

CABINET

Minutes of the Meeting held on Tuesday, 4th October 2011 at Worksop Town Hall

Present: Councillor G A N Oxby (Chair),
Councillors J Evans, S A Greaves, J A Leigh, S May and D R Pressley.

Liaison Members: Councillors H Burton, M W Quigley and C Wanless.

Officers: S Brown, P Clark, C Forster, J Hamilton, M Hill, L Hull, D Hunter,
M Ladyman and N Taylor.

Standards Members: Councillor Mrs V A Bowles.

Also present: Councillors J Anderton and G J Wynne.

(The Chairman welcomed all to the meeting and read out the Fire Alarm/Evacuation Procedure.)

63. QUESTION TIME - PUBLIC

Council Procedure Rules were suspended for fifteen minutes to allow questions from the public; two members of the public were present who both asked questions.

What priority is being given to protect and preserve the buildings on Potter Street and the top end of Bridge Street during the current recession?

The Cabinet Member for Community Prosperity replied that the Planning Services Conservation Team is looking at increasing the awareness of such buildings, and has been looking at Conservation Areas and carrying out appraisals e.g. the new Conservation Area around Mr Straw's House, which will give added protection to such areas.

Can the relevant Cabinet Member give me an update on children's play areas in the Worksop East Ward and what is happening to the Bracebridge Community Centre which is becoming derelict and overgrown?

The Cabinet Member for Environment and Leisure replied that the Bracebridge area is being looked at as a whole and meetings have been held with the Priory Trust to see what can be done to improve the area. With regard to play areas in the East Ward, the Council is proposing to sign an agreement with St Augustine's School to build a play area within the school grounds which will be used by the school during school hours and by others outside school hours.

The Leisure and Cultural Services Manager added that this Ward is a difficult area as there is no suitable site which would please both youngsters and residents. There are land ownership issues with the proposed site at St Augustine's School and partnership working is crucial but it is the best possible solution for young people in the area.

The Director of Community Services added that the Council has been in contact with the owner of Bracebridge Community Centre but, instead of being a quick fix, it will be a long-term exercise. The developer's plans need to be evaluated by officers to reach a satisfactory conclusion. The area has been cordoned off by the owner to prevent access onto the site, and the overgrowing vegetation will be addressed by the visual amenity of the site.

64. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors A Rhodes and S Toms.

65. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

(a) Members

Councillor M W Quigley declared a personal interest in Agenda Item No 9(b) – Exercise on Referral Funding, as he is a non-executive director of NHS Bassetlaw, and stated that he would remain in the meeting.

(b) Officers

There were no declarations of interest by officers.

66. MINUTES OF THE MEETING HELD ON 6TH SEPTEMBER 2011

RESOLVED that the minutes of the meeting held on 6th September 2011 be approved.

67. MINUTES FOR ACTION AND IMPLEMENTATION

RESOLVED that the Minutes for Action and Implementation be received.

68. OUTSTANDING MINUTES LIST

RESOLVED that the Outstanding Minutes List be received.

SECTION A – ITEMS FOR DISCUSSION IN PUBLIC

Key Decisions

None.

Other Decisions

69. REPORT(S) OF THE CABINET MEMBER – POLICY AND COMMUNITY ENGAGEMENT
– COUNCILLOR G A N OXBY

(a) Forward Plan – October 2011 to January 2012

Members were presented with the Forward Plan of Key Decisions for the coming four months.

Options, Risks and Reasons for Recommendations

The report is for noting.

RESOLVED that the Forward Plan for the period October 2011 to January 2012 be approved.

(b) Freedom of Information Publication Scheme

Members' approval was sought for the revised Publication Scheme which is a guide to the classes of information that the Council publishes or intends to publish routinely. As far as the Freedom of Information Act 2000 is concerned, information made publicly available has been

published; therefore, information on the Council's website is as much part of the Publication Scheme as printed documents.

Options, Risks and Reasons for Recommendations

Section 19(1)(c) of the Freedom of Information Act 2000 requires the Council to keep the Publication Scheme under review. The review has been conducted by the Council's Solicitor in conjunction with the Data Protection Officer and Heads of Service. As Cabinet endorsed the model Publication Scheme, Cabinet is required to endorse the reviewed Scheme.

RESOLVED that the review of the Freedom of Information Publication Scheme be approved and authority be delegated to the Council's Management Team to approve future reviews conducted by the Council's Solicitor.

(c) Agency Workers Policy and Procedure

Members were presented with a draft Agency Workers Policy and Procedure for consideration which had been agreed by the Joint Employee Council. The Policy and Procedure had been appended to the report for Cabinet and Liaison Members and deposited in the Members' Room.

