Customer, Corporate and Trading Services
Councillor Pat Knight	Portfolio holder for Public Health and Wellbeing
Councillor Chris McGuinness	Portfolio holder for Communities, the Voluntary Sector and Environment
Councillor Bill Mordue	Portfolio holder for Business, Skills, Tourism and Culture
Councillor Jane Nightingale	Portfolio holder for Housing

Apologies:-

Apologies were received from Councillor Joe Blackham and Councillor Nuala Fennelly

PUBLIC MEETING – SCHEDULE OF DECISIONS

Public Questions and Statements.

Mr Tim Brown asked Mayor Ros Jones, the following question:-

Mayor,

“You have on more than one occasion stated that you will not tolerate dishonesty, unlawful discrimination, corrupt practices and cover up. Given that you are seeking to access SCRIF money can you in all sincerity confirm that this time black and minority ethnic citizens will proportionately benefit from this programme, especially as in the recent DMBC Finance and Performance report it is still the case that there is still no Community Engagement Plan; No BME Needs Assessment and no BME voice throughout your term of office?”

The Mayor provided the following response:-

“Thank you for your question Tim.

As with all of our current major infrastructure scheme, I am clear that our plans to deliver regeneration across the borough must deliver benefits for everyone in Doncaster. We want to deliver 'good economic growth' where local residents are able to access the opportunities that are being created, irrespective of their background. That is what schemes such as Great Yorkshire Way are helping to deliver and it will be achieved in conjunction with our work to improve education and skills provision in the borough as well as a range of other programmes.

Equalities implications are considered as part of our major regeneration schemes. I would now like to hand over to the Deputy Mayor, who is also my Portfolio Holder for Equalities, to deal with some of the other issues you have raised.

The Deputy Mayor gave the following response:-

"In addition to your comments, Mayor, we have completed a BME Health Needs Assessment this year and the findings are being presented to the Health and Well-being Board this Thursday. As well as presenting findings specific to health needs, it also contains a recommendation on how we can strengthen engagement with BME communities in the future. Without pre-empting the response from the Health and Well-being Board, I am sure this will be something as a partnership we will be keen to progress.

We have re-launched the Inclusion and Fairness Forum which allows the Council and partners to engage meaningfully with over 200 groups from all parts of the borough, representing a broad spectrum of people from different backgrounds. The forum is open to the public and will actively encourage individuals who are interested to be part of the meetings. The results from the BME Health Needs Assessment will also be discussed at the next meeting on April 26th.

We are planning to consider a Community Engagement Strategy at this meeting in July. The Strategy will formalise our approach to engagement as a Council but engagement with our diverse communities already features across a wide range of areas.

- We have established a virtual school for Gypsy and Roma Traveller children improving engagement and access to education.
- The Healthy Living for BME Women in Doncaster service have engaged with 529 BME women from over 40 different ethnicities. Of these 21 women successfully completed an ESOL (English Speaker of Other Languages) qualification, 4 community champions were supported and 10 moved on into Education, Training or Employment.
- Our Well North Programme has effectively engaged with residents in Denaby Main and resulted in co-produced action plans for their area.
- Our Ethnic Minority Traveller Achievement Service (EMTAS) continues to support school based events for example Diversity Day, Eid, Diwali and Black History Month.
- Team Doncaster commissioned an independent commission to look at education and skills in the borough that engaged with wide range of residents, groups and businesses including the Doncaster Ethnic Minority Regeneration Partnership and the Faith and Culture Safeguarding Group.

- We are ranked as 13th out of 49 local authorities on the Stonewall Index which promotes best practice in tackling homophobic, biphobic and transphobic bullying in schools.
- We have a long standing commitment to support the community in Doncaster particularly in Hexthorpe to encourage community cohesion and better engagement with the Council and other services

There are always ways in which we can improve and we will seek to challenge ourselves to be the best we can be, but I believe the examples of our engagement shows an inclusive approach to our work. Together with our partners we will continue to work with our communities to ensure all people in Doncaster have the opportunity to thrive”.

Mr Brown asked the following supplementary question:-

“Mayor, you state that you will ensure that all people will benefit from the regeneration programme, can you tell me how this will be done as the Council were currently failing to monitor BME outcomes and lack of access to services? It is also my understanding that the Chief Executive, Jo Miller has commissioned a LGA Peer Review on Equalities”.

The Mayor provided the following response:-

“The Council have regular monitoring through Overview and Scrutiny and Cabinet meetings. The Council will continue to drive regeneration of the borough for all our residents.

Thank you for your questions and your attendance at the meeting”.

Decision Records dated 28th February, 2017, be noted.

DECISION 1.

1. AGENDA ITEM NUMBER AND TITLE

6. Disposal of land at Edwin Road, Woodlands (former Woodlands View sheltered housing scheme) for the development of new affordable housing.

2. DECISION TAKEN

Cabinet:-

- (1) approved the disposal of Edwin Road, Woodlands to JJHT for the delivery of new older people’s affordable housing;
- (2) approved the disposal of the land on a 125year lease at a peppercorn rent; and
- (3) approved the drawdown of £115,000 s106 from the £1.9m commuted sum contributions for Affordable Housing to our Housing Association partner

JJHT to support the delivery of the scheme and include in the Council's Capital Programme as a grant to a third party.

