

**CABINET
9TH FEBRUARY 2023**

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

Councillor Ranson

Chief Executive
Director Finance, Governance and Contracts
Head of Governance and Human Resources
Director Commercial and Economic Development
Director Housing and Wellbeing
Head of Economic Development and
Regeneration
Head of Finance
Democratic Services Manager
Business Relations and Economic Growth Officer
Democratic Services Officer (LS)

APOLOGIES: None

Councillor Rattray attended this meeting virtually,
see notes at end of minutes.

The Leader stated that this meeting would be recorded and the sound 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.

48. DISCLOSURES OF PECUNIARY INTERESTS, AND OTHER REGISTRABLE AND
NON-REGISTRABLE INTERESTS

Disclosures were made:

- (i) by Councillors Barkley, Morgan and Poland – interests in respect of item 7 on the agenda (2023-23 General Fund and HRA Revenue Budgets and Council Tax) as members of Leicestershire County Council;
- (ii) by Councillor Morgan – an interest in respect of item 8 on the agenda (MTFS 2023-26 and Capital Strategy, Treasury Management Strategy Statement, MRP Policy and Annual Investment Strategy 2023-24). Councillor Morgan's wife was a director at Santander, not considered at this meeting that Council held any investments with Santander and no decisions being made at this meeting regarding investments, declared for transparency.

- (iii) declared later in the meeting by Councillor Poland – an interest in respect of item 11 on the agenda (UK Shared Prosperity Fund 'Future Charnwood Investment Plan' - Programme of Delivery). Report stated that Jane Hunt, MP had been consulted, Councillor Poland undertook work for Jane Hunt, MP but he had not spoken with her regarding the matter, declared for transparency.

49. LEADER'S ANNOUNCEMENTS

No announcements were made.

50. MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on 15th December 2022 were confirmed as a correct record and signed.

Councillor Rattray, attending virtually, confirmed that she would have voted in favour of the above decision had she been physically present at the meeting and able to do so.

51. QUESTIONS UNDER CABINET PROCEDURE 10.7

No questions had been submitted.

52. AGENDA VARIANCE

RESOLVED that the order of the agenda be varied to consider item 11, then item 10, followed by the remaining items on the agenda in the order listed.

53. UK SHARED PROSPERITY FUND 'FUTURE CHARNWOOD INVESTMENT PLAN' - PROGRAMME OF DELIVERY

Considered, a report of the Head of Economic Development and Regeneration providing a summary of progress on UKSPF since Cabinet met on 9th June 2022, presenting a Delivery Plan for the implementation of the Future Charnwood Investment Plan and seeking delegated authority for the spend of UKSPF funding (item 11 on the agenda filed with these minutes).

Councillor Ranson, Vice-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 Economic Development and Regeneration and the Business Relations and Economic Growth Officer assisted with consideration of the report. A non-material error in the report was corrected - agenda page 78, Section 4.4 referred to information being contained in Appendix 3, however that information was set out in the listed background papers.

RESOLVED

1. that the approach set out in the Future Charnwood Delivery Plan (Appendix 1 to the report) for implementation of Charnwood Borough Council's UKSPF Investment Plan is approved;
2. that delegated authority be given to the Director Commercial and Economic Development and Head of Economic Development and Regeneration to authorise spend of UKSPF funds on Council-led UKSPF funded projects or to release grants to external project leads, in consultation with the Leader;
3. that delegated authority be given to the Director Commercial and Economic Development and Head of Economic Development and Regeneration to make amendments to the Charnwood UKSPF programme, in consultation with the Leader and after seeking the advice of the Future Charnwood Group;
4. that the report of the Scrutiny Commission be noted.

Reasons

1. To ensure that the delivery of Charnwood's UKSPF programme is effectively and efficiently carried out, meeting the requirements of the Department for Levelling Up, Housing and Communities (DLUHC) and in an open and transparent manner.
2. To enable projects to be delivered as soon as possible once DLUHC funding is released whilst following the requirements of the Council's Constitution regarding authority to spend.
3. To enable changes to be made to the programme should any project(s) withdraw from the programme or incur significant overspend / underspend or fail to progress with delivery.
4. To acknowledge the work undertaken by and the views of the Scrutiny Commission.

Councillor Rattray, attending virtually, confirmed that she would have voted in favour of the above decision had she been physically present at the meeting and able to do so.

54. REVIEW OF SHELTERED ACCOMMODATION - ST. MICHAEL'S COURT, THURMASTON

Considered, a report of the Director Housing and Wellbeing seeking approval for the redevelopment of St. Michael's Court in Thurmaston, constructing several new bungalows at the location, the commencement of procurement exercises, including that for a main contractor, and allocation of budget to deliver the new scheme, which would be subject to the necessary planning permissions (item 10 on the agenda filed with these minutes).

