



Cabinet

Minutes

Monday, 29 January 2024 at 15:00

Councillor Smith (Leader & Portfolio Holder for Finance, Governance and Major Projects) (in the Chair), Councillors Plant (Deputy Leader & Portfolio Holder for Operational Property and Asset Management); Flaxman - Taylor (Portfolio Holder for Housing Health and Communities); Bensly (Portfolio Holder for Tourism, Culture & Coastal); Candon (Portfolio Holder for Economic Development & Growth); & Wells (Portfolio Holder for Environment & Sustainability, Waste and Licensing).

Also in attendance:-

Ms S Oxtoby (Chief Executive Officer); Ms C Whatling (Monitoring Officer), Mrs P Boyce (Executive Director - People), Ms K Sly (Executive Director - Finance), Ms Natasha Hayes (Executive Director – Place) Ms Sarah Tate (Head of Organisational Development), Mrs N Turner (Head of Housing Assets), Ms Melanie Holland (Head of Strategic Housing), Ms Claire Wilkins (Housing delivery Manager), Mrs K Price (Head of Health Integration and Communities), Mr Sam Hubbard (Strategic Planning Manager), Mr Kim Balls (Principal Strategic Planner), Mrs A Krout (Democratic Services Officer)

Councillor Williamson attended as an observer to the meeting.

1 APOLOGIES FOR ABSENCE

There were no apologies for absence received at the meeting.

2 DECLARATIONS OF INTEREST

There were no declarations of interest declared at the meeting.

3 ITEMS OF URGENT BUSINESS

The Leader raised the decision taken on 14th December Cabinet which was called in by the Scrutiny Committee (4th January 2024) with the following recommendations:

(1) The Committee recognises that there is a need for change and for the analogue system to be upgraded as soon as possible.

(2) Scrutiny commented on the need for the Council to evidence best practice when communicating changes to its services, which could impact staff and job roles. Scrutiny requested that communication be given in person and not via email and this to be the case for all services across the Council in future.

(3) That in future, information regarding any significant changes to a Council service of a similar nature be reported to the Leader, Shadow Leader, responsible Cabinet Member and Chair of Scrutiny Committee.

Scrutiny also requested that Officers discuss further the requirements for this service being delivered by East Suffolk Council and investigate if their own in-house service has been improved and is now TSA accredited.

Cllr Flaxman-Taylor confirmed that after discussions with East Suffolk Council, that provider route was not feasible.

Cabinet hereby **agreed** that the original decision made at the Cabinet meeting held on the 14th December 2023 remained as follows :-

(1) Agree to Officers commencing with the next steps as detailed within the Head of Health, Integration and Communities and Head of Housing Assets presentation.

(2) Support the direct award of a contract to the current standby service provider, CareLine365, which provides current shift cover in order to minimise risk to residents under existing officer delegations to the Executive Director – People and Section 151 Officer in association with the Monitoring Officer as an Operational Emergency under article (42.10.5) given the possible risk to life.

(3) Note the procurement of a 24/7 out of hours telephone call answering service needed to deliver the emergency out of hours call handling (currently provided by the alarm monitoring service as an additional service) will need to be expedited as a result of the above.

4 MINUTES - 04.12.2023

The minutes of the meeting held on 4 December 2023 were confirmed.

5 MINUTES - 14.12.2023

The minutes of the meeting held on 14 December 2023 were confirmed.

6 23-106 - PERFORMANCE MANAGEMENT (CAPABILITY) POLICY AND PROCESS

Cabinet members received and considered the Head of Organisational Development's report.

The Leader presented the report to Members and advised that the report presented the new Performance Management policy to cabinet following full consultation with the Executive Leadership Team (ELT), UNISON and the Joint Consultative Working Group (JCWG).

The Council provides essential and important services to the borough and its residents. Key to it being able to function at the required level is ensuring that our employees are competent to undertake the whole of their role at an acceptable and safe standard.

This policy, which has been agreed with Unison, takes into account the Acas Code of Practice on disciplinary & grievance procedures and sets out the procedure which we will normally follow when performance has been identified as falling below an acceptable level. Its purpose is to provide a framework for resolving poor performance in a fair and supportive manner. All employees have a duty to cooperate with Council policies and will be encouraged to help identify the reason(s) for poor performance and how it can be improved.

The current policy has been revised taking account of up-to-date legislation, the ACAS Code of Practice and reflects learnings from recent cases and case law.

