

CABINET

TUESDAY, 16 JULY 2024

Present: Councillor M Radulovic MBE, Chair

Councillors: G Marshall (Vice-Chair)
P J Bales
G Bunn
C Carr
T A Cullen
H J Faccio
J W McGrath
H E Skinner
V C Smith

12 APOLOGIES

There were no apologies for absence.

13 DECLARATIONS OF INTEREST

There were no declarations of interest.

14 MINUTES

The minutes of the meeting held on 4 June 2024 were confirmed and signed as a correct record.

15 REFERENCES

15.1 FLEXIBLE WORKING POLICY

Members were informed that the Government had introduced changes to legislation on 6 April 2024 through the Employment Rights (Flexible Working) Act 2023 under a separate piece of Secondary Legislation, allowing all employees to make requests to their working arrangements as a Day One right rather than the previous 26-week period. Employers now have two months to respond to a request, rather than the previous three months. In addition, whilst employers have to explain the reason for denying a request, employees are no longer required to explain the impact on the business. Two requests per year, replaces one annual request.

RESOLVED that the amendments to the Flexible Working Policy be approved.

Reason

The Council must demonstrate preparation for and compliance with the requirements of the new legislation in addition to compliance with existing requirements. If this is not implemented correctly, it could leave the Council open to legal challenge.

15.2 LEAVE SCHEME

On 6 April 2024, the Government created the Carer's Leave Act 2023 and the associated Carer's Leave Regulations 2024, which allowed employees with caring responsibilities to take one week of unpaid leave per year. This applied to any employees who care for a spouse, civil partner, child, parent or other dependant who needed care because of a disability, old age or any illness or injury likely to require at least three months of care. The leave entitlement was available from the first day of employment with no qualifying period.

RESOLVED that amendments to the Leave Scheme be approved.

Reason

The Council must demonstrate preparation for and compliance with the requirements of the new legislation in addition to compliance with existing requirements. If this is not implemented correctly, it could leave the Council open to legal challenge.

15.3 MATERNITY LEAVE SCHEME

On 6 April 2024, the Government introduced changes to legislation relating to Pregnancy and Maternity. Members considered the changes to legislation which involved employees taking certain types of parental leave now had protection from redundancy for at least 18 months.

RESOLVED that the Maternity Leave Scheme be approved, including the following amendment "the Chief Executive is to have discretion in cases of miscarriage in conjunction with Human Resources."

Reason

The Council must demonstrate preparation for and compliance with the requirements of the new legislation in addition to compliance with existing requirements. If this is not implemented correctly, it could leave the Council open to legal challenge.

15.4 PATERNITY LEAVE SCHEME

Cabinet was informed that on 6 April 2024, the Government introduced changes to Paternity Leave via the Paternity Leave (Amendment) Regulations 2024. Employees taking statutory paternity leave could split their two-weeks' entitlement into two separate one-week blocks, rather than having to take them both together.

RESOLVED that the amendments to the Paternity Leave Scheme be approved.

Reason

The Council must demonstrate preparation for and compliance with the requirements of the new legislation in addition to compliance with existing requirements. If this is not implemented correctly, it could leave the Council open to legal challenge.

15.5 REDEPLOYMENT POLICY

Cabinet considered amendments to the Redeployment Policy.

RESOLVED that the amendments to the Redeployment Policy, including “to fulfil the essential duties of their post on a case by case basis”, be approved.

Reason

The Council must demonstrate preparation for and compliance with the requirements of the new legislation in addition to compliance with existing requirements. If this is not implemented correctly, it could leave the Council open to legal challenge.

15.6 REDUNDANCY AND REORGANISATION POLICY

Members considered amendments to the Redundancy and Reorganisation Policy.

RESOLVED that the amendments to the Redundancy and Reorganisation Policy be approved.

Reason

The Council must demonstrate preparation for and compliance with the requirements of the new legislation in addition to compliance with existing requirements. If this is not implemented correctly, it could leave the Council open to legal challenge.

16 RESOURCES AND PERSONNEL POLICY

16.1 PRODUCTIVITY PLAN

The outgoing Government required the submission of a Productivity Plan by 19 July 2024. Cabinet considered a document which had been prepared in consultation with middle and senior managers.

RESOLVED that the Council’s Productivity Plan be approved.

Reason

Whilst there are no direct legal implications arising from this report, the Council is required to produce a Productivity Plan as part of the Local Government finance settlement. The Government has not issued a template or a detailed list of criteria that the Council must meet when producing the Plan. However, Members must have oversight and endorse the Plan before it is submitted.

17 HOUSING

17.1 TENANT SATISFACTION MEASURES - SURVEY RESULTS

The Regulator of Social Housing had introduced a new system for assessing how well social housing landlords in England were performing. In addition to introducing revised consumer standards, this involves a new set of Tenant Satisfaction Measures that social housing landlords must report on. This will provide information to tenants and others so that they can compare the performance of their landlord with others and see where their landlord needs to improve.

It was stated that the Council was working towards improvements that were shown in the Action Plan. The complaints process could be used to show symptoms of issues and then drive outcomes. It was further stated that the issues within the survey were being dealt with in a proactive manner.

RESOLVED that the associated action plan to the Tenant Satisfaction Measures Survey be approved.

