

# CABINET

TUESDAY, 7 FEBRUARY 2023

Present: Councillor M Radulovic MBE, Chair

Councillors: S A Bagshaw  
S J Carr  
B C Carr  
T Hallam  
R D MacRae  
G Marshall  
J W McGrath  
H E Skinner  
E Williamson

Officers in attendance: R Hyde, K Powell, Z Darr, J Ward, R Shaw, M Thompson, S Sims, P Wolverson and F Neasham.

## 104 DECLARATIONS OF INTEREST

Councillor R D MacRae declared an other registrable interest in item 6.1 as he was a member of Stapleford Town Council and Stapleford Community Group, minute number 108.1 refers.

Councillor T Hallam declared an other registrable interest in item 6.1 as he was a member of Stapleford Town Council, minute number 108.1 refers.

Councillor J W McGrath declared an other registrable interest in item 6.1 as he was a member of Stapleford Town Council, minute number 108.1 refers and an other registrable interest in item 14.1 as it impacted the finance of a close family member, minute number 116.1 refers

## 105 MINUTES

The minutes of the meeting on 17 January 2023 were confirmed and signed as a correct record.

## 106 SCRUTINY REVIEWS

The Scrutiny Reviews were noted.

## 107 RESOURCES AND PERSONNEL POLICY

### 107.1 BUDGET PROPOSALS AND ASSOCIATED STRATEGIES

Cabinet considered recommending to Council the capital and revenue budgets proposals together with the Capital Strategy, Prudential Indicators, Treasury Management Strategy, Investment Strategy and General Fund Medium Term Financial Strategy.

The service and financial plans were considered as an integral part of the budget setting process by the Overview and Scrutiny Committee on 30/31 January 2023.

It was stated that the Council was in a good position, but was not immune to challenges ahead. The leisure centres had not received help with rising energy costs that other businesses received from the Government.

**RESOLVED to approve the service plans for the Council's corporate priorities and support functions, subject to amendment as a result of any budget decisions still to be taken by Council, recommended by the Overview and Scrutiny Committee.**

**RECOMMENDED to Council that:**

- 1. The Housing Revenue Account budget as submitted be approved (appendix 2)**
- 2. The General Fund revenue budgets as submitted be approved (appendix 3).**
- 3. The capital submissions and priorities within them be approved and that the Deputy Chief Executive be authorised to arrange the financing of the capital programme as necessary (appendix 4).**
- 4. An amount of £25,000 be provided for a General Contingency in 2023/24 (appendix 3).**
- 5. The Council Tax Requirement for 2023/24 including special expenses (but excluding local precepting requirements) be £6,372,250 (appendix 3).**
- 6. An amount of £938,181 be withdrawn from the General Fund reserve in 2023/24 (appendix 3).**
- 7. An amount of £252,561 be taken from the General Fund earmarked reserves in 2023/24 (appendix 3).**
- 8. The Capital Strategy 2023/24 to 2025/26 be approved (appendix 5)**
- 9. The Minimum Revenue Provision policy as set out be approved (appendix 6).**
- 10. The Treasury Management Strategy Statement 2023/24 to 2025/26 be approved (appendix 6).**
- 11. The Investments Strategy 2023/24 to 2025/26 be approved (appendix 7).**
- 12. The General Fund Medium Term Financial Strategy to 2026/27 be approved (appendix 8).**

#### Reason

The proposals were in accordance with the relevant legislation, Council policy and procedures, and the Council's statutory and fiduciary powers.

## 107.2 HOUSING BENEFIT- WAR PENSION DISREGARD

Members were asked to approve the continuation of the War Pension Disregard in respect of Housing Benefit Claims in 2023/24. The Housing Benefit and Council Tax Benefit (War, Pensions, Disregards allowed for Local Authorities to develop a Local Scheme that can disregard War Pension income from the calculation of Housing Benefit. Since the introduction of Housing Benefit, the Council has always disregarded this income when calculating a claim for Housing Benefit. The Department for Works and Pension had requested that each Local Authority has their Local Scheme approved each year.

The Local scheme was discretionary and as a result the Council is expected to meet the cost. However, under the Housing Benefit subsidy arrangements, the government reimburses the Council 75% of the expenditure where a Local Scheme is implemented.

**RESOLVED that the continuation of the current Local Scheme, disregarding War Pensions for Housing Benefit Applications in 2023/24 be approved.**

### **Reason**

The Housing Benefit Regulations 2006 paragraph 40(2) and schedule 5, and Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006 paragraph 33(9). Sections 134 and 139 of the Social Security Administration Act 1992 provided the Council with the discretion to modify the Housing Benefit scheme by disregarding a further amount, or all, of specified war disablement pensions and payments.

