

CABINET

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

on Monday, 21st January, 2019 at 10.00 am

Present: Councillor Jason Zadrozny in the Chair;

Councillors Christian Chapman, Tom Hollis,
Robert Sears-Piccavey, Helen-Ann Smith and
John Wilmott.

Officers Present: Craig Bonar, Carol Cooper-Smith, Ruth Dennis,
Martin Elliott, Joanne Froggatt,
Theresa Hodgkinson, Peter Hudson,
Robert Mitchell and Paul Parkinson.

In Attendance: Councillor Chris Baron, Councillor
Rachel Madden and Councillor Matthew Relf

Mr Jonathan Bhushan and Mrs Gail Turner

CA.56 Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests.

There were no declarations of interest.

CA.57 To receive and approve as a correct record the minutes of the meeting of the Cabinet held on 26 November 2018

The Minutes of the meeting held on 26 November 2018 were approved as a correct record and signed by the Chairman.

CA.58 Hucknall Friendship Resolution

The Scrutiny Research and Support Officer submitted a report seeking approval for the friendship resolution that had been proposed between the Township of Wadsworth, Ohio, United States, and Hucknall. The proposed Friendship Resolution aimed to establish a collaborative relationship between Hucknall and Wadsworth where both towns could work cooperatively towards mutual future objectives. It was noted that the proposed friendship resolution would not incur any costs to Ashfield District Council.

Mr Jonathan Bhushan, a former resident of Wadsworth and now of Hucknall attended the meeting to provide further details on the friendship resolution which had come about after he moved to Hucknall in 2015 and had noted the similarities between Wadsworth and Hucknall in numerous areas, such as in

industry and heritage. Mr Bhushan also provided information on the links and experience sharing that he had promoted between schools in the two communities.

The Leader commended Mr Bhushan for the work he had done in proposing the friendship resolution and creating links between the two communities. Councillor Baron, as ward member for Hucknall West noted that the friendship resolution would be beneficial to both towns and their residents, especially young people as the links created would enable young people to learn and gain understanding of different lives and cultures.

RESOLVED

that the proposed Friendship Resolution with Wadsworth, Ohio be approved and subsequently signed.

REASON FOR DECISION

To formalise the friendship between Hucknall and Wadsworth, Ohio in order to build a collaborative relationship where both towns can work cooperatively towards mutual future objectives.

ALTERNATIVE OPTIONS CONSIDERED AND REASONS FOR REJECTION

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.

CA.59 Approval to adopt the Guide for Converting Shops to Residential Supplementary Planning Guidance

The Interim Director of Place and Communities submitted a report recommending that the Council adopted the Guide for Converting Shops to Residential; Supplementary Planning Documents.

The Supplementary Planning Guidance had been written to address the issue of long term vacant retail premises in Ashfield and to provide a mechanism for proprietors to apply for change of use from commercial to residential. The proposed guidance also created the provision for the repurposing of vacant premises and to facilitate their conversion to more productive uses, which in turn would enable and support vibrant communities. It was noted that the Supplementary Planning Document provided additional information to the “saved” policies on design in the Ashfield Local Plan Review 2002, in particular Policy ST1 – Development, which stated that development must not adversely affect the character, quality, amenity and safety of the environment.

The Leader welcomed the proposed Supplementary Planning Guidance as it would prevent the poor conversions of shops to residential which had adversely impacted on the visual amenity of the District as town centres had contracted inwards. Councillor Baron, as Chair of Planning Committee noted that the Supplementary Planning Guidance would ensure that conversions in future would be of high quality and welcomed the clarity and readability of the document.

RESOLVED

- 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.
- b) that the Guide for Converting Shops to Residential; Supplementary Planning Document be adopted.

REASONS FOR DECISIONS

To address the issue of long term vacant retail premises in Ashfield and to provide 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.

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.

The guidance also supports the Government's clear direction to ensure that buildings and places are designed to a high quality.

ALTERNATIVE OPTIONS CONSIDERED AND REASONS FOR REJECTION

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.

CA.60 Corporate Scorecard Performance

The Chief Executive submitted a report to present to Cabinet recommendations regarding the forthcoming need to review and refresh the corporate performance scorecard. The existing Corporate Scorecard had been established under the previous administration and had been scheduled for review following the District Elections in May 2019.

