

CABINET – MONDAY, 4 NOVEMBER 2024

DECISION NOTICE

The following decisions were taken on Monday, 4 November 2024 by Cabinet.

Date notified to all Members: **Tuesday, 5 November 2024**

End of the call-in period is **12.00 p.m. on Friday, 8 November 2024**

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

Present: P Peacock, R Cozens, S Crosby, L Brazier, C Penny, P Taylor and R Holloway

<u>Agenda Item No.</u>	<u>Subject</u>	<u>Decision</u>	<u>Action By</u>
6.	Cost Recovery for Re-Inspection under the National Food Hygiene Scheme (Key Decision)	<p>That Cabinet approve:</p> <p>a) the introduction of a flat fee charge of £176 for re-rating inspection visits on a full-cost recovery basis, with effect from 1 April 2025 in accordance with the fee calculations; and</p> <p>b) the incorporation of the new fee into the annual fees and charges review to be undertaken each year as part of the budget setting process to ensure the fee continues to be based on cost recovery.</p> <p><u>Reasons for Decision:</u> The re-inspections will provide businesses with an option to request a re-score visit after one month rather than wait for three months. This would be charged on a cost recovery basis and would allow businesses to improve their score quicker.</p> <p><u>Options Considered:</u> Do nothing – food businesses would continue to receive a re-score but this would be in line with the FHRs Brand guidance and will only be after at least 3 months has expired.</p>	Jenny Walker Business Manager – Public Protection
7.	Sherwood Levelling Up, Long Term Plan for Towns Fund and UKSPF / UKRPF Fund Update (Key Decision)	<p>That Cabinet:</p> <p>a) notes the contents of the report, including the updates associated with each funding programme, as well as future anticipated updates detailed within this report;</p>	Matt Lamb Director – Planning & Growth

Levelling Up Fund 3 Grant from Government

- b) delegated authority be given to the Director - Planning & Growth and Deputy Chief Executive and Director - Resources, to accept a potential future LUF 3 grant offer via an Memorandum of Understanding,, following a legal assessment of the terms and conditions of grant funding, in accordance with paragraph 1.20 of the report;

Ollerton Project:

- c) approves an initial release of £500,000 of any LUF 3 grant when received in accordance with b) above, subject to a legal review of the terms and conditions of the grant funding and in accordance with paragraph 1.22 of the report;
- d) subject to b) above, delegated authority be given to the Business Manager - Economic Growth & Visitor Economy of additional spend from the approved Capital Budget beyond the £500,000 detailed in c) above, subject only to securing legal control of the required land, subject to planning, securing a match funding resolution to any funding gap, in accordance with paragraph 1.22 of the report;

Clipstone Project:

- e) delegated authority be given to the Business Manager - Economic Growth & Visitor Economy to approve spend of the in principle capital budget for Clipstone Phases 1-3, subject only to: 1) receipt of the full LUF 3 grant from Government as detailed in b) above; 2) no demonstrable funding gap to deliver the scheme in accordance with the Council's approved Capital budget; and 3) all required land-take to deliver that phase of the scheme being secured or within control of the District Council in accordance with paragraph 1.23 of the report;

Long Term Plan for Towns Fund

- f) delegated authority be given to the Director - Planning & Growth and Deputy Chief Executive and Director - Resources, in consultation with the Newark Town Board, to accept a future Long Term Plan for Towns Fund grant offer of up to £20 million, subject to a review of the terms and conditions, new guidance and the submission of the Investment Plan; and