With effect from 1st October 2011, legislation relating to agency workers will change as a consequence of the enactment of the Agency Workers Regulations 2010. This gives agency workers certain rights from day one of their assignment, as well as equal treatment rights after 12 weeks' service in the same job.

Options, Risks and Reasons for Recommendations

Option One – To approve the adoption of the draft Agency Workers Policy and Procedure with effect from 1st October 2011. This will ensure the Council's approach to the use of agency workers is consistent and in compliance with the new legislation.

Option Two – Not to approve for adoption the draft Agency Workers Policy and Procedure. This will mean that the Council will not be prepared for the implementation of the new legislation from 1st October 2011.

RESOLVED that the draft Agency Workers Policy and Procedure be approved and adopted with effect from 1st October 2011.

(d) Retirement Procedure

Members were presented with a draft Retirement Procedure for consideration which had been agreed by the Joint Employee Council. The Procedure had been appended to the report for Cabinet and Liaison Members and deposited in the Members' Room.

Following the abolition of the Default Retirement Age with effect from 1st October 2011, the compulsory retirement age will no longer exist and it is therefore necessary to introduce a Retirement Procedure to outline the Council's approach to the retirement of its employees.

Options, Risks and Reasons for Recommendations

Option One – To approve the adoption of the draft Retirement Procedure with effect from 1st October 2011. This will ensure the Council manages retirements fairly and legally following the removal of the compulsory retirement age.

Option Two – Not to approve for adoption the draft Retirement Procedure. This will mean that the Council will not be prepared for the implementation of the new legislation from 1st October 2011.

RESOLVED that the draft Retirement Procedure be approved and adopted with effect from 1st October 2011.

70. REPORT(S) OF THE CABINET MEMBER – COMMUNITY PROSPERITY –
COUNCILLOR D R PRESSLEY

(a) Bassetlaw Enterprise Board Review

Members were presented with proposed changes to the operation of the Bassetlaw Enterprise Board following a full performance report to the Audit and Performance Scrutiny Committee on 28th July 2011. The proposal was endorsed by the Bassetlaw Enterprise Board at its meeting on 5th September 2011.

The current scheme has been in operation since 1996 and is a grant scheme for new start businesses which, subject to application and approval, can receive grants of up to £1,500 on a 50% basis for equipment and marketing. The grant is only paid once receipts for expenditure have been received. There is a noticeable trend that not all applicants claim all their allocated grant due to cash flow restrictions by early start businesses finding difficulties in paying up front for equipment. The scheme also operates a loan scheme which does not attract a high number of applications.

Options, Risks and Reasons for Recommendations

The option proposed overcomes the difficulty which new start businesses have in terms of their equity capital investment at start-up where cash flow is a critical factor in the sustainability of the venture.

The New Enterprise Finance grant option gives the business the opportunity to purchase essential equipment but also poses an incentive to them to provide evidence of purchases, otherwise grant repayment applies.

It is imperative that the correct form of legally binding agreement is in place to minimise the risk to the Council. Having said that, it is misuse of public funding at stake rather than financial risk to the Council. This is mitigated by the robustness of the Enterprise Board application process.

RESOLVED that:

1. The proposed New Start Finance Scheme be approved.
2. Due to the low take up of the current loan fund and the risk to the Council of default, the loan scheme be discontinued.

71. REPORT(S) OF THE CABINET MEMBER – ENVIRONMENT AND LEISURE –
COUNCILLOR J A LEIGH

(a) Joint Use Agreement

Members were informed of the conversion of Serlby Park School to an Academy and the resulting changes to the joint use agreement previously held with Nottinghamshire County Council. Members were asked to consider the funding and operational implications of the change of school status and approval was sought for the resulting changes in the joint use agreement.

The new joint use agreement has been drafted by Nottinghamshire County Council and has already been agreed by the Academy Trust. Bassetlaw District Council was only informed of the changes and the new agreement in August 2011. There is no option to amend or change the agreement but there is nothing contained within it that worsens the District Council's position compared to the existing agreement. The new agreement will ensure that Bassetlaw District Council receives a payment based on the Local Management of School (LMS) funding formula which would be £70,664 for the current year, compared to the proposed funding in the existing agreement for the current year of £27,000. This sum will have £20,000 allocated each year as a capital repairs contingency to protect the interests of all parties in the event of future repairs liabilities.

