

CABINET

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

on Monday, 16th September, 2024 at 10.00 am

Present: Councillor Jason Zadrozny in the Chair;

Councillors Samantha Deakin, Vicki Heslop,
Tom Hollis, Christopher Huskinson, Rachel Madden,
Andy Meakin, Helen-Ann Smith and John Wilmott.

Apology for Absence: Councillor Matthew Relf.

Officers Present: John Bennett, Craig Bonar, Mike Brown, Lynn Cain,
Sarah Curtiss, Jake Dalton, Ruth Dennis,
Joanne Froggatt, Theresa Hodgkinson,
Peter Hudson, Lisa Mole, Andrew Page,
Antonio Taylor and Shane Wright.

CA.8 Declarations of Disclosable Pecuniary or Personal Interests and/or Non-Registrable Interests

Councillors Samantha Deakin, Rachel Madden, Andy Meakin and Helen-Ann Smith all advised that they were predetermined in respect of agenda item 9 (Affordable Housing Development) as they had previously taken a decision at Planning Committee in respect of the site application. They would be leaving the room for the duration of the item and taking no part in the discussion or voting thereon.

CA.9 Minutes

RESOLVED

that the minutes of the meeting of the Cabinet held on 17 June 2024, be received and approved as a correct record.

CA.10 Corporate Peer Challenge 2024

Cabinet was asked to endorse the findings of the Local Government Association (LGA) Corporate Peer Challenge.

During the discussion it was agreed that all officers involved in the organisation of the Peer Challenge, be thanked for their efforts.

Members considered the alternative option of declining to endorse the LGA Corporate Peer Challenge report and the resulting actions, but it was not recommended as this course of action would undermine the process and wider sector led improvement programme.

RESOLVED that

- a) the findings of the Local Government Association Corporate Peer Challenge, be received and endorsed;
- b) it be noted that the detailed action plan, once finalised, would be brought to October Cabinet for approval;
- c) approval be given for the Principal Select Committee to monitor implementation of the action plan throughout 2024/25.

Reason:

The Corporate Peer Challenge Review undertaken by the Local Government Association (LGA) in June 2024 is designed to support Councils and is part of a sector led improvement programme. There is an expectation from the LGA and government that the findings will be used to support improvements. It was therefore determined at the outset of the review that the results would be presented to Cabinet to ensure transparency and to sanction any actions arising from the report.

CA.11 Productivity Plans

Members received sight of the Council's Productivity Plan following its recent submission to the Minister for Local Government.

As the report was for information purposes only, Members did not have any alternative options to consider.

RESOLVED that

- a) the Productivity Plan which was submitted to the Minister for Local Government on 19 July 2024, be received and noted;
- b) the Council's strong financial position and ongoing focus to identify savings and efficiencies whilst delivering service excellence, be also noted.

Reason:

The Council was required to produce a Productivity Plan and submit to the Minister for Local Government by 19 July 2024.

CA.12 Review of Street Naming and Numbering Policy

Cabinet was requested to review and approve the proposed updates to the Council's Street Naming and Numbering Policy.

Members considered the alternative option of declining to adopt the updated Policy, but this was not recommended as the current policy does not align with national guidance.

RESOLVED

that the revised Street Naming and Numbering Policy, as presented, be approved subject to an explanation being included in part i) to describe the meaning of natural numbers.

Reason:

The Street Naming and Numbering policy was approved by Cabinet in 2020 and initially reviewed in 2023 as required, however a further review needed to be undertaken to ensure any impacts from the Levelling Up and Regeneration Act 2023 were taken into consideration.

CA.13 Environment Act 2021 - Simpler Recycling

Cabinet was updated on the implications of the recently announced 'Simpler Recycling' as part of the Environment Act 2021 including the readiness of the Council in complying with its statutory obligations under the Act.

As the Council is the Statutory Waste Collection Authority and has a duty to implement new legislation and regulation in accordance with its statutory duty, Members did not have any alternative options to consider.

