

**MINUTES
OF THE MEETING OF THE
CABINET**

TUESDAY, 12 JULY 2022

Held at 7.00 pm in the Council Chamber, Rushcliffe Arena,
Rugby Road, West Bridgford
and livestreamed on Rushcliffe Borough Council YouTube channel

PRESENT:

Councillors S J Robinson (Chairman), A Edyvean (Vice-Chairman), A Brennan,
R Inglis, G Moore and R Upton

ALSO IN ATTENDANCE:

Councillors R Jones, R Mallender, S Mallender and J Walker

OFFICERS IN ATTENDANCE:

L Ashmore	Director of Development and Economic Growth
D Banks	Director of Neighbourhoods
K Marriott	Chief Executive
G Pearce	Solicitor
H Tambini	Democratic Services Manager
S Whittaker	Service Manager - Finance

APOLOGIES:

There were no apologies

8 Declarations of Interest

There were no declarations of interest.

9 Minutes of the Meeting held on 14 June 2022

The minutes of the meeting held on Tuesday, 14 June 2022, were declared a true record and signed by the Chairman.

10 Citizens' Questions

There were no citizens' questions.

11 Opposition Group Leaders' Questions

Question from Councillor J Walker to Councillor Edyvean.

“When, how, who and how many were the selected external stakeholders consulted in paragraph 4.6 of the papers on the Shared Prosperity Fund?”

Councillor Edyvean responded by stating that a wide range of stakeholders had been consulted in the weeks leading up to the Strategic Growth Board

meeting on 4 July, invites had been sent out to key stakeholder groups, with representatives from nine of those groups attending that meeting, and views sought from a further four groups, who had been unable to attend. Local MPs had been consulted, and the Strategic Growth Board itself was attended by a number of Councillors with cross party representation.

Councillor J Walker asked a supplementary question to Councillor Edyvean.

“Will the Cabinet be writing to the Government about the impossible timescales associated with the Shared Prosperity Fund?”

Councillor Edyvean responded by advising that he believed that representations had already been made to the Government and confirmed that the Local Government Association had also made its concerns clear that it considered some of the timescales to be over prescriptive.

12 **Current and Future Pressures in Disabled Facilities Grant Delivery**

The Cabinet Portfolio Holder for Planning and Housing, Councillor Upton presented the report of the Director – Neighbourhoods outlining the current and future pressures in Disabled Facilities Grant (DFG) Delivery.

Councillor Upton advised that this issue was close to his heart and stated that this Conservative administration strove to improve the lives of all of its residents, as people with disabilities were often hidden from the public gaze. Cabinet was reminded that the Council had a fine record in providing adaptations; however, a financial watershed had now been reached.

Councillor Upton referred to an emerging financial problem concerning a legal requirement to give means tested grants towards essential adaptations. Cabinet noted that the budget for those grants in 2022/23 was £853k, which comprised of an allocation from the Department for Levelling Up, Housing and Communities (DLUC) towards the cost, which was calculated on a set formula, and the Council’s own contribution. Councillor Upton confirmed that the allocation from the DLUC was only intended to contribute, and not to cover the entire cost.

Cabinet was advised that until 2020/21 the Council had been able to keep within its budget; however, a combination of events, including an ageing demographic, increased demand and rising costs had meant that this was no longer possible, and immediate, short-term action was required, to ensure that the Council could comply with its legal duty to keep within budget this financial year. Of the six recommendations in the report, Councillor Upton stated that perhaps the key ones related to a one-off transfer of £500k from the Support for Registered Housing Providers Budget into this year’s DFG budget, the suspension of the discretionary funding and asking the DLUC to have a more equitable distribution of the Better Care Fund.

In conclusion, Councillor Upton advised that going forward a more permanent solution to the increasing demands on the Council’s DFG budget would be required.

In seconding the recommendation, Councillor Brennan agreed that disability could happen to anyone, too often people were hidden away from public consciousness, and it was important that the Council did all that it could to provide the best facilities possible for those residents. Although the issue was becoming increasingly challenging, it was pleasing to note that the Council was continuing to prioritise this provision, as could be seen in the very innovative and creative recommendations outlined in this detailed report.

Councillor Moore confirmed that the budget would not be altering, money was being transferred over, which was a sensible use of an existing budget, and the Finance team was already looking at next year and future budgets and the Medium Term Financial Strategy.

