

CABINET

TUESDAY, 3 OCTOBER 2023

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

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

51 **DECLARATIONS OF INTEREST**

Councillor M Radulovic MBE declared a non-registerable interest in items 17.1, 17.2, 17.3 and 17.4, minute numbers 65.1, 65.2, 65.3 and 65.4 refer.

52 **MINUTES**

The minutes of the meeting held on 5 September 2023 were confirmed and signed as a correct record.

53 **SCRUTINY REVIEWS**

The work programme for Scrutiny Reviews was noted.

54 **SCRUTINY REVIEW - MARKETS**

Cabinet received the findings of the Overview and Scrutiny Committee Working Group's review into Markets.

The Overview and Scrutiny Committee Working Group reviewed this topic with the purpose of discovering the effectiveness of the team and to review whether footfall in town centres had improved.

Cabinet thanked the Overview and Scrutiny Committee for the work undertaken during the review.

RESOLVED that:

- 1. To produce an annual market service business plan looking at the performance of the markets, event planning, and revenue forecasts to ensure the market is resourced and supported.**
- 2. Explore options of evening markets to increase footfall with the night time economy and to link in with events within the Borough.**
- 3. Research the opportunity of holding quarterly stallholder/stakeholder group meetings for feedback, improvements and sharing ideas. To ensure communication between Stallholders and the Market Officer are improved.**
- 4. To improve advertisements of markets across the Borough including using the Council website, social media and market trader websites. To promote days and times of the markets and list stall details.**
- 5. Provide the opportunity of a stall for free to Charities, to be booked through the Markets Officer each week.**
- 6. Explore opportunities of promoting Markets in the North of Borough as events rather than weekly markets. This could include themed markets such as vegan, locally produced food, and craft stalls.**
- 7. Explore the opportunities presented through the redevelopment of Victoria Street Car Park, Stapleford Town Deal project, for mixed use opportunities. Ensuring links to, and opportunities for, market developments in the Town Centre and explore other opportunities of further creative spaces across the Borough.**
- 8. Increase the market layout within Beeston Square to include other areas of land that Broxtowe own, to create visibility from Public transport and provide additional income to the Council where possible.**
- 9. To consider whether the Council should increase the permit charge of hiring Beeston Square to the Beeston Farmers Market or to explore options of bringing the Saturday market in house and generate additional income into the Council.**
- 10. To consider the possibility of using empty building within town centres into pop up shops/restaurants and creative spaces as an indoor market concept.**

Reasons

This is in accordance with the Council's corporate values of continuous improvement and delivering value for money.

(Following the conclusion of the item Councillor V C Smith joined the meeting and confirmed that she had no interests to declare.)

54.1 GRANT AID REQUESTS FROM PARISH/TOWN COUNCILS

Cabinet considered requests for grant assistance within the protocol for the consideration of grant aid to Parish and Town Councils. Nuthall Parish Council had requested a grant of up to £2,290 towards the cost of traffic management for its Remembrance Sunday Parade, a request was made from Kimberley Town Council of up to £2,059 towards the cost of traffic management for its Remembrance Sunday Parade and a request from Eastwood Town Council for £2,250 towards the cost of cleaning two War Memorials in advance of the Annual Remembrance Service.

RESOLVED that the grants requests be approved accordingly:

- 1. Nuthall Parish Council – £2,290**
- 2. Kimberley Town Council – £2,059**
- 3. Eastwood Town Council - £2,250**

Reason

Consideration was given in respect of awarding grants. As part of the Protocol, Grant Aid would only be given in support of specific projects or services and not as a general grant towards the services provided by a Parish/Town Council. There was no budgetary provision for Capital grants to Parish Councils. The grant aid requests were in line with the current Corporate Plan aims for supporting people to live well and provide a safe place for everyone.

54.2 BUDGET TIMETABLE AND BUDGET CONSULTATION 2024/25

Cabinet considered the report on the budget timetable and budget consultation 2024/25. The budget consultation process proposed was similar to previous years, using a web-based survey that was publicised through social media. Promotional activity would include social media messages, 'email me' bulletins, press releases, website promotion and direct engagement with groups, organisations, and individuals on the Council's stakeholder map.

