

CABINET

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

on Thursday, 30th November, 2017 at 6.30 pm

Present: Councillor Cheryl Butler in the Chair;

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

Officers Present: Carol Cooper-Smith, Ruth Dennis,
Katherine Green, Sharon Lynch, Alan Maher and
Paul Parkinson.

CA.33 Declarations of Disclosable Pecuniary or Personal Interests and Non-Disclosable Pecuniary / Other Interests

No Declarations of Interest were received.

CA.34 Minutes

The Minutes of the Cabinet meeting held on Thursday 19 October 2017 were approved as a true record.

CA.35 Corporate Governance - Anti Fraud and Corruption - Updated Policies and Practices

The report to Cabinet set out a range of updated policies and procedures to help protect the Council from fraud and corruption. The proposed updates had been endorsed by the Audit Committee, which had recommended that Cabinet adopt them.

Members were told that the proposed changes followed on from a review by the Central Midlands Audit Partnership (CMAP) into the Council's Anti-Fraud and Corruption measures. This had recommended that the policies and procedures be updated, so that they remained fit for purpose.

Cabinet learned that an Anti-Fraud and Corruption Strategy Group will be re-formed in order to improve still further how the Council responds to the threat. This group would be asked to assess fraud and corruption risks. The aim was to include these in a Fraud Risk Register, along with the actions to mitigate them. The Fraud Risk Register would be submitted to the next meeting of the Audit Committee, in March 2018. Cabinet welcomed this.

Members discussed the report and the updated policies and procedures. They emphasised just how important it was that the Council protects itself from fraud and corruption. If it did not, then vital resources required to achieve corporate goals and objectives would be lost. Cabinet also felt that a strong governance framework helps to enhance the Council's reputation, both with its partners and the community as a whole, for probity and as an organisation that can be trusted.

RESOLVED

- a) That Cabinet notes the update on Anti-Fraud and Corruption following the presentation of draft policies and procedures to the Audit Committee on 27 November 2017;
- b) That Cabinet approves:
 - The Anti-Fraud and Corruption Strategy
 - The Anti-Bribery Policy
 - The Anti-Money Laundering Policy Statement and Procedures
 - The Fraud Response Plan
 - The Prosecution Policy
 - The Local Code of Corporate Governance
- c) That Cabinet endorses the proposed approach to embed the Council's corporate approach to fraud and corruption across the organisation, which will be overseen by the Audit Committee and also the Anti-Fraud and Corruption Strategy Group, to be made up of the relevant officers;
- d) That Cabinet notes the requirement to carry out an assessment of fraud risks which the Council experiences and the consequential Fraud Risk Register will be reported to the next meeting of the Audit Committee.

Reasons

The Council is committed to creating an environment that is based on the prevention of fraud and corruption. This is achieved by promoting openness and honesty in all Council activities.

The suite of policies set out the Council's approach in relation to fraud and how the Council goes about preventing, detecting and enforcing identified fraudulent activity.

CA.36 Community Engagement Review

Members were reminded that the Local Government Association Peer Challenge, held in March 2017, had recommended that the Council review its Community Engagement processes. The report to Cabinet explained that the review had now taken place and had identified new, more flexible, ways of engaging with local communities, such as the use of social media, the live streaming of meetings and exhibition style consultation events.

Members discussed the Review and its specific recommendations. There was agreement that the proposed changes would help to improve greatly the way in which the Council engages with communities. In particular, Cabinet accepted the Review's finding that the Area Committees were not effective as a means of engaging with communities.

Cabinet also accepted that the new approach would be more cost effective. In this context, Members supported the proposals to end the current method of allocating small grants at Area Committee meetings and for the Nottinghamshire Community Foundation to carry out this role on behalf of the Council.

Cabinet noted the Review's recommendation that Community Engagement be seen as a 'whole Council' activity. Members welcomed the proposal for a Community Engagement Strategy along with relevant training material, so that this objective could be achieved throughout the organisation. They also welcomed the proposal to develop a marketing strategy to promote the Council's different engagement activities.

Finally, Cabinet noted that the Leader had exercised her discretion to remodel the Executive and had decided to cease the Area Committees from the start of January 2018. Members supported this.