The Leader referred to Table 1 in the report, which set out the allocation and underspend for each district/borough and was staggered to see the level of underspend, particularly in one district of over £1m. Cabinet was reminded that Rushcliffe's allocation was also substantially less than many other areas, which was difficult to accept, when as had been mentioned, disability could happen to anyone and transcended everything.

Councillor Upton agreed with those sentiments and advised that officers had been in preliminary talks with other districts/boroughs in the county regarding the possible pooling of resources; however, those had not been particularly positive up to now.

It was RESOLVED that Cabinet:

- a) calls upon partner authorities in the County to explore transformational change to support a more equitable distribution of the BCF, which will assist in meeting local need and align with the aspirations to progress a County deal project with pooled resources;
- b) transfers £500,000 from the Support for Registered Housing Providers (RHP) budget (funded through the receipts set-aside from Large Scale Voluntary Transfer (LSVT) of housing stock) to support DFG costs;
- c) develops and implements an operational waiting list to prioritise applications in line with budget provision;
- d) amends the current Council DFG Policy to suspend the use of discretionary DFG funding until a review of the national formula is undertaken, or the adoption of an alternative county model to administer DFG applications;
- e) ensures an assessment is undertaken to consider the likely future demand and impact on the Medium-Term Financial Strategy (MTFS) and capital resources. The MTFS to be updated for 2023/24; and
- f) makes representations to the Department for Levelling Up, Housing and Communities (DLUC) to review the Better Care Fund and national DFG formula to achieve a more equitable distribution of resources based on updated health and social care needs to achieve better health and

wellbeing outcomes.

13 Endorsement of the Investment Plan for the UK Shared Prosperity Fund and Levelling Up Funding Bid

The Cabinet Portfolio Holder for Business and Growth, Councillor Edyvean presented the report of the Chief Executive outlining the endorsement of the investment Plan for the UK Shared Prosperity Fund (UKSPF) and Levelling Up Funding bid.

Councillor Edyvean thanked the Director – Development and Economic Growth, the Economic Development Team, and in particular the Service Manager Economic Growth and Prosperity for the significant work undertaken, again under very challenging timescales

Councillor Edyvean referred to the launch of UKSPF in April 2022 and stated that it was intended to replace the EU Structural Funds, which had been allocated to Rushcliffe through the D2N2 Local Enterprise Partnership (LEP). Rushcliffe's allocation would be £2,571,462 for three years, with a breakdown of the figures for each year highlighted in the report.

Cabinet was advised that in order to receive this money, an Investment Plan had to be completed to identify how the money would be spent against the three priority areas, and Councillor Edyvean advised that Rushcliffe was able to work with other neighbouring councils and upper tier authorities if projects could deliver over a wider area. Cabinet noted that a specific pathway had been set out by the Department for Levelling Up, Housing and Communities (DLUG), and any unspent money would be returned to Central Government. Councillor Edyvean confirmed that the Council had engaged with a wide variety of stakeholders, and an outline Plan had been made, which required further refinement prior to submission.

In conclusion, Councillor Edyvean advised that the recommendations also dealt with a submission of the Levelling Up Funding bid, and it was important to recognise that the terms of the bid required projects with immediate deliverability. Cabinet was asked to endorse the bid to deliver new infrastructure requirements on the Rushcliffe side of the River Trent in relation to the new pedestrian bridge being built by Nottingham City Council, details of which were highlighted in Section 4.23 of the report.

In seconding the recommendation, Councillor Brennan welcomed the report, stated that it was pleasing to see that the Government was committed to replacing the funding from the EU Structural Funds, and emphasised the necessity of spending the money, rather than it being returned to the Government. Councillor Brennan agreed that it was a very short timescale, and it was good that projects had been identified and officers were thanked for their hard work in pulling this together. As the funding increased overtime, Councillor Brennan was pleased to see that in the list of longer term potential projects, new areas, or at least areas that had not received funding for some time had been included, to help bring the Levelling Up agenda to life. Councillor Brennan welcomed the creative ideas that had come through and that the Council's partners had been involved, and fully endorsed the

recommendations.

The Leader concurred with previous comments, referred to previous meetings with partners, which had been extremely constructive, and advised that the meeting last week with local MPs had been very productive. Cabinet noted that Rushcliffe was far more advanced than many other areas, and it was a great credit to the hard work of officers that the August deadline would be met. The Leader advised that this was a review process and would be looked at regularly to reflect the needs of the Borough. The Leader stated that he had been keen to see the funding spread out across the Borough, to ensure that everyone could enjoy the funding, and that had been achieved.

