

NOTTINGHAM CITY COUNCIL

EXECUTIVE BOARD

MINUTES of the meeting held at Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 18 July 2017 from 2.00 pm - 2.29 pm

Membership

Present

Councillor Graham Chapman (Chair)
Councillor Sally Longford
Councillor David Mellen
Councillor Toby Neal
Councillor Dave Trimble
Councillor Jane Urquhart
Councillor Sam Webster

Absent

Councillor Alan Clark
Councillor Jon Collins
Councillor Nick McDonald

Colleagues, partners and others in attendance:

Lisa Ball	- Strategic Planning and Performance Consultant
David Bishop	- Deputy Chief Executive/Corporate Director for Development and Growth
Candida Brudenell	- Corporate Director for Resources and Strategy /Assistant Chief Executive
Chris Carter	- Transport Strategy Manager
Councillor Georgina Culley	- Conservative Group, observing
Ian Curryer	- Chief Executive
David Hobbs	- Neighbourhood Environmental Manager
Helen Jones	- Director for Adult Social Care
Graham de Max	- Housing Strategy and Partnership Manager
Lorraine Raynor	- Head of Environmental Health and Trading Standards
Paul Seddon	- Chief Planner
Keri Usherwood	- Marketing and Communications Manager
Andy Vaughan	- Corporate Director for Commercial and Operations
Adam Volz	- Political Assistant
James Welbourn	- Governance Officer

Call-in

Unless stated otherwise, all decisions are subject to call-in and cannot be implemented until **27 July**.

24 APOLOGIES FOR ABSENCE

Councillor Alan Clark	-	personal reasons
Councillor Jon Collins	-	other Council business

25 DECLARATIONS OF INTERESTS

None.

26 MINUTES

The minutes of the meeting held on 20 June were agreed as a true record.

27 PROPOSED EXPANSION OF GLADE HILL PRIMARY SCHOOL, BESTWOOD - KEY DECISION

The Portfolio Holder for Business, Education and Skills introduced the report on the proposed expansion of Glade Hill Primary School.

Glade Hill Primary School is an OFSTED rated 'Good' school. A six week consultation took place with parents/carers, staff, governors, Councillors, local residents and citizens in March and April to expand the capacity of the school from 210 to 420 places.

RESOLVED to approve the expansion of Glade Hill Primary School from a 210 place school to a 420 place school, from 1 September 2017.

Reasons for decision

Although the city-wide picture for primary place provision is greatly improved, place pressures were still apparent in some areas, Bestwood being one of them. There has been an upward trend of pupil growth in this area and the number of children requiring a school place in the area will exceed the number of places available, if additional provision is not secured.

There will be 60 pupils in each year group instead of 30 and the school will grow by one class per year (30 pupils) over a seven year period, until the school is full.

Glade Hill Primary admitted an additional 'bulge' class of children in September 2016, over and above their normal Published Admission Number (PAN) and the school are helpfully admitting a further bulge year this September 2017. For the previous two years, another local school in the area (Westglade Primary) also admitted temporary bulge years. There is a sustained need for additional places in the area, therefore, a longer term solution was needed.

One of the 5 key objectives of the Council Plan 2015-19 is to ensure that every child in Nottingham is taught in a school that is judged good or outstanding by Ofsted. The proposal to expand Glade Hill Primary School also supports the priority of access to a good school close to home for every young person in Nottingham, and to meet parental preferences of places for every child at a local primary school.

Parents/carers quite rightly expect their children to be offered a local school place and the case for expanding a school which delivers a quality provision in an area where there are insufficient school places is a strong one.

Glade Hill Primary is located on a large site and the required building work can be easily accommodated. Nine years ago, the school was at the higher capacity, therefore with some alterations, some internal space can be reconfigured back into classrooms. From September 2017, additional teaching and learning space will be required to accommodate the growth in pupil numbers. The initial estimated date of completion for Key Stage One is September 2018 and for Key Stage Two, is August 2019, but this is subject to the completion of full feasibility and design works. The build will be funded by Basic Need funding allocated to the LA by Central Government, for expanding primary place provision. At this stage, it is estimated that the expansion of Glade Hill Primary School will cost £1.8m.

