



**Nottingham City Council  
Executive Board**

**Date:** Tuesday, 17 October 2023

**Time:** 2.00 pm

**Place:** Ground Floor Committee Room - Loxley House, Station Street, Nottingham,  
NG2 3NG

**Councillors are requested to attend the above meeting to transact the following business**

**Director for Legal and Governance**

**Governance Officer:** Phil Wye **Direct Dial:** 0115 8764637

<b>Agenda</b>	<b>Pages</b>
<b>1 Apologies for Absence</b>	
<b>2 Declarations of Interests</b>	
<b>3 Minutes</b> Minutes of the meeting held on 19 September, for confirmation	3 - 18
<b>4 Change of meeting date in February 2024</b> To agree to change the February meeting date of Executive Board from Tuesday 20 February at 2pm to Tuesday 13 February at 2pm	
<b>5 School Capital Maintenance Grant Allocations 2023-24</b> Report of the Portfolio Holder for Children, Young People and Education	19 - 68
<b>6 Acceptance of the Department for Transport Moving Traffic Enforcement Powers</b> Report of the Portfolio Holder for Highways, Transport and Planning	69 - 90
<b>7 Exclusion of the Public</b> To consider excluding 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, Paragraph 3, 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

**8 Exempt minutes**

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Exempt minutes of the meeting held on 19 September, for confirmation

All items listed 'under exclusion of the public' will be heard in private for the reasons listed in the agenda papers. They have been included on the agenda as no representations against hearing the items in private were received

If you need any advice on declaring an interest in any item on the agenda, please contact the governance officer shown above, if possible before the day of the meeting

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## 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**

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.

<b>Subject:</b>	School Capital Maintenance Grant Allocations 2023/24.
<b>Corporate Director(s)/Director(s):</b>	Catherine Underwood – Corporate Director for People Nick Lee –Director of Education Services
<b>Portfolio Holder(s):</b>	Councillor Cheryl Barnard – Portfolio Holder for Children, Young People and Education.
<b>Report author and contact details:</b>	Caroline Butrymowicz - Project Manager, Major Projects. <a href="mailto:caroline.butrymowicz@nottinghamcity.gov.uk">caroline.butrymowicz@nottinghamcity.gov.uk</a>
<b>Other colleagues who have provided input:</b>	Robert Caswell – Programme Manager , Major Projects Tom Straw – Senior Accountant, Capital Programme Tony Heath – Solicitor Sue Oliver – Category Manager – Places
<b>Subject to call-in:</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Key Decision:</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Criteria for Key Decision:</b>	
(a) <input checked="" type="checkbox"/> Expenditure <input type="checkbox"/> Income <input type="checkbox"/> Savings of £750,000 or more taking account of the overall impact of the decision	
<b>and/or</b>	
(b)    Significant impact on communities living or working in two or more wards in the City <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<b>Type of expenditure:</b> <input type="checkbox"/> Revenue <input checked="" type="checkbox"/> Capital	
If Capital, provide the date considered by Capital Board Date: 6 <sup>th</sup> September 2023	
<b>Total value of the decision: £2,743,541</b>	
<b>Wards affected: All</b>	
<b>Date of consultation with Portfolio Holder(s): 21<sup>st</sup> September 2023</b>	
<b>Relevant Council Plan Key Outcome:</b>	
Green, Clean and Connected Communities	<input type="checkbox"/>
Keeping Nottingham Working	<input type="checkbox"/>
Carbon Neutral by 2028	<input type="checkbox"/>
Safer Nottingham	<input checked="" type="checkbox"/>
Child-Friendly Nottingham	<input checked="" type="checkbox"/>
Living Well in our Communities	<input type="checkbox"/>
Keeping Nottingham Moving	<input type="checkbox"/>
Improve the City Centre	<input type="checkbox"/>
Better Housing	<input type="checkbox"/>
Serving People Well	<input type="checkbox"/>
<b>Summary of issues (including benefits to citizens/service users):</b>	
<p>The annual capital maintenance grant allocation from the Department for Education (DfE) for 2023-24 was confirmed in March 2023. The total value of the grant is £2,743,541 and is to improve the condition of school buildings maintained by the Council.</p> <p>This report seeks approval to accept the grant and approve the fourteen schemes that have been prioritised using the draft strategy document (which is a place-holding document that underpins the prioritisation of schemes ahead of the finalisation of the of the Council’s Asset Management Strategy), as noted at the 21 December 2021 Executive Board meeting. The schemes are listed in Appendix. 2.</p>	

In addition, approval is sought to allocate a contingency of £623,541. The contingency is to be delegated to the Corporate Director for People to approve and authorise how this is spent, in accordance with the criteria that was noted in the report approved at the 21 December 2021 Executive Board meeting.

**Does this report contain any information that is exempt from publication?**

No

**Recommendation(s):**

- 1** To accept the Capital Maintenance Grant 2023-24 of £2,743,541 from the Department for Education and to approve the fourteen schemes prioritised using the draft strategy document as set out at the 21st December 2021 meeting of the Executive Board.
- 2** To approve a contingency of £623,541 and delegate authority to the Corporate Director for People to approve and authorise how the contingency is allocated.
- 3** To authorise the procurement of any necessary contracts to carry out the programme of schemes using the 2023/24 funding and delegate authority to the Corporate Director for People to award any procured contracts.

**1. Reasons for recommendations**

- 1.1 The prioritisation of the school capital maintenance grant is based on technical advice and a review of the condition of the Nottingham City schools estate. The process is articulated in the appended Business Case (Appendix 1) and the draft strategy document which is being used until the Corporate Asset Management plan is finalised. There are two areas where funding is prioritised:
- Health and safety issues likely to impact on children and staff to ensure the safeguarding of the pupils within the school site, ensuring buildings are structurally sound and can be safely evacuated in the event of an emergency; and
  - Condition issues likely to impact on the operation of the school, to ensure that school buildings are warm and dry to negate the potential of schools closing and loss of learning for the pupils.

- 1.2 The programme of works is prioritised in line with the draft Capital Maintenance Strategy for Schools. This will be reviewed and reflect the priorities that are in the overarching Corporate Asset Management Plan that is currently being finalised as part of the wider Corporate Landlord role

The grant for 2023-24 is £2,743,541 and fourteen schemes have been identified which will be delivered in the school summer holidays 2024 or earlier where possible, taking advantage of the October 2023 half term and Easter 2024 school holidays respectively

- 1.3 Delegating authority to the Corporate Director for People to approve and authorise how the contingency is allocated will ensure a timely response to any urgent issues that arise.

## **2. Background (including outcomes of consultation)**

- 2.1 The Council receives an annual grant from the DfE to address the priority condition and capital maintenance issues at Nottingham Schools. The grant for 2023-24 has been received for the value of £2,743,541 and fourteen projects have been prioritised. In addition to these schemes, a contingency of £623,541 has been identified to address any urgent schemes that may arise that need addressing in 2023-24. This proposal seeks approval to delegate to the Corporate Director of People the contingency allocation and authority to approve how this is spent. The decision under this delegation will be published.
- 2.2 The grant is to improve the condition of school buildings maintained by the Council. The highest priorities for approval relate to Health and Safety requirements, for example ensuring the safeguarding of pupils within a school site, ensuring buildings are structurally sound and the safe evacuation of a school in the event of an emergency. The next priorities are those condition issues that mean schools are not weather proof or warm in winter, which could lead to school closing temporarily and to a loss of learning. This could include schools that need roof replacements, new windows, repairs to existing boilers or replacement heating systems or electrical infrastructure.
- 2.3 The overall condition liability for schools in Nottingham is approximately £23 million and is significantly greater than the funding available. As there is insufficient funding to complete all works, the Council has to ensure that all schemes are prioritised in a consistent manner. The appended Business Case (Appendix 1) and the prioritisation process explains how schemes will be brought in to the programme to support the Health and Safety and Condition needs for pupils in Nottingham schools

## **3. Other options considered in making recommendations**

- 3.1 To combine the 2023-24 Schools' Capital Maintenance Grant with Basic Need funding and the SEND capital funding to address the shortfall of SEND capacity and secondary places across the city. This option was rejected as it would leave schools at risk of temporary closure due to health and safety or condition issues. It could also mean that school buildings continue to deteriorate and may be subject to forced closure whilst emergency repairs are carried out.