The policy has been thoroughly reviewed and updated by HR and has been through the consultation process with ELT, UNISON and JCWG aiming to help managers and employees who are involved in the process, to signpost the support available, consistent with other recent policies.

Feedback has been constructive and only minor amendments were made to the draft policy for clarity. UNISON and the JCWG, independently provided very similar feedback.

Cabinet **RESOLVED** to:

1. Approve the new Performance Management Policy and
2. Give delegated authority to the Head of Organisational Development to make minor and/or consequential amendments to the Policy for the purpose of keeping it up to date, clarifying its content or interpretation, correcting any errors or omissions, updating it in accordance with changes in legislation, and/or caselaw, or with changes in the management

structure.

7 23-198 - GREAT YARMOUTH BOROUGH-WIDE DESIGN CODE SUPPLEMENTARY PLANNING DOCUMENT - FORMAL ADOPTION OF THE ABOVE SPD

Cabinet Member's received and considered the Principal Strategic Planner's report.

The Portfolio Holder for Economic Development and Growth, Councillor Candon presented the report to Members and advised that the report set out recommendations to adopt the Great Yarmouth Design Code Supplementary Planning Document (SPD). Design codes enable Local Planning Authorities to provide clear guidelines on what is expected in the Borough in terms of design and visually pleasing neighbourhoods, enhancing community pride, and fostering a sense of place.

The National Planning Policy Framework sets an expectation that all Local Planning Authorities should prepare local design guides or design codes. These are planning tools to help shape placemaking and design, setting out clear principles and standards for developments. In meeting this expectation, the Council has committed to progress a borough-wide design code within its Annual Action Plan.

The Design Code will aid greater detail and interpretation of design policies in the adopted Local Plan and will be a material consideration in the determination of planning applications.

The purpose of the Great Yarmouth Borough-Wide Design Code SPD is to supplement the interpretation of existing design-based policies in the Council's adopted Local Plan, providing greater detail and expectations for what constitutes 'good design' across the borough.

The Great Yarmouth Design Code SPD was subject to continuous 'informal' consultation with specific interest groups and stakeholders between September 2022 and May 2023 to inform a final 'draft' of the Design Code. Consultation on the final draft SPD was undertaken for an initial 8 weeks between 14th July and 8th September 2023. This consultation was extended by a further 4 weeks, ending on 13th October 2023.

All consultation responses have been reviewed, and final necessary changes made to the document. Subject to endorsement by Cabinet, the Great Yarmouth Design Code SPD can be adopted to support the Local Plan.

The Great Yarmouth Design Code SPD supplements the interpretation of existing design-based policies in the Council's adopted Local Plan, providing greater detail and expectations for what constitutes 'good design' across the borough, and will be a material consideration in the determination of such matters.

Councillor Wells offered his appreciation to the officers for the huge amount of work that had gone into the report and stated he was very pleased about the specific details giving clear rules and guidance which would lead to a higher level of support.

Councillor Plant echoed Councillor Wells' comments and stated he was pleased that the Design Code covered the entire Borough and was designed to keep the identifying features of each area.

Councillor Williamson stated that as a member of the Development Control Committee, the officers' work was of the highest standard.

The Chair gave a vote of thanks to the Strategic Planning Manager and his team.

Cabinet **RESOLVED** to:

1. Adopt the Great Yarmouth Borough-Wide Design Code Supplementary Planning Document (as included in Appendix 1 of this report).
2. Delegate authority to Head of Planning to publish and republish the SPD, without any material alteration to content, in the most suitable format (for example HTML or PDF) to allow for the guidance to be easily accessed and navigated via the Council's website.

8 23-204 -ADOPTION OF LOCAL DEVELOPMENT SCHEME

Cabinet Members received and considered the Strategic Planning Manager's report.

The Portfolio Holder for Economic Development and Growth, Councillor Candon, presented the report to Members and advised that the report recommends the adoption of a revised Local Development Scheme which sets out the subject matter of Local Plan documents and timescales for preparation.

The Council's Local Development Scheme (LDS) sets out the timetable for the preparation of the Local Plan. It must also set out the subject matter and geographical area which the plan will cover. It was last adopted in May 2022.

Local Plans must be prepared in accordance with the LDS, as such it is important to keep it up to date. An up-to-date LDS is a useful source of information for the public and stakeholders so they can keep track of progress and understand when they are likely to next be consulted.

