

Nottingham City Council

Executive Board

Minutes of the meeting held at Ground Floor Committee Room - Loxley House, Station Street, Nottingham, NG2 3NG on 19 September 2023 from 2.00 pm - 2.48 pm

Membership

Present

Councillor Cheryl Barnard
Councillor Steve Battlemuch
Councillor Jay Hayes
Councillor Corall Jenkins
Councillor Angela Kandola
Councillor Pavlos Kotsonis
Councillor David Mellen (Chair)
Councillor Sajid Mohammed
Councillor Audra Wynter (Vice Chair)

Absent

Councillor Kevin Clarke
Councillor Linda Woodings

Colleagues, partners and others in attendance:

Nancy Barnard	- Head of Governance
Mel Barrett	- Chief Executive
Nick Lee	- Director of Education
Colin Parr	- Corporate Director, Communities, Environment and Resident Services
Sajeeda Rose	- Corporate Director, Growth and City Development
Malcolm Townroe	- Director of Legal and Governance
Catherine Underwood	- Corporate Director, People

Call-in

Unless stated otherwise, all decisions are subject to call-in. The last date for call-in is 29 September 2023. Decisions cannot be implemented until the working day after this date.

31 Apologies for Absence

Councillor Kevin Clarke – Personal Reasons

Ross Brown, Corporate Director, Finance and Resources

32 Declarations of Interests

Councillors Cheryl Barnard and Audra Wynter declared an interest in agenda items 7 and 8 as owners of rented accommodation within the affected area. They withdrew from the meeting during consideration of these items.

Councillor David Mellen declared an interest in agenda item 12 as a member of Blueprint Board. He did not consider this interest required him to leave the meeting.

33 Minutes

The Board confirmed the minutes of the meeting held on 18 July 2023 as a correct record and they were signed by the Chair.

34 SEND Sufficiency and Capital Strategy 2023-28

Councillor Cheryl Barnard, Portfolio Holder for Children, Young People and Education presented the report which sought approval of the Special Educational Needs and Disabilities (SEND) Sufficiency Strategy 2023-28. The Strategy outlined the policy, principles and proposals for investing High Needs Capital funding, received from the Department for Education (DfE), to increase and improve specialist SEND provision for children and young people with complex needs or who have an education, health and care plan (EHCP). Identified schemes include the creation of specialist SEND provisions at two secondary schools, the Fernwood School and Nottingham Girls Academy, to meet the needs of pupils with Autism and other complex needs, further specialist provision at three primary schools, Milford, Glade Hill and Rise Park Primary Schools, to meet the needs of pupils with Autism and other complex needs and an increase in special school provision at Rosehill School.

Resolved to

- (1) approve the SEND Sufficiency Strategy 2023-28 (Appendix A to the report), in relation to the priorities, principles and proposals for investing High Needs Capital received from the Department for Education (DfE).**
- (2) endorse the Phase 1 schemes set out in Section 1.2, 1.3 and 1.4 of the report. Approval for the individual schemes will be sought through the Council's delegated decision making scheme.**
- (3) note that Phase 2 of the programme in Autumn 2023, will involve further engagement with other schools in areas of high need, via an 'Expression of Interest' process to align with the strategic principles and priorities. This will consider a prioritisation process, focusing on highest areas of need, quality of inclusive practice, physical space to expand and best value.**
- (4) authorise the procurement of any necessary contracts to carry out the programme of schemes using the High Needs Provision Capital Grant funding and delegate authority to the Corporate Director for People to award any procured contracts complying with the Council Constitution and Public Contract Regulations 2015.**

Reasons for decision:

- To increase and improve provision for children and young people with SEND in both mainstream and specialist educational settings and agree the prioritisation and policy approach to the allocation of DfE High Needs Provision Capital Grant.