On consideration Members agreed a minor amendment to section 16 to include Watnall and Nuthall East & Strelley. A further amendment was agreed at section 18 to include a further age bracket between 65-74 and then 75+.

RESOLVED that the budget-setting process for 2024/25 and the Budget Consultation questionnaire, as amended, be approved.

Reason

Section 65 of the Local Government Finance Act 1992 places a duty upon local authorities to consult representatives of non-domestic rate payers before setting the budget. There is no specific statutory requirement to consult with residents, local authorities were placed under a general duty to inform, consult and involve representatives of local people when exercising their functions by Local Democracy.

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

55.1 DURBAN HOUSE AND BRAMCOTE LEISURE CENTRE MAINTENANCE WORKS

Cabinet, in July 2023, had previously agreed to fund essential maintenance works at Durban House to make the building compliant and facilitate a letting at the property. However, more work than originally estimated is required on the building and inflationary contractor and supplier costs, had resulted in additional funding of £7,000 being required to complete these works.

RESOLVED that funding for essential maintenance works at Durban House and Bramcote Leisure Centre, be approved. A one-off revenue development budget of £12,000 will be required for this purpose to be funded from to be funded from General Fund Reserves in 2023/24.

Reason

The Council has a number of different repairing and maintenance liabilities, including specific contractual obligations arising from leased properties, 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.

56 ECONOMIC DEVELOPMENT AND ASSET MANAGEMENT AND RESOURCES AND PERSONNEL POLICY

56.1 CAR PARK CHARGES

Members were informed that the current parking charges were introduced in 2010 for Council owned public car parks on the basis of 1-hour free, 2 hours at £1, 3 hours at £1.50 and £3 all day. However, charges were not introduced at three small car parks in Kimberley and one small car park in Eastwood on the basis that low usage would not justify the cost of installing pay and display machines.

On Consideration of the report, it was stated that Option 2 would be the preferred option as this would create turnover in towns at minimum cost to individuals, while also considering a shift toward public transport. It was stated that there was no intention to introduce charges at the car parks which were currently free within the Borough. Following discussion, Option 2 was amended to retain the free period for blue badges but remove the free period for electric vehicles. A further tariff to for 'visitors paying £3 for up to 6 hours' would be added. This would allow for visitors to use restaurant and cinema facilities without having to incur a charge of £15.

The changes would be communicated well in advance of the introduction in January 2024, through the Council's Communication Team and signage throughout the car parks.

RESOLVED that:

- 1. Option 2 as included in the report, as amended, be approved as follows:**
 - **Visitors with a blue badge free**
 - **Visitors paying £1 for up to 2 hours**
 - **Visitors paying £2 for up to 3 hours**
 - **Visitors paying £3 for up to 6 hours**
 - **Visitors paying £1 all day**
 - **Visitors paying £2 all day**
 - **Visitors paying £15 all day**
 - **Visitors using the train station multi-day tariff.**
- 2. Visitors with blue badges be eligible for free parking, while electric vehicles be charged for.**
- 3. Cabinet receive a further report to consider a mitigating option of permits at a concessionary rate being available for purchase by anyone who can provide proof of employment in Beeston.**

Reasons

Use of off-street car parks is now returning to pre-pandemic levels. The total cost of providing off-street car parking is around £294,000, with income generated currently at £255,000, leaving a net deficit of £39,000 to be met from the General Fund.

Options considered and rejected:

Option 1

No change to the existing tariffs resulting in approximately £38,750 needing to be met from the General Fund to cover the cost of the service.

Option 3 – Model based on introducing a 2-step tariff structure

Option 3 as included in the report would potentially result in additional income of approximately £342,000 (net of VAT). This is reduced from £370,700 after allowing an estimated 5% reduction in car park usage following the increase in charges and the cost of implementation £10,000.