Councillor Ranson, Vice-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 had not supported the recommendations set out in the report of the Director Housing and Wellbeing.

The Scrutiny Commission was thanked for its valuable scrutiny of both this matter and the previous item.

The Director Housing and Wellbeing assisted with consideration of the report.

The Cabinet discussed, in particular, the issues raised by the Scrutiny Commission and its views on the matter. To assist this and the Cabinet's decision, the Cabinet Lead Member for Public Housing had asked the Director Housing and Wellbeing to provide further information on the work that had been undertaken to date in considering options for the site, including whether a replacement sheltered scheme could be viable, the constraints and planning considerations for the site and a comparison of the two sheltered accommodation scheme options that had been considered and the bungalow Option A Version 2 being recommended in the report (net present value per unit, management and maintenance, parking and accessibility, demand and the position with Right to Buy). In respect of the recommended bungalow option, the Cabinet considered that it was better financially, would be less complex to maintain/manage, provided more parking per property, was likely to be acceptable re: planning permission, met housing need, provided accommodation that existing residents could move back in to and was likely to be exempt from Right to Buy.

The Director Housing and Wellbeing noted the Leader's comment that an inaccuracy in the plan for bungalow Option A version 2 meant that it may be possible to provide parking spaces additional to those set out.

RESOLVED

1. that the Director of Housing and Wellbeing be authorised to redevelop St. Michael's Court in Thurmaston, progressing in line with Option A Bungalows Version 2 at Appendix 1 to the report; and
2. to commence the necessary procurement exercises and award contracts, including that for a main contractor to deliver the new scheme, subject to planning permission being obtained;
3. that the report of the Scrutiny Commission be noted.

Reasons

1. To develop a high quality accommodation scheme in the Borough which meets housing need, performs well financially, is considered an attractive layout with convenient parking for residents with mobility issues, is likely to be acceptable from a planning perspective bearing in mind the adjacent listed church, and provides accommodation that current tenants of St. Michael's Court can move back in to.

2. To deliver the scheme in a way that is compliant with the Council's contract procurement rules.
3. To acknowledge the work undertaken by and the views of the Scrutiny Commission.

Councillor Rattray, attending virtually, confirmed that she would have voted in favour of the above decision had she been physically present at the meeting and able to do so.

55. BUDGET SCRUTINY PANEL

Considered, a report of the Head of Governance and Human Resources to consider the report of the Budget Scrutiny Panel setting out its recommendation and observations following its scrutiny of the Council's draft budget for 2023/24 (item 6 on the agenda filed with these minutes).

Both the Chair and Vice-chair of the Panel, Councillors Charles and Popley had been unable to attend the meeting to present the report of the Panel and had sent their apologies.

The Director Finance, Governance and Contracts assisted with consideration of the report.

The Budget Scrutiny Panel was thanked for its work in respect of the matter.

RESOLVED that additional dashboard-style reporting of financial information for members is developed for the 2023/24 financial year.

Reason

To acknowledge the work undertaken by and the views of the Budget Scrutiny Panel and to ensure implementation of scrutiny recommendations where agreed by the Cabinet.

Councillor Rattray, attending virtually, confirmed that she would have voted in favour of the above decision had she been physically present at the meeting and able to do so.

56. 2023-24 GENERAL FUND AND HRA REVENUE BUDGETS AND COUNCIL TAX

Considered, a report of the Head of Finance setting out the proposed General Fund and Housing Revenue Account (HRA) Revenue Budgets for 2023/24 and incorporating the proposed Council Tax levy, for recommendation to Council (item 7 on the agenda filed with these minutes).

The Director Finance, Governance and Contracts and the Head of Finance assisted with consideration of the report.

RESOLVED that **Council be recommended:**

1. to approve the Original General Fund Revenue Budget for 2023/24 at £19,245,129 as set out in Appendix 1 to the report;
2. to set a base Council Tax at £140.47 at Band D, an increase of £4.78 on the 2022/23 rate, as set out in Appendix 2 to the report;
3. to set the Loughborough Special Levy at £81.11, a 1.99% increase on 2022/23 rate, as set out in Appendix 3 to the report;
4. to approve the Original HRA Budget for 2023/24 as set out in Appendix 5 to the report;
5. to amend the HRA weekly rents in line with the Ministry of Housing, Communities and Local Government (MHCLG) guidance;
6. to amend the non-HRA dwelling properties in line with the Ministry of Housing, Communities and Local Government (MHCLG) guidance.
7. to approve the HRA service charges in accordance with the MHCLG Guidance;
8. to approve that the shop rents retain their current rents in accordance with an assessment by the Valuation Office;
9. to approve that garage rents, retain their current rents in accordance with an assessment by the Valuation Office;
10. to approve that the Leasehold Management and Administration charge increases to £160.46 per annum for Leasehold flats, and £115.29 for Leasehold shops;
11. that the Lifeline weekly charge is retained at the current rate;
12. to determine that the basic amount of Council Tax for 2023/24 is not excessive according to the principles set out by the Secretary of State.