Other options considered:

- To do nothing- dismissed. It is apparent from the work carried out as part of the development of the SEND Sufficiency Strategy and the subsequent consultation, that there is an urgent, significant and increasing need for additional capacity for pupils with special educational needs and disabilities both within mainstream and special schools. The consultation was supportive of this and the identified Phase 1 schemes address this requirement, before further schemes will be brought forward in Phase 2.
- Efficient commitment of the funding will result in better value for money due to the impact of inflation. Any delay to this will result in delays to creating much needed specialist provision for pupils with significant need.

35 Nottingham's UNICEF Child Friendly City Programme.

Councillor Cheryl Barnard, Portfolio Holder for Children, Young People and Education presented the report, outlining a framework and means of realising Nottingham City Council's Strategic Priority Outcome of Child Friendly Nottingham and the commitment within it to work with UNICEF and its partners to be recognised as a child friendly city. The report contained a draft Child Friendly City Action Plan which must be submitted to UNICEF UK to begin the next stage for Nottingham to be accredited as a UNICEF Child Friendly City (CFC).

Resolved to:

- (1) adopt the Child Friendly City Action Plan and to agree its formal submission to UNICEF UK**
- (2) actively promote child friendly approaches with Nottingham citizens, businesses and wider partnerships in the public, private and voluntary sectors**
- (3) encourage child friendly activity and ways of communicating and working which were included within the Action Plan attached to the report**
- (4) receive periodic performance reports on the Child Friendly City programme.**

Reason for decisions:

- To enable Nottingham to become a UNICEF Child Friendly City and to achieve the ambition of Child Friendly Nottingham, the City Council needs to formally adopt and approve an agreed action plan with UNICEF UK.

Other options considered:

- To do nothing. This option was rejected because, if this activity is not taken on, Nottingham will not achieve its ambition of recognition as a Child Friendly City.

36 Student Living Strategy (SLS)

Councillor Jay Hayes, Portfolio Holder for Housing presented the report proposing the adoption of a Student Living Strategy (SLS) following a wide consultation with the public. The strategy is a jointly authored initiative between Nottingham City Council, University of Nottingham and Nottingham Trent University. The draft document has been formally adopted by the two universities and is already being recognised nationally as best practice. It covers matters including improving the quality and quantity of appropriate student accommodation across the city, promoting a clean, safe, attractive, and sustainable environment, and encouraging neighbourliness and assisting in creating balanced communities.

Resolved to:

- (1) adopt the Student Living Strategy (attached to the report as Appendix A) in its current form**
- (2) delegate authority to the Director of Planning & Transport, to make any further non-material typographical, formatting, mapping and other minor amendments considered necessary prior to publication**
- (3) note that the document is a “live” document and will be updated as and when required in co-ordination with the other partners, anticipating that monitoring updates and revisions to the document will be reported back in a timely manner.**

Reasons for decision:

- To support the delivery of the aims of the strategy which support the achievement of Council Plan priorities.
- The Strategy has been through an extensive process of non-statutory consultation and has been amended in light of the comments made as appropriate.
- The Universities have adopted the document through their own approval processes ready for implementation for the 2023/24 academic year.

Other options considered:

- The Student Living Strategy is a non-statutory document and therefore doing nothing is an option. However it is considered that the Strategy will bring forward real change in the communities affected and aligns with the Universities for Nottingham Civic Agreement. The Strategy is being used to foster and develop much greater working arrangements across the partnership and bringing forward new ideas to tackle issues.

37 Proposal for a Scheme of Additional HMO Licensing for Private Rented Houses

Councillors Cheryl Barnard and Audra Wynter left the room for the duration of this item as they had both declared interests in the matter as owners of privately rented property.

Councillor Jay Hayes, Portfolio Holder for Housing, presented the report which informed Executive Board of the outcomes of the consultation which has been completed following the Board's resolution of 21 February 2023 in respect of a proposed Designation for Additional Houses in Multiple Occupation (HMO) Licensing to commence 1 January 2024. Following consultation, the report proposed that a Designation covering the whole city is made.