Options, Risks and Reasons for Recommendations

Option One - To do nothing and not sign the agreement but this would mean not being able to receive the LMS funding or having any rights to operate on the site. This would lead to the need to close the leisure centre with the attendant loss of both service and employment.

Option Two – To sign the new joint use agreement and start receiving the additional funding via the Academy Trust. The new partnership formed with the Trust will require managing by the Leisure and Cultural Services Manager.

RESOLVED that:

1. The conversion of Serlby Park School to an Academy and the resulting changes in the joint use arrangements be noted.
2. The signing of a new joint use agreement be approved and delegated authority be given to the Director of Community Services to complete discussions and sign the agreement.
3. An earmarked capital reserve be created to receive the annual capital contribution for the purpose of funding future capital projects at Bircotes Leisure Centre.

(b) Exercise on Referral Funding

Members were informed of proposed funding from NHS Bassetlaw to continue the provision of the Exercise on Referral scheme to patients in Bassetlaw for a further three years, and approval was sought for Bassetlaw District Council to continue to fund the scheme for a further three years at its current commitment level.

The scheme is now well established as a way of improving the health and well-being of Bassetlaw residents and has provided for the needs of over 400 patients a year. The scheme treats people with a wide range of illnesses and is vital in the treatment of people with both physical and psychological conditions and in the management of obesity.

Options, Risks and Reasons for Recommendations

Option One – To not accept the continued funding offer from NHS Bassetlaw. This will lead to the scheme coming to an end in March 2012 and two employees being put at risk of redundancy.

Option Two – To accept the offer of continued funding and commit the Council to match funding at the current level for the three year period, therefore promoting health and well-being in local people and supporting the promotion of exercise and physical activity within the District.

RESOLVED that:

1. The acceptance of the three-year funding offer from NHS Bassetlaw for the continuation of the Exercise on Referral Scheme be approved.
2. The commitment of Bassetlaw District Council to provide funding at the same level as is currently done be approved for a further three years.

72. REPORT(S) OF THE CABINET MEMBER – FINANCE AND PROPERTY – COUNCILLOR J EVANS

(a) General Fund Capital Programme 2011/12 to 2015/16

Members were presented with a review of all the Council's capital funding, commitments and future capital programmes. Appendices to the report outlined: the current programme for General Fund schemes which totals £16.886m over the five year period to 31st March 2016; projects which are not dependent on external funding and could be amended, and those that are dependent on external funding but are not committed at this stage, totalling £1.987m; and three issues which have been identified by officers - 73 Bridge Street Worksop; the ex-NCC wing at Queen's Buildings, Worksop; and Kingston Road Community Centre, Worksop.

Options, Risks and Reasons for Recommendations

The Council is embarking on a new Corporate Plan which will have its own priorities and emphases. As resources are limited, the maximum benefit of any capital investment to support it is important as it will span a number of financial years, not just the immediate ones.

Members can decide what schemes to include or exclude. Any schemes which include external finance will have implications for those organisations.

RESOLVED that:

1. The current Capital Programme to remain unchanged until the Corporate Plan has been refreshed.
2. Other schemes for inclusion in the Capital Programme be determined for 2012/13 onwards.
3. An additional £45,000 be approved in respect of the refurbishment of 73 Bridge Street, Worksop, to address both the existing overspend and to complete the works, this to be funded from capital receipts.
4. The waiving of the Council's Contract Procedure Rules be waived in respect of the additional expenditure on 73 Bridge Street, Worksop, to enable the completion of the project by existing contractors.
5. An additional £75,000 be approved in respect of the ex-NCC wing at Queen's Buildings, this to be funded from capital receipts.
6. An additional £75,000 be approved in respect of the refurbishment of the Kingston Road Community Centre, Worksop, this to be funded by £60,000 of insurance monies and £15,000 from capital receipts.
7. An update on the timetable of proposed works to Kingston Community Centre, Worksop, be made available to Members as soon as possible.

73. REPORT(S) OF THE CABINET MEMBER – REVENUES, CUSTOMER AND SUPPORT SERVICES – COUNCILLOR S MAY

(a) Children and Young People's Issues

Members were updated on actions being taken to progress the Council's response on children and young people's issues, and approval was sought for the development of a new Children and Young People's Action Plan for the Council. The report outlined progress on: the Action

Plan; Citizenship Programme; Local Democracy Week 2011; Bassetlaw Rural Youth Initiative; Bassetlaw Youth Board; and Safeguarding arrangements.

Options, Risks and Reasons for Recommendations

Any development of a new Children and Young People's Action Plan for the Council will need to take account of future strategic priorities and the level of resources available.