## **4. Consideration of Risk**

- 4.1 Currently construction inflation is high and there is a continued pressure on both supply and labour market. In order to mitigate this contingencies will continue to be allocated for all future programme schemes above the level of construction inflation at the time. If programmes of work are not carried out then there is a risk that temporary school closures could have to be managed – for example if a school heating system fails. If programmes of work are not carried out then schools may struggle to address maintenance issues at a time when school budgets are under immense pressure. The condition liability of the school estate will not be reduced if this programme of works does not take place.

## **5. Best Value Considerations, including consideration of Make or Buy where appropriate**

- 5.1 There are two routes to procure these works, using Building Services to deliver the replacement heating or boiler systems and Fire Alarms and to use a framework contractor off the SCAPE Framework to deliver the remaining schemes.
- 5.2 Building Services provide servicing for boilers, heating systems and fire alarms in the school estate and are therefore very familiar with the these school systems. This supports efficient operations and identifies those most at risk of failure.
- 5.3 The Scape Framework provides value for money through the ability to get early engagement, free feasibility costs and to build a longer term relationship that allows the prioritisation of the programme which is critical in an environment where work is being completed in a live school.

## 6. Finance colleague comments (including implications and value for money/VAT)

- 6.1 **Capital Comments:** Following the approval of this decision, projects will be set up and funded from Capital Maintenance Grant as detailed in appendix 2. The projects within this decision formally commits £2.1 million from the awarded grant of £2.7 million. Allocating the balance to projects will require formal approval.
- 6.2 The Capital Maintenance Grant has an allocation within the planned element of the Capital Programme as approved at the February 2023 Executive Board. Following the approval of this decision, the schemes will be moved into the approved stage of the Capital Programme and the planned section of the programme will be amended to take account of the unallocated grant (i.e. contingency) of £0.6 million.
- 6.3 **Revenue Comments:** If the funding allocations are approved then any ongoing maintenance costs which arise after the completion of capital works will need to be funded from the schools budget.

Tom Straw – Senior Accountant (Capital Programmes) 7<sup>th</sup> August 2023

## 7. Legal Comments

- 7.1 The funds received from the DFE must be used in accordance with the conditions and restrictions on use specified by the DFE.
- 7.2 In undertaking the proposed works, where the Council intends to secure services from 3<sup>rd</sup> parties, an appropriate and compliant (with relevant Regulations and the Council's Constitution) route to market should be used – colleagues in Procurement should be engaged early in that process. Legal Services can support in relation to appropriate legal agreements where that work can be resourced in-house; where this is not the case, the costs of using external lawyers should be factored into the decision.
- 7.3 The 14 intended projects have been prioritised using a draft strategy document. There is an inherent risk in basing a decision on a draft document. That risk can be mitigated somewhat in the Council adopting a transparent and consistent approach to ensure the prioritisation decision is justifiable and robust.

7.4 This report also seeks approval for the use of a contingency fund in accordance with the criteria noted in a report approved on 21 December 2021. That report has not been reviewed but the criteria will need to be sufficiently clear to ensure decisions on the use of the contingency fund are taken within the parameters stipulated. It would be prudent to retain evidence that the contingency has been spent as stipulated. Anthony Heath, Senior Solicitor, Contracts and Commercial, 9<sup>th</sup> June 2023.

## **8. Procurement Comments**

There are no procurement concerns with the recommendations set out in the report. Scape's regional and national construction frameworks provide a complaint route to market with no procurement implications if the terms of the Framework Agreement are complied with. Procurement will work with the Client to ensure that all procurement activity is compliant with NCC's contract procedure rules. Comments provided by Sue Oliver – Procurement Category Manager for Places 13/06/2023.

## **9. Building Services Comments**

9.1 Building Services fully supports the schools condition works programme. Trevor Bone – Head of Building Services and Facilities Management. 20<sup>th</sup> June 2023.

## **10. Property Comments**

10.1 The proposals are supported by Strategic Property as they ensure that the buildings are suitable and sustainable for the future. Deborah Millar – Business Partner, Strategic Assets and Property. 15<sup>th</sup> June 2023.

## **11. Crime and Disorder Implications (If Applicable)**

11.1 This is not applicable.

## **12. Social value considerations (If Applicable)**

12.1 The proposed SCAPE framework procurement route for some of the schemes contains a number of social value key performance indicators, such as diverting waste from landfill, local spend and local employment targets by which the schemes will be measured.

## **13. Regard to the NHS Constitution (If Applicable)**

Not applicable.

## **14. Equality Impact Assessment (EIA)**

14.1 An EIA is attached as Appendix 3 and due regard will be given to any implications identified in it

## **15. Data Protection Impact Assessment (DPIA)**

15.1 A DPIA is not required because this programme of works will have limited data collected.

**16. Carbon Impact Assessment (CIA)**

16.1 A CIA is attached as Appendix 4 and due regard will be given to any implications identified in it.

**17. List of background papers relied upon in writing this report (not including published documents or confidential or exempt information)**

17.1 None

**18. Published documents referred to in this report**

18.1 None



# Nottingham City Council

## Business Case

**Project Title: School Capital Maintenance Grant 2023/24 - Proposals to deliver the Schools' Capital Maintenance Programme.**

**Lead Department: Children and Adults**



Safer, cleaner, ambitious  
**Nottingham**  
A city we're all proud of



## DOCUMENT CONTROL

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<b>Date</b>	06.06.23

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V1	Draft	23.05.23	First draft	CB
V2	Draft	01.06.23	Second draft	RC
V3	Final	06.06.23	Final	CB

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## 1.0 Introduction

*This document defines the project's Business Case and provides the baseline against which the project is continually assessed. NB: For support in completing the following financial sections either contact your financial representative or refer to the 'Project Appraisal Handbook'.*

*This first section should act as a statement that reflects how the Business Case will be used.*

This document sets out the business case and proposals for delivering the Schools' Capital Maintenance programme for Nottingham City schools, utilising the School Capital Maintenance grant 2023/24.

It will provide evidence for the need of this project and set out how the proposal links to the outcomes of the Strategic Council Plan 2023-27 and how the projects will be delivered.

The Business Case is a key supporting document for the Executive Board report which is going forward for approval in October 2023. The report will ask for the following to be approved:

- To accept the 2023/24 grant allocation of £2,743,541 from the Department for Education (DfE) for school condition works to Nottingham City schools and approve the fourteen schemes that have already been prioritised which total £2,120,000 .
- Approve a contingency of £0.624 and to delegate approval and authorisation of how this is allocated to the Corporate Director for People.
- Approve the delegation of the procurement routes of the schemes to the Corporate Director of People in compliance with the Council's Contract Procedure rules and Public Contract Regulations ensuring the demonstration of value for money.