The school leadership team and the governing body are fully committed in their support for the proposal to expand the school. Successful initial feasibility investigations and a full and thorough consultation process with all stakeholders have been undertaken. The number of respondents in support of the proposal to expand the school exceeded the number against. No representations were made during the Statutory Notice stage. The full consultation results and summary of responses are included at Appendix A of the report.

Other options considered

The following other options were considered, but not recommended:

- Add a further bulge year at Glade Hill Primary. This was not a favourable option as it would not address the sustained pupil growth in the area.
- Other local schools were also considered for expansion (Westglade and Henry Whipple). Glade Hill was considered the preferred option for the reasons stated in the report.
- Do nothing – this was not a favourable option as additional school places were required in the area. Sustained growth in pupil numbers requires a longer term solution to meet the needs of this community by providing a good school close to home..

28 REGULATION 7 DIRECTION CONTROLLING LETTING BOARDS - KEY DECISION

The Portfolio Holder for Planning, Housing and Heritage introduced the report on Regulation 7 Direction Controlling Letting Boards.

The current Regulation 7 Direction approved by the Secretary of State for Communities and Local Government (CLG) will expire on 16 October 2017. The key benefits of the control of letting boards for citizens are the visual and environmental enhancement, improvements to community safety in mainly residential neighbourhoods, together with the further protection of the special character of the conservation areas contained within it.

RESOLVED to:

- (1) authorise the Chief Planner to make an application to the Secretary of State for a further direction under Regulation 7 Town and Country (Control of Advertisement) Regulations 2007, which withdraws deemed consent' rights for Class 3A of Schedule 3 for the display of residential letting boards in the Letting Board Control Area (Appendix One of the report);**
- (2) authorise that the area to form the subject of the 'renewal' Direction be that outlined on the plan included as Appendix One of the report;**
- (3) note that the successful delivery of the Direction's current enforcement regime and implementation procedures, involving the coordination of enforcement resources would continue upon 'renewal' of the Direction by the Secretary of State;**
- (4) delegate the authorisation to the Portfolio Holder for Planning, Housing and Heritage, in consultation with the Chief Planner to make further applications to the Secretary of State for all future directions under Regulation 7 Town and Country (Control of Advertisement) Regulations 2007 for letting boards.**

Reasons for decisions

The large number of letting boards previously on display in the Area (Appendix 1 of the report) visually detracted from the character and appearance of these predominantly residential neighbourhoods and the special character of the conservation areas contained within it. They were seen by the Police to contribute towards community safety by earmarking the nature and transient character of the population to those who would target the area for criminal purposes and have a negative impact on maintaining sustainable balanced community in the area.

The mandatory control of letting boards, over the last 5 years, together with the implementation of an effective enforcement strategy, including the production of the Lettings Board Design Guidance resulted in the immediate transformation in the environmental quality of these areas. The successful prosecution of repeat offenders in the final year of the Direction has also helped maintain control over its enforcement. A further Direction ("the renewal") enables the Local Authority to continue with its enforcement policy which serves as a significant deterrent to others when deployed.

A further Regulation 7 Direction is considered to be crucial to both regulating and maintaining the current environmental quality of these areas, and generates a high turnover of tenants and therefore demand for letting boards.

The Area is considered to correspond with the main concentration of private rented property in the city which predominantly caters for the student markets.

The intention is to apply for a permanent Regulation 7 Direction for the Area. In the event that the Secretary of State permits only a further 5 year period, it

is considered that the authorisation to apply for a further direction be delegated to the Portfolio Holder for Planning, Housing and Heritage, in consultation with the Chief Planner.

Other options considered

Do nothing: to not apply for a further Direction. If no action was taken, the existing direction will lapse in October this year. Evidence from enforcement activity during the current direction period suggests that there is still a high level of demand to display letting boards, and that without the additional control provided by the Direction, the number of letting boards on display is likely to rise to equal the numbers that were displayed prior to the Direction being put in place. Doing nothing is therefore not a realistic option, given the scale of the public concerns raised and the inability of the current Advertisement Regulation regime and previous voluntary codes to regulate the level of letting boards at an environmentally acceptable level.

