

CABINET

**Meeting held in the Council Chamber, Council Offices, Urban Road, Kirkby-in-Ashfield,
on Thursday, 22nd September, 2016 at 6.30 pm**

Present: Councillor Cheryl Butler in the Chair;

Councillors Jim Aspinall, Tim Brown, Don Davis,
Jackie James, Keir Morrison and
Nicolle Ndiweni.

Officers Present: Craig Bonar, Carol Cooper-Smith,
Edd deCoverly, Ruth Dennis, David Greenwood,
Alan Maher, Robert Mitchell, Carys Turner-Jones
and Pam Wharfe.

In Attendance: Councillors Rachel Madden, Paul Roberts and
Jason Zadrozny

CA.25 Declarations of Disclosable Pecuniary and non Disclosable Pecuniary / Other Interests

No Declarations of Interest were received.

CA.26 Minutes

The minutes of the meeting held on 14 July 2016 were approved as a true record.

CA.27 Ashfield Publication of Local Plan (2017 to 2032)

Cabinet was told that the Council is required to agree a Local Plan for the District. The Government expects all local authorities to do this and to have submitted their plans to the Secretary of State for approval by March of next year. If they do not, then the Government might take away control of the process and appoint outside Inspectors to produce local plans for them.

Members were reminded that Ashfield's first attempt at producing a local plan was rejected by the Planning Inspectors, primarily because it failed to explain adequately why certain sites had been chosen and others had not. The meeting heard that extensive work had taken place to make sure that this was not repeated. Consequently, a new Local Plan had been developed, which was based on robust evidence. Cabinet welcomed this.

The report to Cabinet now sought approval of the Ashfield Publication Local Plan and its 6 week period of legal compliance consultation, prior to the Local

Plan being submitted to the Secretary of State.

Cabinet was told that the Plan would help to ensure that both the housing and economic development needs of the District were met in a sustainable way. Under it, approximately 480 new homes per annum would be built. Sufficient outline planning permissions were already in place for most of this development, with the additional required sites now identified in the Plan. As the District had successfully managed to re-use most of its former industrial sites, some of the overall development would have to be on green field sites.

Cabinet was reminded that there had been extensive public consultation about the Plan earlier in the year. This had provided constructive comments and information about specific sites, highlighting the issues which any future development would have to address. However, Members were informed that none of these comments had identified any fundamental deliverability issues with the proposed sites that would stand in the way of their successful development. This was a key requirement, which the Council and its stakeholders would have to successfully demonstrate for the Plan to be approved.

Members discussed the Ashfield Publication Local Plan. They reiterated the point that the Council was required by law to agree a Local Plan for the District and that future building was required in order to meet the growing requirements for housing. Which, in turn, was necessary to enable economic development and to create jobs. They recognised that the choice of sites was always going to be difficult, but they welcomed the fact that those which had been chosen and included in the Publication Local Plan were clearly evidence based. They hoped that this point would be acknowledged by the planning inspectors:

RESOLVED

That Council is recommended to approve / ratify:

- a) the Publication Local Plan;
- b) the revised Affordable Housing Policy in the Publication Local Plan;
- c) the Preferred Approach Statement of Consultation under Regulation 18;
- d) the legal compliance consultation of the Publication Local Plan and its accompanying evidence base to begin as soon as possible following approval;
- e) the revised Local Development Scheme (LDS);
- f) grants delegated authority to the Chief Executive (in consultation with the Leader and Portfolio Holder) to approve minor amendments to the Publication Local Plan and any accompanying documents prior to the legal compliance consultation and submission to the Secretary of State.

Reasons

It is a legal requirement for the Council to have an up to date Local Plan and

the Council believes the Publication Local Plan will achieve this requirement, guiding sustainable development across the District up to 2032.

CA.28 Ada Lovelace Business Centre Development

Members next considered proposals to convert the Council owned building, Ada Lovelace House, in Kirkby town centre into lettable office accommodation for use by small businesses. This would be at no direct cost to the Council. Members were informed that the project would be funded by the Local Enterprise Partnership and from the Section 106 allocation (money provided by developers for wider community uses as a condition of successful planning applications) received for the Lindley's Lane development.

Cabinet discussed and welcomed the project, which they felt would benefit businesses and the economy of Kirkby town centre as a whole. Members were also pleased that it would secure the long term future of what is a local land mark building. Cabinet expressed support for the use of solar slates on the roof of the building in order to meet its energy needs in an environmentally friendly way.

RESOLVED

That Cabinet agrees:

- a) That Ashfield District Council allocates £143,946 from the Section 106 allocation received for Lindley's Lane as match funding towards the project;
- b) That the Council's Capital Programme for 2016/17 be updated to include this project totalling £287,892 with funding being provided by the Section 106 allocation above and £143,946 from the Local Enterprise Partnership's Local Growth Fund;
- c) That approval is given to utilise the EMPA SCAPE Framework and a direct award is made under that framework to appoint a contractor;
- d) That Legal Services are granted authority to complete the necessary documentation required in order to complete the appointment of the contractor.

