

HARBOROUGH DISTRICT COUNCIL

MINUTES OF THE CABINET MEETING

held at
Council Chamber, The Symington Building, Adam and Eve Street,
Market Harborough, LE16 7AG

On 5th December 2022
Commencing at 5.30pm

Present:

Councillors: Bateman, Dann, Hallam and King (Chair)

Apologies: Councillor Whelband

Guest: Councillors Dr Bremner and Critchley.

Officers: K. Aitken – Business Planning Officer, L. Elliott – Interim Chief Executive, V. Jessop - Interim Director of Communities and Wellbeing, N. Kwasa – Senior Democratic Officer, C Mason – Interim Deputy Chief Executive, C. Pattinson – Monitoring Officer and Interim Director of Governance, S. Pickering - Community Safety Manager and R. Smith - Environmental Services Manager.

Remote: D. Atkinson – Director Planning and Regeneration, C. Bland - Finance Services Manager

INFORMATION EXCHANGE FROM PORTFOLIO HOLDERS

Finance

Councillor Hallam noted that he had a number of reports to be discussed during the meeting so did not have any updates outside of these.

Corporate & Regulatory Services

Councillor Dann gave an update on the ongoing work surrounding the Local Elections in May 2023 including the introduction of voter identification, as well as arrangements being finalised for pre-election candidate briefings and nomination and acceptance drop-in sessions.

Strategy

Councillor King reported that work is progressing to install three community electric vehicle (EV) charging points in rural areas of the Harborough District and that the EV Charging points at the Harborough Innovation Centre had recently been upgraded and there are now 11 charging points there. He also noted that there will be another Go Green Business Convention taking place in March 2023 and further details will be circulated in due course.

TOPICAL ISSUES

There were none.

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Simon Whelband.

2. DECLARATION OF MEMBERS' INTERESTS

Councillor King declared an interest in items relating to Leicestershire County Council, in that he is a County Councillor, and in particular Item 7, Budget Principles & Reserves Strategy which mentions the Leicestershire County Pensions Scheme Committee of which he is a Member.

3. MINUTES

RESOLVED that the minutes of the meeting of the Cabinet held on the 14th November 2022 be approved as a correct record.

The minutes were updated to reflect that D. Atkinson – Director Planning and Regeneration had been present remotely at the previous meeting.

The Leader then MOVED to change the order of the agenda to discuss Item 9, Extension of PSPO for Alcohol related ASB & Dog Control, before Item 8 Strategic Partnership between Harborough District Council and Melton Borough Council. This was seconded by Councillor Bateman, and it was;

RESOLVED, that the order of the agenda be changed as noted.

4. 2022.23 Q2 OUTTURN FINANCIAL PERFORMANCE

The Portfolio Holder introduced the report which set out the financial position (outturn) for the year ending 31 March 2023, based on information at the end of September for revenue and capital. Based on the financial position as at 30 September 2022, based on known income and expenditure commitments and working assumptions, the forecast:

- Revenue is forecasting an overspend of £810k (quarter 1 £1,041k), a variance of 6.7% to the approved budget.
- Capital is forecasting an underspend of £70k

The Leader noted that car parking income was down in relation to the forecasted budget figure, rather than last year or the year before, and requested that more challenge is given to budget forecasts so that they are not overestimated. He also noted that there was a lot of positive information as well. The Cabinet noted that there was a car park review currently taking place which is looking at the future need of parking in the District.

Following the discussion it was;

RESOLVED, That Cabinet considered the financial performance report and commented on the Forecast Outturn (31st March 2023) as detailed within the report and associated appendices.

Reasons for Recommendations:

Good financial governance requires the Cabinet to consider and comment on the forecast financial outturn for 2022/23. Such commentary demonstrates to customers, partners, and stakeholders that the Council is actively considering the financial environment within which the Council is operating.

5. QUARTER 2 2022-23 PERFORMANCE REPORT

The Portfolio Holder introduced the report which noted the status of the Council's Key Activities and Key Performance Indicators as follows;

Status of all 32 Key Activities at the end of Quarter 2 of the 2022/23 year 28 (87.5%) Key Activities had a status of Green. 4 (12.5%) Key Activities had Amber status. 0 (0.0%) Key Activities were classed as Red status.

Status of all 21 Key Performance Indicators at the end of Quarter 2, of the year 2022/23: 13 (62%) of these have a status of Green, 3 (14%) have an Amber status and 5 (24%) have a Red status.

The Leader noted that it may be prudent to consider how KPIs on affordable housing and empty properties are reported if they are unlikely to hit the target until the end of the financial year and that quarterly reporting may not be appropriate. The Interim

Chief Executive AGREED to look into this and consider whether this might be better reported once at the end of Q4. She confirmed it would still sit as a target in the background. She also noted that in relation to the target on planning applications, at the time of reporting the team were not at full complement but now they are and the figure is already improving.

Following the discussion it was;

RESOLVED, That Cabinet considered and commented on the contents of the report.

