

CABINET

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

on Tuesday, 25th January, 2022 at 10.00 am

Present: Councillor Jason Zadrozny in the Chair;

Councillors Kier Barsby, Samantha Deakin,
Rachel Madden, David Martin, Matthew Relf,
Helen-Ann Smith, Daniel Williamson and
John Wilmott.

Apology for Absence: Councillor Tom Hollis.

Officers Present: Craig Bonar, Lynn Cain, Ruth Dennis,
Joanne Froggatt, Katherine Green,
Theresa Hodgkinson, Peter Hudson, Mike Joy,
Paul Parkinson, Scott Tilley and Shane Wright.

In Attendance: Councillors Chris Baron, Trevor Locke,
Lauren Mitchell, Kevin Rostance, Dave Shaw
and Lee Waters.

CA.43 Declarations of Disclosable Pecuniary or Personal Interests and/or Non-Registrable Interests

No declarations of interest were made.

CA.44 Minutes

RESOLVED

that the minutes of the meeting of the Cabinet held on 7 December 2021, be
received and approved as a correct record.

CA.45 Corporate Plan 2021/22 - Progress Update

Cabinet was requested to consider the Quarter 2, April to September 2021,
update for the corporate performance scorecard, progress against the
Corporate Plan priorities and service provision during the ongoing pandemic.

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

RESOLVED that

- a) having reviewed the levels of performance achieved against the Corporate
Plan and Corporate Scorecard, as at Quarter 2 2021/22, progress be
received and noted;

- b) the significant levels of continued service provision to date, despite the impacts of the pandemic, be acknowledged accordingly.

Reasons:

The Council's ambitions for the period 2019 – 2023 are clearly identified in a set of revised and updated Corporate Priorities as presented in the Council's Corporate Plan. These were developed by Cabinet in 2019 and have since been reviewed and updated, with particular consideration of the impact of the pandemic and intended recovery activity.

Priorities for the future and the key projects and initiatives intended to be delivered, are then translated and cascaded through the Performance and Strategic Planning Framework, into specific Service Plans to facilitate focussed delivery. The report keeps Members up to date with performance progress.

CA.46 Petition - Development of the Greenbelt Land in and Around Whyburn Farm, Hucknall

In accordance with the Council's Petition Scheme, Cabinet was requested to further consider a petition referred from the Council meeting held on 2 December 2021.

Members considered the alternative option of just noting the petition and its submission as part of the Council's recent consultation for the Draft Local Plan for Ashfield.

The Leader allowed a representative of the petition organiser, Jemma Chambers, to address Cabinet Members for 10 minutes as part of the ensuing discussion. At his discretion, he also allowed Councillors Lee Waters and Dave Shaw to address the Cabinet in respect of the petition.

The Leader then took the opportunity to inform all present at the meeting that he had paused any further development on the Council's Draft Local Plan and any advancement to Stage 2, whilst he was awaiting a response to his letter, sent to the Prime Minister, asking for clarity in relation to building on greenfield land. However, he did wish to make clear that officers would be continuing to work on the post consultation evaluation exercise, to enable full consideration and analysis of all the responses received.

RESOLVED that

- a) the petition regarding development of greenbelt land in and around Whyburn Farm, Hucknall and the presentation from the petition organiser's representative, be received and duly noted;
- b) the petition be formally accepted as part of the Ashfield Draft Local Plan Consultation (Regulation 18);
- c) as a result of a) and b) above, the petition be referred to the Council's Local Plan Working Group for further consideration as part of the post consultation evaluation exercise and the overall Local Plan development process.

Reason:

To fulfil Council's resolution that the petition, as submitted, be referred to Cabinet for consideration.

CA.47 Petition - Development on the Greenfield Land Around Cauldwell Road and Derby Road, Sutton-In Ashfield

In accordance with the Council's Petition Scheme, Cabinet was requested to further consider a petition referred from the Council meeting held on 2 December 2021.

Members considered the alternative option of noting the petition and its submission as part of the Council's recent consultation for the Draft Local Plan for Ashfield.

The Leader allowed the petition organiser, Laura Gapski, to address Cabinet Members for 10 minutes as part of the ensuing discussion.