## 2.0 Executive Summary

*Briefly state the purpose of the project, what the project sets out to achieve and when. This section should be a short summary of the project and is often best completed last!*

All local authorities receive an annual allocation of grant funding to support maintained schools with managing the condition and health and safety of their school buildings. This funding is known as the Capital Maintenance Grant. The funding is typically a formulaic calculation determined by the Education and Skills Funding Agency (ESFA), who then confirm allocations to local authorities on an annual basis.

In March 2023 the 2023/24 grant funding announcement was made and allocated £2,743,541 for Nottingham City schools. It is proposed to deliver fourteen schemes

which have been prioritised and which will be delivered in the main in 2024/5 and to also set aside a total contingency of £0.624m to address any urgent issues that may arise over this period.

Approval will also be sought at Executive Board in October 2023 to delegate the total contingency of £0.624m to the Corporate Director for People. This will mean that the Corporate Director for People will have the authority to approve and authorise how this is spent, allowing additional schemes or cost overruns to be dealt with efficiently.

### 3.0 Strategic Fit (Strategic Case)

#### 3.1 Strategic Overview

*Explain the context of the project and the reason why it is needed now – the business need. This should be at an organisational level – i.e. to support the transformation of the City centre, to ensure there are sufficient school places available.*

*Reference to any existing documents, approvals or publications can be summarised here and attached as an appendix to the Business Case.*

*This section should demonstrate that a change is required.*

The City has over the years taken a long term approach in prioritising and addressing capital maintenance issues at schools using the yearly grant funding. The focus of this project is to achieve the outcomes of keeping pupils safe and schools warm and dry to mitigate the need for school closure and a resultant loss of learning. As school budgets become increasingly stretched it is not possible for schools to afford to address major issues such as for example safeguarding, health and safety works and heating failures.

To support the prioritisation process, the Major Projects team previously completed an Estate Review Plan (ERP) for each Local Authority maintained school. The purpose of this exercise was to understand how schools' operate within the existing buildings, manage building issues and how they deliver learning outcomes to children.

A focus of the ERP was to capture the known condition issues at schools and understand how these are managed given the increased austerity schools are facing and the very low level of direct funding they receive to maintain buildings. This exercise served to reinforce that schools cannot afford to address significant maintenance and capital issues themselves. The impact of issues such as leaking roofs and aging heating systems were a constant risk to schools and have to be managed on a day to day basis. The concern and risk around the potential of school closure and loss of learning days due to maintenance problems and failures was raised by all schools.

To support the ERP, a programme of condition surveys was commissioned to review the site and buildings of each school. Within these surveys attention was paid to the building fabric and mechanical and electrical elements of each school.

The Major Projects team also collaborate with internal colleagues in the Schools' Health and Safety Team and Building Services to capture known issues that need resolving, as well as developing a forward plan to address future priority works eg. the replacement of heating systems and roofs.

All of the above is used to assist the Major Projects team to form a longer term strategic plan identifying potential programmes of work over future years and how they will be managed.

At the time of writing this report the ESFA are continuing with a five year programme to carry out independent condition surveys for locally maintained schools. All schools will be surveyed between 2021 and 2026. Condition survey reports will be issued directly to schools. Major Projects will continue to build on the excellent relationships it has with schools in order to access the reports and collate the information along with all the information they already hold on the NCC school estate.

The business need for this project links directly to outcomes specified in Strategic Council Plan 2023 – 27 and the Together for Nottingham Plan and this is explored below. Pupils need to continue to be kept safe, warm and dry so they can learn and continue to grow and thrive in the school environment.

### 3.2 Links to Strategic Objectives

*State how the project will contribute to the Council Plan, national policy or a Department's objectives and priorities.*

<http://intranet.nottinghamcity.gov.uk/news/council-plan-2019-2023>

*Also state the final outcomes expected.*

*This section must include a statement about how the project will support the objective of becoming a Carbon Neutral city by 2028.*

<https://www.nottinghamcity.gov.uk/media/2620252/nottinghams-2028-carbon-neutral-charter-3.pdf>

<https://www.nottinghamcity.gov.uk/cn2028>

This project links to the following outcomes in the Strategic Council Plan 2023-2027:

- Safer Nottingham
- Green, Clean and Connected Communities
- Keeping Nottingham Working
- Carbon Neutral by 2028
- Child Friendly Nottingham
- Living Well in Our Communities
- Serving People Well

### Safer Nottingham

We will contribute to providing safe and secure school buildings. We will prioritise works that mean children and staff feel safe in their environment. These works will be safeguarding interventions to the building and grounds to ensure intruder risk is removed. Other examples of priority works could be the removal or making safe and management of asbestos, structural repairs either to the frame or to the façade of the building, the provision of automatic fire alarms and safe evacuation and provision of intruder alarms.

It is paramount that children are safe and parents and carers know their children are being taught in an environment that is both safe and secure.

Health and Safety and Safeguarding are one of the areas in a school that an OFSTED inspection will investigate and report on impacting on the final grade the school will get. We will work to prioritise schemes where safety or security measures are identified to support the outcome that children will be taught in schools that are good or outstanding in line with the Children and Young Peoples plan 2021-23.

### **Green, Clean and Connected Communities**

We will contribute to keeping communities green and clean. We will carry out interventions where appropriate to improve the air quality of school buildings. For example we will review and improve ventilation when replacing or repairing windows. We are aware that there is a need to consider the concentration of CO<sub>2</sub> in rooms and will install where possible automatic window openings to mitigate the impact of CO<sub>2</sub>.

We will address where possible the impact of vehicular transport and emissions. For example we will consider tree planting options as part of safeguarding/security interventions as this will also serve to mitigate the impact of fumes created by traffic.

### **Keeping Nottingham Working**

We will contribute to keep Nottingham working by assessing whether schemes can be delivered with in house resource.

Where the City Council enters into a contract with a contractor from the SCAPE regional framework for any of the schemes we will monitor the contractual commitment to deliver NCC KPIs that focus on local spend, local employment and local apprenticeship targets. We will collaborate with Nottingham Growth Hub to establish if there are any opportunities for Nottingham citizens or local SMEs to be engaged in employment.

### **Carbon Neutral by 2028**

We will contribute to making Nottingham carbon neutral by 2028.

We will support this outcome by ensuring that the schemes that are proposed for the

2023/4 programme and all future years will at the design development stage, consider where possible interventions to reduce carbon emission. Environmentally sympathetic construction options will be considered to increase sustainability where budget and design permits. All planning and building control regulations now take account of environmental and sustainability considerations and these will need to be adhered to in the design process.

We will work with colleagues in NCC Energy Services to undertake school energy surveys where appropriate and assess the viability of introducing energy saving interventions where the business model stacks up. This could be for example by the introduction of photovoltaic panels or added insulation on roofing projects.

When we remove asbestos or install new fire alarm systems consequential works tend to be having to replace existing ceilings and lighting. When this opportunity presents we will install LED lighting

We continue to review taking forward carbon reducing heating interventions. It must be noted that the cost of sourcing alternatives to gas boilers is still extremely but we are looking to specify boilers that can operate with a percentage of hydrogen so we can future proof for when hydrogen is introduced to the network. The efficiency of any low carbon heating source relies on additional works to the fabric of buildings, for example increasing insulation. This is to ensure the full benefit of the lower carbon heating intervention comes to fruition. A desktop study completed by the Department for Business, Energy and Industrial Strategy for the Nottingham City school sector recommended that a whole school approach should be taken when addressing decarbonisation of heating systems. Going forward we will look to future planning of replacement heating systems that incorporates improvements to the fabric of the building to ensure maximum efficiency and benefit.