3. REASON FOR DECISION

Councillor Jane Nightingale, Cabinet Member for Housing introduced the report to Cabinet stating that good quality, affordable housing in Doncaster was greatly needed. The proposal set out within the report will not only deliver 11 new affordable homes for rent, it will offer increased housing choice, and enable older people to maintain their independence for longer, along with the health and wellbeing benefits new purpose build accommodation can offer.

She reported that disposing of the land as set out in the proposal would facilitate the provision of much needed purpose built older peoples accommodation, along with the additional benefits to the borough, such as construction job opportunities and apprenticeships.

In addition, the proposal would also inject £1.24m investment into the locality of Woodlands.

The Mayor and Cabinet welcomed the report and were delighted to see the proposals as this was an area of the borough which required additional housing that was fit for purpose and was at an affordable rent level.

4. ALTERNATIVES CONSIDERED AND REJECTED

Option 2 – Sell the site for receipt

If the Council were to sell the site with a view of using the capital receipt to fund additional new homes, the value would only facilitate approx. 2-3 units (typically c.£100k per unit).

Option 3 – Do nothing

If it is decided not to transfer the site to JJHT, then it would remain within the HRA and options for its future use/or alternative disposal routes will be determined via the Assets Board.

5. DECLARATIONS OF INTEREST AND DISPENSATIONS

There were no declarations.

6. IF EXEMPT, REASON FOR EXEMPTION

Not Exempt

7. DIRECTOR RESPONSIBLE FOR IMPLEMENTATION

Peter Dale, Director of Regeneration and Environment.

DECISION 2.

1. AGENDA ITEM NUMBER AND TITLE

7. Approval to enter into a Funding Agreement with Sheffield City Region to be able to draw down SCRIF approved funding for the delivery of the Finningley and Rossington Regeneration Route Scheme Phase 2 Preferred Route.

2. DECISION TAKEN

Cabinet:-

- (1) approved the delegation of negotiation and completion of the terms of the funding agreement with SCRIF to the Director of Regeneration and Environment, in consultation with the Mayor and Chief Financial Officer and Assistant Director of Finance;
- (2) authorised the drawdown of £9.1m SCRIF funding subject to:
 - i) securing title and rights to all of the land required to construct the scheme (by agreement and by compulsory powers); and
 - ii) the estimate of expenditure remaining with the budget set out below; and
- (3) authorised the making of a second compulsory purchase order to address the discrepancy in the Orders, if agreement can't be reached with the relevant landowner.

3. REASON FOR DECISION

Cabinet received an update report on the progress to date of the FARRRS Phase 2 project. It was reported that the scheme is a high priority within the Sheffield City Region Investment Fund (SCRIF) with £9.1m of SCRIF funding available to be drawn down. It was noted that SCRIF Funding was conditional on gaining planning consent securing land and final business case approval.

Whilst planning consent had been delayed by an objection from the Woodland Trust, it was noted that this had now been resolved. Land was currently being secured by agreement with landowners where possible and using compulsory purchase power as a last resort. Final business case approval was being sought from SCRIF.

Members were advised that a compulsory purchase order and accompanying side roads order had been made and objections had subsequently been received. This meant that not all of the land needed for construction could be secured potentially without a public inquiry. However, the objection were now substantially dealt with so a firm date for a start on site could now be planned.

It was reported that a full start cannot be made until DMBC has the right to enter either by agreement or by using compulsory purchase power. The main scheme start date is likely to be late April 2017 with a construction duration of 10 months, but early hedge and tree clearance will be carried out to avoid a potential impact on

nesting birds.

A small discrepancy in the orders was highlighted, so there may be a need to make a minor second compulsory purchase order. However, it was noted that this should not delay the scheme.

The Mayor and Cabinet welcomed the report. Councillor Pat Knight stated that phase 2 would follow on from the success of phase 1 providing greater access to the airport and ensure businesses continue to thrive within the area and it was a great addition to the Great Yorkshire Way. Councillor Chris McGuinness concurred with the comments made and thanked all officers who had worked on the scheme.

In conclusion, the Mayor agreed that it was pleasing to see the perseverance of officers in relation to the scheme. She stated that the development had shown the stimulation of economic growth within the borough particularly with regard to IPort which had provided training to local people which goes towards the continued growth of the borough.

4. ALTERNATIVES CONSIDERED AND REJECTED

The scheme crosses several hedgerows and a section of Brooks Wood. Nesting activity significantly increases through the spring and summer months. If these areas were not cleared until the main works start, then the opportunity for avoiding a high risk of disruption and additional cost would be missed. Delaying clearance is therefore not recommended.

Negotiating early entry to commence the main works is a priority rather than waiting until entry can be taken using compulsory powers. A later start would have cost and programme implications due to pushing weather susceptible activities in the winter period. Not negotiating early means that the opportunity for carrying out those activities in the more productive summer months would be missed. Delaying the start of the main works is, therefore not recommended.

