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Dear Councillor

**FULL COUNCIL - TUESDAY, 8TH FEBRUARY, 2022**

I now enclose, for consideration the following Minutes which were unavailable when the Agenda was published.

**Agenda No    Item**

- a)    Policy & Finance Committee - 27 January 2022 (Pages 2 - 13)
- d)    Leisure & Environment Committee - 25 January 2022 (Pages 14 - 23)
- f)    Audit & Accounts Committee - 2 February 2022 (Pages 24 - 28)

## NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Policy & Finance Committee** held in the Civic Suite, Castle House, Great North Road, Newark, Notts NG24 1BY on Thursday, 27 January 2022 at 6.00 pm.

PRESENT: Councillor D Lloyd (Chairman)  
Councillor K Girling (Vice-Chairman)

Councillor Mrs R Holloway, Councillor R Jackson and Councillor P Peacock

APOLOGIES FOR Councillor T Wendels (Committee Member)  
ABSENCE:

### 289 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS AND AS TO THE PARTY WHIP

Sanjiv Kohli – Director – Resources and Deputy Chief Executive declared an Interest in Agenda Item No. 24 – Disposal of Land at Lowfield Lane, Balderton, as a Director of Arkwood Developments Limited.

### 290 DECLARATIONS OF INTENTION TO RECORD THE MEETING

The Chairman advised that the proceedings were being audio recorded and live streamed by the Council.

### 291 MINUTES OF THE MEETING HELD ON 25 NOVEMBER 2021

The minutes from the meeting held on 25 November 2021 were agreed as a correct record and signed by the Chairman.

### 292 FORWARD PLAN OF POLICY & FINANCE ITEMS

The Committee noted the Forward Plan items to be considered by the Committee up until the change in governance.

### 293 REASONABLE ADJUSTMENTS POLICY FOR CUSTOMERS

The Director - Housing, Health & Wellbeing presented a report which sought approval for a Reasonable Adjustment for Customers Policy. The draft policy was attached as an appendix to the report. Such a policy had been recommended by the Housing Ombudsman self-assessment and the Policy dealt with what was classed as a reasonable adjustment, including how the Council communicated with customers. The draft policy had been considered by the Homes & Communities Committee at their meeting held on 24 January 2022, who recommended adoption.

AGREED (unanimously) that the Reasonable Adjustment for Customers Policy, be approved.

#### Reason for Decision

To ensure the Council consider the needs of its customers and to meet the recommendation of the Housing Ombudsman Self – Assessment Code.

#### 294 DEALING WITH UNREASONABLE BEHAVIOUR AND VEXATIOUS COMPLAINTS POLICY

The Director – Housing, Health & Wellbeing presented a report which sought approval for a revised Dealing with Unreasonable Behaviour and Vexatious Complaints Policy. The revised policy, explained how the Council would manage unacceptable behaviour. It was noted that such cases were the exception and each would be dealt with on its own merit. The draft policy had been considered by the Homes & Communities Committee at their meeting held on 24 January 2022, who recommended adoption.

AGREED (unanimously) that the revised Dealing with Unreasonable Behaviour and Vexatious Complaints Policy, be approved.

#### Reason for Decision

To ensure the Dealing with Unreasonable Behaviour and Vexatious Complaints Policy is fit for purpose.

#### 295 NEWARK TOWNS FUND UPDATE AND APPROVALS

The Director - Planning and Growth presented a report which provided an update on the Newark Town Deal and identified Towns Fund Projects and which sought approval for the Outline Business Cases (OBC) for the Cycle Town project and the International Air and Space Training Institute (IASTI), subject to assurance by Quod consulting in consultation with the District Council's S151 Officer.

The report advised that the OBC for the Cycle Town project had been received by Quod consulting and they had issued their evaluation report concluding that the project offered high value for money and recommended that it be approved. Equally, Quod consulting had concluded that the IASTI project would offer value for money and had demonstrated its deliverability.

The report also updated in respect of the business cases for the other Towns Fund projects and progress in respect of the Newark Southern Link Road.

AGREED (unanimously) that:

- (a) Members welcome and note the update provided;
- (b) Members approve, subject to the recommendation(s) of the Council's S151 Officer, in consultation with Quod Consulting, the Outline Business Case for the Cycle Town Project;
- (c) Members approve, subject to the recommendation(s) of the Council's S151 Officer in consultation with Quod consulting, the Outline Business Case for the International Air and Space Training Institute (IASTI);

- (d) subject to (b) above delegated authority be given to the Director – Planning & Growth, in consultation with the Assistant Director – Legal & Democratic Services, to enter into a Contract with Brompton Bike Hire as the supplier of the folding bikes and docks in order to deliver the Cycle Town project in accordance with the approved Outline Business Case, with the match funding detailed in the report being incorporated into the Council’s Capital Programme;
- (e) subject to (c) above delegated authority be given to the Director – Planning & Growth, in consultation with the Assistant Director – Legal & Democratic Services, to enter into a Contract with the Lincoln College Group (Newark College) as the Project Sponsor for the International Air & Space Training Institute, in accordance with the approved Outline Business Case; and
- (f) delegated authority be given to the Council’s S151 Officer to approve final Full Business Cases for the Cycle Town project and IASTI, subject to recommendations from Quod Consulting (or another independent third party Assurance provider) and endorsement by the Newark Towns Board.

#### Reason for Decision

To continue the development of the Newark Towns Strategy and Investment Plan.

#### 296 HIGH STREET HERITAGE ACTION ZONE (HSHAZ)

The Director - Planning and Growth presented a report which updated the Committee on the High Street Heritage Action Zone (HSHAZ) and sought delegated authority to offer and administer grants of up to £15k each per scheme. The HSHAZ was government backed and part-funded initiative in partnership with Historic England. The HSAZ ran from 2020 to 2024 and contained numerous work strands which were detailed in the report.

