

CABINET

Meeting held in the Council Chamber, Council Offices, Urban Road, Kirkby-in-Ashfield,

on Tuesday, 7th December, 2021 at 10.00 am

Present: Councillor Helen-Ann Smith in the Chair;

Councillors Samantha Deakin, Tom Hollis,
Rachel Madden, David Martin, Matthew Relf,
Daniel Williamson and John Wilmott.

Apologies for Absence: Councillors Kier Barsby and Jason Zadrozny.

Officers Present: Craig Bonar, Lynn Cain, Ruth Dennis,
Joanne Froggatt, Theresa Hodgkinson,
Peter Hudson, David Lawrence, Paul Parkinson
and Shane Wright.

CA.30 Declarations of Disclosable Pecuniary or Personal Interests and/or Non-Registrable Interests

No declarations of interest were made.

CA.31 Minutes

RESOLVED

that the minutes of the meeting of the Cabinet held on 20 September 2021, be received and approved as a correct record.

(Prior to consideration of the items of business and in accordance with Council Procedure Rule 4 (Order of Business), the Chairman advised that she would be considering agenda item 10 (Ashfield District Council: Infrastructure Funding Statement 2020/21) as agenda item 4 and agenda item 8 (Termination of Legal Shared Service) as agenda item 12. Cabinet Members concurred with this course of action.)

CA.32 Ashfield District Council: Infrastructure Funding Statement 2020/21

Cabinet was presented with the Council's Infrastructure Funding Statement for 2020/21 and asked to approve the document for publishing on the Council's website.

Due to publication of the Infrastructure Funding Statement being required in line with current Regulations, Members did not have any alternative options to consider.

RESOLVED

that the Council's Infrastructure Funding Statement 2020/21, dated November 2021, be approved and published on the Council's website in accordance with Regulation 121A of the Regulations.

Reason:

The Council is required to prepare and publish an Infrastructure Funding Statement under Regulation 121A of the Regulations before the end of the 2021 calendar year.

CA.33 COVID-19 Recovery Scrutiny Panel Update

The Scrutiny Research Officer presented an update to Members regarding outcomes from the COVID-19 Recovery Scrutiny Panel meeting held on 4 November 2021 where two representatives from the Nottinghamshire Clinical Commissioning Group had been in attendance to deliver a presentation on phases, 1, 2 and 3 of the Ashfield vaccination programme. Members then considered a set of recommendations arising from their deliberations.

RESOLVED that

- a) partnership working continues to be prioritised with the Nottingham and Nottinghamshire Clinical Commissioning Group to develop a schedule and identify suitable locations for the vaccination bus;
- b) a co-ordinated and targeted engagement approach be undertaken using all communication methods available to the Council, to reduce vaccine hesitancy including debunking misinformation, sharing updates on the vaccination programme, and continuing to advertise the vaccination bus;
- c) a wider communications exercise be undertaken to share relevant case studies relating to COVID-19 vaccinations and booster jabs;
- d) any extra measures be explored that could be implemented to support people with mental health and learning difficulties that may prevent them from accessing the COVID-19 vaccination;
- e) the challenges in vaccination uptake present in Summit, Abbey Hill, Leamington, and New Cross wards be recognised and consideration be given as to how the Council can use its position to improve take-up in these areas;
- f) as a result of (e) above, Councillors representing the above wards be consulted and engaged in any activities to target vaccination uptake.

CA.34 Development of Social Housing on Warwick Close, Kirkby in Ashfield

Cabinet was presented with a proposal to develop affordable housing on Warwick Close, Kirkby in Ashfield.

Members considered the alternative options of doing nothing with the land or selling it to a developer, but these were not recommended as the land was suitable for the Council to develop.

RESOLVED

that subject to planning consent and Homes England funding:

- a) the use of the land to redevelop housing for affordable rent, be approved;
- b) the use of both Housing Revenue Account reserves and, if appropriate, commuted capital sums to fund the construction of new affordable homes, be approved;
- c) the use of Right to Buy receipts (after further appraisal) if no Homes England grant is made available to make the scheme viable, be approved;
- d) delegated authority be granted to the Director of Housing and Assets, in conjunction with the Corporate Finance Manager (and Section 151 Officer), to negotiate and formalise final scheme costs, specification and delivery.

Reason:

The development helps to achieve the Council's Corporate Plan objective of delivering additional good quality affordable housing in the District and also regenerates a brownfield site (HRA land) that is suitable for housing.

CA.35 Disposal of Unviable Garage and Plot Sites

Cabinet was advised as to the outcomes of the review regarding viability and future use of Council owned garage and plot sites and recommended to consider disposal of those sites considered unviable and not suitable to be used for affordable housing development.