Works could be delayed until early 2018 to avoid a winter start and before the next nesting season. A delay of 12 months is not considered to be a desirable option especially if there is an opportunity to make an earlier start. This option is therefore not recommended.

5. DECLARATIONS OF INTEREST AND DISPENSATIONS

There were no declarations.

6. IF EXEMPT, REASON FOR EXEMPTION

Not Exempt

7. DIRECTOR RESPONSIBLE FOR IMPLEMENTATION

Peter Dale, Director of Regeneration and Environment.

DECISION 3.

1. AGENDA ITEM NUMBER AND TITLE

8. Approval to enter into Funding Agreement with Sheffield City Region to be able to draw down SCRIF approved funding for the delivery of Hatfield Link Road.

2. DECISION TAKEN

Cabinet:-

- (1) supported the progress of the scheme to delivery stage including agreement to funding profile as outline in revised funding profile table 2 section 5.9, noting the requirement to resolve outstanding issues in the risk register;
- (2) supported the progression to Funding Agreement stage and the subsequent acceptance of 11.1 SCRIF funding (subject to the negotiation of acceptable terms and conditions with the grant sponsor; and
- (3) approved the delegation in respect of negotiating and agreeing the terms and conditions of the SCRIF Funding Agreement and resolving the issues identified in the risk register within existing financial constraints to the Director of Regeneration and Environment, in consultation with the Mayor and Chief Financial Officer and Assistant Director of Finance.

3. REASON FOR DECISION

Cabinet received a report on the DN7 Hatfield Link Road scheme which will link the M18 Junction 5 roundabout with Waggon Way next to Hatfield Colliery. This scheme was also a high priority within the Sheffield City Region Investment Fund (SCRIF) enabling capital funding to be drawn down upon satisfying outstanding business case conditions and statutory processes.

Members were advised that the three remaining conditions related to the granting of planning permission which includes the agreement of the Section 106 contribution, Highways Contribution Agreement and the agreement in principle of the LSIF (Large Site Infrastructure Fund) loan from the HCA (Homes and Communities Agency) subject to 'normal commercial conditions'.

It was reported that the HCA who administer the LSIF loan were seeking assurance from DMBC that they have entered into a formal funding process with the SCR in the form of a signed funding agreement so they can in turn release drawdown of the £8.5m to the developer.

Members noted that the LSIF loan would enable the developer to build the necessary infrastructure into the site, in order to construct early housing units. The conditions associated with the loan means that it is crucial that drawdown of the loan commences prior to the financial year end 2016/17. It was also noted that the LSIF funding relies upon the SCRIF Funding Agreement being in place.

Cabinet welcomed the report. Councillor Pat Knight stated that the link road off the

M18 was great news for the area and provides much need regeneration. She welcomed the decision to drawdown the funding.

Councillor Chris McGuinness agreed with the comments made and added that without the link road the area would not be opened up for regeneration.

The Mayor highlighted that this scheme presented a collaboration of good work which ensures the continuing growth of the borough's economy. The scheme also provides work for local people and whilst the Council were always in the hands of developers she was delighted to see the progress made.

Whilst the report included an appendix containing exempt information associated with financial implications, Cabinet were satisfied, having read the appendix, that there was no need to go into private session in relation to this item.

4. ALTERNATIVES CONSIDERED AND REJECTED

No SCRIF investment

The link road is the only access into the DN7 project area from the strategic highway network. The local road network alone would not be able to cope with the traffic generated by the DN7 development proposals. As SCRIF is deemed to be the last potentially available source of funding, not securing SCRIF would result in non-delivery of the link road and consequentially failure of the wider DN7 project. The private sector have confirmed that having already committed over £8m to the DN7 project they are not in a position to fully fund the link road due to the lack of commercially attractive bank loan opportunities. It would be possible for the DN7 developers to implement a significantly reduced scheme to deliver infill housing at a much reduced scale. This however would not enable any job or economic opportunities, which is the main rationale for SCRIF funding.

Reduced SCRIF investment

A reduced SCRIF offer may enable the link road to be phased by construction from the M18 up to the south side of the railway line. However this would not provide local connectivity into existing employment sites (around the colliery) or into Stainforth. As such this would be seen as a cul-de-sac from the M18 serving only one private sector developer with no connection to the local network which would provide a public benefit. This would raise two fundamental issues which would need consideration. Firstly it is not within the Highways England remit to encourage 'cul-de-sac' developments from the motorway network. Connections to the motorway should only be provided where they connect into the local network. Secondly a cul-de-sac serving one development could be considered as non-compliance with State Aid. A phased delivery would require substantial additional funding and add risk to the project.

5. DECLARATIONS OF INTEREST AND DISPENSATIONS

There were no declarations.

6. IF EXEMPT, REASON FOR EXEMPTION

Appendix 1 to the report is exempt because it contains exempt information under

paragraph 3 (information relating to the financial or business affairs of any particular person, including the authority holding that information) of Schedule 12A of the Local Government Act 1972, as amended.

7. DIRECTOR RESPONSIBLE FOR IMPLEMENTATION

Peter Dale, Director of Regeneration and Environment.

Signed.....Chair/Decision Maker