Resolved to:

- (1) consider the results of the consultation and responses to the consultation comments as outlined in Appendix 3 - Consultation Report and Appendix 4 - Consultation Thematic Responses, to the report.**
- (2) approve the making of the Designation contained in Appendix 1 of the report as being subject to Additional HMO Licensing for five years from 1 January 2024 having considered the results of the consultation**
- (3) to confirm that Board is satisfied:**
 - a) that the statutory conditions for making a Designation referred to in paragraph 1.1 of the report (and detailed in section 3.2 to 4.9 of the Executive Board Report of 21 February 2023 (The February Report) have been met**
 - b) that the making of the Designation is consistent with the Council's housing strategy and would form part of a coordinated approach in connection with dealing with homelessness, empty properties, antisocial behaviour (as detailed in paragraphs 1.3- 1.9 of the February Report)**
 - c) that other courses of action available have been considered that might provide an effective method of achieving the objectives that the Designation would be intended to achieve, (as detailed in paragraphs 5.1 - 5.5 of the February Report) and**
 - d) that it considers making the Designation will significantly assist it to achieve that/those objectives (as detailed in paragraphs 5.6 – 6.2 of the February Report)**
- (4) delegate to the Corporate Director of Growth and City Development, in consultation with the Corporate Director of Communities, Environment and Resident Services, Section 151 Officer and Monitoring Officer and the Portfolio Holder for Housing the power to:**
 - a) comply with the relevant statutory requirements in relation to its notification and publication and**
 - b) implement the Designation and licensing scheme**
 - c) ensure the design and operation of the Additional HMO Licensing Scheme is operated through the Council's Customer Services Transformation Programme to the fullest extent possible, as mandated in the Chief Executive's instruction to senior officers dated 10th October 2022.**

- (5) note the continued use of existing ring-fenced reserves as detailed in paragraphs 8.3 and 8.4 of the February Report and Section 7 of the report, for the current designation and licences which remain in force beyond its end (31 December 2023) and for the new Designation from 1 January 2024 and those licences issued under it.**
- (6) To note the continuation of the non-recoverable Housing Health and Safety Rating HHSRS work required under the Housing Act 2004 which cannot be covered by the Fee as detailed in section 7.2 of the report.**

Reasons for decisions:

- The evidence which has been collated indicates that the relevant statutory tests in Section 56 and 57 of the Housing Act 2004 (the Act) have been met and that an Additional Licensing Designation for the entire City district will significantly assist the Council to deal with the issues and problems identified (sections 3-6 of the February Report).
- A consultation on the proposed Designation has been undertaken and after full consideration of the consultation responses, (a significant number of which have shown overall support for the proposal,) the case for an Additional Licensing Designation covering the entire City district still stands.
- Nottingham's Housing Strategy 2018-2021 'Quality Homes for All' was committed to improving and maintaining good quality homes across all tenures in the city. The new draft Housing Strategy 'Homes Fit for the Future' currently being developed will continue to support these aims bolstered by the regulation of the private rented sector which the Additional HMO Licensing Scheme would provide.
- The proposal supports the aims of Student Living Strategy, which states: "Diversify and innovate to improve the quality, safety, affordability and location of available accommodation for all students across the City. Actively promote a growth in affordable alternative accommodation options to encourage a better balance of student housing choice across the City" and "Nottingham City Council uses licensing schemes to ensure people in rented accommodation have safe, good-quality places to live".
- The proposal supports the delivery of objectives set out in the Strategic Council Plan 2023 - 2027, particularly the outcome Better Housing and key strategic aims around tackling ASB, reduced energy use, and building quality neighbourhoods.
- The Private Rented Sector forms a key component of the total housing supply to help people meet their housing needs when faced with homelessness. For example, of households in Nottingham whose homelessness prevention duty ended during the first three quarters of 2022/23, 344 secured accommodation in the sector. Given the vulnerable situation a person will be facing when they are homeless, or in imminent risk of becoming homeless, it is important that the Council, when fulfilling its statutory duties in this regard, is able to refer

homeless people to private sector accommodation that is safe and meets the standards that would be expected. The City's Homelessness Prevention Strategy 2019-2024 notes that the need for PRS accommodation continues to grow and that the Council and its partners must work with landlords to progress leasing/letting schemes to offer as an option, such as NPRAS. The Strategy also seeks to work with tenants and landlords to reduce evictions from the Private Rented Sector, and to utilise the PRS as a solution to homelessness.

