

CABINET

TUESDAY, 7 NOVEMBER 2023

Present: Councillor M Radulovic MBE, Chair

Councillors: G Marshall
R E Bofinger
C Carr
H J Faccio
J W McGrath
H E Skinner
P A Smith
V C Smith

66. APOLOGIES

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

67. DECLARATIONS OF INTEREST

There were no declarations of interest.

68. MINUTES

The minutes of the meeting held on 3 October 2023 were confirmed and signed as a correct record.

69. SCRUTINY REVIEWS

The work programme for Scrutiny Reviews was noted. It was stated that Grants to Voluntary bodies be forward to the Overview and Scrutiny Committee as a possible subject for future review.

70. REPORT OF THE MONITORING OFFICER

70.1. REPORT ON RIPA (REGULATION OF INVESTIGATORY POWERS ACT 2000) POLICY

Cabinet considered a report which sought approval for a Regulation of Investigatory Powers Act 2000 (RIPA) Policy and noted the outcome of the Investigatory Powers Commissioners Office inspection and that there had been no use of the RIPA powers in the last 12 months.

RESOLVED that the RIPA Policy be approved.

Reason

If the Council does not adopt a revised RIPA Policy and there is no common reference point, there is a risk that covert surveillance is inconsistently applied across different service areas. This might increase the risk of legal challenge and reduce the fairness and effectiveness of the Council's approach to covert surveillance. The adoption of a policy is considered to be best working practice and will also assist the Council to demonstrate that it has regard to the relevant legislation and Codes of Practice.

71. RESOURCES AND PERSONNEL POLICY

71.1. FRAUD POLICY REVIEW AND MONEY LAUNDERING POLICY REVIEW

The Fraud and Corruption Prevention Policy and Money Laundering Prevention Policy were last reviewed by the Governance, Audit and Standards Committee in 2017. Although there have been no significant changes in the relevant legislation or regulatory framework since this time, it was considered good practice to review such corporate policies from time to time to ensure continued relevance and effectiveness.

RESOLVED that the updated Fraud and Corruption Prevention Policy and the Money Laundering Prevention Policy be approved.

Reason

This Policy provides a clear framework for the Council to undertake necessary, legal and proportionate actions wherever the evidence supports an investigation into an allegation of fraud, and to seek recovery of defrauded monies through all possible legal means. The Council should satisfy itself that it is complying with the obligations out in the Policy and that it is doing all it can to prevent persons associated with it from committing acts of fraud, bribery or corruption.

71.2. MEDIUM TERM FINANCIAL STRATEGY 2023/24 TO 2027/28 AND BUSINESS STRATEGY 2024/25

Members were informed that there were a number of significant issues concerning local government finance that would have a major impact upon the financial position of this Council. These included, the prevailing economy; the financial impact of inflation on pay and prices; uncertainty on the outcome of financial settlements from central government; and the delayed Fair Funding Review that intended to review the level of Business Rates retention. It was stated that there had been no investment outside of the Borough.

RESOLVED that the updated Medium Term Financial Strategy and the Business Strategy 2024/25 be approved.

Reason

In order to address the financial challenges facing the Council, a Business Strategy is maintained that sets out initiatives that will be pursued to reduce costs, generate additional income and/or improve services. A number of these initiatives have already been implemented and were taken into account in the production of the 2023/24 budget.

(Following the item Councillors C Carr and V C Smith joined the item and stated they had no interests to declare.)

71.3. ATTENDANCE MANAGEMENT POLICY REVIEW

Members noted the Attendance Management Policy which had previously been considered by the Policy Overview Working Group. It was stated that progress had been made to reduce sickness absence, with this year's performance currently projected to be significantly improved on the previous year's.

72. ECONOMIC DEVELOPMENT AND ASSET MANAGEMENT

72.1. SECTION 106 ITPS RECEIPT AND ALLOCATION – ACCESS IMPROVEMENTS AT COVENTRY LANE

The Council had received Section 106 Integrated Transport (ITPS) funds and was proposed to utilise some of these funds on access improvements off Coventry Lane in Bramcote. Any S106 funds received should be spent on mitigating the impact of the development to which they serve. In this regard the payment needed to be spent on transport links.

As part of the wider S106 agreement, two other contributions would be provided; one specifically being spent on road infrastructure improvements and the other amount had been sent to Nottinghamshire County Council for improvements to local bus services. It was therefore suggested that these funds were utilised on improving nearby pedestrian links.

