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**Monday, 30 January 2023**

**Chairman: Councillor S Saddington**  
**Vice-Chairman: Councillor Mrs L Hurst**

**To all Members of the Council:**

**MEETING: Full Council**

**DATE: Tuesday, 7 February 2023 at 6.00 pm**

**VENUE: Civic Suite, Castle House, Great North Road,  
Newark, Nottinghamshire, NG24 1BY**

**You are hereby requested to attend the above Meeting to be held at the time/place  
and on the date mentioned above for the purpose of transacting the  
business on the Agenda as overleaf.**

If you have any queries please contact Nigel Hill Tel: 01636 655243 Email: [Nigel.hill@newark-sherwooddc.gov.uk](mailto:Nigel.hill@newark-sherwooddc.gov.uk)

## AGENDA

	<u>Page Nos.</u>
1. Apologies for absence	
2. Declarations of Interest by Members and Officers	
3. Notification to those present that the meeting will be recorded and streamed online	
4. Minutes from the meeting held on 13 December 2022	4 - 14
5. Communications which the Chairman, Leader, Chief Executive or Portfolio Holders may wish to lay before the Council	
6. In accordance with Rule No. 3.1 to receive the presentation or the debating of any Petitions from Members of the Council (if any)	
A petition to keep open the foot crossing across the railway line at Thoresby Junction, Edwinstowe, to be presented by Councillor A. Freeman.	
7. Questions from Members of the Public and Council	
8. 2023/24 Housing Revenue Account (HRA) Budget and Rent Setting	15 - 31
9. Arkwood Developments Limited Governance Agreement Amendments	32 - 61
10. Appointment of Deputy Electoral Registration Officer	62 - 63
11. Notices of Motion (if any)	
In accordance with Rule No. 3.4.3, Councillor A Freeman will move and Councillor L Brazier, will second a motion to the following effect:	
"That the Council in its reports, minutes, press releases and general communications stops referring to a "cost of living challenge" and call it what it actually is, a "cost of living crisis"".	
12. Minutes for Noting	
(a) Cabinet - 6 December 2022	64 - 72
(b) Cabinet (Performance) - 20 December 2022	73 - 74
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(d) Executive Shareholder Committee - 20 December 2022	83 - 87
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|-----|---|----------|
| (f) | Planning Committee - 19 January 2023  | 94 - 97  |
| (g) | Trustee Board of the Gilstrap and William Edward Knight Charities - 11 January 2023 | 98 - 100 |

13. Exclusion of the Press and Public

To consider resolving 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 involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.

## NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Full Council** held in the Civic Suite, Castle House, Great North Road, Newark, Nottinghamshire, NG24 1BY on Tuesday, 13 December 2022 at 6.00 pm.

PRESENT: Councillor S Saddington (Chairman)  
Councillor Mrs L Hurst (Vice-Chairman)

Councillor R Blaney, Councillor L Brazier, Councillor M Brock, Councillor Mrs B Brooks, Councillor S Carlton, Councillor Mrs R Crowe, Councillor R Crowe, Councillor D Cumberlidge, Councillor Mrs E Davis, Councillor K Girling, Councillor L Goff, Councillor P Harris, Councillor S Haynes, Councillor Mrs R Holloway, Councillor J Kellas, Councillor B Laughton, Councillor J Lee, Councillor D Lloyd, Councillor Mrs S Michael, Councillor N Mison, Councillor P Peacock, Councillor Mrs P Rainbow, Councillor M Skinner, Councillor T Smith, Councillor T Thompson, Councillor I Walker, Councillor K Walker, Councillor T Wendels, Councillor R White, Councillor T Wildgust and Councillor Mrs Y Woodhead

APOLOGIES FOR ABSENCE: Councillor L Brailsford, Councillor M Cope, Councillor Mrs L Dales, Councillor A Freeman and Councillor R Jackson

### 38 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

There were no declarations of interest from Members or Officers and the Council noted the interests previously declared by Members in Agenda Item No. 12 – Minutes for Noting.

### 39 NOTIFICATION TO THOSE PRESENT THAT THE MEETING WILL BE RECORDED AND STREAMED ONLINE

The Chairman advised the Council that the meeting was being recorded and streamed online in accordance with the usual practice.

### 40 MINUTES FROM THE MEETING HELD ON 18 OCTOBER 2022 AND THE EXTRAORDINARY MEETING HELD ON 9 NOVEMBER 2022

AGREED that that minutes of the meeting held on 18 October 2022 and the Extraordinary meeting held on 9 November 2022, be approved as a correct record and signed by the Chairman.

### 41 COMMUNICATIONS WHICH THE CHAIRMAN, LEADER, CHIEF EXECUTIVE OR PORTFOLIO HOLDERS MAY WISH TO LAY BEFORE THE COUNCIL

The Chairman informed the Council that the petition due to be presented under Agenda Item No. 6 would be deferred to the next meeting given Councillor A. Freeman's absence.

The Chairman informed Members of her honour to attend the memorial mass church service at St. Mary Magdalene Church, Newark for the re-patriation of the remains of

the three Polish presidents in exile back to Poland. The Chairman also advised that she received on behalf of the Council a Certificate to mark the Gold Award for the Armed Forces Covenant at an event held at the National Arboretum. She added that the Certificate would be presented to staff representatives at the February meeting of the Council.

The Chairman also advised Members of her plans for a fund-raising event that would be held on Saturday, 25 February 2023 at 7pm, at the North Muskhams Rural Community Centre. The evening would be themed around 'Songs from the Musicals' sung by the Soprano Lily Taylor-Ward.

42 QUESTIONS FROM MEMBERS OF THE PUBLIC AND COUNCIL

In accordance with Rule 3.3.2, Rowan Cozens submitted a question to the Council. Details of the question put forward and the response given from Councillor Mrs R Holloway are attached as Appendix A to these minutes.

43 PROPOSED SCHEDULE OF MEETINGS 2023/24

The Council considered the report of the Assistant Director – Legal & Democratic Services which set out a proposed Schedule of Meetings for the period May 2023 to May 2024, which reflected the Council's new governance arrangements and the creation of the new Executive Shareholder Committee.

It was noted that the schedule may be subject to change once the new Council was elected in May 2023, and that there was a proposed change to the Annual Council Meeting date to Tuesday 23 May 2023, given the additional Bank Holiday on Monday 8 May and the timing of the District Council Elections.

AGREED (unanimously) that the proposed Schedule of Meetings for 2023/2024 (attached as Appendix B to these minutes), be approved.

44 AUDIT & GOVERNANCE COMMITTEE ANNUAL REPORT

The Council considered the report of the Director – Resources and Section 151 Officer, which provided an update on the activity undertaken by the Audit and Accounts/Audit and Governance Committee during the 2021/22 financial year.

AGREED: (unanimously) that the report be noted.

45 TREASURY MANAGEMENT MID-YEAR REPORT 2022/23

The Council considered the report of the Director – Resources and Section 151 Officer which provided an update on the Council's treasury activity and Prudential Indicators for first half of 2022/2023. The report had been considered by the Audit & Governance Committee at their meeting held on 23 November 2022 and recommended to the Council for approval.

AGREED (unanimously) that the treasury management activity and the Prudential Indicators detailed in Sections 6 and 7 of the report, be noted.

46 NOTICES OF MOTION

In accordance with Council Procedure Rule No. 3.4.3, Councillor P. Peacock moved and Councillor L. Brazier seconded a motion to the following effect:

“That this Council is seriously concerned that the current proposals to introduce Voter ID requirements in order to vote at the 2023 local elections in England will be unable to be implemented fairly which could lead to thousands of voters being turned away and result in legal challenges to election results.

Just months before the first provisions of the Elections Act 2022 are set to be enacted in May 2023’s local elections, very little has been done to ease widespread concerns about the impact of this legislation and accordingly this Council supports the calls for an inquiry into the implementation of Voter ID by the cross-party Public Administration and Constitutional Affairs Committee.

As such the Council will write to the Secretary of State for Levelling Up, Housing and Communities and the Chair of the Public Administration and Constitutional Affairs Committee requesting an inquiry into the implementation of Voter ID.”

The motion, on being put to the meeting, was declared lost with 9 votes for and 25 against.

47 MINUTES FOR NOTING

47a CABINET - 1 NOVEMBER 2022

47b POLICY & PERFORMANCE IMPROVEMENT COMMITTEE - 17 OCTOBER 2022

47c POLICY & PERFORMANCE IMPROVEMENT COMMITTEE - 28 NOVEMBER 2022

47d PLANNING COMMITTEE - 10 NOVEMBER 2022

47e AUDIT AND GOVERNANCE COMMITTEE - 23 NOVEMBER 2022

Minute No. 23 - Strategic Risk Review

Councillor P. Peacock challenged the use of the term the ‘Cost of Living Challenge’ which had been chosen to describe the cost of living crisis that the country was facing.

Councillor Mrs S Michael advised that the Audit & Governance Committee had discussed the appropriate term which was considered to be ‘challenge’ rather than ‘crisis’.

48 GENERAL PURPOSES COMMITTEE - 1 DECEMBER 2022

48a LICENSING COMMITTEE - 1 DECEMBER 2022

Meeting closed at 6.46 pm.

Chairman

**FULL COUNCIL MEETING – 13 DECEMBER 2022**  
**QUESTIONS FROM MEMBERS OF THE PUBLIC**

In accordance with Rule No. 3.3.2 the following question was submitted to the Council from a member of the public:

**Rowan Cozens**

‘Will the Council support the local community to halt the progression of the current plans to build a housing development on the Lilley and Stone site in order to provide a realistic consultation period for other options to be explored which might better serve the people of Newark and surrounding area? MLN (Land and Properties) are acting as the agent to the trustees of the site and have already drawn up an initial proposal in conjunction with Broadgrove Planning for a development of more than 80 dwellings. Many local people are opposed to such an historic and vital green space in the centre of the town being used for more housing. Several well-attended public meetings have already taken place to discuss how these plans might be stopped and how the townspeople could be involved with alternative options, such as using the listed and other old school buildings as an educational and cultural centre, utilising the existing sports facilities for the townspeople and creating a park on the existing playing field which would provide a tranquil green space for local residents and a much-needed green corridor, linking the Library Gardens with Sconce Hills, for our wildlife. The support of the Council would be very much appreciated so that together we can preserve an extremely important piece of land in the centre of Newark and find a way to achieve the best possible outcome for the beneficiaries of the trust and for our town.’

**Reply from Councillor Rhona Holloway – Portfolio Holder for Economic Development & Visitors**

The Council is aware of this site, and the fact that it has been vacant for many years. It is also aware that the Trustees are exploring ways in which the site can be brought back into productive use, including via its redevelopment. The Council agrees that an appropriate alternative viable use for the site needs to be found and has made the Trust and representatives of MLN (the developer) aware of the importance of a number of matters which need to be considered in assessing future options. This includes the retention of a number of heritage buildings within the site and of the need to ensure that any alternative use(s) provide adequate replacement (on or off the site) for the loss of any sports land, irrespective of lack of use in recent years. Any proposals would also need to address a number of other matters including highways and ecology acceptability.

The current exercise being undertaken by MLN does not involve the Council and its part of a developers pre-planning application engagement process. We would strongly encourage residents to make clear their views as part of this process, as it appears you and others are doing. It is clear that a future viable re-use(s) is required with the Trust unable to maintain the status quo. The Council has made clear its willingness to work with the Trust on an alternative use(s), which could include a range of options from its former education status to residential, subject to the constraints detailed above having been addressed. The Council also continues to engage with the Trust in order to ensure that the heritage buildings on the site are adequately maintained, requiring some repair works to be undertaken.

As yet, no planning application has been submitted. The developers or Trust have not confirmed an intent to submit a planning application, or the likely timescales involved. If and

when a planning application is submitted the Council, acting as the Local Planning Authority, will then need to assess the proposals. This will be against local and national policies, and having regard to the views of local residents provided via a formal consultation process. Residents are informed of the planning application by the Council writing to surrounding properties and the posting of site notice(s) in various locations around the site. The Council will also publish confirmation that a planning application has been made in the press (Newark Advertiser). At that point, anyone is able to comment on the proposal applied for.

The Council will continue to make clear to the Trust that it will support a viable re-use of the site for a range of different acceptable uses.

**Supplementary Question from Rowan Cozens**

No supplementary question was asked by Rowan Cozens.

MAY 2023 – MAY 2024

2023	Monday	Tuesday	Wednesday	Thursday	Friday
May	1 BANK HOLIDAY	2	3	4 DISTRICT & PARISH ELECTIONS	5
	8 BANK HOLIDAY	9	10	11	12
	15	16	17	18	19
	22	23 ANNUAL COUNCIL* See note	24	25	26
	29 BANK HOLIDAY	30	31		
June				1	2
	5	6 CABINET	7	8 PLANNING	9
	12	13	14 AUDIT & GOVERNANCE	15	16
	19	20	21	22 GENERAL PURPOSES & LICENSING	23
	26 POLICY & PERFORMANCE IMPROVEMENT	27 CABINET (PERFORMANCE)/EXECUTIVE SHAREHOLDER	28	29	30
July	3	4	5	6 PLANNING	7
	10	11 CABINET	12	13	14
	17	18 COUNCIL	19	20	21
	24	25	26 AUDIT & GOVERNANCE	27	28
	31				

2023	Monday	Tuesday	Wednesday	Thursday	Friday
August		1	2	3	4
	7	8	9	10 PLANNING	11
	14	15	16	17	18
	21	22	23	24	25
	28 BANK HOLIDAY	29	30	31	
September					1
	4	5	6	7 PLANNING	8
	11 POLICY & PERFORMANCE IMPROVEMENT	12 CABINET (PERFORMANCE)/EXECUTIVE SHAREHOLDER	13	14 GENERAL PURPOSES & LICENSING	15
	18	19 CABINET	20	21	22
	25	26	27 AUDIT & GOVERNANCE	28	29
October	2	3	4	5 PLANNING	6
	9	10	11	12	13
	16	17 COUNCIL	18	19	20
	23	24	25	26	27
	30	31 CABINET			

2023/24	Monday	Tuesday	Wednesday	Thursday	Friday
November			1	2	3
	6	7	8	9 PLANNING	10
	13	14	15	16	17
	20	21	22 AUDIT & GOVERNANCE	23	24
	27	28	29	30 GENERAL PURPOSES & LICENSING	
December					1
	4 POLICY & PERFORMANCE MANAGEMENT	5 CABINET (PERFORMANCE)/EXECUTIVE SHAREHOLDER	6	7 PLANNING	8
	11	12 COUNCIL	13	14	15
	18	19 CABINET	20	21	22
	25 BANK HOLIDAY	26 BANK HOLIDAY	27	28	29
January	1 BANK HOLIDAY	2	3	4	5
	8	9	10	11	12
	15	16	17	18 PLANNING	19
	22	23 CABINET	24	25	26
	29 POLICY & PERFORMANCE IMPROVEMENT	30	31		

2024	Monday	Tuesday	Wednesday	Thursday	Friday
February				1	2
	5	6	7	8	9
	12	13 COUNCIL	14 AUDIT & GOVERNANCE	15 PLANNING	16
	19	20 CABINET	21	22	23
	26	27	28	29 GENERAL PURPOSES & LICENSING	
March					1
	4 POLICY & PERFORMANCE IMPROVEMENT	5 CABINET (PERFORMANCE)/EXECUTIVE SHAREHOLDER	6	7 COUNCIL (TAX)	8
	11	12	13	14 PLANNING	15
	18	19	20	21	22
	25	26	27	28	29 <b>BANK HOLIDAY</b>
April	1 <b>BANK HOLIDAY</b>	2 CABINET	3	4	5
	8	9	10	11 PLANNING	12
	15	16	17	18	19
	22	23	24 AUDIT & GOVERNANCE	25	26
	29	30			

2024	Monday	Tuesday	Wednesday	Thursday	Friday
May			1	2 POLICE & CRIME COMMISSIONER / COMBINED AUTHORITY MAYORAL	3
	6 BANK HOLIDAY	7	8	9 PLANNING	10
	13	14 ANNUAL COUNCIL	15	16	17
	20	21	22	23	24
	27 BANK HOLIDAY	28	29	30	31

All meetings will start at 6.00pm, with the exception of the Planning Committee which will start at 4.00pm.

\*Note – the Annual Council Meeting has been moved from the 16 May to 23 May 2023 given the additional Bank Holiday on Monday 8 May 2023 and the timing of the District Election.



Report to: Full Council Meeting - 7 February 2023

Relevant Portfolio Holder: Councillor Tim Wendels, Homes & Health

Director Leads: Sanjiv Kohli, Deputy Chief Executive / Director – Resources / S151 Officer  
Suzanne Shead, Director – Housing, Health & Wellbeing

Lead Officers: Nick Wilson, Business Manager – Financial Services, Ext. 5317  
David Price, Business Manager – Housing Income & Leasehold Management, Ext. 5538

Report Summary	
<b>Report Title</b>	2023/24 Housing Revenue Account (HRA) Budget and Rent Setting Report
<b>Purpose of Report</b>	To set out the proposed income and expenditure on the HRA for the 2023/24 financial year, in accordance with Section 76 (Duty to prevent debit balance on the Housing Revenue Account) of the Local Government and Housing Act 1989. Also, to provide indicative amounts of income and expenditure for the 2024/25 to 2026/27 financial years; and set rent levels and service charges for 2023/24 (with effect from the first Monday in April 2023)
<b>Recommendations</b>	That: <ol style="list-style-type: none"> <li>a) the HRA budget for 2023/24, as set out in Appendix A to this report be approved.</li> <li>b) an increase of 5% in the 2022/23 rents of all properties in the HRA as of 31 March 2023 be applied from 1 April 2023.</li> <li>c) a rent increase of 11.1% on all formula rents which will be applied upon relet.</li> <li>d) the 2023/24 service charges, as set out in Appendix C, to this report be approved: and</li> <li>e) a fund of £300,000 be created, funded by the Newark and Sherwood Homes Transfer Reserve to fund initiatives to support tenants impacted by the increased charges including a tenant welfare fund as outlined from 2.44 of this report.</li> </ol>

## 1.0 **Background**

- 1.1 The setting of the HRA budget and the approval of rent levels must be completed within the required time to notify tenants of proposed changes to rents in accordance with legislation.
- 1.2 The key dates in the budget setting timetable are detailed in the table below:

Council determination of HRA budget and rent setting	7 February 2023
Newark & Sherwood District Council update of rent systems	10 February 2023
Generation of rent cards and letters to notify tenants of variation of their rent levels (tenants are required to be given four weeks' notice of the changes).	By end of February 2023

- 1.3 Any slippage from these key dates would jeopardise the implementation of rent increases from the first Monday in April 2023, and as a consequence, pose a risk to the sustainability of the 30-year HRA Business Plan (BP).