It was reported that following targeted surveying, negotiation with relevant landowners, and completion of feasibility of design and costs workings the Council Officers, in conjunction with Historic England, works were sufficiently progressed to such a degree that grants could be issued through delegated authority.

AGREED (unanimously) that delegated authority be granted to the Director – Planning and Growth, following consultation with the Chairman of the Economic Development Committee, to make grant offers and deal with the subsequent administration of grants for schemes which will each total less than £15k.

#### Reason for Decision

To continue the promotion of the High Street Heritage Action Zone.

297 COMMERCIAL STRATEGY AND ACTION PLAN

The Transformation Manager presented a report which sought approval for the Commercial Strategy 2022-2026 and associated Action Plan. The Council's Commercial Plan expired in March 2021 and a new refreshed Commercial Strategy was required to cover 2022 to 2026 to allow the Council to best address the financial gap in funding that was forecast from 2023/24. The strategy outlined the framework for addressing the financial challenge whilst the Action Plan detailed the specific projects and tasks which supported the delivery of the strategy.

AGREED (unanimously) that the Commercial Strategy and Action Plan be approved.

Reason for Decision

For the Council to be commercial and business-like (secure value for money and be careful and creative with resources) to achieve efficiencies and earn income to be invested in resident services.

298 POSSIBLE PURCHASE OF LAND - BOWBRIDGE ROAD, NEWARK

The Business Manager – Corporate Property presented a report which updated the Committee on the opportunity to purchase land adjacent to Newark Hospital, on land off Bowbridge Road. Following a lengthy period of negotiation with the sole land agent representing the owners of both land parcels, the Council presented the 'Maximum Offer' permitted by Members in an attempt to secure the freehold purchase of the sites had now been accepted. The Sherwood Forest Hospitals NHS Foundation Trust and Council had now concluded agreed terms which would require the Council to construct and manage the car park alongside the Trusts lease. Following due diligence work and site investigations, it was now proposed to re-affirm the maximum offer to purchase the freehold of both parcels of land.

AGREED (unanimously) that the Director – Planning & Growth, in consultation with the Business Manager – Corporate Property be given delegated authority to:

- (a) confirm to the land agent representing both landowners that the Maximum Offer is the full and final offer from this Council to purchase the two freehold interests detailed at Appendix A, subject also to the agreement of the Trust to lease the land;
- (b) subject to the Maximum Offer being accepted as detailed at a) above to enter into a Lease Agreement with the Sherwood Forest Hospital Trust on the terms set out in the exempt report; and
- (c) amend the Council's Capital Programme to reflect a purchase in accordance with the Maximum Offer and capital costs of implementing a car park for the Trust, as detailed in the exempt report.

#### Reason for Decision

To secure additional car parking in order to support the function and reputation of Newark Hospital.

299 GENERAL FUND, HOUSING REVENUE ACCOUNT (HRA) AND CAPITAL PROJECTED OUTTURN REPORT TO 31 MARCH 2022 AS AT 30 NOVEMBER 2021

The Business Manager - Financial Services presented a report which compared the Revised Budgets with the Projected Outturn forecast for the period ending 31 March 2022. The forecast was based on eight months performance on the Council's revenue and capital budgets including the General Fund Revenue, Housing Revenue Account (HRA) and Capital Programme. The accounts showed a projected favourable variance against the revised budget of £0.720m on service budgets, with an overall favourable variance of £0.453m which was forecast to be transferred to usable reserves. Appendix A to the report detailed the variances in service areas and other budgets, including the variances due to vacant posts.

The HRA budget showed a projected favourable variance against the revised budget of £0.675m. In respect of the Capital Programme, the additions and amendments which required approval were detailed in Appendix C to the report. If these variations were approved the revised budget would be reduced to £38.413m.

AGREED (with 5 votes for and 1 abstention) that:

- (a) the General Fund projected favourable outturn variance of £0.453m to usable reserves be noted;
- (b) the Housing Revenue Account projected favourable outturn variance of £0.696m to the Major Repairs Reserve be noted;
- (c) the variations to the Capital Programme at Appendix C be approved; and
- (d) the Capital Programme revised budget and financing of £38.413m be approved.

#### Reason for Decision

To update Members with the forecast outturn position for the 2021/22 financial year.

300 POLICY & FINANCE COMMITTEE REVENUE BUDGET 2022/23

The Business Manager – Financial Services presented a report which informed Members of the budget and scale of fees and charges for the areas falling under the remit of the Policy & Finance Committee for 2022/23. Appendices A and B to the report summarised the budget proposed for the Committee for 2022/23 by service team and subjective level respectively. Appendix C to the report summarised the main reasons for changes between the 2022/23 base budget within the 2021/25 Medium

Term Financial Plan and the current draft 2022/23 budget for services for this Committee. A schedule of proposed levels of fees and charges pertaining to the Committee were given at Appendix D.

It was noted that the Committee's proposed 2022/23 budget was £111,000 more than its base budget within the 2021/25 Medium Term Financial Plan which was an increase of 2%. Employee budgets of £5.615m accounted for 69% of controllable costs

AGREED (with 5 votes for and 1 abstention) that the following recommendations be made to the Policy and Finance Committee meeting on 21 February 2022:

- i. the 2022/23 base budget in Appendix A for inclusion in the overall council budget; and
- ii. to Council on 8 March 2022 the 2022/23 fees & charges in Appendix D.

#### Reason for Decision

To ensure that the budgets and fees & charges finally proposed for 2022/23 are recommended to the meeting on 21 February 2022.