- The Homelessness Prevention Strategy recognises there are many good landlords operating in Nottingham who provide a valuable source of housing for local people. However, there are other landlords in the private rented sector who do not adhere to their responsibilities in appropriately supporting their tenants and providing a decent standard of accommodation. These landlords are putting people's health, wellbeing and safety at risk and exposing them to increased risk of homelessness. This places further strain on other housing resources in the city, and the Council's services that seek to help people find suitable accommodation. This ultimately places costs on the taxpayer. Licensing can act as a valuable tool in identifying and tackling problems earlier and as a consequence, making a helpful contribution to tackling homelessness.
- The proposals aligned well with the Government's White Paper – "A fairer private rented sector" which recognised Additional HMO Licensing as a tool to address particular issues such as exploitation. It should be noted that the Council's current Selective Licensing Scheme is cited in the White Paper. The proposals continue to align with the Renters (Reform) Bill introduced to Parliament 17 May 2023 which continues to support further regulation of the private rented sector including a decent homes standard, yet to be fully defined. Section 58(1) Enforcement by local housing authorities: general duty: It is the duty of every local housing authority to enforce the landlord legislation in its area.

Other options considered:

- To not pursue a Designation further. Any necessary enforcement would result in required interventions being resourced by existing council functions. The council would lose the proactive power of entry. Interventions would only be carried out on a reactive basis following complaints. Increased number of complaints and complaint resolution time increasing. The number of interventions and outcomes would be greatly reduced. The absence of additional regulation would leave the market the main driver for property improvements. The council would no longer hold the intelligence gathered on persons responsible for HMO properties or engage with them in the same way. The council's ability to provide assurance regarding its regulation of HMOs would be limited, placing the council in a weaker position. Continued compliance with satisfactory standards would be limited in the absence of proactive regulation. To date partial Designations have resulted in displacement of HMOs to non-licensed areas. This combined with growth in the sector has led to an increasing number of HMOs which have never been subject to any oversight or regulation. Ceasing to have an Additional HMO

Licensing Designation would mean a return to reactive regulation. This would jeopardise citizens' access to quality safe homes. Citizens' access to recourse regarding the negative impact of sub-standard HMOs in their neighbourhoods would decrease.

- Consideration of a smaller scheme Designation. A smaller Designation would limit opportunity to continue the improvements made by the first two Designations. A smaller Designation would increase the number of properties continuing to cause an issue due to unsatisfactory management and displacement of HMOs and associated issues to outside the regulated area. A smaller Designation of Additional HMO Licensing would mean inconsistency with Mandatory Licensing which is impractical when considering they are subject to the same safety and amenity regulations in law. A smaller Designation would continue to allow lack of understanding as to the geography of the Designation to be a factor in non-compliance via reduced take up of HMO licences HMO issues and protect citizens.
- Voluntary accreditation only. Eliminates the council's right of proactive entry to Additional HMO properties. Accreditation schemes have a set of standards (or codes) relating to the management or physical condition of properties and recognise landlords who achieve these requirements across their portfolios. The council currently works with DASH, UNIPOL and ANUK as its accreditation providers. Voluntary accreditation with the Nottingham Standard (DASH and UNIPOL) has seen an increase in membership with the lower fee incentive that also delivers a better outcome in this area.
- Targeted use of Interim Management Orders (IMOs) and Final Management Orders (FMOs). The Housing Act 2004 gives local authorities powers to use Management Orders for tackling comprehensive and serious management failures. However, these are complex to implement and administer (and thus expensive) as they involve taking over the management of the property and are done on a case-by-case basis with individual properties. They are also reactive for dwellings where such problems are apparent and as such do not provide value for money compared to a proactive approach which prevents or addresses problems sooner and limits citizens exposure to poor standards.
- Direction under Article 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015. Nottingham already has a citywide Article 4 Direction meaning planning permission is required to convert a family home (C3) to a HMO (C4), and Planning and HMO licensing sections work together to locate HMOs that are evading one, other or both regulations. Article 4 however only regulates the control of development for planning purposes by removing permitted development rights thereby potentially restricting the number of new HMOs being created by change of use, it does not tackle conditions or management issues in HMOs, existing or new.
- Other initiatives / tools combined with the use of statutory powers have been successful however Additional HMO Licensing is one of the only proactive tools that has the power to tackle a broad range of issues in Private Rented Sector HMOs including property conditions, property amenities, ASB, crime and deprivation (see section 3.2 of The February Report for the list of

