

CABINET

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

on Tuesday, 13th December, 2022 at 10.00 am

Present: Councillor Jason Zadrozny in the Chair;

Councillors Samantha Deakin, David Hennigan,
Tom Hollis, Rachel Madden, David Martin,
Matthew Relf, Helen-Ann Smith and
John Wilmott.

Apology for Absence: Councillor Sarah Madigan.

Officers Present: Craig Bonar, Lynn Cain, Sarah Daniel,
Ruth Dennis, Robert Docherty, Louise Ellis,
Theresa Hodgkinson, Peter Hudson,
Paul Parkinson, Christine Sarris, Abbie Smith
and Shane Wright.

CA.35 Declarations of Disclosable Pecuniary or Personal Interests and/or Non-Registrable Interests

No declarations of interest were made.

CA.36 Minutes

RESOLVED

that the minutes of the meeting of the Cabinet held on 8 November 2022, be received and approved as a correct record.

CA.37 Regulation of Investigatory Powers Act 2000 (RIPA) - Update

Cabinet was updated on the use of the Council's Regulation of Investigatory Powers Act (RIPA) Policy over the past 3 years and were requested to approve the amendments needed to the Policy.

Members considered the alternative option of declining to accept the report or make the necessary amendments to the Policy. This was not recommended as failure to update Cabinet and amend the Policy could put the Authority at risk of challenge for breach of Policy and would go against specific recommendations from the IPCO.

RESOLVED that

- a) it be noted that the Council has not authorised any Directed Surveillance during the past 3 years pursuant to the RIPA powers;

- b) the minor amendments to the Policy, as presented be approved;
- c) the training being undertaken following the Investigatory Powers Commissioner's Office (IPCO) inspection in March 2022 be noted;
- d) the progress made in respect of the action plan put in place following the IPCO inspection earlier this year, be also noted.

Reasons:

1. Due to the impact of the Covid pandemic the Policy had not been presented to Cabinet since 2019. A brief update report was presented to Cabinet in June 2022 but the current Code of Practice and Council Policy requires that Members are updated on RIPA authorisations on an annual basis. This report complies with that requirement.
2. The Policy should also be reviewed regularly to ensure it remains up to date and fit for purpose. The Policy had been reviewed and amended following the Investigatory Powers Commissioner's Office (IPCO) inspection in March 2022 to reflect legislative changes and recommendations following the inspection since the Policy was last adopted. Proposed amendments to the Policy comply with that requirement.

CA.38 2022/23 Forecast Outturn for General Fund, Housing Revenue Account (HRA) and Capital Programme as at September 2022

Cabinet received a summary of the Council's forecast financial outturn position to 31 March 2023 compared to the latest approved budgets for the General Fund, Housing Revenue Account (HRA) and the Capital Programme.

Due to the fact that there is a requirement for the Council's financial position to be reported to those charged with Governance, there were no alternative options for Members to consider.

RESOLVED that

- a) the current forecast outturn for the General Fund, Housing Revenue Account (HRA) and Capital Programme for 2022/23, as presented, be received and noted;
- b) the budget adjustments outlined in paragraph 1.6 and section 3.1, Table 3, be approved;
- c) Council be recommended to approve the amendments to the Capital Programme 2022/23 to 2023/24 and the funding of the Capital Programme as set out in Section 6 and Table 5 of the report;
- d) it be noted that a Medium-Term Financial Strategy Update report will be brought to Cabinet in January 2023, reflecting the financial impact of the ongoing cost of living crisis.

Reason:

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

CA.39 Ashfield District Council Infrastructure Funding Statement 2021/22

Cabinet was requested to approve the Council's Infrastructure Funding Statement dated November 2022.

Due to the fact that the Council is required to prepare and publish an Infrastructure Funding Statement under Regulation 121A of the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019, before the end of each calendar year, there were no alternative options for Members to consider.

RESOLVED

that the Council's Infrastructure Funding Statement 2021/22, dated November 2022, 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 2022 calendar year.

CA.40 Adoption of Planning Guidance Climate Change

Cabinet was requested to approve and adopt the Planning Guidance Climate Change document, as presented.

Members considered the alternative option of declining to approve the Planning Guidance, but this was not recommended as the document drives a proactive agenda for sustainable development and evidences the steps the Council are taking to tackle climate change.

RESOLVED

that the Planning Guidance Climate Change document, as presented, be approved and formally adopted.

Reason:

The Guidance Note will drive a proactive agenda for sustainable development ensuring that the adaption and mitigation for climate change is emphasised in the consideration of all planning applications.

CA.41 Emerging Local Plan - Next Steps

Further to Cabinet's decision on 27th September 2022 to take forward Option C, Members were requested to further consider the implications of a third scenario recommended by the Local Plan Development Panel on 15 November 2022, and the next steps regarding the emerging Local Plan.

Members considered the alternative option of approving and taking forward the third scenario, as presented, for progressing the emerging Local Plan.

RESOLVED

that having considered the implications of the third scenario as presented to Cabinet, approval be given to take forward the following housing requirement reflecting Scenario 2 (as set out in the Local Plan Development Panel report of 15 November 2022) plus three additional recommendations (as agreed by the Panel at the same meeting):

- to reflect the standard method of housing need;
- to provide a minimum of a 10-year housing supply;
- new settlements in the Green Belt (Whyburn Farm) and Cauldwell Road being removed from the emerging Local Plan going forward;
- Strategic Policy S3 Location of Development being reviewed to include a spatial strategy within the Policy;
- SHELAA (SJU043) adjacent to an existing allocation at Underwood H1vg Land North of Larch Close, being included in the emerging Local Plan;
- changes being made to the Main Urban Area boundary at Skegby, subject to a masterplan/design brief being developed to protect the setting of the listed building at Dalestorth House.