RESOLVED that

- d) the petition regarding development on the greenfield land around Cauldwell Road and Derby Road, Sutton-In Ashfield and the presentation from the petition organiser, be received and duly noted;
- e) the petition be formally accepted as part of the Ashfield Draft Local Plan Consultation (Regulation 18);
- f) as a result of a) and b) above, the petition be referred to the Council's Local Plan Working Group for further consideration as part of the post consultation evaluation exercise and the overall Local Plan development process.

Reason:

To fulfil Council's resolution that the petition, as submitted, be referred to Cabinet for consideration.

CA.48 Motion - Draft Local Plan

In accordance with Council Procedure Rule 14.4 (the process for considering a motion that is the responsibility of the Cabinet), Members were requested to further consider a Notice of Motion moved by Councillor Lauren Mitchell and seconded by Councillor Kevin Rostance.

Members considered the alternative option of just noting the motion and its recommendations.

The Chairman allowed the mover and seconder of the motion to address Cabinet Members for 5 minutes each as part of the ensuing discussion. At his discretion, he also allowed Councillors Lee Waters and Chris Baron to address the Cabinet in respect of the motion.

RESOLVED that

- g) the motion regarding the draft Local Plan and the presentation from the mover and seconder of the motion, be received and accepted with Cabinet Members agreeing with its overall sentiments;
- h) as a result of a) above, the motion be referred to the Council's Local Plan Working Group for further consideration as part of the post consultation evaluation exercise and the overall Local Plan development process.

Reason:

In accordance with Council Procedure Rule 14.4, to consider a Notice of Motion that is the responsibility of Cabinet, as referred from the Council meeting held on 2 December 2021.

The meeting adjourned at 12.07pm and reconvened at 12.25pm.

CA.49 Land at Diamond Avenue - to Declare Surplus and Offer for Sale

Cabinet was requested to consider the report seeking to declare the former allotment site on Diamond Avenue as surplus to the Council's requirements and to offer it for sale for residential development.

Members considered the alternative option of retaining the site but this was not recommended as it would not generate a capital receipt or facilitate residential development.

RESOLVED that

- a) the site be declared surplus to the requirements of the Council;
- b) the site be offered for sale for residential development using an external property agent;
- c) delegated authority be granted to the Director of Resources and Business Transformation, in conjunction with the Leader of the Council, for the agreement of the terms of the sale;
- d) delegated authority be granted to the Service Manager for Commercial Development to finalise the detail of the transaction with the Director of Legal and Governance;

Reason:

Selling the land will provide the Council with a significant General Fund capital receipt and enable residential dwellings to be constructed on the site.

CA.50 Modern Slavery Annual Update 2021/22

Cabinet was asked to approve the refreshed Modern Slavery and Human Trafficking Policy Statement and Transparency Statement for 2021/22, detailing the Council's commitment to tackling modern day slavery and human trafficking.

Members considered the alternative option of declining to approve the Policy, thus failing to set out and publish the current and ongoing action the Council intends to take to demonstrate its commitment to tackling Modern Slavery. This was not recommended.

RESOLVED

that the Modern Slavery and Human Trafficking Policy Statement and Transparency Statement 2021/22, as presented, be approved.

Reason:

To meet the Council's legal, moral and safeguarding obligations and to take a proactive approach in tackling this type of criminality, exploitation and vulnerability at a District and County wide level.

CA.51 Development of Unviable Garage Sites in Kirkby in Ashfield and Hucknall

Cabinet Members were advised about an opportunity to develop affordable housing on Council owned undeveloped former garage and plot sites at Central Avenue, Darley Avenue and Spruce Grove, Kirkby in Ashfield, plus Oak Grove, Hucknall, and approval was sought for the same.

Members considered the alternative options of doing nothing with the sites or sell the sites for private development but neither were recommended as in some cases investment would be needed to bring the sites up to an acceptable standard and the value of the land alone was minimal.

RESOLVED that

- a) approval be given for the use of specified unused and unviable garage and plot sites across the District for the development of new affordable housing;
- b) the use of Housing Revenue Account reserves to fund the development of 14 new homes, be approved;
- c) 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;
- d) delegated authority be granted to the Director of Housing and Assets to procure and appoint a contractor to develop the site;
- e) delegated authority be also granted to the Director of Housing and Assets 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 the Council's business plan model;
- f) Council be recommended to approve the addition of the Housing Development to the Council's Capital Programme.