29 EAST MIDLANDS GATEWAYS CONNECTIVITY PLAN - KEY DECISION

With the Leader/Portfolio Holder for Strategic Infrastructure and Communications giving apologies, the Deputy Leader/Portfolio Holder for Resources and Neighbourhood Regeneration introduced the East Midlands Gateways Connectivity Study, which is the next stage in increasing connectivity in the Nottingham to Derby corridor. The output of the Study will be to develop the case and quantify the outputs and benefits from the proposals identified in the HS2 Growth Strategy.

Members added the following:

- This money enables the linking up of the tram, major roads and the airport to HS2;
- It is important for Nottingham that links to other cities in Midlands and North are better than they are now;
- Businesses need to take advantage of HS2 investment to drive jobs growth;
- There are still issues on the main line Nottingham to London railway route with electrification and extra traffic on route to Luton.

RESOLVED to:

- (1) approve the City Council acting as the lead authority for the preparation of the East Midlands Gateways Connectivity Study under the guidance of the HS2 Strategic Board and Midlands Connect;**
- (2) approve expenditure of up to £1.2m on the development of a combined and updated transport model primarily covering the Nottingham conurbation and Derby built up areas and quantification of outputs and benefits of East Midlands Gateways Connectivity Plan for strategic transport options in the A52 corridor, including infrastructure in readiness for the proposed HS2 Station at Toton as set out in the HS2**

Growth Strategy, and for a fixed public transport link to East Midlands Airport;

- (3) accept contributions of £0.5m from Midlands Connect, and £0.1m from each of the HS2 Strategic Board, Highways England, HS2 Ltd, Nottinghamshire and Derbyshire County Councils, and Derby City Council;**
- (4) approve the City Council's contribution of £0.1m to be funded from the Transport Strategy reserve;**
- (5) approve the transport modelling and assessment work be procured by the City Council on behalf of the project partners through a compliant procurement process;**
- (6) approve variations to budget allocations and the decision on the award of contract be delegated to the Corporate Director of Development and Growth.**

Reasons for decisions

To put in place the necessary management arrangements and resources to enable transport modelling and the East Midlands Gateways Connectivity Study to be progressed on behalf of the HS2 Strategic Board, Midlands Connect, and project partners.

The Study will develop the case and quantify the outputs and benefits from the proposals identified in the HS2 Growth Strategy, including:

- public transport and highway improvements in the A52 Nottingham-Derby corridor;
- transport infrastructure in readiness for proposed HS2 East Midlands Hub Station at Toton;
- a fixed public transport link to East Midlands Airport.

These will be assessed to maximise economic opportunities in the area and inform future national transport infrastructure investment plans.

Other options considered

Doing nothing risks that economic benefits will not be maximised, particularly as benefits from the HS2 Station Hub are dependent on achieving high levels of connectivity to key population and employment centres.

The option of partner organisations (such as Network Rail and Highways England) independently assessing improvements that fall into their sphere of responsibility was considered but the proposed combined approach is favoured due to economic efficiency and benefits of a coordinated approach ensuring the best outcome for the region as a whole.

30 PROPOSAL FOR A SCHEME OF SELECTIVE LICENSING FOR PRIVATELY RENTED HOUSES - KEY DECISION

The Portfolio Holder for Planning, Housing and Heritage introduced the Proposal for a Scheme of Selective Licensing for Privately Rented Houses, informing the Executive Board of the results of the consultation that has been completed.

Following the consultation, it was proposed that a reduced area be subject to selective licensing. In addition, the Portfolio Holder informed those present of the following:

- There would be a differential between the price for a licence for those landlords that gain accreditation and those that don't;
- The consultation received a large number of responses, mainly from landlords but also from residents. The outcome showed that residents were broadly in favour of the scheme, whereas landlords were broadly against it. Suggestions arising from the consultation were to change the borders of the scheme, and to look at the accreditation element;
- A number of arrangements are in place for social housing already. This selective licensing scheme would enable a degree of control over privately rented properties.

