

Enquiries to: Kelly Baxter
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Date: 3rd October, 2023

Dear Sir/Madam,

A meeting of the **CABINET** will be held in the Council Chamber, Town Hall, Nuneaton, on **Wednesday, 11th October 2023** at **6.00 p.m.**

The public can follow the decision making online:-
www.nuneatonandbedworth.gov.uk/virtual-meeting.

Please note that meetings are recorded for future broadcast.

Yours faithfully,

BRENT DAVIS

Chief Executive

To: Members of Cabinet

Councillor K. Wilson (Leader of the Council and Business and Regeneration)
Councillor C. Golby (Deputy Leader and Housing and Communities)
Councillor S. Croft (Finance and Corporate)
Councillor S. Markham (Public Services)
Councillor R. Smith (Planning and Regulation)
Councillor J. Gutteridge (Health and Environment)

Also invited:

Councillor C. Watkins (Leader of the Main Opposition Group and Observer)

AGENDA

PART I

PUBLIC BUSINESS

1. EVACUATION PROCEDURE

A fire drill is not expected, so if the alarm sounds, please evacuate the building quickly and calmly. Please use the stairs and do not use the lifts. Once out of the building, please gather outside the Lloyds Bank on the opposite side of the road.

Exit by the door by which you entered the room or by the fire exits which are clearly indicated by the standard green fire exit signs.

If you need any assistance in evacuating the building, please make yourself known to a member of staff.

Please also make sure all your mobile phones are turned off or set to silent.

I would also advise that all or part of the meeting will be live streamed and recorded for future broadcast.

2. APOLOGIES - To receive apologies for absence from the meeting.

3. DECLARATIONS OF INTEREST

To receive declarations of Disclosable Pecuniary and Other Interests, in accordance with the Members' Code of Conduct.

Declaring interests at meetings

If there is any item of business to be discussed at the meeting in which you have a disclosable pecuniary interest or non-pecuniary interest (Other Interests), you must declare the interest appropriately at the start of the meeting or as soon as you become aware that you have an interest.

Arrangements have been made for interests that are declared regularly by members to be appended to the agenda (**Page 5**). Any interest noted in the Schedule at the back of the agenda papers will be deemed to have been declared and will be minuted as such by the Committee Services Officer. As a general rule, there will, therefore, be no need for those Members to declare those interests as set out in the schedule.

There are, however, TWO EXCEPTIONS to the general rule:

1. When the interest amounts to a Disclosable Pecuniary Interest that is engaged in connection with any item on the agenda and the member feels that the interest is such that they must leave the room. Prior to leaving the room, the member must inform the meeting that they are doing so, to ensure that it is recorded in the minutes.

2. Where a dispensation has been granted to vote and/or speak on an item where there is a Disclosable Pecuniary Interest, but it is not referred to in the Schedule (where for example, the dispensation was granted by the Monitoring Officer immediately prior to the meeting). The existence and nature of the dispensation needs to be recorded in the minutes and will, therefore, have to be disclosed at an appropriate time to the meeting.

Note: Following the adoption of the new Code of Conduct, Members are reminded that they should declare the existence and nature of their personal interests at the commencement of the relevant item (or as soon as the interest becomes apparent). If that interest is a Disclosable Pecuniary or a Deemed Disclosable Pecuniary Interest, the Member must withdraw from the room.

Where a Member has a Disclosable Pecuniary Interest but has received a dispensation from Audit and Standards Committee, that Member may vote and/or speak on the matter (as the case may be) and must disclose the existence of the dispensation and any restrictions placed on it at the time the interest is declared.

Where a Member has a Deemed Disclosable Interest as defined in the Code of Conduct, the Member may address the meeting as a member of the public as set out in the Code.

Note: Council Procedure Rules require Members with Disclosable Pecuniary Interests to withdraw from the meeting unless a dispensation allows them to remain to vote and/or speak on the business giving rise to the interest.

Where a Member has a Deemed Disclosable Interest, the Council's Code of Conduct permits public speaking on the item, after which the Member is required by Council Procedure Rules to withdraw from the meeting.