## 2.0 **Proposal/Options Considered**

### Statutory Duty

- 2.1 Section 76 of the *Local Government and Housing Act 1989* requires local housing authorities to set a budget annually for their HRA, and that implementation of the budget proposals will not result in a debit balance (deficit position) at year-end.
- 2.2 Following housing financing reforms (self-financing) in April 2012 the council's HRA has been operating within a 30-year business plan. The inputs and assumptions in the Business Plan are key to setting the HRA budgets annually for each year of the HRA's four-year medium-term financial plan (MTFP).
- 2.3 We continue to experience supply problems for a wide range of products in the building and maintenance trade which has already led to significant increases in costs this year. The impact of price rises in materials has been further extended post covid due to the cost-of-living challenges. As an example, the cost of timber has risen from pre-pandemic levels around 70% and steel around 100%. There is also no appetite within the building trade for fixed price tenders. All suppliers are now looking at cost plus, effectively setting their overheads and profit on top of direct costs. Contracts renewed in the last year have also seen significant increases e.g. gas servicing.

### Rent Standard 2020

- 2.4 In February 2019, the Secretary of State for Housing, Communities & Local Government published a Direction to the Regulator of Social Housing (RSH) to set a Rent Standard which would apply from 2020. This was published alongside a Policy Statement on Rents

for Social Housing 2018 (Rent Policy Statement) for the Regulator to have regard to when setting its Rent Standard.

- 2.5 The Rent Standard 2020 specifies that rents must be set in accordance with the Rent Policy Statement. The government's Rent Policy Statement allows annual rent increases to social rent and affordable rent properties for at least five years, up to (and including) the Consumer Price Index (CPI) rate published for September of the preceding financial year plus 1%.

### **Cap on social housing rent increases consultation**

- 2.6 Given the high rate of inflation experienced since the start of 2022, concerns were raised about the impact on affordability of implementing the CPI plus 1% policy. As a result, The Department for Levelling up, Housing and Communities (DLUHC) launched a consultation to seek views on implementing a rent increase cap for 2023/24 at 3%, 5% and 7% and what accommodation should be exempt. Tenants were engaged in this consultation and their views submitted to the Regulator on the questions posed.
- 2.7 After considering the responses to the consultation and the CPI rate at September 2022 reaching 10.1% (therefore permitting a possible 11.1% increase) it was announced during the Autumn Statement that a ceiling of 7% would be applied (with an exemption offered for certain accommodation including supported housing) to all existing social and affordable rent tenancies as of 31<sup>st</sup> March 2023.
- 2.8 Subsequently on 14th December 2022, the Regulator of Social Housing (RSH) published a direction on the Rent Standard 2023, setting out the policy for 1 April 2023 onwards following the decision to implement a rent increase ceiling of 7% in the Autumn Statement.
- 2.9 The application of the rent cap means on average tenants will see a saving of £283.68 in 2023/24. Consideration was also given to varying increases between general needs and supported accommodation (sheltered and extra care), but no rationale was found to support this, alongside the equitable nature of any decision to do so.
- 2.10 At the same time tenants in receipt of income related benefits, including Universal Credit and Housing Benefit, and those in receipt of pensions, will see their benefits increase in line with inflation. Therefore as 65% of tenants in NSDC receive Housing Benefit or the housing element of Universal Credit they will not be impacted by the rent increase.
- 2.11 Various modelling was undertaken to assess the impact of different rent levels on the viability of the HRA 30-year business plan to arrive at the recommendations above. As there is no suggestion that the Government will reimburse the difference in rent income lost through the application of the cap, so the 30-year business plan will be required to absorb 6.1% reduction in income in perpetuity, which equates to c.£58.8m over the life of the current business plan.

2.12 The table below shows the increase in rent according to the % increase on the average rent.

Number of Bedrooms	Average Rent 22/23	Average Proposed Rent 23/24	Average Weekly Increase 23/24	Average Proposed Rent 23/24	Average Weekly Increase 23/24	Average Proposed Rent 23/24	Average Weekly Increase 23/24
		3% Increase		5% Increase		7% Increase	
1	£68.19	£70.24	£2.05	£71.60	£3.41	£72.96	£4.77
2	£76.31	£78.60	£2.29	£80.13	£3.82	£81.65	£5.34
3	£87.56	£90.19	£2.63	£91.94	£4.38	£93.69	£6.13
4+	£95.34	£98.20	£2.86	£100.11	£4.77	£102.01	£6.67
<b>Average</b>	£84.49	£87.02	£2.53	£88.71	£4.22	£90.40	£5.91

2.13 In considering the recommendation put forward around relets, a recent review of current rents in operation shows over 3,000 of our current tenancy rents are below the formula rent. This is the result of decisions made around the setting of rents in previous years and also specific directives from central government. Notwithstanding, relative to other rented housing options in the district, the Council's housing stock remains excellent value when compared to both the private sector and other private registered providers.

2.14 The total estimated gross rental income for the 2023-24 financial year stands at £24,950,730 which includes the proposed 5% rent increase. The table below compares this figure with scenarios as below:

Option	Estimated Gross Rental Income 2023-24 £'m	Increase compared to proposed 2023/24 financial year
If all rents had been allowed to rise by 11.1%	£26.400m	£1.449m
If general needs social and affordable rise by 7% and supported housing by 11.1% (max option with the rent cap)	£25.452m	£0.501m
If general needs social and affordable rise by 5% and supported housing by 11.1%	£24.990m	£0.039m
If general needs social and affordable rise by 3% and supported housing by 11.1%	£24.527m	-£0.423m
If all stock rents rise by 7%	£25.426m	£0.475m
If all stock rents rise by 3%	£24.475m	-£0.479m

2.15 The table below shows the impact of different options of the rent decision on the 30-year business plan against the recommendation of 5%.

Option	The impact of the 5% increase (recommended option) against the options A-F on Rental Income Base over 30 years (Loss)/Gain
A - If all rents had been allowed to rise by 11.1%	(£58.804m)
B - If general needs social and affordable rise by 7% and supported housing by 11.1% (max option)	(£20.347m)
C - If general needs social and affordable rise by 5% and supported housing by 11.1%	(£1.593m)
D - If general needs social and affordable rise by 3% and supported housing by 11.1%	£17.172m
E - If all stock rents rise by 7%	(£19.280m)
F - If all stock rents rise by 3%	£19.280m

### Borrowing Cap

2.16 As part of the HRA self-financing reforms introduced in April 2012, the government set a maximum amount of housing debt that each local authority could have. In subsequent years, the government awarded some local authorities limited increases to their housing borrowing limits. On 29 October 2018, the Limits on Indebtedness (Revocation) Determination 2018 revoked all previous determinations that specified limits on local authority housing indebtedness.

2.17 Though councils are no longer restricted in how much they can borrow in their HRAs, there is still the requirement for councils to make sure that all borrowing is affordable and proportionate within the context of their 30-year HRA business plan (BP). The council has used the expert external advice it obtained on the assumptions in the BP to monitor the affordability of future indebtedness. Anticipated future levels of indebtedness are currently viable within the plan.

2.18 The Council are currently undertaking a significant refresh of property data through undertaking stock condition surveys and once this is completed, the assumptions of the BP will be revisited.

### 30-year HRA Business Plan (BP)

2.19 The BP summarises the viability of the council's plans to fulfil its management, maintenance and investment responsibilities to its HRA assets over the next 30 years.

Key assumptions are made in the BP based on the council's strategic priorities and policies, detailed stock data and other factors.

- 2.20 The assumptions in the BP are key to setting the HRA budgets annually for each year of the HRA's four-year MTFP. The main assumptions that are fed into the HRABP were noted by the Policy, Performance and Improvement Committee on 28<sup>th</sup> November 2022.
- 2.21 Officers monitor relevant government policy announcements and model the implications of these on the HRA BP. Recently these have included increased legislation around building safety, including the Building Safety Act 2022, Fire Safety Act 2021, Regulatory Reform (Fire Safety Order 2005) and Regulatory Reform (Fire Safety Order 2005). The Social Housing Bill (which is currently progressing through the House of Commons) is expected to bring further changes to the regulatory framework the Council operates within changes to consumer standards, increased scrutiny on accountability to tenants, performance, a refresh of the Decent Homes Standard, embedding the priority of decarbonisation and the proposed enhanced regulation of the sector also have implications for the long-term viability of the plan. Officers will model the impacts of these changes on the BP as further details become available and this will be refreshed when any rent standard is considered for future years.
- 2.22 The effect of increasing rents by 3%, 5% and 7% has been reviewed as part of the production of this report and the impact these rent increases would have over the life of the 30-year business plan. Whilst imposing a rent increase of 7% would be most beneficial to the plan and our ability to service all debts and future investment plans, we recognise the impact of this on tenants and accept a reduction in income over the period of the plan in order to mitigate the impact on tenants who self-fund (as pensions and benefits have increased by 10.1% for 23-24).
- 2.23 At 3%, there would be an increased need to borrow earlier in the plan which would limit the amount of resources available for future investment in the housing services. As a responsible landlord, we must ensure we can balance our current and future responsibilities around service and improvement – particularly around health and safety and decency of homes whilst ensuring the affordability of rents for tenants. On this basis, we have not considered any increase below 3% for modelling purposes.
- 2.24 Therefore, a rent increase of 5% on current tenants, across all stock types is recommended in this report. Required to ensure the HRA BP is financially viable, delivers reasonable standards for tenants and maintains at least minimum Decent Homes Standards.
- 2.25 Currently the assumptions made within the BP together with future forecasts of income and expenditure (both capital and revenue) are affordable and sustainable within the 30-year plan, based on the recommendations within this report.

- 2.26 Priorities remain the safety and decency of council homes, decarbonisation, modernisation of service delivery and future development of new homes to replace those lost through Right to Buy.

### Rent Cycle

- 2.27 Rent is currently charged over 48 weeks, giving tenants four “rent free weeks” albeit that the full years rent charge is the same as if charged across 52 weeks. The non-charge weeks for 2023/24 will be weeks commencing 29 May 2023, 28 August 2023, 25 December 2023 and 25 March 2024.

### Affordability Considerations

- 2.28 This section provides information regarding the impact of the proposed changes to rent and services charges, as well as data on how tenants pay their rent and the support they receive from Housing Benefit and Universal Credit.

### **Rent level Comparable Data**

- 2.29 *Table 1* compares 2021/22 data on average rent levels for the private rented sector (PRS) in Newark and Sherwood and in England to the council’s average social housing rents for general needs tenants.

**Table 1: Comparison of data on weekly average rent levels for the PRS in Newark and Sherwood, the PRS in England, and NSDC’s social rented stock**

	<b>Newark and Sherwood Private Rented (mean as at 31/03/2022)</b>	<b>England Average Private Rented (mean as at 31/03/2022)</b>	<b>NSDC General Needs Social Rented Stock (mean as of August 2022)</b>
One Bed	£108.00	£179.08	£68.19
Two Bed	£134.31	£200.54	£76.31
Three Bed	£160.15	£229.85	£87.56
Four Bed plus	£261.00	£393.46	£95.34
<b>Average for all categories</b>	<b>£145.15</b>	<b>£213.69</b>	<b>£84.49</b>

- 2.30 For all sizes of accommodation, the council’s average social housing rents for general needs tenants are significantly lower than those in the private rented sector.
- 2.31 *Table 2* compares 2021/22 data on average rent levels for Private Registered Providers (PRPs) in Newark and Sherwood to the council’s average social housing rents, split for each by whether properties are for general needs tenants or supported housing tenants.

**Table 2: Comparison of 2021/22 data on average rent levels for PRPs in Newark and Sherwood and NSDC's social housing rents, split by general needs tenants and supported housing tenants**

Type of accommodation	Social Rent: General Needs		Social Rent: Supported Housing/Housing for Older People	
	NSDC	Private Registered Providers	NSDC	Private Registered Providers
Non-self-contained	-	-	-	£155.14
Bedsit	£58.62	£66.62	£57.28	£111.68
1 bedroom	£65.75	£77.10	£71.92	£95.12
2 bedrooms	£73.33	£91.30	£80.34	£92.55
3 bedrooms	£84.07	£93.44	£87.87	£111.33
4 bedrooms	£91.25	£103.26	-	-
5 bedrooms	£97.14	£97.90	-	-
<b>Average: excluding non-self-contained</b>	<b>£81.17</b>	<b>£89.26</b>	<b>£76.82</b>	<b>£96.03</b>
<b>Average: all accommodation types</b>	<b>£81.17</b>	<b>£89.26</b>	<b>£76.82</b>	<b>£110.03</b>

2.32 For all sizes of accommodation, the council's average social housing rents are lower than those of the PRPs. It should be noted that direct comparisons can only be made between the accommodation types for general needs tenants, due to variation in the type and nature of accommodation provided for supported housing tenants/housing for older people.

2.33 The average 2021/22 social rent levels of £89.26 (general needs tenants) and £110.03 (supported housing tenants) by Newark and Sherwood PRPs in *Table 2* excludes service charges. *Table 3* shows the average 2021/22 service charges for these groups.

**Table 3: average 2021/22 Net rent, service charge and gross rent charged by PRPs in Newark and Sherwood to general needs tenants and supported housing tenants**

Type of tenant	Net rent	Service charge	Gross rent
<b>All amounts are average amounts per week</b>			
General Needs	£89.26	£4.79	£91.97
Supported Housing/Housing for Older People	£110.03	£72.19	£182.06

2.34 It should be noted in *Table 3* that the gross rent equals the sum of the net rent and service charge only for supported housing tenants: not for general needs tenants. This is because the average service charge relates only to those properties with service

charges, and as all properties for supported housing tenants have service charges whereas not all properties for general needs tenants have service charges.

- 2.35 Further information on the council's limited range of service charges is provided in the 'Service Charges' section below.

### ***Housing Benefit (HB) and Universal Credit (UC)***

- 2.36 A snapshot of data taken in November 2022 shows that of the 5,441 current tenants, 3,529 (65%) received help from benefits towards paying their rent. 2,032 (37%) were in receipt of Housing Benefit and 1,497 (28%) were in receipt of Universal Credit. The remaining 1,912 (35%) of tenants paid their rent without receiving help from benefits.
- 2.37 Universal Credit (UC) is the Government's working-age benefit which combines six means-tested ('legacy') benefits, including Housing Benefit (HB), into a single monthly payment. UC was a central feature of the government's *Welfare Reform Act 2012*. The Government started rolling out UC in 2013, with the full service commencing in 2018 across Newark and Sherwood.
- 2.38 Since 2018, there has been a significant increase in the number of council housing tenants claiming UC, increasing from 95 to 1,497 between June 2018 and November 2022. Of these 1,497 UC claimants, around 36% have their rent paid directly to the council, either due to being in arrears or due to a vulnerability. Over 76% of UC claimants are general needs tenants.
- 2.39 UC cases increased significantly during 2020 due to the COVID-19 pandemic but have since stabilised as people have moved off the benefit. It is anticipated that over 2,000 tenants will be claiming UC once all relevant households have transferred to UC.
- 2.40 As the number of council housing tenants claiming UC is increasing, the number claiming Housing Benefit (HB) as a standalone ('legacy') benefit is decreasing. Around 2,179 of council households had tenant(s) in receipt of legacy HB in December 2021, compared to the 2,032 currently receiving legacy HB.
- 2.41 Despite the trends outlined above, a significant number of council housing tenants will continue to receive legacy HB even after all relevant households have transferred to UC. This is because eligible adults of all ages (including older people) can claim legacy HB, whereas only eligible adults of working-age can claim UC. Around 47% of the council's social housing stock is designated for older people.
- 2.42 Around 1,331 of the 2,032 households, or just under two-thirds, are entitled to the maximum amount of HB, and around 701 households entitled to partial HB.

### ***Supporting Tenants***

- 2.43 We offer a range of support to tenants to help them meet their housing costs and will be seeking to provide additional support to during the current cost of living challenges.

- We continue with our commitment to not move to evict tenants for rent arrears as long as they continue to engage with us to address their debt with us.
- We recognise the importance of supporting tenants at an early stage to sustain their tenancies, especially around rent collection, benefit entitlement and arrears management.
- Our established support mechanisms to help sustain tenancies include the Starting Well and Targeted Arrears support projects which form part of the Community Plan. We also promote the use of Discretionary Housing Payments (DHP's) where appropriate and refer tenants to partner advice agencies for specialist financial support and advice.
- We are implementing new initiatives such as the Helping Hand Fund which looks to promote positive engagement with tenants through matching arrears payments.

2.44 We will also look to implement further initiatives through establishing a budget of £300,000 to support initiatives such as a Tenant Welfare Fund which will provide support to those tenants in need. For example, those who do not receive support from HB or UC towards their rent or who are ineligible for other funding streams due to limited qualification e.g. couples and single people.

2.45 Proposals for this budget include £150,000 pot, targeted to working age tenants not receiving support towards their rent to credit rent accounts with an additional “rent free week”.

As of 23 January 2023, there were c. 1882 self funders including those of a pensionable age. Assuming 1500 tenants would be eligible, this would amount to £133,875 in assistance (at an average rent of £89.25 per week including 5% uplift)

<b>Total Tenancies</b>	5441	<b>100%</b>
Tenancies in Receipt of HB	2045	38%
Total UC Cases	1514	28%
Self Funders	1882	35%

2.46 This proposal targets tenants who are more likely to see an impact on their outgoings where their salaries may not have increased by 5%, gives assistance to those groups not able to access DHP but doesn't prevent access to other assistance e.g. helping hand, other projects that are available to all residents and reflects higher support for those with higher rent levels.

2.47 This support would be accessed through completing an online survey (either directly or through Customer Services) that collects up to date tenant information inc. Next of Kin details, any vulnerabilities and will includes signposting for additional support

including access to income maximisation officer. This and other support will be advertised via April Rent Statement.

- 2.48 £50,000 to incentive downsizing for tenants in a home that is too big and where they are liable to pay under occupancy charges from their income. Not only will this reduce the tenants' future liabilities relating to under occupation, but it will also make better use the Council's limited housing stock.
- 2.49 This leaves £100,000 available for specific directed support that can be designed with tenants to target those in particular circumstances e.g. high energy users.