RESOLVED

- a) That Cabinet notes that the Leader has exercised her discretion to cease Area Committees with effect from 1 January 2018 and that she has amended the Executive Scheme of Delegation to reflect this;
- b) That Cabinet notes that the above change is not subject to call-in;
- c) That Cabinet notes the Monitoring Officer will make the necessary alterations and changes to the Constitution as a consequence of the Leader's decision in line with Article 14 Section 14.02 of the Constitution. These changes will include:
 - Deleting all references to the Area Committees in Part 1 of the Constitution;
 - Deleting Article 7 of Part 2 of the Constitution;
 - Deleting Section 8 of 1.6 Part 3 (Executive Scheme of Delegation) of the Constitution;
 - Deleting the terms of reference for the Area Committees in 1.8 Part 3 of the Constitution;
 - Deleting references to the Area Committees in Part 7 of the Constitution, Members Allowances Scheme;
 - Consequential numbering and other changes as a result of the above changes.
- d) That Cabinet notes the above alterations and changes are not subject to call-in;

- e) That Member Surgeries, the Citizens Panel and the Youth Forum be retained;
- f) That the Locality Plans cease and the Council continues to identify neighbourhood projects through the Capital Programme, ensuring that new projects are aligned to the relevant corporate strategies and follow the Capital Programme gateway process;
- g) That Cabinet agrees to public consultation events being established across the District, so that Members and Officers can present strategies and forthcoming plans to the public and receive feedback and ideas from them;
- h) That Member grants cease in their current format (i.e. small grants approved through the Area Committees);
- i) That the current allocation of £24k in 2018/19 and £21k from 2019/20 be retained to provide contributions to key projects, i.e. Christmas Festivities and Remembrance Sunday. That this sum includes an annual £15k to be made available to the Nottinghamshire Community Foundation to continue the availability of small community grants;
- j) That Cabinet agrees the social media focus of the organisation continues to be improved, through such things as: live streaming of Council meetings, proactive communication and opportunities for feedback;
- k) That Cabinet agrees to the development of a Community Engagement Strategy and associated Handbook to support a whole Council approach to Community Engagement;
- l) That a Marketing Strategy be established to promote the new engagement methods.

Reasons

In order to continue to meet the Best Value Statutory Duty, the Council needs to ensure that it consults and engages effectively with residents and with representatives of our communities, including voluntary / community groups and businesses.

CA.37 Public Spaces Protection Order (PSPO) Car Cruising

Cabinet then considered the problem of 'car cruising' on or around Junction 27 of the M1 Motorway. Members were reminded that Nottinghamshire County Council had secured an injunction, which had helped to reduce the scale of the problem. However, the report to Cabinet explained that the County Council did not intend to extend the Order and that it would expire on 16 January 2018.

Cabinet discussed the report. Members heard that although the injunction had not prevented all car cruising it had enabled effective action to be taken and that this action needed to continue. There was a consensus that the Council should lead on this and that it ought to consider imposing a Public Spaces Protection Order (PSPO) to prevent car cruising from taking place in the area around Junction 27.

Cabinet discussed briefly the process for imposing an Order and especially the formal consultation that would have to take place and notice periods that would have to be observed.

RESOLVED

- a) That Cabinet authorises the Interim Director of Place and Communities, in accordance with Section 72 of the Anti-Social Behaviour, Crime and Policing Act 2014, to carry out the necessary consultation and notification of the proposed Order in respect of Car Cruising;
- b) That the results of this consultation be considered by the Interim Director of Place and Communities, who would then report to Council with a view to proceeding with and making the Order, where this is supported by the consultation;
- c) That if substantial and material amendments are required as a result of the consultation an amended version of the Order be submitted to Cabinet for reconsideration, prior to seeking formal adoption at Council.

Reasons

Research indicates that the use of a Public Spaces Protection Order is an effective control measure to reduce nuisance and harm. Given the ongoing problem with car cruising around Junction 27, creating a new PSPO around Junction 27 is the most practical option, given that Nottinghamshire County Council have indicated that they do not intend to apply for renewal or an extension of the injunction.

CA.38 Shared Human Resources Service - Extension of Service Level Agreement

The report to Cabinet recommended that the current Service Level Agreement (SLA) with Mansfield District Council for the shared Human Resources (HR) Service be renewed. This agreement was originally intended to run for five years, although with a provision that it could be extended for a further five years if both councils agreed. Members were told that the SLA was due to expire on 30 November 2018.

Members discussed the report. They were told that the shared HR team had offered a consistently high quality service, which had achieved the goals set for it under the agreement. The team was also cost effective and represented good value for money, enabling both council's to achieve greater resilience than they could on their own. Cabinet welcomed this.