4. MINUTES - To confirm the minutes of the Cabinet meeting held on the 6th September 2023 **(Page 8)**
5. PUBLIC CONSULTATION – Members of the Public will be given the opportunity to speak on specific agenda items if notice has been received.
6. HOUSING REVENUE ACCOUNT – CONSULTANCY SUPPORT (DESIGN & SURVEYING) report of the Assistant Director of Social Housing & Community Safety attached **(Page 19)**
7. RECOMMENDATIONS FROM OVERVIEW AND SCRUTINY PANELS
None
8. ANY OTHER ITEMS - which in the opinion of the Chair of the meeting should be considered as a matter of urgency because of special circumstances (which must be specified)

Nuneaton and Bedworth Borough Council

Building A Better Borough

Nuneaton and Bedworth 2032: working in partnership, restoring pride in our borough

AIM 1: LIVE

We want to make our borough a place where our residents enjoy living and in which others choose to make their home.

Priority 1: Promote residents' health and wellbeing

Priority 2: Enable appropriate housing development

Priority 3: Sponsor a sustainable green approach

Priority 4: Prioritise community safety and empowerment

AIM 2: WORK

Using our prime location within the national road and rail networks and responding to the needs of private companies, we want to make our borough a place in which businesses choose to locate and where our residents enjoy a range of employment options.

Priority 1: Grow a strong and inclusive economy

Priority 2: Champion education and skills

Priority 3: Embrace new and emerging technology

Priority 4: Support local businesses

AIM 3: VISIT

Taking advantage of our open green spaces, our heritage, and our location within the West Midlands, we want our borough to be a vibrant destination for residents and visitors alike. A place where people and families want to spend time relaxing, socialising and taking part in leisure and cultural activities.

Priority 1: Create vibrant and diverse town centres

Priority 2: Stimulate regeneration

Priority 3: Celebrate and promote our heritage

Priority 4: Improve the physical environment

Cabinet - Schedule of Declarations of Interests – 2023/2024

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
	General dispensations granted to all members under s.33 of the Localism Act 2011			Granted to all members of the Council in the areas of: <ul style="list-style-type: none"> - Housing matters - Statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992 - An allowance, payment given to members - An indemnity given to members - Any ceremonial honour given to members - Setting council tax or a precept under the Local Government Finance Act 1992 - Planning and Licensing matters - Allotments - Local Enterprise Partnership
	S. Croft	Employed at Holland & Barrett Retail Ltd	Treasurer of the Conservative Association Member of the following Outside Bodies: <ul style="list-style-type: none"> • Champion for Safeguarding (Children and Adults) • Local Government Superannuation Scheme Consultative Board West Midlands Employers	
	C. Golby		Member of Warwickshire County Council Membership of Other Bodies: <ul style="list-style-type: none"> • Nuneaton and Bedworth Safer and Stronger Communities Partnership • Nuneaton and Bedworth Community Enterprises Ltd. • Nuneaton and Bedworth Home Improvement Agency • Safer Warwickshire Partnership Board • Warwickshire Housing and Support Partnership • Warwickshire Police and Crime Panel • George Eliot Hospital 	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
			<p>NHS Trust – Public/User Board</p> <ul style="list-style-type: none"> • George Eliot Hospital NHS Foundation Trust Governors • District Leaders (substitute) • Local Enterprise Partnership (substitute) • Coventry, Warwickshire and Hinckley and Bosworth Joint Committee (substitute) 	
	J. Gutteridge		<p>Representative on the following Outside Bodies:</p> <ul style="list-style-type: none"> • Warwickshire Health and Wellbeing Board • Age UK (Warwickshire Branch) • Committee of Management of Hartshill and Nuneaton Recreation Ground • West Midlands Combined Authority Wellbeing Board <p>Member of NABCEL</p>	
	S. Markham	County Councillor – WCC (Portfolio Holder for Children’s Services)	<p>Governor at Ash Green School</p> <p>Member of the following Outside Bodies:</p> <ul style="list-style-type: none"> • Nuneaton and Bedworth Sports Forum • Warwickshire Direct Partnership • Warwickshire Waste Partnership • Sherbourne Asset Co Shareholder Committee • Hammersley, Smith and Orton Charities 	
	R. Smith		<p>Chairman of Volunteer Friends, Bulkington;</p> <p>Trustee of Bulkington Sports and Social Club;</p> <p>Director of NABCEL;</p> <p>Member of the following Outside Bodies:</p> <ul style="list-style-type: none"> • A5 Member Partnership; • PATROL (Parking and Traffic Regulation Outside of London) Joint Committee; • Building Control Partnership Steering Group • Bulkington Village Community and Conference Centre • West Midlands Combined 	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
			Authority and Land Delivery Board	
	K.D. Wilson	Acting Delivery Manager, Nuneaton and Warwick County Courts, HMCTS, Warwickshire Justice Centre, Nuneaton	Deputy Chairman – Nuneaton Conservative Association Corporate Tenancies: properties are leased by NBBC to Nuneaton and Bedworth Community Enterprises Ltd, of which I am a Council appointed Director. Representative on the following Outside Bodies: <ul style="list-style-type: none"> • Director of Nuneaton and Bedworth Community Enterprises Ltd (NABCEL) • Coventry, Warwickshire and Hinckley & Bosworth Joint Committee • District Council Network • Local Government Association • LGA People & Places Board (Member) • West Midlands Combined Authority 	