conditions required to make a Designation, section 4 for the evidence prepared and section 5 for detail on how these conditions have and will be addressed by Additional HMO Licensing). Additional HMO Licensing allows the Council to properly resource tackling these issues within the sector and to be proactive about it. Properties that tenants may not realise are in poor condition / without adequate amenities / badly managed, and properties where the tenants know there is an issue but don't know how to complain or are fearful of what might happen if they do complain will be tackled through licensing. Additional HMO Licensing provides the tools and opportunity to engage and work with landlords if they wish to improve, or work towards removing them from the market if they do not to make way for responsible landlords.

- The benefits of Additional HMO Licensing are further defined below:
 - Property improvement – clear standards – the Council's three tier compliance approach has created a process for landlords to meet required standards and provides the resource to make sure they do. A clear set of standards and expectations for licence holders, with penalties in place for failing to comply with these standards, has delivered direct improvements for citizens.
 - Landlord and agent engagement – Through the scheme the Council is able to engage positively and regularly with landlords, agents and other partners via a variety of means and can disseminate a range of information and updates swiftly and efficiently, without licensing this would not be achievable.
 - Efficient intervention – Licensing allows prompt and efficient investigation of complaints and concerns as those responsible for a property can be traced and contacted quickly and easily when concerns are raised. This provides value for money to the authority and is particularly important in situations where there are immediate safety concerns that require investigation and action.

38 Houses in Multiple Occupation HMO Licensing Revised Fees and Conditions 2023

Councillors Cheryl Barnard and Audra Wynter left the room for the duration of this item as they had both declared interests in the matter as owners of privately rented property.

Councillor Jay Hayes, Portfolio Holder for Housing, presented the report which recommended the adoption of a revised fee for applications for Licences for Houses in Multiple Occupation (HMOs) under both the Mandatory and Additional Licensing schemes operating within the City of Nottingham.

Resolved to:

- (1) adopt the revised Part A and B licensing fees for HMOs licensed under both the Mandatory and Additional Licensing schemes as set out in section 3 of the report, such fees to be effective from 1st October 2023 and to apply in conjunction with the existing additional fee payments outlined in paragraph 2.9 of the report.**

- (2) note that that in respect of Additional Licensing, the revised fees shall apply to both the current Designation and the New Designation (if made) and that the Interim Director of Communities shall update the Council's Licence Fee Policy (Appendix 1 to the report) and Guidance document for licences under Parts 2 and 3 Housing Act 2004 to reflect the revised fees under delegated powers**
- (3) approve the spend as detailed in sections 2 and 3 of the report from 1st October 2023**
- (4) note the continued use of ring-fenced reserves, as detailed in paragraphs 8.3 and 8.4 of the report to Board in February 2023 and section 3 of the report.**
- (5) approve the revised HMO Licence Conditions to apply to licences granted under both the Mandatory and Additional Licensing schemes as set out in Appendix 2 of the report.**

Reasons for decisions:

