

CABINET

TUESDAY, 12 MARCH 2024

Present: Councillor M Radulovic MBE, Chair

Councillors: G Marshall (Vice-Chair)
R E Bofinger
C Carr
H J Faccio
J W McGrath
H E Skinner
P A Smith
V C Smith

132 APOLOGIES

An apology for absence was received from Councillor S A Bagshaw.

133 DECLARATIONS OF INTEREST

Councillors J W McGrath and R E Bofinger declared other-registerable interests in items 13.2 and 16.1 as they are Members of Stapleford Town Council, minute numbers 144.2 and 147.1 refer.

Councillor J W McGrath declared a non-registerable interest in item 10.1 as a member of his family is employed by Liberty Leisure Ltd, minute number 141.1 refers.

Councillor H E Skinner declared an other-registerable interests in item 7.2 as she is a board member of Chilwell Community Association, minute number 137.2 refers.

134 MINUTES

The minutes of the meeting held on 6 February were confirmed and signed as a correct record.

135 SCRUTINY REVIEWS

The work programme for scrutiny reviews was noted.

136 COMPLAINTS POLICY

The LGSCO, in association with the HO, issued a Joint Complaint Handling Code. The aim of the Code is to introduce consistency in the way that both bodies deal with complaints. The LGSCO and HO consulted with local authorities on its initial version of the Joint Code with a closing date of 23 November 2023. On consideration of the responses, the LGSCO informed authorities that it would not participate further in the

Joint Code until 2027, while the HO stated that it would still require implementation in 2024.

The Governance, Audit and Standards Committee under its terms of reference receives and scrutinises the Annual Complaints Report, and it was suggested that in order for wider Member engagement this continues to happen, in addition to submission of the report to Cabinet as recommended in the Joint Code guidance. It was considered that the submission of the Complaints report should be received by the Governance, Audit & Standards Committee quarterly rather than annually.

RESOLVED that:

- 1. The Complaints Policy be approved**
- 2. The Portfolio Holder for Resources and Personnel be appointed to have lead responsibility for complaints to support a positive complaint handling culture.**
- 3. The Complaints Performance and Service Improvement Report be reported to Governance, Audit and Standards quarterly in addition to the annual report to Cabinet for wider Member engagement.**
- 4. Further investigation be given to resourcing the implementation and continued use of the new Policy.**

RECOMMENDED to full Council that the consequential amendments to the Constitution be approved subject to consideration by the Governance, Audit and Standards Committee.

Reason

The new Complaints Policy will enable the Council to be compliant with the Housing Ombudsman's requirements.

137 RESOURCES AND PERSONNEL POLICY

137.1 REVIEW OF THE CORPORATE PLAN PROGRESS AND FINANCIAL PERFORMANCE QUARTER 3

The Corporate Plan 2020-2024 was approved by Council on 4 March 2020. Business Plans are primarily linked to the five corporate priority areas of Housing, Business Growth, Environment, Health and Community Safety. In addition, the support service areas of Resources, Revenues, Benefits and Customer Services and ICT and Business Transformation are also considered. Business Plans for 2023/24 were approved by Cabinet on 7 February 2023. Cabinet noted the progress made in achieving the Corporate Plan priorities and financial performance for the quarter ended 31 December 2023.

137.2 GRANTS TO VOLUNTARY AND COMMUNITY ORGANISATIONS, CHARITABLE BODIES AND INDIVIDUALS INVOLVED IN SPORTS, THE ARTS AND DISABILITY MATTER

Cabinet considered requests for grant aid in accordance with the provisions of the Grant Aid Policy.

RESOLVED that the grant aid requests be approved accordingly:

Age Concern Eastwood	£2,000
Chilwell Community Association	£3,150
Bramcote Cricket Club	£1,000

(Having declared an other-registerable interest in the item, Councillor H E Skinner left the meeting without discussion or voting thereon in their specific item of interest.)