We will ensure where possible that we will introduce smart heating controls to enable end users to monitor energy usage and become more accustomed and confident with energy management.

### **Child friendly Nottingham**

We will ensure that any safeguarding or health and safety schemes that are prioritised will be taken forward for approval. Children will be protected and feel safe in their school environment. Children will have an environment where they can learn safely and thrive. The emotional and physical well-being of children will be at the forefront of any such schemes. By maintaining and where possible improving school buildings we aim to give every child in Nottingham the best start in life.

### **Living Well in our Communities**

The Executive Board report will be supported by an equality impact assessment which will take account of any schemes that will impact on buildings and ensure that accessibility adheres to building control standards.



This is specifically pertinent to any schemes that involve works or adaptations to the building for example safeguarding or other health and safety schemes. The detailed design stage of schemes will develop proposals to ensure that that all works meet building regulations and ensure that buildings are accessible for all.

### **Serving People Well**

The condition liability of Nottingham City schools is estimated at £23m. The yearly grant is limited and does not allow us to address all condition liability issues for Nottingham schools.

Due to the limitations of the grant in comparison to the condition liability of Nottingham City schools we have to be confident that we prioritise the right schemes and that the selected method of procurement and delivery ensures the best value for money is achieved by the most appropriate contractor.

Programmes will include estimated costs identified for each scheme. Budget costs will continue to be put together based on feasibility estimates to include contingency amounts to allow for added uplifts for inflation and market trends. The contingency amounts on each scheme will vary year on year as they will be linked to the rate of construction inflation at the time. We are currently using 22% where possible.

We will continue to work with the selected contractor on each individual scheme to refine and develop costs to enable us to be confident that we are working with robust costings with allowances are made for risk, contingency, market trends and pricing fluctuations. We will continue to monitor the spend on budgets throughout the schemes development and work with the specific contractors to challenge where necessary and ensure we are receiving best value.

We will continue to work to ensure that the final accounts on all of the schemes will be in line with the anticipated costs and we will always ensure to our best ability that sufficient contingencies are in place to cover unknowns. We will ensure that the overall programme costs are managed within the allocated annual grant funding.

This project embeds the following themes in the 'Together for Nottingham – Recovery and Improvement Plan Refresh 2022' and seeks to use the most appropriate delivery model to provide cost effective projects that deliver the best outcomes possible.

### **Theme One – MTFS**

Major Projects will ensure that the programme of works delivered will be within the yearly grant funding envelope from the DFE. We will ensure that programmes are supported by a robust business case and follow all stages of the governance journey going forward for approval. We will ensure Capital Board are confident with our recommendations and draw on any observations and recommendations they make.

All related project management tools and processes will continue to be embedded within the management of programmes, such as live project management plans, risk and issue logs and lessons learned logs. We will report to the Portfolio Management Office as directed by their monitoring and governance timetable which forms part of the wider Recovery Programme.

We will continue to report on a monthly basis to the Portfolio Management Office and be held to account for the delivery of our projects, flagging any amber or red risks with appropriate mitigations.

We will continue to monitor our spend on all the individual projects within the programmes to ensure that we are confident to report the overall current financial position and going forward the anticipated final spend on our programmes. We will continue to look for savings as and where appropriate.

Major Projects team have all completed the statutory best value training and we have discussed and worked through strategies with individual team managers and in our full service team meeting. We will ensure we will continue to resource projects adhering to the principals of best value whether it be by procuring internal or external resources. We will justify our reasoning for our decisions within the approval process. We have always asked contractors to benchmark their costs plus monitor KPIs and we will continue to do this, as well as asking them to continue to seek three tenders for the work packages within the individual projects.

## **Theme Two – Asset Management**

Major Projects will continue to work with colleagues in NCC Property Services in line with the Corporate Landlord model. Our draft prioritisation strategy was approved at Executive Board in March 2022. We will collaborate with Property colleagues to ensure that it is finalised and approved in line with the requirements of the Corporate Landlord model.

## **Theme Four – Capital Programme**

Major Projects will continue to ensure that we follow the approval governance journey and present our proposals at the monthly held Capital Board. This group provides the opportunity for challenge and to give a steer and assurance that proposals are fully scrutinised and are in line with the required outcomes for the Council. We will take on board any comments from Capital Board and ensure our proposals and recommendations reflect this scrutiny.

## **Theme Five – Constitution ( Governance and Decision Making)**

Major Projects have undertaken the refreshed governance training and are aware of the revisions to the delegated decision making system and changes to the approval limits in relation to key decisions. We will continue to follow the revised governance process and work with any future adjustments or revisions to the process that may occur.

## 4.0 Project Information and Business Case

### 4.1 Background to the Project

*Provide any information relevant to understand the background to the project. This should be at a project level and might include information about what already exists.*

The annual capital maintenance grant allocation for 2023/24 has been received from the DFE for the value of £2,743,541.

The grant is to improve the condition of school buildings maintained by Nottingham City Council. The highest priorities for approval relate to health and safety requirements, for example ensuring the safeguarding of pupils within a school site, ensuring buildings are structurally sound and the safe evacuation of a school building in the event of an emergency.

The next priorities are those condition issues that mean school buildings are not weather proof or that they are not warm in winter which could lead to schools closing temporarily and a loss of learning. This could include schools that require roof replacement, new windows or repair to existing, boilers, heating pipes and electrical infrastructure.

The overall condition liability for schools in the City is significantly greater than funding available and there is insufficient funding to complete all works. We therefore have to ensure that the priority schemes are borne of these two categories listed.

We have identified fourteen priority schemes which we are seeking approval to take forward and deliver.

### 4.2 Scope

*Provide details of what this project will deliver (in-scope) and what it will not deliver (out of scope) and why these decisions have been made.*

Programme of works will deliver schemes that keep Nottingham pupils safe and secure and/or mitigate the risk of school's closing (for example through heating failure) which would result in loss of learning to pupils.

Major Projects have in place an accepted prioritisation process which is worked through towards making the final recommendations for the programme of works. This process is frequently reviewed and refined where necessary. This process of prioritisation was accepted in the report which was approved at Executive Board in December 2021. We will continue our joined up approach by working with colleagues in NCC Building Services and Health and Safety teams respectively to ensure we have all the relevant information to enable us to prioritise appropriately.

If the delegation to the Corporate Director of People (Children and Adults) is approved for the authorisation of the spending of the contingency for the 2023/24 grant of £0.624m, we will continue to ensure in line with our prioritisation process that the most urgent schemes are taken forward.

The Executive Board report October 2023 identifies the following fourteen schemes which have already been prioritised and subject to approval:

#### Southwold Primary – asbestos removal

There is significant asbestos in the school and this does pose a level of risk although it is currently being managed by the school. If the asbestos was to degrade there is potential for contamination. This is a multi-year programme that will significantly reduce the asbestos risk in the building by removing as much as possible. We propose to carry out phase three of the programme using an allocation from the 2023/24 funding.

#### Southwold Primary – roofing works

Southwold Primary is experiencing issues with its roof and this is a multi year programme. We propose to carry out phase 3 of the programme using an allocation from the 2023/24 funding.

#### Crabtree Farm Primary – roofing works

The roof at Crabtree Farm Primary school has multiple leaks and has been identified as requiring replacing. Due to the size of the roof this will be a multi-year programme. We propose to carry out phase 2 of the programme using an allocation from the 2023/24 funding.