- The Council is under a duty to licence certain types of HMOs (Mandatory Licensing) and has a discretion to licence others (Additional Licensing). Both forms of Licensing are governed by Part 2 of the Housing Act 2004 and the Council is permitted in law to recover the cost of the licensing process in the fees which it sets. It has been over 5 years since HMO Licensing fees were last increased and the current fees no longer fully cover the operational cost of the licensing process. The proposed fees have been calculated to achieve maximum cost recovery for the licensing process based on the number of estimated applications likely to be received by the Council and the activities required to support and undertake compliance and enforcement activities for that number.
- The results of the consultation in relation to the proposed New Designation and Scheme of Additional Licensing showed continued support for the current three tier fee structure, in particular the less compliant landlord fee and the discounted fee for accreditation. The three-tier fee structure has therefore been maintained along with the two-part payment model which was required and adopted during the current schemes as a result of binding legal precedent.

Other options considered:

- The proposed level of staffing is reduced thereby reducing the need to increase fee levels. This option would reduce the service capacity to issue licences efficiently and in a timely manner. It would also restrict the amount of compliance and enforcement work which could be carried out. It would significantly limit the amount of engagement work by the Safer Housing Team resulting in a poor customer experience and reduction in the quality of housing for some citizens. This option is not supported.

- No change and leave the fee at the current level. The licensing scheme activities should be cost neutral to the Council and this is the aim of the new proposals. This option may be welcomed by landlords, but the current fees do not cover the operational costs of the current Schemes. Cost recovery is permitted by law and it is appropriate for the fee to cover the operational costs of the schemes. Should the fee remain at its current level the deficit would need to be covered by the general fund. This option is not supported.
- An annual licence fee - While some Landlords would appreciate the ability to pay in more frequent smaller instalments, this option would increase the operational cost of the licence fee overall as it results in more collection, processing and chasing non-payment activity over the 5 year period. This option is not supported and not required by statute.
- Not charging for extra bedroom inspections in HMOs which have 10 or more bedrooms. This option was considered and rejected as the cost and time to inspect larger HMOs can be substantial and multiple visits may be required. The cost is difficult to absorb within the standard fee and would result in smaller properties subsidising the cost for larger HMO operators. This option is not supported.

39 Expenditure of Arts Council England National Portfolio Organisation grant award for the Nottingham City Museum Service 2023-2026.

Councillor Pavlos Kotsonis, Portfolio Holder for Leisure and Culture, presented the report which proposed the acceptance of an Arts Council England (ACE) National Portfolio Organisation (NPO) secured grant 2023-2026 totalling £1,424,325. The grant will be awarded over the next three years to deliver the Museum Service business plan to include the ACE National Portfolio Organisation programme. The ACE funding is applied to the core work of the service in delivery of the aims of the City Council priorities and the Museum Service is eligible for revenue support under the National Portfolio Programme of ACE for delivery of a range of activity which meets the criteria of their Let's Create strategy. Projects will be funded at sites including Wollaton Hall and Newstead Abbey.

Resolved to:

- (1) delegate authority to the Director of Sports & Culture to accept grant awards totalling £1,424,325 for activities up to and including financial years 2025-2026.**
- (2) approve the above expenditure against the Nottingham City Museum ACE NPO Business Plan 2023-2026.**
- (3) delegate authority to the Director of Sports & Culture to enter into contracts required to deliver the programme.**
- (4) approve the replenishment from donations, maintenance reserves, and use of earmarked reserves to deliver the programme in order to lever in external grant funding.**

Reasons for decisions:

- Nottingham City Museums Service has been in receipt of ACE NPO grants to support delivery of the core service since 2018. The ACE NPO grant award 2023-2026 is a continuation of the same funding stream.
- The ACE NPO grant enables the Service to deliver its core operations including salaries for complementary activities as outlined in the Appendix. 73% of the grant is used on salaries to deliver the business plan whilst the remainder is used to lever in additional grants, necessary for programme delivery, as permitted in the grant conditions. Any new projects would be subject to approval as necessary, for example for any improvement / capital related projects.
- The funding has already been secured to deliver the three-year NPO programme. Without it the Service would need to make savings of £474,775 per year.

Other options considered:

- The principal alternative option would be to do nothing. This will impact predominantly staffing as the Service will need to make savings of £474,775 per year and therefore was rejected.