### Service Charges

- 2.50 In addition to rent, local authorities can charge for other services they provide (service charges). Section 93 (Power to charge for discretionary services) of the *Local Government Act 2003* requires charges to be set such that taking one financial year with another, the income from charges for a service does not exceed its costs of provision.
- 2.51 The Policy Statement on Rent for Social Housing (February 2019) sets out an expectation that service charge increases remain within the limit of rent charge of CPI + 1% in order to keep service charges affordable. **Appendix C** details the current (2022/23) and proposed (2023/24) service charges, with proposed increases to current charges of 5%. Subsequent paragraphs provide details about the services that tenants are charged for.

### ***Housing-Based Services for Supported Housing and Extra Care Services***

- 2.52 The main housing-based support service provided is a community alarm service, to help tenants live more independently. Tenants with lifeline units in their properties can raise an alarm call from anywhere in the home if they require this. Around half of the council's social housing properties have these lifeline units.
- 2.53 Tenants in properties with lifeline units currently pay £1.85 per week for the community alarm service and this report proposes to increase that charge by 9 pence a week to a weekly charge of £1.94 per week. This represents an increase of around 4.86% per week. This charge is mandatory, in line with the terms of their tenancy agreement. This charge is not eligible for housing benefit.
- 2.54 In addition to these support services, tenants in the extra care housing schemes receive additional housing management and housing-related services due to their specialist needs. The council currently has four extra care housing schemes. These are at Gladstone House, The Broadleaves, Vale View and the Bilsthorpe Bungalows.

### ***Other Housing-Based Services***

- 2.55 Other weekly service charges applied to tenants are for the costs of water and sewerage provided to properties at Vale View (£4.23 per week) and for the costs

(where appropriate) of landscaping, lighting and drainage provided to 79 general needs properties.

- 2.56 The council provides a number of housing-related services for which it does not currently recover the cost of provision through service charges, therefore resulting in costs being met through rent income. Such services include communal cleaning, communal lighting and grounds maintenance. It is proposed that work is undertaken to identify these costs and how they might be separated from the rent charge and identified as distinct service charges. This would help to meet the cost of provision, increase transparency and meet the expectations of the Regulator.

### ***Non-Housing Based Services***

- 2.57 Officers manage the garages, garage ports (or car ports/parking spaces) and garage plots (or parking plots) within the council's HRA. Garages and garage ports are structures owned by the council, fully enclosed and partially enclosed respectively, whereas garage plots are pieces of land on which tenants supply their own garage structure. The charges for garages (garage rents) and garage plots are weekly, whilst those for garage ports are annually. All garage-based charges exclude standard rate value-added tax (VAT) if let to council housing tenants and include VAT if let to non-council housing tenants.
- 2.58 Officers continue to identify existing and redundant garage sites which could be suitable for inclusion in the council's approved housing development programme.

### **3.0 Implications**

In writing this report and in putting forward the recommendations, officers have considered the following implications: Data Protection, Digital and Cyber Security, Equality and Diversity, Financial, Human Resources, Human Rights, Legal, Safeguarding and Sustainability and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

#### **Digital Implications**

- 3.1 There are no digital implications directly arising from this report.

#### **Equalities Implications**

- 3.2 The proposed rent increase would apply to all occupied council social housing, rather than to the tenants themselves or to tenants in specific properties. The proposed rent increase is therefore not expected to discriminate against any of the characteristics protected under the *Equality Act 2010*.
- 3.3 The proposed rent and service charge increases are not expected to adversely impact tenants in receipt of benefits. The government's increase of 10.1% in State Pension and working-age benefits for 2023/24 is more than the 5% proposed increase in rent and most service charges for next year.

- 3.4 As outlined in the report, working-age council housing tenants claiming benefits in need of help with housing costs can request a Discretionary Housing Payment (DHP) from the council. The Government has not yet announced how much DHP it will be giving councils for 2023/24. Officers recognise the importance of supporting tenants of all ages to sustain their tenancies.

### **Financial Implications**

- 3.5 The majority of the financial implications are set out in the body of this report or its **appendices**. The financial implications of tenants' Right to Buy (RTB) are covered in further detail below.

#### **Right to Buy (RTB)**

- 3.6 The council signed a Retention Agreement with the Secretary of State to use 40% of its retained receipts (1-4-1 receipts) from properties sold under the RTB scheme on the provision of replacement social housing. The one-for-one replacement of RTB sales with new affordable rent homes is at the national level.
- 3.7 If the council is unable to spend its retained receipts within three years of receiving them, it must return these to Government with interest of 4% above the base rate (currently 3.5%).
- 3.8 As at the time of writing this report, all 1-4-1 receipts currently received have been either spent or allocated to future projects, which will ensure that they have been utilised by each of the individual deadlines.
- 3.9 Officers closely monitor spend against the council's approved HRA development programme to ensure that 1-4-1 receipts are used as appropriate.
- 3.10 The number of RTB sales affects how much the council receives in 1-4-1 receipts, and thus how much the council must spend on replacement social housing from its own resources or borrowing, though also affects the number of properties from which the council receives weekly rent.
- 3.11 Officers consider current and prospective local and national trends in RTB sales when setting the HRA budget annually.

### **Community Plan – Alignment to Objectives**

- 3.12 The implementation of the proposals in this report will directly support the council's HRA to meet multiple objectives of the Community Plan 2020-2023, such as to:
- a) *“Create vibrant and self-sufficient local communities...”*; and
  - b) *“Create more and better-quality homes...”*.

3.13 Some of the actions the council is taking to achieve the Community Plan objectives are:

- enhancing the quality of empty homes when let.
- exploring & developing carbon neutral initiatives to upgrade properties and improving fuel efficiency.
- encouraging tenancy success in a home through delivery of the 'Starting Well' service.
- supporting the regeneration of a central estate and improving local amenities through delivering Yorke Drive Regeneration Project; and
- modernising our services through procuring a new housing management system including a customer portal.

#### **Background Papers and Published Documents**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972. Any documents that contain confidential information or personal information about individuals should not be included in this list.

SUMMARY	2023/24 BASE BUDGET £	2024/25 BASE BUDGET £	2025/26 BASE BUDGET £	2026/27 BASE BUDGET £
<b>INCOME</b>				
Rents: dwellings	(24,950,730)	(26,198,270)	(26,984,220)	(27,793,750)
Rents: non-dwellings	(159,850)	(167,840)	(172,880)	(178,070)
Charges for services	(1,263,030)	(1,324,460)	(1,363,290)	(1,403,280)
Contributions to expenditure	(1,304,250)	(1,384,640)	(1,418,210)	(1,452,710)
<b>Sub Total - Income</b>	<b>(27,677,860)</b>	<b>(29,075,210)</b>	<b>(29,938,600)</b>	<b>(30,827,810)</b>
<b>EXPENDITURE</b>				
Repairs & maintenance	5,918,950	5,544,090	5,681,460	5,822,660
Supervision & management	6,627,780	6,734,140	6,885,040	7,063,880
Rents, rates, taxes & other charges	1,042,320	1,078,620	1,112,070	1,146,720
Depreciation & impairment	5,994,430	6,138,500	6,138,500	6,138,500
Debt management costs	25,000	25,000	25,000	25,000
Efficiency savings: prospective revenue initiatives	368,000	0	0	0
<b>Sub Total - Expenditure</b>	<b>19,976,480</b>	<b>19,520,350</b>	<b>19,842,070</b>	<b>20,196,760</b>
<b>NET COST OF SERVICES</b>	<b>(7,701,380)</b>	<b>(9,554,860)</b>	<b>(10,096,530)</b>	<b>(10,631,050)</b>
Interest payable/(receivable)	3,619,000	3,933,410	4,049,180	4,049,200
(Profit)/loss on sale of non-current assets	27,300	27,300	27,300	27,300
<b>NET OPERATING EXPENDITURE</b>	<b>(4,055,080)</b>	<b>(5,594,150)</b>	<b>(6,020,050)</b>	<b>(6,554,550)</b>
<b>APPROPRIATIONS</b>				
(Profit)/loss on sale of non-current assets	(27,300)	(27,300)	(27,300)	(27,300)
Pension-related costs	114,750	119,250	123,750	127,460
Revenue contribution to/(from) Major Repairs Reserve	4,467,630	5,502,200	5,923,600	6,454,390
Contributions to/(from) earmarked reserves	(500,000)			
<b>HRA (SURPLUS)/DEFICIT FOR YEAR</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
WORKING BALANCE brought forward (b/f)	(2,000,000)	(2,000,000)	(2,000,000)	(2,000,000)
WORKING BALANCE carried forward (c/f)	(2,000,000)	(2,000,000)	(2,000,000)	(2,000,000)

	<b>SUMMARY</b>	<b>2023/24 BASE BUDGET £</b>	<b>2024/25 BASE BUDGET £</b>	<b>2025/26 BASE BUDGET £</b>	<b>2026/27 BASE BUDGET £</b>
	STORES	122,540	126,330	130,010	133,810
	CENTRAL CHARGES INCL SLA'S	3,548,770	3,627,870	3,688,860	3,774,790
	HOUSING CHOICE	331,570	341,910	351,270	360,870
	INCOME MANAGEMENT	669,590	657,040	676,950	697,510
	INVESTMENT TEAM	45,000	45,000	45,000	45,000
	COMMUNITY CENTRES	291,720	302,770	312,410	322,420
	VALE VIEW	161,080	164,180	168,420	172,790
	STREET WARDENS	139,390	143,860	148,530	153,350
	VOIDS MAINTENANCE	1,056,890	1,059,840	1,087,500	1,115,850
	RESPONSIVE REPAIRS	2,508,710	2,323,480	2,386,020	2,450,460
	TENANCY & ESTATES	1,234,780	1,262,080	1,297,470	1,334,210
	GLADSTONE HOUSE	(240,510)	(261,850)	(270,260)	(278,890)
	COMPLIANCE SERVICES	1,443,780	1,178,060	1,205,030	1,232,710
	BOUGHTON EXTRA CARE SCHEME	(118,820)	(130,190)	(134,350)	(138,650)
	CARELINE SERVICES	355,530	350,940	360,990	371,370
	CPOOL/SEWAGE EMPTYING/REPAIRS	25,080	25,980	26,740	27,530
	YORKE DRIVE SCHEME	385,000	396,550	404,480	412,570
	HOUSING REVENUE ACCOUNT	(19,661,480)	(21,168,710)	(21,981,600)	(22,818,750)
	<b>NET COST OF SERVICES</b>	<b>(7,701,380)</b>	<b>(9,554,860)</b>	<b>(10,096,530)</b>	<b>(10,631,050)</b>

**Newark and Sherwood District Council (NSDC) proposed Housing Revenue Account (HRA) charges for 2023/24**

5.00%

Service charge	2022/23 Charge (£)	Proposed 2023/24 charge (£)	Frequency	Other information
<b>CareLine service</b>				
Lifeline alarm monitoring. Advice, contact of next of kin or emergency service if required by tenant	1.85	1.94	per week	All tenants
Lifeline installation fee	25.00	26.25	one-off	General needs tenants only
Sensor rental and monitoring for two to five sensors	1.61	1.69	per week	All tenants. Lifeline customers only
Lifeline plus two to five sensors installation fee	36.52	38.34	one-off	New general needs tenants only
5 x 5 minute calls at times agreed between 6am - 8pm	3.66	3.84	per week	All tenants. Lifeline customers only
Additional Tenancy Assistance (opt-in service)	5.36	5.62	per week	
<b>Gladstone House</b>				
Support Charge	1.85	1.94	per week	
Intensive Housing Management Charge	72.08	75.68	per week	
TV Licence	0.21	0.21	per week	
Meal Charge	35.12	36.87	per week	
<b>Broadleaves</b>				
Support Charge	1.85	1.94	per week	
Intensive Housing Management Charge (Apartment)	72.76	76.39	per week	
Intensive Housing Management Charge (Bungalow)	60.71	63.74	per week	
TV Licence	0.27	0.27	per week	
Meal Charge	42.17	44.27	per week	
<b>Vale View</b>				
Intensive Housing Management Service	89.97	94.46	per week	
Support Charge	1.85	1.94	per week	
Water Charge	4.03	4.23	per week	
<b>Extra Care Bungalows, Bilsthorpe</b>				
Intensive Housing Management Service	106.91	112.25	per week	
Support Charge	1.85	1.94	per week	
<b>Other charges relating to dwellings or tenants</b>				
New build landscaping, lighting and drainage	1.95 - 7.37	2.04 - 7.73	per week	
<b>Garages</b>				
Garage Rent	9.36	9.82	per week	VAT added if let to non-council tenant
Garage Plot	46.40	48.72	annually	VAT added if let to non-council tenant
Garage Port	4.18	4.38	per week	VAT added if let to non-council tenant



Report to: Full Council - 7 February 2023

Committee Chairman: Councillor David Lloyd, Leader and Chairman of the Executive Shareholder Committee

Director Lead: John Robinson, Chief Executive

Lead Officer: Sue Bearman, Assistant Director Legal & Democratic Services, Ext. 5935

Report Summary	
<b>Report Title</b>	Arkwood Developments Limited Governance Agreement Amendments
<b>Purpose of Report</b>	To propose some minor amendments to the Governance Agreement between the Council and Arkwood Developments Limited
<b>Recommendations</b>	To approve the updated Governance Agreement as set out in the <b>Appendix</b> to the report
<b>Reason for Recommendation</b>	To update the Governance Agreement as required, and to ensure the efficient transaction of Arkwood Limited business. The proposals align with the Council's Community Plan objective to create more and better quality homes through our role as developer.

## 1.0 Background

- 1.0 The Governance Agreement for the Council's wholly owned development company, Arkwood Limited, was approved by Full Council on 10 April 2018.
- 1.2 A review of the Agreement has been undertaken to ensure consistency with the Council's revised internal governance arrangements (the Council moved to Executive Arrangements/Cabinet System in May 2022), and to consider if any other revisions should be recommended. At its meeting of 20 December 2022, Executive Shareholder Committee approved the updated Agreement for formal adoption by Full Council.

## 2.0 Proposal/Options Considered

- 2.1 It is proposed that some minor necessary amendments are made to reflect the Council's revised internal governance arrangements. These are shown as 'tracked changes' in the **Appendix** to the report.

- 2.2 Some minor amendments to Schedule 2, Shareholder Reserved Matters, are also proposed. These are also shown as ‘tracked changes’ in the **Appendix** to the report, and details are set out below.
- 2.3 Reserved Matter no. 5 ‘Employee Recruitment and Remuneration’ reserves approval of a pay framework and job evaluation scheme for the Company to the Council. It is proposed, as an additional check and balance, for approval of any posts with total remuneration greater than £75K to be reserved to the Council.
- 2.4 Reserved Matter no. 18 ‘Pension’ reserves establishment of any new pension scheme and the granting of certain pension rights for directors, pension arrangements for staff, and any matter affecting liabilities under the Local Government Pension Scheme (LGPS), to the Council. It is proposed for these matters to be reserved for Board approval going forward, with the exception of any decisions which will affect liabilities under the LGPS, which will still be reserved to the Council. The rationale for this change is to give greater autonomy to Arkwood, unless matters relate to liabilities under the Local Government Pension Scheme. It is considered appropriate for these operational matters to rest with the Arkwood Board, subject to transparent reporting to the Council.
- 2.5 The alternative option is to leave Reserved Matters 5 and 18 unchanged. In any event the appropriate checks and balances will need to be put in place to safeguard the Council’s assets and ensure company funds are spent appropriately. Arkwood should be required to provide details via its Business Plan, which is presented to this Meeting for approval and this will therefore provide the required scrutiny and transparency.

### **3.0 Implications**

In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Digital and Cyber Security, Equality and Diversity, Financial, Human Resources, Human Rights, Legal, Safeguarding and Sustainability and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

#### **Background Papers and Published Documents**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Full Council 10 April 2018 – Minute No. 82

<https://democracy.newark-sherwooddc.gov.uk/ieListDocuments.aspx?CId=139&MId=165>

Shareholder Committee 20 December 2022 – Item 6

<https://democracy.newark-sherwooddc.gov.uk/ieListDocuments.aspx?CId=299&MId=850>

APPENDIX

DATED

2022

**GOVERNANCE AGREEMENT**

between

**(1) ARKWOOD DEVELOPMENTS LIMITED**

**(2) NEWARK AND SHERWOOD DISTRICT COUNCIL**

DRAFT

Ref: Legal/SLB/lk288

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THIS AGREEMENT IS DATED

2022

## PARTIES

- (1) **Arkwood Developments Limited** (Company Registration Number: 11383915) whose registered office is at Castle House, Great North Road, Newark, Nottinghamshire NG24 1BY (the “**Company**”);
- (2) **Newark and Sherwood District Council** of Castle House, Great North Road, Newark, Nottinghamshire NG24 1BY (the “**Council**”);

## BACKGROUND

- (A) The Company is a private company limited by shares incorporated in England and Wales under the Companies Act 2006 and at the date of this Agreement is wholly owned by the Council.
- (B) The Council has established the Company under section 1 and section 4, Localism Act 2011 to act as a commercial purpose and trading entity.
- (C) The Company is a controlled company within the meaning of the Local Government and Housing Act 1989 and a regulated company within the meaning of the Local Authority (Companies) Order 1995.
- (D) The Parties have agreed to execute this Agreement to regulate their respective responsibilities, the governance arrangements and the operation and management of the Company and the relationship between the Company and the Council.
- (E) The Council have delegated their role as shareholder to the Shareholder Committee Executive (also known as the Cabinet) and references in this agreement to decision making on behalf of the Council shall be taken to refer to the Shareholder Committee Executive and any executive committee established by it for this purpose unless otherwise stated, or unless the Council otherwise decides.

