

CABINET – TUESDAY, 23 JULY 2024

DECISION NOTICE

The following decisions were taken on Tuesday, 23 July 2024 by Cabinet.

Date notified to all Members: **Wednesday, 24 July 2024**

End of the call-in period is **5.00 p.m. on Monday, 29 July 2024**

These decisions will not be implemented until after this date and time.

Present: P Peacock, R Cozens, S Crosby, L Brazier, K Melton, E Oldham, M Spoor and P Taylor

<u>Agenda Item No.</u>	<u>Subject</u>	<u>Decision</u>	<u>Action By</u>
6.	Provisional Financial Outturn Report to 31 March 2024	<p>AGREED that:</p> <ul style="list-style-type: none">a) the final outturn of revenue and capital spending for 2023/24 be noted;b) the variation to the capital programme, as set out in paragraph 1.15 and 1.16 be approved;c) the capital financing proposals as set out in paragraph 1.20 be approved;d) Capital Programme reprofiling of £13.588m carried forward into 2024/25 as per appendices E and F;e) the movement in Provisions and Impaired Estimates on Debtors be noted;f) the creations of the new reserves, as outlined in paragraph 1.27, be approved; andg) the individual contributions to, and withdrawals from, the revenue and capital Usable Reserves be noted. <p><u>Reasons for Decision:</u> To consider the provisional 2023/24 financial outturn position on the Council's revenue and capital budgets.</p> <p><u>Options considered:</u> Not applicable.</p>	Nick Wilson, Business Manager- Financial Services

7.	Corporate Budget 2025/26 Annual Strategy	<p>AGREED that Cabinet:</p> <ul style="list-style-type: none"> a) approve the overall General Fund, Capital & HRA Budget Strategy for 2025/26; b) approve the consultation process with Members; c) note that Budget Officers continue work on the assessment of various budget proposals affecting services for consideration in setting the Council's budget; and d) note that Budget Managers work with finance officers in identifying further efficiency savings, increasing income from fees and charges and in identifying new sources of income. <p><u>Reasons for Decision:</u> To enable the Council's budget process to proceed encompassing agreed assumptions.</p> <p><u>Options considered:</u> Not applicable.</p>	Nick Wilson, Business Manager- Financial Services
8.	Community Plan for Quarter 4 2023/24	<p>AGREED that Cabinet:</p> <ul style="list-style-type: none"> a) review the Community Plan Performance Report attached as Appendix 1; b) review the compliance report attached as Appendix 2; and c) consider the Council's performance against its objectives highlighting any areas of high performance and identifying areas for improvement. <p><u>Reasons for Decision:</u> Performance management is used to drive improvement by analysing data and progress against key activities as well as building a picture of the context of performance using district statistics, customer feedback and workforce information.</p> <p><u>Options considered:</u> Not applicable.</p>	Carl Burns, Transformation and Service Improvement Manager

9.	Productivity Plan	<p>AGREED that Cabinet note the Productivity Plan presented at Appendix 1 and the activities detailed therein.</p> <p><u>Reasons for Decision:</u></p> <p>The requirement to submit a productivity plan to central government was confirmed in April 2024 along with the requirement for it to have prior member oversight.</p> <p><u>Options considered:</u></p> <p>None</p>	John Robinson, Chief Executive
10.	Information Sharing with Elected Members Working Group Outcomes	<p>AGREED that Cabinet endorse the recommendations of the Working Group as follows:</p> <ul style="list-style-type: none"> a) that the amendment is made to the Council’s website, including a postcode search for ‘find your ward member’.(NB postcode search has now been implemented); b) that all elected councillors are automatically signed up to the Council’s Official Newsletters; c) the Communications & Marketing Team to set up a further drop-in session for elected councillors to help with social media and Google Alerts; d) the posters consistent with the examples circulated at the meeting will be made available for all elected councillors to use; e) that the Democratic Services Team will re advertise the allocated Democratic Services Officer (DSO) list and actively promote the support they can offer to elected councillors; and f) that the Power BI system is developed and provided to all councillors and that the system is further developed over time to include other service requests and reports. <p><u>Reasons for Decision:</u></p> <p>Following on from a Topic Request Form received by PPIC in September 2023, the recommendations of the</p>	Mark Randle, Transformation and Service Improvement Officer