40 Greater Nottingham Strategic Plan Strategic Logistics Sites Preferred Approach

Councillor Angela Kandola, Portfolio Holder for Planning, Transport and Highways, presented the report which sought approval to consult on two proposed sites for strategic distribution and logistics. Although the identified sites are located in Broxtowe and Rushcliffe, all authorities working together to produce the Greater Nottingham Strategic Plan must approve the consultation prior to it being put to the public. This approval is required as the Preferred Approach has explicitly excluded a potential strategic and logistic site within the Nottingham City boundary. The consultation seeks views on the proposed sites for strategic distribution and logistics and will be for a period of 6 weeks to commence in September, following approval from all the Councils involved. Responses to this consultation will be considered as part of preparing the next version of the Strategic Plan which will be the Publication Draft (Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012).

Resolved to:

- (1) Approve the “Greater Nottingham Strategic Logistics Sites Preferred Approach” consultation document appended to the report, in so far as it relates to Nottingham City, for a period of public consultation.**
- (2) delegate authority to the Director of Planning and Transport to approve any minor changes (e.g. typographical and grammatical) required to the Preferred Approach document and the evidence base prior to consultation.**

Reasons for decisions:

- The consultation proposals form part of the preparation of the Greater Nottingham Strategic Plan which is part of the Policy Framework of the City Council. This consultation represents a draft stage in the preparation of the Plan and the City Council Constitution sets out that Executive Board must approve the draft stages in the plan preparation process.

Other options considered:

- During the site assessment process Stanton Tip, within the Nottingham City boundary (which is a current mixed use housing and employment site allocation in the Local Plan Part 2 and is proposed as an allocation in the Strategic Plan), was considered for its potential as a suitable strategic distribution site. The assessment process concluded that the site should not be put forward as an option because although the site is approximately 42 hectares, the developable area is 25 hectares and is currently allocated for mixed use development. The full 25 hectares is therefore not available and the land remaining is therefore considerably below the threshold to be considered suitable for a strategic distribution site.

41 Corporate Risk & Assurance Register

Councillor Audra Wynter, Portfolio Holder for Finance and Human Resources, presented the report which highlighted the top corporate risks to the Council, based on discussions at Corporate Leadership Team, at Performance Clinics and with Corporate Directors, including cross cutting risks and risks escalated from directorates.

Resolved to note the risks and mitigations within the Corporate Risk and Assurance Register as set out in the Exempt appendices to the report.

Reasons for decision:

- To support the robust management of and accountability for risk across the authority and inform future decision making.

Other options considered:

- To not present the Corporate Risk and Assurance Register for review: this option is rejected as the process to review of the risks and mitigations within the Register, and to discuss their relevance, corresponding risk scores and if any risks need to be added or deleted from the Register, is a vital component of effective risk management.

42 Sale of the former Elms Primary School, detached playing field and caretakers house, Cranmer Street, St Anns

Councillor Steve Battlemuch, Portfolio Holder for Skills, Growth, Economic Development and Property, introduced the report which proposed the sale of the site

of the former Elms Primary School in Mapperley. The subject primary school was closed in 2008 following a school re-organisation and, although the site was retained for potential reuse for the purpose of secondary education, an alternative site was later identified to meet that need. By 2019 a prospective purchaser was identified for the Elms site and an Option Agreement completed with that party. For a variety of reasons that Option was not operated and the site remains with the City Council; as a result of some of these reasons, the disposal boundary has been altered with further advice then being taken from planning officers as regards to potential delivery from the site. In spring 2023, Strategic Assets and Property procured an independent valuation reflecting the up-to-date opinion of market value for the new disposal boundary. The site is surplus to all Council operational requirements, available to contribute towards the Council's ambitions for Better Housing and available to achieve a capital receipt to be used by the Council as set out in the Capital Strategy principles.