NUNEATON AND BEDWORTH BOROUGH COUNCIL

CABINET

6th September 2023

A meeting of Cabinet was held on Wednesday 6th September, 2023 in the Council Chamber which was recorded and uploaded onto the Council's website.

Present

Councillor C. Golby (Deputy Leader and Housing and Communities)
Councillor S. Croft (Finance and Corporate)
Councillor J. Gutteridge (Health and Environment)
Councillor S. Markham (Public Services)
Councillor R. Smith (Planning and Regulation)

CB36 **Apologies**
None

CB37 **Declarations of Interest**
RESOLVED that the Declarations of Interest for this meeting are as set out in the Schedule attached to these minutes.

CB38 **Minutes**
RESOLVED that the minutes of the Cabinet meeting held on 26th July 2023, be approved, and signed by the Chair.

CB39 **Department of Levelling Up, Housing and Communities – Simplification Pathfinder Pilot**
The Strategic Director – Economy & Transformation provided a report seeking approval for Nuneaton and Bedworth Borough Council to be a part of Department of Levelling Up Housing and Communities (DLUHC) Simplification Pathfinder Pilot

RESOLVED that

- a) the Council joining DLUHCs Simplification Pathfinder Project Pilot be approved; and
- b) Delegated Authority be given to the Strategic Director (Economy & Transformation) in consultation with the Portfolio Holder (Business & Regeneration) to agree and implement an appropriate governance structure as part of the Pathfinder Pilot

Speakers:

None

Options

1. To accept the recommendations as set out in the report to enable the Simplification Pathfinder Pilot to proceed; or
2. To give direction to explore alternative courses of action or revise the delegation; or

3. To reject the recommendations, which means that the Simplification Pathfinder Project shall not proceed and therefore the benefits associated with this project will not be realised.

Reasons

This opportunity to take part in the pilot project will allow greater flexibility for the Council to make decisions with regards to moving funding between projects.

DLUHC will devolve decision making by streamlining the reporting process, increasing, flexibility, reducing bureaucracy and inefficiency within the delivery process and maintaining proportionate controls to ensure that funding continues to deliver good value for money.

CB40 **Customer Experience and Digital Strategy**

The Strategic Director – Economy and Transformation submitted the strategy report to Cabinet which set out the Council's intended customer experience and digital strategy for 2023-2025.

RESOLVED that the Customer Experience and Digital Strategy as detailed within the report be adopted.

Speakers:

None

Options

1. To adopt the strategy as detailed within the report.
2. To reject the strategy, however this would mean that the Council would need to find alternative means to demonstrate its commitment to the customer and would have a negative impact on the Council's effort to achieve Customer Service Excellence (CSE) Accreditation.
3. To recommend revisions to the strategy and ask that it is re-presented at a future date.