## AGREED TERMS

### 1. INTERPRETATION

1.1 The definitions and rules of interpretation in this clause apply in this Agreement.

**Act:** the Companies Act 2006;

**Adequate Procedures:** adequate procedures, as referred to in section 7(2) of the Bribery Act 2010 and any guidance

issued by the Secretary of State under section 9 of the Bribery Act 2010;

**Articles:** the articles of association of the Company as amended or superseded from time to time;

**Board:** the board of Directors of the Company as constituted from time to time;

**Business:** has the meaning given in clause 2.1 and as may be further defined in any adopted Business Plan;

**Business Case:** means any business case for particular activity by the Company that has been developed by the Company and adopted by the Board (where in accordance with the Business Plan or any other authority given to the Board by the Council) or by the Council;

**Business Day:** any day (other than a Saturday, Sunday or public holiday in the United Kingdom) on which clearing banks in the City of London are generally open for business;

**Business Plan:** means the document that may be agreed and adopted by the Company in accordance with clause 6;

**Confidential Information:** has the meaning given in clause 11;

**Director:** a director of the Company;

**electronic form:** has the meaning given in section 1168 of the Act;

**Encumbrance:** includes any mortgage, charge (fixed or floating), pledge, lien, hypothecation, guarantee, trust, right of set-off or other third party right or interest (legal or equitable) including any assignment by way of security, reservation of title or other security interest of any kind, howsoever created or arising, or any other agreement or arrangement (including a sale and repurchase agreement) having similar effect;

**Financial Year:** in relation to the Company, means the period of 12 months commencing on 1 April and ending on 31 March each year;

**Group:** in relation to a company, that company, any Subsidiary or Holding Company from time to time of that company and any Subsidiary from time to time of a Holding Company of that company; and each company in a Group is a member of the Group;

**Holding Company and Subsidiary and Wholly-Owned Subsidiary:** mean a "holding company", "subsidiary" and "wholly-owned subsidiary" as defined in section 1159 of the Act and a company shall be treated, for the purposes only of the membership requirement contained in subsections 1159(1)(b) and (c) of the Act, as a member of another company even if its shares in that other company are registered in the name of (a) another person (or its nominee), whether by way of security or in connection with the taking of security, or (b) its nominee;

**Named Officer:** the Officer who is notified by the Council to the Company from time to time for the purposes set out in this agreement

**Party/Parties:** the Council and/or the Company as appropriate;

**Share(s):** means the 100 £1 shares in the Company;

**Shareholder Committee Executive** means the Committee body of the Council to which the Council has delegated its powers in relation to the Company and any executive committee established by it for this purpose;

**Shareholders:** means the holders of Shares in the Company;

**Shareholder Reserved Matters:** means the Shareholder Reserved Matters listed in Schedule 2;

**Support Services:** has the meaning set out in Schedule 1;

**Support Services Agreement:** the agreement(s) made between the Council and the Company relating to the provision of support services by the Council to the Company,

- 1.2 Clause, schedule and paragraph headings do not affect the interpretation of this Agreement.
- 1.3 A reference to a clause or a schedule is a reference to a clause of, or a schedule to, this Agreement. A reference to a paragraph is to a paragraph of the relevant schedule.
- 1.4 A **person** includes a natural person, a corporate or unincorporated body (whether or not having a separate legal personality).
- 1.5 Unless the context otherwise requires, words in the singular include the plural and in the plural include the singular.
- 1.6 Unless the context otherwise requires, a reference to one gender includes a reference to the other genders.
- 1.7 All warranties, representations, agreements and obligations expressed to be given or entered into by more than one person are given or entered into jointly and severally by the persons concerned.
- 1.8 A reference to a particular statute, statutory provision or subordinate legislation is a reference to it as it is in force from time to time taking account of any amendment or re-enactment and includes any statute, statutory provision or subordinate legislation which it amends or re-enacts and subordinate legislation for the time being in force made under it provided that, as between the Parties, no such amendment or re-enactment shall apply for the purposes of this Agreement to the extent that it would impose any new or extended obligation, liability or restriction on, or otherwise adversely affect the rights of, any Party.
- 1.9 A reference to **writing** or **written** includes faxes but no other electronic form.
- 1.10 Documents in **agreed form** are documents in the form agreed by the Parties to this Agreement and initialled by them or on their behalf for identification.
- 1.11 A reference in this Agreement to a document is a reference to the document whether in paper or electronic form.
- 1.12 A reference in this Agreement to **other documents referred to in this Agreement** is a reference to the following documents- the Articles and the Support Services Agreement.
- 1.13 Where the words **include(s), including** or **in particular** are used in this Agreement, they are deemed to have the words "without limitation" following them.
- 1.14 Any obligation in this Agreement on a person not to do something includes an obligation not to agree or allow that thing to be done.
- 1.15 Where the context permits, **other** and **otherwise** are illustrative and shall not limit the sense of the words preceding them.
- 1.16 References to times of day are, unless the context requires otherwise, to London time and references to a day are to a period of 24 hours running from midnight on the previous day.

## **2. THE BUSINESS OF THE COMPANY**

- 2.1 The business of the Company is to undertake activities for commercial purposes and trading within the District of Newark and Sherwood and beyond (the “**Business**”).
- 2.2 The Business may be modified to include such further activities as the Council may designate.
- 2.3 The Business shall be carried out by the Company in accordance with any Business Plan adopted and any Business Case adopted under that Business Plan or otherwise approved by the Council.
- 2.4 The Company shall at all times:
  - (a) comply with any adopted Business Plan;
  - (b) ensure that social and ethical considerations are taken into account in decision making and all other matters;
  - (c) comply with the provisions of this Agreement and the Articles.

## **3. DIRECTORS AND MANAGEMENT**

- 3.1 The Directors of the Company are appointed and dismissed by the Council.
- 3.2 The Board has responsibility for the supervision and management of the Company and its business. The Board shall ensure that the Company shall not transact any of the business described in the Shareholder Reserved Matters without first referring the matter to the Council for decision.
- 3.3 Where the Directors are employees or members of the Council they shall not be entitled to any remuneration from the Company in their capacity as Directors and their expenses shall be reimbursed by the Company.
- 3.4 Any Secretary appointed in accordance with Article 37 who is an employee or officer of the Council shall not be entitled to any remuneration from the Company in their capacity as Secretary and their expenses shall be reimbursed by the Company.
- 3.5 The Company shall procure that:
  - (a) in the first six months following incorporation of the Company Board meetings occur at least monthly; and
  - (b) after the first six months Board meetings occur at least quarterly.

## **4. LAND AND FINANCE FOR THE COMPANY**

- 4.1 There is no obligation on the Council to provide any land, capital or other finance to the Company unless the Parties agree otherwise in writing.
- 4.2 If the Council provides land, capital or other finance pursuant to this clause 4 the Parties shall negotiate in good faith on any terms to apply to such capital or other finance.

## **5. ANTI-CORRUPTION**

5.1 The Company undertakes to the Council that:

- (a) it will not in the course of the operation of the Business, engage in any activity, practice or conduct which would constitute an offence under sections 1, 2 or 6 of the Bribery Act 2010;
- (b) it will maintain in place, anti-corruption procedures in substantially the same form as the Council's anti-corruption procedures which the Parties agree constitute Adequate Procedures; and
- (c) from time to time, at the request of the Council it will confirm in writing that it has complied with its undertakings under clause 5.1(a) and clause 5.1(b) and will provide any information reasonably requested by the Council in support of such compliance.

## **6. THE BUSINESS PLAN**

- 6.1 The Company must adopt a Business Plan for each Financial Year except for any Financial Year where the Council by ordinary resolution disapplies this requirement.
- 6.2 The Board is responsible for preparing, reviewing and updating any Business Plan.
- 6.3 In accordance with the Shareholder Reserved Matters, the Council must approve the adoption of any Business Plan and any revision or update thereof ahead of adoption by the Board.
- 6.4 The Company shall consult the Named Officer of the Council ahead of presenting a Business Plan or revision or update thereof to the Council for approval under clause 6.3.

## **7. ACCOUNTING**

- 7.1 The Company shall at all times maintain accurate and complete accounting and other financial records including all corporation tax computations and related documents and correspondence with HM Revenue & Customs in accordance with the requirements of all applicable laws and generally accepted accounting principles applicable in the United Kingdom.
- 7.2 The Company shall at all times maintain accurate and complete accounting and other financial records to the standard required by the Council including the accounting standards and financial reporting timescales required by the Council.
- 7.3 The Council and its authorised representatives shall be allowed access at all reasonable times to examine the books and records of the Company and to discuss the Company's affairs with the Directors and any employees (if any) of the Company.

- 7.4 The Company shall supply the Named Officer of the Council with the financial and other information necessary to keep the Council informed about how effectively the Business is performing and in particular shall supply the Council with:
- (a) a copy of any proposed Business Plan for approval in accordance with clause 6 and the Shareholder Reserved Matters;
  - (b) a copy of the audited accounts of the Company prepared in accordance with the laws applicable in and the accounting standards, principles and practices generally accepted in the United Kingdom, within two months of the end of the year to which the audited accounts relate; and
  - (c) quarterly management accounts of the Company to be supplied as soon as reasonably practicable following the end of the months to which they relate and in any event by the final day of the month following the month to which the accounts relate and the accounts shall include a profit and loss account, a balance sheet and a cashflow statement and such other information as the Council may reasonably require.
  - (d) a copy of a report prepared by the Company in respect of each Financial Year, demonstrating the implementation by the Company of Adequate Procedures such report to be provided within 20 Business Days of the end of the Financial Year to which it relates.
  - (e) copies of any proposed or adopted Business Cases.
- 7.5 The Council may require the Company, and the Company shall as soon as possible comply with such a request, to provide any documents, information and correspondence necessary to enable the Council to comply with filing, elections, returns or any other requirements of HM Revenue & Customs or of any other revenue or tax authority.

## **8. DIVIDENDS**

- 8.1 The Parties agree that the Company shall consult and have regard to the views of the Named Officer of the Council prior to:
- (a) the Board recommending any dividend payment/distribution for approval by the Council; and/or
  - (b) the Board making any interim dividend payments.

## **9. TERMINATION**

- 9.1 This Agreement may be terminated at any time by the Council serving notice to terminate on the Company.
- 9.2 The following provisions of this Agreement remain in full force after termination:
- (a) Clause 1 (Interpretation);
  - (b) this clause 9;

- (c) Clause 11 (Confidentiality);
- (d) Clause 13 (Whole Agreement);
- (e) Clause 16 (Variation and Waiver);
- (f) Clause 17 (Costs);
- (g) Clause 21 (Notice);
- (h) Clause 23 (Language);
- (i) Clause 24 (Severance);
- (j) Clause 27 (Governing Law and Jurisdiction); and
- (k) Clause 28 (Dispute Resolution).

9.3 Termination of this Agreement shall not affect any rights or liabilities that the Parties have accrued under it.

## **10. STATUS OF THE AGREEMENT**

10.1 If there is at any time any conflict, ambiguity or discrepancy between the provisions of this Agreement and the Articles, then the provisions of this Agreement shall prevail over the Articles unless the Council directs otherwise. The Parties shall procure that the Articles are amended to accord with the provisions of this Agreement in the event of any conflict.

## **11. CONFIDENTIALITY**

11.1 In this clause Confidential Information means any information which:

- (a) any Party may have or acquire (whether before or after the date of this Agreement) in relation to the customers, suppliers, business, assets or affairs of the Company (including, without limitation, any information provided pursuant to clause 7);
- (b) any Party or any member of its Group may have or acquire (whether before or after the date of this Agreement) in relation to the customers, suppliers, business, assets or affairs of another Party or any member of the another Party's Group, as a consequence of the negotiations relating to this Agreement or any other agreement or document referred to in this Agreement or the performance of the Agreement or any other agreement or document referred to in this Agreement; or
- (c) relates to the contents of any adopted Business Plan or Business Case.

but excludes the information in clause 11.2.

11.2 Information is not Confidential Information if:

- (a) it is or becomes public knowledge other than as a direct or indirect result of the information being disclosed in breach of this Agreement;

- (b) a Party can establish to the reasonable satisfaction of the other Parties that it found out the information from a source not connected with the other Parties or its Group and that the source is not under any obligation of confidence in respect of the information;
  - (c) either Party can establish to the reasonable satisfaction of the other Parties that the information was known to the first Party before the date of this Agreement and that it was not under any obligation of confidence in respect of the information; or
  - (d) the Parties agree in writing that it is not confidential.
- 11.3 Each Party shall at all times use all reasonable endeavours to keep confidential (and to ensure that its employees, agents, Subsidiaries and the employees and agents of such Subsidiaries shall keep confidential), any Confidential Information and shall not use or disclose any such Confidential Information except:
- (a) to a Party's professional advisers where such disclosure is for a purpose related to the operation of this Agreement;
  - (b) with the written consent of the Party to whom the Confidential Information belongs or relates to or any member of its Group that the information relates to;
  - (c) as may be required by law (to include without limitation the Local Authorities (Companies) Order 1995) or by the rules of any recognised stock exchange, or governmental or other regulatory body, when the Party concerned shall, if practicable, supply a copy of the required disclosure to the other before it is disclosed and incorporate any amendments or additions reasonably required by the other Parties and which would not thereby prevent the disclosing Party from complying with its legal obligations;
  - (d) to any tax authority to the extent reasonably required for the purposes of the tax affairs of the Party concerned or any member of its Group;
  - (e) if the information comes within the public domain (otherwise than as a result of the breach of this clause 11.3)
- 11.4 Each Party shall inform (and shall use all reasonable endeavours to procure that any Subsidiary informs) any officer, employee or agent or any professional adviser advising it in relation to the matters referred to in this Agreement, or to whom it provides Confidential Information, that such information is confidential and shall require them:
- (a) to keep it confidential; and
  - (b) not to disclose it to any third party (other than those persons to whom it has already been disclosed in accordance with the terms of this Agreement).
- 11.5 Upon termination of this Agreement, any Party may demand from any other Party the return of any documents containing Confidential Information in relation to the first Party by notice in writing whereupon the second Party shall (and shall use all reasonable endeavours to ensure that its Subsidiaries, and its officers and employees and those of its Subsidiaries shall):

- (a) return such documents; and
- (b) destroy any copies of such documents and any other document or other record reproducing, containing or made from or with reference to the Confidential Information,

save, in each case, for any submission to or filings with governmental, tax or regulatory authorities. Such return or destruction shall take place as soon as practicable after the receipt of any such notice.

11.6 The obligations of the Parties in this clause 11 shall continue without limit in time and notwithstanding termination of this Agreement for any cause.

## **12. INFORMATION, SCRUTINY AND ACCOUNTABILITY**

12.1 Subject to clause 12.4, the Parties acknowledge that the Council and the Company are each subject to the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 (**Information Legislation**). The Parties shall use reasonable endeavours to assist, within the timescale specified by a Party in receipt of a request for information under the Information Legislation ("the receiving Party"), the receiving Party in responding to any requests for information under that legislation to include the provision of any and all documents that the receiving Party considers reasonably necessary to enable it to respond to the information request.

12.2 The Company shall, and shall procure that its employees and agents shall, comply at all times with the Council's policies and procedures on Freedom of Information.

12.3 Notwithstanding clauses 12.1 and 12.2, the Company shall comply at all times with the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 as that legislation applies directly to the Company.

12.4 Where the Company is in receipt of any request for information under the Information Legislation, then it shall as soon as reasonably practicable pass the request to the Council and have regard to the views of the Council before responding to any such request.

12.5 The Company shall use reasonable endeavours to assist the Council in complying with any and all transparency obligations including without limitation compliance with the Local Government Transparency Code 2015 and any successor codes, policies or guidance.

12.6 The Company shall use reasonable endeavours to assist the Council in responding to any requests for information about the Company and/or the Business submitted by elected members of the Council.

12.7 The Company shall, if the Council on reasonable notice so decides, make available officers and/or employees of the Company to attend before and answer questions at any meeting of:

- (a) the Full Council;

- (b) the Policy and Finance Committee of the Council or a sub-committee or task and finish group appointed by them;
  - (c) the Shareholder Committee; and/or
  - (d) a meeting of officers of the Council;
- 12.8 The Company shall supply any information to such committees, sub-committees or other meeting as the Council may reasonably request.
- 12.9 The Company shall allow a representative of the Council to attend as an Observer at meetings of the Board of the Company; or at committees of the Board.
- 12.10 The Company shall use reasonable endeavours to assist the Council in responding to any inquiry or investigation of/by the Local Government and Social Care Ombudsman (or any successor).

### **13. LOCAL AUTHORITIES (COMPANIES) ORDER 1995**

- 13.1 The Company shall at all times comply with the Local Authorities (Companies) Order 1995, any successor legislation or statutory instrument and any other laws in force from time to time relation to the operation, management and activities of a local authority owned company.

### **14. WHOLE AGREEMENT**

- 14.1 This Agreement, and any documents referred to in it, constitute the whole agreement between the Parties and supersede all previous arrangements, understandings and agreements between them, whether oral or written, relating to their subject matter.
- 14.2 Each Party acknowledges that in entering into this Agreement, and any documents referred to in it, it does not rely on, and shall have no remedy in respect of, any representation or warranty (whether made innocently or negligently) that is not set out in this Agreement or those documents.
- 14.3 Nothing in this clause 14 shall limit or exclude any liability for fraud.

### **15. ASSIGNMENTS**

- 15.1 The Company may not assign, or grant any Encumbrance over or sub-contract, or deal in any way with, any of its rights or obligations under this Agreement or any document referred to in it without the prior written consent of the Council in accordance with Schedule 2.
- 15.2 Each person that has rights under this Agreement is acting on its own behalf.

## **16. VARIATION AND WAIVER**

- 16.1 A variation of this Agreement shall be in writing and signed by or on behalf of all Parties.
- 16.2 A waiver of any right under this Agreement is only effective if it is in writing and it applies only to the person to which the waiver is addressed and the circumstances for which it is given.
- 16.3 A person that waives a right in relation to one person, or takes or fails to take any action against that person, does not affect its rights against any other person.
- 16.4 No failure to exercise or delay in exercising any right or remedy provided under this Agreement or by law constitutes a waiver of such right or remedy or shall prevent any future exercise in whole or in part thereof.
- 16.5 No single or partial exercise of any right or remedy under this Agreement shall preclude or restrict the further exercise of any such right or remedy.
- 16.6 Unless specifically provided otherwise, rights and remedies arising under this Agreement are cumulative and do not exclude rights and remedies provided by law.

## **17. COSTS**

Unless otherwise provided or agreed in writing, all costs in connection with the negotiation, preparation, execution and performance of this Agreement, shall be borne by the Party that incurred the costs.

## **18. NO PARTNERSHIP**

The Parties to this Agreement are not in partnership with each other and there is no relationship of principal and agent between them.

## **19. GOOD FAITH**

- 19.1 Each Party shall at all times act in good faith towards the other and shall use all reasonable endeavours to ensure that this Agreement is observed.
- 19.2 Each Party shall do all things necessary and desirable to give effect to the spirit and intention of this Agreement.

## **20. THIRD PARTY RIGHTS**

- 20.1 A person who is not a Party to this Agreement shall not have any rights under or in connection with it by virtue of the Contracts (Rights of Third Parties) Act 1999 except where such rights are expressly granted in this Agreement.