RESOLVED that the proposed funding allocation for access improvements at Coventry Lane be approved. The combined cost of £80,000 will be added to the Capital Programme in 2023/24 to be funded by an allocation from Section 106 contributions.

Reason

Any S106 contributions should be spent on works that can help alleviate or mitigate part of the impact of the development to which is relates. Following revisiting the original agreement I am comfortable that these monies can be allocated in this way.

72.2. APPLICATION FOR RETROFIT WORKS DEVOLUTION FUND

The Council had applied for grant funding of £583,500 from the East Midlands Devolution fund to help carry out retrofit work on thirty-five bungalows at Scalby Close in Eastwood to make them more energy efficient. These works would involve loft insulation, eaves insulation, roof line upgrades, roof covering replacement and thermal upgrade to gable end walls. Works were expected to commence on site upon grant approval in November 2023 and were anticipated to be completed by February 2024.

Members stated that there were a number of schemes within the Borough that were a cause for concern. However, the prospective grant award would rapidly improve the quality of homes and the lives of those who lived in them.

RESOLVED that, subject to the grant award being approved, the scheme to complete retrofit energy efficiency works at Scalby Close, Eastwood be approved. The additional capital cost of £583,500 will be added to the Capital Programme 2023/24 and be fully funded by the capital grant.

Reason

The taking of such action is lawful under the general power of competence in Section 1 of the Localism Act 2011.

72.3. DECARBONISATION PLANS FOR PUBLIC BUILDINGS

The Asset Management and Environment teams had recently explored submitting a bid to the latest round of the Public Sector Decarbonisation Scheme. However, the bid was not submitted due to the scheme's eligibility requirements, and the high risk that the bid would be unsuccessful. Despite this, the work had highlighted the lack of decarbonisation planning in place for the Council's key buildings.

Quotations had been obtained to develop decarbonisations plans for the Council Offices, Kimberley Depot and Bramcote Crematorium. Bramcote Leisure Centre has been left out at this stage due to its planned replacement. As part of the plans, fabric first measures (i.e. insulation), renewable power generation and decarbonisation of heating systems will be explored.

RESOLVED that funding to provide decarbonisation plans for three Council owned buildings, as outlined in the report, be approved. A one-off revenue development budget of £15,600 is required for this purpose to be funded from an allocation from the Local Area Energy Plan (LAEP) budget with the balance to be funded from General Fund Reserves in 2023/24.

Reason

The Climate Change Act 2008 imposes a target on Central Government to be carbon neutral by 2050. The Council has, set an earlier target of 2027, by having decarbonisation plans for each of the Council key assets will achieve this.

73. HOUSING

73.1. SPEECH CALL UNITS AND LIFELINE SERVICE

Members considered the implementation of a project to provide an alternative solution for Speech Call Units and the Lifeline Service. There were many possibilities for improving the service offered to tenants and private customers and also to ensure that the service to private customers was financially viable going forward. Some of the new services would allow customers to use their pendants outside of the home. As these did not rely on hard-wired technology, customers could contact the service centre whenever they required assistance. In comparison, the current service only works within the home. There were also additional services to be considered, such as monitoring of customer activity and mobility, which would allow the service centre to identify a potential issue rather than wait for the customer to report it.

It was stated that reports would be submitted to Cabinet during the length of the project and alternatives to the long-standing provider, Tunstall Healthcare, were becoming popular.

RESOLVED that a project to investigate alternatives to the current arrangements for Speech Call Units and Lifeline Services be approved.

Reason

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

74. COMMUNITY SAFETY

74.1. REVIEW OF CORPORATE ENFORCEMENT POLICY

This item was moved forward in the agenda at the request of the Chair.

Cabinet was informed that the main purpose of local government enforcement activity was to protect the public, the environment, consumers and legitimate businesses by ensuring that legal requirements were met and that everyone acted and operated within the law. This did not just mean taking formal action, such as prosecution, but included a wide range of actions and measures, including giving help or advice to ensure that things were as they should be. Broxtowe Borough Council generally endeavoured to support both businesses and individuals to meet their legal obligations before considering any kind of enforcement action.

RESOLVED that the updated Corporate Enforcement Policy be approved.