Reasons

To bring back into use this currently vacant Ashfield District Council owned property.

CA.29 Review and Revision of Land Charges Fees

Members considered a report which asked Cabinet to accept the revised fees for the Local Land Charges service, which were introduced on 4 July 2016. The report made it clear that Local Land Charges fees are reviewed on an annual basis to ensure that they properly reflect the cost of providing the service.

RESOLVED

That Cabinet accepts the revised Local Land Charges fees.

Reasons

The fees have been set to better reflect the time required to provide responses to the various enquiries made as part of the search service.

CA.30 Selective Licensing Implementation

Cabinet was reminded that it first discussed the introduction of Selective Licensing in November 2015 as a way of getting all landlords to manage appropriately their rented properties and to keep them in good states of repair. Members were told at the time that they would have to base any selective licensing scheme on tangible evidence. Two specific areas were subsequently identified as having sufficient evidence of low-quality, badly maintained, rental housing to make them suitable for a Selective Licensing Scheme – Stanton Hill and Sutton Central.

The report to Cabinet made it clear that an extensive statutory consultation exercise had taken place, which had confirmed that there was considerable support for the approach. It recommended, therefore, that both Stanton Hill and Sutton Central be now designated as Selective Licensing areas. Before this could happen a further three month consultation period would have to be held in order to tell consultees and the public about the decision.

Members discussed the report. There was widespread support for the suggested approach, which, it was felt, showed how the Council was concerned about improving the standards of housing for all the District's residents, not just those in its own accommodation. Members hoped that it could provide the basis for similar action across the rest of the District.

Cabinet was reminded that Scrutiny Panel 'B' had looked at the issue of Selective Licensing and had supported the proposal. The panel had gone on to make several recommendations about how it should operate, which Members were asked to consider. These were generally accepted, although with some modifications. In particular, Cabinet asked that ward members be continuously consulted, engaged and kept informed on the selection of any sites and boundary lines for the further roll out of the scheme in the future. Members also felt that any financial surplus generated by the scheme should be spent in the areas themselves.

RESOLVED

- a) That Cabinet accepts that there is evidence and considerable public support for the selective licensing of private rented properties in identified areas within the district;
- b) That Cabinet formally designates the areas of Stanton Hill and Sutton Central as Housing Act 2004 Part 3 Selective Licence area as set out in Appendix 5 of the report and with the Licence Conditions set out in Appendix 6 of the report and for Council to note the designation;
- c) That Cabinet notes that following a decision to introduce a selective licensing scheme, a public notification period of 3 months is required by statute ahead of the implementation in order to communicate the

decision to consultees and the public;

- d) That Cabinet agrees and supports the financial implications of implementing a selective licence scheme (including the proposed fee of £350 for a licence for 5 years, with a discount of £100 to £250 for those landlords who meet the criteria) set out in paragraph 5.4 of the report;
- e) That Council recognises the risks in relation to the unknown elements of delivery of the scheme and commits to undertake a review to ensure the fees and resources deployed to the scheme are appropriate, and to enable further recommendations to be made to Cabinet as necessary after 12 months.

That in addition following on from the recommendations made by Scrutiny Panel B Cabinet also agrees that:

- f) The Council explores the possibility of carrying out EPC tests for landlords as part of its commercialisation agenda;
- g) If any financial surplus is made by the scheme (within the 6% designated as part of the scheme) this should be spent in the designated area;
- h) Subject to the success of the pilot scheme, this be used as a template to replicate in other areas to drive improvements to rented accommodation, landlord responsibility and a reduction in anti-social behaviour;
- i) Ward Councillors continue to be consulted, engaged and kept informed on the selection of any sites and boundary lines for the further roll out of the scheme in the future;
- j) Scrutiny be asked to review the topic again in approximately twelve months' time.

Reasons

Selective licensing is an important component of the Council's wider regeneration strategy. It is the only option available to local authorities that compels landlords to look at how they manage their rented properties and, where required, make improvements to their management practices.

CA.31 Confirmation of Domestic Violence Refuge Provision within Ashfield

The report to Cabinet sought agreement to mainstream, or in other words make ongoing provision within the Council's budget, so that the existing initiatives to help combat Domestic Violence in the District can continue. In particular, it recommended that the provision of up to six houses or flats as refuges for victims continue and that the post of Domestic Violence Prevention Officer be made permanent.

Cabinet discussed and welcomed the proposals. There was a consensus that combatting Domestic Violence remained a priority for the Council. Members noted that the Authority, had achieved White Ribbon accreditation for its efforts to tackle the problem, established a specific Domestic Violence prevention policy and had undertaken numerous awareness raising campaigns, both within the Council and across the District. Members felt it especially important that the six houses or flats continued to be made available. This was seen as a

practical way of helping to end the cycle of abuse, by giving victims a safe place to live.