20.2 The right of the Parties to terminate, rescind or agree any amendment, variation, waiver or settlement under this Agreement is not subject to the consent of any person that is not a Party to the Agreement.

## 21. NOTICE

21.1 A notice given under this Agreement:

- (a) shall be in writing in the English language (or be accompanied by a properly prepared translation into English);
- (b) shall be sent for the attention of the person, and to the address, or fax number, given in this clause 21 (or such other address, fax number or person as the relevant Party may notify to the other Party); and
- (c) shall be:
  - (i) delivered personally; or
  - (ii) delivered by commercial courier; or
  - (iii) sent by fax; or
  - (iv) sent by pre-paid United Kingdom first-class post or recorded delivery.

21.2 The addresses for service of notice are:

- (a) The Council and the Company – the addresses stated at the beginning of this Agreement.

21.3 If a notice has been properly sent or delivered in accordance with this clause, it will be deemed to have been received as follows:

- (a) if delivered personally, at the time of delivery; or
- (b) if delivered by commercial courier, at the time of signature of the courier's delivery receipt; or
- (c) if sent or supplied by fax, one hour after the notice was sent or supplied; or
- (d) if sent by pre-paid United Kingdom first class post to an address in the United Kingdom, 48 hours after it was posted or 5 Business Days after posting either to an address outside the United Kingdom or from outside the United Kingdom to an address within the United Kingdom, if (in each case) sent by reputable international overnight courier addressed to the intended recipient, provided that delivery in at least 5 Business Days was guaranteed at the time of sending and the sending Party receives a confirmation of delivery from the courier service provider; or
- (e) if deemed receipt under the previous paragraphs of this sub-clause is not within business hours (meaning 9.00 am to 5.30 pm Monday to Friday on a day that is not a public holiday in the place of receipt), when business next starts in the place of deemed receipt and all references to time are to local time in the place of deemed receipt.

21.4 To prove delivery, it is sufficient to prove that notice was transmitted by fax to the fax number of the Party or, in the case of post, that the envelope containing the notice was properly addressed and posted.

## **22. INTEREST ON LATE PAYMENT**

22.1 Where a sum is required to be paid under this Agreement but is not paid before or on the date the Parties agreed, the person due to pay the sum shall also pay an amount equal to interest on that sum at the rate set out in clause 22.2 for the period beginning with the date on which the payment was due and ending with the date the sum is paid (and the period shall continue after as well as before judgment).

22.2 The rate of interest shall be 2% per annum above the base lending rate from time to time of the Bank of England. Interest shall accrue on a daily basis and be compounded quarterly.

## **23. LANGUAGE**

If this Agreement is translated into any language other than English, the English language text shall prevail.

## **24. SEVERANCE**

24.1 If any provision of this Agreement (or part of a provision) is found by any court or administrative body of competent jurisdiction to be invalid, unenforceable or illegal, the other provisions shall remain in force.

24.2 If any invalid, unenforceable or illegal provision would be valid, enforceable or legal if some part of it were deleted or modified, the provision shall apply with whatever modification is necessary to give effect to the commercial intention of the Parties.

## **25. FURTHER ASSURANCE**

Each Party shall promptly execute and deliver all such documents, and do all such things, as the other Party may from time to time reasonably require for the purpose of giving full effect to the provisions of this Agreement.

## **26. COUNTERPARTS**

This Agreement may be executed in any number of counterparts, each of which is an original and which together have the same effect as if each Party had signed the same document.

## 27. GOVERNING LAW AND JURISDICTION

- 27.1 This Agreement and any disputes or claims arising out of or in connection with its subject matter or formation (including non-contractual disputes or claims) are governed by and construed in accordance with the law of England.
- 27.2 The Parties irrevocably agree that the courts of England have exclusive jurisdiction to settle any dispute or claim that arises out of or in connection with this Agreement or its subject matter or formation (including non-contractual disputes or claims).

## 28. DISPUTE RESOLUTION

- 28.1 In the event that any dispute arises between the Council and the Company then in the first instance the dispute shall be referred for resolution to the Named Officer of the Council and the Chair of the Board.
- 28.2 Where the Named Officer and the Chair are unable to resolve a dispute then the Council may at any time serve a notice in writing on the Company directing the Company and the Board to take and/or refrain from taking actions specified in the notice – such notice to be lawful and consistent with the Act, any applicable legislation and/or the fiduciary duties of the Directors and the Board shall be permitted a reasonable period of time to seek independent legal advice if they reasonably believe that they may or will be in breach thereof.
- 28.3 The Company must comply with any notice served pursuant to clause 28.2 within the timescales specified in the notice, provided always that where the relevant Board considers that compliance with any such notice may, in the view of the Board, place the Directors in breach of their fiduciary duties to the Company then the Board shall seek shareholder approval before implementing the requirements of the notice.

## 29. INTERNAL COUNCIL DECISION MAKING

- 29.1 The Company acknowledges that the Council in its capacity as the Shareholder will normally make decisions through the ~~Shareholder Committee~~ Executive to which it has delegated powers and that the ~~Shareholder Committee~~ Executive will ~~report on its activities and consider reports on~~ the performance of the Company ~~to the Policy and Finance Committee of the Council~~ for the purposes of ~~Overview~~ overview and ~~Scrutiny~~ scrutiny. References therefore in this agreement to the Council refer to the ~~Shareholder Committee~~ Executive. The Company further acknowledges that, in relation to the Executive's role as shareholder, the Council's Policy & Performance Committee will exercise its functions in relation to the development of policy as may be requested by the Executive, and review of performance and improvement, in the same way as with any other Executive function. The Council's Audit & Governance Committee will also exercise its functions in the normal way, in relation to the Executive's role as shareholder.
- 29.2 The Company shall ensure that:

Commented [A1]: This should be Policy, Performance and Improvement Committee

- (a) Copies of Board minutes are made available to the Council following each Board meeting; and
- (b) Not less than twice in every Financial Year, the Board produces a report on the performance and activities of the Company and provided the same to the Council.

29.3 Notwithstanding, clause 12.7 the Company shall make available the Chair of the Board (or a substitute Director) to attend every meeting of the Council unless the Council confirms in writing that attendance is not required.

29.4 The Company shall consult the Council prior to adopting any policy or procedure for the operation and management of the Company.

29.5 The Council may require that the Company adopts certain policies or procedures in the Company's operation from time to time.

29.6 Where the Board considers that compliance with any requirement of the Council under this Agreement would place the Directors in breach or at risk of breach of the Act, any applicable legislation and/or their duties to the Company then the Board shall seek shareholder approval of the actions required and the Board shall be permitted a reasonable period of time to seek independent legal advice if they reasonably believe that they may or will be in breach thereof.

This Agreement has been executed and delivered as a deed on the date stated at the beginning of it.

**Schedule 1 Support Services**

The Council will provide all support services to the Company, unless the services provided by the Council does not meet the needs of the Company.

The Council and the Company will enter into a separate service level agreement.

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**Schedule 2 Shareholder Reserved Matters**

Matters	Reserved Matters for Shareholder Approval	Matters Delegated for Board Approval	Matters Delegated by the Board for Approval by individual Directors or another named employee of the Company
<b>1. Business Plan</b>	Adopting the first and all future Business Plans.  Approving any material change to any previously approved Business Plan, which the Board is unable to approve.	Varying the timing, scale or programme of works or projects that are included in the Business Plan where the change in the budgeted revenue is less than £500,000 in any one financial year.  Non-material departures from the Business Plan	The Board shall be entitled to delegate decisions as detailed in the Business Plan and/or decisions which relate to commitments up to a value of £100,000.
<b>2. Appointment and Removal of Directors</b>	Appointment and removal of all Directors; including the approval of Alternate Directors.  Appointment of the Chair.	Appointment and removal of all Board advisers (to include terms and conditions of relationship).	None.
<b>3. Variations to the Articles of Association</b>	Any variations to the Company's Articles.	None.	None.

Matters	Reserved Matters for Shareholder Approval	Matters Delegated for Board Approval	Matters Delegated by the Board for Approval by individual Directors or another named employee of the Company
<b>4. Executive Director Remuneration</b>	The approval of the terms and conditions of employment of any executive director of the company.	Non-material alterations to terms and conditions Performance related pay awards	None.
<b>5. Employee Recruitment and Remuneration</b>	Approval of a pay framework and job evaluation scheme for the Company.  <u>Agreeing the remuneration of employees where the total remuneration for that position is greater than £75K.</u>	Recruitment of employees <del>and/or agreeing the remuneration of employees</del> where the total remuneration for that position is greater than £75K and is within the approved pay framework.	Recruitment of employees and/or agreeing the remuneration of employees where the total remuneration for that position is no more than £75K and is within the approved pay framework.
<b>6. Shares</b>	The acquisition of any shares or any option over shares in the capital of any company.  The creation, allotment, issuing or redemption of any shares or securities, or the granting of any right to require the creation,	None.	None.

Matters	Reserved Matters for Shareholder Approval	Matters Delegated for Board Approval	Matters Delegated by the Board for Approval by individual Directors or another named employee of the Company
	allotment, issuing or redemption of any such shares or securities.		
<b>7. Issuing or Accepting of Borrowing / Loan Capital</b>	<p>Entering into any borrowing, the issuing of any loan capital or entering into any commitments with any person regarding the issue of any loan capital outside of the approved Business Plan.</p> <p>Agreeing, as part of the approved Business Plan, the extent of any permitted borrowing delegated for Board approval, and the terms on which that borrowing can be entered into.</p>	<p>Entering into any borrowing or issuing any loan capital where this is approved in the current Business Plan, to the extent and on the terms set out in the approved Business Plan.</p>	<p>None.</p>
<b>8. Nature of Company Business</b>	<p>Any material changes to the nature of the Company's business, or commencing any</p>	<p>Any changes to the nature of the Company's business, or commencing any new business, but only where this is</p>	<p>None.</p>

Matters	Reserved Matters for Shareholder Approval	Matters Delegated for Board Approval	Matters Delegated by the Board for Approval by individual Directors or another named employee of the Company
	new business not contemplated by the approved Business Plan.	contemplated by the approved Business Plan.	
<b>9. Acquisitions or Disposals</b>	The acquisition of any freehold or leasehold land or building or the entering into of any option in respect of any land or building where this is not contemplated by the approved Business Plan.	The acquisition of any land or building or the entering in of any option in respect of any land or building specifically contemplated by the approved Business Plan.	None.
<b>10. Company / Group Structure</b>	Forming any subsidiary or acquiring an interest in any other company or participating in any partnership or corporate joint venture  Amalgamating or merging with any other company or undertaking	None.	None.

Matters	Reserved Matters for Shareholder Approval	Matters Delegated for Board Approval	Matters Delegated by the Board for Approval by individual Directors or another named employee of the Company
11. <b>Stock Exchange Listing</b>	The listing or trading of any shares or debt securities on any stock exchange or market.	None.	None.
12. <b>Appointment of Agents or Subcontractors or Arms' Length Transactions</b>	None	Appointment of contractors or subcontractors where this is in pursuance of the approved Business Plan	Appointment of contractors or subcontractors in pursuance of the approved Business Plan up to a value of £100,000.
13. <b>Part sale of the business</b>	Selling any part of the business, unless specifically contemplated and authorised in the approved Business Plan.	None.	None.
14. <b>Business Name and Location</b>	Changing the Company name, trading name, or registered office, or changing the location of any offices outside of the Company's registered office to a location outside of the District.	Changing the location of any offices outside of the Company's registered office to another location within the District only.	None.

Matters	Reserved Matters for Shareholder Approval	Matters Delegated for Board Approval	Matters Delegated by the Board for Approval by individual Directors or another named employee of the Company
15. <b>Intellectual Property</b>	The disposal, sale, assignment or granting of any rights in the Company's intellectual property outside of the normal course of business.	The granting of any rights (by licence or otherwise) in or over any intellectual property owned or used by the Company in the normal course of business	Where necessary to effect decisions delegated as above up to £100,000
16. <b>Encumbrances</b>	Creating or granting any encumbrance over the whole or any part of the Company or its business, undertaking or assets, or over any shares in the Company other than liens arising in the normal course of business.	None	None
17. <b>Redundancy</b>	None	Dismissing any employee in circumstances in which the Company will incur or agrees to bear redundancy or other costs (including actuarial costs) in excess of £75K.	Dismissing any employee in circumstances in which the Company will incur or agrees to bear redundancy or other costs (including actuarial costs) no greater than £75K.

Matters	Reserved Matters for Shareholder Approval	Matters Delegated for Board Approval	Matters Delegated by the Board for Approval by individual Directors or another named employee of the Company
<b>18. Pension</b>	<p><del>Establishing any new pension scheme, or granting any pension rights to any director, former director, or any members of any such person's family.</del></p> <p><del>Changes to pension arrangements for staff whether in the Local Government Pension Scheme or otherwise.</del> Any other decisions of the Company which will have an effect on liabilities of the Shareholder under the Local Government Pension Scheme or any associated guarantee.</p>	<p>Establishing any new pension scheme, or amending any pension scheme, provided by the Company to employees.</p> <p><u>Establishing any new pension scheme, or granting any pension rights to any director, former director, or any members of any such person's family subject to reporting in the Business Plan.</u></p> <p><u>Changes to pension arrangements for staff whether in the Local Government Pension Scheme or otherwise subject to reporting in the Business Plan.</u></p>	<p>None.</p>
<b>19. Company Winding up</b>	<p>Passing any resolution for the winding up of the Company, or presenting any petition for its administration (save for in insolvency).</p>	<p>None.</p>	<p>None.</p>

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[Execution blocks to be inserted]

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Report to: Full Council – 7 February 2023

Relevant Officer: John Robinson, Chief Executive

Director Lead: Sue Bearman, Assistant Director, Legal & Democratic Services

Lead Officer: Nigel Hill, Business Manager – Elections & Democratic Services, Ext. 5243

Report Summary	
<b>Report Title</b>	Appointment of Deputy Electoral Registration Officer
<b>Purpose of Report</b>	To appoint deputies for the statutory role of Electoral Registration Officer which is held by the Chief Executive
<b>Recommendations</b>	To approve the appointments of the Business Manager – Elections & Democratic Services and the Electoral Services Manager as Deputy Electoral Registration Officers
<b>Reason for Recommendation</b>	To enable other officers to act in the absence of the Electoral Registration Officer which may be required given legislative change introduced by the Elections Act 2022.

## 1.0 Background

- 1.1 John Robinson was appointed into the roles of Returning Officer (RO) and Electoral Registration Officer (ERO) when confirmed as the Council’s Chief Executive and Head of Paid Service by the Full Council on 10 April 2018.
- 1.2 At the time of the appointment, no deputy appointments were made as the RO can appoint named deputies as required to perform specific election activities and it wasn’t considered that a Deputy ERO was required.
- 1.3 One of the initiatives introduced by the Elections Act 2022 is the requirement for voters to bring a valid form of photographic ID into polling stations to verify their identity. For those voters that do not have any acceptable form of photographic ID they will need to obtain a Voter Authority Certificate.
- 1.4 The Voter Authority Certificates are issued centrally under a government contract once applications are authorised by the ERO. However, those applying late in a specific election timetable will need to be issued with temporary Voter Authority Certificate and

these will need to be produced locally and contain a wet ink signature of the ERO or an appointed Deputy.

- 1.5 It is therefore proposed that the posts of the Business Manager – Elections & Democratic Services and the Electoral Services Manager be appointed as Deputy Electoral Registration Officers for this purpose.
- 1.6 Section 52 of the Representation of the People Act 1983 requires that the appointment of Deputy ERO's must be made by the Council which appointed the ERO.

## **2.0 Proposal/Options Considered**

- 2.1 There will be alternative solutions to providing wet ink signatures on temporary Voter Authority Certificates, such as security measures to identify the certificate as authentic, however it is considered appropriate to appoint formal Deputies now to ensure there is mechanism in place ahead of the elections in May 2023. In addition, it is considered that making such appointments now may future proof any further change which would require the ERO to appoint a Deputy.

## **3.0 Implications**

In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Digital and Cyber Security, Equality and Diversity, Financial, Human Resources, Human Rights, Legal, Safeguarding and Sustainability and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

### **Background Papers and Published Documents**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

None

## NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Cabinet** held in the Civic Suite, Castle House, Great North Road, Newark, NG24 1BY on Tuesday, 6 December 2022 at 6.00 pm.

PRESENT: Councillor D Lloyd (Chairman)

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

APOLOGIES FOR ABSENCE: Councillor K Girling

### 45 DECLARATIONS OF INTEREST FROM MEMBERS AND OFFICERS

There were no declarations of interest.

### 46 NOTIFICATION TO THOSE PRESENT THAT THE MEETING WILL BE RECORDED AND STREAMED ONLINE

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

### 47 MINUTES FROM THE PREVIOUS MEETING HELD ON 1 NOVEMBER 2022

The minutes from the meeting held on 1 November 2022 were agreed as a correct record and signed by the Chairman.

### 48 CHAIRMAN'S UPDATE

The Leader and Chairman informed the Cabinet that the Council had secured Share Prosperity Fund monies of £3.1million, which was one of the highest allocations across the County.

### 49 UPDATE TO THE MEDIUM TERM FINANCIAL PLAN 2022/23 TO 2025/26

The Leader and Portfolio Holder for Strategy, Performance and Finance presented a report which gave an update on the position of the current Medium Term Financial Plan (MTFP) 2022/23 to 2025/26. The report reflected on the delay in the fair funding review and the continuing uncertainty around local government funding, The agreement of the national pay award and rates of inflation and interest had also impacted on the Council's budget.

The report set out an updated position based on the increases in inflation set within the Budget Strategy, together with the assumption that changes in the local government finance system would not be brought in until 2025/26 at the earliest. Over the four-year period of the MTFP, £0.896m would need to be found in order to fund the budget. This was after the mitigations described in the report were realised

Detailed budgets were currently being produced which would give further clarification, and it was anticipated that the draft Local Government Finance

Settlement would be released during December 2022. The MTFP would then be brought back to the Cabinet in February 2023 to be recommended on to the Full Council in March 2023 for approval, alongside the budget setting report for the 2023/24 financial year.

AGREED (unanimously) that the update to the Medium-Term Financial Plan be noted.

#### Reasons for Decision

To update Members on the current assumptions forecast in the Medium Term Financial Plan.