The current LDS sets out a proposal to prepare a single Local Plan for the Local Planning Authority area of Great Yarmouth Borough Council (i.e. excluding the Broads Authority area).

The LDS states that the new Local Plan will include a strategy for development, identify site allocations and area specific policies alongside detailed policies to help determine planning applications.

A revised LDS is presented in Appendix 1 to this report and provides the latest timetable for preparation of the plan.

The Chair thanked the Strategic Planning Manager, the Principal Strategic Planner and their team for their hard work.

Cabinet **RESOLVED** to:

1. Adopt the revised Local Development Scheme (Appendix 1)
2. Delegate authority to the Head of Planning, in consultation with the Cabinet Member for Strategic Planning, to adopt any future revisions to the Local Development Scheme where they relate to changes to the timetable of preparation or minor changes to subject matter of the Local Plan with the following exceptions:
 - The submission of the Local Plan under regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 shall not exceed June 2025; and
 - The adoption of the Local Plan under section 23 of the Planning and Compulsory Purchase Act 2004 shall not exceed December 2026.

9 22-264 - THE STAR HOTEL

Cabinet Members received and considered the Head of Environment and Sustainability's report.

The Portfolio Holder for Environment and Sustainability, Licensing and Waste, Councillor Paul Wells, presented the report to Members and advised that the Star Hotel has been vacant for several years and has been the target of anti-social behaviour and vandalism. The building is listed and occupies a prime position on the Historic Quay. It has been widely understood that there are complex legal issues relating to the ownership of the building.

Whilst a wider decision will be required over the Council's future actions surrounding the Star Hotel, this paper provides details of the costs to make the building secure and watertight, whilst an options paper for the future of the building is developed.

It is proposed that the Council carry out enough of the works listed in the urgent work notice to secure and make the Property watertight as detailed in 4.2. Legal advice has been sought, as we are not proposing to complete all works in the notice. Our responsibility in carrying out urgent works in default is to complete enough works to stop the Property from deteriorating further and ensure its preservation for the future, while not causing excessive or unnecessary costs to be incurred. Securing it from entry and the roof from water ingress will meet this requirement while not incurring excessive costs for the Owner or the Council.

The Council could do nothing, especially where it is considered financially unviable for the Council to be involved. However, this would continue to be a drain on the Council's resources as the anti-social behaviour will continue and it could see the property deteriorate to the point of requiring demolition and at risk of destruction from fire or water damage.

Once the property is secure a longer-term plan for its future is required.

The activity will slow down the degradation of the building, protecting this historic asset and prevent further vandalism.

Councillor Wells commented that The Star Hotel was a vital building in the history of the town.

Councillor Candon thanked the officers for their report and commented that he totally supported the proposal but it shouldn't fall on the tax-payer to foot the bill and hoped

it would not harm the reputation of the council.

Councillor Plant agreed that The Star hotel is an iconic building and that it was right for the Council to make the building watertight. He further commented on the complicated legal patchwork surrounding the ownership of the building that needed to be sorted.

The Chair thanked the Head of Environment and Sustainability and his team, as well as the Monitoring Officer for their hard work.

Councillor Wells further commented that he endorsed the frustrations that had been made and advised that if there is a mechanism to recoup costs, then the council would do so and explore every avenue it could.

Cabinet **RESOLVED** to:

1. Note the work carried out to date.
2. Agree to progress works to secure the building and make it watertight. This includes an allocation of £81,000 to undertake these works in default.

10 23-069 - HRA SERVICE CHARGE REVIEW UPDATE

Cabinet Members received and considered the Head of Housing Asset's report.

The Portfolio Holder for Operational Property and Assets, Councillor Plant, presented the report to Members and advised that the report outlines a proposed revised approach to charging Council Tenants and Leaseholders for services provided to their homes. Currently tenants pay the same charge for caretaking services despite a range of service levels being delivered in different locations. In addition, there are services which are provided to some homes but not all for which no service charge is currently charged, and this report proposes de-pooling these charges to allow new service charges to be introduced.

Cabinet previously approved a consultation of tenants and leaseholders on introducing the above changes and this report details the outcome of that consultation and recommends that the new approach is introduced from April 2024.