The report explained that a review of what each council's share of the service costs would be had been carried out. As a result of this review, Ashfield District Council would make savings of about £25k per annum if the agreement was renewed.

Members welcomed the potential saving and the high performance of the team. They supported the extension of the SLA for a further five years.

RESOLVED

- a) That Cabinet agrees Mansfield District Council (MDC) be notified of Ashfield District Council's (ADC) request that the Service Level Agreement (SLA) for provision of Human Resources (HR) services by MDC to ADC be extended for a further five years, from 1 December 2018;
- b) That Cabinet delegates any variations required to the shared HR service SLA to the Director for Resources and Business Transformation;
- c) That Cabinet delegates any variations required to the agreed proportionate split of the costs of providing the shared HR service function to the Director of Resources and Business Transformation.

Reasons

The SLA for the provision of HR services by MDC to ADC began on 1 December 2013 for a period of five years. The SLA is due to expire on 30 November 2018, although there is a provision for the agreement to be extended for a further five years.

CA.39 Capital Strategy Update and Proposed Capital Programme 2017/18 - 2021/22

With the agreement of the Chair, Cabinet then considered the Capital Strategy Update and Proposed Capital Programme for the period 2017/18 to 2021/22. This outlined the requirements of the Capital Programme. It gave an update on the proposed expenditure for existing projects and explained where project costs are likely to rise. It also gave details of proposals to include new projects in the programme.

The report's main recommendation was that the Commercial Property Investment Fund of £10M be increased by a further £15M, to £25M. Members were told that the Fund was now generating approximately £400k of net revenue per annum. Additional investments could increase this still further.

Cabinet was told that by increasing the Commercial Property Fund the Council would be able to explore two specific opportunities for investment within the District. It was explained that if these investment opportunities could not be achieved, then the extra funding would be used to invest in other investment properties across the country in order to deliver the needed income stream to support the Medium Term Financial Strategy.

Cabinet discussed the Council's approach to Commercial Property Investments. Members were informed that the Government was consulting on possible changes around commercial property investments by local authorities. It does make reference to local investment.

Although the consultation document is unclear, the government may require the Council to set an amount aside each year to repay debt rather than wait for re-payment upon each sale. Members were informed that if such a requirement was introduced, the net yield would reduce from circa £400k to

circa £150k and impact on the Council's Revenue Budget. It would mean, however, there is the potential for a greater capital receipt upon sale after the balance of the debt is repaid, although the amount and when this would take place is more uncertain.

Cabinet asked to be kept informed of the outcome of the Government's consultation exercise.

RESOLVED

- a) That Cabinet agrees the Commercial Investment Fund be increased by £15M to £25M;
- b) That Cabinet agrees to amend the Capital Strategy, the Commercial Property Investment Strategy and the Capital Programme in order to reflect the increased value of the Commercial Investment Fund;
- c) That Cabinet notes the contents of the Government's consultation paper on proposed changes to the Prudential Framework of Capital Finance, which if agreed will be effective from 2018/19;
- d) That Cabinet recommends to Council the proposed changes to strategies and the Capital Programme, covering 2017/18 to 2019/20;
- e) That Cabinet notes the indicative expenditure for 2020/21 and 2021/22.

Reasons

To allow the Council flexibility to take advantage of possible acquisitions within the District which may become available before the end of the financial year. To approve projects to allow capital investment for the period 2017/18 to 2019/20 and to note the indicative capital expenditure for 2020/21 and 2021/22.

CA.40 Treasury Management Mid-Year Review 2017-18

The report to Cabinet explained how the Council's Treasury Management Strategy had performed during the first half of the 2017-18 financial year. The report included information about the performance of the wider economy, such as changes in interest rates, as well as specific information about the Council and, how it had performed against the prudential indicators.

Members noted that the Council's Capital Finance Requirement had increased from the original estimate of £112M and now stood at £127M. Similarly, Borrowing had risen from £75.449M to £90.449M. In both instances, these changes were due to the £15M increase in the Commercial Investment Fund.

RESOLVED

That Cabinet notes the mid-year position in respect of the Treasury Management activity and performance against the prudential indicators.

Reasons

To make Members aware of the current position and meet the requirements of the Council's Financial Regulations.

The meeting closed at 7.15 pm

Chair.