### 301 2022/23 HOUSING REVENUE ACCOUNT (HRA) BUDGET AND RENT SETTING

The Business Manager - Financial Services presented a report in relation to the Housing Revenue Account Budget and rent setting for 2022/23. The report showed the actual outturn of the Housing Revenue Account for the year 2020/21; examined the proposed income and expenditure on the Housing Revenue Account for 2022/23 in accordance with Section 76 of the Local Government and Housing Act 1989; and provided indicative figures of income and expenditure for the financial years 2023/24 to 2025/26. The report also made recommendations to set rent levels and service charges for 2022/23 with effect from April 2022.

The setting of the Housing Revenue Account budget and the approval of rent levels would be presented to the Full Council Meeting in February 2022, which would allow the required time to notify tenants of proposed changes to rents in accordance with the legislation.

AGREED (with 5 votes for and 1 against) that the following recommendations be made to the Full Council at its meeting on 8 February 2022:

- a) the HRA budget for 2022/23, as set out in Appendix A1 to this report;
- b) an increase of 4.1% (CPI + 1%) in the 2022/23 rents of all properties in the HRA as at 31 March 2022; and
- c) the 2022/23 service charges as set out in Appendix C to this report.

#### Reason for Decision

To advise Members of the proposed HRA budget and changes in rent and service charge levels for 2022/23 and for these to be recommended to Full Council at its meeting on 8 February 2022.

### 302 LANDLORD STRATEGY

The Director - Housing, Health & Wellbeing presented a report which sought approval for the Council's Landlord Strategy which set out the approach the Council intended to take with landlord services over the next five years. The proposed strategy was attached as an appendix to the report.

The document set out the Council's approach to tenure; tenant and leasehold management; income including rent and service charge management; services to older people and housing with care as well as asset management and regeneration.

AGREED (unanimously) that the Landlord Strategy, as the narrative for the Council's 30 year HRA Business Plan, be approved.

#### Reason for Decision

To ensure the Council has a clear approach for landlord services into the future and that the finances were in place to support them.

### 303 ALLOCATION OF HRA EFFICIENCY SAVINGS WITHIN HOUSING SERVICES

The Director- Housing, Health & Wellbeing presented a report which updated the Committee on the proposed allocation of budget savings from the integration of housing services back to the Council and requested delegated authority be given to the Homes & Communities Committee to approve the allocation of budgets subject to individual business case reports being presented.

It was reported that cost savings had been estimated to be £0.95m per annum through the life of the HRA Business Plan, however, in practice, savings of £1.053m were generated. It had been agreed that these savings would be used to improve the experience of tenants, through service enhancements, to the quality of homes and to neighbourhoods. Based on tenants' feedback the Council had now identified how the use of savings during 2022/23 would be prioritised. The full proposals were set out in the report.

AGREED (unanimously) that the proposals as set out in the report be approved, to enable Officers to build these proposals into the budget process for 2022-23.

#### Reason for Decision

To provide the plan for efficiency savings investment to show how these will be used to develop and enrich services that are important and make a difference to tenants.



304 MAGNUS HOCKEY PITCH REFURBISHMENT

The Health Improvement and Community Relations Manager presented a report which sought approval to progress with the refurbishment of the existing Artificial Grass Pitch (AGP) at the Magnus Academy, to secure a “fit for purpose” facility that would enable school and community use and Newark Hockey Club (NHC), to continue to train and play competitive hockey in Newark.

The report proposed the Council finances the new AGP facility through an approved procurement method and thereafter operates the pitch through Active4Today for a period of 15 years. The terms of management would be set in a Community Use Agreement (CUA). The change in approach and estimated costs were detailed in the report. The report also referred to additional grant funding opportunities which would be explored. This included working with NHC to bid for grant funding towards the purchase of new goals and ‘dug outs’ through the Nottinghamshire County Council Local Communities Scheme. Based on the current assumptions it was noted that the estimated annual shortfall in income of circa £1,800.

The Committee considered that if the proposal could be delivered with no shortfall, such a model could be used for other similar projects within the District.

AGREED (unanimously) that:

- (a) the proposal to progress with the refurbishment of the Artificial Grass Pitch at the Magnus Academy be approved;
- (b) the increase of £112,500 in the capital budget, funded by borrowing, be approved;
- (c) the reprofiling of the capital scheme into the 2022/23 financial year be approved; and
- (d) the shortfall of £1,800 be absorbed into the Council base budget, based on the reduction of £28,800 in the budgeted Management Fee to Active 4 Today together with the increase in capital charges of £30,600 within the General Fund revenue account from 2023/24.

Reason for Decision

To ensure that the facility is retained as a valuable recreational infrastructure resource for the wider community and to enable Newark Hockey Club to continue to play competitive hockey in Newark.

305 DIGITAL STRATEGY UPDATE

The Business Manager – ICT & Digital Services presented a report which provided an update on the Digital Strategy 2021-24 and associated projects. It was noted that a Digital Transformation Board made up of key officers from across the Council had been established to review all digital projects and prioritises. These projects were in accordance with the Council’s Community Plan objectives. The report outlined initiatives already undertaken and those proposed as part of the Action Plan.

AGREED (unanimously) that the update provided be noted.

Reason for Decision

To update Members on the continued development regarding the work being undertaken on the Digital Strategy, Digital Transformation board and action plan.

306 URGENCY ITEM - YMCA COMMUNITY & ACTIVITY VILLAGE

The Committee noted the decision to:

- (a) approve a payment of £10,998.57 to the YMCA from the Council's 50% share of the Elm Avenue sales receipt to provide third party match contribution to a grant of £100,000 for a cycle pump track at the YMCA Community and Activity Village, Newark;
- (b) approve adjusted payment to the YMCA in respect of the Elm Avenue capital receipt of £340,027.46; and
- (c) add £351,026.03 to the capital programme to facilitate these payments.