Reasons

The strategy will demonstrate the Council's commitment to the -customer and to delivering exceptional customer experiences.

The strategy will give further direction and momentum to the Council's wider modernisation work by setting out the intention to improve and promote digital services.

The strategy will support the Council's CSE Accreditation submission.

CB41 **Procurement of Aids and Adaptations Framework Agreement for Private Sector Grants**

A report of the Head of Home Environment Services was submitted to Cabinet to seek approval for the creation of a framework of contractors to deliver aid and adaptations to assist with delivering Disabled Facilities Grants and home improvements.

RESOLVED that

- a) The procurement of a new Aids and Adaptations Framework be commenced to assist with the delivery of the HEART capital programme on behalf of the HEART partnership.
- b) Delegated Authority be given to the Head of Home Environment Services to award the procurement of a HEART Aids and Adaptation Framework and enter into a framework agreement with multiple contractors to facilitate the call-off contracts with contractors on the basis expenditure is within budget.

Speakers

None

Options

1. To accept the recommendations and proceed with the procurement and award of the framework. This would allow the service to better manage the contractors and building process for vulnerable customers. It would speed up service delivery as contractors would be working to specified service standards and customers would not need to seek 2 quotes from unknown builders. Contractors would become familiar with service requirements, specifications, and standards.
2. To not proceed with the procurement which would mean residents would need to seek their own contractors which could potentially lead to additional work to screen quotes from unknown contractors and raise revenue costs to manage this process. It could increase delays in delivery and increase inspections to ensure that the works meet the customer's needs and increase time to support customers through a more complex process.

Reasons

Procuring the framework will take a considerable burden from often vulnerable residents and increase the delivery speed of essential adaptations.

CB42 Cultural Strategy

A report by the Assistant Director – Recreation & Culture was submitted to Cabinet to seek approval for the adoption of the Cultural Strategy.

RESOLVED that

- a) the Cultural Strategy as at Appendix A of the report be adopted; and
- b) Delegated Authority be given to the Assistant Director – Recreation & Culture in consultation with the Portfolio Holder for Public Services to implement the Strategy.

Speakers

None

Options

1. Adopt the recommendations in full or
2. Do not accept the recommendations which would mean the strategy remains as a draft

Reasons

It was recognised that there had never been a strategy which could drive forward Culture's role in Building a Better Borough.

CB43 Bedworth Physical Activity Hub Update

A report from the Assistant Director – Recreation and Culture was submitted to provide Cabinet with an update following financial pressures in delivering this project. A proposed de-scoped design of the project has been produced and supported by partners to help deliver the BPAH and to reduce the overall project cost whilst still delivering the required outcomes.

RESOLVED that

- a) Delegated Authority be given to the Strategic Directors for Economy & Transformation and Finance & Governance in consultation with the Assistant Director for Recreation & Culture and the Portfolio Holder for Public Services to negotiate and agree a Project Adjustment Request with DLUHC (Department for Levelling Up, Housing and Communities) and formally agree a change of project scope with Sport England, to retain the maximum amount possible of external funding for the BPAH;
- b) the de-scoped design (Appendix A of the report) as NBBC's now preferred option to move forward with delivery and undertake RIBA (Royal Institute of British Architects) Stages 3 and 4 be approved; and
- c) Delegated Authority be given to the Strategic Directors for Economy & Transformation and Finance & Governance in consultation with the Assistant Director for Recreation & Culture and the Leader of the Council and Portfolio Holder for Public Services, to agree RIBA Stages 5 onwards and contract terms for the delivery (with external consultants and the main contractor) of the new BPAH as per the descoped option, subject to planning application approval and all the finances are in place to the budget of £30.1M.

Speakers

Councillor Martin Walsh
Councillor Damon Brown

Options

1. Accept the recommendations in full
2. Do not accept the recommendations which would mean that the BPAH project remains paused.

