

CABINET

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

on Tuesday, 21st February, 2023 at 10.00 am

Present: Councillor Jason Zadrozny in the Chair;

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

Officers Present: Craig Bonar, Lynn Cain, Chris Clarke, Sarah Daniel, Ruth Dennis, Tammy Fox, Joanne Froggatt, Theresa Hodgkinson, Peter Hudson, Paul Parkinson, Chris Stephenson, Antonio Taylor and Shane Wright.

In Attendance: Councillors Christian Chapman and Councillor Daniel Williamson.

CA.55 Leader's Announcement

Prior to commencement of the meeting, the Leader took the opportunity to advise Cabinet that a news announcement that morning had revealed that the City of Lincoln Council had confirmed its decision to scrap the Lincoln Christmas Market event after 40 years.

As a result of that announcement and the fact that Ashfield District Council continued to be an ambitious and welcoming Authority, the Council would be immediately considering options for developing a larger Christmas market event within Ashfield. Hopefully as part of this process and if successful, the Council could attract many of the stall holders who had previously been part of the Lincoln Christmas market event and were maybe now looking for an alternative event to trade.

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

No declarations of interest were made.

CA.57 Minutes

RESOLVED

that the minutes of the meeting of the Cabinet held on 24 January 2023, 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 Leader advised that he would be considering agenda item 16 (Scrutiny Review: Dog Fouling and Littering) as agenda item 4. Cabinet Members concurred with this course of action.)

CA.58 Scrutiny Review: Dog Fouling and Littering

The Chairman of Scrutiny Panel B, Councillor Christian Chapman, presented the report and a set of recommendations for Cabinet Members to consider regarding outcomes from the scrutiny review of Dog Fouling and Littering.

Members considered the alternative option of declining to agree the recommendations as submitted by Scrutiny Panel B.

RESOLVED that

- a) the status of the Council's Neighbourhood/Environmental Charter be reviewed with Scrutiny Members being proactively engaged in the process;
- b) future resources continue to be targeted towards reducing dog fouling and littering across the District, including facilitating preventive education measures regarding responsible dog ownership and disposal of litter/waste management within primary and secondary schools as appropriate;
- c) Cabinet continue to explore all available options relating to environmental enforcement duties following the discontinuation of the previous Environmental Enforcement Contractor pilot scheme and proactively engage Scrutiny Members in the process;
- d) the possibility of undertaking a light touch review of local businesses and organisations within the Ashfield District be explored, to ascertain and ensure they continue to meet their obligations in respect of keeping sites/curtilages within their jurisdiction clean and free of litter;
- e) the gathering and utilisation of accurate locational data to identify hotspot areas in the District, to enable effective targeted action to be taken to reduce dog fouling and littering offences in these areas, be continued;
- f) it be noted that Cabinet, and the wider Teams engaged in the work, are commended by Scrutiny Panel B for the array of mitigation measures already being undertaken, to address the issue of dog fouling and littering within the District.

Reason:

To finalise the Dog Fouling and Littering review added to the 2022/23 Scrutiny Work Programme by the Overview and Scrutiny Committee in June 2022.

CA.59 Corporate Plan Progress Update - April to December 2022

Cabinet was updated regarding delivery of the Corporate Plan and the Council's Corporate Priorities including the April to December 2022 performance position against the associated Corporate Performance Scorecard.

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

RESOLVED

that having reviewed the levels of performance achieved against the Corporate Plan and Corporate Scorecard from April to December 2022 and delivery against the Corporate Plan Priorities as presented, progress be received and duly noted.

Reasons:

1. 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.
2. 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.60 Anti Social Behaviour Policy

Cabinet was requested to review and approve the Council's new Corporate Anti-Social Behaviour Policy and associated procedural guidance.

Members considered the alternative option of declining to approve the new Policy, but this was not recommended as the document complies with Section 218A of the Housing Act 1996 which places a duty on social landlords to publish anti-social behaviour policies and procedures.

RESOLVED that

- a) the work undertaken to ensure lawful compliance and good governance in the management of Anti-Social Behaviour and Neighbourhood Nuisance by the Council, be received and noted;
- b) the proposed Corporate Anti-Social Behaviour Policy and associated procedural documents appended to the report, be approved.

Reason:

The Council does not have an updated corporate policy in line with current legislation, statutory guidance and inter-departmental responsibilities for the management of anti-social behaviour, neighbourhood nuisance and environmental crime across the District.