Reason:

To move forward the emerging Local Plan for Ashfield in accordance with the Government's identified target for all local authorities to have an up-to-date Plan in place by December 2023.

CA.42 New Parking Order

Cabinet was requested to give approval for undertaking preparations to commence the legal process for making a new Ashfield District Council Civil Enforcement Off Street Parking Order, including the carrying out of an informal consultation exercise.

During the debate, some further variations were tabled and considered in respect of the proposed new Parking Order.

Members considered the alternative option of declining to revise the current Parking Order, but this was not recommended as changes were needed to ensure that effective enforcement could be undertaken going forward.

RESOLVED that

- a) approval be given for officers to undertake preparations to commence the legal process for making a new Ashfield District Council Civil Enforcement Off Street Parking Order including the carrying out of an informal consultation exercise;

b) it be noted that proposed variations to the new Parking Order include:

- Changes to Kirkby Leisure Centre car park (former Festival Hall site)
- Addition of Fox Street, Sutton car park
- Addition of Lammas Leisure Centre car park
- Addition of West Kirkby Gateway car park
- Alteration of boundary of Kings Mill Reservoir car park
- Addition of car park at Langton Road / New Street
- Addition of Papplewick Green Open Space car park
- Alteration to limits of stay and parking charges for Sherwood Place car park
- Incorporation of references to new legislation
- Reviewing the current fees and charges
- Hucknall Leisure Centre car park charging structure to be the same as Kirkby and Lammas Leisure Centres;
- Any Council car parks that can accommodate Heavy Goods Vehicles (HGVs), to offer overnight parking at a cost of £10 per night;
- All Town Centre car parks to offer overnight parking at a cost of £1 per night from 6pm.

Reason:

A new Parking Order is required to implement the changes required for several sites, including incorporating new car parks and to ensure effective enforcement action can be undertaken when necessary. A new order is also required to reflect recent changes to legislation and to review current fees and charges.

CA.43 Discover Ashfield - A New Narrative

Cabinet was requested to receive and note the work being undertaken with the Local Government Association to refresh the Discover Ashfield place marketing.

As the report was for information only, there were no alternative recommendations for Members to consider.

RESOLVED

that the report, as presented, be received and noted.

Reason:

To update Cabinet on work that has been undertaken through the Local Government Association to review the place marketing of Discover Ashfield and to identify areas for improvement and development. This includes the development of the 'Ashfield Story' and an action plan.

CA.44 Review of Tenancy Conditions (Council Housing)

Cabinet received an update on the progress of the review of the Council's social housing conditions of tenancy including feedback received from the consultation with tenants on the proposed updated tenancy conditions.

Approval was also sought to vary the terms of all Council tenancies from February 2023.

Members considered the alternative option of continuing to operate using the existing tenancy agreement but this was not recommended as it would mean that the Council would not have a modern, easily understandable, fit for purpose, tenancy agreement in place.

RESOLVED that

- a) the reasons for reviewing the Conditions of Tenancy and the outcome of consultation with tenants on the proposals, be received and noted;
- b) the proposed revised set of Tenancy Conditions as appended to the report, be approved;
- c) the Director of Housing and Assets be authorised to take the necessary steps to implement the new tenancy conditions in February 2023 by undertaking the statutory process to vary the terms of the Council's tenancies.

Reasons:

1. The existing tenancy agreement refers to Ashfield Homes Ltd which was disbanded in 2016.
2. There are deficiencies in the existing agreement as a result of a number of legislative changes and updates are required to Council rights and obligations as a landlord, as well as the tenant's rights.
3. Tenants will have a clearer understanding of their obligations and of those of the Council.
4. The agreement strengthens the Council's ability to enforce conditions of tenancy against those who wilfully and/or persistently fail to abide by them.
5. Fire Safety will be further strengthened and promoted.
6. The changes must be consulted upon following a prescribed process.

CA.45 Recommendations to Cabinet for Approval

Cabinet was requested to consider and approve recommendations from the Local Plan Development Panel meeting held on 15 November 2022 and the Audit Committee meeting held on 28 November 2022.

Members considered the alternative option of declining the recommendations as presented to them by the Council's committees and panels.

Minute No. LP.15

Local Plan Development Panel – 15 November 2022
Ashfield Green Infrastructure & Biodiversity Strategy

RESOLVED

the draft Green Infrastructure and Biodiversity Strategy 2022-2032 document,

as appended to the Cabinet report, be approved subject to its title being changed to 'Green & Blue Infrastructure and Biodiversity Strategy 2022-2032'.

Minute No. AC.16

Audit Committee – 28 November 2022

Treasury Management Mid Year Report 2022/23

RESOLVED

that changes to the 2022/23 Prudential Indicators following in year changes to the 2022/23 Capital Programme, be approved.

Reason:

To ensure all recommendations from the Council's committees and panels are duly considered by Cabinet, thus ensuring the business of the Council is progressed in a timely manner.

The meeting closed at 11.37 am

Chairman.