Reasons

The Council at this time cannot afford any additional prudential borrowing to the value of £6/7M, to meet the shortfall in the original project costs totalling £34M delivery. Therefore, to deliver a scheme that meets external funders' approval, within NBBC finances and meeting local outcomes a descoped option (Appendix A) would enable the best chance of delivery within the given time limits of approved funding.

CB44 Corporate Enforcement Policy and Corporate Debt Policy

A report of the Strategic Director – Finance and Governance was submitted to Cabinet to present the newly created Corporate Enforcement Policy and the updated Debt Recovery Policy for consideration.

RESOLVED that

- a) the Corporate Enforcement Policy and Debt Recovery Policy be approved; and
- b) it be recommended to Council that the Constitution be updated accordingly.

Speakers

None

Options

1. Approve the policies, which will ensure that all types of debtors are treated consistently and the recovery of income due to the Council is maximised
2. Do not approve the policies, which could expose the Council to some form of challenge if an inconsistent approach is taken in the way that debt is recovered by the various service areas across the Council

Reasons

To ensure that the Council has robust policies in place to ensure the effective recovery of debt

CB45 Modern Slavery and Human Trafficking Annual Statement

The Assistant Director – Governance & Democracy and Head of People and Culture provided a report to seek approval for the Borough council's Modern Slavery and Human Trafficking Annual Statement for the 2022/23 financial year period to comply with section 54 of the Modern Slavery Act.

RESOLVED that

- a) Approve the Modern Slavery and Human Trafficking Annual Statement for the 22/23 Financial Year period; and
- b) Delegated Authority be given to the Assistant Director – Governance & Democracy and Head of People and Culture to publish the statement on the Council website and Central Government Registry for publication.

Speakers

None

Options

1. Approve the recommendations to ensure compliance with section 54 of the Act by publishing a statement; or
2. Reject the recommendations resulting in non-compliance with section 54 of the Act.

Reasons

To ensure compliance with Section 54 of the Modern Slavery Act 2015 and guidance

CB46 Rescinding the Original and Implementing New Article 4 Directions

The Assistant Director –Planning provided a report to Cabinet to seek approval to cancel and renew Article 4(1) Directions in the Abbey and Bulkington Conservation Areas.

RESOLVED that the cancellation and renewal of Article 4 (1) Directions in the Abbey and Bulkington Conservation Areas be approved.

Speakers

None

Options

1. To recommend the Article 4(1) Directions for Abbey and Bulkington Conservation Areas be rescinded and new Directions implemented. This would ensure compliance with the legal obligation to comply with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires any buildings or other land in a conservation area, special attention is paid to the desirability of preserving or enhancing the character or appearance of that area. It would also ensure compliance with the implementation procedures as set out Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). The Council will be able to continue to ensure development in the Conservation Areas conforms with the Conservation Area Management Plans. Once confirmed, the Council will be able to inform the Land Registry that the Directions are in place for the purposes of Land Charges as required by the Infrastructure Act 2015.
2. To not recommend Article 4(1) Directions for Abbey and Bulkington Conservation Areas be rescinded and new Directions implemented. If the Directions are not approved the Council will not meet be able to manage development in the Conservation Areas. This means the Council will not meet the requirements of the Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. It will also not be able to inform the Land Registry that the Directions are in place for the purposes of Land Charges as required by the Infrastructure Act 2015. If the Council does not inform the Land Registry that Directions are in place and subsequently planning permission is

refused or is granted subject to conditions different from those in the GDPO, or enforcement action is taken, there are potential financial consequences.

Reasons

To comply with Town and Country Planning (General Permitted Development) Order 2015 (as amended)

CB47 General Fund Budget Monitoring Q1

The Strategic Director – Finance & Governance provided a report to Cabinet to present the forecast revenue outturn position for the General Fund as at 30th June 2023

RESOLVED that

- a) the forecast outturn position for the General Fund for 2023/24 be noted, with consideration given to key variances
- b) the direction of the S151 Officer to implement savings detailed at paragraph 4.3 of the report be noted.

Speakers

None

Options

1. To accept the report
2. Request further information on the forecasted position.

Reasons

To council is required to achieve a balanced budget each year.