Reason

The Policy is compliant with the general principles and objectives of national regulatory guidance and legislation, with Officers giving due consideration to detailed regulatory provisions relevant to that case when determining appropriate action on resolving a breach. The Council is also required to follow the provisions of the Code for Crown Prosecutors, which have been incorporated into the Enforcement Policy.

75. LEISURE AND HEALTH

75.1. HEALTH AND WELLBEING ACTION PLAN 2023-2026 REPORT

Members were advised of the merger of the Action Plans for Health, Mental Health, Dementia, Tobacco Control, Learning Disability, Child Poverty, Older People, Armed Forces, Children and Young People and Access to Food into one plan to reduce duplication and the number of action plans being managed.

It was stated that a Countywide Community Covenant Group would consider a focal point for the 80th anniversary to mark the ending of World War II. Further consideration was given to the forwarding of cycle routes and the inclusion of skate parks within the creation of a community space in Stapleford.

RESOLVED that:

- 1. The Health Action Plan 2023 – 2026 be approved.**
- 2. That future Health and Wellbeing action plans be aligned, merged be approved.**

Reason

The merger of the Plans would create efficiencies.

76. ENVIRONMENT AND CLIMATE CHANGE

76.1. TREE STRATEGY-MANAGEMENT STRATEGY FOR TREES IN COUNCIL OWNERSHIP 2023-2027

Broxtowe Borough Council made a commitment to become carbon neutral by the end of 2027. Forming part of the Climate Change and Green Futures programme, commitments have been made around the management and planting of trees. It had therefore been necessary to develop a Tree Strategy for trees in Council ownership that would ensure the appropriate management and maintenance of existing trees along with the promotion of suitable tree planting initiatives.

Increasing the tree coverage within the Borough was a key part of the Council's Climate Change and Green Futures Programme. This new Strategy would provide a strategic framework to manage, develop and enhance the Council's tree stock.

It was suggested that communication between the Council and stakeholders had not been good but was improving in relation to trees that were to be felled. Councillors would be informed of the situation in future. Tree planting on flood planes would also be considered.

RESOLVED that the Tree Strategy be approved and adopted.

Reason

The Council has a legal duty to manage and maintain all trees on Council-owned land, in parks and open spaces. The Tree Strategy sets out standards for the management of the tree resource under the stewardship of the Council which comply with nationally recognised codes of practice and will mitigate the risk (e.g. of insurance claims) as well as helping to protect trees and woodlands as a valuable natural asset to Broxtowe.

76.2. WASTE STRATEGY UPDATE -IMPLEMENTATION OF FOOD WASTE COLLECTIONS

In September 2021 the Council approved an Interim Waste Strategy which was to be reviewed and an action plan compiled once the Environment Bill had received Royal Assent. Although the Environment Act was mandated in November 2021, the exact requirements and timeframes were yet to be announced. However, one of the key outcomes was the introduction of consistent waste and recycling collections and a mandate for local authorities to collect food waste from the kerbside on a weekly schedule.

Members noted the potential costs for the implementation of kerbside food waste collections and it was stated that to support a shift in recycling rates, a further cultural shift had to be implemented, which would ultimately reduce recycling costs. A contamination trial was being held in Beeston, from which best practice would be rolled out across the Borough.

RESOLVED that the increase in the refuse freighter fleet at a cost of £84,150, whilst waiting for a round review to be undertaken, be approved.

Reason

The Environment Act 2021 ('the Act') supports the Government's 25-year environmental plan. Its purpose is to cover 'the gap' created by the UK's departure from the EU and subsequent leaving behind of environmental protections put in place by the EU. The Act intends to ensure there are effective environmental protections in place and make sure accountability is embedded within UK environmental law going forward. Section 57 of the Act replaces the whole of Section 45A of the Environmental Protection Act 1990. It now requires recycling streams to be collected separately unless it is not technically or economically practicable to do so or there is no significant environmental benefit.

76.3. SMOKE CONTROL AREA REPLACEMENT AND SMOKE CONTROL PENALTY POLICY

Smoke control orders were originally introduced by the Clean Air Act 1956 following the high number of deaths that had occurred during London smog episodes. Now replaced by the Clean Air Act 1993, local authorities could make orders so as to identify and designate land as a smoke control area, meaning that restrictions then apply to all premises within that area to prevent smoke being emitted from appliances or fuel.

It was queried how Councillors and residents would raise concerns should there be a suspected breach of the orders, to which officers responded that the preferred route would be through the Council's website.

