

MINUTES of a meeting of the CABINET held in the Remote meeting using Microsoft Teams on THURSDAY, 23 JULY 2020

Present: Councillor R Blunt (Chairman)

Councillors R Ashman, R D Bayliss, T Gillard, N J Rushton and A C Woodman

In Attendance: Councillors D Bigby

Officers: Mr J Arnold, Mrs B Smith, Mr A Barton, Mrs T Bingham, Miss E Warhurst, Mr T Delaney and Mrs M Long

1. APOLOGIES FOR ABSENCE

No apologies for absence were received.

2. DECLARATION OF INTERESTS

Councillor N Rushton declared a pecuniary interest in agenda item 16 – Newmarket due to his business interests and he left the meeting during consideration of this item taking no part in the discussion and decision thereon.

3. PUBLIC QUESTION AND ANSWER SESSION

No members of the public had requested to speak at the meeting.

4. MINUTES

Consideration was given to the minutes of the meeting held on 9 June 2020.

It was moved, seconded and

RESOLVED THAT:

The minutes of the meeting held on 9 June 2020 be approved as a correct record.

Reason for decision: To comply with the Constitution.

5. COUNCIL DELIVERY PLAN 2020/21 & QUARTER 3 REPORTING 2019/20

The Leader presented the report to Cabinet.

He explained that due to the delays and rescheduling of meetings due to COVID19 Cabinet was being asked to endorse the Corporate Development Plan (CDP) in principle, subject to comment from Corporate Scrutiny in September. This is so that development and work plans could be commenced as the council starts to return to normal operation post the impacts created by COVID19. The CDP will then follow the normal decision making route, returning to Cabinet post scrutiny in September and on to Council in November. It was reported that due to the amended dates and reprioritised staffing resources, the Q4 reporting will not be published until September. For this year an end of year report will not be published due to the need to focus limited resources on addressing the demands around COVID19 recovery. A very similar retrospective review forms part of the Annual Statement of Accounts.

The Leader invited questions and comments from Members.

Chairman's initials

Councillor Rushton advised that at Quarter 4 there would likely be more surpluses due to the delay of the commencement of the Leisure Centre build and other projects. Councillor Gillard extended his thanks to the Business Focus Team and the Finance Team for all their hard work over these past few months. He also referenced the commencement of the work to the new Leisure Centre in Whitwick and asked if the expected completion date was known and he was advised that it was two years from now. Councillor Bayliss referred to the delayed accommodation review and advised that this work was still on the agenda, although in light of recent events, it may follow a different path. He also advised that the work around empty properties was ongoing, as too was the work around buying affordable homes from developers. Councillor Woodman advised that the re-launch date of the new improvements to the Leisure Centre in Ashby would be Spring 2021.

The recommendation as set out on page 7 of the agenda was moved by Councillor Blunt, seconded by Councillor Rushton and subsequently

RESOLVED THAT:

- (1) The draft Corporate Delivery Plan 2020/21, as shown in Appendix A to the report, be approved in principle for use in monitoring and work programme development from Quarter 1;
- (2) The draft Corporate Delivery Plan 2020/21 be referred the Corporate Scrutiny Committee for comment ahead of a decision by Cabinet in September and subsequent adoption by Council in November;
- (3) It be agreed not to publish a final year report for 2019/20, referring to the Annual Accounts Statement in its place;
- (4) The performance report for Quarter 3 for 2019/20 as set out in Annex B and the comments from the Corporate Scrutiny Committee, as set out in Annex C, be noted.
- (5) The forthcoming review of the medium term financial plan, where any issues identified in connection with the financing of the Plan will be reported, be noted.

Reason for decision: To ensure that the Council has in place a full suite of policy documents, that members have set direction for the year ahead and that members are aware of current performance against the plan.

6. COVID-19 FINANCIAL IMPACT REPORT

Councillor Nick Ruston presented the report to Cabinet and provided Cabinet with an understanding of the financial impact of the Covid-19 pandemic to the Council's finances.

Cabinet was advised that the Section 151 Officer considered the council to be financially stable. Moving forward, the council needs to consider its cashflow and forecast borrowing very closely with a view to bridging the pandemic funding gap; and this may mean that some tough decisions may well have to be made. One such area is the review of earmarked reserves.

The Leader thanked Councillor Rushton and invited questions and comments from Members.

Councillor Bayliss referred to the Housing Revenue Account and the reduced rental income and advised that this stood at 97% which was only slightly lower than it was pre-COVID-19, largely due to the fact the majority of council house rent payers are in receipt of a benefit which have been less impacted upon.

Chairman's initials

The recommendation as set out on page 61 of the agenda was moved by Councillor Rushton, seconded by Councillor Bayliss and subsequently

RESOLVED THAT:

The contents of the report be noted and the comments made be taken into account by the S151 officer when addressing the budget implications for this and subsequent years.

Reason for decision: For Cabinet to be aware of the scale of financial impact of the Covid-19 pandemic.