RESOLVED that

- a) it be noted that Government has legislated for major reforms to domestic and commercial waste collection and packaging, requiring councils to align their waste and recycling services with the new 'Simpler Recycling' requirements;
- b) the recent Government allocation of £895,526 capital funding to the Council, in support of the introduction of weekly domestic food waste collections by October 2027, be accepted;
- c) officers be authorised to develop a Costed Action & Delivery Plan (CADP) for the introduction of 'Simpler Recycling' by April 2026 and the weekly domestic food waste collection service by October 2027;
- d) a Member Working Group be established to champion the implementation of Simpler Recycling with the membership being made up of the Executive Lead Member for Parks & Environmental Services and the Chairs and Vice Chairs of the Council's Select Committees;
- e) delegated authority be granted to the Executive Lead Member for Parks & Environmental Services, in consultation with the Leader, Executive Director of Transformation and the Corporate Resources Director, to agree the future Refuse & Recycling Collection Model (including bin allocation and frequency) with the County Council through the Joint Waste Management Board;
- f) it be noted that a separate project is currently underway, to enable the Council to comply with the legislation as an employer of ten or more employees by March 2025;

- g) it be also noted that officers are currently developing a new trade waste collection offer for local businesses in Ashfield, that includes food waste collection by March 2025 with a new pricing schedule being presented to Cabinet for approval in November 2024.

Reasons:

1. To advise Cabinet on the requirements placed upon the Council through 'Simpler Recycling' as part of the UK Resource & Waste Strategy 2018 and the Environment Act 2021.
2. To ensure that the Council has the right authorisations and approvals in place to meet its statutory obligations by the deadlines set by Government.

CA.14 Affordable Housing Development - Fairhaven, Kirkby in Ashfield

Cabinet considered an opportunity to acquire a brownfield site located at Fairhaven, Kirkby in Ashfield and was requested to approve the purchase of land and develop it for affordable housing, subject to conditions.

Members considered the alternative option of declining to approve the purchase, but this was not recommended as the Council had given a commitment to increase the supply of affordable housing and land would therefore need to be purchased and developed accordingly.

RESOLVED

that subject to planning permission being granted to develop the site for affordable housing:

- a) approval be given to purchase the Fairhaven site from Nottinghamshire County Council (at the price negotiated between both parties following separate valuations of the site);
- b) the proposal to develop the Fairhaven site for affordable housing, be approved;
- c) delegated authority be granted to the Executive Lead Member for Strategic Housing & Climate Change, the Executive Director – Place and the Corporate Resources Director, to procure and appoint a contractor to develop the site;
- d) delegated authority be also granted to the Executive Lead Member for Strategic Housing & Climate Change, the Executive Director – Place and the Corporate Resources Director to negotiate and formalise final scheme costs, property mix, specification and delivery;
- e) delegated authority be also granted to the Executive Lead Member for Strategic Housing & Climate Change and the Executive Director - Place to contract, on behalf of the Council, with Homes England, for the purposes of receiving subsidy to ensure that developments are viable and fall within a maximum payback period of 40 years.

Reasons:

1. A Corporate Plan objective is to ensure every Ashfield resident has access to a suitable and appropriate home. As part of this, the Council is committed to significantly increasing the supply of affordable homes.
2. In recent years, the Council has utilised its own land holdings for the purpose of building new affordable homes. The supply of suitable land is limited and there is a need to look at other opportunities, including buying land from partners and buying off the open market.
3. Through discussions with Nottinghamshire County Council, there is an opportunity to buy a plot of land at Fairhaven, Kirkby in Ashfield, on the site of the former Kirklands Residential Home, that is potentially suitable for development and would help the Council in meeting its aim of increasing the supply of affordable housing.

CA.15 Affordable Housing Development

Members were advised about the opportunity to develop Hardwick Lane Recreation Ground for the purpose of affordable housing and views were sought regarding consent to appropriate the land from the General Fund to the Housing Revenue Account (HRA) for this purpose.

(Councillors Samantha Deakin, Rachel Madden, Andy Meakin and Helen-Ann Smith had previously advised that they were predetermined in respect of this matter. They therefore left the room and took no part in the discussion or voting thereon.)

Members considered the alternative option of leaving Hardwick Lane Recreation Ground as open space, but this option was not recommended due to the ongoing need for affordable housing and the site being suitable for development.

RESOLVED that

- a) the responses to the consultation that took place with residents regarding the proposal to appropriate Hardwick Lane Recreation Ground from the Council's General Fund to the Housing Revenue Account, thus making it potentially available for housing purposes, be duly considered and noted;
- b) approval be given for the appropriation of Hardwick Lane Recreation Ground from the General Fund to the Housing Revenue Account;
- c) delegated authority be granted to the Executive Lead Member for Strategic Housing & Climate Change, the Executive Director - Place and the Corporate Resources Director, to agree an appropriation value based upon an external valuation of the land;
- d) approval be given for the development of Hardwick Lane Recreation Ground for the purpose of affordable housing;

- e) delegated authority be granted to the Executive Lead Member for Strategic Housing & Climate Change, the Executive Director - Place and the Corporate Resources Director to negotiate and formalise final scheme costs, specification and delivery;
- f) delegated authority be granted to the Executive Lead Member for Strategic Housing & Climate Change, the Executive Director – Place and the Corporate Resources Director, to procure and appoint a contractor to develop the site for the purpose of affordable housing;
- g) delegated authority be granted to the Executive Lead Member for Strategic Housing & Climate Change and the Executive Director - Place, to contract, on behalf of the Council, with Homes England, for the purposes of receiving subsidy to ensure that the proposed development is financially viable.