Reason:

The development will help achieve the Council's Corporate Plan objective of delivering much needed, additional good quality affordable housing in the District and bring into use an under used brownfield asset.

CA.52 Introduction of Service Charges for Sheltered Schemes and General Needs Flats (Council Owned Housing Stock)

Approval was sought from Cabinet to introduce service charges at 9 sheltered schemes and 21 blocks of general needs flats from 4th April 2022.

(At this point in the proceedings, Councillor Kier Barsby declared a Disclosable Pecuniary interest in this and the following item due to the fact that he was currently a Council tenant. His interest was such that he stayed in the room and took part in the discussion and voting thereon as the decisions did not relate to his tenancy.)

As part of the discussion, a request was made that officers consider if any further schemes/flats could be included within the designation, to ensure all communal areas in Council owned properties are maintained to the same, high quality standard.

Members considered the alternative option of declining to introduce the service charges to the designated properties, but this was not recommended as it would mean that the communal costs of these properties would be subsidised by other tenants not in receipt of those services.

RESOLVED that

- a) the content of this report and the consultation undertaken with tenants, be received and noted;
- b) variation of the Tenancy Agreement, be approved;
- c) approval be given for the introduction of a service of £3.00 per week to be collected over 48 weeks in line with the rent collection, for communal housing court schemes as specified at Appendix 1;
- d) it be noted that the charge will be reviewed annually in line with operating costs and inflation;
- e) delegated authority be granted to the Director of Housing and Assets, in consultation with the Deputy Leader and Portfolio Holder for Council and Social Housing, to consider if any further schemes/flats can be included within this designation, to ensure all communal areas in Council owned properties are maintained to the same, high quality standard.

Reasons:

1. To introduce a service charge to recover some of the costs of managing, maintaining and providing specific services in addition to the basic rent at the addresses specified in Appendix 1.
2. To meet the requirements of the Regulator of Social Housing as set out in the "Neighbourhood Standard" and the Rent Regulations.

CA.53 Heat Metering - Communal Heating Installations

Cabinet was requested to consider the installation of heat meters to Council owned properties where the Regulations apply and heat metering is required.

As the installation of heat meters is now required under the new Heat Network (Metering and Billing) (Amendment) Regulations 2020, Members did not have any alternative options to consider.

RESOLVED that

- a) heat meters be installed only to those properties where the Regulations require it (including future installations where required by the Regulations);
- b) a heating charge be developed at a rate per kwh of heat used (per building) for heat provided to the flats and to be reviewed annually;
- c) a Common Areas heating charge be established to recoup the residual costs of providing heating and hot water (and heat losses in transferring heat from the boilers to their respective destination) to the respective buildings to enable the Council to break even with respect to its outgoings when compared to income;
- d) charges included in points b) and c) above, to include all applicable costs including:-
 - Installation charges
 - Maintenance charges
 - Heat used (kwh)
 - Metering and billing charges
 - Common Areas heating charge
- e) approval be given for the Corporate Finance Manager (& Section 151 Officer) to determine the most appropriate approach to charges in terms of whether such charges are to be fixed or variable, and the timing of payment of such charges;
- f) heating to corridors and common areas (introducing remote control of temperature by the Council where considered appropriate) be maintained;
- g) an external consultant be sourced to administer the additional metering and billing functions, including implementing a system such that meter readings are undertaken remotely (via sim card or other electronic means);
- h) users be charged at the end of each accounting period (monthly) as opposed to the use of pre-payment meters;
- i) approval be given to disconnect users if bills are not paid, unless by reasonable representation and determination of the Director of Housing and Assets;
- j) tenants be notified of the changes, including a potential revision to their respective Tenancy Agreements, relating to individual charges, as a move away from fixed charges to meet Regulatory requirements;

- k) relevant tenants be notified in a timely fashion when charges and the administrative approach has been established and agreed;
- l) delegated authority be granted to the Director of Housing and Assets and the Corporate Finance Manager (and Section 151 Officer), to decide whether to retain pooled charges (or not in future) if heat meters are not used across the relevant stock, following legal advice;
- m) relevant leaseholders (if applicable) be notified in a timely fashion when charges and the administrative approach has been established and agreed, with charges being applied at the discretion of the Director of Legal and Governance based upon the contents of the respective leases and compliance with relevant leaseholder legislation.