7. TREASURY MANAGEMENT STEWARDSHIP REPORT FOR 2019/20

Councillor Nick Ruston presented the report to Cabinet.

The report set out a summary update of the Treasury Management activity for the year and Councillor Rushton reassured Cabinet that reports were considered by the Audit and Governance Committee on a quarterly basis. He reported that, for the financial year 2019/20, the council has complied with its Prudential Indicators, which were approved as part of the council's Treasury Management Strategy Statement. He also confirmed that during the financial year, other than the breach of prescribed limit as set out in the report, the Council has complied with its Treasury Management practices.

The Leader thanked Councillor Rushton and invited questions and comments from Members. There were none .

The recommendation as set out on page 74 of the agenda was moved by Councillor Rushton, seconded by Councillor Gillard and subsequently

RESOLVED THAT:

The report be approved.

Reason for decision: Informing Cabinet of the Council's treasury management activity is a statutory requirement.

8. FORMER TENANT RENT ARREARS, CURRENT TENANT RENT ARREARS, COUNCIL TAX, NON DOMESTIC RATES AND SUNDRY DEBTOR WRITE OFFS REPORT FOR 2019/20

Councillor Nick Ruston presented the report to Cabinet.

The report advised Members of the total amount of debt written off by fund type during the previous financial year. It was noted that that write-offs are only considered where appropriate recovery and enforcement options have been taken, or, where the council is legally prohibited from pursuing the debt.

The Leader thanked Councillor Rushton and invited questions and comments from Members.

Councillor Bayliss advised that the Council did employ an officer whose job it was to pursue former tenant rent arrears and he is assured that her costs are more than covered.

The recommendation as set out on page 87 of the agenda was moved by Councillor Rushton, seconded by Councillor Bayliss and subsequently

Chairman's initials

RESOLVED THAT:

The information contained within the report be noted as a true representation of write offs undertaken during 2019/20.

Reason for decision: To comply with proper accounting practices.

9. LOCAL PLAN SUBSTANTIVE REVIEW - OBJECTIVES

Councillor Ashman advised Cabinet that he had received a number of questions from Councillor Bigby on this report which he had responded to; and details of the questions and responses had been circulated to Cabinet ahead of the meeting. Councillor Bigby was invited to ask a supplementary question.

Councillor Bigby thanked Councillor Ashman for his reply and welcomed the agreed changes. However he expressed disappointment that the suggested changes in relation to objective 5 had been rejected. Whilst accepting the challenges that COVID-19 will present, Councillor Bigby strongly disputed the assumption that the economic interests of businesses in general were compatible with the economic interests of local residents. He didn't accept that the building of more large warehouses across the district which were likely to be encouraged by the draft policy as it currently stands, would necessary be in the interests of local people. He therefore advised that he would continue to give some thought to this particular objective with a view to a revised recommendation which he hoped would find agreement by the Local Plan Committee.

Councillor Ashman thanked Councillor Bigby and advised that he stood by his original response and accepted that there is a balance to be struck between encouraging new businesses to settle in the district bringing with them local employment and building large warehouses in the countryside.

Councillor Robert Ashman presented the report to Cabinet.

The report set out draft objectives which, subject to the consideration of both Cabinet and the Local Plan Committee, it was intended that they be included in the next stage of consultation on the Local Plan Substantive Review.

The recommendation as set out on page 89 of the agenda, as amended, was moved by Councillor Ashman, seconded by Councillor Blunt and subsequently

RESOLVED THAT:

The Local Plan Committee be requested to agree the draft objectives, as set out in paragraph 2.8 of the report, as amended by the response by Councillor Ashman to Councillor Bigby's questions, in the next consultation stage of the substantive Local Plan review.

Reason for decision: The preparation of the Local Plan is a Cabinet function.

10. STATEMENT OF COMMUNITY INVOLVEMENT

Councillor Robert Ashman presented the report to Cabinet.

The report invited Cabinet to consider amendments to the Council's adopted Statement of Community Involvement (February 2019) in light of the Covid-19 pandemic, and in other such circumstances that may arise when locations referenced in the Statement of Community Involvement are not available.

Chairman's initials

The Leader thanked Councillor Ashman and invited questions and comments from Members. There were none.

The recommendation as set out on page 103 of the agenda was moved by Councillor Ashman, seconded by Councillor Blunt and subsequently

RESOLVED THAT:

- (1) An addendum to the adopted Statement of Community Involvement (SCI) as set out in 4.1 of the report, to outline how the Council will consult in the event of locations referenced in the SCI not being available, be agreed;
- (2) The Local Plan Committee be informed of the Cabinet's decision.

Reason for decision: In accordance with the Council's Constitution, approval of changes to the Statement of Community Involvement falls within the remit of Cabinet.

11. USE OF ARTICLE 4 DIRECTION: HOUSES IN MULTIPLE OCCUPATION IN KEGWORTH

Councillor Robert Ashman presented the report to Cabinet.