Option 4 – Model based on introducing a three-step tariff structure

Option 4 as included in the report stated that as the issue of car parks being used as a park and ride facility is unlikely to arise other than in Beeston, Members gave consideration to a 3-step tariff option being introduced in Beeston only. An increase in the daily charge in Beeston to £10 may also impact people who work full-time in the town who currently pay £1 or £2 all day to park.

57 ENVIRONMENT AND CLIMATE CHANGE, AND RESOURCES AND PERSONNEL POLICY

57.1 CAPITAL PROGRAMME 2023/24 UPDATE-ALLOCATION OF SECTION 106 FUNDS FOR PARKS AND OPEN SPACES

Cabinet considered a report which sought approval for Section 106 (S106) open space contributions which were to be used to fund improvements to parks and open spaces and for their capital schemes. These would be included in the Capital Programme for the applicable years.

S106 developer contribution funds had been received by the Council for improvements within certain parks and open spaces. Once approved, the funds would need to be spent within a five-year period.

Whilst there were no exact restrictions on what the S106 funding must be spent on, the funding does have to be spent on the sites identified in the S106 agreements. When completed, the works would improve the Borough's open space and play areas for site users and would align with the following priorities highlighted in the Council's Play Strategy.

RESOLVED that the parks and open spaces improvement schemes for Beeston and Eastwood be added to the Capital Programme for 2023/24 at a combined cost of just over £130,000. These improvements will be funded by an allocation from respective 106 contributions.

Reason

Planning obligations are covered by Section 106 of the Town and Country Planning Act 1990 and known as Section 106 agreements. By law, planning obligations can only be required where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and in kind to the development. Payments can be made in the form of a capital or revenue contribution, as a lump sum or phased payments, due on defined dates or triggered as the development progresses. Local planning authorities are required to use the funding in accordance with the terms of the individual Section 106 agreement and if not spent by the date specified in the agreement must be returned to the developer.

58 ENVIRONMENT AND CLIMATE CHANGE

58.1 DECARBONISATION OF THE FLEET (TRANSITION TO BIOFUEL)

Members were informed that the Council had set an ambitious target of being carbon neutral by the end of 2027. In May 2022, Members approved an additional £42k budget to transition to Hydrotreated Vegetable Oil (HVO) in support of decarbonising the fleet and reducing the Council's carbon footprint. Following the approval of these funds, the price of both Diesel and HVO had increased significantly. The result of the price escalating was that the funds approved would not cover the transition to HVO. Consequently, the project was put on hold to allow the price to stabilise. Whilst the price was still significantly higher than in 2022, the market had now stabilised.

It was stated that the Council's plans for decarbonisation were ambitious. It was further stated that the use of biofuel was a transitional position in the face of an environmental crisis. Different approaches were necessary and even small solutions would be useful.

RESOLVED that the transition of the fleet to HVO biofuel be approved, with the estimated additional costs being contained within existing budgets in 2023/240.

Reason

HVO is compatible with all diesel vehicles from 2019 onwards and all refuse collection vehicles, irrespective of the year of manufacture. 46% of the fleet is HVO compatible. Based on fuel usage for 2022/23, the total tCO₂e savings each year would be in the region of 629 tCO₂e. This represents a 77% reduction in transport carbon emissions and an overall reduction of 26% in the Council's total carbon emissions.

59 HOUSING

59.1 FURNITURE RENTAL SCHEME

In December 2022 Cabinet approved a proposal for the Council to consider offering furnished tenancies. Following this approval, officers in the housing service contacted other housing organisations to gather examples and information. Very few organisations offer furnished tenancies. However, many were operating successful furniture rental schemes.

Initially the scheme would not be offered to every tenant, but those in need would be identified as part of the assessment completed prior to commencement of tenancy. It is likely that many of those who will benefit will be homeless applicants.

The charge for the furniture rental will be added as a service charge on the tenancy agreement. Confirmation has been obtained that the scheme would be fully eligible for Universal Credit and Housing Benefit. Therefore, tenants claiming these benefits would have the total cost of rental covered.

It was suggested that floor coverings be considered in the future through grants or a charitable scheme and reported to a future meeting.