#### Claremont Primary – roofing and window works

There are areas of roof and some windows at Claremont Primary School that are in need of repair or replacement. We have already carried out three phases of works to the windows and at the time of writing this report are waiting for approval to carry out phase 1 of roofing works. Both the roofing and window works are part of a multi-year programme. We propose to continue these programmes using an allocation from the 2023/24 funding.

#### Haydn Primary – roofing works

The roof to the main school building is leaking and currently being managed by the school. We have carried out priority works previously approved by Executive Board and now need to carry out further works. This will be a multi-year programme. We propose to carry out phase 2 of the programme using an allocation from the 2023/24 funding

#### Seely Primary – Re routing of heating pipes

We have replaced all of the boilers at school over a three year phased programme. The heating pipes are not accessible as they are located underground in ducts containing asbestos. This makes it very difficult to maintain and service. At the time of writing this report, we plan to remove the asbestos from the ducts in the summer holidays 2023 and we then need to re-route the pipes to make them more accessible for future maintenance. We are seeking approval to use an allocation from the 2023/24 funding to carry this out.

#### Dunkirk Primary ( Marlborough site) - Replacement of Fire Alarm

The existing fire alarm is reaching its end of life. Parts are becoming obsolete and the school have to rely on sourcing second hand parts when they need to replace items. This is no longer sustainable. We are seeking approval to use an allocation from the 2023/24 funding to install a new Fire Alarm.

#### Dunkirk Primary ( Marlborough site) - Roofing works

The flat roof to the building is failing. Leaks are presenting inside the building and becoming increasingly difficult for the school to manage. It is expected that this will be a multi-year programme. We have prioritised the major areas of concern and we are seeking approval to use an allocation from the 2023/24 funding to carry phase 1 of these works.

#### Berridge Primary ( Bobbersmill site) – Replacement of Fire Alarm

The existing fire alarm is reaching its end of life. Parts are becoming obsolete and the school have to rely on sourcing second hand parts when they need to replace items. This is no longer sustainable. We are seeking approval to use an allocation from the 2023/24 funding to install a new Fire Alarm.

#### Snapewood Primary – Replacement of Fire Alarm and Fire doors

The existing fire alarm is failing and needs replacing urgently. There are also some internal fire doors that need replacing. We are seeking approval to use an allocation

from the 2023/24 funding to install a new fire alarm and new fire doors.

#### Dovecote Primary - Replacement of Fire Alarm

The existing fire alarm is reaching its end of life. It has been extended over the years to incorporate building changes at the school. The school are finding it increasingly difficult to source parts due to its age. This is no longer sustainable. We are seeking approval to use an allocation from the 2023/24 funding to install a new fire alarm.

#### Walter Halls Primary – Ramp/walkway to Early Years Centre

In 2019 we installed a temporary ramp to the Centre. This was always a temporary solution with a view to finding a more permanent solution. We need to install a permanent ramp which continues to provide safe access for the children and parents. We are seeking approval to use an allocation from the 2023/24 funding to carry this work out.

#### Melbury Primary – New Boilers

The existing boilers were installed in 1998 and have now reached their end of life. One of the boilers has been decommissioned. The school are now managing with just two boilers. There is a risk that these boilers will fail and leave the school with no heating. We are seeking approval to use an allocation from the 2023/24 funding to carry this work out.

#### Rufford Primary – Hot water issues

In the summer months the hot water supply is generated from six calorifiers which are between fifteen and twenty years old. School are constantly having to repair them and recently they have had to fund the replacement of one of the calorifiers. There is a risk of further failure which would mean the school would not have hot water in areas of the school. We are seeking approval to use an allocation from the 2023/24 funding to carry this work out.

### **4.3 Constraints**

*Provide details of any constraints (e.g. resources, legal and operational). What must be taken into account and/or cannot be ignored? This section may also include the parameters of the project.*

*This section might also cover the requirements from any statutory consultees, such as Planning, the outcome of any consultation, the conditions of any grant funding, site constraints.*

#### **Programme**

Generally all schemes proposed have to be delivered during the school summer holidays. Dependant on the nature of the works and length of programme there may be a need to start some works prior to the summer holidays or complete into the new academic year. In previous years when this has happened Major Projects have collaborated with schools to ensure that this is carried out safely. Works are programmed accordingly to minimise disruption on site and there is always robust demarcation between the construction works and the school staff and pupils.

Where possible we will use the October 2023 half term and Easter 2024 holidays respectively to carry out any survey work we can in preparation for the main summer works.

Schools have always worked with Major Projects positively to offer flexibility in such instances in order for the outcome to be delivered.

### **Legal / regulations or requirements**

If a contractor from the SCAPE framework is selected to deliver any of the schemes and/or technical services we will require resource support from internal colleagues in Legal Services and Procurement respectively to support us to enter into contract with the framework contractor. Colleagues within these service areas will be engaged as early as possible for them to be able to allocate resource to support Major Projects.

### **Planning and Building Control Statutory Authorities**

We will require continued support of these authorities to advise us on aspects of the design and to confirm that we are meeting our statutory obligations for relevant schemes.

### **Operational**

If any of the current schemes or future schemes have to start or complete on site during term time the project team will ensure that a robust management plan is agreed between the school and contractor to ensure that the site will function as normal and safely. Any successful contractor(s) will be responsible for providing a construction management plan which will include risk and method statements for the safe delivery of the projects on site. Major Projects will work closely with the NCC CDM manager. The CDM role will include assessing any impact that may affect the day to day running of the school and will be discussed well in advance with individual schools and will be subject to their agreement.

Delivery times will be agreed and formalised in the construction management plan. The working day will generally start at 8am and finish at 5pm to mitigate any impact on local residents by, for example, deliveries to site.

During the summer holiday period access is provided to site by individual school site managers. There will always be a period when this is not possible due to annual leave

commitments. In these cases alternative arrangements will need to be made. This does not usually pose a problem.

### **Financial**

The 2023/24 Capital Maintenance Grant was received in March 2023 for a value of £2,743,541. At this time we are seeking approval to deliver fourteen schemes (as listed in Appendix 2) from October 2023 Executive Board report and are also seeking approval to delegate a contingency amount to the Corporate Director for People (Children and Adults) who will approve how the contingency is spent.

At the time of writing this report the long term implications of Brexit and Covid is still impacting on the construction industry supply chain. Material prices continue to be volatile and lead in times for delivery of materials are unpredictable and have in some cases increased dramatically. This market position has been taken into account and will continue to be taken into account where appropriate going forward with future programmes of works. We will ensure budget costings are robust and take account of the circumstances at the time. Appropriate contingency allowances will be allowed for each scheme to take into account the current market position and mitigate for any further potential increase in the coming months. At the feasibility stage the importance of a cost break down and the inclusion of a risk register with costs is essential. This enables Major Projects to manage any changes due to increased costs and changes in material lead times.

The rapid increase of costs in the construction industry has dealt a level of uncertainty for future costs. In order to plan works for immediate and future programmes of work we have used the relevant industry construction inflation position plus an additional percentage allowance for any potential market fluctuations or increases.

Please note that there are no revenue implications to Nottingham City Council for the delivery of capital works within this programme. Any ongoing costs which arise after the completion of capital works will need to be managed and funded from individual school budgets.