AGREED (unanimously) that the urgency item be noted.

Reason for Decision

To ensure grant funding is secured.

307 URGENCY ITEM - 45 AND 47 GRANGE ROAD, AND 99 GRANGE ROAD, NEWARK

The Committee noted the decision to further extend the 2009 Option Agreement with Catesby for land to the rear of 45-47 Grange Road, Newark and 99 Grange Road, Newark with a Base Price of £75,000 and Additional Payment of £176,500.

AGREED (unanimously) that the urgency item be noted.

Reason for Decision

To ensure that a revised option is secured and represents best consideration for the Council.

308 EXCLUSION OF THE PRESS AND PUBLIC

AGREED (unanimously) that, under Section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.

309 POSSIBLE PURCHASE OF LAND - BOWBRIDGE ROAD, NEWARK

The Committee considered the exempt report in relation to a possible purchase of land at Bowbridge Road, Newark.

(Summary provided in accordance with Section 100C(2) of the Local Government Act 1972).

310 DISPOSAL OF LAND AT LOWFIELD LANE, BALDERTON

The Committee considered the exempt report in relation to the disposal of land at Lowfield Lane, Balderton.

(Summary provided in accordance with Section 100C(2) of the Local Government Act 1972).

Meeting closed at 7.24 pm.

Chairman

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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## NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Leisure & Environment Committee** held in the Civic Suite, Castle House, Great North Road, Newark, Notts, NG24 1BY on Tuesday, 25 January 2022 at 6.00 pm.

PRESENT: Councillor R Jackson (Chairman)  
Councillor N Mison (Vice-Chairman)

Councillor L Brailsford, Councillor S Carlton, Councillor M Cope,  
Councillor D Cumberlidge, Councillor P Harris, Councillor J Kellas,  
Councillor B Laughton, Councillor J Lee and Councillor L Goff

APOLOGIES FOR Councillor Mrs L Hurst (Committee Member)  
ABSENCE:

### 37 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS AND AS TO THE PARTY WHIP

Councillor S. Carlton declared an Other Registerable Interest in Agenda Item No. 10 – Active4Today's Business Plan, as he was a Council appointed Director for Active4Today.

The Business Manager – Financial Services declared an Other Registerable Interest in Agenda Item No. 10 – Active4Today's Business Plan, as he was a Council appointed Board Member for Active4Today.

### 38 DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

NOTED that the Council would undertake an audio recording and live streaming of the meeting.

### 39 MINUTES OF THE MEETING HELD ON 16 NOVEMBER 2021

AGREED that the Minutes of the meeting held on 16 November 2021, be approved as a correct record and signed by the Chairman.

### 40 CHAIRMAN'S REPORT

The Chairman provided an update to the Committee on the developments that had taken place within the Committee's remit since the last meeting held on 16 November 2021.

The Chairman commented that it was pleasing to see the ongoing recovery in Active4Today, as it recovered from the challenges of the past 22 months. The membership base was now at 89% of what it was pre-Covid, after staying 30% down since the centres were able to re-open last year, 2021. The live membership base at the Dukeries Leisure Centre was up 20 per cent on where it was pre-Covid, buoyed by the continuing success of the new pool which opened summer 2021. The costs associated with running the centres continued to be higher into 2023 than they were pre-Covid, there was an improving picture as detailed in the report contained within the agenda.

The Chairman informed the Committee that when he was the portfolio holder for leisure and culture, the centres cost around £1-million a year. This was reduced down to around £250,000 pre- covid. The Chairman's aim was to return to that or lower, over the medium term.

At the September meeting of the Leisure and Environment Committee, an update was provided regarding the National Waste and Resources Strategy, which was being wrapped up in the new Environment Bill. When first published in December 2018, the National Waste and Resources Strategy proposed widespread changes to the recycling landscape, including standardised and separate kerbside collection of a range of materials. The Environment Act was approved by Parliament before Christmas 2021, which meant the legislation was now law and ministers had the power to introduce a range of waste reforms. The line from government was that DEFRA was still working on responses to a number of consultations on the changes, which remained at present. At the latest Joint Waste Management Committee, held between the district councils, County Council and Veolia, a representative from DEFRA confirmed that the statutory guidance would be available in the spring. As such, there was not a detailed description about what the exact requirements would be or, crucially how the new burdens would be funded. It was confirmed that as soon as that information became available, colleagues would produce a report for committee consideration. Despite the lack of clarity, the committee would be aware of the significant growth that had been undertaken in the garden recycling service since the service was brought back in house on 1 April 2021. Due to some minor disruption at the height of the covid response, a decision was taken to offer the service at the discounted rate of £30 for 2021/22. That price was due to increase in 2022/23, but given the growth in the service and the recycling rate as a result, an urgent decision was included on the agenda, to increase the price back to £35. The Chairman was supportive of the decision as the service was proving to be successful in both bringing income into the authority and increasing recycling rates.

The Chairman also confirmed the Council's support regarding proposals to introduce solar PV on a range of Council buildings. As part of the plans, PV would go onto the leisure centres in Newark, Southwell and Ollerton, saving energy costs and reducing the Council's carbon footprint in line with the Climate Strategy and Action Plan. A report would be submitted to the March meeting of the Committee and would set out the latest with the PV plans.

The Council was also undertaking its latest Day of Action in Southwell, in March 2022. These days were hugely popular and made an impact in communities. Fly-tipping was also being tackled in Newark and Sherwood, as part of work to make the district cleaner and greener.

A report was also included on the agenda regarding another positive development in trying to restrict access to Deerdale Lane, which, was affected by industrial scale fly-tipping. Work was being undertaken with partner agencies to tackle that crime, restricting access to known hotspot areas and prosecuting where evidence could be obtained.