RESOLVED to:

- (1) approve the Designation contained in Appendix 1 of the report as being subject to selective licensing and confirm that Board is satisfied:-**
 - that the statutory grounds for making a designation outlined in paragraph 2.6 of this report and all other statutory requirements have been met;
 - that it has considered the other courses of action available to it that might provide an effective method of achieving the objective(s) that the designation would be intended to achieve, and;
 - that it considers that making the designation will significantly assist it to achieve that/those objective(s);
- (2) approve in principle the revised operational detail of the scheme of selective licensing outlined in the report;**
- (3) agree that a submission be made to the Secretary of State for Communities and Local Government requesting confirmation of the Designation;**
- (4) delegate to the Portfolio Holder for Planning, Housing and Heritage the power:-**
 - to finalise and approve the submission documentation and operational scheme to be submitted to the Secretary of State for confirmation, and
 - to liaise with Officers and the Department for Communities and Local Government in relation to the Confirmation of the Scheme and make

any subsequent determinations that may be necessary in relation to it arising from that process;

- (5) note the requirement to establish a ring fenced reserve, as detailed in paragraph 4.4 of the report, for this scheme;**
- (6) approve spend of £0.139m for set up costs and note in paragraph 4.1 of the report how this will be funded;**
- (7) approve the financial application of the set up costs if the Department for Communities and Local Government (DCLG) do not approve the scheme;**
- (8) note the use of the Council's Firmstep system as the on line portal for the operational delivery of the scheme.**

Reasons for decisions

Having given full consideration to the consultation responses there is still believed to be a case for selective licensing in Nottingham. It is however no longer recommended that a Citywide scheme is pursued, but that the focus of the scheme should be on those areas which contain a high proportion of Private Rented Sector (PRS) properties. This is felt to be more proportionate to the problems being experienced in Nottingham and will provide a targeted response which can be reviewed and assessed. The reasons for proposed reduction in the size of the designation are outlined more fully in section 2 of the report.

Because the proposed designation still exceeds both 20% of the City's private rented sector, and 20% of its geographical area, it will still be necessary to apply to the Secretary of State for Communities and Local Government for confirmation of the scheme.

Other options considered

To not pursue the scheme any further: rejected because the evidence presented to Executive Board in November 2016 shows a clear need for the scheme. The alternative ways of dealing with the problems identified were set out in the November 2016 Board report. It was shown that although a number of initiatives, combined with the use of statutory powers had been successful, problems persisted and there was no alternative than to implement a scheme of selective licensing in order to tackle them.

31 ULTRA LOW EMISSION VEHICLES CHARGING POINT INFRASTRUCTURE NETWORK - KEY DECISION

With the Leader/Portfolio Holder for Strategic Infrastructure and Communications giving apologies, the Deputy Leader/Portfolio Holder for Resources and Neighbourhood Regeneration introduced the report on Ultra Low Emission Vehicles (ULEV) Charging Point Infrastructure Network.

Nottingham has been identified as one of the UK's major cities to put in interventions that help to deliver air quality compliance as soon as possible. The Go Ultra Low Nottingham programme initiatives will encourage the use of cleaner private and commercial road transport, complemented by existing measures to promote the use of walking, cycling and public transport.

Electric vehicle uptake is highest in areas where there is a good publically accessible network. Fleet managers and the public cite the lack of a local charge point network as a major barrier to investing in electric vehicles. Furthermore motorists without off street parking who cannot charge at home will rely on a public network.

RESOLVED to:

- (1) approve the updated procurement strategy for the project and delegate authority to the Deputy Chief Executive/Corporate Director of Development and Growth to enter into all necessary contractual documentation with the successful concession operator following a compliant procurement exercise;**
- (2) approve the partnering arrangements with Nottinghamshire County Council and Derby City Council and delegate authority to the Deputy Chief Executive/Corporate Director of Development and Growth to enter into legal agreements with the respective Local Authorities to support the delivery of the charging infrastructure network post contract award;**
- (3) approve the investment and revenue share principles set out in the updated procurement strategy and delegate authority to the Deputy Chief Executive/Corporate Director of Development and Growth to approve, in consultation with the Portfolio Holder :
 - i) any additional investment from the concessionaire to further enhance the charging infrastructure network; and**
 - ii) any revenue share arrangements from the scheme which shall be secured to support transport related measures of the Go Ultra Low Nottingham programme.****
- (4) approve the land ownership principles set out in the report and delegate authority to the Corporate Director of Development and Growth to enter into all necessary legal agreements and documentation with the Concessionaire, third party land owners and electricity utility companies to ensure the necessary land rights and permits are in place to enable the installation of the charging points, secure the ownership rights of the infrastructure below ground and enable electricity supply for operation of the network.**