Members considered the alternative option of declining to dispose of the designated sites but this was not deemed appropriate as a number of sites required significant investment with little likelihood of any expenditure being recovered through rental income.

RESOLVED that

- a) the process officers have followed to review the viability and future use of Council owned garage and plot sites to date, be noted;
- b) the designated sites stated in this report as surplus on the basis of their limited current use, the lack of suitable alternative uses and the investment that is required to make them viable for any other purpose, be approved;
- c) delegated authority be granted to the Director of Resources and Business Transformation, in conjunction with the Director of Legal and Governance (and Monitoring Officer) and the Corporate Finance Manager (and Section 151 Officer), to dispose of the designated sites with disposal being in accordance with the Council's Disposals Policy and will be on the basis of achieving best value, with any further negotiations with Service Manager for Commercial Development).

Reason:

On completion of the review, a small number of sites had been identified as being suitable for affordable housing development but where this was not possible, consideration was required for disposing of the sites. Doing so would ensure the costs associated with ongoing repairs and maintenance were brought to an end, capital receipts would be generated that could be reinvested and any new owners would have the opportunity to regenerate the sites.

CA.36 Social Housing White Paper - Update

Cabinet was provided with a summary update of actions undertaken as a result of the (then) Ministry of Housing, Communities and Local Government (MHCLG) Social Housing White Paper, in line with recommendations from the original summary presented in January 2021 to Cabinet.

As the item was presented for information only, there were no alternative options for Members to consider.

RESOLVED

that the key implications and priorities for Ashfield District Council arising from the Ministry of Housing, Communities and Local Government (MHCLG) Social Housing White Paper and the resulting identified actions, including progress against the reported action plan, be received and noted.

Reason:

To update Members on how Ashfield District Council meets the Regulatory regime for Council Housing and complies with the expectation of the regulator that Members are kept informed in the Council's progress to meet statutory requirements.

(During consideration of this item, Councillor Matthew Relf left the meeting at 10.30am.)

CA.37 2021/22 Forecast Outturn for General Fund, Housing Revenue Account (HRA) and Capital Programme as at September 2021

Cabinet received a summary of the Council's forecast financial outturn position to 31 March 2022 compared to the latest approved budgets for the General Fund, Housing Revenue Account (HRA) and the Capital Programme. The forecast financial outturn was based on the actual financial activity to the 30 September 2021 and forecast costs and income from 1 October 2021 to 31 March 2022.

Members considered the alternative option of declining to approve the recommendations as outlined in the report.

RESOLVED that

- a) the current forecast outturn for the General Fund, Housing Revenue Account (HRA) and Capital Programme for 2021/22, be noted;

- b) the budget adjustments outlined in Section 3.1, Table 3 of the report, be approved;
- c) the write-off of the outstanding invoices for the Hotel Investment Property in relation to Shearings, the previous tenant who went into administration, be noted.

Reason:

In accordance with the Council's Financial Regulations to report to those charged with Governance the financial position.

CA.38 Corporate Risk Update

Cabinet was requested to review the Corporate Risk Register, the analysis of movement in risk and any mitigating actions in respect of those risks.

As the item presented was for information only, there were no alternative options for Members to consider.

RESOLVED

that the current significant items on the Corporate Risk Register, as presented be received and noted.

Reason:

To prioritise and manage the mitigation of Risk in order that the Council can achieve its objectives.

CA.39 Selective Licensing - Evaluation and Recommendations

Cabinet considered the key findings from the Evaluation Report relating to Selective Licensing for privately rented properties and options regarding the future of the schemes and a preferred way forward.

(During consideration of the item, the following declarations of interest were made:

1. Councillor Tom Hollis declared a Disclosable Pecuniary Interest regarding his position as landlord of a property, located in the area currently regulated by the Council's Selective Licensing Scheme. He left the room and took no part in the discussion or voting thereon.
2. Councillors Samantha Deakin, David Martin and Helen-Ann Smith declared Non-Registrable Interests in respect of this item. They stayed in the room and took part in the discussion and voting thereon.)

Members considered the alternative options of declining to evaluate or renew the selective licensing schemes but this was not recommended. The schemes were initially implemented to tackle localised problems and whilst they have had a beneficial impact, the localised problems still remain in one form or other and to end them would be a retrospective step.

The meeting adjourned at 11.09am and reconvened at 11.15am.