It was noted that the new administration had identified specific priorities for action in 2018/19 which were currently being performance managed alongside the previously agreed Corporate Scorecard, and that after the May 2019 elections the Corporate Plan and Corporate Scorecard would be reviewed and refreshed to ensure they reflected the Council's future ambitions and Corporate Priorities for the next three years (2019-2022). It was noted that performance outturn for the current Corporate Scorecard would continue to be monitored and managed by the Council's Corporate Leadership Team and by Scrutiny.

RESOLVED

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.

REASON FOR DECISION

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.

ALTERNATIVE OPTIONS CONSIDERED AND REASONS FOR REJECTION

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.

CA.61 Regulation of Investigatory Powers Act - Annual Update

The Director of Legal and Governance submitted a report to update Cabinet on the use of the Regulation of Investigatory Powers Act (RIPA) policy over the past 12 months and to request that it be noted that some minor amendments were required to be made to the policy. It was noted that the current Code of Practice and Council Policy required Members to be updated on RIPA authorisations on an annual basis.

RESOLVED

- 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.
- 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.
- 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.

REASON FOR DECISIONS

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.

To ensure that the Policy remains up to date and fit for purpose.

ALTERNATIVE OPTIONS CONSIDERED AND REASONS FOR REJECTION

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.

CA.62 Leisure Transformation

The Interim Director of Place and Communities submitted a report to update Cabinet on the Leisure Transformation Programme and to seek authorisation to proceed with the next steps towards delivering a new flagship leisure destination at the current Festival Hall site, Kirkby-in-Ashfield.

The report noted that part of the Council's vision was for local people to have access to modern leisure facilities in order to help them to lead healthier lifestyles. In order to enable this a clear approach to providing facilities had been identified including investment and rationalising the use of the Council's assets, alongside coordinated provision from other sources to help meet this vision. In order to achieve the Council's vision, Key Projects had been identified within the Corporate Plan, one of which was to carry out a Leisure Facilities Review and secondly, to explore the feasibility for a replacement for the Festival Hall Leisure Centre.

The officer's report provided information on:

- the processes gone through to establish that the new centre should be built on the current Festival Hall site.
- potential costs and opportunities to access external funding.
- the proposed facility mix, including a 25m Pool with flexible floor and separate Leisure Water.
- the economic and health benefits that the new centre would deliver.

Members of Cabinet welcomed the proposals that would bring a swimming pool to Kirkby-in-Ashfield for the first time and noted that it would be a great community asset that would also attract visitors to the town centre. Members also noted that the new centre would lead to increased participation in sport and physical activity, and consequently would have a positive impact on the health and wellbeing of local residents. The Leader thanked officers for the considerable work that they had done in progressing the plans for the new centre to the current stage and noted that the new centre would be part of a high quality leisure offer across the district.

RESOLVED

- a) that the current Festival Hall site, Kirkby-in-Ashfield be approved as the preferred site for a new flagship leisure destination.
- 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.

- c) that a further report be brought back to Cabinet, and subsequently to Council for funding approval after the completion of the tendering process.
- d) that authority be delegated to the Interim Director of Place and Communities, in consultation with Deputy Leader (Inward Focus), to:
 - i. select a suitable Framework agreement to appoint the professional team for the project;
 - ii. commission the professional team to undertake design and development work to progress the project through to the end of RIBA Stage 4;
 - iii. approve the procurement of the leisure centre through the use of a competitive procedure with negotiation, for a Design and Build contract.

REASONS FOR DECISIONS

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.

ALTERNATIVE OPTIONS CONSIDERED AND REASONS FOR REJECTION

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.

At 10:52am the meeting adjourned.

At 11:00am the meeting reconvened.

CA.63 Dogs on Public Spaces

The Interim Director of Place and Communities submitted a report to Cabinet on the outcomes 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 with regards to dogs on public open spaces.

