

**INFORMAL CABINET
16TH SEPTEMBER 2021**

PRESENT: The Leader (Councillor Morgan)
The Deputy Leader (Councillor Barkley)
Councillors Bailey, Bokor, Harper-Davies, Mercer,
Poland, Rattray and Smidowicz

Councillor Seaton

Chief Executive
Strategic Director; Environmental and Corporate
Services
Head of Strategic Support
Strategic Director; Commercial Development,
Assets and Leisure
Head of Landlord Services
Head of Regulatory Services
Head of Planning and Regeneration
Head of Leisure and Culture
Head of Financial Services
Head of Customer Experience
Group Leader Plans, Policies and Place Making
Democratic Services Officer (EB)
Democratic Services Officer (LS)

APOLOGIES: Councillor Rollings

The Leader stated that this **informal** meeting would be livestreamed and recorded, and the recording subsequently made available via the Council's website. He also advised that, under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, other people may film, record, tweet or blog from this meeting, and the use of any such images or sound recordings was not under the Council's control.

20. DISCLOSURES OF PECUNIARY AND PERSONAL INTERESTS

Councillors Bokor, Morgan and Rattray declared interests in respect of item 10 on the agenda (Loughborough BID Ballot) as Directors of Loughborough BID. They would leave the meeting during consideration of the item.

21. LEADER'S ANNOUNCEMENTS

No announcements were made.

22. MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on 1st July 2021 would be submitted to the next formal meeting of the Cabinet for confirmation as a correct record.

23. QUESTIONS UNDER CABINET PROCEDURE 10.7

Mr M. Hunt – Study of Houses in Multiple Occupation

- “1. In December the Council published A study of Housing in Multiple Occupation (HMO) in Charnwood by Professor Darren Smith and Dr Andreas Culora of Loughborough University costing over £20,000 over three years, so why was this charged to the Loughborough Special Expenses when it clearly relates to the Borough as a whole and contributes to the Evidence Base of the Draft Borough Local Plan and the Borough Housing Needs Assessment?
2. Given that the first aim of the Study was “the creation of a comprehensive database identifying HMO in the Borough which can be updated as new information becomes available”, which are the contributing data sources to that database?
3. As the Study states “the database (HiMOG) provides an opportunity and baseline to annually update of the identification of HMOs and to identify the total number of bed spaces within each dwelling (i.e. total occupancy counts for each dwelling)”, is it in active use and if so why has the database never been updated?
4. Would the Council include this contract in a forthcoming internal audit?”

The following response had been published prior to the meeting:

1. *The study was commissioned in response to a recommendation from the Council’s Budget Scrutiny Panel following calls from Loughborough ward councillors to have a better understanding of HMO saturation in Loughborough in light of emerging research from Loughborough University into HMO geographies. As part of the budget setting process for the 2015/16 financial year, funding for the costs of the study was agreed by the Cabinet and Council (minute references Cabinet 84.4 2014/15 and Council 78.1.15 2014/15) in the form of a contribution towards the cost of a PhD thesis.*

While the study considered the impacts of HMOs across the whole Borough, the HiMOG database is only used in relation to planning decisions in Loughborough where an Article 4 Direction is in place. Similarly, Policy H7 in the Pre-submission Draft Local Plan only applies the threshold approach that makes use of the database to Loughborough.

The budget reports, including the allocation of this expenditure to the Loughborough Special Expenses, were prepared by the Council’s Head of Finance and Property Services and agreed by the Council’s Section 151 Officer who is responsible for the proper financial management of the Council.

2. *The HiMOG database was created in 2018 from the following datasets:*
 - *HMO Licences*

- *Planning Register*
- *Student registration data*
- *Electoral Register*
- *Council Tax exemptions*
- *Information provided by local residents.*

3. *The HIMOG database is in active use and is updated.*

4. *Following the end of the project, and the handing over of the HIMOG database to the Council in 2018, there has been no contractual arrangement between the Council and Professor Smith.*

24. TENANCY POLICY 2021-2025

Considered, a report of the Head of Landlord Services setting out an updated Tenancy Policy for the period 2021-2025 (item 6 on the agenda filed with these minutes).

At the request of T. Edwardes, Chair of the Housing Management Advisory Board, the Head of Landlord Services presented verbally the views of the Board, as follows:

“The Housing Management Advisory Board considered the Tenancy Policy at its meeting on 12th May 2021. The Board heard that the policy promoted the targeted use of fixed-term tenancies to prevent anti-social behaviour, whereby prospective tenants with a history of serious ASB would be offered a fixed-term tenancy of 2 years commencing after the 12-month introductory tenancy period. If there was serious ASB then the Council could decide not to issue a new tenancy at the end of the 2-year fixed term.