## 107.3 COUNCIL TAX SUPPORT FUND 2023/24

Cabinet gave consideration to the Council Tax Support Discretionary Scheme, in addition to the Mandatory Scheme, to support Council Tax Support recipients in 2023/24.

The Government had introduced additional funding of £100m to support Council Tax Support recipients with the potential increase in Council Tax charges.

It was proposed by Councillor M Radulovic MBE and seconded by S J Carr that the wording of the recommendation be amended to remove Deputy Leader to be replaced with the Portfolio Holder for Economic Development and Asset Management. On being put to the meeting the amendment was carried.

**RESOLVED that the Deputy Chief Executive, in consultation with the Leader, Leaders of other groups, Portfolio Holder for Resources and Personnel Policy, and the Portfolio Holder for Economic Development and Asset Management be given delegated authority to develop a Discretionary Council Tax Support Fund Scheme.**

### **Reason**

The Council can support this type of welfare provision under the “Local authority’s general power of competence”, as set out in S.1 of the Localism Act 2011. Local

authorities' have the ability to act in this area under powers contained in other legislation, such as, section 2 of the Local Government Act 2000 enables local authorities to provide financial assistance to any individual and Section 13A (1) (c) of the Local Government Finance Act 1992 allows local authorities to have discretion to apply further reduction in council tax bills.

#### 107.4 PAY POLICY

Cabinet noted the Pay Policy for 2023/24 prior to its submission to full Council. The pay policy statement for 2023/24 set out the Councils policies relating to the remuneration of its senior officers, the remuneration of its lowest paid employees. Each Local Authority had a statutory obligation to publish an annual Pay Policy Statement. The purpose of the report was to increase accountability in relation to payments made to senior local authority employees by enabling public scrutiny.

#### 107.5 RESIDENTS' NEWSLETTER

Cabinet gave consideration to the potential options for producing the Councils resident's newsletter in the future. Currently the newsletter was produced bi-annually and for years had been an informative way for residents, businesses and other stakeholders within the Borough of work of the Council and its partners. Each edition was designed and printed externally and delivered to every household and business in the Borough by Royal Mail in the Summer and Winter. Costs for the production and delivery of the newsletter had risen to £23,138 in 2022 compared to £18,500 in 2017. The Council continued to use a multi-channel approach for its communication and engagement.

Discussion ensued between the options available, Option one to continue with the current arrangement of printing and distribution, Option two to continue to produce a printed newsletter but encourage more people to read it online and reduce distribution to 5,000 copies. The copies would be available on request and made available to community groups and public buildings. This option would see a potential saving of £18,000 and Option three to adopt a digital approach to the newsletter with a potential saving of £20,000. Members considered that some community groups may find it hard to access the digital newsletter and that environmental costs should be taken into account.

**RESOLVED that option 2, to continue to produce a printed newsletter, but encourage more people to read it online and reduce distribution to 5,000 copies. These would be available on request, made available to community groups and provided in public buildings, be approved.**

#### Reason

Local authorities were required to consider how any publicity they issue could contribute to the promotion of any duties applicable to them in relation to the elimination of discrimination, the advancement of equality and the fostering of good relations. The Councils Values of having a strong caring focus on the needs of communities, being ready for change, continuous improvements, and delivering value for money underpinned the Council's Priorities

## 108 LEISURE AND HEALTH

### 108.1 EVENTS PROGRAMME 2023/24

Cabinet welcomed the Council's Event programme for 2023/24. The annual budget for the Council's events programme was £99,500. This was supplemented with external contributions from event partners including Town and Parish Councils and County Council Divisional Funds to enhance events. The objectives of the strategy would include promotion and enhancement of existing activities within the borough, engagement and collaboration with community groups and other stakeholders and to increase the reach of cultural activity and facilities including the DH Lawrence Museum.

Discussions ensued including Members suggesting Stapleford Play day should move around, the Christmas Lights Switch on should involve the markets manager, more activities planned at Eastwood and Brinsley, the CCity Community Group need to be encouraged, and green activities planned at the play days. It was concluded that the events programme was a living document and that it would grow over the year.

#### **RESOLVED that:**

- 1. The proposed event programme for 2023/24 be approved.**
- 2. Delegated authority be given to the Executive Director in consultation with the Leader of the Council and the Portfolio Holder for Leisure and Health to provide support to cultural and community events in relation to the CCity project.**

#### Reason

The Council's priorities were Housing, Business Growth, Environment, Health and Community Safety. The priorities and objectives for Health was People in Broxtowe enjoy longer, active and healthy lives. The events programme supported active and healthy lifestyles in every area of Broxtowe.