RESOLVED that:

- 1. The Council implements a furniture rental scheme and;**
- 2. The service of a furniture rental company is procured.**

Reason

The aim of the Corporate Plan was to provide a good quality home for everyone. By providing support with furniture to reduce the burden financially to tenants would meet the priorities and objectives highlighted in the Corporate Plan.

60 COMMUNITY SAFETY

60.1 BROXTOWE CRIME REDUCTION ACTION PLAN 2023-2026

Members were advised of the merger of the Crime Reduction Action Plan with the Violence, Domestic Abuse and Violence Against Women and Girls, Anti-Social Behaviour, Child Criminal Exploitation, Child Sexual Exploitation Crime Prevention, Hate Crime, Substance Misuse, Modern Slavery and Counter Terrorism action plans into one plan, to reduce the number of action plans being managed and duplication creating efficiencies and to seek approval of the new Action Plan.

The item had been recommended to Cabinet after consideration by the Policy Overview Working Group and it was stated that due to the rise in shoplifting further consideration be given to addressing the issues.

RESOLVED that the Broxtowe Crime Reduction Action Plan 2023-26 be approved.

Reason

The Crime and Disorder Act 1998 (as amended) 2011, established partnerships between police, local authorities, fire and rescue authorities, probation services, and clinical commissioning groups. The purpose of these partnerships is to ensure that all these agencies work together to tackle local crime and disorder. The 1998 Act placed a central duty on these 'responsible authorities' to produce audits of the area's local crime problems and implement strategies to tackle them. Under s.6 of the Crime & Disorder Act 1998, the Council (with other partner authorities) has a duty to formulate and implement a plan for the reduction of crime and disorder in its area. By merging this plan with the other plans ensures a streamlined process.

60.2 MODERN SLAVERY AND HUMAN TRAFFICKING STATEMENT 2023

The Cabinet considered a report which sought approval for the annually reviewed and updated Modern Slavery Statement and for its inclusion on the website and the Home Office's published Modern Slavery statements. The Statement had been recommended to Cabinet by the Policy Overview Working Group.

RESOLVED that the Modern Slavery Statement 2023 be approved, and that in future years the report contains data from modern slavery outcomes relevant to Broxtowe managed through the Nottingham hosted modern slavery team, and that Councillors be reminded of opportunities for online training on modern slavery.

Reason

It is considered that Broxtowe Borough Council should be keen to raise awareness of slavery and human trafficking and as a large scale local employer and provider of services, should make its position of zero tolerance in respect of slavery and trafficking clear and unequivocal.

(Councillor G Marshall for this item left the room prior to discussion or voting thereon.)

60.3 VULNERABLE PERSON POLICY 2023

Members considered the Vulnerable Persons Policy which sets out the way in which Adults who are vulnerable but do not meet the threshold for safeguarding by the Multi-Agency Safeguarding Hub will be managed. The Policy had previously been considered by the Policy Overview Working Group.

RESOLVED that amendments to the Vulnerable Person Policy be approved.

Reason

The Council also has a legal responsibility to safeguard, promote wellbeing and protect vulnerable persons, this policy has regard to the relevant legislation as contained within it.

60.4 HATE CRIME POLICY

Members received the Hate Crime Policy which sets out the Council's commitment to tackling hate crime and hate incidents and how it supports this through its decision making, service delivery and by the actions it will develop to implement the Policy. The Policy had previously been considered by the Policy Overview Working Group.

RESOLVED that the revised Hate Crime Policy be approved.

Reason

By having a Hate Crime policy in place will build awareness, increase confidence in reporting and ensure correct procedures are followed.

61 CABINET WORK PROGRAMME

Cabinet considered the Work Programme, including potential key decisions that would help to achieve the Council's key priorities and associated documents.

RESOLVED that the Work Programme, including key decisions, be approved.

Reason

The items included in the Work Programme will help to achieve the Council's key priorities and associated objectives.

62 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, 3, 4 and 7 of Schedule 12A of the Act.