### 50 LOCAL AREA ENERGY PLANNING (KEY DECISION)

The Leader and Portfolio Holder for Strategy, Performance and Finance presented a report which informed Members of plans for Local Area Energy Planning (LAEP) across the East Midlands (East Midlands Mayoral Combined Authority geographical area) and sought approval for investing in a Local Area Energy Plan for Newark and Sherwood, as part of the wider work of the region. The Plan would enable the Council to work towards moving to its carbon reduction target to net zero by 2035. The report detailed how officers were exploring various funding sources to alleviate financial pressures for the required works for infrastructure and equipment to reduce emissions arising from energy use.

AGREED (unanimously) that Cabinet endorse progress with the LAEP to enable a focus on district wide carbon emissions across Nottinghamshire and Derbyshire.

#### Reasons for Decision

To help the Council deliver against its Carbon reduction target of net zero (direct emissions) by 2035, and to gather information to help the district determine potential pathways, technologies and scenarios, to achieving carbon net zero across the district. The Council have already made the commitment to reducing its own emissions. This is an opportunity to focus on the whole district and work towards a carbon net zero Newark and Sherwood.

#### Options Considered

The alternative option is to do nothing. In this situation the work will continue in partnership across the East Midlands without Newark & Sherwood District Council input, which will result in the need to gather this information independently, as required, likely for a greater cost.

### 51 COST OF LIVING RESPONSE

The Leader and Portfolio Holder for Strategy, Performance and Finance, presented a report which set out the Council's approach to supporting the District through cost of living challenges and sought to commission further work on potential projects to support delivery of activities to help those who are in need. The report outlined the measures the Council had taken to date in response to the cost of living challenges

and how the Council were acting as a landing site for partner organisations to feed initiatives and to ensure timely signposting and support for residents.

A potential budget of £150,000 had been identified to support residents and businesses, and where possible, supporting community partners to deliver services in their neighbourhoods rather than direct delivery. The funding would enable the Council to react quickly as needed to provide targeted support for various projects.

AGREED (unanimously) that Cabinet:

- a) note how the Council has responded so far to the cost of living challenges, and approve further work on potential projects as set out, for example in paragraph 2.1.1 of the report with a view to the creation of a Cost of Living Response fund to support our community objectives of creating vibrant and self-sufficient local communities where residents look out for each other and actively contributing to the local area and to improve the health and wellbeing of local residents;
- b) note that a further report will be brought to Cabinet with costed proposals for consideration within a cost envelope of approximately £150,000; and
- c) grant delegated authority to the Portfolio Holder – Strategy, Performance & Finance after consultation with the S151 Officer and the relevant Portfolio Holder and the other Members on the Cabinet for any urgent individual allocations required in the interim period.

#### Reasons for Decision

To provide practical support for residents and businesses through the cost of living challenges.

#### Options Considered

Not to consider further projects to address cost of living challenges, however it is considered appropriate to support residents and businesses during this period.

## 52 ESTABLISHMENT OF NEWARK AND SHERWOOD COMMUNITY PARTNERSHIP

The Leader and Portfolio Holder for Strategy, Performance and Finance presented a report which sought to endorse the establishment of a Newark and Sherwood Community Partnership, which would help secure funding from national government by bringing together representatives from across the private, public and voluntary and community sectors.

It was noted that the requirement to produce a District-wide Investment Plan as part of the Shared Prosperity Fund had prompted the Council to take stock of current arrangements and in particular the need for a new partnership covering the whole of Newark and Sherwood. The proposed terms of reference for the Newark & Sherwood Community Partnership were set out in the report.

AGREED (unanimously) that Cabinet approve the establishment of Newark &

Sherwood Community Partnership in accordance with the proposed Terms of Reference as set out in the report.

Reasons for Decision

To satisfy Government funding requirements and to develop and sustain good relationships between partners for the benefit of local residents and local businesses.

Options Considered

Cabinet could choose not to establish the proposed partnership or could vary its role and responsibilities.

53 INFRASTRUCTURE FUNDING STATEMENT (KEY DECISION)

The Portfolio Holder for Economic Development & Visitors presented a report which updated Cabinet on matters set out in the 2021/22 Infrastructure Funding Statement (IFS) and which sought to approve the process for spend of Section 106 developer contributions.

The 2021 IFS had been finalised and the report detailed the headline figures for Members. The IFS also included details of the Council's governance arrangements in relation to managing monies secured as part of Section 106 Agreements. It was a requirement to publish the IFS by 31 December 2022.

AGREED (unanimously) that Cabinet:

- a) approve the publication of the Infrastructure Funding Statement, which has been produced in accordance with the legislative requirements, before the end of the calendar year; and
- b) approve the proposed process for spend of Section 106 Developer Contributions set out at paragraph 2.3 of the report.

Reasons for Decision

To ensure that the District Council is operating in accordance with the requirements of the Community Infrastructure Regulations.

To set out clearly the governance arrangements for spend of Section 106 contributions.

Options Considered

None, there is a requirement to publish the Infrastructure Funding Statement by the end of the calendar year.

54 A46 NORTHERN TOWN BYPASS AND NEWARK TOWNS FUND

The Portfolio Holder for Economic Development & Visitors presented a report which

provided an update on the A46 Newark Northern Bypass, including inter-dependencies with the Newark Towns Fund program. The report set out the latest progress in respect of the Newark Towns Fund projects, including the start ion site for the Air and Space Institute, and an update on the A46 Newark Northern Bypass statutory consultation which was now live with the deadline for consultation responses being 12 December 2022. It was noted that the Council’s response had been delegated to the Leader of the Council and Portfolio Holder for Economic Development & Visitors, subject to strong support for the scheme being maintained, alongside the Council ensuring that its aspirations of the Towns Fund and retaining its lorry park provision for the Town were met.

AGREED (unanimously) that Cabinet note the update provided in the report.

#### Reasons for Decision

To keep Members updated on the A46 Northern Town Bypass and the Newark Towns Fund Program.

#### Options Considered

No alternatives are considered appropriate at this time. The A46 Newark Northern Bypass proposals have long been an important aspiration of this Council, an aspiration supported by a raft of partners including Midlands Connect, Nottinghamshire County Council, Lincolnshire County Council, and a number of highway, LEP, and Local Planning Authorities from the Humber Ports to Tewkesbury.

The development of the Newark Town Investment Plan and selection of priority Towns Fund projects was equally part of a significant assessment process undertaken by the Newark Towns Board, in consultation with a range of partners and industry, including this Council. The redevelopment of the Gateway site and relocation of the existing Newark Lorry Park remain an important part of this program.

#### 55 HERITAGE AND CULTURE NATIONAL PORTFOLIO ORGANISATION STATUS AND STRATEGIC DEVELOPMENT (KEY DECISION)

The Portfolio Holder for Economic Development & Visitors presented a report which updated the Cabinet on Heritage & Culture’s successful application to become an Arts Council England National Portfolio Organisation, provided an update on the Business Unit’s recovery post-covid, and in light of the cost of living challenges, reflected on the continuing challenges in the heritage sector and its effect on the museum service.

Given the success of the National Portfolio Organisation process and the funding this would release, it was proposed to set up a working group of the Cabinet to oversee the development of a refreshed strategy for Heritage and Culture, setting out the strategic objectives and identifying opportunities and options for future service delivery.

AGREED (unanimously) that Cabinet:

- a) recognises the success of the National Portfolio Organisation application and that the agreed grant amount of £309,000 annually be added to the budget for the

- three years of the funding agreement from April 2023, to be drawn down from the Arts Council in stages, in line with their funding agreement;
- b) approve the addition of three new funded roles to the establishment for the three years of the funding agreement from April 2023;
  - c) approve the establishment of an Independent Board, as previously agreed through Policy & Finance Committee in March 2022, to meet the requirements of the National Portfolio Organisation status;
  - d) approve a Cabinet Working Group to be set up to oversee the development of a refreshed strategy for Heritage & Culture as outlined in the report;
  - e) approve that a budget of £20,000 be set aside in 2023-24 to undertake an options appraisal to support delivery of an agreed future strategy for Heritage & Culture; and
  - f) support the National Civil War Centre continuing to offer free entry to residents during school holidays and for key, targeted activity and events, supporting residents to access welcoming, engaging and warm spaces over the winter period through the cost of living crisis and to interact with our heritage and cultural offer.

#### Reasons for Decision

These recommendations align to the Community Plan by clearly defining and evaluating Heritage & Culture's remit and scope to:

Deliver inclusive and sustainable economic growth through skills, educational development and the visitor economy;

Improve the health and wellbeing of residents by responding to their needs through cultural engagement and outreach; and

Create vibrant and self-sufficient local communities where residents actively contribute to their local area through co-creation via the NPO investment principles and activity.

#### Options Considered

Do nothing, service delivery would continue, but this option does not acknowledge the challenge currently being seen in town centres and with visitor admissions and will therefore not enable a pro-active response to ensure our service remains relevant and fit for purpose and reflects value for money for the Council.

#### 56 NEWARK & SHERWOOD HEALTH AND WELLBEING STRATEGY 2022 - 2026 (KEY DECISION)

The Portfolio Holder for Homes & Health presented a report which sought approval to adopt the Newark & Sherwood Health and Wellbeing Strategy 2022-2026. The Council had previously adopted a Health & Wellbeing Partnership Plan 2019-2022 which outlined its commitment to delivering the aims and objectives of Nottinghamshire's Health & Wellbeing Strategy 2018-2022.

The County Council had recently agreed and shared their new Joint Health & Wellbeing Strategy 2022-26, so in line with this, the Council have developed a new strategy which sets out how the Council proposed to 'Improve the health and wellbeing of our local residents', one of the Community Plan objectives. The proposed Newark & Sherwood Health and Wellbeing Strategy 2022-2026 was attached as an appendix to the report.

One of the key emphasis within the Strategy was the difference in life expectancy across the District. The Strategy set out how the Council would work to address this with a variety of agencies and key partners.

AGREED (unanimously) that Cabinet:

- a) approve and adopt the Newark & Sherwood Health and Wellbeing Strategy 2022-2026; and
- b) approve the detailed Health Improvement Action Plan to be endorsed by the Strategic Health Partnership and the Portfolio Holder for Homes & Health.

#### Reasons for Decision

To ensure that the Council and its partners have a strategy that drives health and wellbeing improvements across the district.

#### 57 RESPONSIVE AND PROGRAMMED WORKS - ADDITIONAL PROGRAMME

The Portfolio Holder for Homes & Health presented a report detailing information on the current number of Responsive and Programmed repairs works in the system and set out recommendations to complete these, and the future management of works going forward. The report advised that through the pandemic, the Council had restricted repairs service to cover emergencies and some external planned works until restrictions and risk assessments allowed a return to normal arrangements. This resulted in around 800 repairs in the system which had been caught up within existing resources. However, combined with an increase in demand and a reduced resource to service them due to challenges with recruitment, there was now a further high number of newer repairs outstanding.

It was estimated that no more than £300k was required to clear the repairs on the system in full. In order to commence works, an additional £100k was required within the current financial year. The works would be distributed to several contractors currently working for the Council.

AGREED (unanimously) that Cabinet:

- a) approve an additional £100k be added to this year's budget funding from the HRA Newark and Sherwood Homes Merger Transfer reserves; and
- b) note that any additional funding will be included in 2023/24 budget setting process.

### Reasons for Decision

To support the Repairs Team to ensure tenants homes are well maintained whilst we make improvements to our service delivery.

### Options Considered

To continue to use existing resources to gradually reduce repairs workload.

## 58 ADOPTION OF A NEWARK & SHERWOOD DISTRICT COUNCIL TREE STRATEGY (KEY DECISION)

The Portfolio Holder for Cleaner, Safer, Greener presented a report which sought the adoption of a Tree Strategy for the District. The proposed Tree Strategy for Newark & Sherwood had been developed by the Environmental Services Team in conjunction with the Planning Development and Planning Policy and Infrastructure teams to establish the Council's objectives towards trees in the District, and to provide an action plan setting out the pathway to achieve those objectives. The objectives for the strategy and the actions to achieve those were detailed in the report. It was noted that the proposed strategy had been considered and supported by the Policy & Performance Improvement Committee at their meeting held on 28 November 2022.

It was noted that officers were working with Nottinghamshire Wildlife Trust to encourage landowners to put forwards areas of land for mass planting and wetland habitat creation.

AGREED (unanimously) that:

- (a) the draft Tree Strategy be shared with key partners (Sherwood Forest Trust, RSPB, Woodland Trust & Nottinghamshire Wildlife Trust) and reviewed before being released for public consultation via the Council's website; the outcome of the consultation to be reported back to Cabinet for consideration prior to formal adoption of the final draft Strategy; and
- (b) the proposal to fund the increase in budget as set out in paragraph 3.2 of the report for essential tree survey and maintenance work be approved.

### Reasons for Decision

To support the Council's green ambitions to 'Enhance and protect the district's natural environment', as stated in the community plan.

### Options Considered

Not to progress the Strategy at all, or to progress the Strategy but with a greater or lesser allocation of budget. On balance the recommendation is to progress a Strategy, subject to the outcome of consultation, in order to contribute to the Council's carbon reduction plan, and that the budget proposed is proportionate.

59 NEWARK SAFER STREETS 4 SCHEME AND THE RURAL CRIME AND PREVENTION PROGRAMME (KEY DECISION)

The Portfolio Holder for Cleaner, Safer, Greener presented a report which updated Cabinet on the Safer Streets 4 initiative and the Rural Crime and Prevention Programme, and sought to agree funding for the projects. The success of the Safer Streets 4 bid builds on the previous work that had been undertaken from the successful completion of previous Safer Streets funded projects. Over the past 4 years there had been investment of over £1 million in schemes to reduce crime. In addition to the Home Office funded Safer Streets 4 project, the Community Safety Partnership had also been successful in securing funding from the Police and Crime Commissioner's Target Hardening Safer4All Grant fund for a Rural Crime and Prevention Programme for Bassetlaw and Newark & Sherwood. The project would use the same governance structure as Safer Streets 4 with the police as the responsible accounting body administering any grant monies.

In July it was announced by the Home Office that the Nottinghamshire bid for the Safer Streets 4 Programme had been successful and an award of £750,000 had been made to deliver the actions set out in the bid. The District Council share if this was £374,000. The project had to be completed by 30 September 2023 and the report provided an update on all the projects which would be funded, which included increased CCTV and environmental improvements.

AGREED (unanimously) that Cabinet:

- (a) note the progress in the implementation of the Safer Streets 4 project and Rural Crime and Prevention Programme;
- (b) approve the use of the overage for match funding the schemes;
- (c) approve the addition of £305,000 to the Capital Programme for Safer Streets 4;
- (d) approve the addition of £49,500 to revenue budgets for Safer Streets 4; and
- (e) approve the addition of £39,000 to the Capital Programme for the Rural Crime and Prevention Programme.

Reasons for Decision

By delivering the Safer Streets and rural crime initiative the Council will contribute to reducing crime and anti-social behaviour.

Options Considered

The alternative option is to find alternative to the match funding identified in the report.

Meeting closed at 7.10 pm.

Chairman

## NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Cabinet** held in the Civic Suite, Castle House, Great North Road, Newark, Nottinghamshire, NG24 1BY on Tuesday, 20 December 2022 at 6.00 pm.

PRESENT: Councillor D Lloyd (Chairman)

Councillor K Girling, Councillor Mrs R Holloway, Councillor R Jackson,  
Councillor P Peacock and Councillor T Wendels

### 1 DECLARATIONS OF INTEREST FROM MEMBERS AND OFFICERS

There were no declarations of interest.

### 2 NOTIFICATION TO THOSE PRESENT THAT THE MEETING WILL BE RECORDED AND STREAMED ONLINE

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

### 3 PROJECTED GENERAL FUND AND HOUSING REVENUE ACCOUNT REVENUE AND CAPITAL OUTTURN REPORT TO 31 MARCH 2023 AS AT 30 SEPTEMBER 2022

Members considered the report of the Deputy Chief Executive/Director – Resources which provided an update of the forecasted outturn position for the 2022/23 financial year for the Council's General Fund and Housing Revenue Account, revenue and capital budgets. The report also provided performance information against the approved estimates of revenue expenditure and income; reported on major variances from planned budget performance; and reported on the variations to the Capital Programme for approval. The accounts showed a projected favourable outturn variance for the General Fund of £0.363m; a projected unfavourable outturn variance for the HHRA of £0.390m with Members' approval being sought to approve the variations to the Capital Programme and the revised budget for the Capital Programme of £67.565m.

In considering the report, a Member suggested that the projected favourable outturn for the General Fund be ringfenced to mitigate the cost of living crisis rather than being allocated to usable reserves. Officers advised that the figure was only a projection and to ringfence it, as suggested, would negatively impact the medium-term financial plan.

AGREED (unanimously) that:

- a) the General Fund projected favourable outturn variance of £0.363m to usable reserves be noted;
- b) the Housing Revenue Account projected unfavourable outturn variance of £0.390m to the Major Repairs Reserve be noted;
- c) the variations to the Capital Programme at Appendix E be approved; and

- d) the Capital Programme revised budget and financing of £67.565m be approved.

#### 4 COMMUNITY PLAN PERFORMANCE FOR QUARTER 2 - 2022/23

The Cabinet considered the Community Plan Performance Report for Q4 presented by the Transformation & Service Improvement Officer which provided Members with the opportunity to review the performance information for Q2 and the supplementary documents highlighting customer complaints. The performance information was assessed against the Council's Community Plan objectives.

The Cabinet noted the improvement to the reletting figures for Council housing and that the Starting Well Scheme had been well received by tenants. It was also noted that the number of days taken to process applications for housing benefit was being considered by the Policy & Performance Improvement Committee with a view to how this may be further reduced. It was further noted that a report would be presented to a future meeting of the Cabinet to consider the findings of the ASB Working Group and recommendations thereon from the Policy & Performance Improvement Committee.

AGREED that the Community Plan Performance Report for Q2 be noted.

Meeting closed at 6.39 pm.

Chairman

# Public Document Pack Agenda Item 12c

## NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Cabinet** held in the Civic Suite, Castle House, Great North Road, Newark, NG24 1BY on Tuesday, 17 January 2023 at 6.00 pm.

PRESENT: Councillor D Lloyd (Chairman)

Councillor K Girling, Councillor Mrs R Holloway, Councillor R Jackson, Councillor P Peacock and Councillor T Wendels

ALSO IN ATTENDANCE: Councillor L Goff, Councillor Mrs P Rainbow and Councillor Miss R White.

### 60 DECLARATIONS OF INTEREST FROM MEMBERS AND OFFICERS

Councillor T Wendels and Sanjiv Kohli – Director- Resources and Deputy Chief Executive declared Other Registerable Interests in Agenda Item No. 6 – Update on Disposal of Land at The Green, Rolleston to Arkwood Developments Limited, as Directors of Arkwood.