Reason

The Regulator of Social Housing's Transparency, Influence and Accountability Standard requires all registered providers of social housing to collect and report annually on their performance using a core set of defined measures. Introduced under the Social Housing Act 2023, the new Tenant Satisfaction Measures will allow tenants to see how their landlord is performing compared to other landlords.

17.2 ALLOCATIONS POLICY

The Allocations Policy sets out who can apply for social housing, how priority is given to different applicants and how the housing register is maintained. It is reviewed annually and Members considered minor amendments to the Policy.

RESOLVED that the updated Allocations Policy be approved.

Reason

The relevant legislation is contained within the policy document, the most relevant one is Part VI of the Housing Act 1996 that requires a local housing authority to adopt an allocations scheme, and, except in defined circumstances, to allocate property only in accordance with the scheme. When framing the scheme, the Council must have regard to statutory guidance issued by the Secretary of State and to its own homelessness and tenancy strategies. The proposals in this policy do not conflict with the statutory requirements or the Council's strategies. This, ultimately ensures there is a robust structure in place for the allocation of social housing.

17.3 SHARED OWNERSHIP POLICY

The Shared Ownership Policy sets out how the Council will manage its Shared Ownership properties and the leasehold model which will be used. It was written to ensure it complied with the Homes England guidance.

RESOLVED that the new Shared Ownership Policy and the fees and charges contained in Appendix 3 of the report, be approved.

Reason

The Council has the power under s32 of the Housing Act 1985 (and the General Housing Consents 2013) to dispose of such properties on a shared ownership basis, subject to the limitation set out in the legislation. The Council will also be subject to the Homes England and Capital Funding Guide and as landlord will also be subject to the relevant land and tenant legislation. All relevant legislation is contained within the Policy document.

18 ENVIRONMENT AND CLIMATE CHANGE

18.1 ELECTRIC VEHICLE INFRASTRUCTURE STRATEGY

Members considered the Electric Vehicle Infrastructure Strategy (EVI) and were informed that the Council needed to support and influence the transition from petrol and diesel vehicles, to ultra-low emissions vehicles, for key stakeholders. This was in line with the Government's commitment to ban the sales of all new petrol, diesel and plug-in hybrids cars by 2035. The Council has committed to becoming carbon neutral by the end of 2027 for its own operations and investment into actions to achieve this will take priority. It was hoped that future funding may be obtained from the new regional Mayor.

RESOLVED that the EVI Strategy be approved and adopted accordingly.

Reason

The UK electric vehicle infrastructure strategy (DfT, 25 March 2022, Taking charge: the electric vehicle infrastructure strategy) outlines that the Government will transform local on-street charging by putting an obligation on local authorities (subject to consultation) to develop and implement local charging strategies to plan for the transition to a zero emission vehicle fleet. By having such a Strategy will support both the Council's and Central Government's aims and help the Council monitor progress and manage expectations of relevant stakeholders.

18.2 BRINSLEY HEADSTOCKS

On 12 March 2024 a report was presented to Cabinet which requested approval for a public consultation to be undertaken regarding potential replacement options for the Headstocks. The proposed questions were approved, and the consultation was undertaken. The consultation was conducted using an online platform and paper questionnaires. The latter was distributed across various locations in the Borough. The options presented for replacement were a direct replacement with an oak framed structure, a direct replacement with a steel structure or a ground level interactive art piece.

It was stated that the importance of this to the cultural heritage of the area could not be underestimated. It was an imperative to demonstrate to future generations the debt of gratitude that was owed to those who had worked in the mine, and it was important to demonstrate this to future generations. It was further stated that the depth of feeling

from the consultation could not be ignored, and it would be beneficial to have an interactive element to the amenity to enhance visitor experience.

RESOLVED unanimously that option 1, a direct replacement with an oak framed structure, funded from sources including section 106 contingencies, be approved.

Reason

The memorial would provide a fitting tribute to those who worked and gave their lives at the site.

Options considered and rejected

2. Direct replacement with a steel structure.
3. Ground level interactive art piece.

18.3 CLEARING CEMETERIES OF PERSONAL MEMORIALS

Cabinet was informed that Bramcote Bereavement Services had carried out a review of the current management arrangements of the Council's cemeteries and identified an issue with personal memorials. The Council's Cemeteries Rules and Regulations stated that "It is Council policy that no item of whatever description is allowed to be placed upon the actual grave space in a lawned area". This is in order to maintain a safe environment for both employees of the Council and visitors to the cemeteries.

Members noted the intention to clear all personal memorials as detailed in the report and stated that communication with families was imperative. Cabinet was reassured that the methods by which families would be notified of the intentions was of a sympathetic nature, which was necessary when dealing with such a sensitive subject.

19 CABINET WORK PROGRAMME

Members considered the Work Programme and it was stated that the report expected on 3 September 2024 relating to Defibrillators should also include information on 'Bleed Boxes'.

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

Reason

This is in accordance with all of the Council's corporate priorities.

20 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 item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1, 2, and 3 of Schedule 12A of the Act.

21 ECONOMIC DEVELOPMENT AND ASSET MANAGEMENT

21.1 MAJOR AIDS AND ADAPTATION

RESOLVED that the request for adaptations as detailed at the Appendix to the report, be approved.

Reason

These works comply with the legal and statutory requirement in relation to the provision of housing adaptations for people with disabilities as set out in the Council's Aids and Adaptations for Council Owned Dwellings Policy.