63 HOUSING

63.1 AIDS AND ADAPTATIONS REQUEST

RESOLVED that the request for adaptations as detailed within the appendix to the report, be approved.

Reason

These works comply with the legal and statutory requirements in relation to the provision of housing adaptations for disabled people as set out in the Council's Aid and Adaptions for Council Owned Dwellings Policy.

63.2 RIGHT TO BUY REPAYMENT OF DISCOUNT

RESOLVED that:

- 1. The property detailed in the report is not exempt from the Right of First Refusal.**
- 2. The full discount should be repaid if the property is sold in accordance with the Housing Act 1985.**

Reason

The report acknowledges the wide discretion and notes that the Government considers it is justified to waive payment of the right to buy discount in circumstances where repayment would lead to demonstrable personal hardship. It is envisaged that this power will only be used in exceptional circumstances.

64 RESOURCES AND PERSONNEL POLICY

64.1 IRRECOVERABLE ARREARS

RESOLVED that the arrears in excess of £7,500 on national non-domestic rates, council tax, rents, housing/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 with the exemption of numbers 1.1, 1.2 and 1.7 within the report which were removed for further investigation.

Reason

The report has set out circumstances whereby debts can lawfully be written off by the council and these include circumstances when a debt is time barred, where the debtor is deceased or gone away or is unable to be traced. In such circumstances to pursue the debt would be a very difficult and costly exercise with little or no chances of success.

65 ECONOMIC DEVELOPMENT AND ASSET MANAGEMENT, HOUSING, AND RESOURCES AND PERSONNEL POLICY

65.1 OPPORTUNITY TO PURCHASE ONE BLOCK OF SEVEN FLATS

RESOLVED that the purchase of seven dwellings, as detailed in the report, be approved, with a delegation given to the Deputy Chief Executive in consultation with the Vice-Chair of Cabinet to consider revisions to the financial figures based on the potential grant assistance from Homes England.

Reason

Pursuant to Section 9 of the Housing Act 1985 the Council may provide housing accommodation by acquiring houses. Section 24 of the Housing Act 1985 Act provides that the Council acting as a housing authority may make such reasonable charges as they may determine for the tenancy or occupation of their houses.

(Councillor M Radulovic MBE left the meeting before the commencement of the following items or voting thereon.)

65.2 OPPORTUNITY TO PURCHASE ON BLOCK OF FOUR FLATS

RESOLVED that the purchase of four dwellings, as detailed in the report, be approved, with a delegation given to the Deputy Chief Executive in consultation with the Vice-Chair of Cabinet to consider revisions to the financial figures based on the potential grant assistance from Homes England.

Reason

Pursuant to Section 9 of the Housing Act 1985 the Council may provide housing accommodation by acquiring houses. Section 24 of the Housing Act 1985 Act provides that the Council acting as a housing authority may make such reasonable charges as they may determine for the tenancy or occupation of their houses.

65.3 OPPORTUNITY TO PURCHASE FIVE NEW HOUSES

RESOLVED that the purchase of five dwellings, as detailed in the report, be approved, with a delegation given to the Deputy Chief Executive in consultation with the Vice-Chair of Cabinet to consider revisions to the financial figures based on the potential grant assistance from Homes England.

Reason

Pursuant to Section 9 of the Housing Act 1985 the Council may provide housing accommodation by acquiring houses. Section 24 of the Housing Act 1985 Act provides that the Council acting as a housing authority may make such reasonable charges as they may determine for the tenancy or occupation of their houses.

65.4 OPPORTUNITY TO PURCHASE ONE BLOCK OF 18 FLATS

RESOLVED that the purchase of 18 dwellings, as detailed in the report, be approved, with a delegation given to the Deputy Chief Executive in consultation with the Vice-Chair of Cabinet to consider revisions to the financial figures based on the potential grant assistance from Homes England.

Reason

Pursuant to Section 9 of the Housing Act 1985 the Council may provide housing accommodation by acquiring houses. Section 24 of the Housing Act 1985 Act provides that the Council acting as a housing authority may make such reasonable charges as they may determine for the tenancy or occupation of their houses.