Reasons

1. So that the necessary finance is approved to carry out services in 2023/24.
2. So that the Council Tax can be set in accordance with legal and statutory requirements.
3. So that a Loughborough Special Levy can be set in accordance with legal and statutory requirements.
4. To ensure sufficient funding for the Housing Revenue Account in 2023/24.
5. To comply with social housing rents guidance.
6. To be consistent with the other council house stock.

7. To ensure the correct alignment of costs and service charges for tenants in accordance with best practice.
8. So that shop rents follow the assessment and guidance provided by the Valuation Office.
9. To increase the rent generated for garages in line with the guidance from the Valuation Office.
10. So that there is sufficient recovery of the costs associated with operating the leasehold flat and shop services.
11. So that there is sufficient recovery of the costs associated with operating the Lifeline service.
12. To comply with the requirements of the Local Government Finance Act 1992.

Councillor Rattray, attending virtually, confirmed that she would have voted in favour of the above decision had she been physically present at the meeting and able to do so.

57. MTFS 2023-26 AND CAPITAL STRATEGY, TREASURY MANAGEMENT STRATEGY STATEMENT, MRP POLICY AND ANNUAL INVESTMENT STRATEGY 2023-24

Considered, a report of the Head of Finance setting out a Medium Term Financial Strategy 2023-26 and a Capital Strategy, Treasury Management Strategy Statement, Minimum Revenue Provision Policy and Annual Investment Strategy 2023-24, for recommendation to Council (item 8 on the agenda filed with these minutes).

The Director Finance, Governance and Contracts assisted with consideration of the report. Errors in the report were corrected:

- (i) agenda supplement page 36, second paragraph in red type, word “his” should be “this”;
- (ii) agenda supplement page 124, appendix BB6 current investments table, headings should state £'000 not £m;
- (iii) agenda supplement page 24, Purpose of Report section, second paragraph, remove not needed final sentence.

The Director Finance, Governance and Contracts reported that the Capital Strategy (including Treasury Management Strategy Statement) 2023-24 had been considered by Audit Committee on 31st January 2023. The Committee had no issues that it wished to be reported to Council.

RESOLVED

1. that the Medium Term Financial Strategy 2023-2026 as set out at Appendix A to the report be noted and **recommended to Council** for approval;

2. that the Capital Strategy, as set out at Appendix B to the report be approved and **recommended to Council**;
3. that the Treasury Management Strategy Statement, Annual Investment Strategy and Minimum Revenue Provision Policy as shown at Appendix BB to the report be approved and **recommended to Council**;
4. that the Prudential and Treasury Indicators, also set out in within Appendix BB to the report be approved and **recommended to Council**.

Reasons

1. To inform members of the future financial outlook for the Council.
2. To enable the Council to comply with the statutory code of practice issued by CIPFA: 'The Prudential Code for Capital Finance in Local Authorities, 2021 Edition'.
3. To ensure that the Council's governance and management procedures for Treasury Management reflect best practice and comply with the CIPFA Treasury Management in the Public Services Code of Practice, Guidance Notes and Treasury Management Policy Statement.
4. To ensure that funding of capital expenditure is taken within the totality of the Council's financial position and that borrowing and investment is only carried out with proper regard to the Prudential Code for Capital Finance in Local Authorities.

Councillor Rattray, attending virtually, confirmed that she would have voted in favour of the above decision had she been physically present at the meeting and able to do so.

58. CAPITAL PLAN AMENDMENT REPORT

Considered, a report of the Head of Finance setting out proposed changes to the 2022-2025 Capital Plan and its financing, where required for recommendation to Council (item 9 on the agenda filed with these minutes).

The Head of Finance assisted with consideration of the report.

RESOLVED

1. that the current Capital Plan for 2022/23 - 2024/25, as amended by the changes shown in Appendix 1 to the report, in the budgeted sum of £61,451,500 be approved;
2. that it **be recommended to Council** to amend the following schemes as per the Treasury Management Strategy Report being taken to Cabinet on 9th February 2023; reduce the Enterprise Zone from £13m to £10m and move from 2022/23 to

2023/24 and reduce the Regeneration Projects £15m to £5m and move from 2022/23 to 2023/24;

3. that it **be recommended to Council** to add a new HRA scheme for the Redevelopment Sheltered Accommodation – St. Michael’s Court, Thurmaston for the construction of eight new bungalows in 2023/24, £2m funded by HRA Major Repairs Reserve;
4. that amendments to the Capital Programme since 15th December 2022 Cabinet Minute 46 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 enable the Enterprise Zone and Regeneration Projects schemes to be available in 2023/24.
3. To enable the Redevelopment Sheltered Accommodation – St Michael’s Court, Thurmaston budget to be available in 2023/24 funded from Major Repair reserve budget.
4. To note amendments to the Capital Programme since Cabinet 15th December 2022 Minute 46.