Although the Council has a statutory responsibility in terms of the Children's Act 2004, options exist to approve, not approve or modify a number of the recommendations. The Council has identified children and young people's issues as an area of priority and development. This has reflected the Joint Strategic Needs Assessments.

The option exists for the Council not to progress a new action plan.

RESOLVED that the development of a new Children and Young People's Action Plan be approved with the draft to be presented to Cabinet in January 2012.

74. REPORTING MINUTES

(a) Bassetlaw Enterprise Board – 6th June 2011

RESOLVED that the minutes of the meeting of the Bassetlaw Enterprise Board held on 6th June 2011 be received.

(b) I T and Access Sub-Committee – 16th June 2011

RESOLVED that the minutes of the meeting of the I T and Access Sub-Committee held on 16th June 2011 be received.

(c) Joint Employee Council – 21st June 2011

RESOLVED that the minutes of the meeting of the Joint Employee Council held on 21st June 2011 be received.

75. LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RESOLVED that, in accordance with Part 1 of Schedule 12A of the Local Government Act 1972, and after considering the public interest test as set out by the officer in the body of the report, Members agreed that the following items of business involved the likely disclosure of exempt information as defined in Paragraph 2, and therefore, in accordance with Section 100A of the Act, the press and public be excluded from the meeting:

Agenda Item No 13(a) – Supported Housing Warden and Alarm Service (Key Decision No 313) - Paragraph 2

Agenda Item No 14(a) – Voluntary Redundancy and Flexible Working Requests – Paragraph 2

Agenda Item No 15(a) – Proposed Sale of 18 and 18a The Square, Retford – Paragraph 2

Agenda Item No 15(b) – Proposed Sale of Land at the Junction of Bridge Street and Newgate Street, Worksop – Paragraph 2

Agenda Item No 15(c) – Facilities Management Phase 2 – Paragraph 2

(The Chairman granted permission to those Elected Members present who were not on Cabinet and the member of Standards Committee to remain in the meeting.)

SECTION B – ITEMS FOR DISCUSSION IN PRIVATE

Key Decisions

76. REPORT(S) OF THE CABINET MEMBER – HOUSING – COUNCILLOR A RHODES

(a) Supported Housing Warden and Alarm Service (Key Decision No 313)

(This report was presented by Councillor G A N Oxby in the absence of Councillor A Rhodes.)

Members' approval was sought for a self-funding Supported Housing Warden and Community Alarm Service following cessation of Supporting People funding from Nottinghamshire County Council and also to terminate the transitional protection afforded to tenants who would otherwise have been adversely affected by the introduction of the Supporting People programme in April 2003. The A1 Housing report was appended for information.

Options, Risks and Reasons for Recommendations

Option One - To approve the proposal to replace the current subsidised warden and alarm service with a self-funded scheme from 3rd April 2012.

Under the new scheme:

- i) The staffing structure will be reduced from 22 fte officers to 11 fte officers.
- ii) Weekly and monthly visits will no longer be provided except for those deemed most 'at risk'.
- iii) The weekly charge will be £2.95 for bungalows and flats and £6.00 for sheltered scheme flats, collected over 51 weeks.
- iv) Service users deemed 'at risk' will continue to receive the same level of service during 2012/13 but from April 2013 this will be subject to capacity.

The risks associated with a self-funded scheme are the risk of non-payment by tenants.

Option Two – To withdraw the warden and community alarm system service from designated senior citizen properties. The risk associated with this is the potentially negative impact on the lives of vulnerable senior citizens, many of whom have benefited from the service for many years.

Option Three – To propose an alternative support service for elderly and vulnerable tenants.

RESOLVED that:

1. The Bassetlaw District Council transitional protection for the 371 service users be terminated from April 2012.
2. The proposed charges for the service of £2.95 per week for bungalows and flats and £6.00 per week for sheltered schemes be approved and implemented from April 2012.
3. The proposed consultation actions be approved, as follows:
 - 3.1 Consultation sessions be held in sheltered schemes across the District during October and November 2011 to inform service users about the proposed changes to the service and the new charges.

- 3.2 All service users be written to no later than December 2011 to explain that the Supporting People funding has ceased and to set out the new charges for the service from 1st April 2012, giving each service user three months' notice.

Other Decisions

77. REPORT(S) OF THE CABINET MEMBER – POLICY AND COMMUNITY ENGAGEMENT – COUNCILLOR G A N OXBY

(a) Early Retirements and Voluntary Redundancies

Members' approval was sought for existing members of staff who have expressed an interest in voluntary redundancy (including where applicable the release of pension benefits) to terminate their employment with the Council and to make the equivalent number of posts redundant.