At the September meeting, the Council agreed to enter into a one-year pilot with a waste enforcement company called WISE, to address those disposing of litter inappropriately. An update of the work undertaken was provided on the agenda.

AGREED that the Chairman's Report be noted.

41 PRESENTATION FROM TRENT VALLEY INTERNAL DRAINAGE BOARD

A presentation was undertaken from the Trent Valley Internal Drainage Board by John Miller – Chairman and Robert Brown – Technical Engineering Manager, regarding what they do and how they spend public money.

A question and answer session ensued the presentation.

Question

Comparing with the past, there was currently much more focus on water removal and drainage from unoccupied land, was that still the case and what will be the effect of the Environmental Land Management Scheme (ELMS) for the protection of properties compared to land, as it was clear that land which was subject to flooding should continue to flood in order to protect properties and that was a way in which ELMS would persuade land owners to incorporate lack of drainage, the Internal Drainage Board was spending more on drains than the farmers contribute, was that sustainable?

Answer

It was confirmed that a lot of money was being spent maintaining water courses on agricultural land which took water from villages, towns and cities and should be looked at as a whole, rather than breaking it down into rural, urban etc. Agricultural land was protected to a one in ten year event, whilst properties were protected to a one in seventy-five year event that was how grants could be claimed. If water courses were purely maintaining agriculture grants would not be available. Nationally through DEFRA the focus for accessing money was through property count, which meant that the drainage network in a maintained state provided space for water and that was something which had to be considered. Maintaining the drainage network and enabling the continuity flow and the discharge out of the district protected not only the agricultural land but the properties. It was considered to be a fine balance.

The Chairman commented that a lot of farm land was earmarked for flood storage to protect properties and a good system to drain the farm land when it had had storage on it.

Question

Costs were increasing at present, some people were blaming the pandemic for those cost increases, was it justified that companies were increasing costs on materials?

Answer

It was confirmed that the draining board were seeing cost rises through electricity, which was currently being felt by everyone. The other increase was red diesel, the drainage board were at risk of losing the ability of using red diesel in the maintenance of the water courses and they were the two causes for rate rises that year. They hadn't seen a dramatic increase in pump and building supplies that year, however competitive tender rates were in place when buying and buying groups were used to mitigate cost rises.

The Technical Engineering Manager invited Members to send any further questions to him after the close of the meeting through the Democratic Services Officer.

The Chairman thanked the two representatives for an informative presentation.

AGREED that the presentation be noted.

42 PROPOSAL FOR A PUBLIC SPACE PROTECTION ORDER - CONTROL OF FLY TIPPING ON DEERDALE LANE / EAKRING ROAD

The Committee considered the report presented by the Business Manager – Public Protection, which sought approval for a Public Space Protection Order (PSPO) to control the extensive fly tipping on Deerdale Lane and Eakring Road and to open a consultation exercise for the making of an order.

A Member commented on an error at 4.3 of the report, 'shall cease' had been repeated twice in the paragraph.

A Member asked whether Nottinghamshire County Council Highways could be included in the list of right of way consultees. The Business Manager – Public Protection confirmed that he would include them as a consultee.

Further to a Member question the Business Manager – Public Protection confirmed that the public would be consulted through the use of social media and signing on site.

AGREED (unanimously) that:

- (a) the proposal to consult on the PSPO be supported;
- (b) the draft terms of the PSPO as detailed in the report be supported;
- (c) the list of consultees as detailed in the report be supported; and
- (d) a further report setting out the results of the consultation be brought back to the committee.

43 REVIEW OF PUBLIC SPACE PROTECTION ORDERS AND THE CONTROL OF DOGS

The Committee considered the report presented by the Business Manager – Public Protection, which asked Members to consider the three year review of Public Space Protection Orders as they related to the control of dogs across Newark and Sherwood. A revised appendix was provided to Members of the Committee prior to the meeting.

In 2018 the Leisure and Environment Committee agreed a number of Public Space Protection Orders which had been in place for three years and therefore were required to be reviewed. The PSPOs agreed were: The Fouling of Land by Dogs – District Wide; The Dogs on Leads by Direction – District Wide; The Dogs on Leads – specified areas; The Dogs Exclusion Areas – specified areas; and Allowing a dog to be out of control when exercised – specified areas.



The report detailed the proposed PSPO, which would both limit the use and physically restrict access to Deerdale Lane/Eakring Road. It was further proposed that there would be a physical barrier blocking vehicle access. Provision would be made for cyclist, horse riders and pedestrians. The location of the proposed physical barrier was shown by the X on the map at Appendix one to the report. The proposed wording of the PSPO was detailed in the report.

The Business Manager – Public Protection, informed the Committee of a late request from Little Carlton, which would remove the dog exclusion area of Beckitts Field and add to the Dog Control PSPO 3 Dogs on leads – Specified areas of land identified in Schedule 3.

The Business Manager –Public Protection informed the Committee that the Southwell and Blidworth requests needed further consultation for those areas of land.

A Member commented that consultation should be undertaken with the general public and not just dog owners. If people were walking in recreational places it could be distressful if a dog off the lead ran towards you.

A Member further commented that the playground at Edwinstowe had been included on both schedule 3 and 4 contained within Appendix 1 to the report. The Business Manager - Public Protection confirmed that would be checked.

AGREED (with 10 votes For and 1 vote Against) that:

- (a) the 8 February 2022 Council, be recommended to make the appropriate Public Space Protection Orders to the areas listed in Appendix 1 to the report;
- (b) Southwell Town Council and Blidworth Parish Council are asked to provide additional evidence in support of the additional controls requested; and
- (c) an exemption scheme is introduced as set out in paragraph 5.5 of the report.