Overall, 52% of tenants support the proposed approach of de-pooling. 62% of tenants and leaseholders agreed with the proposal to introduce differential charges to reflect different levels of service provision and 67% thought this would be fairer. On this basis, it is proposed that the Council will de-pool those areas of services which are provided to some tenants and not all and introduce differential levels of service charges to reflect the different levels of service.

As part of the development of the Housing Revenue Account budget for 2024/5, the Council will review the costs of all services it provides through service charges. The new service charges costs will be approved as part of the approval of the 2024/5 Housing Revenue Account budget.

Tenants will be notified of the new service charge amounts through their statutory rent increase notification. In accordance with legislative requirements, leaseholders require three stages of consultation before the changes can be introduced with effect

from April 2024. The initial consultation letter and questionnaire started this process, with a second letter required to be sent following Cabinet and the final letter sent in February 2024. All consultation responses will be considered before the final decision is made to implement the changes set out in this report for leaseholders.

Following consideration by Cabinet of this report, tenants who purchase their home through the Right to Buy scheme and purchase a freehold house or bungalow which benefits from communal area will be charged an annual grounds maintenance fee, with the charge reflecting the applicable rate for a tenanted property.

Councillor Williamson asked whether the charges would be available for the 6th February Scrutiny of Budget meeting.

The Head of Housing Assets advised that the figures were in the process of being finalised but would be ready.

Cabinet **RESOLVED** to:

1) Approve the new approach to charging tenants for services provided through the Housing Revenue Account as set out in the report.

2) Approve the new approach to charging leaseholders for services provided through the Housing Revenue Account, subject to no material objections being received during the next two stages of consultation.

3) Note that the actual costs of service charges will be set as part of the 2024/25 Housing Revenue account budget.

11 23-205 - UPDATE - REGULATION OF INVESTIGATORY POWERS ACT 2000

Cabinet Members received and considered the Monitoring Officer's report.

The Leader, Councillor Smith, presented the report to Members to advise Cabinet that, no requests have been made for covert surveillance to be undertaken under the Regulation of Investigatory Powers Act 2000 (RIPA) since the last report in September 2020 and that following advice from the Investigatory Powers Commissioner's Office (IPCO);

An appendix has been added to the Council's RIPA policy to provide guidance on the use of social media in surveillance activity.

Cabinet is also asked to note that Officer training will be undertaken in 2024.

Councillor Plant sought clarification on the non-use of cameras for fly-tipping and dog fouling.

The Monitoring Officer advised that covert cameras have not been used.

Cabinet **RESOLVED** to:

Note the Monitoring Officer's report.

12 23-175 - FEES AND CHARGES 2024-25

Cabinet Members received and considered the report from the Executive Director of Resources.

The Leader, Councillor Smith, presented the report to Members to advise Cabinet that the report recommends for approval the fees and charges for 2024/25.

All fees and charges have been reviewed in line with the fees and charges policy which allows for increases in line with RPI plus upto 2% and also having regard to the cost of the provision of services and the impact on demand for the service and what the market can stand.

The proposed fees and charges for 2024/25 are included at appendix A to the report.

For 2024/25 the maximum allowed for within the policy is 10.9% which takes into account RPI of 8.9% in September 2023. All fees and charges have been reviewed with the relevant managers and where applicable increases applied to reflect increased costs in the provision of the services.

The detailed appendix to the report outlines the proposed fees to be implemented from April 2024 for which the associated income assumptions have been used to inform the budget position for the same period.

The report is also making recommendations for a number of new charges which are detailed at Appendix B to the report, these are largely in relation where reviews have been undertaken to arrive at a more appropriate charging base, for example a new charging structure for planning and new charges for events on council land and car parks.

There is one small amendment to Food mentoring visits which has been included as £150 (appendix B) and should be £220 so I am proposing that this be amended in the final version that is recommended to Council.

Cabinet **RESOLVED** to:

- 1) Approve the schedule of fees and charges for 2024/25 as detailed in appendix A of the report as per the fees and charges policy from 1 April 2024;
- 2) RECOMMEND TO COUNCIL approval of those fees and charges as detailed within Appendix B from 1 April 2024.

13 **CONFIDENTIAL - 23-213 - SPEND OF ALLOCATED ROUGH SLEEPING INITIATIVE (RSI) FUNDING**

(Confidential Minute on this Item)

14 **CONFIDENTIAL MINUTES**

(Confidential Minute on this Item)

The meeting ended at: TBC