

## 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, 23 January 2024 at 6.00 pm.

PRESENT: Councillor P Peacock (Chair)

Councillor R Cozens, Councillor S Crosby, Councillor L Brazier,  
Councillor K Melton, Councillor E Oldham, Councillor M Spoons,  
Councillor P Taylor and Councillor R Holloway

ALSO IN ATTENDANCE: Councillor S Michael, Councillor P Rainbow, Councillor N Ross and  
Councillor T Wendels

### 78 DECLARATIONS OF INTEREST FROM MEMBERS AND OFFICERS

There were no declarations of interest.

### 79 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.

### 80 MINUTES FROM THE PREVIOUS MEETINGS HELD ON 5 DECEMBER 2023 AND 19 DECEMBER 2023

The minutes from the meetings held on 5 December and 19 December 2023 were agreed as a correct record and signed by the Chair.

### 81 CHAIR'S UPDATE

The Leader and Chair made a statement in relation to Southwell Leisure Centre as follows:

“At our last Cabinet meeting, we agreed to set aside £5.5m to provide a new swimming pool facility at Southwell Leisure Centre. We agreed that this presented better value for money than spending an estimated £645,000 on repairing the pool, given the risk of other repair items emerging in the 60-year-old building. We see the pool as the first step towards the development of a new leisure centre on the site.

I'm disappointed to report that we've not progressed things in the way we'd have hoped as some representatives of the Trust are clinging on to repair of the pool as their preferred option, either instead of, or as well as a replacement pool. I want to make it clear, yet again, that the Council will not use taxpayers money from across the District to repair a 60-year old pool and urge Southwell Leisure Centre Trust to focus on working with us on a replacement.”

### 82 COUNCIL TAX EMPTY HOMES PREMIUM (KEY DECISION)

The Business Manager – Financial Services presented a report on the current position relating to the Council Tax empty homes premium charges and collection. The proposal in the report was to change the date on which the Council tax long-term empty home premium becomes due from two years to one as had been enabled by the Levelling-Up & Regeneration Bill, which received Royal Assent in October 2023. This proposal would support the Council and Government policy in helping to reduce the number of empty homes by giving an incentive to owners to bring the properties back into use, by either selling or renting the property.

It was noted that the element of the total Council Tax liability which related to the District Council's income, would increase by £114,500 to £229,000.

AGREED (unanimously) that Cabinet recommends to Full Council the proposal to increase the long-term empty home premium as set out in paragraph 2.7 of the report, effective from 1 April 2024.

#### Reason for Decision

To enable Cabinet to consider changing the trigger date for charging empty home premium from two years to one year.

#### Options Considered

The alternative is to leave charging unchanged.

### 83 2024/25 HOUSING REVENUE ACCOUNT BUDGET AND RENT SETTING (KEY DECISION)

The Business Manager – Financial Services presented a report which examined the proposed income and expenditure on the Housing Revenue Account (HRA) for the 2024/25, in accordance with Section 76 of the Local Government and Housing Act 1989. The report also detailed indicative amounts of income and expenditure for the 2025/26 to 2027/28 financial years and proposed rent levels and service charges for 2024/25, with effect from the first Monday in April 2024.

The setting of the HRA budget and the approval of rent levels would be presented to the Full Council Meeting in February 2024, which would allow the required time to notify tenants of proposed changes to rents in accordance with the legislation.

AGREED (with 8 votes for and 1 against) that Cabinet recommend to Full Council at its meeting on 13 February 2024:

- a) the HRA budget for 2024/25, as set out in Appendix A1 to the report;
- b) an increase of 7.7% in the 2023/24 rents of all properties in the HRA as at 31 March 2024 be applied from 1 April 2024; and
- c) the 2024/25 service charges, as set out in Appendix C to the report.

#### Reason for Decision

To advise Members of the proposed HRA budget and charges in rent and service charge levels for 2024/25 and for these to be recommended to Full Council at its meeting on 13 February 2024.

### 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 recommendation made to the Cabinet.

Consideration was also given to varying 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.

## 84 BIODIVERSITY NET GAIN - POLICY AND ACTIONS (KEY DECISION)

The Biodiversity & Ecology Lead officer presented a report which informed Cabinet of the four 'topics' relating to mandatory Biodiversity Net Gain (BNG) and proposed recommended actions that were considered necessary in the run up to implementation.

The Environment Act 2021 set the legislative background for the implementation of mandatory BNG of at least 10%, and two draft Statutory Instruments were laid before Parliament on 30 November 2023, and the Biodiversity & Ecology Lead officer confirmed that that mandatory BNG would come into force as from 12 February 2024. The Cabinet also noted that the report had also been considered by the Planning Policy Board who had recommended approval following a lengthy debate.

AGREED (unanimously) that Cabinet:

- a) adopt and publish definitions of what constitutes 'significant enhancement' within mandatory BNG calculations as set out in Section 2 and Appendix A to the report;
- b) adopt and publish interim definitions to be used for 'strategic significance' within mandatory BNG calculations as set out in Section 2 and Appendix B to the report;
- c) approve for a 'call for sites – expressions of interest' exercise to be undertaken; and
- d) approve for officers to make an application for Newark and Sherwood District Council (NSDC) to be considered for Responsible Body status.

### Reason for Decision

1. 'Significant Enhancement' – to provide clarity for applicants, facilitate efficiency for the Planning Development Team, future-proof alignment with emerging Policy DM7, and maximise opportunities to enhance and restore biodiversity within the district as required by Core Strategy Policy 12.

2. 'Strategic Significance' – to provide clarity for applicants, in the interim period before the Nottinghamshire Local Nature Recovery Strategy (NLRS) is published, and to facilitate efficiency for the Development Management Team when considering applications required to provide a BNG calculation.

3. 'Call for sites – expressions of interest' – It is considered important for NSDC to be proactive regarding the potential provision of off-site biodiversity units within the district. This is to ensure that the biodiversity gains from development are provided close to development sites and at least within the district to avoid the district bearing the impacts on biodiversity with the benefits provided elsewhere. Also, to ensure that the district does not become an unfavourable area for developers due to an insufficient supply of off-site biodiversity units.

4. 'Responsible Body status' –

It is considered important that for NSDC to achieve full engagement of biodiversity net gain within the district, providers of off-site biodiversity units should not be constrained to a single option of entering into a Section 106 Agreement (s106) with NSDC. If their preference is to work with NSDC but via a Conservation Covenant rather than a s106, NSDC will only be able to do so if they have Responsible Body status.

DEFRA's timeline for deciding on Responsible Body applications is within 12 weeks. Therefore, it is recommended that NSDC is proactive and applies as soon as possible rather than be reactive in the future and potentially miss opportunities for engagement with landowners where the 12-week delay might be considered unacceptable.

This recommendation is made on the Lead Officer's understanding that, once awarded Responsible Body status, there is then no obligation to act as a Responsible Body if approached to do so.

All four proposals are considered to be consistent with, and provide an important contribution towards, Community Plan Objective 5 to Protect and enhance the District's natural environment and green spaces; specifically "To plan an active role in biodiversity net gain for the district,..."

#### Options Considered

For all four items, a 'do nothing' option has been considered.

For 'significant enhancement' and 'call for sites – expressions of interest' a further option involving a collaborative approach with other Nottinghamshire planning authorities has been considered.

Meeting closed at 6.37 pm.

Chair