## 109 HOUSING

### 109.1 DAMP AND MOULD

Members were updated with the work being undertaken to address concerns about damp and mould, both in Council owned properties and the private sector, and the outlined actions to be taken. It was stated that the Council had to be proactive its approach and not rely on tenants informing them of any issues. Some of the actions discussed included reviewing the procedure for dealing with damp and mould, reviewing the equipment used to test damp, and contacting all tenants that have reported damp and mould in the last 5 years. Members stated that they would like to see the allocations policy and strategy before they go to Cabinet to reflect damp and mould issues and a request to write to the Secretary of State to compare authorities like Broxtowe to compile the register. Ultimately tenants should not have to live in properties with damp and mould.

**RESOLVED that the proposed action plan be approved.**

## Reason

The Landlord and Tenant Act 1985 as amended by the Housing (Fitness for Human Habitation) Act requires a property was fit for human habitation at the beginning of the tenancy and for the duration of the tenancy; and where a landlord fails to do so, the tenant had the right to take action in the courts for against the Council breach of contract on the grounds that the property was unfit for human habitation. The action plan provided a required planned maintenance programme with periodic inspections and an effective responsive repairs service. The Council's obligations as landlord to repair and maintain Council properties were set out in the tenancy agreement. In addition, section 11 of the Landlord Tenant Act 1985 sets out statutory obligations to ensure that the structure of homes was repaired and the repairs were carried out within a reasonable time.

### 109.2 AGREEMENT WITH EAST MIDLANDS HOUSING GROUP / QUANTUM PARTNERSHIPS TO SECURE HOMES ENGLAND FUNDING

Cabinet considered the request to seek approval to enter into contract with Quantum partnership and Homes England to secure grant funding to deliver new Council homes on several sites in the borough. In order to receive the grant funding, the Council was required to enter into an agreement with the East Midlands Quantum Consortium and Homes England. By joining the consortium and entering into the relevant agreements, the Council could access grant funding and charge affordable rents on grant funded schemes. and non-grant funded section 106 sites.

#### **RESOLVED that:**

- 1. The Council enters into contract with Homes England, East Midlands Housing Group and the Quantum partnership to secure subsidy for new schemes provided through the Housing Delivery Plan**
- 2. A delegation be made to Broxtowe's Deputy Chief Executive and Section 151 officer, in consultation with the portfolio holders for Housing and Resources and Personnel Policy to progress all key approvals relating to the contract.**

## Reason

The Council could enter into the grant funding arrangements with East Midlands Quantum Consortium and Homes England using its general power of competence under the Localism Act 2011. All works, goods and services required to deliver the schemes must be procured by the Council in strict compliance with the Public regulations 2015 and the Council's financial regulations.

### 110 ECONOMIC DEVELOPMENT AND ASSET MANAGEMENT

#### 110.1 TOTON AND CHETWYND BARRACKS STRATEGIC MASTERPLAN SUPPLEMENTARY PLANNING DOCUMENT

Cabinet considered the resolution to adopt the amended Toton and Chetwynd Barracks Strategic Masterplan Supplementary Planning Document.

The Council, in conjunction with the emerging East Midlands Development Corporation (EM DevCo CLG) had prepared a supplementary planning document for the Toton and Chetwynd Barracks sites. The plan had been considered by Members at the Policy Working Group and had been deferred previously at Cabinet until publication of the inspector's comments from the examination of the Toton and Chetwynd Neighbour plan that covered a similar geographical area. It was considered that no further amendment of the supplementary planning document was required. However, further discussions would continue to take place with Toton and Chetwynd Neighbourhood Forum, in order to modify the Neighbourhood plan.

Members wished for it to be noted that the Officers working on the supplementary planning document had been very responsive and it had been an interactive process.

**RESOLVED that the Toton and Chetwynd Barracks Strategic Masterplan Supplementary Planning Document, as amended, be adopted.**

#### Reason

Legislation in relation to the preparation of Supplementary Planning Documents was set out within the Town and Country Planning (Local planning) (England) Regulations 2012. Regulation 11 provided any person with sufficient interest in the decision to adopt a Supplementary Planning Document may apply to the High Court for permission to apply for judicial review of that decision; any such application must be made promptly and in any event not later than 3 months after the date on which the Supplementary Planning Document was adopted. The Environmental Assessment of Plans and Programmed Regulations 2004 (as amended) prohibit the adoption of plans, programmes or modifications before a determination had been made as to whether it was likely to have significant environmental effects. The regulations required that the Environment Agency, Historic England and Natural England were consulted on this.