Reason

Consideration for not awarding the grant may have a negative impact for the users and individuals relying on the service. The Council is empowered to make grants to voluntary organisations by virtue of Section 48 Local Government Act 1985 (as well as other Legislation). Having an approved process in accordance with legislation and the Council's Grant Aid Policy would ensure the Council's compliance with its legal duties

138 OVERVIEW AND SCRUTINY CONSIDERATION OF CALL-IN: OPPORTUNITY TO DEVELOP FIVE NEW HOMES AND ONE REFURBISHED HOME

The Overview and Scrutiny Committee held an extraordinary meeting on 28 February 2024 to consider the Call-In request and took evidence from the Councillors who requested the Call-In, The Portfolio Holders for Resources & Personnel Policy and Housing. Further information was given by the Head of Economic Development & Asset Management.

On hearing the evidence and opinions presented, the Committee concluded that when the report was considered by Cabinet, the late submission of the Surveyor's report did not allow for Members to be fully informed when reaching a decision on the item. It was stated that the potential cost of repair of Fishpond Cottage may not be viable when considering the details of the Surveyor's report. Furthermore, the uncertainty regarding the potential grant from Homes England did not allow for Cabinet to be fully appraised of the financial outlay for the proposals leading to a lack of clarity in the report.

Members stated that they had considered the issues raised but were content to continue with the original decision taken on 6 February 2024.

RESOLVED that the production of six dwellings at the Farm Cottage site, as detailed in the report, be approved.

Reason

This was an opportunity to provide homes which would accommodate different people on the Council's waiting list.

139 COMMUNITY SAFETY

139.1 SANCTUARY POLICY

Cabinet considered the Sanctuary Scheme Policy which set out the approach that Broxtowe Borough Council would take when a referral for assistance from the Sanctuary Scheme was received. This had been updated following the change of responsibility for the management and delivery of the Sanctuary Scheme from Housing to Communities.

RESOLVED that the revised Sanctuary Policy be approved.

Reason

The Policy provides a framework for how requests will be processed and the steps that the Council should take when processing a request. The Sanctuary Scheme applies to owner occupiers, Council tenants and tenanted properties, rented properties in the private sector and those that belong to registered providers.

139.2 UPDATED SERIOUS VIOLENCE AND VIOLENCE AGAINST WOMEN AND GIRLS STRATEGY

Members were informed that Violence Against Women and Girls was an umbrella term used to describe a range of violent or abusive acts and behaviours against women including domestic abuse.

In response to a government consultation in 2019 on a multi-agency approach to preventing and tackling serious violence, there was an overall consensus for a legislative approach to a duty. As a result, the Serious Violence Duty ('the duty') was legislated for as part of the Police, Crime, Sentencing, and Courts Act 2022 ('the PCSC Act') and was a key part of the government's commitment to reduce and prevent serious violence.

The duty covered the requirements set out in chapter 1 of part 2 of the PCSC Act 2022 where it requires specified authorities, the Police, Local Authorities, Fire and Rescue Authorities, Youth Offending Teams, Clinical Commissioning Groups (CCGs) and Probation Services, to work together to formulate an evidence-based analysis of serious violence in a local area and then formulate and implement a strategy detailing how they will respond to those issues.

The local Strategy for Broxtowe was approved by Members in 2022 and sets out our commitment to increase awareness and reduce the prevalence of serious violence, domestic abuse and violence against women and girls.

It was queried whether a list of contacts could be distributed to Members.

RESOLVED that the updated Serious Violence and Violence Against Women and Girls Strategy, be approved.

Reason

Sections 5 and 6 of the Crime and Disorder Act 1998 require the Council and other responsible authorities to formulate and implement strategies to reduce crime and disorder in the area; Section 17 places a duty on the Council to do all it reasonably can to prevent crime and disorder in the area. By updating and further implementation of this strategy contributes towards the Council's duties in this regard.

140 ECONOMIC DEVELOPMENT AND ASSET MANAGEMENT

140.1 COSSALL NEIGHBOURHOOD PLAN

Following an Independent Examination into the Cossall Neighbourhood

Plan, the Independent Examiner recommended that the Plan should proceed to referendum, subject to a number of recommended modifications. At its meeting of 5 December 2023, Cabinet resolved that the Cossall Neighbourhood Plan, once amended as proposed, would meet the basic conditions and other relevant legislative requirements and should proceed to referendum.