RESOLVED

- a) That Cabinet agrees to mainstream the resources allocated to support domestic violence prevention and to incorporate a responsibility to consider and to link to wider, but related vulnerability issue (e.g. child sexual exploitation, hate crime) and the Council's responsibilities under the Prevent (anti-radicalisation) agenda;
- b) That Cabinet approves the permanent establishment of the Domestic Violence and Vulnerability Prevention Officer;
- c) That Cabinet agrees to continue the Council's provision of up to 6 properties for use as refuges for those fleeing abusive relationships;
- d) That Cabinet gives authority to initiate a procurement exercise to identify an appropriate partner to take on both the housing management function for the properties and provide wrap-around support to those housed temporarily within the properties and to provide funding to the chosen partner equivalent to the rental income of the 6 properties;
- e) That Cabinet delegate's authority to the Service Director – Place and Communities to pursue any funding opportunities which help to fully or part subsidise the Council's efforts in supporting Domestic Violence prevention.

Reasons

To mainstream the resources allocated to help tackle domestic violence in the area.

CA.32 The Council's Efficiency Plan

Members were told that the then Secretary of State for Communities and Local Government had written to all councils in the spring of 2016 offering them a four-year financial settlement for Revenue Support Grant (RSG). They were given specific figures setting out what they would receive under this. It was pointed out that these were diminishing amounts, as the Government was phasing out Rate Support Grant. Cabinet was reminded that the amount of RSG which the Council receives had fallen sharply since 2010.

The then Secretary of State had also made it clear that these settlements would be conditional on councils preparing Efficiency Plans explaining how they intended to become more cost effective. He warned that those authorities who failed to do this would not be guaranteed to receive their grant allocations at the proposed levels.

The report to Cabinet explained that in order to make sure that the Council continued to receive the expected level of RSG, which had been built into the assumptions that underpinned its Medium Term Financial Strategy, a draft Council Efficiency Plan had been drawn up. This illustrated how the Council had already used its resources more effectively and what more it hoped to achieve in the future.

Members discussed the report. There was a consensus that it was important for the Council do all that it can to retain RSG. It was noted just how

successful Ashfield had been at working in a more efficient way and what more could be achieved in the future through its Commercial Enterprise Strategy.

RESOLVED

- a) That Cabinet agrees in principle the draft Efficiency Plan;
- b) That Cabinet delegates to the Leader and the Chief Executive the authority to make any changes to this draft, to take into account the forthcoming budget consultation and any further information about the Council's future resources which may emerge between now and 14 October 2016.

Reasons

In order to ensure that the Council is in a position to secure at least a minimum level of Government grant over the next three years.

CA.33 General Fund and Housing Revenue Account (HRA) Budget Monitoring Report to July 2016

Cabinet was next asked to consider a budget monitoring report for the first quarter of the financial year (April to July 2016). In terms of the General Fund, Members were told that net expenditure was significantly lower than set out in the budget. The reasons for the various underspends were explained. Many of these were attributed to one-off factors and unlikely to be repeated in future years. However, it was emphasised that the savings would contribute to the Medium Term Financial Strategy and had helped to place the Council into a better financial position.

The report also explained that in terms of the Housing Revenue Account (HRA) net income was £82k lower than budget. Again, the reasons for this were explained.

The report also asked Members to agree several Supplementary Estimates, to fund new spending requirements that had emerged since the budget had been agreed.

RESOLVED

- a) That Cabinet notes the results of the budget monitoring to 31 July 2016;
- b) That Cabinet approves Supplementary Estimates (budget growth) of £26.5k for the Better Together Project (one year) funded by the Housing Revenue Account (HRA) and £48k be approved for the extended Domestic Violence Prevention Fund and Refuge Provision; £34k funded by HRA and £13.5k funded by the General Fund;
- c) That Cabinet approves other virements outlined (above the limit permitted within Financial Regulations);
- d) That Cabinet recommends to Council changes to the budget in accordance with Financial Regulations.

Reason

To update Members on the Authority's financial position and to ensure that it operates within approved budgets.

CA.34 Exclusion of Public and Press

RESOLVED

That in accordance with the provisions of Section 100A of the Local Government Act 1972 the press and public be now excluded from the meeting during the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act and in respect of which the Proper Officer considers that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

CA.35 Write Off of amounts over £5,000

Members were informed of cases where no further action could be taken to recover debts owed to the Council and which would have to be written-off.

RESOLVED

That Cabinet notes and agrees the amounts for write-off as set out in the report.

Reasons

To inform Members of the write-off of unrecoverable sums.

The meeting closed at 7.40 pm

Chair.