Reasons:

1. A Corporate Plan objective is to ensure every Ashfield resident has access to a suitable and appropriate home. As part of this, the Council is committed to significantly increasing the supply of affordable homes. Doing so will help meet the needs of the 4000+ applicants on the Housing Register and will help deal with the growing issue of homelessness in the District.
2. The Council has utilised its own land holdings for the purpose of building new affordable homes, doing so helps ensure the development is affordable and makes the best use of available land resources.
3. The Council is conscious about the need to balance building new homes with the loss of open space and amenity. On balance, in view of its current use and the availability of other open spaces in the area, it is felt that Hardwick Lane Recreation Ground is potentially suitable for development.

CA.16 Council's Insurance Arrangements 2023/24

Cabinet was informed as to the latest position concerning insurance funds, and premiums paid during 2023/24.

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

RESOLVED

that the content of the 2023/24 Annual Insurance Report be received and noted.

Reason:

To meet the requirement of the Council's Financial Regulations (C.37).

CA.17 Draft Financial Outturn 2023/24 for General Fund, Housing Revenue Account (HRA) and Capital Programme

Cabinet was asked to consider the details of income and expenditure incurred in 2023/24 in respect of the General Fund, the Housing Revenue Account (HRA) and the Capital Programme and how this compared to the revised budgets, including any significant variances.

As the financial outturn position was reported in accordance with the 2023/24 draft Statement of Accounts, there were no alternative options for Members to consider.

RESOLVED that

- a) the 2023/24 unaudited draft Outturn for the General Fund, the Housing Revenue Account and the Capital Programme, as presented, be received and noted;
- b) the in-year movements to and from reserves, as outlined in the report at Appendix 2, be also noted;
- c) the carry forward of £12,900 unused General Fund Training Budget from 2023/24 to 2024/25 for HGV Driver Training, as outlined in the report, be approved;
- d) Council be recommended to approve a carry forward of the £16.784m underspend on the Capital Programme to 2024/25 due to slippage (delays to schemes) included in the approved Programme shown at Section 4.

Reason:

To report to those charged with governance, the Council's unaudited draft financial outturn for 2023/24 and comply with the Council's Financial Regulations.

CA.18 2024/25 Forecast Outturn for General Fund, Housing Revenue Account (HRA) and Capital Programme as at July 2024

Cabinet received a summary of the Council's forecast financial outturn position to 31 March 2025 compared to the latest approved budgets for the General Fund, Housing Revenue Account (HRA) and the Capital Programme.

Due to current requirements 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 2024/25, be received and noted;
- b) the reserve movements outlined in section 3.2 of the report, be approved;

- c) Council be recommended to approve the amendments and the addition of new schemes to the Capital Programme 2024/25 to 2028/29 and the funding of the Capital Programme as set out in Section 6 and Appendix 3 of the report;
- d) the monitoring of Prudential and Treasury Management indicators for 2024/25, as detailed in Appendix 4, be noted.

Reason:

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

CA.19 Leisure and Outdoor Sports Update

Cabinet was updated in respect of the Football Foundation PlayZone programme, the Sport England Place Partnership Funding for Leamington and the Local Football Facilities Plan.

Members considered the alternative option of declining to accept and match fund the Sport England funding for PlayZone facilities and Place Partnership in Leamington, but this was not recommended as both initiatives would enhance the Council's facility stock and provide improved spaces for residents to be physically active.

RESOLVED that

- a) as set out in the report, approval be given to provide match funding and deliver PlayZone facilities at the following locations:
 - Cowpasture Rec., Leamington (Refurb existing)
 - Stamper Rec (New PlayZone)
 - Morven Park (New PlayZone)
 - Selston High School (Refurb existing)
 - Titchfield Park, Hucknall (Refurb within existing area);
- b) delegated authority be granted to accept the Sport England funding for the PlayZone and the Place Partnership Funding for Leamington to the Executive Director - Place in consultation with the Executive Lead Member for Leisure, Health and Wellbeing;
- c) where required to secure funding under the terms of funding agreements, delegated authority be granted to impose a restriction or legal charge on the title of land at the PlayZone facility locations to the Executive Director – Place, in consultation with the Executive Lead Member for Leisure, Health and Wellbeing, provided that the Executive Director - Governance has confirmed that the terms of restriction or charge are legally acceptable to the Council.