#### **4.4 Dependencies**

*Provide details of any dependencies that are outside the control of the project that would or could impact on successful delivery.*

*This might be understood through a PESTLE or risk analysis, as well as identifying any projects or activity that has interdependencies with this project.*

*This might include:*

- *Consultation outcomes*
- *Land ownership/ legal issues*
- *Formal processes – planning, for example*



### **Approval from NCC Capital Board**

Developing this proposal towards submission to Executive Board October 2023 is dependent on approval from NCC Capital Board in September 2023.

### **NCC Legal and Procurement services**

There is a requirement from both the Legal team and the Procurement team to raise the appropriate contracts. Delivering this programme is dependent on approval from NCC Commercial Operations Board.

### **CDM Duties**

There is a requirement to ensure that the client adheres to their legal obligations in line with CDM 2015 regulations. Major Projects will work with the NCC CDM Manager to ensure that all legal obligations are met.

### **Planning and Building Control**

Programme of works will be dependent on any relevant planning permissions and building control approvals being applied for and granted by Nottingham City Council. Experience from previous years has illustrated that early discussions with both the NCC Planning and Building Control colleagues is prudent.

### **Robust cost management**

Robust cost management will be dependent on support from quantity surveying services, whereby the person appointed to work with the project team is confident to challenge contractors, advise Major Projects accordingly and be fully aware of market / industry circumstances.

### **Support from schools and governing bodies**

Delivering the proposed programme of works will be in conjunction with individual schools and governing bodies. Major Projects will continue to build on the existing positive relationships with the Nottingham Schools' Trust and the schools themselves to ensure the works are delivered collaboratively to the outcomes required.

## **4.5 Key Risks**

*Provide details of key risks to the Council and the project. How are risks managed? This section should act as a summary of the risk register. The top 5 risks may be outlined below. The table can be used to provide information if helpful.*

The key risks are as follows:

Risk Number	Risk Description	Likelihood Rating	Impact Rating	RAG Rating	Risk Response
1	Capital Board/Commercial Operations Board do not approve the proposals to be taken forward to October 2023 Executive Board.	Possible	Major	Red	Ensure the recommendations are clearly articulated to both. Also ensure the risk to not prioritising works that fall into the two priority categories (keeping schools safe and warm and dry) are clearly identified and by not doing these works and the impact this will have on delivering the statutory requirement for children to be taught.
2	Market costs remain at a high level for goods and materials	Likely	Major	Red	Ensure robust costing of all schemes takes this into account and allowances / contingencies are allowed for to reflect the increase in market costs that are currently prevalent and any potential further rises.
3	Funding is insufficient to carry out all the priority schemes identified	Likely	Moderate	Amber	This is always a risk and it is acknowledged that not all schemes will be able to be taken forward. Major Projects will continue to carry out a robust prioritisation exercise to enable the most urgent schemes to be taken forward that will ensure schools are safe and warm and dry. Any schemes not taken forward are always reassessed for future programmes of work. Major Projects will contact the schools where schemes have not been taken forward to explain why and offer support as to how any issues can be managed in the interim.
4	Managing any unknown urgent issues that may arise later in the financial year.	Possible	Moderate	Amber	Major Projects will continue to retain a contingency amount that will allow for any urgent issues that arise to be reviewed and addressed accordingly. Such issues will form part of the decision making delegation to the Corporate Director for People (Children and Adults).

5	Works cannot be completed during the limited summer holiday period	Possible	Moderate	Amber	There is always the risk that on some of the projects the scope of works may not be able to be fully delivered within the school summer holiday period. Previous experience has suggested that schools are very flexible in working with Major Projects to carry out some works prior to or post the summer holiday period. Robust plans and practices are mutually agreed to ensure the safety of all concerns and any impact on school's operation is minimal. We will where possible take advantage of the October 2023 and Easter 2024 holiday periods to carry out any surveys etc.
6	Longer term impact of Covid 19 infection on labour resource and supply	Possible	Moderate	Amber	Major Projects will continue to have a standard agenda item at project meetings to gain assurance from contractors of labour resource and request mitigations in the event of a threat to project delivery due to operative absences through illness in general.

#### 4.6 Assumptions

*Set out any assumptions that have been made. For example, it is assumed that the client will be responsible for managing the relationship with their Portfolio Holder, or it is assumed that the timescales of one development facilitate this project.*

It is assumed that the support will be available from internal colleagues (for example Legal, Procurement and Building Services teams respectively) to work with Major Projects towards the delivery of approved programmes of work.

It is assumed that Major Projects will continue to build on the good relationship it has with the Nottingham Schools Trust and Nottingham City schools and governing bodies to successfully deliver works.

#### 4.7 Success criteria

*Outline the success criteria for the project. How will you know it has been a success? These should be end points, not a measure of progress and act as Key Performance Indicators for the project. These may contribute to the benefits, but it is expected that benefits will take a longer period to be realised and the success criteria should reflect the preferred position when the project completes.*

We will know programmes of work have been a success because we will have delivered works that meet our two specific criteria to keep schools safe and warm and dry.

Schools will tell us that they now feel safe and secure in their premises when they complete the Major Projects' end user client feedback form.

Schools will be able to access areas safely for maintenance needs.

Major Projects will receive reduced communications from schools reporting heating issues or leaks to roofs. They will no longer contact us to say they are concerned about their ability to fund constant repairs to heating systems or roofs that are failing.

Any loss of learning days through school closure (anecdotally mainly due to heating breakdown) will be mitigated.

#### 4.8 Impact on Business as Usual

*Clarify what disruption this project may have on existing operations, including the impact on stakeholders. This might be restricting access to an area for a period of time or might affect the flow of traffic whilst some works are completed.*

In general terms works are normally carried out during the school summer holidays

which mitigates the disruption to school operation. However some schemes may have to start or finish outside of the parameters of the school holiday period. If this is the case then Major Projects have always worked with schools positively and schools have been flexible with such requests. Health and Safety plans, risk and method statements are developed in conjunction with the school, contractor and the CDM Manager and agreed prior to commencement. There is always a clear demarcation between the works the contractor is carrying out and the operational school.

There are times during the summer holiday period when the school site manager is not available due to annual leave commitments. Schools have always worked with us to make alternative arrangements and organise any communication with, for example, alarm monitoring stations to ensure all the necessary bodies are aware that the site is being managed by the contractor with an appointed contractor site manager present.

We will where possible take advantage of the October 2023 and Easter 2024 school holidays to carry out any surveys etc prior to the main works commencing in the summer holidays 2024.

#### **4.9 Benefits realisation plan**

*Provide details of the benefits that are expected to be realised in terms of efficiencies, improvements, compliance, etc. - both financial and non-financial. Are the benefits identified SMART- Specific, Measurable, Achievable, Realistic, Timely)?  
The table below may help set out the benefits.*

Benefit	Measure	How it will be assessed	Strategic fit	Timescale
Reducing the condition liability of Nottingham City schools.	The value of the works will be omitted from the overall condition liability value of schools.	The reduction in the liability will feed into overall condition liability costs directly reported to the DFE.	Review of days lost through closure.	Reduction in condition liability value will be seen immediately.
Support where possible the Council's ambition to become a carbon neutral city by 2028	Measurement of energy consumption from relevant interventions to show heating systems are more efficient and utility bills are reduced for schools.	Review of cost of energy bills over a period of time by schools.	Council Plan commitment to reduce carbon emissions 2028.	Works will be generally be completed during school summer holidays. Relevant schools will monitor their energy bills for the following months
Reducing spending on general repairs and maintenance by schools.	Reduction in maintenance bills eg. For addressing boiler failure issues, repairs to roofs, repairs to water pipes and fire alarms.	Review of school expenditure	To promote healthy living and children to learn and thrive in a safe, warm and dry environment.	Review over a specified period of time eg. a financial year. Major Projects to link directly with school business managers.
Schools do not have to close because of, for example, heating failure.	Keeping schools warm and dry and therefore not subject to closure due to heating failure or mechanical issues.	Review of days lost through closure.	Minimising days lost so pupils can learn and thrive at school.	Collected by NCC colleagues to the established timeline.
Keeping schools safe.	Children and staff will feel safe and secure in their school environment.	Schools will tell us this in their client feedback reviews.  Schools will not fail their OFSTED inspection due to safeguarding concerns.	Council Plan commitment for a safer Nottingham.	Immediate and ongoing linking to Ofsted inspection outcomes.