Resolved to:

- (1) authorise the disposal of the Council's freehold interest in the subject site, for best consideration, to the previous holder of the Option Agreement (subject to agreement of terms), noting resolution 3 in respect of approval to the precise terms of sale.**
- (2) if sale terms satisfactory to the Council cannot be agreed as referred to under resolution 1, to authorise the disposal of the Council's freehold on the open market, noting resolution 3 in respect of approval to the precise terms of sale.**
- (3) delegate authority to the Corporate Director of Growth and City Development to determine the method of sale and sale terms (including price)**
- (4) delegate authority to the Corporate Director of Growth and City Development to authorise any expenditure in connection with the site, which in addition to concerning matters of health and safety, shall otherwise be with a view to maximising value on sale.**
- (5) note that approximately 0.425 acres of the site is to be retained due to restrictions made by the Nottingham Corporation Act 1883 and in respect of this, the Corporate Director of Growth and City Development shall identify the appropriate service to implement a suitable management and maintenance plan.**

Reasons for decisions:

- The subject property is surplus to all operational property requirements of the Council.
- The disposal will generate a significant capital receipt which can be used by the Council as considered appropriate. Disposal will also release the Council from its ongoing risk and financial liabilities.

- The disposal will encourage re-development of the heavily dilapidated buildings and extensive site, which will not only benefit the immediate neighbours to the site but, given the planning allocation, will most likely also contribute to the new homes target for the city.
- Delegation of authority in respect of method of sale, agreeing sales terms and associated expenditure is with a view to placing the Council in an advantageous position for making timely decisions and enabling the ability for officers to act promptly, in best interest of the Council, in what is a fast changing marketplace.
- Due to the restrictions imposed by the Nottingham Corporation Act 1883, approximately 0.425ac of the site cannot be disposed of – there will be an ongoing obligation to the Council in respect of the maintenance and up keep of this land, for which budget must be identified. The level of budget required will be dependent on the use or allocation of the land and associated, appropriate maintenance regime – depending on value, this matter may become the subject of a further Decision.

Other options considered:

- The option not to dispose of the land is not recommended, considering the significant holding costs and health and safety liabilities presented by retaining the site and the buildings, in particular. It is confirmed that there is now no alternative operational requirement for the site and therefore, continuing to hold the site would mitigate the opportunities that the site will otherwise present to an alternative owner – likely a developer with the ability to bring the site into a new use, beneficial to the city.
- The option to take the site straight to the open market has been considered but is not the recommended decision, due to the continued interest of the earlier identified purchaser which has already completed significant due diligence in respect of the site and its redevelopment potential, including significant expenditure and the progression of a detailed planning application which was seemingly progressing positively. To first negotiate (within a limited, agreed timeframe) in attempt to agree sale terms with this interested party could bring in a capital receipt to the Council sooner than if the site were put to market and should result in redevelopment of the site within a shorter timeframe.

43 Exclusion of the Public

Resolved to exclude the public from the meeting during consideration of the remaining items in accordance with Section 100A of the Local Government Act 1972, under Schedule 12A, Part 1, Paragraphs 3 and 5, on the basis that, having regard to all the circumstances, the public interest in maintaining an exemption outweighs the public interest in disclosing the information.

44 Corporate Risk and Assurance Register - exempt appendices

Executive Board - 19.09.23

Councillor Audra Wynter, Portfolio Holder for Finance and Human Resources, presented the Exempt appendices to Board, which Board noted.

45 Sale of the former Elms Primary School, detached playing field and caretaker's house, Cranmer Street, St Anns- exempt appendix

Councillor Steve Battlemuch, Portfolio Holder for Skills, Growth, Economic Development and Property, presented the Exempt appendices to Board, which Board noted.

46 Nottingham Express Transit (NET)

Councillor Angela Kandola, Portfolio Holder for Highways, Transport and Planning, introduced the exempt report.

Resolved to approve the recommendations as set out in the exempt report and recorded in the exempt minutes.

Reasons for Decision

- As set out in the exempt report and recorded in the exempt minutes.

Other Options Considered

- As set out in the exempt report and recorded in the exempt minutes.