Councillor Rattray, attending virtually, confirmed that she would have voted in favour of the above decision had she been physically present at the meeting and able to do so.

59. AUTHORITY TO SPEND - TOWN DEAL PROJECTS

Considered, a report of the Director Commercial and Economic Development seeking authority and delegation to spend funding received by the Council from the Department for Levelling Up, Housing and Communities (DLUHC) following the submission of two Council-led Town Deal projects: Lanes and Links / Living Loughborough (item 12 on the agenda filed with these minutes).

The Director Commercial and Economic Development assisted with consideration of the report.

RESOLVED that authority be delegated to the Director Commercial and Economic Development, in consultation with the Section 151 Officer, to authorise all the elements of capital spend as they arise relating to the Town Deal award to the Council for the two Council’s projects.

Reason

To allow the projects to be realised at pace without undue delay or complication.

Councillor Rattray, attending virtually, confirmed that she would have voted in favour of the above decision had she been physically present at the meeting and able to do so.

60. RIPA (REGULATION OF INVESTIGATORY POWERS ACT) POLICY

Considered, a report of the Head of Governance and Human Resources setting out a Regulation of Investigatory Powers Act (also known as RIPA, or the 2000 Act) Policy and a summary of the use of RIPA during 2022 (item 13 on the agenda filed with these minutes).

The Head of Governance and Human Resources assisted with consideration of the report. Although not a RIPA matter, he agreed to check that Council street wardens were following requirements in respect of use of body cameras and to provide a response in that respect.

RESOLVED

1. that it be noted that there has been no use of RIPA by the Council during the calendar year 2022;
2. that the Audit Committee be requested to continue its responsibility for receiving a quarterly report on the use of RIPA, and to report to Cabinet any concerns arising from those reports that may indicate that the use of RIPA is not consistent with the Policy or that the Policy may not be fit for purpose;
3. that the updated RIPA Policy Statement 2023, attached as Appendix A to the report, be approved.

Reasons

1. To ensure compliance with the requirements of the Home Office's current 'Code of Practice – Covert Surveillance and Property Interference' relating to the involvement of elected Members in approving the RIPA policy and reviewing the Council's use of RIPA on at least an annual basis.
2. To ensure compliance with the requirements of the Home Office's latest 'Code of Practice – Covert Surveillance and Property Interference' relating to elected Members considering reports on the use of RIPA on at least a quarterly basis to ensure that it is being used consistently with the policy and the policy remains fit for purpose.
3. To ensure that the Council's RIPA Policy Statement remains up to date and consistent with the relevant legislation and codes of practice.

Councillor Rattray, attending virtually, confirmed that she would have voted in favour of the above decision had she been physically present at the meeting and able to do so.

61. REVIEW OF THE CONSTITUTION

Considered, a report of the Monitoring Officer setting out proposed amendments to the Constitution following the annual review, for recommendation to Council (item 14 on the agenda filed with these minutes).

The Democratic Services Manager assisted with consideration of the report.

RESOLVED that it **be recommended to Council** that the changes to the Constitution set out in appendix 1 to the report be made, to be effective from the new Civic Year 2023/24.

Reason

To ensure the Constitution is kept up to date and fulfils its intended purposes.

Councillor Rattray, attending virtually, confirmed that she would have voted in favour of the above decision had she been physically present at the meeting and able to do so.

NOTES:

1. Councillor Rattray attended this meeting virtually. Decisions were taken only by Cabinet members physically present at the meeting.
2. The following officers listed as present attended this meeting virtually: Director Commercial and Economic Development, Head of Economic Development and Regeneration, Head of Finance, Democratic Services Manager, Business Relations and Economic Growth Officer. The remaining officers listed as present attended in person.
3. The decisions in these minutes not in the form of recommendations to Council will come into effect at noon on Friday, 17th February 2023 unless called in under Scrutiny Committee Procedure Rule 11.7. Decisions in the form of recommendations to Council are not subject to call in.
4. No reference may be made to these minutes at the next available Ordinary Council meeting unless notice to that effect is given to the Democratic Services Manager by five members of the Council by noon on Friday, 17th February 2023.
5. These minutes are subject to confirmation as a correct record at the next meeting of the Cabinet.