Reason:

To comply with the requirements of the Heat Network (Metering and Billing) (Amendment) Regulations 2020.

CA.54 Proposed Fees and Charges 2022/23

Each year the Council reviews its Fees and Charges as part of setting its Annual Budget and Cabinet were requested to consider and approve the proposed Fees & Charges booklet for 2022/23, as appended to the report.

Members considered the alternative options for varying the fees and charges, as presented to them in the report, where applicable.

RESOLVED that

- a) the Fees and Charges for 2022/23, as presented at Appendix 1, with all applicable increases taking effect as soon as practically possible after 1 April 2022, be approved;
- b) delegated authority be granted to the Corporate Finance Manager (and Section 151 Officer), in consultation with the Portfolio Holder for Finance, Revenues and Benefits, to confirm that the Festival Hall Leisure Centre fees will be transferrable to the new Kirkby Leisure Centre, once opened in late 2022, and to include any additional fees for new facilities being offered by the Centre (i.e. the new climbing wall facility).

Reason:

Additional income generated will meet the inflationary costs of service provision and will contribute towards the Council's saving targets and continue to support the financing of a range of services to Ashfield residents and businesses. In addition, an annual review of Fees and Charges is part of sound financial management practice and a requirement of the Council's Financial Regulations.

CA.55 Housing Revenue Account Medium Term Forecast 2021/22 - 2025/26

Cabinet Members received an update on the forecast financial position of the Housing Revenue Account (HRA) for the next five years.

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

RESOLVED

that the impact of the Housing Revenue Account five-year financial forecast and the inherent financial risks within, as presented, be received and noted.

Reason:

To provide Cabinet with an up to date medium term financial forecast for the HRA.

CA.56 Housing Rent Setting 2022/23

Cabinet was requested to consider and approve the proposed Housing Revenue Account (HRA) rent level and other HRA accommodation related charges for Council tenants for the financial year 2022/23.

(At this point in the proceedings, Councillor Kier Barsby declared a Disclosable Pecuniary interest in this item due to the fact that he was currently a Council tenant. His interest was such that he stayed in the room and took part in the discussion and voting thereon as the decisions did not relate to his tenancy.)

Members considered and subsequently declined the range of alternative options for rent levels and accommodation related charges, as outlined in the report.

RESOLVED

that the following HRA rent level and other HRA accommodation related charges be set for 2022/23 as follows:

- a) an average rent increase of September Consumer Price Index (CPI) (3.1%) + 1% for all Council house rents for 2022/23;
- b) a garage and plot average rent increase of CPI (3.1%) + 1% for 2022/23;
- c) a weekly amenity charge increase of CPI (3.1%) +1% for all relevant council house properties for 2022/23;
- d) an increase to the communal heating charges of 5% for 2022/23;
- e) an increase for water charges at Brook Street Court of 1.1% for 2022/23;
- f) an increase for service charges for the properties at Hawkers Place of Retail Price Index (RPI) at December 2021 for 2022/23.

Reasons:

1. To set a 4.1% rent increase in line with the Ministry of Housing, Communities & Local Government (now known as Department for Levelling Up, Housing and Communities) policy statement on rents for social housing 2019.
2. To set an increase of 4.1% 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.
3. To increase the amenity charge in line with the rent increase of 4.1% to continue covering the costs of providing the services which do not fall within the provision of the rent charge.
4. To set an increase to the communal heating service charges. This is to recover the increase in prices from the utility company to the Council for providing the communal heating in the applicable housing court schemes.
5. 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.
6. To set an increase of RPI for the service fee for the properties at Hawkers Place estate, Hucknall, in line with the legal agreement between the Council and the Housing Development Company.

CA.57 Annual Corporate Health and Safety Report

Cabinet was presented with the Council's Annual Corporate Health and Safety Report for 2020/21.

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

RESOLVED

that the Annual Corporate Health and Safety Report, as presented, be received and noted.

Reason:

To ensure Cabinet are informed on health and safety performance across the Council, to provide assurance that the Council's statutory health and safety obligations are being met and to provide an understanding that the health and safety risks created by the Council's services and operations are being managed effectively, as required by law.

The meeting closed at 1.35 pm

Chairman.