### 61 NOTIFICATION TO THOSE PRESENT THAT THE MEETING WILL BE RECORDED AND STREAMED ONLINE

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

### 62 MINUTES FROM THE PREVIOUS MEETING HELD ON 6 DECEMBER 2022

The minutes from the meeting held on 6 December 2022 were agreed as a correct record and signed by the Chairman.

### 63 CHAIRMAN'S UPDATE

The Leader advised that as part of the consultation on devolution and the creation of the combined Mayoral Authority for Nottinghamshire and Derbyshire, he had provided a response on behalf of the Council to reiterate our support and to welcome the benefits which it could potentially bring to the area.

The Leader also reported that the Council had been unsuccessful in a bid for £1m funding for providing designated sites and accommodation for the Gypsy and Traveller community. Subsequently, he had now written to the Secretary of State detailing the successes of Newark and Sherwood District Council in housing and caring for different areas of the community, including refugees and described the difficulty the Council would face in absorbing the cost of delivering a national target which was not shared equally amongst other authorities across the Country.

### 64 UPDATE ON DISPOSAL OF LAND AT THE GREENAWAY, ROLLESTON TO ARKWOOD DEVELOPMENTS LTD

The Leader and Portfolio Holder for Strategy, Performance & Finance presented a report which updated the Cabinet following objections received in response to the statutory consultation process regarding the proposed disposal of a plot of land at the Greenaway, Rolleston to Arkwood Developments Limited. This disposal was to enable the delivery of three market sale residential units adjacent to a HRA development of five affordable units. It was reported that as part of the statutory consultation process which was required as part of the land formed public open space, three objections from local residents were received as well as an objection from Rolleston Village Hall Management Committee. The report summarised the nature of the objections and the Council's response.

AGREED (unanimously) that Cabinet:

- a) consider the objections to the proposed land sale and development of the land at The Greenaway, Rolleston; and
- b) given on balance no issues are raised of sufficient significance to change the Cabinet's previous decision, that the disposal to Arkwood Developments Ltd proceed, subject to full planning permission being granted.

#### Reasons for Decision

The redevelopment of the land will contribute to the Council's Community Plan objective to create more and better quality homes through our role as landlord and developer.

#### Options considered

Cabinet could decide not to proceed with the sale in light of the objections received, but this is not considered necessary in the circumstances.

(Having declared an interest Councillor Tim Wendels did not vote on this item).

## 65 CYBER SECURITY STRATEGY

The Deputy Leader and Portfolio Holder for Organisational Development & Governance presented a report which set out the proposed Cyber Security Strategy for adoption by the Council. Implementation of the Strategy would ensure that the Council delivered a vision and plan to manage cyber security threats whilst reducing risk, protecting residents and stakeholder data from misuse and cyber threats. It was noted that the Cyber Security Implementation Plan was not a public facing document given its sensitive content and was therefore attached as an exempt appendix to the report. The Cabinet welcomed the proposed strategy and highlighted the importance of cyber security.

AGREED (unanimously) that the adoption and wider communication of the Cyber Security Strategy be approved.

#### Reasons for Decision

To raise awareness of the Cyber Security agenda and obtain buy-in to the implementation plan, providing assurance to our residents, businesses, and external stakeholders.

#### Options Considered

Not to adopt a cyber security strategy, but this would be contrary to best practice.

#### 66 APPROVAL OF NATIONAL PORTFOLIO ORGANISATION - DETAILED PLANS

The Portfolio Holder for Economic Development & Visitors presented a report which sought approval for the Activity Plan, Investment Principles Plan and budget for year one of Newark & Sherwood District Council's National Portfolio Organisation funding as a requirement of the Arts Council England's funding agreement.

AGREED (unanimously) that Cabinet:

- a) formally approves the Activity Plan, Investment Principles Plan and budget for year 1; and
- b) agrees that in years 2 and 3, responsibility for considering the Plans will sit with the National Portfolio Organisation Board, with authority for approval being delegated to the Portfolio Holder for Economic Development & Visitors who will also be a member of the Board.

#### Reasons for Decision

The proposals will contribute to the creation of vibrant and self-sufficient local communities, working directly with communities and disadvantaged groups to create cultural value. This will help improve the health and wellbeing of local residents through targeted participatory activity, and the plans will support the Heritage & Culture Business Unit to deliver inclusive and sustainable economic growth as it further cements its position as a cultural destination and hub for the town and district.

#### Options Considered

The approval of the plans is a requirement of the Arts Council England's funding agreement.

#### 67 2023/24 HRA BUDGET AND RENT SETTING (KEY DECISION)

The Portfolio Holder for Homes & Health presented a report which detailed the proposed Housing Revenue Account budget for 2023/24 and charges in rent and service charge levels as from 1 April 2023 for recommendation to the Full Council at the meeting to be held on 7 February 2023 for approval.

The report examined the proposed income and expenditure on the Housing Revenue

Account for 2023/24 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 2024/25 to 2026/27. The report also made recommendations to set rent levels and service charges for 2023/24.

The setting of the Housing Revenue Account budget and the approval of rent levels would be presented to the Full Council Meeting in February 2023, which would allow the required time to notify tenants of proposed changes to rents in accordance with the legislation.

AGREED (with 5 for and 1 against) that Cabinet recommend to Council at its meeting on 7 February 2023:

- a) the HRA budget for 2023/24, as set out in Appendix A1 to this report be approved;
- b) an increase of 5% in the 2022/23 rents of all properties in the HRA as at 31 March 2023 be applied from 1 April 2023;
- c) a rent increase for all relets of 11.1%;
- d) the 2023/24 service charges, as set out in Appendix C, to this report be approved; and
- e) that a fund of £300,000 be created, funded by the Newark and Sherwood Homes Transfer Reserve to fund initiatives to support tenants impacted by the increased charges including a tenant welfare fund.

#### Reasons for Decision

To advise Members of the proposed HRA budget and charges in rent and service charge levels for 2023/24 and for these to be recommended to Council at its meeting on 7th February 2023.

#### Options Considered

Various modelling was undertaken to assess the impact of different rent levels on the viability of the HRA 30-year business plan to arrive at the recommendations in the report.

Consideration was also given to varying the increases between general needs and supported (sheltered and extra care) accommodation but no rationale was found to support this, alongside the equitable nature of any decision to do so.

#### 68 ENVIRO-CRIME ENFORCEMENT (KEY DECISION)

The Portfolio Holder- Cleaner, Safer Greener presented a report concerning the future provision of enviro-crime enforcement using a via third party enforcement company.

In September 2021, the Leisure & Environment Committee agreed to a one-year Enviro-crime enforcement pilot with a third party company, Waste Investigations, Support and Enforcement (WISE). A three month extension to the original 12 month contract was agreed by the Cabinet in July 2022 which extended this to 25 January 2023. Since the start of the contract and up to 31 December 2022, there had been 3,713 fixed penalty notices issued and there had been a corresponding increase in awareness of environmental enforcement. It was proposed that this contract be extended to cover the period while the Council sought a tender exercise for the future provision of the service. It was noted that the Policy & Performance Improvement Committee had requested oversight of the detail of the arrangements prior to contracts being entered into.

AGREED (unanimously) that:

- a) final approval be given for the Council to procure environmental enforcement services in relation to the management of fixed penalty notices for littering and dog fouling for a 3-year period;
- b) delegated authority be given, following oversight by the Policy & Performance Improvement Committee, to the Director Communities & Environment to agree terms for the contractual arrangement in consultation with the Assistant Director Legal & Democratic Services; and
- c) the current pilot be extended for a further five months to allow procurement of a suitable contractor.

#### Reasons for Decision

To enable effective dog fouling and litter enforcement to be introduced into the District and to support the Community Plan objectives.

#### Options Considered

The service could be provided in-house but this was rejected due to the need for Community Protection Officers to undertake a wider range of duties.

#### 69 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 item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraphs 1,3,5 and 7 of Part 1 of Schedule 12A of the Act.

#### 70 LAND AT OLD HALL FARM, EDINGLEY

The Cabinet considered the exempt report in relation to a Land at Old Hall Farm, Edingley.

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

1972).

Meeting closed at 6.19 pm.

Chairman

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

Document is Restricted

## NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Executive Shareholder Committee** held in the Civic Suite, Castle House, Great North Road, Newark, NG24 1BY on Tuesday, 20 December 2022 at 6.00 pm.

PRESENT: Councillor D Lloyd (Chairman)

Councillor K Girling, Councillor Mrs R Holloway, Councillor R Jackson,  
Councillor P Peacock and Councillor T Wendels

### 1 DECLARATIONS OF INTEREST FROM MEMBERS AND OFFICERS

Councillor T. Wendels – Agenda Items No. 5, 6, 8 and 9

Declared an Other Registerable Interest as a Director of Arkwood Developments Ltd.

Sanjiv Kohli - Agenda Items No. 5, 6, 8 and 9

Declared an Interest as a Director of Arkwood Developments Ltd.

Councillor K. Girling – Agenda Item No. 4

Declared an Other Registerable Interest as Chairman of the Active4Today Board.

### 2 NOTIFICATION TO THOSE PRESENT THAT THE MEETING WILL BE RECORDED AND STREAMED ONLINE

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

### 3 ACTIVE4TODAY PERFORMANCE AND BUSINESS PLAN (KEY DECISION)

The Committee considered the report presented jointly by the Director – Housing, Health & Wellbeing and the Managing Director – Active4Today which sought to present to Members the performance of Active4Today for the period to November 2022. A draft of the Business Plan for 2023/2024 was also attached as an appendix to the report for consideration.

An overview of performance including usage and financial performance was reported together with an update against the performance indicators and performance against the Company's sports development function. It was noted that the overall performance was positive, in particular the recovery from the pandemic. However, there had been a number of significant financial impacts, including the impact of the pay award, increased utilities costs and increased costs for supplies and services with the overall impact being reported as a deficit increase of £45,980.00. Details of the proposed future reporting arrangements were detailed in paragraph 2.4. The draft Business Plan was appended to the report, noting that it was to be developed into a reporting framework in order that performance against the offer could be monitored. In addition, the draft Business Plan would be reviewed to ensure it aligned to the Council's key objectives and that work would be undertaken with council Officers to maximise support to residents through the cost-of-living crisis.

In response to what measures were in place to retain both new and existing members, the Managing Director for Active4Today advised that customers often left after failing to meet their own unrealistic targets and that this was the same nationally. It was noted that customer feedback on social media was good with positive customer satisfaction levels. In comparison to other similar companies, Active4Today was doing well.

In noting that the development of the Business Plan was ongoing, Members suggested that the following points be taken into consideration:

- That a 3-year medium term forecast for the management fee be developed;
- Ensure that any digitising of the service reflected the ethos of the Council, with regards to the customer experience including: accessibility, customer interaction, customer feedback processes;
- That the impact of the cost of living pressures within the district and how A4T may be able to support residents in accessing facilities whilst maintaining a sustainable offer be considered;
- Identify the value of volunteers accessing the volunteering pathway through VISPA and how this aligned to the Community Plan;
- Identify the costs associated with the sports development offer and percentage attributed to the management fee received from the Council and provide a summary sheet of the business plan, e.g. the targets and actions, so these can be easily located and seen in a single table.
- Provide the reasoning for the increase in reserves.

In response to the above, the Managing Director advised that he had created a 3 year forecast which would require a revision to the Medium Term Financial Plan. In relation to the digitisation of the service provision, he advised that an app was to be launched in the new year which would enable customer satisfaction data to be captured, details of which would be provided to the next meeting of the Committee.

AGREED that:

- a) the performance of Active 4 Today to Period 8 be noted;
- b) the 2023/24 Business Plan be considered, with the specific amendments as put forward by the Executive Shareholder Committee being incorporated; and
- c) the performance framework for Active 4 Today be revised and enhanced as outlined in the report.

#### 4 PERFORMANCE OF ARKWOOD - QUARTER 2 - 2022-23

The Committee considered the report of the Chief Executive which sought to present to Members the performance of Arkwood Developments Ltd. for Quarter 2 (July – September 2022). Details of the performance were provided in the exempt appendix to the report.

AGREED that the Arkwood Performance Report be noted with the Committee considering the Company's performance against its targets and objectives.

5 REVIEW OF GOVERNANCE AGREEMENT

The Committee considered the report presented by the Assistant Director – Legal & Democratic Services which sought to update Members on the proposed updates to the Governance Agreement between the Council and Arkwood Developments Ltd. It was reported that the review of the Agreement had been to ensure consistency with the Council's revised internal governance arrangements and to also to consider if any other revisions were necessary. The proposed revisions were detailed within the appendix to the report.

AGREED that the updated Governance Agreement as set out in the Appendix to the report be approved for formal adoption by Full Council.

6 EXCLUSION OF THE PRESS AND PUBLIC

AGREED that under Section 100(A) of the Local Government Act 1972, the press and public be excluded from the meeting during discussion of this item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Schedule 12 A of the Act and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

7 PERFORMANCE OF ARKWOOD - QUARTER 2 - 2022-23

The Committee considered the exempt report in relation to the performance of Arkwood in Q2 (July-September 2022).

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

8 ARKWOOD DEVELOPMENTS LIMITED - REVOLVING FACILITY AGREEMENT

The Committee considered the exempt report in relation to Arkwood Developments Ltd., Revolving Facility Agreement.

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

Meeting closed at 7.56 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 **Planning Committee** held in the Civic Suite, Castle House, Great North Road, Newark, Notts, NG24 1BY on Thursday, 8 December 2022 at 4.00 pm.

PRESENT: Councillor R Blaney (Chairman)  
Councillor Mrs L Dales (Vice-Chairman)

Councillor M Brock, Councillor R Crowe, Councillor L Goff, Councillor Mrs R Holloway, Councillor Mrs P Rainbow, Councillor M Skinner, Councillor I Walker, Councillor K Walker and Councillor Mrs Y Woodhead

APOLOGIES FOR ABSENCE: Councillor A Freeman (Committee Member), Councillor S Saddington (Committee Member), Councillor T Smith (Committee Member) and Councillor T Wildgust (Committee Member)

### 67 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

Councillor R V Blaney declared Non-Registerable Interest regarding Application No. 22/02063/TWCA, St. Denis's Church, Main Street, Morton, as he was the Church Warden and agent.

Councillor Mrs L Dales declared a Disclosable Pecuniary Interest regarding Application No. 22/01824/LDCP, 2 Redmay Corner, Main Street, South Scarle, Newark on Trent, as her husband was the applicant.

Councillor Mrs P Rainbow informed the Planning Committee that she had spoken on the telephone to the applicant regarding Application No. 22/00874/HOUSE, Meadow Farm, Greaves Lane, Edingley.

Councillor I Walker declared a Non-Registerable Interest regarding Application No. 22/01331/FUL, Land Adjacent to Fosse Road, Farndon, as his daughter was Vice-Chairman of Farndon Parish Council. Councillor K Walker also declared a Non-Registerable Interest regarding this application as his niece was Vice-Chairman of Farndon Parish Council.

Councillors L Dales, I Walker and K Walker declared Non-Registerable Interests as appointed representatives on the Trent Valley Internal Drainage Board.

### 68 NOTIFICATION TO THOSE PRESENT THAT THE MEETING WILL BE RECORDED AND STREAMED ONLINE

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

### 69 MINUTES OF THE MEETING HELD ON 10 NOVEMBER 2022

AGREED that the Minutes of the meeting held on 10 November 2022 were approved as a correct record and signed by the Chairman.

70 LAND ADJACENT TO FOSSE ROAD, FARNDON - 22/01331/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought the erection of a four-bedroom bungalow.

Members considered the presentation from the Business Manager – Planning Development, which included photographs and plans of the proposed development.

A schedule of communication was tabled at the meeting, which detailed correspondence received from the Flood Risk Assessment Author.

Members considered the application, and it was felt that there was a need for a bungalow in this location given that Farndon had all facilities to offer this development. The building itself was not in the flood zone and it was questioned whether the driveway could be raised to alleviate the issue with that being in flood Zone 2. It was commented upon that to a local Members knowledge that land had never flooded and that it was a shame that the land would not be used given that there were developments surrounding that plot. Another Member commented that a consistent approach should be taken when considering Planning applications and the application should be refused on the advice of the Environment Agency on the grounds of being in flood Zone 2. The Chairman commented that it was disappointing that the land could not be developed however if the Committee were minded to refuse the application that there may be a solution to the land being developed, possibly through the access of a surrounding property, if that could be secured.

The Business Manager – Planning Development commented that the applicant had the right of appeal and that dwelling houses were more vulnerable as people reside there. This application was also for a bungalow which was more vulnerable than a two-storey house. The land may be feasible for allotments, or possibly a small business, although the surrounding development would need to be protected.

The Chairman commented that he hoped the applicant would engage with Officers, as this Committee would like to see some development on that parcel of land.

AGREED (with 6 votes For and 5 votes Against) that planning permission be refused for the reasons contained within the report.

71 LURCHER FARM BARN, MANSFIELD ROAD, FARNSFIELD - 22/01527/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought the erection of a new residential dwelling, demolishing the existing building, with associated parking and private amenity space, following a site visit.

Members considered the presentation from the Senior Planning Officer, which included photographs and plans of the proposed development.

A schedule of communication was tabled at the meeting, which detailed correspondence received from the Agent and Planning Case Officer.

Councillor B Laughton, Local Ward Member for Farnsfield, spoke in support of the development on the grounds that the applicant would like to build a property on the site of his business, which would be used as a family home and be retained by the applicant. The site although taller than what was currently in situ would not be seen from the road and would be hidden by trees. He mentioned that the current development had been cheaply constructed and may fall down if converted, it was therefore felt that a new build would be an improvement and would make it easier for the family and provide a development with an enhanced value.

Members considered the application, and it was commented that there were bats roosting on site which needed to be protected. Another Member commented that whilst he had no problem with the development, he did have a problem with the removal of the line of poplar trees, it was felt that a road could be built in front of them. A Member commented that she could not see any special circumstances and that the current building could be converted.

AGREED (with 8 votes For and 3 votes Against) that planning permission be refused for the reasons contained within the report, subject to the revised Reason for Refusal No. 2 as set out on the Schedule of Communication.

72 LAND NORTH OF HALLOUGHTON, SOUTHWELL - 22/01858/S73M

The Committee considered the report of the Business Manager – Planning Development, which sought the variation of condition 6 attached to the appeal decision for planning application 20/01242/FULM to amend the approved plans.

