

When telephoning, please ask for: Helen Tambini
Direct dial 0115 914 8320
Email democraticservices@rushcliffe.gov.uk

Our reference:

Your reference:

Date: Wednesday, 9 February 2022

Record of Decisions taken by Cabinet – Tuesday, 8 February 2022

At a meeting of the Cabinet held on Tuesday, 8 February 2022 the following decisions were reached on the items listed in the attached schedule.

The implementation of any key decisions are suspended until the call-in period has expired without a call-in being validly invoked.

Under the Rushcliffe Borough Council Constitution, call-in is available in respect to key decisions only.

The call-in deadline for any key decisions contained in this Decision Notice is before the end of the working day on Thursday, 17 February 2022. Subject to any call-in request being received, all the decisions will be actioned after Thursday, 17 February 2022.

Any Member of the Council shall be entitled to call for a decision to be suspended. To effect the call-in procedure, the appropriate form should be completed and returned to the Chief Executive by the end of the working day on Thursday, 17 February 2022.

KEY DECISION

FUTURE DELIVERY MODEL FOR GROUNDS MAINTENANCE AND STREET CLEANSING SERVICES

It was RESOLVED that:

- a) the dissolution of Streetwise Environmental Ltd (teckal) be approved, with the service to move to an inhouse model of delivery by the Council by 1 September 2022;
- b) the Cabinet Portfolio Holder for Environment and Safety be asked to provide Cabinet oversight to the insourcing project;
- c) the Chief Executive be authorised to take all necessary steps to give effect to the transition, in line with the core principles as set out in Appendix B of the report;
- d) the Monitoring Officer be authorised to work with the Streetwise Company Secretary to take all necessary steps to comply with the legal requirements arising from the dissolution of the companies including signing company

filings;

- e) the use of £0.3m from the Organisational Stabilisation Reserve (to be incorporated within the Medium Term Financial Strategy, to be presented to Full Council) to meet the transition costs as stated at paragraph 7.1.3 of the report be approved;
- f) thanks be recorded to Mr Nigel Carter, Managing Director of Streetwise Environmental Ltd, Mr Keith Daniel, Chairman, and the Streetwise staff for their continued high quality service delivery; and
- g) an update report on progress be received later this year including an update on the timeline for the dissolution of Streetwise Environmental Ltd (Trading). The existing Streetwise Oversight Board will continue to meet during this period.

REASON FOR DECISIONS

The Council's existing prime contract for grounds maintenance and street cleansing services is due to expire at the end of August 2022. In preparation for this event the Council commenced work during summer 2021, to review the contract and part of that work involved asking a third-party industry expert (Kelake Ltd) to undertake a full service, contract, and value for money review of SWE and consider whether the current service achieves value for money.

Kelake advised that the Council would be unlikely to achieve savings by going to the open market and that either a further contract extension or insourcing would be the most viable option and offer the best value for money.

Given the highly competitive nature of the ground's maintenance market and the recent loss of a sizeable contract, SWE's future business plan was predicated on expansion through the acquisition of similar businesses and further activity often outside of the Borough. Whilst this is a perfectly acceptable and legitimate private business growth model, recent high-profile reports into Council-owned companies have given rise to concern in government and the Chartered Institute of Public Finance Accountants (CIPFA) regarding the risks that council-owned companies can pose to the stability of a local authority. For example, Croydon and Slough are two councils where company failings were factors that contributed towards the issuing of s114 Notices. Whilst we are not in this position with SWE, these reports have led to a shift in approach to local authority commercialisation and a change to CIPFA guidance; it is therefore prudent to consider the companies' future at this time. SWE's emphasis on business acquisition as a key lever to potentially generate more return is perceived as a risk which is greater than the return and is not something the Council wishes to pursue as a direction of travel as this is not considered to fit with the Council's corporate priorities and company purpose.

The Council's corporate priorities centre on the need to keep a sharp focus and prioritise maintaining the Borough in a well-cared for, clean and tidy state which is a key element of the environment corporate priority. Focussing on the Borough Council work and some ancillary contracts within the Borough would enable an

inhouse SWE to prioritise this over business growth further afield.

A further consideration is that the context of service delivery in local government has changed considerably over the last ten years, when previously authorities were being encouraged to explore the creation of companies to trade commercially to help their financial positions. However, since that time there has been a gradual move back towards inhouse models which give greater control and flexibility of resourcing and this has also been further driven by a significant tightening of the rules on local authority trading and borrowing by national regulators.