		<p>Working Group are noted above and set out in this report. These have been brought forward to Cabinet as these recommendations will benefit all Elected Members.</p> <p><u>Options considered:</u> Do nothing or accept only some of the working group recommendations.</p>	
11.	32 Stodman Street Development (Key Decision)	<p>AGREED that Cabinet:</p> <ul style="list-style-type: none"> a) note the report; b) in accordance with approval from Newark Towns Board that the Council receives a further £990,000 (in addition to the £790,000 supported by Cabinet on 14 May 2024) of the Town Fund One grant towards Stodman Street Phase 1; c) subject to b) above, to delegate to the Director – Resources & Deputy Chief Executive in consultation with the Director - Planning & Growth authorisation to submit a Project Adjustment Form to Government seeking formal authorisation to re-allocate the £1.78m of previously allocated Newark Gateway/SiSCLog grant to the 32 Stodman Street Phase One project; and d) subject to approval of b) & c) above, to increase the budget in the Council’s Capital Programme to £12,880,000 financed by the additional grant allocation. <p><u>Reasons for Decision:</u> The project directly aligns to the objectives within the Community Plan of:</p> <ul style="list-style-type: none"> 1) Increase the supply, choice & standard of housing, 2) Raise people’s skills levels and create employment opportunities for them to fulfil their potential, 3) Celebrate and invigorate community spirit, pride of place and sense of belonging. <p>The recommendations will ensure delivery of the project as set out in the approved, original full business case of March 2022.</p>	Neil Cuttell, Business Manager- Economic Growth & Visitor Economy

		<p><u>Options considered:</u></p> <p>There are two further options for a decision with this project;</p> <ol style="list-style-type: none"> 1) To use borrowing to fund the identified gap within the development cost. This option has been discounted as the level of borrowing used to date would mean the income generation from the development would be significantly below the total borrowing costs; or 2) To not undertake the project. This option is not recommended as it will leave a partially developed site vacant within the town centre. This would also mean returning grant funding already received, and allocated to this project, to be returned to Government. 	
12.	<p>Planning Development Review of Biodiversity and Ecology Resource (Key Decision)</p>	<p>AGREED that Cabinet:</p> <ol style="list-style-type: none"> a) subject to the outcome of Job Evaluation, approve the addition of a Biodiversity and Ecology Officer to the Planning Development Business Unit be funded by a corresponding increase in revenue expectations from the BNG income stream identified at paragraphs 1.14-1.16 below; and b) subject to the outcome of Job Evaluation, approve the addition of a Biodiversity and Ecology Graduate be funded by BNG income, noting that such a post will only being recruited to if agreed by the Director of Planning and Growth, in consultation with the Director - Resources and Business Manager - Planning Development, based on a review of BNG income being sufficient to cover this additional post on an ongoing basis. <p><u>Reasons for Decision:</u></p> <p>To ensure that the Planning Development Business Unit can continue to lead in adapting to the ongoing and emerging implications from Biodiversity Net Gain (BNG).</p> <p><u>Options considered:</u></p> <p>No action could be taken, which would lead to an undeliverable workload with respect to ecological and biodiversity matters. A pause on recruitment pending receipt of additional income has also been considered</p>	<p>Lisa Hughes, Business Manager - Planning Development</p>