#### 44 ACTIVITY REPORT ON THE WISE ENFORCEMENT PILOT

The Committee considered the report presented by the Business Manager – Public Protection, which provided Members with an update on the enviro-crime activity undertaken by WISE as part of the one year enforcement pilot.

The September 2021 Leisure & Environment Committee agreed to a one year enforcement pilot authorising WISE to undertake enforcement activity for a range of environmental crimes, largely under various sections of the Environmental Protection Act 1990. This would cover littering, dog fouling, graffiti, Public Space Protection Orders and fly-tipping.

Members considered the report and it was suggested that the Council advertise the amount of tickets issued for dropping cigarette butts. It was also mentioned that cigarette butts contained a large amount of plastic which was environmentally bad for the environment.

The Chairman commented on the income generated through enforcement fines for the littering of cigarette butts, which was confirmed to be a 95/5% split to the Council, which had provided a £10,000 income. It was confirmed that information regarding littering was being publicised through social media.

Members commented that work should be undertaken with the fast food chains to get the message out regarding disposing of their rubbish responsibly or face a fine. The Business Manager – Public Protection confirmed that a lot of work had been shared with the fast food chains. It was also confirmed that fixed penalty fines could be issued on private land with the permission of the land owner. A Member commented that fast food rubbish including the receipt had been found dumped on the roadside and questioned whether the registration number of the vehicle could be recorded on the receipt in order for the vehicle owner to be fined for littering. Co-operation of the Government and fast food outlets was required in order for this to be pursued. The Business Manager – Public Protection confirmed that if there was a change of law that would be pursued.

A Member suggested more cigarette bins be installed on housing and problematic estates to reduce the amount of cigarette butts being dropped.

AGREED (unanimously) that the enforcement activity of WISE be noted.

#### 45 ACTIVE4TODAY'S BUSINESS PLAN

The Committee considered the report presented by the Health Improvement & Community Relations Manager which presented the Active4Today (A4T) Draft Business Plan 2022/23 and the latest performance report for the period 12 April to end of December 2021.

At the meeting of Policy & Finance Committee on 29 January 2015 it was resolved to establish a “not for profit” wholly owned leisure company to provide leisure and sports development services on the Council’s behalf. This included the three leisure centres; Blidworth, Dukeries and the Newark Sports & Fitness Centre. The Company, Active4Today, was duly incorporated on 9 March 2015. Active4Today commenced operations on 1 June 2015. The report also provided an update regarding the Southwell Leisure Centre Transfer and the Dukeries Leisure Centre new swimming pool.

As at 31 December 2021 there were 9,855 live members currently paying a direct debit membership; of those approximately 78 had frozen their memberships for either medical reasons or financial reasons in line with the Company’s Freeze Policy. This compared to 251 freezes in August 2020, which followed the July re-opening after the first lockdown.

In January 2021, the Company was predicting an outturn deficit for 2021-2022 in the region of £840k. This was approximately £640k over its forecast position, based on receiving the usual £200k management fee from the Council. As previously stated, this was a direct result of the impact of Covid-19 and the pension costs associated with the pooled arrangement with the Council, which had been reported to Members in previous reports. Whilst this latest forecast of £740k was very encouraging for both organisations, members would note that this was based on period 09 (December 2021) information and there continued to be uncertainty surrounding the continued presence of Covid.

Although as stated above, the in-year position for the Company was an improving one, A4T was currently £550k short of its suggested reserve position of £750k. In order to try and achieve that level of reserve over the coming years, A4T were requesting that the whole amount of budget identified for A4T in 2021-2022 (£840k), be provided to the Company in the form of a management fee, at year end. That would allow A4T to carry over any residual amount into its reserve (estimated at £100k for 2021-2022 based on performance to period 09) in order to rebuild its cash reserve resilience. That proposition had been discussed with the Council and was supported by the Council's 151 Officer. As a result, A4T were requesting that this was supported by Members of the Leisure and Environment Committee.

An update was provided regarding the transfer of Southwell Leisure Centre, which took place on 1 October 2021. This included the remaining 6 months of its budget and all staff under a TUPE arrangement. At the time of transfer Southwell Leisure Centre's original forecasted budget for the 2021-2022 financial year had estimated a deficit at year end of approximately £230k. However, having revised the current budget and reviewed all staffing, programming and membership income, the Company had forecast a new budget position, which now showed a deficit of c.£125k, an estimated saving over the original budget of approximately £105k.

An update was provided regarding the Dukeries Leisure Centre new swimming pool. Since the opening of the facility in July 2021, memberships for both adults and children had increased steadily and sessions included swimming lessons, laned swimming, parent and toddler sessions and fun swims with an inflatable for the younger swimmers. The Company would continue to build numbers at this site as the sports development team began to promote the benefits of regular exercise to the plethora of target groups within the area. This facility continued to be very well received by the community and it was hoped that the successful start to this facility could be built upon over the coming months and years.

A Member commented that there was nothing included in the business plan regarding healthy food provision in the leisure centres and questioned why a healthy eating provision couldn't be included within the business plan.

The Managing Director Active4Today confirmed that the vending provision was not contained within the business plan. Currently the vending provision was out sourced with the machines being installed, using the leisure centre electricity. To date there was very little financial gain to the company and as a result the vending provision was now being reviewed given there was no financial gain and also the associated health issues with high sugar and items generally being sold.

In answer to a Members question regarding Southwell Sports Forum and whether that would be supported, it was confirmed that the Managing Director Active4Today would provide a written answer to the Committee.

