

## CABINET

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

on Monday, 31st July, 2023 at 10.00 am

**Present:** Councillor Tom Hollis in the Chair;

Councillors Rachel Madden, Andy Meakin,  
Matthew Relf and John Wilmott.

**Apologies for Absence:** Councillors Samantha Deakin, Vicki Heslop,  
Christopher Huskinson, Helen-Ann Smith and  
Jason Zadrozny.

**Officers Present:** Lynn Cain, Ruth Dennis, Theresa Hodgkinson,  
Peter Hudson, Jas Hundal, Paul Parkinson and  
Chris Stephenson.

**In Attendance:** Louise Ellis and Christine Sarris

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

No declarations of interest were made.

### **CA.9 Minutes**

RESOLVED

that the minutes of the meeting of the Cabinet held on 26 June 2023, be  
received and approved as a correct record.

(In accordance with Council Procedure Rule 4 (Order of Business), the  
Chairman advised that he would be considering agenda item 5 (Be Healthy,  
Be Happy Annual Report 2022/23) as the next item of business. Cabinet  
Members concurred with this course of action.)

### **CA.10 Be Healthy, Be Happy Annual Report 2022-23**

Cabinet was advised as to progress made in year two of the Be Healthy, Be  
Happy Strategy 2021–25, by partners of the Ashfield Health and Wellbeing  
Partnership.

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

**RESOLVED**

that the progress made regarding the work of the Ashfield Health and Wellbeing Partnership during year two of the Be Healthy, Be Happy Strategy 2021–25, be noted.

**Reason:**

Significant progress had been made during 2022-23 to further align the partnership to key strategies, such as the Nottinghamshire Health and Wellbeing Strategy, and to ensure key organisations were represented and could influence the work of the partnership. Numerous projects and programmes had been delivered to facilitate the aims of the Be Healthy, Be Happy Strategy.

**CA.11 Funding Update**

Members received an update on funding allocations, progress of funded programmes and bids for external funding. Members were also asked to approve the adding of Public Open Space Section 106 contributions to the Capital Programme and to acknowledge a potential future cost pressure for the Public Sector Decarbonisation Scheme (PSDS) programme which may require additional Council funding in the future.

As part of their deliberations, Members considered alternative options to decline to approve the allocation of S106 funding on the Capital Programme and to not recommend acceptance of funding if the Arts Council bid was successful. Neither course of action was recommended.

**RESOLVED that**

- a) the progress for Future High Streets Fund, Towns Fund, UKSPF and Community Safety funding programmes, as presented, be noted;
- b) Council be recommend to approve the revised Towns Fund re-profiled funding programme for the Capital Programme;
- c) the submission of an expression of interest to the Arts Council be noted and a recommendation be made to Council to accept the grant monies and to act as the Accountable Body should the bid be successful;
- d) a recommendation be made to Council, following receipt of funds, that Section 106 monies be included on the Capital Programme as outlined in the report;
- e) the potential future cost pressure in relation to the Hucknall Leisure Centre PSDS scheme which might require the allocation of additional Council funding in the future, be noted.

**Reasons:**

1. To ensure that Cabinet is kept updated on progress with the funding programmes and submission of funding bids.
2. To ensure that projects and spend within the funding programmes are achieved within the set timeframes and programme budget envelopes.

3. To ensure that if funding bids are successful grant monies can be accepted and project delivery begun.
4. To ensure delivery of the Council's Corporate Plan and improvements to parks and green spaces with a rolling programme of investment.
5. To ensure funding streams are delivered collaboratively and effectively.
6. To ensure Members are aware as early as possible about the potential cost pressures which may require additional Council funding in the future.

**CA.12 Draft Financial Outturn 2022/23 for General Fund, Housing Revenue Account (HRA) and Capital Programme**

Cabinet was asked to consider the details of income and expenditure incurred in 2022/23 in respect of the General Fund, the Housing Revenue Account (HRA) and the Capital Programme and how this compares to the revised budgets, including any significant variances.

As the financial outturn position was reported in accordance with the 2022/23 draft Statement of Accounts, there were no alternative options for Members to consider.

RESOLVED that

- a) the 2022/23 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) Council be recommended to approve a carry forward of the £21.419m underspend on the Capital Programme to 2023/24 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 2022/23 and comply with the Council's Financial Regulations.

**CA.13 Council's Insurance Arrangements 2022/23**

Cabinet was advised as to the latest position concerning insurance funds and premiums paid during 2022/23.

As part of the presentation Members were asked to approve an additional recommendation in relation to a proposed 20% increase in both the Tool allowance claim value and the employee excess, as these elements had not increased since the Policy was first introduced and the cost of tools has increased significantly over this time. In real terms this would increase the amount claimable to a maximum of £1,200 (from £1,000) and the excess

payable by the employee will increase from £50 to £60.

Members considered the alternative option of declining to approve any increase to the Tool allowance claim value and the employee excess, in accordance with the Policy and as requested at the meeting.

RESOLVED that

- a) the contents of the 2022/23 Annual Insurance Report, as presented, be received and noted;
- b) with immediate effect, the Tool allowance claim value and the employee excess, as outlined in the Policy, be increased by 20%.

Reason:

To meet the requirements of the Council's Financial Regulations (C.37) and to ensure the Policy has taken account of the rising costs of tools, thus remaining fit for purpose.