		and discounted on the basis that preparatory work needs to be undertaken in advance of receipt of future receipts.	
13.	A46 Newark Bypass	<p>AGREED that Cabinet:</p> <ul style="list-style-type: none"> a) note the updated position and the consultation representations appended to this report; b) approve a budget of £141,000 in order to allow the ongoing work of the Council as Local Planning Authority and Landowner. This amount of £141,000 to be funded from the Change Management Reserve as set out in paragraph 3.3 of this report; and c) note that some, but not all costs, will be recoverable as detailed at paragraphs 2.4 of the report. <p><u>Reasons for Decision:</u> To keep Members updated on the A46 Bypass proposals and the requirements upon the Council to respond as both Local Planning Authority and affected landowner.</p> <p><u>Options considered:</u> The A46 Newark Bypass proposals have long been an important aspiration of the Government's National Road Investment Strategy (RIS), an aspiration supported by a raft of partners including this Council, Midlands Connect, Nottinghamshire County Council, Lincolnshire County Council, and a number of highway, LEP and Local Planning Authorities from the Humber Ports to Tewkesbury. There is no alternative but for this Council to engage, both as Local Planning Authority and affected landowner.</p>	
14.	Long Term Plan for Towns - Town Plan Investment Plan 2024-2027 (Key Decision)	<p>AGREED that Cabinet support the emerging Long-Term Plan for Town Fund emerging proposals as detailed at paragraph 2.3 below and to delegate to the Portfolio holders for Strategy, Performance & Finance and Sustainable Economic Development endorsement of any final Long Term Plan for Town Investment Plan 2024-2027 following its ratification by Newark Towns Board for submission to Government before the requisite submission date.</p>	Matt Lamb, Director - Planning and Growth

		<p><u>Reasons for Decision:</u> The recommendation is presented on the basis that the Long-Term Plan for Newark 3 Year Investment Plan has been developed with the Newark Town Board and based on evidence from consultation with the community through the Resident Survey, Newark Masterplan Consultation, and targeted consultation with under-represented groups. The Long-Term Plan for Newark 3 Year Investment Plan 2024-2027 aligns with the outlined objectives of the NSDC Community Plan.</p> <p><u>Options considered:</u> It remains open for this Council to not engage with the Newark Towns Board or to contribute to its formulate and ultimate adoption and submission to Government, save for its role as the Accountable Body. This option has been discounted as the Council and its partners wish to continue to achieve the best for residents and business and securing almost £20m for Newark between now and 2034 would be a significant contribution towards this.</p>	
15.	Levelling Up Fund 3 update (Key Decision)	<p>AGREED that Cabinet:</p> <ol style="list-style-type: none"> 1. note the contents of this report and agrees to pause the Ollerton and Clipstone Scheme after completion of RIBA2 design due to ongoing delays with the issue of funding from Government and endorse that the Chief Executive or/and the Deputy Chief Executive/Director - Resources write to Government expressing deep concerns and disappointment at the delays and seeking the following: <p>That Government:</p> <ol style="list-style-type: none"> a) Confirms to the Council, that given the delays since the original LUF submission in summer 2022 and the delays since the LUF 3 announcement in November 2023, an agreed extension to the requirements to defray all LUF3 funding by 31 March 2026 to 31 March 2027; b) Executes the Memorandum of Understanding (MoU) before 31 July 2024 to allow <i>immediate access</i> to any needed funds from the LUF 3 grant, allowing the project to continue to be developed at pace; or 	Matt Lamb, Director - Planning and Growth

		<p>c) Release advance funding of £821,000 before 31 July 2024, to be deducted from the overall LUF3 grant allocation to allow the project to continue to be developed at pace.</p> <p>2. that subject to Government releasing the advance funding of £821,000 as detailed at Recommendation 1c) above that Cabinet approves the addition of £821,000 to the Capital Programme. For the avoidance of doubt if the Government executes the MoU as detailed at recommendation 1b) above the full amount of Levelling Up Fund 3 grant will be transferred into the Capital Program in accordance with the June Cabinet resolutions.</p> <p><u>Reasons for Decision:</u> The recommended approach, if actioned by Government, will enable delivery of the projects to continue in the absence of an executed MoU and release of funds from Government.</p> <p><u>Options considered:</u> Withdraw delivery of the Ollerton and Clipstone Levelling-up projects. This option is discounted as the scheme remains a priority for the Council.</p> <p>Carry on with the scheme at risk. Meeting the deadline for mandated defrayal of the full grant by 31 March 2026, is extremely challenging particularly since the Council has not yet received the MOU from government. The Council has already funded £541,000 with a further £40,000 made available in June 2024 from UKSPF (for both Ollerton and Clipstone projects). To continue to fund architectural and design works to RIBA stage 3 for Ollerton would further expose the Council to an additional £700,000. This level of exposure, when particularly considered together with the present uncertainty of funding support from Nottinghamshire County Council and the outcome of the bid for the Brown Field Land Release Fund is not acceptable.</p>	
16.	Supplementary Planning Documents - Solar Power and Affordable Housing (Key Decisions)	<p>AGREED that Cabinet:</p> <p>a) approve the proposed SPDs at Appendices B and C to the report; and</p>	Matthew Norton, Business Manager - Planning Policy and