Reasons for Recommendations:

The Council's Performance Management Framework requires that both Scrutiny and the Cabinet have a role in monitoring the performance of the Council against its Corporate Delivery Plan.

6. QUARTER 2 2022-23 RISK AND OPPORTUNITY MANAGEMENT

The Portfolio Holder introduced the report which noted that at the end of Quarter 2 of the 2022/23 year there were 21 Corporate Risks and 6 Corporate Opportunities on the Corporate Risk and Opportunity Register. He noted that three new Corporate Risks were added to the Corporate Risk and Opportunity Register during Quarter 2 of the 2022/23 year;

CR 43 The Council fails to put in place and up to date, sound and adoptable local plan, the updated local strategic planning framework for the district,

CR 44 Disruption and Uncertainty arising because of uncertainty in central Government,

CR 45 Possibility of an unplanned General Election ahead of 2024.

Following the discussion it was;

RESOLVED, That the items contained within the Council's Corporate Risk and Opportunity Register (attached at Appendix A to the report) be noted.

Reasons for Recommendations:

The Council's Risk and Opportunity Management Framework provides that the Council's Risks and Opportunities will be reported on a regular basis.

The Leader asked officers to consider how reports to be noted might be better shared with the Cabinet going forwards.

7. BUDGET PRINCIPLES & RESERVES STRATEGY

The Portfolio Holder introduced the report the purpose of which was to;

- Highlight to members the budget setting process and get agreement on key principles to support the development of the Budget 2023/24 and Medium-Term financial Strategy (2024/25 to 2027/28), and
- confirm the principles of the Reserves Strategy.

Following the discussion it was;

RESOLVED, That Cabinet approve the:

- **Delegations to the Director; Finance, ICT and Assets to agree, in consultation with the Portfolio Holder for Finance once known respective increases in Discretionary Fees & Charges (3.2.4)**
- **budget principles and definitions that are summarised in Appendix 4.**
- **Reserves Strategy in Appendix 5.**

Reasons for Recommendations:

To develop the foundation on which to support the development of the Budget and Medium-Term Financial Strategy.

9. EXTENSION OF PSPO FOR ALCOHOL RELATED ASB & DOG CONTROL

Councillor Bateman introduced the report on behalf of the Portfolio Holder. The purpose of the report was to request that Cabinet extend the existing PSPOs for alcohol related anti-social behaviour and dog related anti-social behaviour for a further three years. This will extend but not vary the Public Space Protection Orders in accordance with the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act").

The Cabinet asked how many arrests there had been regarding the three offences;

- Failing to remove dog faeces
- Failing to put a dog on a lead after a request by an authorised officer
- Failing to have an appropriate means to pick up dog faeces.

It was confirmed that there have been no issues with these offences whilst enforcement officers have patrolling. It was also asked how a public space is defined in relation to dog related anti-social behaviour and whether this included canal tow paths and public footpaths. It was confirmed that enforcement could be taken on any open space open to the public.

Following the discussion it was;

RESOLVED, That Cabinet;

1. Confirm and extend, for a period of 3 years, the Public Spaces Protection Order to address alcohol related anti-social behaviour without variation; Appendix 1 – draft order.

2. Confirm and extend, for a period of 3 years, the Public Spaces Protection Order to address dog control related anti-social behaviour without variation; Appendix 2 – draft order.

3. Delegate to the Director, Communities and Wellbeing, authority to take such steps as are required to give effect to the extension of the orders.

Reasons for Recommendations:

Alcohol Control PSPO

Should the PSPO not be extended there would be a lapse on the enforcement of anti-social drinking within the currently specified area. Not having a valid PSPO in place will have an impact on the Council and Local Policing's ability to deal with anti-social drinking within the designated areas. This may have a detrimental effect on the reputation of the Council.

Dog Control PSPO

The current PSPO expires in December 2022. Not having a valid PSPO in place will have an impact on the Council's ability to deal with dog related anti-social behaviour in the District, thus affecting the reputation of the Council.

The Interim Chief Executive then left the room for the following item.

8. STRATEGIC PARTNERSHIP BETWEEN HARBOROUGH DISTRICT COUNCIL AND MELTON BOROUGH COUNCIL

The Leader introduced the report the purpose of which was to present to Cabinet the Business Case and memorandum of agreement commissioned on behalf of the Councils in October 2022 in relation to the proposal to enter a Shared Partnership with Melton Borough Council. The Leader invited the Chairman of the Audit and Standards Committee to present any comments from the Committee. The Chairman of the Audit and Standards Committee noted that the particular concerns regarding an exit strategy had been considered in the Memorandum of Agreement and the concerns of having a shared Monitoring Officer had been addressed in the Business Case which had taken account of previous experience. He noted that Members of the Scrutiny Commission had requested more information regarding the Chief Executive of Melton Borough Council and the Leader confirmed that all Members have been invited to attend an informal 'meet and greet' with Mr de Coverly and Ms Howard from Melton Borough Council on 15 December 2022.