CA.61 Funding Update

Cabinet received a progress update regarding funding allocations and agreed programmes and were also requested to approve a five-year Green Space

and Public Realm Investment Plan whilst recommending to Council the addition of further Public Open Space Section 106 contributions to the Capital Programme.

Members considered the alternative options of declining to accept the £3.1 million funding from the Levelling Up Fund and to decline to approve the five-year Green Space and Public Realm Investment Plan including the recommendation for Council to approve the Section 106 Public Open Space income being added to the Capital Programme.

RESOLVED that

- a) progress in relation to the Future High Streets Fund (FHSF), Towns Fund, Levelling Up Fund and UK Shared Prosperity Fund (UKSPF) programmes, be received and noted;
- b) the Council's successful bid for Levelling up funding be noted and approval be given to the acceptance of the £3.1 million of funding;
- c) Council be recommended to approve the following:
 - the five-year Green Space and Public Realm Investment Plan, subject to receipt of funds;
 - following receipt of funds, that income from Social Value contributions, grants and/or Section 106 funding be included in the Capital Programme, as outlined in the report.

Reasons:

1. To ensure that Cabinet is kept updated on progress with the funding programmes.
2. To ensure that projects and spend within the funding programmes are delivered within the set timeframes and programme budget envelope.
3. To ensure funding is spent collaboratively and effectively.
4. To note the Council's successful bid for Levelling Up funding and to approve acceptance of the £3.1 million.
5. To ensure continued delivery of improvements in parks, green spaces and public realm with a rolling programme of investment.

CA.62 Updated Social Value Policy

Cabinet was asked to note the progress and success of social value as it relates to procurement and to approve the updated Social Value Policy.

Members considered the alternative option of declining to approve the updated Policy but this was not recommended as it would result in the Council's non-compliance with the legal obligations contained in the Social Value Act 2012.

RESOLVED that

- a) the updated Social Value Policy, as presented, be approved;
- b) the success and benefits of the delivery of social and local economic value as stated in the summary of the report, be received and noted;
- c) the significant progress the Council has made in embedding social value into its activities, be also noted and welcomed.

Reason:

The Public Services (Social Value) Act 2012 came into force on 31 January 2013 and required people who commission public services to think about how they can also secure wider social, economic and environmental benefits. The updated Social Value Policy reflects the Council's ongoing commitment to those improvements.

CA.63 Interim Corporate Health and Safety Report 2022/23

(The Deputy Leader and Executive Lead Member for Community Safety and Crime Reduction, temporarily took the Chair.)

Cabinet was presented with details of the Council's corporate health and safety performance by means of an interim report covering the six-month period 1st April 2022 to 30th September 2022.

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

RESOLVED

that the Interim Corporate Health and Safety Report 2022/23, as shown at Appendix 1, be received and noted.

Reason:

To ensure Cabinet are informed on corporate 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.

(During consideration of this item, Councillor Tom Hollis left the meeting at 11.55am.)

CA.64 Corporate Risk Update

(The Leader of the Council, resumed the Chair.)

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 purposes 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.

(During consideration of this item, the Chief Executive left the meeting at 12 noon.)

CA.65 Annual Budget and Council Tax 2023/24 and Medium Term Financial Strategy Update

Cabinet was presented with the Council's Annual Budget, the Council Tax proposals for 2023/24 and a Medium Term Financial Strategy (MTFS) update.

Members considered the alternative option of declining to apply an increase to Council Tax for the 2023/24 financial year, but this was not recommended due to significant inflationary increases to its pay, energy, fuel and contracts budgets in recent months, the estimated funding gap for 2024/25 and recognition of the recommendation in relation to Council Tax from the recent Local Government Association Finance Health check held in December 2021.

RESOLVED

that Council be recommended to approve the following:

- a) a £5.75 annual increase in the level of the District's own Council Tax for 2023/24, setting the Band D equivalent at £201.21. This represents a 2.94% increase compared with 2022/23;
- b) the proposed 2023/24 Revenue (General Fund) and HRA Budgets as set out in this report at (Sections 3 and 4);
- c) the proposed Capital Programme and associated borrowing 2022/23 to 2026/27 as set out in this report (Section 5);
- d) the 2022/23 Revised HRA and Capital Budgets as set out in the report (Sections 4 and 5);
- e) the precept figures from Nottinghamshire County Council, Nottinghamshire Fire and Rescue Authority, Nottinghamshire Police and Crime Commissioner and the two Parish Councils within the District be incorporated, when known, into the Council Tax recommendation to Council on 2nd March 2023;
- f) to note the estimated financial challenge in the Medium-Term Financial Strategy (MTFS) for 2024/2025 to 2026/27 and the planned approach to address the challenge (Section 6);

- g) the proposed use of reserves as set out in this report (Table 5 (General Fund) and Table 9 (HRA));
- h) to note and accept the comments and advice of the Corporate Finance Manager (Section 151 Officer), provided in compliance with Section 25 of the Local Government Act 2003, as to the robustness of the estimates included in the 2023/24 Budget and the adequacy of the reserves for which this budget provides (Section 7);
- i) to note that the proposed 2023/24 budgets reflect the agreed changes to Fees and Charges approved by Cabinet on 24th January 2023.