CB48 HRA Budget Monitoring Q1

The Strategic Director – Finance & Governance provided a report to Cabinet presenting the forecast outturn position for the Housing Revenue Account (HRA) as at 30th June 2023.

RESOLVED that the forecast outturn position for the HRA for 2023/24 be noted, with consideration given to key variances.

Speakers

None

Options

1. To accept the report
2. To request further information on the forecasted position

Reasons

To council is required to achieve a balanced budget each year.

CB49 **Capital Budget Monitoring Q1**

The Strategic Director – Finance & Governance submitted a report to Cabinet updating on the Council's Q1 forecasted outturn position on capital expenditure for both the General Fund and Housing Revenue Account (HRA).

RESOLVED that

- a) the Q1 forecasted outturn position on capital expenditure for both the General Fund and Housing Revenue Account (HRA) be noted and considered; and
- b) it be recommended to Council that an update to the Capital Budget for 2023/24 as detailed in part 4.10 of the report be approved.

Speakers

None

Options

1. To accept the report
2. Request further information on the forecasted outturn position.

Reasons

To ensure the Council has an accurate capital budget

CB50 **Recommendations From Overview and Scrutiny Panels**

None

CB51 **Any Other Items**

None

Chair

PUBLICATION DATE: 13TH SEPTEMBER 2023

DECISIONS COME INTO FORCE: 21ST SEPTEMBER 2023

Cabinet - Schedule of Declarations of Interests – 2023/2024

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
	General dispensations granted to all members under s.33 of the Localism Act 2011			Granted to all members of the Council in the areas of: <ul style="list-style-type: none"> - Housing matters - Statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992 - An allowance, payment given to members - An indemnity given to members - Any ceremonial honour given to members - Setting council tax or a precept under the Local Government Finance Act 1992 - Planning and Licensing matters - Allotments - Local Enterprise Partnership
	S. Croft	Employed at Holland & Barrett Retail Ltd	Treasurer of the Conservative Association Member of the following Outside Bodies: <ul style="list-style-type: none"> • Champion for Safeguarding (Children and Adults) • Local Government Superannuation Scheme Consultative Board West Midlands Employers	
	C. Golby		Member of Warwickshire County Council Membership of Other Bodies: <ul style="list-style-type: none"> • Nuneaton and Bedworth Safer and Stronger Communities Partnership • Nuneaton and Bedworth Community Enterprises Ltd. • Nuneaton and Bedworth Home Improvement Agency • Safer Warwickshire Partnership Board • Warwickshire Housing and Support Partnership • Warwickshire Police and Crime Panel • George Eliot Hospital 	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
			<p>NHS Trust – Public/User Board</p> <ul style="list-style-type: none"> • George Eliot Hospital NHS Foundation Trust Governors • District Leaders (substitute) • Local Enterprise Partnership (substitute) • Coventry, Warwickshire and Hinckley and Bosworth Joint Committee (substitute) 	
	J. Gutteridge		<p>Representative on the following Outside Bodies:</p> <ul style="list-style-type: none"> • Warwickshire Health and Wellbeing Board • Age UK (Warwickshire Branch) • Committee of Management of Hartshill and Nuneaton Recreation Ground • West Midlands Combined Authority Wellbeing Board <p>Member of NABCEL</p>	
	S. Markham	County Councillor – WCC (Portfolio Holder for Children’s Services)	<p>Governor at Ash Green School</p> <p>Member of the following Outside Bodies:</p> <ul style="list-style-type: none"> • Nuneaton and Bedworth Sports Forum • Warwickshire Direct Partnership • Warwickshire Waste Partnership • Sherbourne Asset Co Shareholder Committee • Hammersley, Smith and Orton Charities 	
	R. Smith		<p>Chairman of Volunteer Friends, Bulkington;</p> <p>Trustee of Bulkington Sports and Social Club;</p> <p>Director of NABCEL;</p> <p>Member of the following Outside Bodies:</p> <ul style="list-style-type: none"> • A5 Member Partnership; • PATROL (Parking and Traffic Regulation Outside of London) Joint Committee; • Building Control Partnership Steering Group • Bulkington Village Community and Conference Centre • West Midlands Combined 	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
			Authority and Land Delivery Board	
	K.D. Wilson	Delivery Manager, Nuneaton and Warwick County Courts, HMCTS, Warwickshire Justice Centre, Nuneaton	Deputy Chairman – Nuneaton Conservative Association	
			Corporate Tenancies: properties are leased by NBBC to Nuneaton and Bedworth Community Enterprises Ltd, of which I am a Council appointed Director.	
			Representative on the following Outside Bodies: <ul style="list-style-type: none"> • Director of Nuneaton and Bedworth Community Enterprises Ltd (NABCEL) • Coventry, Warwickshire and Hinckley & Bosworth Joint Committee • District Council Network • Local Government Association • West Midlands Combined Authority • LGA People & Places Board (Member) 	