The financial cost of the contract provided by either the inhouse or the company models is broadly similar, as the core elements of the prime contract service delivery, as set out in Appendix A of the report will continue. Even so there are anticipated to be further cost savings from both the use of the Council's existing staffing resource (e.g. financial services and systems) and the avoidance of additional governance overheads with an inhouse model.

Exposure to risk is reduced as the Council already underwrites SWE risks as the company's owner and main funder.

It is important to emphasise that SWE has operated relatively successfully over the last few years and that the proposal to insource the service is not due to any failure on the part of the existing company. However, the loss of a significant contract coupled with CIPFA guidance cautioning against the use of Council funding for commercial gain (e.g. company acquisitions), means that the SWE business plan is not considered to meet the overall priorities of the Council.

The outcome of the recommendations of the report would mean the dissolution of both the teckal company which delivers the Council's prime contract and the SWE trading company which facilitates wider private sector work. Private sector work may still continue within the guidelines and limits for local authority trading.

NON-KEY DECISIONS

2022/23 BUDGET AND FINANCIAL STRATEGY

It was RESOLVED that Cabinet recommends that Council:

- a) adopts the budget setting report and associated financial strategies 2022/23 to 2026/27, as set out in the Annex to the report, including the Transformation Strategy and Efficiency Plan, as set out in Appendix 3 of the Annex, to deliver efficiencies over the five-year period;
- b) adopts the Capital Programme as set out in Appendix 4 of the Annex;
- c) adopts the Capital and Investment Strategy at Appendix 5 of the Annex;
- d) sets Rushcliffe's 2022/23 Council Tax for a Band D property at £150.93 (increase from 2021/22 of £3.57 or 2.42%);

- e) sets the Special Expenses for West Bridgford, Ruddington and Keyworth, Appendix 1 of the Annex, resulting in the following Band D Council tax levels for the Special Expense Areas:
 - i) West Bridgford £53.91 (£49.65 in 2021/22);
 - ii) Keyworth £3.30 (£3.41 in 2021/22);
 - iii) Ruddington £3.82 (£4.00 in 2021/22);
- f) adopts the Pay Policy Statement at Appendix 7 of the Annex; and
- g) the Director of Finance and Corporate Services be granted delegated authority by Cabinet to make any minor amendments to the Medium Term Financial Strategy once the final local government finance settlement is received and advise the Finance Portfolio Holder accordingly, to be reported to Full Council.

REASON FOR DECISIONS

To comply with the Local Government Finance Act (1972), and ensuring the budget enables corporate objectives to be achieved. The Council is required to set a balanced budget and ensure that it has adequate funds and reserves to address its risks. The impact of Covid on Council budgets makes it even more important that the Council is prudent, ensures that it can support short-term deficits, and has adequate reserves going forward.

SOUTH NOTTINGHAMSHIRE HOMELESSNESS AND ROUGH SLEEPING STRATEGY 2022 TO 2027

It was RESOLVED that the South Nottinghamshire Homelessness and Rough Sleeping Strategy 2022-2027 referred to in Appendix A of the report be approved.

REASON FOR DECISIONS

The draft South Nottinghamshire Homelessness and Rough Sleeping Strategy seeks to:

- Raise awareness among Members, officers, partners, and the public about the homelessness challenges facing the Borough and wider South Nottinghamshire area and the Council's actions in response.
- Focus resources on priorities that make a practical difference with a strong focus on early intervention and assisting rough sleepers.
- Comply with the statutory requirement to produce a Homelessness Strategy every five years.

- Accord with the Council's corporate priorities and supports links to partnership plans and joint working.
- The Strategy provides a direction, focus and the performance framework for the delivery of Homelessness, Rough Sleeping, and housing support related services.

DISABLED FACILITIES GRANT POLICY

It was RESOLVED that:

- a) the revised Disabled Facilities Grant Policy as referred to at Appendix 1 of the report be approved; and
- b) any further revisions to the Policy due to statutory changes be delegated to the Director – Neighbourhoods, in consultation with the Cabinet Portfolio Holder for Communities and Climate Change.

REASON FOR DECISIONS

The Council is keen to ensure that residents are given the assistance they need to remain independent in their home for as long as practically possible. An effective and resourced Disabled Facilities Grant Policy reduces demand on other public sector services, such as hospitals, nursing, and residential care.

The revised Policy aligns with the county-wide Policy, which has been adopted or will be adopted by the other districts and boroughs in the County. This in turn provides consistency for clients and supports more aligned working practices between the districts and boroughs, and the County Council.