It was noted that the issue had arisen due to complaints from the public regarding dog fouling on football pitches, which teams had had to clean up before they could play, and it had been proposed that this problem could be

dealt with by means of a new Public Spaces Protection Order (PSPO) prohibiting dogs from all sports pitches. The report noted that PSPO's had been established under the Anti-Social Behaviour, Crime and Policing Act 2014 and enabled the Council to introduce measures to curb anti-social behaviour specific to locations in order to help deal with the problems faced in local communities. PSPO's however could only be introduced once evidence has been gathered to substantiate the need for one along with a public consultation.

The report provided information on the current PSPO which was in force that currently enabled the Council to maintain effective dog control in public areas in that it provided for:

- Action against owners who permit dog fouling;
- Action against owners who do not carry a receptacle for cleaning up their dogs' faeces;
- Dogs on leads by direction;
- Specified maximum number of dogs: 6;
- Dogs excluded from specific areas, for example enclosed play areas, enclosed sports facilities on parks (e.g. courts and bowling greens);
- Dogs on leads in specific areas, e.g. public highway and verges, churchyards and cemeteries.

After analysis by officers it had been concluded that the existing PSPO provided sufficient means to deal with dog fouling on both open spaces and pitches. It was also noted that as well as a robust application of existing measures; from January 2019, the Council's Community Protection Officers would be undertaking targeted patrols in known hot spot areas for littering and dog fouling and would enforce by means of Fixed Penalty Notices where necessary.

It was also noted that the Council, in partnership with a private sector provider, would aim to provide free dog bag units in each park for residents to make use of and that these bags would be sited in convenient locations for dog walkers. The Leader thanked Michael Biggs and former Councillor Gail Turner for their work in investigating private sector support in supplying dog bags and invited former Councillor Gail Turner to address the meeting on this work.

RESOLVED

- 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.
- 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.

REASON FOR DECISIONS

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.

ALTERNATIVE OPTIONS CONSIDERED AND REASONS FOR REJECTION

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.

CA.64 Re-siting of Town Clock, Kirkby-in-Ashfield

The Place Team Leader submitted a report seeking approval to progress plans to re-site the Kirkby-in-Ashfield town clock that had been removed in November 2014, as part of the works to create Kirkby Plaza and modernise the pedestrianised area of the town centre. The report noted that the overall cost of refurbishing and re-siting the clock had been estimated to be £19,322 and that this would be funded from unallocated Section 106 Kirkby town centre regeneration contributions from developers. It was noted that the exact location for the re-siting of the clock would need to be determined and permission secured if a proposed site was in private ownership.

RESOLVED

- 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.
- b) that the use of Section 106 funding to support the implementation of the project be approved.
- 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.

REASON FOR DECISIONS

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.

ALTERNATIVE OPTIONS CONSIDERED AND REASONS FOR REJECTION

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.

CA.65 Housing Company

The Director of Housing and Assets submitted a report seeking approval to commence the establishment and incorporation of a limited company for the purposes of market housing delivery and rental within Ashfield District and surrounding areas. The report stated that the company would be set up wholly on the basis to be a commercial entity and return capital and revenue funding to the Council to support the delivery of Council services. It was noted that the proposed company would have no involvement with social or affordable housing and would be a totally different entity to the Council's former Arm's Length Management Organisation (Ashfield Homes Limited). A full draft business case was attached as an appendix to the officer's report.

The Leader welcomed the proposed Housing Company and noted that it had the potential to generate revenue which would enable the Council to continue to deliver high quality frontline services to residents.

RESOLVED

- 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.
- a) that authority be delegated to the Leader of the Council in conjunction with the Chief Executive to name the limited company.
- 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.
- c) that any officer or Member appointed as Directors of the Company be indemnified.
- d) that the Company obtains suitable insurance cover for its Directors.

REASON FOR DECISIONS

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.

ALTERNATIVE OPTIONS CONSIDERED AND REASONS FOR REJECTION

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 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 be 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.

CA.66 Housing Project, Davies Avenue, Sutton-in-Ashfield

The Director of Housing and Assets submitted a report seeking authorisation to dispose of a plot of vacant Housing Revenue Account held land at Davies Avenue, Sutton-in-Ashfield to a Registered Provider of Social Housing (EMH Group) for the purposes of building approximately 26 affordable homes and for the Council to enter into an agreement to purchase the development once completed. The Leader noted that the development would make a positive contribution to the Council's supply of social housing and that the inclusion of smaller houses and bungalows in the proposed scheme would enable existing tenants to downsize and consequently for larger family houses to be made available. The Leader also noted that the development would tidy up a run down site that was both unsightly and attracted antisocial behaviour.