Cabinet

Report Summary Sheet

Date: 11 October 2023

Subject: Housing Revenue Account – Consultancy Support (Design & Surveying)

Portfolio: Housing & Communities – Councillor. C Golby

From: Nicola Botterill – Assistant Director of Social Housing & Community Safety

Summary:

The Council undertakes major works which requires suitable, competent and professional consultants to survey, design and act as contract administrators. Historically, this has been undertaken in house by the Capital Projects team.

Recently, a reduction in resources and difficulty in recruiting to vacant posts have left a gap in the resources required to ensure that projects are delivered safely, in line with regulations and that provide value for money.

As such, the Council relies on external consultancy assistance to provide sufficient services and to have an oversight of various construction projects.

NABCEL have carried out an above threshold competitive tender, the successful supplier being Insight Surveyors Ltd, who have delivered a similar provision previously, providing a professional and reliable service whilst offering savings to the Council by way of successfully defending disrepair claims and achieving over £6 million funding for the social housing decarbonisation fund grant scheme.

The option to utilise NABCELS consultants provides value for money, and allows the Council to call upon services as and when required on an ad-hoc basis.

<p>Recommendations:</p> <ol style="list-style-type: none"> 1. That the Council enters into a Teckal agreement with NABCEL for the provision of Design, Surveying and Consultancy Services. 2. That delegated authority be given to the Assistant Directors, Governance & Democracy and Social Housing and Community Safety to establish that agreement.
<p>Options:</p> <ol style="list-style-type: none"> 1. To enter into a Teckal agreement with NABCEL 2. To not accept this proposal and procure through a procurement route.
<p>Reasons:</p> <p>Statutory cover to ensure the Council is meeting its requirements in regard to Construction, Design and Management Regulations, and demonstrating value for money on contract delivery.</p>
<p>Consultation undertaken with Members/Officers/Stakeholders</p> <p>Consultation has taken place with Housing & Communities Portfolio Holder</p>

<p>Subject to call-in:</p> <p>Yes</p>
<p>Ward relevance:</p> <p>Affects all wards</p>
<p>Forward plan:</p> <p>Yes</p>

<p>Building a Better Borough Aim:</p> <p>Live</p>
<p>Building a Better Borough Priority:</p> <p>Promote residents health & wellbeing</p>

Relevant statutes or policy:

Housing Act 1985
Local Government Act 1988
Housing & Planning Act 2016
Construction Design and Management Regulations 2015
Housing Grants, Construction and Regeneration Act 1996

Equalities Implications:

None

Human resources implications:

None

Financial implications:

None noted, costs are included within delivering budgets of the Capital Projects Programme.

Health Inequalities Implications:

None directly arising from the content of the report

Section 17 Crime & Disorder Implications:

None directly arising from the content of the report

Risk management implications:

None directly arising from the content of the report

Environmental implications:

None directly arising from the content of the report

Legal implications:

None directly arising from the content of the report

Contact details:

Nicola Botterill – Assistant Director of Social Housing & Community Safety

nicola.botterill@nuneatonandbedworth.gov.uk

AGENDA ITEM NO. 6

NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to: Cabinet - 11 October 2023

From: Assistant Director – Social Housing & Community Safety

Subject: Housing Revenue Account – Consultancy Support (Design & Surveying)

Portfolio: Housing & Communities (Councillor C Golby)

Building a Better Borough Aim: Live

Building a Better Borough Priority: Promote residents health & wellbeing

1. Purpose of Report

1.1 To consider undertaking the Design, Surveying and Consultancy Support contract via a Teckal agreement with NABCEL.

2. Recommendations

2.1 That the Council enters into a Teckal agreement with NABCEL for the provision of Design, Surveying and Consultancy Support.