Councillor Upton reiterated his thanks to officers and stated that he was very optimistic that this bid would be successful.

It was RESOLVED that Cabinet:

- a) endorses the identified priority interventions for Rushcliffe's Investment Plan and the local principles for the allocation of funding;
- b) endorses the identified long list of interventions for Rushcliffe's Investment Plan for year 1 in Appendix B;
- c) delegates sign off of the Investment Plan to the Leader, Chief Executive and S151 Officer, including refinement of projects for year 1 and allocations for years 2 and 3, with both revenue and capital implications reported in future Financial reports to Cabinet and the MTFS to Full Council; and
- d) endorses the submission of the Levelling Up Funding bid with the Capital Programme to be updated accordingly and reported in future financial reports.

14 Ratcliffe on Soar Local Development Order

The Cabinet Portfolio Holder for Planning and Housing, Councillor Upton presented the report of the Director – Development and Economic Growth, outlining the Ratcliffe on Soar Local Development Order (LDO).

Councillor Upton referred to the significance and complexity of this project, and thanked the site owners, Uniper, Arup Consultants, the Planning Policy Manager, the Director – Development and Economic Growth, members of the Local Development Framework Group and many others for the work that they have already put into this project, against a very challenging timeline.

Councillor Upton referred to the previous Cabinet decision in November 2021, that an LDO should be prepared, which would grant planning permission for the site's redevelopment, subject to any conditions applied by the Order. Cabinet noted that the LDO would have the aspiration of creating an industrial park, focused on advanced manufacturing, including technology required to transition to net-zero, green and low carbon energy generation, and energy storage.

Cabinet noted that consultations had already been undertaken with non-statutory consultees, and if approved in draft tonight, it would then be published for a six-week statutory consultation. Councillor Upton confirmed that the report detailed the justification for the benefits of preparing an LDO for this site, together with the approval process, and stated that the final decision to adopt the LDO would be taken by Full Council.

Councillor Upton informed Cabinet that the proposed draft LDO and Statement of Reasons document attached as Appendix 1 of the report had been written as a final version of the LDO; however, it would be subject to revisions to consider feedback from the statutory consultation, and a further review prior to its final adoption.

Cabinet was reminded that there was a risk that the site could remain undeveloped following its decommissioning; however, the adoption of this LDO should help to significantly mitigate that risk, by providing a framework for development, simplifying, and streamlining the planning process and by creating more certainty for investors, whilst enabling the Council to retain control over the future use and development.

In seconding the recommendation, Councillor Inglis welcomed this exciting major project and referred to the many significant advantages that this proposal would bring to the area. Councillor Inglis agreed that an LDO would provide greater control and assurance over future development and should meet any time constraints before the deadline to qualify for full Freeport benefits in September 2026. A scenario in which any possible development could be delayed or not take place at all had to be avoided, and Councillor Inglis stated that the LDO would mitigate that and thanked all parties for the hard work already undertaken.

Councillor Brennan also welcomed this exciting project and stated that this was yet another example of how quickly and creatively this Council could work in order to maximise any investment. Councillor Brennan stated that once this process had been completed, it would be interesting to see what had been learnt and if LDOs could be used elsewhere.

The Leader referred to the timelines for the Freeport going forward and agreed that the completion of this LDO would be a key milestone. The Leader stated that the consultation process was very important, given the sensitivity of this key local, regional and national strategic site. Cabinet was reminded that this was the first LDO that the Council had worked on, and the Leader agreed that it was good to see how the Council had adapted so quickly and thanked all those involved.

It was RESOLVED that Cabinet:

- a) approves in draft the Ratcliffe on Soar Local Development Order and Statement of Reasons (Appendix 1), the LDO Design Guide (Appendix 2) and the LDO Parameter Plans (Appendix 3);
- b) approves the draft LDO Statement of Consultation (Appendix 4) and the

publication of all supporting documents for the LDO;

- c) agrees that the draft Ratcliffe on Soar Local Development Order (LDO) and LDO supporting documents be published for consultation;
- d) agrees that, in conjunction with the consultation on the Ratcliffe on Soar LDO, views be sought on the decision-making and delegation arrangements for determining LDO Certificate of Compliance applications; and
- e) delegates authority to the Director for Development and Economic Growth, in consultation with the Cabinet Portfolio Holder for Planning and Housing, to make any necessary final minor textual, graphical, and presentational changes required to the draft Ratcliffe on Soar LDO prior to publication for consultation.