### 110.2 GOVERNMENT CONSULTATION ON REFORMS TO NATIONAL PLANNING POLICY

Cabinet was asked to decide the Council's response to the Government's current consultation on reforms to national planning policy. The government was consulting on potential reforms to national planning policy, involving proposed changes to the National Planning Policy Framework. As part of the consultation consideration for how the authority would develop policy to support levelling up and how national planning policy was currently accessed by users. Members discussed the serious issues of the national planning policy and the major implications for fringe type developments, and environmental issues needed to be taken into account.

**RESOLVED that the proposed responses in Appendix 2 of this report of the Council's responses to the Government's consultation be amended to allow the inclusion of additional responses to protect the environment and consider new builds be approved.**

## Reason

Underpinning the Council's priorities for Housing, Business Growth, Environment, Health and Community Safety was the Council's Values. They included a strong, caring focus on the needs of communities, continuous improvement and delivering value for money and being transparent with integrity and professional competence. The consultation allowed residents to respond to the Government's consultation on reforms to national planning policy.

### 110.3 LAND SALE ADJACENT TO THE CREMATORIUM SITE

Members gave consideration to the proposed sale of eleven acres of land previously declared surplus by the Bramcote Bereavement Services Joint Committee and any interest in the land made by third parties following the approved sale of surplus land at the Crematorium by private negotiation at Full Council 13 October 2021, the surplus land was allocated in the adopted local plan as part of a larger residential development site accessed off Coventry lane. The developer had secured outlined planning approval for the site and submitted a reserved matters application for 179 new homes in July 2022. The Council had also negotiated the purchase of 51 affordable homes on the site that would contribute to the Council's Housing Delivery Plan to build new homes by 2029. The equal share of the proposed sale of the surplus land owned by Bramcote Crematorium would generate a substantial one-off capital receipt for the Council's General Fund. Members considered the item further following a vote to exclude the public and press due to the consideration of confidential information.

### 111 CABINET WORK PROGRAMME

Cabinet resolved that the work programme, with the minor amendment to remove the report on trees including key decisions be approved.

**RESOLVED that the work programme, with the minor amendment to remove the report on trees including key decisions be approved.**

### 112 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.**

### 113 ECONOMIC DEVELOPMENT AND ASSET MANAGEMENT

#### 113.1 LAND SALE ADJACENT TO THE CREMATORIUM SITE - APPENDIX 2 AND 3

During the meeting, officers stated that there was a slight amendment to the information contained at appendix 3 within the report.

**RESOLVED that:**

- 1. The surplus land at the Crematorium (as appendix 1 of the report) be sold to the developer of the neighbouring Coventry lane development site in line with the Council's land disposal policy and,**
- 2. a delegation be made to Broxtowe's Deputy Chief Executive and s.151 Officer, in consultation with the Chair and Vice Chair of the Bramcote Bereavement Services Joint Committee and the Leader of the Council, to progress all key approvals relating to the subsequent sale of the land.**

Reason

A local authority was in the position of a trustee in relation to the land that it holds on behalf of the community and had a statutory duty to sell land at the best price reasonably obtainable. The Council would only be able to demonstrate that it achieved the best consideration by obtaining an independent valuation of the land. As the land is not classed as Public Open Space Section 123 Local Government Act 1972 does not apply.

114 HOUSING

114.1 AGREEMENT WITH EAST MIDLANDS HOUSING GROUP/QUANTUM PARTNERSHIPS TO SECURE HOMES ENGLAND FUNDING APPENDIX

Members noted the appendix relating to agenda item 7.2

115 RESOURCES AND PERSONNEL POLICY

115.1 IRRECOVERABLE ARREARS

**RESOLVED that the arrears in excess of £1,200 on national non-domestic rates, council tax, rents, housing and council tax benefit overpayment and sundry debtors as set out in the report be written off and to note the exercise of the Deputy Chief Executive's delegated authority under Financial Regulation 5.9.**

116 LEISURE AND HEALTH

116.1 BRAMCOTE LEISURE CENTRE STUDY -UPDATE

**RESOLVED that:**

- 1. A further report is brought back to Cabinet at its next meeting**
- 2. The cost of £24,900 in accordance with the appendix to the report be funded from General Fund Reserves.**
- 3. To seek agreement with Liberty Leisure to implement the recommendations of the implementation plan with the company.**

(Councillor J McGrath left the room prior to this item and therefore did not take part in the vote.)