Reason:

In accordance with the Local Government Finance Act 1992 the Council must set its annual budget by 10th March in the preceding financial year.

CA.66 Council Tax Discounts and Premiums

Cabinet was requested to review and determine the level of Council Tax discounts to be applied for empty properties by the Council with effect from 1 April 2023, including agreement as to the proposed increases to Council Tax Premiums from April 2024 and the Council Tax Support (CTS) Scheme for 2023/24, as presented.

Members considered the alternative option of declining to approve the recommendations as presented, but this was not recommended as failure to apply new powers to Council Tax premiums (from April 2024) would result in premiums remaining at current rates, the reuse of empty properties not be incentivised and the potential for additional council tax income being foregone.

RESOLVED that

a) Council be recommended to approve the following:

Empty discounts –

- The current empty discount for Class C - Unoccupied/substantially unfurnished which is allowable for a maximum of 6 months remains at 100% discount for 1 month followed by 25% discount for 5 months.
- The current Class A - Second Homes, No one's sole or main residence/furnished – 28 days planning restriction remains at the current 0% discount.
- The current Class B – Second Homes, No one's sole or main residence/furnished – No planning restriction remains at the current 0% discount.
- The Class D Structural repairs (Unoccupied & substantially unfurnished) which is allowable for 12 months should be a 0% discount for the whole period.

Empty premiums -

- The Council continues to apply the maximum premiums allowable in legislation for Long Term empty properties as it currently does.

b) approval be given to the following in principle:

- the following additional Council Tax premiums be applied from 1 April 2024, or as soon as possible thereafter, subject to the required legislation being in place:

- 100% premium for properties which have been empty and unfurnished for a period of between 1 (previously 2) and 5 years

Council Tax Support Scheme -

- the Council in accordance with Schedule 1A Section 13A of the Local Government Finance Act 1992 (Council Tax Reduction Schemes) approves an unchanged scheme for Council Tax Support for 2023/24.

Reasons:

1. The retention of the same levels of Council Tax discount, for empty properties and second homes will continue to deliver additional Council Tax income for the Council without disadvantaging any vulnerable members of the community.
2. The council tax premiums for empty properties will continue to incentivise the occupation of empty property, allowing more homes to be available for occupation for local people. The additional premiums recommended for the 2024/25 year will further incentivise the occupation of empty properties and it may generate additional income for the District and precepting bodies, which facilitates the delivery of essential front-line services.
3. The Council's proposed Council Tax Support Scheme being unchanged will mean that the level of Council Tax Support provided to the District's working age claimants will effectively mirror that previously provided under the national Council Tax Benefit scheme and continue to support those with the lowest incomes and our most vulnerable customers. This is particularly important to maintain during the Cost-of-Living Crisis.

CA.67 Capital Strategy 2023/24

Cabinet considered the Council's proposed Capital Strategy prepared in accordance with the Chartered Institute Public Finance and Accountancy (CIPFA) Prudential Code for Capital Finance in Local Authorities.

As it is a requirement of the CIPFA Prudential Code for all Local Authorities to have a Capital Strategy and a requirement of DLUHC Statutory Guidance on Local Government Investments to have an Investment Strategy covering non treasury management investments, Members did not have any alternative options to consider.

RESOLVED that

- a) the contents of the Capital Strategy (CS) for 2023/24 including the Annexes 1-3, as presented, be received and noted;
- b) Council be recommended to approve the following:
 - Capital Strategy
 - Commercial Property Investment Strategy
 - Commercial Property Indicators.

Reasons:

1. It is a requirement of the CIPFA Prudential Code for all Local Authorities to have a Capital Strategy approved by Council.
2. DLUHC Statutory Guidance on Local Government Investments require that the Council has an Investment Strategy that covers non-treasury management investments and includes quantitative indicators approved by Council.