*(Councillor B Laughton left during the debate of this item).*

AGREED (unanimously) that:

- (a) Active4Today's performance to Period 9 (December 2021) be noted;
- (b) the Active4Today Draft Business Plan 2022/23 be noted in preparation for the Final Plan to be presented to the 22 March Leisure and Environment Committee;
- (c) the initial early forecast outturn position for 2021/22 be noted; and the full management fee of £842K be made available for 2021/2022;
- (d) the full year financial outturn position be reported to the June meeting;
- (e) a management fee budget provision of £500K be established for 2022/23; and
- (f) a written answer be provided to the Committee regarding Southwell Sports Forum.

46 LEISURE & ENVIRONMENT REVENUE & CAPITAL FORECAST OUTTURN REPORT TO 31 MARCH 2022 AS AT 30 SEPTEMBER 2021

The Committee considered the report presented by the Business Manager Financial Services which compared the Revised Budgets for the period ending 31 March 2022 with the Projected Outturn forecast for the period, based on meetings with Financial Services staff and the appropriate Business Manager. These are based on eight months' performance information on the Council's revenue and capital budgets.

AGREED (unanimously) that the content of the report be noted.

47 LEISURE & ENVIRONMENT BUDGET REPORT 2022/2023

The Committee considered the report presented by the Business Manager Financial Services which sought approval for the 2022/23 base budget in Appendix A to the report, to be recommended to Policy & Finance Committee at its meeting on 21 February 2022 for inclusion in the overall council budget; and approval for the 2022/23 fees & charges in Appendix D to the report, to be recommended to Policy & Finance Committee at its meeting on 21 February 2022 and Council at its meeting on 8 March 2022.

The Business Manager - Financial Services informed the Committee that there was an error within the report which reads 'error' and should read '2022/23'.

The Chairman commented on the problem predicting inflation at that present time and the responsibility of the Committee for having the responsibility of the large fleet of vehicles.

A Member sought clarification regarding the 80% cut in the dog control budget, when the Council was extending the dog control orders. The Business Manager Financial Services confirmed that this was due to a saving through the loss of the dog control officer post, which was being undertaken by the four Community Support Officers as part of their role.

AGREED (unanimously) that the following recommendations be made to the Policy & Finance Committee at its meeting on 21 February 2022:

- (i) the 2022/23 base budget in Appendix A to the report, for inclusion in the overall council budget; and
- (ii) to Council on 8 March 2022 the 2022/23 fees & charges in Appendix D to the report.

48 URGENCY ITEM - GARDEN RECYCLING FEES AND CHARGES

The Committee noted the decision to expedite the fee level setting for garden recycling ensuring a key system change could take place.

The urgency item agreed by Members listed on the Minute of Decision was to increase the garden recycling collection fee from £30 to £35 for the 2022/23 financial year as approved so that essential system changes and testing could be implemented as soon as possible.

AGREED (unanimously) that the urgency item be noted.

49 FORWARD PLAN (1 FEBRUARY 2022 TO 31 DECEMBER 2022)

The Committee considered the Forward Plan for the Leisure & Environment Committee for the period 1 February 2022 to 31 December 2022 and were encouraged to submit any areas of work they wanted to address for the forthcoming year.

A Member commented on the facilities available for rescue dogs and the condition of those facilities. The Director of Communities and Environment confirmed that a visit could be arranged.

AGREED (unanimously) that the Forward Plan be noted and the facilities available for rescue dogs be included on the Forward Plan.

50 HEALTH AND WELLBEING UPDATE

The Leisure & Environment Committee Vice-Chairman provide a verbal update regarding the work undertaken to date on Health and Wellbeing.

A meeting had taken place with the Newark and Sherwood Health and Wellbeing Partnership, which had been the first meeting since the start of the pandemic. They had asked that joint working took place and that a re-structure would take place for the Health & Wellbeing Board. The District Health's six priorities were reported.

It was reported that County Councillor Dr John Doddy, Chair of the Health and Wellbeing Board, was running a series of roadshows in the County.

The Vice-Chairman commented that a re-start regarding health was required as the needs of the community had changed from the pandemic. The Clinical Commissioning Group (CCG) had also amalgamated into one Nottinghamshire group, their remit covered a wider health need, including social care.

AGREED that the verbal update be noted.

Meeting closed at 8.02 pm.

Chairman

## NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Audit & Accounts Committee** held in the Civic Rooms 1+2, Castle House, Great North Road, Newark, Notts, NG24 1BY on Wednesday, 2 February 2022 at 10.00 am.

PRESENT: Councillor Mrs S Michael (Chairman)

Councillor Mrs B Brooks, Councillor R Crowe, Councillor D Cumberlidge and Councillor J Lee

APOLOGIES FOR ABSENCE: Councillor M Brown (Committee Member)

38 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS AND AS TO THE PARTY WHIP

That no Member or Officer declared any interest pursuant to any statutory requirement in any matter discussed or voted upon at the meeting.

39 DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

There were no declarations of intention to record the meeting.

40 MINUTES OF THE MEETING HELD ON 1 DECEMBER 2021

A Committee member referred to the Workplan as presented to the previous Committee meeting advising that a progress report would be provided by Internal Audit to the current meeting. The Chairman confirmed that this would be provided at the next Committee meeting in April.

AGREED that the Minutes of the meeting held on 1 December 2021 be approved as a correct record and signed by the Chairman.

41 ORDER OF BUSINESS

With the agreement of the Committee, the Chairman changed the order of business. Agenda Item 9 was taken before Item 8 and then the agenda resumed its stated order thereafter.

42 AUDIT COMMITTEE WORK PLAN

The Committee noted the Work Plan provided by the Business Manager for Financial Services providing those items currently on the Work Plan for the 27 April 2022 meeting.

Other items have not so far been identified for the new Governance Structure and this will be provided in due course.