Members' approval was also sought to allow existing members of staff who have expressed an interest in flexible retirement to reduce their hours of work as requested and for the reduction in hours to be reflected by an associated reduction in the FTE establishment for each post.

The Head of Human Resources updated Members on the appended list from which four members of staff have withdrawn.

Options, Risks and Reasons for Recommendations

This is a voluntary exercise and Members can reject the recommendations but will have to achieve the required savings for 2012/13 in other ways.

RESOLVED that:

1. The action taken by managers in agreeing the staff requests made be noted, as set out on the revised Appendix 1.
2. The applications, as set out on the revised Appendix 1, be supported with all staffing changes being implemented by no later than 31st March 2012.
3. In the event of Bassetlaw's Capitalisation Direction application to the Department of Communities and Local Government (DCLG) being rejected, the £345,098 severance costs be funded from the Job Evaluation reserve which would be repaid in 2012/13 (and if necessary 2013/14) from net savings achieved through this exercise to enable the cost of Job Evaluation and Equal Pay to be adequately provided for.
4. A further report be presented to Cabinet after 31st March 2012 to provide an update on the status of staffing changes.
5. A corporate invitation for voluntary redundancies be approved each year as part of future years' budget preparations. This is independent of the rights of employees at any time to request early retirement or flexible working/flexible retirement, in accordance with the relevant Council policies and procedures.

78. REPORT(S) OF THE CABINET MEMBER – FINANCE AND PROPERTY – COUNCILLOR J EVANS

(a) Proposed Sale of 18 and 18 The Square, Retford

Members' approval was sought for the marketing and disposal of 18 and 18a The Square, Retford.

Options, Risks and Reasons for Recommendations

Option One – To do nothing and not seek to dispose of both 18 and 18a The Square. The implication of this would be that the identified repairs to the property would have to be financed out of a reduced property maintenance budget, and the opportunity to realise a capital receipt would be lost.

Option Two – To sell the properties by private treaty. 18a The Square could be offered for sale by auction separately as an investment; however, these premises are within the overall envelope of No. 18 and the potential of having No. 18 and No. 18a in separate ownerships could prejudice the sale of No. 18 to a new owner who would be looking to undertake a comprehensive refurbishment.

By seeking to dispose of the property, there is an opportunity to generate a capital receipt and utilise office space that will become available as a result of Nottinghamshire County Council handing back their former premises adjoining Queen's Buildings.

RESOLVED that delegated authority be given to the Property Manager to dispose of both 18 and 18a The Square on the most financially beneficial basis to the Council.

(b) Proposed Sale of Land at the Junction of Bridge Street and Newgate Street, Worksop

Members' approval was sought for the marketing and disposal of an area of land at the junction of Bridge Street and Newgate Street, Worksop, which was identified on a location map appended to the report.

Options, Risks and Reasons for Recommendations

Option One – To do nothing with the site in which case the opportunity to generate a capital receipt would be lost and it would be necessary to look to demolish the existing toilet block and reinstate the site.

Option Two – To wait and see if the redevelopment proposals for the Newgate Medical Centre come forward and then decide to sell the site. There is, however, no guarantee that the existing medical practice will be redeveloped in the near future or that an acceptable sale price could be agreed.

Option Three – To sell the site on the open market. It is likely that, due to the cinema site presently under development and due to open late March 2012, the site will be of interest to a café/restaurant operator.

RESOLVED that delegated authority be given to the Property Manager to dispose of the site on the most financially beneficial basis to the Council.

(c) Facilities Management Phase 2

Members' approval was sought for final approval for the proposed new structure for the Caretaking and Courier Service which was presented to Cabinet on 5th July 2011. Trade union comments and the response by the Head of Finance and Property, together with job descriptions for the new Senior Caretaker and Facilities Officer, were appended to the report.

Options, Risks and Reasons for Recommendations

Option One - To do nothing and maintain the status quo. However, the Service review has been based upon the need for an integrated approach to service delivery which can respond to both the current aims and future needs of the organisation.

Option Two – To accept the proposals included within the Cabinet Report of 5th July 2011 which provide a structure that will strengthen this area of work and enable a more co-ordinated and better managed approach to Facilities Management.

RESOLVED that the proposed new structure for the Caretaking and Courier Service be approved.

79. ANY OTHER BUSINESS WHICH THE CHAIRMAN CONSIDERS TO BE URGENT

As there was no other business to be considered, the Chairman closed the meeting.