15 Revenue and Capital Outturn 2021/22

The Portfolio Holder for Finance and Customer Access, Councillor Moore presented the report of the Director – Finance and Corporate Services outlining the year-end financial outturn position for 2021/22, linked to the closure of the accounts process and previous financial update reports.

Councillor Moore referred to the very difficult year and welcomed this good set of accounts, which showed a good financial position, with a surplus of £211k, having considered movements to reserves and the need to carry forward for various capital investments.

Councillor Moore referred to Table 1 in the report and advised that the balancing and reconciling of all of those funds had added additional complexity to the closing of accounts process. Cabinet was advised that the transfer amounts appeared large, and they would be placed in the Collection Fund Reserve, with the balance to be released over the next few years, to offset the deficit of £3.2m arising in later years. Councillor Moore referred to further reserve transfers, including the vehicle replacement fund, utility inflation, and possible future pay increases. Councillor Moore referred to Table 2 in the report, which listed both the main adverse and favourable variances, details of which were highlighted in the report.

Cabinet was reminded that having a well-managed budget enabled the Council to make the most of any opportunities and manage downside risks, including using £845k to cover various schemes and initiatives, details of which were highlighted in Appendix E of the report. Future years would be challenging and having a sound financial position would enable the Council to deal with future challenges.

In conclusion, Councillor Moore referred to the financial pressures being faced by all councils and advised that Rushcliffe was not immune to those pressures; however, the Council had reserves to support in the short term, no debt, and a positive Transformation Programme to help mitigate risk and enable sensible management, to ensure that the Council could still deliver excellent service to its residents. To reach this financial position took a great deal of work and

Councillor Moore thanked the Director – Finance and Corporate Services and the Service Manager - Finance for producing an excellent set of accounts.

In seconding the recommendation, Councillor Edyvean referred to two capital projects, the Bingham Hub, and the Crematorium, where money had been deferred into next year's budget, and reminded Cabinet that although there were slight variations in expenditure, both projects would be delivered on budget and on time. Councillor Edyvean referred to the recent decision to move Streetwise in house, with promised improvements and savings, and stated that it would be important to demonstrate that those outcomes were being achieved and looked forward to seeing that.

The Leader reiterated that the Council remained debt free, which give it the resilience, particularly when entering such challenging times, having to absorb those variances, including the changes to income profiles, and increased energy and employment costs associated with rising inflation. The Leader commented that some other councils would struggle during such difficult times, and it was a real testament to the Service Manager - Finance and her team that each quarterly report highlighted what robust and resilient finances the Council had.

Councillor Upton stated that since joining the Council in 2015, he had read many financial reports, which had always been positive and the Council should be very proud of that, particularly given the difficult circumstances that have been faced, and the uncertainty ahead. Councillor Upton considered that going forward, the Council should be determined to ring-fence its current financial strengths ,against any future efforts to change local government organisation.

It was RESOLVED that Cabinet:

- a) notes the 2021/22 revenue position and efficiencies identified in Table 1, the variances in Table 2 and approves the carry forwards and appropriations to reserves in Appendix E;
- b) approves the other changes to the earmarked reserves as set out at Appendix B;
- c) notes the re-profiled position on capital and approves the capital carry forwards outlined in Appendix C; and
- d) notes the update on the Special Expenses outturn at paragraph 4.12 and in Appendix D.

16 Exclusion of Public

It was resolved that under Regulation 21(1)(b) of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000, 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 Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

17 **Acquisition of Land to Support the Delivery of a Permanent Gypsy and Traveller Site in Rushcliffe**

The Cabinet Portfolio Holder for Planning and Housing, Councillor Upton presented the report of Director – Development and Economic Growth outlining the acquisition of land to support the delivery of a permanent Gypsy and Traveller site in Rushcliffe.

It was RESOLVED that Cabinet gives approval for officers to undertake negotiations with the landowners of the preferred sites for the acquisition of one site for a Gypsy and Traveller site, subject to meeting the criteria set out in the report, with delegated authority given to the Asset Investment Group.

The meeting closed at 7.50 pm.

CHAIRMAN