Broxtowe Borough Council was now required to formally 'make' (adopt) the Cossall Neighbourhood Plan. The Cossall Neighbourhood Plan would then form part of the 'development plan' for Cossall Parish, sitting alongside the Broxtowe Local Plan (Broxtowe Aligned Core Strategy and the Broxtowe Part 2 Local Plan).

Were the Cossall Neighbourhood Plan to be 'called in' for consideration at the Overview and Scrutiny Committee, then a decision with the 8-week period would not be possible. The Chair of the Overview and Scrutiny Committee had been consulted and has agreed that the call-in procedure shall not apply to this decision.

RESOLVED that:

- 1. Following a successful referendum on 15 February 2024, the Council 'makes' (adopts) the Cossall Neighbourhood Plan.**
- 2. Authority be given to issue a statement setting out this decision (the 'Decision Statement').**

Reason

The Council will be able to claim £20,000 from the Department for Levelling Up, Housing and Communities (DLUHC), during the next 'claims window', as it issued a decision statement detailing its intention to send the Neighbourhood Plan to referendum (as set out under Regulation 18 of the Neighbourhood Planning (General) Regulations 2012 (as amended)), and this referendum has now been held.

140.2 LOCAL DEVELOPMENT SCHEME

The current Local Development Scheme was approved in October 2019. The Secretary of State had requested that all authorities submit an updated timetable for producing an up-to-date Local Plan to the Department for Levelling Up, Housing and Communities. The authorities involved in the Greater Nottingham Strategic Plan had, therefore all updated their LDS to reflect the timetable for producing the Greater Nottingham Strategic Plan. The LDS had also been updated to reflect other development plan documents including Neighbourhood Plans.

RESOLVED that the updated Local Development Scheme be approved.

Reason

There is a requirement to produce a Local Development Scheme under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended).

141 ECONOMIC DEVELOPMENT AND ASSET MANAGEMENT, RESOURCES AND PERSONNEL POLICY AND LEISURE AND HEALTH

141.1 BRAMCOTE LEISURE CENTRE RAAC AND BUILDING CONDITION REPAIR

Cabinet considered a report which stated that Bramcote Leisure Centre was built c.1960s with alterations and additions made in the 1970s and 1980s. A building condition survey had been carried out in March 2019 by Sanderson Weatherall and following concerns raised by LLP management regarding the current condition of the building, including the possibility of the use of RAAC in the construction of the premises, a further survey was commissioned. This survey was commissioned to determine if the building had deteriorated any further, the quality of the previous structural remedial works undertaken, the presence of RAAC in the construction and the overall structural integrity of the building.

Although initial thoughts from the Interim Capital Works Manager were that RAAC was not present in the construction of the building, a detailed specialist RAAC surveyor's report was instructed to provide assurance and this has identified RAAC in both the ceiling and wall construction of the centre.

RESOLVED that a capital budget of £206,900 and a one-off revenue budget of £12,000 to implement urgent repairs required to keep Bramcote Leisure Centre operational for up to five years be approved. The cost of the programme will be met from prudential borrowing and General Fund Reserve balances respectively in 2023/24.

Reason

The Council has a number of different repairing and maintenance liabilities as well as a general duty under occupier's liability legislation and Health and Safety legislation to keep the properties concerned in a safe condition. The repairs to be carried out will help ensure this. The proposals in this report relate to the maintenance of property held by the Council under various holding powers including The Local Government Act 1972 in relation to the discharge of the Council's various statutory functions under principally the Local Government Acts 1972, 2000 and 2003 and the Localism Act 2011.

141.2 STOCK CONDITION SURVEY FOR 2024/25

The Asset Management Strategy delivered by Ark Consultancy highlighted the need for using stock condition data to develop a 3-5-year investment programme and to use the data to replace the current contract to deliver the modernisations programme in March 2025.

RESOLVED that a revenue budget of £100,000 to implement a stock condition survey programme be approved. The cost of the programme will be met from Housing Revenue Account (HRA) working balances.

Reason

The additional budget request will facilitate between 1150-1250 stock condition surveys across the 24/25 financial year. The Council will review the remaining surveys to be undertaken in 25/26 with a view towards achieving a 100% stock condition

surveys before moving towards a rolling 20% stock condition survey ensuring all of our residents homes are inspected at least once every five years.