CA.68 Treasury Management Strategy 2023/24

Members were requested to consider the Council's Treasury Management Strategy for the financial year 2023/24 comprising the following:-

Treasury Management Policy
Treasury Management Strategy Statement (TMSS)
Borrowing Strategy
Annual Investment Strategy
Minimum Revenue Provision Policy
Prudential Indicators and Treasury Management Indicators
Treasury Management Practices: Risk Management.

As it is a requirement of the CIPFA Treasury Management Code for all Local Authorities to have a Treasury Management Strategy (TMS) and a requirement of MHCLG (now DLUHC) Statutory Guidance on Local Government Investments to have an Investment Strategy, Members had no alternative options to consider.

RESOLVED that

- a) the contents of the Treasury Management Strategy (TMS) for 2023/24, including the changes to the Annual Investment Strategy, as presented be received and noted;
- b) Council be recommended to approve the Treasury Management Policy Statement incorporating the:
 - Treasury Management Strategy Statement (TMSS)
 - Borrowing Strategy
 - Annual Investment Strategy
 - Minimum Revenue Provision (MRP) Policy
 - Prudential Indicators and Treasury Management Indicators including new Liability Benchmark indicator

- Treasury Management Practices: Risk Management which now includes the Environmental, Social and Governance (ESG) update.

Reason:

In accordance with Financial Regulation C.31. Cabinet is responsible for providing effective scrutiny of the Treasury Management Strategy and Policies and recommending the same to Council for approval.

CA.69 2022/23 Forecast Outturn for General Fund, Housing Revenue Account (HRA) and Capital Programme as at December 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.

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

RESOLVED

that the current forecast outturn for the General Fund, Housing Revenue Account (HRA), Capital Programme and Prudential Indicators for 2022/23, as presented, be received and noted.

Reason:

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

CA.70 Playing Pitch Strategy

Cabinet was requested to approve a consultation exercise with stakeholders in relation to the Draft Playing Pitch Strategy, for a minimum of six weeks.

Members considered the alternative option of declining to approve the new Strategy but this was not recommended as it had been prepared as a requirement for the Emerging Local Plan and provided strategic direction for outdoor sports facilities.

RESOLVED that

- a) the Draft Playing Pitch Strategy, as presented, be approved to enable a consultation exercise to be undertaken with stakeholders for a minimum of six weeks following approval by Cabinet;
- b) delegated authority be granted to the Director of Place and Communities, in consultation with the Executive Lead Member for Leisure, Health and Wellbeing, to make any minor amendments to the Strategy following consultation and to complete the adoption process as required.

Reason:

The Playing Pitch Strategy is a supporting document and part of the evidence base for the Emerging Local Plan. The previous Strategy is now out of date

and it is good practice to have an up to date document to support the strategic development and improvement of outdoor sports facilities and funding applications.

CA.71 Referral from Council: Notice of Motion relating to Street Naming

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 Chris Baron and seconded by Councillor Phil Rostance.

The Leader advised Cabinet that he had already been speaking with Adrian Sheldon's family and it had been provisionally agreed that a street forming part of a new development off Central Avenue, Kirkby in Ashfield would be named in his honour.

In addition, Members were advised that a new sports pavilion being built as part of the Papplewick Green development at Hucknall would be named after Jamie Brough, who had worked tirelessly to introduce and provide sporting opportunities for youngsters.

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

RESOLVED

that the following be received and duly noted:

- a) the Motion referred to it by Council on 2 February 2023 relating to street naming, as set out in the report;
- b) the existing policy and process for the naming of streets as appended to and detailed in the report;
- c) that the Leader of the Council is already working with the families mentioned in the motion, with a view to street names being named after the fallen soldiers in the future.

Reasons:

1. The motion was referred to Cabinet by the Council on 2 February 2023 as the function was an Executive one. The recommendations in the report are to enable Members to note the motion and the existing policy for the naming of streets in order and to ensure Members are aware of the legislation, the Council's duty and its process.
2. The Leader also wished Cabinet to be made aware that he is already working with the families of the fallen soldiers mentioned in the motion, with delegated authority already being previously granted to him to make decisions in relation to the naming of streets.

CA.72 Recommendation to Cabinet: Local Plan Development Panel - Adoption of the Developer Guide to Biodiversity and Nature Conservation

Cabinet was requested to consider and approve a recommendation from the Local Plan Development Panel meeting held on 17 January 2023.

Members considered the alternative option of declining the recommendation as presented to them.

Minute No. LP.22

Local Plan Development Panel – 17 January 2023

Adoption of the Developer Guide to Biodiversity and Nature Conservation

RESOLVED

that the Developer Guide to Biodiversity and Nature Conservation, as presented, be received and 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 1.30 pm

Chairman.