The Board also heard that fixed term tenancies would be used to support the best use of housing stock, with high demand four bedroom and above and wheelchair accessible properties being offered on a 10-year fixed term tenancy in addition to the introductory tenancy period.

The Board was provided with assurances that throughout the period of fixed term tenancy, advice and support would be offered to tenants on the conduct of the tenancy and re-housing options as appropriate, that household vulnerability would be considered when making a decision not to renew a tenancy at the same address, and that each case would be considered on its own merits.

The Board was generally supportive of the policy, which was noted”.

The Head of Landlord Services assisted with consideration of the report.

RESOLVED that the following **be recommended to the Leader** for his decision:

1. that the Tenancy Policy 2021-2025, attached at Appendix 1 to the report of the Head of Landlord Services, be approved;
2. that delegated authority be given to the Head of Landlord Services, in consultation with the Cabinet Lead Member for Public Housing and the Head of

Strategic and Private Sector Housing, to make minor amendments to the Tenancy Policy 2021-2025;

3. that the views of the Housing Management Advisory Board be noted.

Reasons

1. To update the Council's policy on its approach to (amongst other things) the type of tenancies it will grant, where tenancies are granted for a fixed term, the length of those terms, and the circumstances in which it will grant tenancies of a particular type.
2. To enable minor changes to the policy to be made to support the effective management of tenancies in a way that is consistent with the Council's Scheme of Delegation.
3. To acknowledge the work undertaken by and the views of the Housing Management Advisory Board.

25. DRAFT NEW TENANCY AGREEMENT FOR COUNCIL HOMES

Considered, a report of the Head of Landlord Services setting out a draft updated Tenancy Agreement for introductory and secure tenants prior to notification of variation to the existing tenancy agreement being issued to the Council's tenants as part of a legally required consultation process (item 7 on the agenda filed with these minutes).

At the request of T. Edwardes, Chair of the Housing Management Advisory Board, the Head of Landlord Services presented verbally the views of the Board, as follows:

"The Board heard that it was good practice for landlords to update their tenancy agreement on a periodic basis to reflect current legislation, and to support a robust approach to tenancy management. This was a key document that defined the relationship between the Council and its tenants, and after full consideration the Board recommended a number of amendments, which the Chair of the Board was pleased to say had been incorporated into the final draft.

The Board was supportive of the draft new tenancy agreement, both noting and commending it to Cabinet."

The Board was thanked for its work in considering this and the previous item.

The Head of Landlord Services assisted with consideration of the report. In response to a question, he confirmed a typo on agenda page 44, first sentence of paragraph entitled *Crime and Disorder* should read "The draft new Tenancy Agreement contains terms which will enhance the Council's ability to take enforcement action to tackle anti-social behaviour (ASB), hate incidents, and domestic abuse".

RESOLVED that the following **be recommended to the Leader** for his decision:

1. that the draft Tenancy Agreement, attached at Appendix 1 to the report of the Head of Landlord Services, be approved for consultation in accordance with Section 103 of the Housing Act 1985;
2. that following consultation, the draft Tenancy Agreement be updated with regard to the tenant response;
3. that subject to there being no significant amendments to the draft Tenancy Agreement, the Head of Landlord Services be given delegated authority, in consultation with the Cabinet Lead Member for Public Housing, to implement the updated Tenancy Agreement;
4. that the views of the Housing Management Advisory Board be noted.

Reasons

1. To obtain Cabinet approval of the content of the draft Tenancy Agreement before a legally required consultation process commences.
2. To have regard to feedback received from tenants.
3. To implement, efficiently, an updated Tenancy Agreement which clearly sets out the rights and responsibilities of the Council as a landlord, and those of its tenants.
4. To acknowledge the work undertaken by and the views of the Housing Management Advisory Board.

26. CORPORATE ANTI-SOCIAL BEHAVIOUR AND HATE INCIDENT POLICY 2021-2025

Considered, a report of the Head of Landlord Services, the Head of Neighbourhood Services and the Head of Regulatory Services setting out a new Corporate Anti-Social Behaviour and Hate Incident Policy for the period 2021-2025 (item 8 on the agenda filed with these minutes).

Councillor Seaton, Chair of the Scrutiny Commission, presented a report setting out the Commission's pre-decision scrutiny of the matter and recommendation (copy filed with these minutes).

The Head of Landlord Services and the Head of Regulatory Services assisted with consideration of the report.

RESOLVED that the following **be recommended to the Leader** for his decision:

1. that the Corporate Anti-Social Behaviour and Hate Incident Policy 2021-2025, attached at Appendix 1 to the report of the Head of Landlord Services, the Head of Neighbourhood Services and the Head of Regulatory Services, be approved;

2. that delegated authority be given to the Head of Landlord Services, in consultation with the Head of Neighbourhood Services, the Head of Regulatory Services and the relevant Cabinet Lead Members, to make minor amendments to the Corporate Anti-Social Behaviour and Hate Incident Policy 2021-2025;
3. that the report of the Scrutiny Commission be noted.

