

## Ashfield District Council – Decisions taken by the Cabinet on Monday, 21 January 2019

Agenda Item No	Topic	Decision
A4	Approval to adopt the Guide for Converting Shops to Residential Supplementary Planning Guidance	<p>a) that the representations made to the draft Supplementary Planning Guidance for converting shops to residential, and the Council’s response in the ‘Consultation Statement’, as required by the Town and Country Planning (Local Planning) (England) Regulations 2012 be noted.</p> <p>b) that the Guide for Converting Shops to Residential; Supplementary Planning Document be adopted.</p> <p><b>REASONS FOR DECISIONS</b></p> <p>To address the issue of long term vacant retail premises in Ashfield and to provides a mechanism for proprietors to apply for change of use to residential of vacant premises and facilitates and their conversion to a more productive use, enabling and supporting vibrant communities in Ashfield.</p> <p>The Supplementary Planning Document also provides additional information to the “saved” policies on design in the Ashfield Local Plan Review 2002, in particular Policy ST1 – Development, which states that development must not adversely affect the character, quality, amenity and safety of the environment.</p> <p>The guidance also supports the Government’s clear direction to ensure that buildings and places are designed to a high quality.</p> <p><b>ALTERNATIVE OPTIONS CONSIDERED AND REASONS FOR REJECTION</b></p> <p>The option not to adopt the Converting Shops to Residential; Supplementary Planning Document was not recommended as this would not address the issue of long term vacant retail premises in Ashfield.</p>

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A5	Corporate Scorecard Performance	<p>that the proposed review of the current Corporate Scorecard, in order to enable alignment with the Council’s future ambitions and corporate priorities, be approved.</p> <p><b>REASON FOR DECISION</b></p> <p>To ensure that the performance management framework is focussed and aligned to the delivery of relevant, current and future ambitions and priorities of the Council.</p> <p><b>ALTERNATIVE OPTIONS CONSIDERED AND REASONS FOR REJECTION</b></p> <p>The option not to review the current Corporate Scorecard was not recommended as this would not enable the Corporate Scorecard to be focussed and aligned to delivery of relevant, current and future ambitions and priorities of the Council.</p>
A6	Hucknall Friendship Resolution	<p>the proposed Friendship Resolution with Wadsworth, Ohio be approved and subsequently signed.</p> <p><b>REASON FOR DECISION</b></p> <p>To formalise the friendship between Hucknall and Wadsworth, Ohio in order a to build a collaborative relationship where both towns can work cooperatively towards mutual future objectives.</p> <p><b>ALTERNATIVE OPTIONS CONSIDERED AND REASONS FOR REJECTION</b></p> <p>The option not to approve and sign the friendship resolution was not recommended as it was not in keeping with the traditions of the Council.</p>

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A7	Regulation of Investigatory Powers Act - Annual Update	<p>a) that the minor updates made to the policy in order to take account of new job titles for Directors and Services Managers, as well as other minor drafting amendments be noted.</p> <p>b) that the amended Ashfield District Council Regulation of Investigatory Powers Act 2000 (RIPA) Policy and guidance, as attached as an appendix to the officer’s report be approved.</p> <p>c) that it be noted that the Council has been authorised to carry out one covert surveillance operation pursuant to the RIPA powers in the past 12 months.</p> <p><b>REASON FOR DECISIONS</b></p> <p>To comply with the current Code of Practice and Council Policy that requires that Members are updated on any RIPA authorisations made on an annual basis.</p> <p>To ensure that the Policy remains up to date and fit for purpose.</p> <p><b>ALTERNATIVE OPTIONS CONSIDERED AND REASONS FOR REJECTION</b></p> <p>The alternative was not to report to Members and not to make the minor policy changes. This alternative course of action was not recommended as it could put the Authority at risk of challenge for breach of Policy and leave the Policy containing out of date information.</p>

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A8	Leisure Transformation	<p>a) that the current Festival Hall site, Kirkby-in-Ashfield be approved as the preferred site for a new flagship leisure destination.</p> <p>b) that the indicative financial business model for the design and construction of the new leisure centre at the existing Festival Hall site, as attached to the officer’s report, be approved.</p> <p>c) that a further report be brought back to Cabinet, and subsequently to Council for funding approval after the completion of the tendering process.</p> <p>d) that authority be delegated to the Interim Director of Place and Communities, in consultation with Deputy Leader (Inward Focus), to:</p> <ul style="list-style-type: none"> <li>i. select a suitable Framework agreement to appoint the professional team for the project;</li> <li>ii. commission the professional team to undertake design and development work to progress the project through to the end of RIBA Stage 4;</li> <li>iii. approve the procurement of the leisure centre through the use of a competitive procedure with negotiation, for a Design and Build contract.</li> </ul> <p><b>REASONS FOR DECISIONS</b></p> <p>To enable the project to continue to be developed to the next stage. The report included indicative capital and revenue implications. In the longer term the project seeks to deliver revenue savings through an “invest to save” approach resulting in a reduction in revenue costs when the Council retenders the leisure operator contract.</p>