43 HOMES ENGLAND COMPLIANCE AUDIT REPORT 2021-22 - HRA 5 YEAR DEVELOPMENT PROGRAMME

The Committee considered the report from the Director for Housing, Health and Wellbeing informing the Committee of the outcome of the Homes England Audit 2021/22 for the Council's 5 Year Housing Revenue Account (HRA) Development Programme.

The report also advised the Committee of any actions taken and enable the Council to sign off the Audit on Homes England's Information Management System by the end of April 2022.

The report informed the Committee that this has been received annually over the last few years, and is a requirement of Homes England that the Committee comment on the report. It was noted that receiving a green grade audit this time was a positive outcome and all details could be found in the report.

It was confirmed that training had been provided to the relevant Officers to support the use of the Homes England IMS System.

AGREED (unanimously) that the Committee noted the findings of the Compliance Audit.

44 REVIEW OF SIGNIFICANT GOVERNANCE ISSUES IN THE ANNUAL GOVERNANCE STATEMENT

The Committee considered the report from the Business Manager for Financial Services updating members of the Committee on the significant governance issues identified in the Annual Governance Statement.

The report provided updates and any further work undertaken with regard to:

- Development Company – Arkwood Developments Limited
- Re-integration of the Housing Management Function
- Yorke Drive Development

A discussion was held regarding the updates against each of the three identified governance issues and members of the committee felt that when this report is brought in future, further relevant details are brought and are attached to the report.

AGREED (unanimously) that the Committee noted the results of the review of significant governance issues as identified in the Annual Governance Statement.

45 EXTERNAL AUDITOR'S ANNUAL AUDIT COMPLETION REPORT

The Committee considered the report from the Business Manager for Financial Services presenting the External Auditors supplemental letter to the Annual Audit Completion Report, presented to the Audit & Accounts Committee on 1 December 2021.



David Hoose, Audit Engagement Partner at Mazars presented the report noting reference to VFM highlighted in the following report. The Chairman enquired as to why it had taken a lot longer to achieve sign off. The Committee were assured that the delay having been due to the pandemic and the reduction in staff.

AGREED (unanimously) that:

- a) the Committee received the updated External Auditors Supplemental Letter to the Annual Audit Completion Report for 2020/21;
- b) the Committee noted the document; and
- c) the Committee noted that the Statement of Accounts were published on 6 January 2022.

46 EXTERNAL AUDITOR'S ANNUAL AUDIT LETTER 2020/21

The Committee considered the report from David Hoose, Audit Engagement Partner at Mazars who presented the External Auditor's Annual Audit Letter for 2020/21 for Newark & Sherwood District Council.

The Annual Audit Report summarises the key findings from the external audit work carried out by Mazars in 2020/21. It covers the 2020/21 Statement of Accounts and the Value for Money commentary for the same year.

The report explained the increase to the final fee partly due to additional work pressures around the change in the Council's group boundary, the additional testing of PPE, the implementation of new auditing standards and additional work arising from the change in the Code of Audit Practice. The proposed fee to be approved by the Council.

AGREED (unanimously) that:

- a) the Committee considered the External Auditor's Annual Audit Letter for 2020/21: and
- b) delegation to take place with the Section 151 Officer in negotiating with Mazars regarding the fee and keeping the Chairman informed.

47 TREASURY MANAGEMENT STRATEGY STATEMENT

The Committee considered the report from the Assistant Business Manager for Financial Services seeking approval for the Treasury Management Strategy, which incorporates the Borrowing Strategy, Investment Strategy, and Treasury Prudential Indicators, updated in accordance with latest guidance.

The Committee approved each of the following key elements and recommended these to Full Council on 8 March 2022 while noting that as the budgets are still being finalised some of the figures within the Strategy may alter:

AGREED (unanimously) that:

- a) the Treasury Management Strategy 2022/23, incorporating the Borrowing Strategy and the Annual Investment Strategy (Appendix A);
- b) the Treasury Prudential Indicator and Limits, contained within Appendix A; and
- c) the Authorised Limit Treasury Prudential Indicator contained within Appendix A.

#### 48 CAPITAL STRATEGY 2022/23

The Committee considered the report from the Assistant Business Manager for Financial Services seeking Committee approval to the Capital Strategy 2022/23, this incorporates the Minimum Revenue Provision Policy and Capital Prudential Indicators, updated in accordance with latest guidance.

The Committee approved each of the following key elements and recommended these to Full Council on 8 March 2022 while noting that as the budgets are still being finalised some of the figures within the Strategy may alter:

AGREED (unanimously) that:

- a) the Capital Strategy 2022/23 Appendix A;
- b) the Capital Prudential Indicators and Limits for 2022/23, contained within Appendix A;
- c) the Minimum Revenue Provision (MRP) Policy Statement as contained within Appendix C, which sets out the Council's policy on MRP; and
- d) the Flexible Use of Capital Receipts Strategy, contained with Appendix D.

#### 49 INVESTMENT STRATEGY

The Committee considered the report from the Assistant Business Manager for Financial Services informing the Committee that this Investment Strategy is for 2022/23, meeting the requirements of statutory guidance issued by Department of Levelling Up, Housing and Communities DLUHC (previously MHCLG) Investment Guidance in January 2018.

The Committee approved each of the following key elements and recommended these to Full Council on 8 March 2022 while noting that as the budgets are still being finalised some of the figures within the Strategy may alter:

AGREED (unanimously) that:

- a) the Investment Strategy 2022/23, contained within Appendix A and
- b) the Investment Prudential Indicators and Limits, contained within Appendix A.

50     DATE OF NEXT MEETING

The next meeting would be held on Wednesday 27 April 2022.

Meeting closed at 10.44 am.

Chairman