2.2 That delegated authority be given to the Assistant Directors, Governance & Democracy and Social Housing and Community Safety to establish that agreement.

3. Background

3.1 The Council is a Landlord via its Housing Revenue Account (HRA) operations and is required to meet statutory requirements in regards to health and safety and value for money for contractual delivery of major works.

3.2 Historically, most of these services have been undertaken by an inhouse team of surveyors with some external consultancy support, however, following the difficulty of recruiting to vacant posts, NBBC has had to utilise external consultants.

3.3 For the previous 2 years NBBC has used the services provided by NABCEL to deliver consultancy support on an ad-hoc bases when required. This has worked well and demonstrates value for money.

4. Provision via Teckal Agreement

- 4.1 NABCEL are currently providing services such as void security and clearance, void garden maintenance, gas and electrical services and cleaning services, demonstrating a proven track record.
- 4.2 The Public Contracts Regulations 2015 codified the exemptions whereby a Local Authority Trading Arm attracts exemptions from procurement regulations. The exemptions allow the Council to contract directly with NABCEL under a Teckal Agreement.
- 4.3 Examination of the benefits of utilising a Teckal Agreement have been made. These identified that;
- NABCEL currently perform other services for NBBC and can capitalize on economies of scale.
 - The Council, as shareholder of NABCEL, would benefit from the profit generated by way of a dividend payment each year. Under the current arrangements this would be paid to the external provider.
 - The Council would have the benefit of calling on consultants ad-hoc when required providing additional capacity when demand is high.
- 4.4 The benefit of the fixed cost approach where there will be no change once agreed, will ensure that the HRA receives cost certainty, allowing for efficient budgeting, along with an in-depth understanding of likely costs to be incurred on a project by project bases.
- 4.5 It is proposed that the Teckal Agreement will be in place for approximately 2 years. A formal review of performance shall take place to ensure that the Teckal approach continues to meet value for money requirements for tenants and the HRA. An option to extend for a further 2 years dependent on performance. Overall, the contract will be in total 4 years. 2 years plus 2 one years extensions. Total contract value up to £500k with no guarantee of spend for services to NBBC. The agreement does not obligate NBBC to use NABCEL but gives NBBC additional options on how to deliver their services if and when required.
- 4.6 NABCEL have provided the service for the previous two years, demonstrating that the service can be delivered at the required quality and value for money.
- 4.7 NABCEL have carried out an above threshold competitive open tender Nationally and achieved market tested rates with their preferred supplier, Insight Surveyors Ltd.
- 4.8 Through the previous agreement NABCEL has supported NBBC to:

- carry out expert witness inspections and reports on claims of disrepair, successfully defending claims and reducing compensation payments.
- bid for and successfully achieve over £6million in Social Housing Decarbonisation funding to install External Wall Insulation to NBBC properties.
- deliver project management services for projects such as the external wall insulation installation, acting as contract administrator/project management to ensure effective and competent management of the contractor.
- produce detailed condition surveys with costings to the Abbey Theater, Bedworth Civic Hall and Town Hall to allow for effective estate management.

5. Conclusion

- 5.1 The proposed Teckal Agreement will provide a cost-effective mechanism under the Public Contract Regulations 2015 to procure the required services.
- 5.2 Ultimately, this agreement will help to deliver essential projects to maintain the Council's obligations as a landlord. Whilst there are alternative procurement routes available for similar services, there is a need to maintain consistency on some projects in mid contract with NABCEL, as well as to provide additional capacity and to support other departments across the council.
- 5.2 It is therefore recommended that the Teckal agreement is awarded.

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