Reasons for decisions

An Official Journal of the European Union (OJEU) competitive procedure with bidder dialogue is being carried out to appoint a concessionaire to supply, install, operate and maintain the network. The previous Executive Board decision of 22 March 2016 delegates authority to the Deputy Chief

Executive/Corporate Director for Development and Growth in consultation with the Portfolio Holder to approve the initiation of procurement activities for this project and to appoint a preferred bidder. Delegating authority in the same way to enter into the contract documentation once a preferred bidder has been selected will ensure the concessionaire will be appointed promptly to deliver the works without undue delay to the project timeline.

Nottingham City Council is the lead authority and accountable body for the Go Ultra-Low Nottingham programme with support from Nottinghamshire County Council and Derby City Council to deliver the ultra-low emission vehicles charging infrastructure network. Separate agreements have been negotiated with both local authorities which outline their roles and responsibilities in the project up to contract award. Following the appointment of a concessionaire, further legal agreements will be entered into with Nottinghamshire County Council and Derby City Council to regularise how the scheme will operate post contract award, including the rights and responsibilities of all parties.

The concession framework seeks to secure from the concession operator additional investment to help support the network, as well as a revenue income share for the Council. Authority is now sought to approve such arrangements.

The sites identified for installation during the initial phases of the project consist of sites owned by the City Council and sites owned by third party land owners. Following appointment, the concessionaire will work with the Council's Property Team to ensure the necessary land rights and permits are in place with third party land owners to enable the installation and operation of the charging points. Authority is therefore to enter into all necessary documentation with third party land owners. The wayleaves and licences or leases for the sites owned by the City Council will be produced by the Council's Property and Legal teams. Agreements will also be required with the electricity utility providers to ensure the supply of electricity to the network and authority is sought to enter into such agreements.

Nottingham City Council will retain full rights and ownership of site agreements and below ground infrastructure. This will ensure that should the concessionaire fail or breach the terms of their agreement then a new concessionaire may be appointed without delay or significant interruption of service.

Other options considered

The options considered to deliver the scheme were:

1. Do nothing
2. Fully managed solution whereby the Supplier will supply, install, maintain and operate the network.
3. Make or Buy – with an internal end to end solution being considered.
4. Councils partnering with a supplier. The Council would buy the hardware and then contract for operation, maintenance and installation.

5. Procure each of the components for an ULEV charging network in individual lots.

Option 1 was discounted as this will prevent the delivery of the scheme for which grant funding has been received.

Options 3, 4 and 5 were discounted as they carried a greater amount of risk and potential cost liability for the partner Councils.

Option 2 was the preferred option with the supplier providing a fully managed solution. The supplier will buy the hardware, install, operate and maintain the charging point network. Therefore, in this option the supplier will own the network with minimal risks to the Council(s). They will be responsible for upgrading the network as and when required as smart technologies develop.

32 EXCLUSION OF THE PUBLIC

RESOLVED to exclude the public from the meeting during consideration of the remaining item(s) in accordance with Section 100A(4) of the Local Government Act 1972 on the basis that, having regard to all the circumstances, the public interest in maintaining the exemption outweighs in the public interest in disclosing the information.

33 ULTRA LOW EMISSION VEHICLES CHARGING POINT INFRASTRUCTURE NETWORK - EXEMPT APPENDICES

The Board considered the exempt appendices to the Leader/Portfolio Holder for Strategic Infrastructure and Communication's report.

RESOLVED to note the information contained within the exempt appendices.

Reasons for decision

As detailed in minute 31.

Other options considered

As detailed in minute 31.

34 PROPOSAL FOR A SCHEME OF SELECTIVE LICENSING FOR PRIVATELY RENTED HOUSES - EXEMPT APPENDIX

The Board considered the exempt appendix to the Portfolio Holder for Planning, Housing and Heritage's report.

RESOLVED to note the information contained within the exempt appendix.

Reasons for decision

As detailed in minute 30.

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Other options considered

As detailed in minute 30.