142 ECONOMIC DEVELOPMENT AND ASSET MANAGEMENT AND ENVIRONMENT AND CLIMATE CHANGE

142.1 BIO DIVERSITY NET GAIN

Members were updated on the implementation of the requirement to secure a minimum 10% Biodiversity Net Gain for planning proposals that came into force 12 February 2024 and noted the procedure for dealing with major applications, with regard to the new requirements for Biodiversity Net Gain.

143 ENVIRONMENT AND CLIMATE CHANGE

143.1 REPLACEMENT OPTIONS FOR BRINSLEY HEADSTOCKS

In January 2023, a condition report and safety inspection was undertaken on Brinsley Headstocks. It identified that the Headstocks were no longer considered capable of safely carrying the load from the winding wheels without intervention.

At the beginning of September 2023, the metal colliery wheels were removed, in the hope that the timbers from the towers could be salvaged. However, in late November employees undertaking checks on the structure noted further deterioration in the wooden structure. This was confirmed by an appropriately qualified employee and concerns were raised that the structure was at risk of imminent collapse. Given the level of deterioration, restoration of the structure, as it currently stood was no longer possible and in the interest of public safety, the most appropriate course of action was to have the Headstocks dismantled. This was undertaken in December 2023. Consideration now had to be given to a way forward at the site, and the public concern over the future of the site was noted. It was stated that there was an opportunity to have something at the site.

RESOLVED unanimously that the implementation of public consultation in accordance with appendix 3 as detailed in the report, be approved.

Reason

Public consultation will assist the Council to ascertain residents' wishes prior to a further report to Cabinet.

143.2 CLIMATE CHANGE AND GREEN FUTURES REVIEW

In 2019 the Council made an ambitious commitment to become carbon neutral by 2027. In 2020, the Council created its Climate Change and Green Futures Programme with supporting Carbon Management Action Plan to provide strategic direction with regards to achieving this target. This was revised and adopted in July 2023. Consideration was given to green festivals around the Borough and flood defences. It was requested that future reports contain single page updates.

RESOLVED that the revised Climate Change and Green Futures Strategy and Carbon Management Plan be adopted and approved.

Reason

The Climate Change Act 2008 (2050 Target Amendment) Order 2019 introduced a target for at least a 100% reduction of greenhouse gas emissions (compared to 1990 levels) in the UK by 2050. This is a legally binding target. Section 111 of the Local Government Act 1972 enables the Council to do anything that is calculated to facilitate, or which is conducive or incidental to, the discharge of their functions. Furthermore, section 2(1) of the Local Government Act 2000 introduced a power that permits local authorities to do anything that they consider likely to promote or improve the economic, social and environmental well-being of their area.

143.3 GREEN INFRASTRUCTURE STRATEGY UPDATE

The creation of the Council's first Green Infrastructure Strategy 2015-2030 was to provide a clear strategic pathway for the management and enhancement of the Borough's Green Infrastructure. It was also to be used to inform planning decisions, identify opportunities to improve the green corridors and to provide information on how the Borough's network contributed to the local, regional and national picture. This Strategy also aligned well with the Council's Corporate Plan Environmental Objective which is to 'Protect the environment for the future'.

Members noted the progress made with the Strategy and were informed that there would be joint working with other authorities in the future.

RESOLVED that option three be approved. A one-off revenue development budget of £50,000 is required for the appointment of a Consultant to undertake the Green Infrastructure Strategy Review to be funded from General Fund Reserves in 2024/25.

Reason

The Council has enabling powers to propose and advocate for Green Infrastructure Improvements and work across its own estate and on wider sites. It forms part of the Council's Local Plan evidence base and together with other evidence will help to ensure revised policies accord with the National Planning Policy Framework's tests of soundness.

144 ECONOMIC DEVELOPMENT AND ASSET MANAGEMENT AND RESOURCES AND PERSONNEL POLICY

144.1 INCREASE IN PLANNING PRE-APPLICATION FEES

Members received an update on recent increases in statutory planning and related application fees and to consider a broadly proportionate increase in locally-set pre-application fees.