The report invited Cabinet to consider the confirmation of an Article 4 Direction in Kegworth prohibiting the change of use of a dwelling to a small House in Multiple Occupation by way of permitted development rights.

The Leader thanked Councillor Ashman and invited questions and comments from Members.

Councillor Bayliss was pleased with the quantity and quality of the comments made as part of the consultation.

The recommendations as set out on pages 157 and 158 of the agenda were moved by Councillor Ashman, seconded by Councillor Bayliss and subsequently

RESOLVED THAT CABINET:

- (1) Confirms that from Friday 19 February 2021, the Kegworth Article 4 direction 2020 will be applied to the village of Kegworth to remove Permitted Development Rights for the change of use of a dwelling house (C3 use) to small houses in multiple occupation (C4 use);
- (2) Considers the public comments received during the publicity period in making its decision on the above recommendations:
- (3) Authorises the issue of public notices of this decision and sends a copy of the new direction to the Secretary of State, in accordance with Schedule 3 of the Town and Country Planning (General Permitted Development Order) (England) Order 2015.

Reason for decision: In accordance with the Council's Constitution, making on Article 4 Direction falls within the remit of Cabinet.

12. CONFIRMATION OF CASTLE DONINGTON (APIARY GATE & CLAPGUN STREET) ARTICLE 4(1) DIRECTION

Councillor Robert Ashman presented the report to Cabinet.

Chairman's initials

The report invited Cabinet to confirm an Article 4(1) Direction in relation to Castle Donington (Apiary Gate & Clapgun Street). The report also referenced that the approval of the Chairman of the Council had been given to the exemption of the call-in of the decision, as any call-in would prejudice the ability of the Council to confirm the provisional direction on or before the 5 August 2020.”

The Leader thanked Councillor Ashman and welcomed this report which would ensure that original windows are preserved to ensure the area retained its character.

The recommendation as set out on page 183 of the agenda was moved by Councillor Ashman, seconded by Councillor Blunt and subsequently

RESOLVED THAT CABINET:

- (1) Confirms the Castle Donington (Apiary Gate & Clapgun Street) Article 4(1) Direction;
- (2) Notes the making of the Supplementary Direction set out In Appendix 2;
- (3) Delegates confirmation of the Supplementary Direction to the Strategic Director of Place in consultation with the Portfolio Holder for Planning and Infrastructure, provided that no objections are received.

Reason for decision: Confirmation of the Article 4(1) Direction and making of the supplementary provisional direction would support the Council in fulfilling its duties under the Planning (Listed Buildings & Conservation Areas) Act 1990 relating to the management of conservation areas.

13. EXCLUSION OF PRESS AND PUBLIC

RESOLVED THAT:

It was moved by Councillor Rushton, seconded by Councillor Bayliss and subsequently

In pursuance of Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the remainder of the meeting on the grounds that the business to be transacted involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Act and that the public interest in maintaining this exemption outweighs the public interest in disclosing the information.

Reason for decision: To enable the consideration of exempt information.

14. EXEMPTION FROM THE COUNCIL'S CONTRACT PROCEDURE RULES - FINANCE SYSTEM

Councillor Nick Rushton presented the report to Cabinet.

The Leader thanked Councillor Rushton and invited questions and comments from Members. There were none.

The recommendation as set out on page 197 of the agenda was moved by Councillor Rushton, seconded by Councillor Blunt and subsequently

RESOLVED THAT:

Cabinet approves the recommendation as set out on page 197 of the agenda.

Chairman's initials

Reason for decision: To ensure the contract for the Council's finance system is compliant.

15. THE RECOVERY OF OUR LEISURE CENTRES AND THE PARTNERSHIP CONTRACT WITH EVERYONE ACTIVE (JULY TO SEPTEMBER)

Councillor Andrew Woodman presented the report to Cabinet. It was acknowledged that this report had been considered by the Community Scrutiny Committee earlier in the week and their comments had been circulated to Cabinet ahead of its meeting.

The recommendation as set out on page 205 of the agenda was moved by Councillor Woodman, seconded by Councillor Blunt and subsequently

RESOLVED THAT:

Cabinet approves the recommendation as set out on page 205 of the agenda.

Reason for decision: To agree a financial support package for July to September 2020 inclusive on an open book basis to rebuild the community access to our leisure centres in a Covid safe environment.

16. NEWMARKET

Councillor Andrew Woodman presented the report to Cabinet. It was acknowledged that this report had been considered by the Community Scrutiny Committee earlier in the week and their comments had been circulated to Cabinet ahead of its meeting.

The recommendation as set out on page 227 of the agenda was moved by Councillor Woodman, seconded by Councillor Ashman and subsequently

RESOLVED THAT:

Cabinet approves the recommendation as set out on page 227 of the agenda.

Reason for decision: To allow the Council to complete works on site.

The meeting commenced at 5.00 pm

The Chairman closed the meeting at 5.59 pm