#### 4.10 Environmental impact assessment

*Outline the impact of this project on the environment. This might include a summary of any surveys undertaken, any sustainable measures include and reference to the Carbon Neutral 2028 ambition in more detail. There may be no impact on the environment, in which case this should be noted as not applicable.*

As articulated above and in the draft strategy document (which was accepted at Executive Board December 2021) we will include where possible interventions that contribute to making Nottingham carbon neutral by 2028.

We will continue to review how we can improve insulation when we are carrying out roofing projects and we will work with colleagues in NCC Energy Services to establish whether there would be value in installing photovoltaic panels.

We will consider where possible the installation of smart meter controls to any new boiler systems which will make the end user more aware of the energy they are using. We will help schools become more aware and manage this in a better way.

We will ensure when we carry out works to windows that we will not only repair the windows and make them safe we will improve the ventilation where at all possible.

#### 4.11 Data Protection Impact Assessment

*Identify if there is any impact on how data is collected, stored or used and how this will be managed. If required, summarise the Data Protection Impact Assessment and include the document as an appendix.*

From project conception through to handover and closure, data pertaining to programmes of work will be managed and stored by the project manager. It is not anticipated that generally there will be any personal information held. Contact numbers will be work business mobiles and will be stored on a project directory. The project directory has to be available to all members of the team.

The only circumstance where personal data could be held is if a Headteacher issues their personal phone number for contact during the school holidays to the project manager. This will not be stored on the project directory. The project manager will be the only person who holds this contact number and will not issue to any other members of the project team or third parties.

All schools now have electronic visitor systems which means that there is reduced visible exposure of a person's details as was previously when signing in books were common. Some schools now have the facility to blank out faces on the electronic visitor system, which means a person's face is not visible to anyone else who may sign in or out. It is the responsibility of individual schools to manage the electronic storage of this data in line with Data Protection legislation.

Whilst the works are on site the contractor will have their own signing in process for operatives and visitors. It is the duty of the main contractor to manage this information in line with Data Protection legislation.

#### 4.12 Equality Impact Assessment

*Outline the impact of this project on equality referencing the Equality, Diversity and Inclusion strategy 2020-2023, where appropriate:*

<http://intranet.nottinghamcity.gov.uk/human-resources/equality-diversity-and-inclusion/equality-diversity-and-inclusion-at-ncc/>

##### Our Equality Objectives

1. Make sure that our workforce will reflect the citizens we serve
2. Create economic growth for the benefit of all communities
3. Provide inclusive and accessible services for our citizens
4. Lead the city in tackling discrimination and promoting equality

*Confirm if an Equality Impact Assessment is required and how / when this will be done. Can be attached as an appendix (usually a requirement of a report).*

Works will impact on young people and we will improve the safety, condition and longevity of school buildings focussing on keeping children safe and warm and dry. The latter mitigating the impact of potential loss of learning days. We will help children to be taught in an environment that will enable them to both learn and thrive.

An equality impact assessment will be submitted as an appendix to the Executive Board report October 2023 for approval.

#### 5.0 Options Appraisal (Economic Case)

*This section should be a narrative that summarises any formal options appraisal. A template for options appraisals is included in the folder. This section should demonstrate that chosen option demonstrates value for money, that a range of options have been considered and that this option is the best balance of cost, benefits and risk.*

*If the project has included some element of design, the design team may wish to comment on this section, and a feasibility may be added as an appendix.*

*Provide details of the options that have been considered, including 'do nothing', and state clearly the preferred option. The details of each option should include:*

- Outputs
- Benefits
- Outline Costs
- Timescale
- Risk
- Deliverability
- Innovation and Collaborations



Major Projects will continue to carry out a thorough prioritisation process before making the recommendations for programme of works, as follows:

- The first step is to reconfirm the definition of the highest priority works – keeping schools safe followed by keeping schools warm and dry to negate the loss of learning time. There are a number of sources of this information, the condition surveys that were carried out for all schools in 2019, the current round of condition surveys being carried out by the DFE, colleagues in NCC Building Services and NCC Schools' Health and Safety team to bring together technical and inspection/service information for items such as boilers, heating systems and fire alarms. Additionally there is an ongoing dialogue with school Head Teachers and Business Managers that is linked to the Estate Review Plans that have been completed with schools previously.
- The second step is to review schemes from previous years that have not been prioritised and to review their current status (ie. any further deterioration) of these items. This information will be sought from the relevant technical parties and cross referenced with condition survey information. Information obtained from the Estate Review Plans carried out by Major Projects will also be reviewed.
- The third step is to consider the schemes that may have only been partially completed in the previous year (or prior to this) due to phasing needs (eg. heating, roofing and asbestos removal schemes).
- The fourth step is to draw on local information received from schools where they have highlighted any costly condition issues they were managing and the associated risk and threat to loss of learning. This is cross referenced with evidence from relevant technical parties in NCC and condition survey information.
- The fifth step is to meet with the NCC Schools' Health and Safety Manager to discuss proposals and confirm that he is in agreement with the proposed programme of works and also ascertain as to whether there were any further issues he was aware of that needed to be brought to the table for review.

## 6.0 COMMERCIAL ASPECTS (Commercial Case)

*Procurement colleagues may support with completing this section.*

*This section should demonstrate that the proposed option is viable.*

*This section should outline why the procurement and contractual route has been chosen and what other options were considered. This should cover any aspects of the project that are being procured, whether services or products.*

*Provide details of the contract and procurement strategy including:*

- |                                      |                                |                                    |
|--------------------------------------|--------------------------------|------------------------------------|
| • Requirements                       | • Risk allocation and transfer | • Personnel implications (eg TUPE) |
| • Supplier Options                   | • Timetable/ Value for Money   | • State Aid                        |
| • Form of Contract (terms, duration, |                                | • Charging mechanism               |

- |                                       |   |   |  |
|---------------------------------------|---|---|--|
| <p><i>payment and incentives)</i></p> | <p><i>mechanism and performance</i></p> | <ul style="list-style-type: none"> <li>• <i>Quality implications</i></li> </ul> | <p><i>or funding strategy</i></p> <ul style="list-style-type: none"> <li>• <i>Procurement method</i></li> <li>• <i>Procurement risks/benefits</i></li> <li>• <i>Contract type</i></li> </ul> |
|---------------------------------------|---|---|--|

Following on from the prioritisation of works we take the opportunity to review each project individually and decide on the best procurement route at an individual scheme level. This approach is taken as there are multiple factors for each scheme which have to be considered to guide us to the most suitable procurement route. The options for procurement are:

- SCAPE Framework Agreement, employing a framework contractor as the Principal Contractor who will obtain a minimum of three quotes for all sub-contractor and specialist contractor works. The SCAPE Framework Agreement allows for early contractor involvement and an opportunity for collaborative working, free feasibility cost estimates, design and build option, limited lead-in times for firm price quotation, building on-going working relationships and understanding of NCC standards and requirements. The above are all well suited to the compressed programmes and challenging site environments of school condition works.
- In house Building Services, who will design M&E schemes for renewal of boiler and heating systems, renewal / installation of fire alarm systems, emergency lighting and lighting replacement schemes. They will carry out a combination of works themselves and tendering from a select list of contractors to achieve best value. Building Services carry out routine maintenance and servicing of schools' M&E plant and equipment and so have a good knowledge of requirements.
- To undertake a procurement process for each scheme. This is not generally the preferred route, given the timing of the grant awards and the critical nature of the programme to the successful delivery of the schemes.