#### **CA.14 Housing Ombudsman Service – Complaint Handling Code – Revised Self-Assessment**

Cabinet was provided with an overview of the Housing Ombudsman's Complaint Handling Code, the requirements for the Council to ensure full compliance and an explanation as to how the Council would meet them.

Members considered the alternative option of declining to approve the revised annual self-assessment and its subsequent publication on the Council's website.

RESOLVED that

- a) the requirements and obligations on the Council under the Housing Ombudsman Service's Complaint Handling Code, be duly acknowledged;
- b) the revised annual self-assessment, as presented, be approved and published on the Council's website.

Reason:

Compliance with the Complaint Handling Code forms part of the statutory membership obligations set out in the Housing Ombudsman Scheme. Landlords must comply with the requirements of the Code or offer an explanation to the Ombudsman, as to why they do not. Once the Social Housing (Regulation) Bill receives Royal Assent, compliance with the Complaint Handling Code will also become a regulatory requirement for social housing landlords.

#### **CA.15 Civil Penalties Policy - Update**

Cabinet was informed as to the need to review the Council's Civil Penalty Policy relating to housing enforcement in response to rulings made by the First Tier Property Tribunal Service and good practice and to approve the revised Policy as shown at Appendix A to the report.

(In accordance with the Members' Code of Conduct and the Council's constitution, Councillor Tom Hollis declared a Non Registrable interest in respect of this item. His interest arose from the fact that he was currently a private landlord of a property located within the Council's designated Selective Licensing Scheme area.)

Members considered the alternative option of declining to approve the revised Policy but this was not recommended, as it was deemed important for the Council's Policy to reflect the latest Tribunal rulings and good practice.

RESOLVED that

- a) the reasons why the Council's Civil Penalty Policy relating to housing enforcement required updating, be received and noted;
- b) the revised Civil Penalty Policy as attached at Appendix A to the report, be approved;
- c) delegated authority be granted to the Executive Director of Place, in consultation with the Deputy Leader and Executive Lead Member for Strategic Housing and Climate Change, to make minor future changes to the Policy in response to Tribunal rulings, good practice and regulatory change.

Reasons:

1. The issuing of Civil Penalty Notices and Civil Penalty Fines is an established and important tool for dealing with rogue landlords. It is used for serious offences, as an alternative to prosecution through the courts.
2. The Council must ensure its Civil Penalty Policy is accurate and up to date, reflecting tribunal rulings, any changes to the regulations and good practice. As the concept of Civil Penalties is relatively new (nationally), it is a policy that needs to be reviewed on a regular basis.
3. The revised Civil Penalty Policy (Appendix A), reflects the latest practice and will ensure the Council is as compliant as possible, thus protecting it from challenge.

#### **CA.16 Proposed Demolition and Redevelopment of two Community Centres for Affordable Housing**

Cabinet was advised about an opportunity to develop a small number of Council owned sites within Sutton in Ashfield, for the purpose of affordable housing, with approval of the development proposals being sought.

Members considered the alternative option of declining to approve the development proposals but acknowledged that this would leave the Council with two underused centres that were expensive to run and required ongoing investment.

RESOLVED

that subject to planning consent and confirmation of Homes England

funding:

- a) the demolition of two community Centres, namely Mill House and Brierley House, for the purpose of redeveloping the land for much needed housing let on an affordable rent basis, be approved;
- b) Council be recommended to approve the use of Housing Revenue Account reserves, and if needed commuted sums, to fund the site clearances and the development of 4 new Council homes;
- c) delegated authority be granted to the Executive Director of Operations, in conjunction with the Corporate Resources Director and the Executive Director of Place, to negotiate and formalise fees, scheme costs, specification, delivery and any other aspect of the development;
- d) delegated authority be granted to the Executive Director of Operations, in conjunction with the Executive Director of Place, to procure and appoint a contractor to develop the site;
- e) delegated authority be granted to the Executive Director of Operations, in conjunction with the Executive Director of 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.

Reason:

To enable a project that will increase the Council's housing stock in order to meet significant levels of demand for affordable rented properties within the District.

#### **CA.17 Recommendations: Local Plan Development Committee - 3 July 2023**

Cabinet was requested to consider and approve four recommendations from the Local Plan Development Committee meeting held on 3 July 2023.

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

##### Minute No. LP.3

##### Local Plan Regulation 19, Vision, Key Issues and Strategic Objectives

RESOLVED

that the changes to the Vision, Key Issues and Strategic Objectives for the Regulation 19 Local Plan, as set out in the report, be approved.

##### Minute No. LP.4

##### Local Plan Regulation 19: Revised Plan Period

RESOLVED

that the re-basing the Local Plan period from 2020-2038 to 2023-2040 for the Regulation 19 Local Plan, in accordance with the details set out in the report, be approved.

Minute No. LP.5

Local Plan Viability, Affordable Housing and Infrastructure

RESOLVED

that the conclusions of the Whole Plan Viability Assessment, March 2023, as set out in the report, to form the basis of the Local Plan policies for the provision of affordable housing and infrastructure contributions, be approved.

Minute No. LP.6

Local Plan Settlement Boundary, Larch Close, Underwood and Main Urban Area Boundary, Back Lane, Skegby

RESOLVED

that approval be given to adopt the changes to the Main Urban Area boundary and the New Settlement boundary, as contained in the Regulation 19 Local Plan and as outlined in the report.

Reason:

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

The meeting closed at 11.18 am

Chairman.