The Leader responded to further comments noted in Appendix C - Comments from Scrutiny Commission and Audit and Standards Committee, and noted that all Members had received responses to these and other questions in a FAQs document which had been circulated. He highlighted that there was one change in the Memorandum of Agreement that the break clause be set at 7 months rather than 6 months.

The Cabinet noted that it was a positive collaboration and that it was the right time to be considering this, and they thanked the Chair of the Audit and Standards Committee and the Scrutiny Commissioner, as well as all the officers for the work that has gone into it.

Following the discussion it was;

RESOLVED, That Cabinet;

- 1. Note the Business Case and Memorandum of Agreement.**
- 2. Received and reflected on the written and oral feedback from the Scrutiny Commission and the Audit and Standards Committee, agreeing any amendments required.**
- 3. Endorsed the Business Case and Memorandum of Agreement.**
- 4. Recommend to Council that it:**

- a. Endorse the Business Case in (Appendix A) and authorise Harborough District Council to enter into a strategic partnership with Melton Borough Council, with effect from 1 January 2023;**
- b. Approve the terms of the Memorandum of Agreement (Appendix B) and delegate authority to the Monitoring Officer, in consultation with the Leader, to finalise, approve and execute the Memorandum of Agreement;**
- c. Appoint Edd de Coverly, to the role of Shared Chief Executive and Head of Paid Service, to be placed at the disposal of Harborough District Council, under Section 113 of the Local Government Act 1972, with effect from 1 January 2023 in accordance with the Memorandum of Agreement and proposed pay structure due to be considered at Council;**
- d. Appoint Liz Elliott, the current Deputy Chief Executive, to the role of Shared Deputy Chief Executive and place her at the disposal of Melton Borough Council, under Section 113 of the Local Government Act 1972, with effect from 1 January 2023 in accordance with the Memorandum of Agreement and proposed pay structure due to be considered by Council;**
- e. Note that Melton Borough Council will appoint their Director of Housing & Communities (Deputy Chief Executive), Michelle Howard, to the role of Shared Deputy Chief Executive and place at the disposal of Harborough District Council under Section 113 of the Local Government Act 1972, with effect from 1 January 2023 in accordance with the Memorandum of Agreement and proposed pay structure due to be considered at Council;**
- g. Authorise the Monitoring Officer to make such changes to the constitution as are required to give effect to the Memorandum of Agreement;**
- h. The Strategic Partnership be reviewed after 12 months of operation and thereafter on an annual basis, with the outcome of the reviews being reported to Council;**
- i. Note that, if a recommendation to Council is made as set out above, and if Council resolves to enter into a Strategic Partnership with Melton Borough Council, Council will also be required to consider and approve any associated Human Resource implications of the proposals which will be reflected in the recommendations to Council.**
- j. Appoint the Councils Deputy Chief Executive, Liz Elliott, as the permanent Returning Officer and Electoral Registration Officer for Harborough District Council.**

Reasons for Recommendations:

i. This report relates to the decisions taken by Cabinet on 10 October 2022 to authorise the Council to work with Melton Borough Council to develop a full Business Case in respect of creating and operating a strategic partnership between Harborough District Council and Melton Borough Council.

ii. Development of both the Business Case and Memorandum of Agreement has been a robust and inclusive process supported by independent experts appointed to assist the two Councils. It has involved scrutiny commission considering the Business Case and Audit and Standards Committee reviewing the proposed Memorandum of Agreement. The inclusion of feedback from both committees to Cabinet will enable them to consider and agree any amendments prior to consideration by Council.

iii. The potential benefits that could be realised through a Strategic Partnership, and which the business case seeks to test, are as follows:

a. Strategic Place Leadership: increasing influence regionally and nationally, by speaking with a stronger and more united voice across a larger geographic area;

b. Communities and businesses: working together to respond to, and address, shared challenges which in turn will help improve impact and deliver better outcomes for our residents, communities and businesses e. g cost of living, health and wellbeing, housing affordability. Maximising external investment

a. Organisational effectiveness: opportunity to share learning and good practice and through collaboration whilst increasing service resilience, stability and effectiveness.

b. Workforce: increase opportunities for job enrichment, growth and development and improve recruitment and retention.

c. Financial resilience: realising efficiencies through joint working, reducing duplication, increasing purchasing power and achieving greater value for money.

It was determined that recommendation f. Authorise, Michelle Howard to be placed at the disposal of Harborough District Council in the role of Shared Deputy Chief Executive under Section 113 of the Local Government Act 1972 with effect from 1 January 2023 in accordance with Page 100 of 372 the Memorandum of Agreement and proposed pay structure due to be considered by Council, was a duplication and this was therefore removed from the list of recommendations.

10. To consider any matters of special urgency (to be decided by the Leader)

There was none.

The Leader thanked the Senior Democratic Officer and Team Leader for her work and wished her good luck as she goes on leave for a year.

The Meeting finished at 18:42.