RESOLVED that

- a) the findings of the evaluation of Selective Licensing Schemes, as attached at Appendix A, be noted;
- b) approval be given in principle to the renewal of the existing Selective Licensing Schemes for a further 5-year period, subject to a 10-week period of public consultation with the consultation period beginning immediately after the provisional decision is made and relating to both the terms and conditions of the scheme and the geographical boundaries of the designated areas;
- c) the Director of Housing and Assets be requested to arrange a briefing for all Members in early 2022 in relation to the Selective Licensing Schemes and the Council's plans for extension for a further 5-year period.

Reasons:

Selective Licensing was introduced in designated parts of Stanton Hill and Central Sutton (New Cross), Sutton in Ashfield in February 2017. The schemes were established for a 5-year period with the Council being obliged to review the impact of the schemes at its conclusion and consider options for moving forward and renewing them if appropriate.

The Evaluation Report highlights the benefits of the present schemes but also makes clear that issues in the designated areas persist in some form or other and that the best way of dealing with them is to extend the existing selective licensing schemes.

CA.40 Termination of Legal Shared Service

Cabinet was updated in respect of the shared legal service (arrangements originally put in place in November 2012) and the decision of Mansfield District Council to not extend the arrangements beyond the current service level agreement termination date of 31 October 2022. The report also sought approval to provide the legal service in-house on termination of the shared service and for delegations to enable an early termination of the agreement if appropriate.

Members considered the alternative option of agreeing to the service being provided by the private sector or other providers but this was not recommended as it would be more costly than an in-house provision. The option of looking to attract another shared service partner was also not feasible, partly due to the short time frame in which to achieve this prior to contract termination, but also due to the fact there has been little immediate interest shown for sharing services.

RESOLVED that

- a) the decision of Mansfield District Council to not renew the Legal Shared Service arrangement beyond the current service level agreement termination date of 31 October 2022, be received and noted;

- b) approval be given for the provision of in-house legal services on termination of the shared service;
- c) delegated authority be granted to the Director of Legal and Governance (and Monitoring Officer), in consultation with the Portfolio Holder for Environmental Improvements, Corporate Communications and Cross Portfolio Support to agree an early termination date with Mansfield District Council if appropriate.

Reasons:

1. Mansfield District Council (MDC) has served notice on Ashfield District Council (ADC) confirming it does not intend to renew the Legal Shared Service beyond the existing agreement term of 31 October 2022. As such, the Council must decide how it will obtain legal advice and support following the termination of the shared service.
2. Following consideration of alternative delivery options for the provision of legal services, it is recommended that the most efficient and cost-effective option is for the service to be provided inhouse, obtaining additional external legal expertise as necessary.
3. The Council has significant demand for legal support and advice, such as for environmental enforcement work, contracts and land transactions and this demand is set to increase further in light of the Towns Fund projects over the next 5 years.
4. In early discussions with MDC, and due to a large number of vacancies within the current establishment largely caused by the uncertainty of the shared service ending, it is likely an early termination date will be desirable in order to ensure ongoing, satisfactory and sufficient legal support.

**CA.41 Section 100A Local Government Act 1972:
Exclusion of the Press and Public**

RESOLVED

that in accordance with the provisions of Section 100A of the Local Government Act 1972, the press and public be now excluded from the meeting during the following item of business 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 in respect of which the Proper Officer considers the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

CA.42 Purchase of Northern View, Sutton in Ashfield, for the purpose of developing Social Housing on the Site (Exempt by virtue of Paragraph 3)

Cabinet was advised of an opportunity to purchase a brownfield site located within the District, for the purpose of developing affordable housing.

Members considered the alternative option of declining to approve the purchase as presented.

RESOLVED that

- a) delegated authority be granted to the Director of Housing and Assets, in conjunction with the Corporate Finance Manager (and Section 151 Officer) and the Director of Legal and Governance (and Monitoring Officer), to negotiate and agree the purchase of land and title at Northern View, Sutton in Ashfield;
- b) approval be given for the use of Commuted Capital Sums to fund the purchase of the land in question;
- c) approval be given for the use of Housing Revenue Account reserves to fund the construction of new affordable homes, should the site be purchased;
- d) delegated authority be granted to the Director of Housing and Assets, in conjunction with the Corporate Finance Manager (and Section 151 Officer), to negotiate and formalise final scheme costs, specification and delivery;
- e) delegated authority be granted to the Director of Housing and Assets to procure and appoint a contractor to develop the site;
- f) delegated authority be granted to the Director of Housing and Assets to contract, on behalf of the Council, with Homes England, for the purpose of receiving subsidy to ensure that any developments are viable and fall within a maximum payback period of 40 years.

Reason:

The Corporate Plan sets out the Council's ambition to ensure there is sufficient good quality, affordable housing for the residents of Ashfield. To achieve this the Council cannot rely solely on developing Council owned land.

The meeting closed at 11.35 am

Chairman.