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		<p><b>ALTERNATIVE OPTIONS CONSIDERED AND REASONS FOR REJECTION</b></p> <p>The alternative option of not doing anything was not recommended as the Leisure Facilities Review had allowed the Council to understand the appropriateness of its current leisure stock and future requirements. The provision of an effective facility infrastructure will be central to the successful delivery of the health and wellbeing objectives within the Corporate Plan and to achieving savings through the leisure contract.</p>
<b>A9</b>	Dogs on Public Spaces	<p>a) that following investigations into the potential for a ban on all dogs from Council owned football and sports pitches, Cabinet discontinues the proposal due to the limitations and costs of implementing such a restriction.</p> <p>b) that Cabinet endorses the continuation of existing methods to help prevent and enforce against dog fouling within the District including the work seeking to establish free dog waste bags in conjunction with a private sector provider.</p> <p><b>REASON FOR DECISIONS</b></p> <p>To report on the outcome of officers' investigations and to clarify the current regulations and powers of the Council in relation to the issues raised by the motions submitted at the meetings of Council of 26 July and 11 October 2018 by the Conservative Group and by the question asked by the Butlers Hill Project Community Group at the meeting of Council of 29 November 2018.</p>

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		<p><b>ALTERNATIVE OPTIONS CONSIDERED AND REASONS FOR REJECTION</b></p> <p>The alternative option of moving forward with a new Public Space Protection Order to potentially restrict dogs from all sports pitches was not recommended as it would not be feasible to do so as all pitches would need to be enclosed to prevent animal access which was not financially viable.</p>
<b>A10</b>	Re-siting of Town Clock, Kirkby-in-Ashfield	<p>a) that plans for the refurbishment and re-siting of the town clock in the vicinity of the Nags Head pub in Kirkby-in-Ashfield be progressed.</p> <p>b) that the use of Section 106 funding to support the implementation of the project be approved.</p> <p>c) that the Interim Director of Place and Communities, in conjunction with the Estates Manager and Director of Legal and Governance be delegated authority to enter into negotiations with landowners to reach agreement for the siting of the clock and to consequently enter into a suitable legal agreement.</p> <p><b>REASON FOR DECISIONS</b></p> <p>To respond to requests made by the local community that the clock be re-sited outside the Nags Head pub in Kirkby. The clock had stood outside the pub since 1960, until its removal in 2014.</p> <p><b>ALTERNATIVE OPTIONS CONSIDERED AND REASONS FOR REJECTION</b></p> <p>The alternative option of not to re-site the clock was not recommended as this would not have responded to the requests made by the local community.</p>

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A11	Housing Company	<p>a) that the necessary authority be delegated to the Director of Housing and Assets and Director of Legal and Governance to take the necessary steps to incorporate a company limited by shares for the purposes of housing delivery within Ashfield and surrounding area.</p> <p>a) that authority be delegated to the Leader of the Council in conjunction with the Chief Executive to name the limited company.</p> <p>b) that authority be delegated to the Director of Legal and Governance, in consultation with the relevant Portfolio Holder, to produce the Memorandum and Articles for the Housing Company and the Shareholder Agreement.</p> <p>c) that any officer or Member appointed as Directors of the Company be indemnified.</p> <p>d) that the Company obtains suitable insurance cover for its Directors.</p> <p><b>REASON FOR DECISIONS</b></p> <p>To enable the further work that is required to finalise the company structure and its constitution before the Company is established. The company shall not be named until such time as registration/incorporation is imminent.</p> <p><b>ALTERNATIVE OPTIONS CONSIDERED AND REASONS FOR REJECTION</b></p> <p>The alternative option of not forming a Housing Company was not recommended as while the Council does not need to form a Housing Company at this juncture the decision to progress with the formation of the company at this point in time is to capitalise on investigative work already undertaken in this area and the relative low</p>

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		cost of incorporating a shell company for potential future use. It also means the company is already set up should the need for urgent company intervention, action or opportunity is required e.g. the rescue of a stalled building development and/or a commercial opportunity to buy a medium to large rental portfolio within the District.
A12	Housing Project, Davies Avenue, Sutton-in-Ashfield	<p><b>that subject to the authority of Council to seek Secretary of State consent as set out at (b);</b></p> <ul style="list-style-type: none"> <li>a) that the vacant Housing Revenue Account held land at Davies Avenue be disposed of to EMH Group using powers granted under Section 32 of the Housing Act 1985, for the purposes of building approximately 26 affordable homes to meet housing need.</li> <li>b) that it be recommended to Council that an application be made to the Secretary of State for Housing, Communities and Local Government for consent under S32 of the 1985 Act to dispose of the land incorporating a pre-emption clause in the sale contract (as required under schedule A8 of Section 32 of the Housing Act 1985) which will grant the Council the right of first refusal when the land and buildings are subsequently sold.</li> <li>c) that it be recommended to Council to approve the use of Housing Revenue Account reserves to fund the purchase of approximately 26 new affordable homes up to a total value of £2.87m in the event that the Council decides to exercise the right of first refusal.</li> <li>d) that authority be delegated to the Director of Housing and Assets, in conjunction with the Director of Legal and Governance and Chief Finance Officer, to negotiate and formalise final scheme costs, specification, pre-emption clause details, delivery and exercising the pre-emption.</li> </ul>