RESOLVED that:

- 1. An Order revoking older smoke control orders be made, which will be subject to public consultation and confirmation by the Secretary of State.**
- 2. After public consultation, the expiry of relevant objection periods and Secretary of State confirmation, a new borough-wide smoke control order be approved.**
- 3. That the Policy on enforcement of smoke control orders be approved.**

Reason

Long term benefits will be a reduction in the quantity of PM2.5 produced in the Borough, resulting in cleaner air and health benefits to those who live and work in the Borough.

(Councillor G Marshall took the Chair for this item as Councillor M Radulovic MBE left the room.)

76.4. BENCHMARKING BROXTOWE BOROUGH COUNCIL OWN OPERATION SCOPE 3 EMISSIONS

Members considered a report which sought approval to employ a consultant to undertake Scope 3 benchmarking for Broxtowe Borough Council's own operations.

RESOLVED that a consultant is appointed to undertake Scope 3 carbon emissions benchmarking and calculations, based on the information provided in the confidential appendix. A one-off revenue development budget is required for this purpose and will be funded from General Fund Reserves in 2023/24.

Reason

The Council has committed to become carbon neutral by the end of 2027, but to enable the establishment of a net zero target, all of the Council's Scope 3 (indirect) emissions must be calculated.

77. ECONOMIC DEVELOPMENT AND ASSET MANAGEMENT, ENVIRONMENT AND CLIMATE CHANGE, AND RESOURCES AND PERSONNEL POLICY

77.1. APPOINTMENT OF UNIVERSITY CONSULTANTS TO SUPPORT HOUSING DECARBONISATION

The Council sought to enter into an agreement with the University of Nottingham (Department of Architecture and the Built Environment) to provide a realistic understanding of the conditions of all housing stock within the Borough and to produce a roadmap to support the decarbonisation of Broxtowe's housing stock. The work would inform where cost-effective retrofit investment is possible for maximum carbon emission reduction benefits and supports Broxtowe County Council preparedness to meet 2050 net-zero carbon emission targets.

RESOLVED that:

- 1. The appointment of the University of Nottingham consultants to inform the Council's approach towards meeting 2050 net-zero carbon emissions targets be approved.**
- 2. A one-off budget allocation of £44,650 (inclusive of £3,000 for disbursements) that will be required for this purpose to be funded from General Fund Reserves in 2023/24 be approved.**

Reason

The Climate Change Act 2008 imposes a target on Central Government to be carbon neutral by 2050. The Council has, set an earlier target of 2027. This work will allow the Council to deliver their target.

78. CABINET WORK PROGRAMME

Cabinet considered the Work Programme and removed the Health Action Plan from the December meeting as it had been considered earlier in the meeting.

RESOLVED that the Work Programme, as amended, be approved.

79. 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.

80. ENVIRONMENT AND CLIMATE CHANGE

80.1. BENCHMARKING BROXTOWE BOROUGH COUNCIL'S OWN OPERATION SCOPE
3 EMISSIONS APPENDIX

The appendix to the report considered earlier in the meeting was noted.

81. ECONOMIC DEVELOPMENT AND ASSET MANAGEMENT, AND RESOURCES
AND PERSONNEL POLICY

81.1. APPOINTMENT OF UNIVERSITY OF NOTTINGHAM CONSULTANTS TO
SUPPORT HOUSING DECARBONISATION - APPENDIX

The appendix to the report considered earlier in the meeting was noted.

82. HOUSING AND RESOURCES AND PERSONNEL POLICY

82.1. AWARD OF CONTRACT FOR THE HOUSING MODERNISATION PROGRAMME

RESOLVED that an exemption to the Council's Contract Procedure Rules to award a 12-month contract from 1 April 2024 to a value included in the report be approved.

83. RESOURCES AND PERSONNEL POLICY

83.1. REVIEW OF SENIOR SALARIES

RESOLVED that:

1. An external review of senior salaries (Heads of Service and above) be approved, to be reported back to Cabinet for consideration within the Council's annual pay policy.
2. The implementation of the recommended re-gradings of the Chief Environmental Health Officer (H69) and the Chief Communities Officer (P70) posts from Grade 15 to Grade CO1, both with 571 job evaluation points, and the re-naming of the roles to Head of Service positions be approved.
3. The advertisement of the vacant ICT and Business Transformation Manager (C63) role as an ICT Head of Service role on Grade CO1 (currently Grade 15) be approved.