RESOLVED that the pre-application fees set out in the appendix be approved for charging on and from 6 April 2024.

Reason

The previous charging bands did not align with the threshold between minor and major development, so this also had the effect of creating new charging bands.

144.2 ALLOCATION OF UKSPF COMMUNITIES GRANT FUNDS 2024/25

Cabinet was informed that the Council's UKSPF Cabinet Panel approved an allocation of £240,000 to Communities Grants for 2024/5 in November 2023. The grant programme was launched on 23 November 2023, closing to applications on 22 January 2024. A total of 45 applications were received and all were assessed, though four were not eligible.

RESOLVED that:

- 1. The Cabinet increase the size of the Community Grants Fund from £240,000 to £279,815;**
- 2. UKSPF-funded Communities Grants for 2024/5 are awarded to the organisations listed as 'A' in section 3.**
- 3. In the case that any of these organisations is unable to take forward their proposed project, funds to be reallocated to a project(s) from the UKSPF Communities Grants reserve list.**
- 4. That an addendum be made to the Year 3 Programme to incorporate £9,000 for Beeston Film Festival in 2024/2025.**

Reason

The proposed projects are consistent with the requirements of the UKSPF programme, and it will be necessary for the Council to comply with the funding agreements in respect of the programme. Where necessary the funding to be provided to the projects referred to in the report will need comply with the requirements of the Subsidy Control Act 2022. Additionally, the power to award grants to organisations comes from Section 1 of the Localism Act 2011 which is the general power of competence and the Council must comply with its public law duties.

145 CABINET WORK PROGRAMME

RESOLVED that the Work Programme be approved.

146 EXCLUSION OF PUBLIC AND PRESS

RESOLVED that, under Section 100A of the Local Government Act, 1972, the public and press be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1, 2 and 3 of Schedule 12A of the Act.

147 ECONOMIC DEVELOPMENT AND ASSET MANAGEMENT AND RESOURCES AND PERSONNEL POLICY

147.1 ALLOCATION OF UKSPF COMMUNITIES GRANT FUNDS 2024/25 APPENDIX

Cabinet noted the confidential information contained in the appendix to the report considered earlier in the agenda.

RESOLVED that officers draft one or more project proposals for the balance of the UKSPF Year 3 Durban House Phase II funding, to be defrayed in other projects creating business, training and community opportunities in Eastwood and the S151 Officer in consultation with the UKSPF Members Advisory Panel sign off the most appropriate use of the balance of funding.

Reason

The proposed projects are consistent with the requirements of the UKSPF programme, and it will be necessary for the Council to comply with the funding agreements in respect of the programme. Where necessary the funding to be provided to the projects referred to in the report will need comply with the requirements of the Subsidy Control Act 2022. Additionally, the power to award grants to organisations comes from Section 1 of the Localism Act 2011 which is the general power of competence and the Council must comply with its public law duties.

148 ECONOMIC DEVELOPMENT AND ASSET MANAGMENT AND HOUSING

148.1 OPPORTUNITY TO DEVELOP FIVE NEW HOMES AND ONE REFURBISHED HOME APPENDIX

Cabinet noted the confidential information contained in the appendix to the report considered earlier in the agenda.

149 RESOURCES AND PERSONNEL POLICY

149.1 ENVIRONMENTAL HEALTH RESTRUCTURE REPORT

RESOLVED that:

- 1. A new post of Senior Environmental Health Officer (Environmental Protection) created by converting the long term vacant EHTO (Environmental Health Technical Officer Contaminated Land Lead) post, be approved.**
- 2. A new Environmental Health Officer/Environmental Protection Officer Apprentice post be approved.**
- 3. A new post of Private Sector Housing Officer (Enforcement, HMO's and Residential Caravan Site Licensing Lead) be approved.**

Reason

This would assist in achieving the Council's corporate objectives around Health and the Environment.

150 LEADER OF THE COUNCIL

150.1 SAFEGUARDING 50 JOBS IN THE BOROUGH

RESOLVED that the recommendation, as included in the appendix, be approved.

Reason

This would assist the Council to achieve its corporate aims around Business Growth.