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		<p><b>REASONS FOR DECISIONS</b></p> <p>To enable a project that will increase Ashfield District Council’s housing stock and provide additional good quality affordable homes that will meet housing need in the district.</p> <p>To bring back in to use, in an extremely positive and beneficial way, an area of derelict land which currently attracts fly tipping and other anti-social behaviour that is of detriment and concern to local residents.</p> <p><b>ALTERNATIVE OPTIONS CONSIDERED AND REASONS FOR REJECTION</b></p> <p>The alternative option of maintaining the land as vacant and not allocate any Housing Revenue Account reserves to house building was not recommended due to that as of December 2018 Ashfield had 4,446 applicants on the housing waiting list. The cost of the build could also be accommodated within Housing Revenue Account balances, and the opportunity provides the potential to regenerate part of the District.</p>
<b>A13</b>	Housing Rent Setting	<ul style="list-style-type: none"> <li>a) that an average rent decrease of 1% for all council house rents be set for 2019/20.</li> <li>b) that an average rent increase for garages, at the level of the Consumer Price Index (CPI) be set for 2019/20.</li> <li>c) that the amenity charge be increased by 61p a week for 2019/20.</li> <li>d) that the charges for communal heating be increased by 3% for 2019/20.</li> </ul>

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		<p>e) that the water charges at Brook Street Court be increased by 4% for 2019/20.</p> <p><b>REASON FOR DECISIONS</b></p> <p>a) To set a 1% rent decrease as detailed in Section 23 – 33 of the Welfare Reform and Work Act 2016.</p> <p>b) To set an increase of CPI only on garage rents to continue covering the increasing costs of maintenance and rental collection for the Council garage sites, consistent with the approach in previous years.</p> <p>c) To increase the amenity charge to recover the near full costs of providing the services which do not fall within the provision of the rent charge.</p> <p>d) To set an increase to the communal heating service charges. This is to cover the increase in prices from the utility company to the Council for providing the communal heating in the applicable housing court schemes.</p> <p>e) To set an increase to the service charge for water at Brook Street Court to cover the increase in prices from the utility company to the Council for providing water at Brook Street Court.</p> <p><b>ALTERNATIVE OPTIONS CONSIDERED AND REASONS FOR REJECTION</b></p> <p>a) There are no other options with regards to rent setting, to not set the rents as per the prescribed reduction would be contrary to legislation.</p> <p>b) The garage rent option considered was for a lower percentage but this would have a detrimental effect on the HRA and not cover the inflationary increase in</p>

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		<p>costs incurred in 2019/20.</p> <p>c) To not increase the amenity charge to the proposed level would mean that the service would continue to not have full cost recovery of the additional services provided and this would adversely impact the HRA balances.</p> <p>d) The increase in the communal heating service charge is calculated to cover the costs of providing the heating to the housing court schemes. To not increase the service charge would mean the costs are inappropriately subsidised by the HRA i.e. the other rent payers.</p> <p>e) The increase in the water service charge to Brook Street Court is calculated to cover the costs only of providing the water to the Brook Street Court tenants. This follows strict guidance from OFWAT and no other option is available.</p>
<b>A14</b>	Digital and Service Transformation Programme	<p>a) that the purchase and implementation of a mobile Housing Repairs solution, incorporating a repairs module, associated licences, handheld devices and Dynamic Resource Scheduler (DRS), be approved.</p> <p>b) that it be recommended to Council</p> <ul style="list-style-type: none"> <li>i. that an allocation of Housing Revenue Account funding, to a maximum of £250,000 for upfront implementation costs associated with the project be approved.</li> <li>ii. that Housing Revenue Account funding of £30,000 for annual costs, including support and maintenance and support to award a contract for the solutions at (a) be approved.</li> </ul>

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		<p>c) that the required repairs module, and associated licences be included within the Council’s existing contract with Capita, in line with procurement regulations.</p> <p>d) that a DRS solution be procured via a relevant procurement process for two years with an optional extension of two further years.</p> <p>e) That authority be delegated to the Director of Housing and Assets to extend the contract(s) +1 +1 at the end of the 2-year contract term.</p> <p><b>REASONS FOR DECISIONS</b></p> <p>The introduction of modern working arrangements, particularly mobile working and dynamic work scheduling will result in large productivity gains. However, in order to deliver the savings and productivity gains, additional investment in current IT infrastructure and resources will be required.</p> <p><b>ALTERNATIVE OPTIONS CONSIDERED AND REASONS FOR REJECTION</b></p> <p>The alternative option of not investing in a mobile Housing Repairs Solution was not recommended as based on the significant and pressing operational and strategic benefits which can be delivered by implementing new technology which facilitates improved ways of working, including faster service delivery, enhanced customer experience and independence, benefitting both the customer and the council.</p>