Reasons

1. To set out a corporate policy on the Council's approach to managing anti-social behaviour (ASB) and hate incidents.
2. To enable minor changes to be made to support the effective management of ASB.
3. To acknowledge the work undertaken by and the views of the Scrutiny Commission.

27. CARBON NEUTRAL PLAN

Considered, a report of the Head of Planning and Regeneration setting out the Charnwood 2030 Carbon Neutral Plan and a short-term action plan (item 9 on the agenda filed with these minutes).

Councillor Seaton, Chair of the Scrutiny Commission, presented a report setting out the Commission's pre-decision scrutiny of the matter and recommendation (copy filed with these minutes).

The Head of Planning and Regeneration and the Group Leader Plans Policies and Place Making assisted with consideration of the report.

RESOLVED that the following **be recommended to the Leader** for his decision:

1. that the Charnwood Carbon Neutral Plan, contained in Appendix A to the report of the Head of Planning and Regeneration, be approved;
2. that the short-term action plan for the next three years, set out in Part B of the report of the Head of Planning and Regeneration, be approved;
3. that the Head of Planning and Regeneration, in consultation with the Cabinet Lead Member for Transformation, be given delegated authority to review and update the Carbon Neutral Plan through the Carbon Neutral Project Board.
4. that the report of the Scrutiny Commission be noted.

Reasons

1. To set out the overall direction and plan of the Council in relation to its climate change commitment to be carbon neutral by 2030.

2. To enable projects for reducing the Council's carbon footprint to be progressed.
3. To enable the plan to be kept up to date and amendments to be made as necessary to reflect changing circumstances, opportunities, and Council priorities.
4. To acknowledge the work undertaken by and the views of the Scrutiny Commission.

Having declared interests, Councillors Bokor, Morgan and Rattray left the meeting prior to the consideration of the following item.

28. LOUGHBOROUGH BID BALLOT

This item was chaired by Councillor Barkley.

Considered, a report of the Head of Leisure and Culture setting out the Loughborough Business Improvement District (BID) Renewal Proposal (item 10 on the agenda filed with these minutes).

The Head of Leisure and Culture assisted with consideration of the report.

RESOLVED that the following **be recommended to the Deputy Leader** for his decision:

1. that the BID Renewal Proposal be endorsed;
2. that the supporting information to support the BID Renewal Proposal including the BID Business plan be noted.

Reasons

1. To ensure the Cabinet is aware of the proposal and has no objection to it.
2. To enable the ballot to proceed within legal requirements.

Councillors Bokor, Morgan and Rattray returned to the meeting.

29. CAPITAL PLAN AMENDMENT REPORT

Considered, a report of the Head of Financial Services setting out proposed changes to the 2021-2023 Capital Plan and its financing (item 11 on the agenda filed with these minutes).

The Head of Financial Services assisted with consideration of the report.

RESOLVED that the following **be recommended to the Leader** for his decision:

1. that the current Capital Plan for 2021/22 - 2022/23, as amended by the changes shown in Appendix 1 to the report of the Head of Financial Services, in the budgeted sum of £59,343,800 be approved;
2. that the Disabled Facilities Grants (DFG) scheme be increased by £68.6k, in line with the Disabled Facilities Grants received from the Ministry of Housing, Communities and Local Government, the total DGF Capital budget being £2,116,900 in 2021/22;
3. that the Outwoods Country Park – Visitor Centre and Cafe scheme be reduced by £50k, the reason being the external funding will not be received towards this scheme;
4. that a virement be made of £3k from the Replacement Hardware Programme Capital Budget to Planned Buildings Improvements for the purchase of docking stations;
5. that additional decisions, taken by Officers, in relation to new S106 schemes added to the Capital Programme also included in Appendix 1 to the report be noted;
6. that amendments to the Capital Programme since 10th December 2020 Minute 64 be noted.

Reasons

1. To enable the current Capital Plan to be the basis for capital spending by the Council and so that schemes may proceed.
2. To confirm that the Disabled Facilities Grants scheme be increased which is funded by an external grant.
3. To confirm that the Outwoods Country Park – Visitor Centre and Café scheme be decreased by the external funded amount.
4. To enable the capital scheme budget to be available in 2021/22.
5. To note the new Capital Schemes as part of S106 Agreements implemented by Officers for Third Parties.
6. To note amendments to the Capital Programme since Cabinet 10th December 2020 minute 64.