		<p>g) delegated authority be given to Deputy Chief Executive and Director - Resources, in consultation with the Newark Town Board, to approve grant awards in accordance with the Newark Town Board's Assurance Framework and Long-Term Plan for Towns Investment Plan as detailed at paragraph 1.13 and Annex 1 of the report.</p> <p><u>Reasons for Decision:</u> To ensure Members are aware of the recent updates and developments associated with key funding programmes and to enable funding streams to progress, despite delays with funding announcements to date, within Government timescales as required.</p> <p><u>Options considered:</u> If LUF3 and LTPfT grant funding is forthcoming it remains open to this Council to refuse to accept it or engage. This would represent a missed opportunity to delivery genuine and impactful transformative change in the communities of Ollerton, Clipstone and Newark.</p>	
8.	Active Travel Feasibility Report (Key Decision)	<p>That Cabinet note the report and agrees:</p> <p>a) to adopt the feasibility report as at Appendix A as a key component of our evidence base to support future funding applications; provide strength to our S106 pipeline of projects; enhance policy development, and heighten the role of Newark and Sherwood District Council and its ongoing commitment to the active travel agenda; and</p> <p>b) to endorse ongoing partnership work with Nottinghamshire County Council, Active Travel England and relevant partners to support early exploratory work through future feasibility studies within the recommended priority areas where funding for these has been secured.</p> <p><u>Reasons for Decision:</u> Adopting the feasibility study will allow Newark and Sherwood District Council and partners to make informed decisions on shaping and enhancing the district through physical infrastructure improvements. This improved connectivity will not only enable communities to move more through walking, wheeling and cycling opportunities, in line with the Council's Community Plan, but it will also support and improve the physical and mental wellbeing of our communities, and contribute towards the reduction in vehicular congestion and emissions across the district.</p>	Cara Clarkson, Business Manager - Regeneration & Housing Strategy

		<p><u>Options Considered:</u></p> <p>That the feasibility report is not formally adopted by Members. This approach has been dismissed due to the strength the feasibility report provides for future work on the priority areas (in partnership with Nottinghamshire County Council as Highway Authority), and the strengthened position of the Council should future funding opportunities present themselves through the East Midlands Combined County Authority (EMCCA) and newly appointed Mayor, by having a broad concept of projects at the ready for further feasibility work.</p>	
9.	Localised Council Tax Support Scheme 2025/26	<p>That Cabinet recommends to Full Council the uprating of the applicable amounts, premiums, state benefits and disregard criteria in accordance with the annual uprating amounts applied by the Department for Works & Pensions (DWP); whilst continuing the current Localised Council Tax Support Scheme for 2025/26 financial year.</p> <p><u>Reasons for Decision:</u></p> <p>To ensure the Council discharges its responsibilities to agree its Council Tax Support scheme by 31 January 2025.</p> <p><u>Options considered:</u></p> <p>An alternative option would be to increase the maximum award of 80% - the cost of doing this has been considered within the financial implications section in the report.</p>	Phil Ward, Business Manager - Revenues & Benefits
10.	Music Development - Heritage, Culture and the Arts	<p>That Cabinet:</p> <p>a) approve the proposal for music development through use of the existing community plan objectives budget within the Heritage & Culture Business Unit; and</p> <p>b) acknowledge the requirement for a carry forward into 2025/26 to complete delivery of the proposals</p> <p><u>Reasons for Decision:</u></p> <p>These recommendations align to objective 7 of the Community Plan – to celebrate and invigorate community spirit, pride of place and a sense of belonging – and in particular the actions to ‘champion and promote the arts, culture and heritage through the enjoyment of music and arts’ and to ‘explore opportunities for having themed music and art events that focus on individual communities that celebrate diversity in the district’.</p>	Carys Coulton-Jones, Business Manager – Heritage & Culture