AFFORDABLE HOUSING SUPPLEMENTARY PLANNING DOCUMENT

It was RESOLVED that:

- a) the proposed revisions to the draft Affordable Housing Supplementary Planning Document be approved;
- b) the adoption of the draft Affordable Housing Supplementary Planning Document be approved; and
- c) the Director – Development and Economic Growth, be granted delegated authority, in consultation with the Cabinet Portfolio Holder for Business and Growth, to make any necessary final minor textual, graphical, and presentational changes required to the SPD prior to publication.

REASON FOR DECISIONS

If adopted, the Affordable Housing SPD will provide guidance on the application of

Local Plan Part 1: Core Strategy Policy 8 and pertinent national policy and guidance within the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG). Its key role is to ensure that the required affordable housing contributions as set out within the Local Plan are delivered and that they contribute to the creation of sustainable communities as required by national policy.

EDWALTON GOLF COURSE STRATEGIC REVIEW

It was RESOLVED that:

- a) the detailed technical assessments that have been undertaken for the par 3 course be acknowledged, which conclude that the site could represent a good option for residential development subject to planning, although Cabinet direction is that it is retained at the present time as an important community facility;
- b) it was acknowledged that there is likely to be sufficient housing supply in Rushcliffe to 2038 without the need to allocate this site within the Greater Nottinghamshire Strategic Plan but that it be included in a pipeline of potential sites for future consideration as part of the Local Plan process, should the requirement for further sites arise, to be considered concurrently with the site as a community facility;
- c) further detailed design assessments for the driving range business case over the next period to establish if a standalone driving range could be delivered to provide a betterment to the golfing offer on-site be endorsed; and
- d) opportunities for ecological improvements and bio-diversity net gain on the main 9-hole course through improvement management and partnership working in line with the Council Climate Change Strategy objectives be explored.

REASON FOR DECISIONS

To ensure that the Council's Edwalton Golf Course asset continues to deliver maximum value for money for taxpayers across the Borough, whilst providing appropriate community infrastructure and the right level of leisure provision.

PLANNING COMMITTEE PILOT

It was RESOLVED that:

- a) the temporary changes implemented during the planning pilot be adopted, including a meeting time of 2.30pm to 6pm, with an option for a half hour extension, to ensure that any application presented is determined; and
- b) the Constitution be amended by the Monitoring Officer to give effect to the permanent arrangements.

REASON FOR DECISIONS

The Council is required to have a Planning Committee in place, it is a statutory function of the Council. The Committee is responsible for making decisions on planning applications, as set out in the Committee's terms of reference. Planning Committee meetings are public meetings, and it is imperative that the Committee is efficient and effective in its process and decision making. The changes made during the planning pilot included having a focus on strategic decision making, efficiency of officer presentations, and changing to the Committee start time from a 6.30pm to a 2.30pm start time.

During the pilot, following an initial settling in period, the Planning Committee has been operating efficiently under the new arrangements, and following a survey of those attending the Committee, it is considered that the temporary changes should now be made permanent, including the earlier start time.

ENDORSEMENT OF THE EAST MIDLANDS FREEPORT FULL BUSINESS CASE

It was RESOLVED that:

- a) the work of the Freeport Board be endorsed;
- b) the content of the Full Business Case (FBC), as set out in the report and supporting appendices be endorsed in principle, and the Leader of the Council, Chief Executive, S151 Officer, and Monitoring Officer be granted delegated authority to sign off the final FBC prior to submission to government;
- c) the governance arrangements and incorporation of the Freeport, the use of Retained Business Rates to support economic prosperity in the region and the formalising of the relationship between the Freeport and the Development Corporation being developed be noted;
- d) the Chief Executive in consultation with the Leader, Section 151 Officer, and the Monitoring Officer be granted delegated authority to agree the formal arrangements for the Council's role in the Freeport's governance structure and enter into appropriate arrangements;
- e) it be confirmed that support of the Freeport FBC is separate to adopting a Local Development Order for the Ratcliffe on Soar site, which will be subject to the required public consultation and consideration including Secretary of State support as appropriate; and
- f) a future report on the incorporation arrangements, either to Cabinet or Council be received as appropriate.

REASON FOR DECISIONS

The East Midlands Freeport (EMF) (including the Ratcliffe on Soar power station site) has the potential to attract investment and spur local and regional economic growth as well as enhancing international trade. This means new jobs and associated infrastructure to benefit our local residents and communities. It should also mean, when developed alongside proposals for the Development Corporation, accelerated delivery of a soon to be largely redundant site in the Borough.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'S Sull', written in a cursive style.

Sanjit Sull
Monitoring Officer