		<p>b) public consultation be undertaken for 6-weeks on the proposed amendments for referral back to Cabinet for adoption.</p> <p><u>Reasons for Decision:</u> To allow the District Council to consult on the Draft SPDs.</p> <p><u>Options considered:</u> Cabinet has already agreed to produce SPDs on Solar Energy and Affordable Housing therefore no alternative options have been considered at this point.</p>	Infrastructure
17.	Quarter 4 Housing Services Compliance Assurance Report	<p>AGREED that Cabinet note:</p> <p>a) the exceptions to performance of the housing service compliance functions;</p> <p>b) the removal of the Regulatory Notice by Regulator of Social Housing; and</p> <p>c) that the presentation of performance will change from Quarter 1 2024/2025 reporting cycle onwards.</p> <p><u>Reasons for Decision:</u> To enable the Cabinet to monitor performance and compliance relating to the Council's legal and regulatory landlord responsibilities for 27 building safety measures including fire protection, gas, asbestos, electrical and water.</p> <p><u>Options considered:</u> Not applicable.</p>	Caroline Wagstaff, Business Manager- Housing Maintenance and Asset Management
18.	NSDC Allocation Scheme Review and Draft Policy Approval for Consultation (Key Decision)	<p>AGREED that Cabinet:</p> <p>a) note the scheme and its changes and approve progression for external consultation; and</p> <p>b) delegate authority for final adoption of the Scheme to the Portfolio Holder for Housing in consultation with the Director - Housing, Health & Wellbeing if the outcome of consultation is that no or only minor amendments are required. If any significant or material amendments are proposed as a result of consultation responses the final proposed Scheme will be referred back to Cabinet for approval.</p>	Maria Cook, Assistant Business Manager - Housing and Estates Management

		<p><u>Reasons for Decision:</u> This consultation is a legal requirement set out in the Housing Act 1996 and if there are no major changes following consultation seeking Director and Portfolio Holder sign off to expedite implementation. This also meets Objective 1: Improve Health and Wellbeing, and Objective 2: Increase the Supply, Choice, and Standard of Housing of the Community Plan.</p> <p><u>Options considered:</u> None</p>	
19.	Housing Revenue Account Development Programme Update (Key Decision)	<p>AGREED that Cabinet:</p> <ul style="list-style-type: none"> a) notes the progress of the HRA development programme; b) approves the business case for affordable housing acquisition within Newark and Sherwood (in addition to development) utilising the phase 6 development programme budget; and c) gives, in principle, approval for the acquisition of eight s106 homes at Collingham, utilising the Phase 6 Development Programme budget, subject to the usual legal due diligence checks, delegating final approval to the Director – Housing, Health & Wellbeing in consultation with the Portfolio Holder for Housing and to a maximum value as set out in the exempt appendix. <p><u>Reasons for Decision:</u></p> <ol style="list-style-type: none"> 1. To enable new affordable rented homes to be delivered which meet identified housing need in the district. 2. To provide a return on investment as set out in the financial evaluation provided. 3. To replace homes sold to tenants via right to buy. 4. To deliver housing solutions which meet local needs and aspirations to ensure that our residents have access to a range of housing solutions in the district. <p><u>Options considered:</u> The authority may choose to develop only and not acquire properties through its HRA programme, however this will limit the flexibility of securing properties where a strong business case for acquisition exists e.g. there is a demonstrable need and limited land availability.</p>	<p>Cara Clarkson, Business Manager - Regeneration and Housing Strategy</p>