30. ROTHLEY CENTRE S106 REFURBISHMENT

Considered, a report of the Strategic Director; Commercial Development, Assets and Leisure setting out a project to deliver refurbishment of Rothley Centre, a community asset within Rothley Parish, using a Section 106 contribution received from a developer and specifically allocated to this area (item 12 on the agenda filed with these minutes).

The Strategic Director; Commercial Development, Assets and Leisure assisted with consideration of the report.

RESOLVED that the following **be recommended to the Leader** for his decision:

1. that the spend of the S106 fund included in the 2021-22 Capital Plan to the Rothley Centre Project amounting to £367,600.00 be approved;
2. that the inclusion of the Rothley Centre Project into the Charnwood Borough Council Annual Procurement Plan 2021-22 be approved;
3. that authority is delegated to the Strategic Asset Manager, in consultation with the Strategic Director; Commercial Development, Assets and Leisure and the Section 151 Officer, to carry out the procurement and management of works.

Reasons

1. To ensure the timely spend of a S106 contribution intended to benefit the residents and users of the facility.
2. To ensure the scope of works procured meets the requirements of tenant (Rothley Parish Council) and delivers a sustainable community asset for the long-term benefit of the residents and visitors to the area.
3. To ensure the project is delivered in a timely and efficient manner.

31. FEASIBILITY WORK FOR NEW COUNCIL OFFICES

Considered, a report of the Strategic Director; Commercial Development, Assets and Leisure setting out a proposal to begin the exploratory works required to construct a new Council office (item 13 on the agenda filed with these minutes).

Councillor Seaton, Chair of the Scrutiny Commission, presented a report setting out the Commission's pre-decision scrutiny of the matter and recommendation (copy filed with these minutes).

The Scrutiny Commission was thanked for its pre-decision scrutiny of this matter and items earlier in the meeting.

The Strategic Director; Commercial Development, Assets and Leisure assisted with consideration of the report.

RESOLVED that the following **be recommended to the Leader** for his decision:

1. that the recommendation of Southfield Extension Car Park as a potential site for new Council offices be accepted and that approval be granted to undertake exploratory works to determine construction feasibility with a budget of up to £150,000 funded from Capital Plan Reserve;

2. that authority for the same be delegated to the Strategic Director; Commercial Development, Assets and Leisure, in consultation with the Statutory Officers, the Leader and the Deputy Leader, to undertake the works.
3. that the report of the Scrutiny Commission be noted.

Reasons

1. To understand the site's suitability for building and to determine if there are any specific conditions that should either be factored into design or scope of works.
2. To allow for the timely completion of the works such that the next phases of the project can be planned and submitted for scrutiny and approval.
3. To acknowledge the work undertaken by and the views of the Scrutiny Commission.

32. AMENDMENTS TO ANNUAL PROCUREMENT PLAN

Considered, a report of the Strategic Director; Commercial Development, Assets and Leisure setting out proposed amendments to the Annual Procurement Plan 2021/22 (item 14 on the agenda filed with these minutes).

The Strategic Director; Commercial Development, Assets and Leisure assisted with consideration of the report.

RESOLVED that the following **be recommended to the Leader** for his decision:

1. that the contracts, over £25,000 and up to £75,000 as listed in Appendix A to the report, be let in accordance with Contract Procedure Rules;
2. that the contracts, over £75,001 and up to £500,000 as listed in Appendix B to the report, be let in accordance with Contract Procedure Rules.

Reason

- 1.& 2. To allow contracts of the Council to be let in accordance with Contract Procedure Rules.

33. CUSTOMER SERVICES STRATEGY 2022-25

Considered, a report of the Head of Customer Experience setting out an updated Customer Service Strategy for the period 2022-2025, for recommendation to Council (item 15 on the agenda filed with these minutes).

The Head of Customer Experience assisted with consideration of the report.

RESOLVED that the following **be recommended to the Leader** for his decision:

that it **be recommended to Council** that the Customer Services Strategy 2022-2025, as set out in the Appendix to the report of the Head of Customer Experience, be approved.

Reason

To identify the priorities against which the Council will seek to maintain and enhance its Customer Service capabilities over the period 2022-2025.

NOTE:

This meeting was informal for the purpose of recommending decisions to the Leader or Deputy Leader.

A Leader's Decision dated 30th July 2021 delegated all Executive functions and decision making to the Leader for a period of three months in accordance with Section 9E of the Local Government Act 2000.

A Leader's Decision dated 16th September 2021 delegated all Executive functions and decision making to the Deputy Leader until 30th September 2021 in accordance with Section 9E of the Local Government Act 2000 in circumstances where the Leader in considering a matter may under the provisions of the Code of Conduct have a 'personal interest which might lead to bias', in the Leader's absence or other situations where the Leader is unable to make a decision.