RESOLVED

that subject to the authority of Council to seek Secretary of State consent as set out at (b);

- 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.
- 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 Section 32 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.
- 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.
- 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.

REASONS FOR DECISIONS

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.

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.

ALTERNATIVE OPTIONS CONSIDERED AND REASONS FOR REJECTION

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.

CA.67 Housing Rent Setting

The Corporate Finance Manager submitted a report seeking approval for the proposed rent level and other council accommodation related charges for council tenants for the financial year 2019/20.

Since April 2016, the Welfare Reform and Work Act 2016 had required social housing rents to be reduced by 1% a year for 4 years from a frozen 2015/16 base line, for both social rents and affordable rents, with 2019/20 being the fourth year of the reduction. It was noted that this reduction had over the period resulted in a loss of £8million to the Housing Revenue Account for the Council. The Leader noted that while other charges were increasing, these increases would be offset by the rent decrease which would mean that residents would not be financially disadvantaged by the increased charges. It was also noted that charges made by the Council, including garage rents and the amenity charge did not cover the full costs incurred in providing these services and that full cost recovery on these services was not made in order to protect the welfare of residents as far was possible.

RESOLVED

- a) that an average rent decrease of 1% for all council house rents be set for 2019/20.
- b) that an average rent increase for garages, at the level of the Consumer Price Index (CPI) be set for 2019/20.
- c) that the amenity charge be increased by 61p a week for 2019/20.
- d) that the charges for communal heating be increased by 3% for 2019/20.
- e) that the water charges at Brook Street Court be increased by 4% for 2019/20.

REASON FOR DECISIONS

- a) To set a 1% rent decrease as detailed in Section 23 – 33 of the Welfare Reform and Work Act 2016.

- 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.
- 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.
- 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.
- 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.

ALTERNATIVE OPTIONS CONSIDERED AND REASONS FOR REJECTION

- 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.
- 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 costs incurred in 2019/20.
- 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.
- 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.
- 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.

CA.68 Digital and Service Transformation Programme

Pursuant to Minute No. CA.9 (2018/19) the Chief Executive submitted a report seeking approval for, and recommending that investment be made in the technology required to enable a more customer centric, customer responsive and productive mobile housing repairs function for the Council.

The Chief Executive's report included a full business case indicating how investment in technology would be a catalyst for delivering a more customer focussed housing repairs function. The business case also included detailed information on the strong potential and short timescales for the payback of the

required investment that would be realised through a more productive and agile re-structured housing repairs workforce, with reduced reliance on sub-contractors. It was noted that the proposed customer centric changes created by IT investment in housing repairs were part of the Council's digital and service transformation programme which was aimed at addressing the joint challenges of the need to continue to make savings along with the increasing expectations of customers for a high-quality service by looking at new ways of working to improve how the Council operated.

The report included full details of the how the project would be financed and sought approval for Cabinet to recommend to Council Housing Revenue Account funding of £250,000 for the implementation of the project and for a maximum of £30,000 a year for ongoing support and maintenance costs.

Members of Cabinet welcomed the report and noted with approval that the proposed housing repairs solution would not only provide a better service to the Council's tenants but also provide savings and efficiencies that would pay back the investment made and deliver ongoing savings for the Council. The Chief Executive noted that the mobile housing repairs solution was just part of the Council's wider digital transformation programme which aimed to modernise Council systems and provide responsive and customer focussed services.

RESOLVED

- 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.
- b) that it be recommended to Council
 - 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.
 - 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.
- c) that the required repairs module, and associated licences be included within the Council's existing contract with Capita, in line with procurement regulations.
- d) that a DRS solution be procured via a relevant procurement process for two years with an optional extension of two further years.
- 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.

REASONS FOR DECISIONS

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.

ALTERNATIVE OPTIONS CONSIDERED AND REASONS FOR REJECTION

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.

The meeting closed at 11.50 am

Chairman.