		<p>With specific regards to the proposed purchase at Collingham, there is an option for the developer to provide a commuted sum payment however, any receipt would be difficult to spend if restricted to this location.</p> <p>If the authority does not proceed with the purchase of these properties, the expected benefits set out in the reasons for recommendations section of this report would not be realised.</p>	
20.	'Getting to Know You Visits' Programme Update	<p>AGREED that Cabinet:</p> <ol style="list-style-type: none"> a) note the progress and outcomes of the Getting to Know You visit programme to December 2023; b) note the sharing of the report with the Tenant Engagement Board; and c) support the ongoing programme of Getting to Know You visits with a further update in April 2025 or when all tenants have been visited. <p><u>Reasons for Decision:</u> To report the positive impacts of the Getting to Know You programme as they align to the following Community Plan objectives:</p> <ul style="list-style-type: none"> • Improve health and wellbeing; • Increase the supply, choice and standard of housing; • Reduce crime and anti-social behaviour; • Celebrate and invigorate community spirit, pride of place and a sense of belonging; and • To be a top performing, modern and accessible council. <p><u>Options considered:</u> None, getting to know you visits are an important good practice housing management activity to help us understand who is behind the front door of our homes, support tenants to sustain their tenancies and identify where there are additional needs</p>	Julie Davidson, Business Manager- Housing and Estates
21.	Final Public Spaces Protection Orders within Newark and Sherwood (Key Decision)	<p>AGREED that Cabinet approve the final Public Space Protection Orders, as set out in Appendices 1 to 5 to the report, for a period of three years.</p>	Jenny Walker, Business Manager- Public Protection

		<p><u>Reasons for Decision:</u> The implementation of PSPOs within Newark and Sherwood aligns with the Community Plan objective to Reduce Crime and Anti-Social Behaviour.</p> <p>All PSPOs have been subject to a two-stage public consultation process and comments made have been reviewed and considered at both stages. Amendments have been made where appropriate.</p> <p><u>Options considered:</u> Do nothing – the orders that are due to end in 2024 would not be renewed and would lapse. This would mean there would be no controls in place and no enforcement action could be taken.</p> <p>Approve some of the orders – a full two stage public consultation has been undertaken to ensure the most appropriate orders are in place in the right locations. By only approving some would result in the inability to use enforcement powers.</p>	
22.	Emergency Planning - Flooding and Future Preparedness (Key Decision)	<p>AGREED that Cabinet:</p> <ul style="list-style-type: none"> a) note the activities undertaken since the two flooding incidents; b) note the ongoing work of the Flood Partnership and the ongoing work to improve the response provided by NSDC; c) endorse the provision of additional one-off support to our communities through the use of the stated reserves as part of the programme to create more resilient communities in the long term in accordance with the decision-making arrangements set out in paragraph 3.1 of the report; and d) note and implement the resolution made by Full Council in respect of the Motion put forward on 16 July 2024 regarding flooding requests to Government <p><u>Reasons for Decision:</u> The recommendations as set out above seek to make improvements both for an authority dealing with challenges caused by emergency events but also the</p>	Jenny Walker, Business Manager- Public Protection

		<p>impacts for our communities and relates to the following Community Plan objectives:</p> <ul style="list-style-type: none"> • Protect and enhance the district’s natural environment and green spaces; • Reduce the impact of Climate Change; and • Celebrate and invigorate community spirit, pride of place and a sense of belonging. <p><u>Options considered:</u> Do nothing – If we did not seek improvements we would not operate in a way appropriate for a Category 1 Responder and to provide appropriate levels of support to our communities.</p>	
24.	Approval for Disposal of HRA Property (Key Decision)	<p>AGREED the recommendations as detailed in the report.</p> <p><u>Reasons for Decision:</u> Detailed in the report</p> <p><u>Options considered:</u> Detailed in the report</p>	Caroline Wagstaff, Business Manager- Housing Maintenance and Asset Management