Members considered the presentation from the Business Manager – Planning Development, which included photographs and plans of the proposed development.

A schedule of communication was tabled at the meeting, which detailed correspondence received from the Agent.

Members considered the application acceptable.

AGREED (with 9 votes For and 2 Abstentions) that planning permission be approved, subject to the conditions contained within the report.

73 MEADOW FARM, GREAVES LANE, EDINGLEY - 22/00874/HOUSE

The Committee considered the report of the Business Manager – Planning Development, which sought the extension and refurbishment works to the farmhouse, which was part retrospective, following a site visit.

Members considered the presentation from the Senior Planning Officer, which included photographs and plans of the proposed development.

A schedule of communication was tabled at the meeting, which detailed correspondence received from the Agent. The agent had requested for the application to be determined at committee without the amendments submitted 21 November 2022.

Members considered the application and the local Ward Member commented that the dwelling had been left in a derelict state and the alterations made had enhanced the site. There had been a number of letters in support of the application including support of the Parish Council, who encouraged families to settle in Edingley. It was commented that the Oak cladding would mellow in time and fitted in with Meadow Barn next door, which was totally wood cladded. The previous windows were not original and dated back to 1988, therefore had no merit. The current windows and roof tiles had been chosen carefully to reflect the cottage style. It was alleged that the applicant had engaged with the Local Planning Authority and had been advised that there was nothing contentious regarding their plans. The applicant had only added a small amount more than permitted development. Retrospective applications were not a material consideration and she asked that the family be given a home they had built and need. Other Members felt that the character of the property had been fundamentally changed, was incongruous in setting and the materials were not suitable. It was commented that the applicant should have appealed against the refusal issued in 2021. It was considered not right to undertake alterations of this scale without seeking planning permission.

AGREED (with 9 votes For and 2 votes Against) that planning permission be refused for the reasons set out within the report.

74 CAUNTON COTTAGE, AMEN CORNER, CAUNTON - 22/01902/HOUSE

The application was withdrawn from the agenda and would be considered at a future Planning Committee.

Councillor L Goff left the meeting at this point.

75 2 REDMAY CORNER, MAIN STREET, SOUTH SCARLE, NEWARK ON TRENT - 22/01824/LDCP

The Committee considered the report of the Business Manager – Planning Development, which sought a certificate of lawfulness for proposed replacement conservatory.

Members considered the presentation from the Business Manager – Planning Development, which included photographs and plans of the proposed development.

Members considered the application acceptable.

*(Having declared a Disclosable Pecuniary Interest, Councillor Mrs L Dales left the meeting for the duration of this item).*

AGREED (unanimously) that a certificate of lawfulness be approved for the reason detailed within the report.

*(Councillor Mrs L Dales returned to the meeting).*

76 ST DENIS'S CHURCH, MAIN STREET, MORTON - 22/02063/TWCA

The Committee considered the report of the Business Manager – Planning Development, which sought the following:

1no Cedar - 8 on accompanying plan - remove snapped/broken branches and overall crown reduction of approx 1-2m, crown thin to a max. of 15% and crown lift to 1-2m

1no Mulberry -10 on accompanying plan - remove

1no Rowan - 27 on accompanying plan - remove

Members considered the presentation from the Business Manager – Planning Development, which included photographs and plans of the proposed development.

Members considered the application acceptable.

*(Having declared a Non-Registerable Interest, Councillor R V Blaney left the meeting for the duration of this item).*

AGREED (unanimously) that no objections to the proposed works.

*(Councillor R V Blaney returned to the meeting).*

77 PROTOCOL FOR MEMBERS ON DEALING WITH PLANNING MATTERS

The Business Manager – Planning Development sought Member approval regarding an amendment to the protocol for Members on dealing with planning matters following recent case law.

Members were informed of recent case law published which highlighted that it would be beneficial to provide greater clarity, in order to minimise the risk of any legal challenge, in relation to decisions made by Members of the Planning Committee.

Section 15: Voting at Committee of the Protocol set out when a member was able to vote on an agenda item:

*“15.1 Any member who is not present throughout the whole of the presentation and debate on any item shall not be entitled to vote on the matter.”*

Recent case law R (on the application of The Spitalfields Historic Building Trust) v London Borough of Tower Hamlets (LBTH), Date: 6 September 2022, [2022] EWHC 2262 (Admin) was a challenge against the London Borough of Tower of Hamlets (LBTH) by an interested party that the Council had erred in its decision making at their planning committee. A summary of the case in a report was presented to the committee in April 2021 at which time it was deferred. The application was re-presented in September 2021 by which time a new Constitution had been adopted as well as a change in the membership of the committee. LBTH’s Constitution was such that only those members who were present at the April 2021 meeting were able to vote at the September meeting. The case was dismissed, and the Court found the power prohibiting members from the vote on the deferred application had been lawfully constructed in Council’s Constitution and fell within the Local Authority’s power under Paragraph 42 of Schedule 12 to the Local Government Act 1972. However, the case highlighted the need for clarity when exercising the discretion to

regulate proceedings and business.

It was reported that each council adopted their own constitution, protocols and delegation arrangements. Newark and Sherwood District Council was different in that it only related to members needing to be present at the meeting on the day a decision was made. However, to provide clarity for all, the proposed change was recommended:

15.1 Any member who is not present throughout the whole of the presentation and debate on any item shall not be entitled to vote on the matter. For clarity, the '*whole of the presentation and debate*' comprises only the presentation and debate on the day the application is determined. It does not include any previous presentation and/or debate of the item for either referrals or resolutions to approve subject to '...' which might include completion of a s106 planning obligation, consultations or notifications to expire or other matter.

In addition, it had been noted that the paragraph numbering of the document adopted in June was, towards the end of the document, mistyped. There was also an error in paragraph 15.1 of the report and the last word should read 'matters' and not matter. Those amendments were also suggested to be corrected.

AGREED: (unanimously) that Planning Committee adopt the amended Protocol for Members on dealing with planning matters, including the additional amendments.

78 APPEALS LODGED

AGREED that the report be noted.

79 APPEALS DETERMINED

AGREED that the report be noted.

Meeting closed at 5.32 pm.

Chairman

## NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Planning Committee** held in the Civic Suite, Castle House, Great North Road, Newark, Notts, NG24 1BY on Thursday, 19 January 2023 at 4.00 pm.

PRESENT: Councillor R Blaney (Chairman)  
Councillor Mrs L Dales (Vice-Chairman)

Councillor M Brock, Councillor R Crowe, Councillor A Freeman,  
Councillor L Goff, Councillor Mrs R Holloway, Councillor Mrs P Rainbow,  
Councillor M Skinner, Councillor I Walker, Councillor K Walker and  
Councillor T Wildgust

APOLOGIES FOR ABSENCE: Councillor S Saddington (Committee Member), Councillor T Smith (Committee Member) and Councillor Mrs Y Woodhead (Committee Member)

### 80 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

Councillor Mrs L Dales declared a Non-Registrable Interest regarding Application No. 22/02122/HOUSE, Sunray, Main Street, South Scarle, as she was known to the applicants parents, and would leave the meeting for the duration of the item.

Councillors L Dales, I Walker and K Walker declared Non-Registerable Interests as appointed representatives on the Trent Valley Internal Drainage Board.

### 81 NOTIFICATION TO THOSE PRESENT THAT THE MEETING WILL BE RECORDED AND STREAMED ONLINE

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

### 82 MINUTES OF THE MEETING HELD ON 8 DECEMBER 2022

AGREED that the Minutes of the meeting held on 8 December 2022 were approved as a correct record and signed by the Chairman.

### 83 CAUNTON COTTAGE, AMEN CORNER, CAUNTON - 22/01902/HOUSE

The Committee considered the report of the Business Manager – Planning Development, which sought the removal of the front porch and rear extension, the erection of a new two storey side/rear and single storey rear extensions and alterations to the existing window and doors and raise the existing cottage ridge. A site visit had taken place previously.

Members considered the presentation from the Senior Planning Officer, which included photographs and plans of the proposed development.

The Senior Planning Officer informed the Committee that comments had been received after the publication of the agenda from Caunton Parish Council who were in

support of the application.

Members considered the application acceptable.

AGREED (unanimously) that planning permission be approved subject to the conditions contained within the report.

84 CHAPEL FARM CHAPEL LANE EPPERSTONE - 22/02123/FUL

The Committee considered the report of the Business Manager – Planning Development, which sought the demolition of the existing dwelling and removal of the foundation structure of the part-built barn, the erection of replacement dwelling, a new detached garage and timber garden shed plus the erection of a retaining wall to secure the adjacent footpath. A site visit had been previously undertaken.

Members considered the presentation from the Senior Planning Officer, which included photographs and plans of the proposed development.

Councillor P Bracegirdle, on behalf of Epperstone Parish Council, spoke in support of the application in accordance with the views of Epperstone Parish Council, as contained within the report.

A schedule of communication was tabled at the meeting, which detailed correspondence received from the Agent and Planning Case Officer. A list of conditions was attached as Appendix B to the Schedule of Communication by the Planning Case Officer.

Members considered the application, and it was considered after some debate acceptable.

AGREED (with 10 votes For 1 vote Against and 1 Abstention) that planning permission be approved subject to the conditions contained in appendix B of the schedule of communications dated 19.01.23.

Having declared a Non-Registrable Interest on the following application, Councillor Mrs L Dales left the meeting at this point.

85 SUNRAY, MAIN STREET, SOUTH SCARLE, NOTTINGHAMSHIRE - 22/02122/HOUSE

The Committee considered the report of the Business Manager – Planning Development, which sought a part two-storey, part single-storey side and front extension and insertion of dormer windows.

Members considered the presentation from the Senior Planning Officer, which included photographs and plans of the proposed development.

A schedule of communication was tabled at the meeting, which detailed correspondence received from a Neighbouring Resident and the Parish Meeting.

Members considered the application, and it was commented that a site visit may have

been beneficial in considering this application. The Chairman informed the Committee that the reason the application was before the Planning Committee was that the applicant was a Council employee, as South Scarle Parish Meeting had not objected to the application the application would otherwise have been determined under delegated authority. Other Members felt that the proposals were acceptable and commented that South Scarle was a small village and the applicant was trying to improve their living space whilst remaining in the village.

A vote was taken to defer the application for a site visit which was lost with 3 votes For and 8 votes Against.

AGREED (with 8 votes For, 2 votes Against and 1 Abstention) that planning permission be approved subject to the conditions contained within the report.

86 TEMPORARY VACCINATION CENTRE, BRACKENHURST (NOTTINGHAM TRENT UNIVERSITY), SOUTHWELL

The Committee considered the report of the Director – Planning Committee, which sought approval from the Committee for the under enforcement of the temporary use of the auditorium at Brackenhurst for vaccination purposes by the NHS.

Members were informed that the Government had introduced temporary permitted development rights under Schedule 2, Part 12A (Development by Local Authorities and Health Service Bodies) of the Town and Country Planning (General Permitted Development) (England) Order 2015 in 2021 to facilitate a number of developments and uses as a result of the Covid-19 pandemic. One of those rights enabled the health service to provide vaccination centres in non-health related buildings (health centres fall within Use Class E – Commercial, Business and Service). This permitted development right expired on 31 December 2022.

NHS England had contacted the Council to advise an extension of this right was required to facilitate vaccinations in Spring and Autumn 2023. The vaccinations were proposed to be continued within the auditorium building at weekends and it was likely to be required for up to a maximum of 15 weeks.

Officers consider that this would unlikely amount to a material change of use and therefore, formal planning permission was not required.

It was considered that, even if Members' conclusion was that it was material or if the number of weekends required was increased, it was considered that it would be reasonable to under enforce to enable NHS England to deliver the boosters necessary for the health of the community. This decision to under enforce would be subject to planning complaints not being received that are not outweighed by the benefits of this service i.e. consideration to expediency.

NHS England had asked regions to ensure checks had been undertaken to ensure that respective centres could remain open. Confirmation was needed prior to the end of the last calendar year and an informal letter of comfort was provided with the caveat this report was to be provided for Members to consider.

Members considered the application acceptable.

AGREED (unanimously) that:

(a) under enforce the temporary breach of planning control at Brackenhurst Campus, Southwell to facilitate the vaccination timetable to be imposed by the NHS, be approved; and

(b) for this to be until 31 December 2023; and

(c) during weekends only.

87 APPEALS LODGED

AGREED that the report be noted.

88 APPEALS DETERMINED

AGREED that the report be noted.

89 DEVELOPMENT MANAGEMENT PERFORMANCE REPORT

The Committee considered a report presented by the Senior Planning Enforcement Officer which related to the performance of the Planning Development Business Unit over the three-month period October to December 2022 as well as providing an overview of the performance and achievements across the financial year. In order for the latest quarter's performance to be understood in context, in some areas data going back to July 2020 was provided. The performance of the Planning Enforcement team was provided as a separate report.

AGREED that the report be noted.

90 QUARTERLY PLANNING ENFORCEMENT ACTIVITY UPDATE REPORT

The Committee considered the report presented by the Senior Planning Enforcement Officer which provided an update on Enforcement Action for the third quarter of the current financial year 2022/23. The report included cases where formal action had been taken and case studies which showed how the breaches of planning control had been resolved through negotiation and Notices that had been complied with.

AGREED that the report be noted.

Meeting closed at 5.23 pm.

Chairman

## NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Trustee Board of the Gilstrap and William Edward Knight Charities** held in the Civic Suite, Castle House, Great North Road, Newark NG24 1BY on Wednesday, 11 January 2023 at 6.00 pm.

PRESENT: Councillor Mrs R Crowe (Chairman)

Councillor K Girling, Councillor L Goff, Councillor S Haynes, Councillor R Crowe and Councillor J Kellas

APOLOGIES FOR ABSENCE: Councillor M Cope (Committee Member) and Councillor M Skinner (Committee Member)

### 39 DECLARATIONS OF INTERESTS FROM MEMBERS AND OFFICERS

NOTED that:

(a) the following voting Members declared Interests in Agenda Item No. 7 – Land Off Cedar Avenue/Lincoln Road, as elected Members of Newark Town Council.

Councillor Mrs R Crowe  
Councillor Laurence Goff

(b) Councillor Robert Crowe as a non-voting Member declared an interest in Agenda Item No. 7 – Land Off Cedar Avenue/Lincoln Road, as elected Member of Newark Town Council.

### 40 NOTIFICATION TO THOSE PRESENT THAT THE MEETING WILL BE RECORDED AND STREAMED ONLINE

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

### 41 MINUTES OF THE MEETING HELD ON 5 MAY 2022

AGREED that the Minutes of the meeting held on 5 May 2022 were approved as a correct record and signed by the Chairman.

### 42 TRUST ACCOUNTS FOR FINANCIAL YEAR ENDING 31 MARCH 2022

The Trustees considered the report presented by the Assistant Business Manager – Financial Services which sought approval for the Statutory Accounts for the W.E. Knight and Gilstrap Charities for the financial year ended 31 March 2022.

The report set out the income and expenditure for both charities and that the annual accounts must be submitted to the Charities Commission within 10 months of the end of their financial year, this being 31 January 2023. The report also stated that an audit of the accounts was required if the annual income was over £25,000 but that this was

only necessary for the Gilstrap Charity whose income breached that threshold.

AGREED (unanimously) that:

- (a) the W.E. Knight accounts for the financial year ended 31 March 2022 and the publication on the charities commission be approved;
- (b) the Gilstrap accounts for the financial year ended 31 March 2022 and the publication on the charities commission be approved.

43 NEWARK R&M CRICKET CLUB PROJECT - UPDATE

The Trustees considered the report presented by the Assistant Director Legal & Democratic Services, Monitoring Officer, which updated the Board on the progress since the Board's last meeting on the 5 May 2022. At that meeting it was reported that an urgency decision had been taken, in consideration with all Members of the Trustee Board, to offer the balance of the unallocated reserve of £27,000, to the Club in respect of the project to ensure the development could proceed within the current costing envelope, as any delay would result in additional costs. The entire allocated spend had been paid to the Club and was provided in the report.

A verbal update on the project was brought to the meeting, which informed the Board that Phase 1 (shell-only) of the new changing room build had been completed. The foundations, external structure and roof had been undertaken making the building secure and watertight. Those works had utilised the balance of the funding received, and it was confirmed that the Developer was extremely grateful to the W.E Knight Trust for supporting them to this stage. They were seeking additional funding to help complete the remaining stages of the build, namely the utility installations and full internal construction. They would continue to pursue that funding and would keep the Trust updated. They remained grateful for any help the Trust, or Trustees could provide in identifying sources of funding.

A Trustee sought clarification regarding the shortfall and commented on an opportunity of the field adjacent to the cricket club, which could be turned into a football pitch. It was questioned whether the constitution would allow that to take place.

The Assistant Director Legal & Democratic Services, Monitoring Officer, confirmed that she would make enquiries with the cricket club and bring a report back to the Board.

AGREED that:

- (a) the report be noted; and
- (b) the Assistant Director Legal & Democratic Services, Monitoring Officer, make enquiries with the cricket club and bring a report back to a future Board meeting.

44 LAND OFF CEDAR AVENUE/LINCOLN ROAD - UPDATE

The Trustees considered the report presented by the Assistant Director Legal & Democratic Services, Monitoring Officer which updated the Trustee Board on progress since the Board's last meeting on 5 May 2022.

Since that meeting on 5 May 2022, external legal advisors had been instructed and the Charity Commission submission had now been finalised.

The Clerk to the Trustee Board had met with the Clerk to the Town Council for an initial discussion and provided relevant documentation regarding land ownership for review.

Members noted that there was a District Council multi-use games area (MUGA) on the site. This was maintained at the cost of the District Council and the District Council had historically met all other maintenance costs for the land in recognition of the MUGA being allowed on the site by the Trustee Board. If the land was sold to the Town Council, the Town and District Councils would need to reach agreement on management and responsibility for the MUGA going forward. This had already been raised as an issue for the Town Council to consider. The annual condition report had recently been obtained and provided to the Town Council for consideration. It was reported that further updates would be brought to the Board when available.

A Trustee asked if the legal agreement could be drafted ahead of confirmation from the Charity Commission in order to speed up the process. The Assistant Director Legal & Democratic Services, Monitoring Officer confirmed that arrangements would be made with Newark Town Council.

AGREED that;

- (a) the report be noted; and
- (b) arrangements regarding the legal agreement commence with Newark Town Council.

45 DATE OF NEXT MEETING

AGREED that the date of the next meeting be held on 5 April, 2023, at 6pm.

Meeting closed at 6.12 pm.

Chairman