		<p><u>Options Considered:</u> The revised Community Plan, 2023-27, placed an increased emphasis on music in the district and this was supported with additional, non-recurring money in 2024/2025. Doing nothing was therefore not deemed to be a viable option, whilst the nature of the funding meant it was not possible to recruit permanent resources.</p>	
11.	Yorke Drive - Equity Loan Offer (Key Decision)	<p>That Cabinet:</p> <ul style="list-style-type: none"> a) approve, in principle, the equity loan model detailed at Appendix 1 to the report, with delegated authority being granted to the Director - Housing, Health & Wellbeing in consultation with the Section 151 Officer and the Assistant Director - Legal & Democratic Services to finalise the final terms and form of agreement; b) delegated authority be given to the Director - Housing, Health & Wellbeing, in consultation with the Director – Resources and Section 151 Officer, to enter into individual equity loan agreements in accordance with the principles detailed in the Appendix; and c) re-confirm that delegated authority is granted to the Director of Housing Health and Wellbeing, in consultation with the Director of Resources and the Assistant Director Legal & Democratic Services, to acquire privately owned properties, or enter into option agreements for their acquisition, where essential for land assembly to deliver the Yorke Drive regeneration project. <p><u>Reasons for Decision:</u> To continue the delivery of the Yorke Drive Regeneration Programme, a key action within the Community Plan and delivering overarching transformation for the Bridge Ward.</p> <p><u>Options considered:</u> A range of alternative shared ownership/ equity models were considered and consulted upon with residents. Details on the alternative options considered were set out in section 2.3.3 of the report.</p> <p>It remains an option for each homeowner to agree a straightforward sale to the Council, and this will still be offered to homeowners as an alternative to the equity loan arrangement, including provision for ‘option agreements’ – which allow the homeowner and Council to enter into a legally binding arrangement for the sale to be finalised at an appropriate time in the future.</p>	Cara Clarkson, Business Manager - Regeneration and Housing Strategy

		If the Council fails to reach agreement with any homeowner the alternative is compulsory purchase.	
12.	Fernwood Open Space (Key Decision)	<p>That Cabinet:</p> <p>a) continue to support the approach to securing a ‘No ManCo’ (Management Company) approach for future Open Spaces coming forward as part of Fernwood North (BDW) and Fernwood Central (Allison Homes). This approach shall be secured by S106 variations for both Phases, the details of which to be delegated to the Director – Planning & Growth in consultation with the Assistance Director Legal Services. S106 Agreements shall be subject to standard due diligence clauses covering design, implementation and handover of Open Spaces;</p> <p>b) delegated authority be given to the relevant Director and Assistant Director – Legal & Democratic Services authority to seek and secure S106 legal agreements from Fernwood Parish Council and Barratt David Wilson (BDW) to enter into arrangements to secure the future public ownership, management and maintenance of Open Space on the Fernwood North (Barratt David Wilson, BDW) Phases, subject to the terms set out in Exempt Appendix A, save for an additional caveat which allows Fernwood Parish Council (FPC) to take ownership, management and maintenance of Open Space at any time (including prior to any initial land transfer), subject to requisite notice (such period to be agreed) to the District Council;</p> <p>c) should FPC elect to own and manage Open Space in accordance with resolution b) above at any time, that the relevant Directors be authorised to underscore the importance of all Open Space across Fernwood (Fernwood Central – Allison Homes, Fernwood North – Persimmon, and Fernwood West (Business Park and Residential) being in a single ownership in order to ensure continuity of responsibility and consistency of service standards across the Parish; and</p> <p>d) should FPC elect not to agree the terms detailed in resolution b) above, that a further Cabinet report and implications be brought to a future Cabinet (no later than January 2025).</p>	<p>Matt Lamb, Director – Planning & Growth and Matt Finch, Director - Communities & Environment</p>

Reasons for Decision:

The recommendations align with the Community Plan objectives in relation to access to green spaces, biodiversity, the environment and climate change.

Options Considered:

The existing S106 Planning legal agreements for Fernwood North (Barratt David Wilson, BDW) and Fernwood Central (Allison Homes) are clear that there will be a Management Company for the respective development sites, with each homeowner being subject to an annual charge to pay for the management and maintenance of Open Space.

Fragmentation of ownership, responsibility, and some areas operating under a Management Company has been problematic within Original Fernwood and the Council has previously negotiated with the developers to remove this possibility.

To date both developers have done what was asked and are selling new homes without levying a Management Company charge. To ensure this remains the case the Open Space for each phase of the development must be transferred into public ownership without delay.