Reasons:

1. Playzone facilities will provide additional spaces for residents to engage in physical activity, which supports the aims of the Healthy and Happiness Corporate Plan Theme. The Football Foundation will provide 75% match funding.

2. The Sport England Place Partnership funding and capacity will enable an acceleration of the work already happening within Leamington, enabling the objectives within the Be Healthy, Be Happy Strategy and the Council's Corporate Plan to be delivered.

CA.20 Public Spaces Protection Order 2024 - Extension and Variation (Post Consultation)

Cabinet was requested to consider the consultation responses to the proposed 'Public Spaces Protection Order 2024' and to recommend its approval to Council.

Members considered the alternative option of declining to extend (and vary) the existing PSPO which was due to cease on 30 September 2024. This was not recommended as Council officers and the Police could not continue to take action and this might lead to an 'operational gap' in the Council's ability to effectively address dog fouling, dog control, alcohol related street drinking, urinating and other antisocial behaviour issues in public places.

RESOLVED that

- a) the consultation responses outlined within the report in relation to the proposed 'Public Spaces Protection Order 2024', be acknowledged and duly considered;
- b) Council be recommended to approve the proposal to extend and vary the existing Public Spaces Protection Order 2021' and for the 'Public Spaces Protection Order 2024' (refer to draft order) to come into force on 1 October 2024 for a period of 3 years.

Reason:

Approval of the Public Spaces Protection Order 2024 will help support the place enhancement and safer and stronger priorities within the Council's Corporate Plan and commitments under the Community Safety Partnership Strategy to improve the quality of life for residents within Ashfield.

CA.21 Community Safety Funding 2024/25

Cabinet was asked to note the positive work undertaken to secure external funding to deliver initiatives and enhance community safety across Ashfield and to approve the funding for the financial year 2024/2025, to support the delivery of corporate and partnership objectives.

Members considered the alternative option of declining to accept the funding agreements, but this was not recommended as the Council would then be unable to undertake the interventions as detailed within the report.

RESOLVED that

- a) to receive and accept the following funding from the Nottinghamshire Police Crime Commissioner:

- the 'safer4all' grant funding agreement to the total amount of £91,666
- the 'immediate justice scheme' grant funding agreement to the total amount of £55,428
- the 'safer streets 5' grant funding agreement to the total amount of £216,094;

b) to receive and accept the following funding from Nottinghamshire Police:

- the 'hotspot patrol' grant funding agreement to the total amount of £38,583.30;

c) to receive and accept the following funding from Nottinghamshire County Council:

- the 'sanctuary scheme' grant match funding agreement to the total amount of £40,000 and to acknowledge recent acceptance of grant funding allocations of £34,397 from 'DLUHC' which is used to support survivors of domestic abuse.

Reason:

The total funding of £476,168,30 will facilitate the implementation of a number of community safety initiatives across Ashfield providing opportunity to build trust and confidence, address crime and anti-social behaviour and enhance feelings of safety across the District.

CA.22 Social Housing Regulation Update

Cabinet was updated on the current position regarding social housing consumer regulation and also provided with assurance of the direction of travel for regulatory compliance, in line with the expectations of the Regulator of Social Housing.

As the report was for information purposes only, Members did not have any alternative options to consider.

RESOLVED

that the following be received, noted and endorsed:

- a) implementation of the revised Consumer Standards;
- b) progress against the appended action plan;
- c) the Council's performance outturns for the 2023/24 Tenant Satisfaction Measures return;
- d) the Council's position with existing regulatory requirements;
- e) the overall responsibility for compliance with the Council's social housing regulatory requirements;

- f) determination that the Council has sufficient assurance that its performance of social housing functions is compliant with the requirements of the Regulator of Social Housing.

Reasons:

1. To update Cabinet Members on how the Council meets the requirements of the social housing regulatory regime for its council housing provision and complies with the expectations of the Regulator of Social Housing.
2. To keep Cabinet Members informed of the Council's progress towards meeting the statutory and regulatory requirements.
3. To update Cabinet Members with details of regulatory developments since the last update.
4. To promote that Cabinet is ultimately responsible for ensuring regulatory compliance of the Council's social housing activities, in the eyes of the regulator.

The meeting closed at 11.35 am

Chairman.