## 6.1 AFFORDABILITY (Financial case)

*Provide an assessment of affordability and state available funding details. This section should demonstrate that the proposed option has realistic costs, funding is available and there is support in place. Show proposed expenditure profile and whole life costs including:*

- |   |  |  |
|---|--|--|
| <ul style="list-style-type: none"> <li>• <i>Year(s) of expenditure</i></li> <li>• <i>Revenue</i></li> <li>• <i>Capital</i></li> <li>• <i>VAT (partial exemption)</i></li> </ul> | <ul style="list-style-type: none"> <li>• <i>Total costs</i></li> <li>• <i>Funding (external)</i></li> <li>• <i>Funding (Receipts)</i></li> <li>• <i>Overall affordability</i></li> </ul> | <ul style="list-style-type: none"> <li>• <i>Efficiencies savings</i></li> <li>• <i>Whole Life Costings – include breakdown for complex projects in the Full business Case</i></li> </ul> |
|---|--|--|

*NB: Best practice is to show information in tabular form with a breakdown of spend over financial years with some supporting commentary. As the project is developed from outline to full business case there would be an expectation to have a more detailed analysis. It might be beneficial to outline any funding/ grant restrictions and the impact these have on the project.*

*This section should also outline what approvals are required to progress the project.*

*This section might be completed with support from colleagues in the Finance team.*

## Project Budget

The prioritised schemes at the time of writing this report are listed in the table below. It is anticipated that this work will cost approximately £2.120m. A contingency of £0.624m has been allocated to address any urgent issues that may arise. The grant funding received for 2023/24 was £2,743,541 and is subject to acceptance and approval at Executive Board October 2023. Approval is sought for the delegation of the authorisation of the contingency to the Corporate Director for People (Children and Adults). An overview of the project budget at this stage is provided below.

<b>Schools' capital maintenance programme 2024/25– overview of project budget</b>	
<b>Programme indicative budget costs:</b>	
Dunkirk Primary (Marlborough site) – Fire Alarm	£110,000
Dunkirk Primary (Marlborough site) - Roofing	£170,000
Berridge Primary(Bobbersmill site) - Fire Alarm	£110,000
Snapewood Primary – Fire Alarm	£120,000
Southwold Primary – Asbestos removal	£170,000
Southwold Primary – Roofing	£170,000
Walter Halls Primary - Access	£130,000
Seely Primary - Heating	£220,000
Melbury Primary - Heating	£210,000
Crabtree Primary - Roofing	£180,000
Claremont Primary – Roofing and Windows	£140,000
Dovecote Primary– Fire Alarm	£120,000
Haydn Primary - Roofing	£170,000
Rufford Primary - Hot water	£100,000
Contingency	£623,541

<b>Overall total :</b>	£2,743,541

The costs at this time are based on feasibility costs and allowances have been made for client risk contingency. If the final costs are returned and over the indicative costs it will be the project manager’s responsibility to carry out a value engineering exercise in conjunction with relevant stakeholders.

## 6.2 Funding and approvals

This Business Case is an appendix to the approval being sought which recommends the approval of fourteen schemes already prioritised and the approval and the authorisation of how the contingency is allocated is delegated to the Corporate Director for People.

The 2023/24 Capital Maintenance Grant from the DfE was £2,743,541, the Executive Board report being presented October 2023 allocates £2,120,000 for fourteen schemes of which some are new schemes and some are further phases of previous schemes.

## 7.0 ACHIEVABILITY (Management case)

*This section should demonstrate how achievable the option is, taking into account the experience of the team/ organisation responsible for delivery and the systems/ processes in place.*

*Provide details of the capability and capacity to deliver the project including:*

- High level plan for achieving desired outcome
  - Resource plan
  - Milestone plan
- Governance and reporting structure (including how the PMO will support)
- Outline Contingency Plan (how will you manage risk?)
- Post project evaluation method (lessons learned)
- Summary of control mechanisms (RIDCAL, risks, issues, change, decisions, etc.)
- Contract Management strategy
- Project team experience

The programme will be delivered by Major Projects. The Major Projects team have considerable experience in delivering school projects and specifically capital projects and have built up over the years a strong working relationships with Nottingham City schools. The delivery team all hold the Association of Project Managers certificates.

A project management plan (internal document) is developed throughout the programme process and because of the nature of a PMP it is ongoing and kept live throughout the various stages of the project programme. The plan defines the project and explains the journey the project will take and how it will be managed. Reference is made to the supporting tools and documents necessary to ensure the project is managed effectively and efficiently and how quality will be assured. Such documents

are in house project management tools such as the risk and issue log, lessons learned log, change control log communication and stakeholder plan. The project management plan is a live document that sits alongside this business case and has clear interdependencies.

### 7.1 Delivery team

- *Confirm who will be included in the delivery team, whether they are an internal or external resource and why this decision has been made. Where appropriate, identify the experience of the delivery team (if a specialist is required, for example). Outline the role of the delivery team in relation to the project.*

The programme will be managed by a Project Manager reporting to a Programme Manager within Major Projects. It is expected that Major Projects will provide the NEC4 Project Manager role for these schemes but will require some technical support to deliver the full programme.

Major Projects will require support from colleagues in NCC Procurement, Legal Services and Building Services.

Major Projects will ensure that Principal Designer and Principal Contractor roles will be appointed to ensure that NCC fulfils its Construction and Design Management (CDM) requirements.

Schemes within programmes are usually delivered by a blend of internal resources and external contractors. Each individual scheme is assessed to ascertain the most appropriate procurement route to take.

### 7.2 Programme and Key Milestones

- *Outline the programme for the project as a narrative and then provide a summary of key milestones in a table. This might include approvals, contract dates and a completion date.*

Milestone	Date
Complete prioritisation exercise to establish list of final schemes for 2023/24 grant	June 2022
Governance process	June to October 2023
Executive Board approval	October 2023
Detailed costings of initial schemes and design stage	October 2023 to January 2024
Start on site (to be confirmed for each individual scheme)	July 2024
Completion on site (to be confirmed for each individual scheme)	August/September 2024

### 7.3 Governance and reporting arrangements

*Set how the project will be governed and reported to the organisation including:*

- Formal governance arrangements (Boards/ Steering Groups)
- Key stakeholders and how they will be managed
- Role of the PMO and Project Assurance (gate 0 review/ PAG/ MMR)
- Decision making
- Reporting processes
- Communication strategy/ plan

The programme of works will be managed by the Project Manager in conjunction with the Programme Manager. The Programme Manager will update the Major Projects Head of Service at the diarised one to one meetings or where and when necessary.

Any urgent matters outside of this reporting structure are raised on an ad hoc basis as and when necessary. Any issues or risks that are likely to affect the scope or progress of the project will be reported to the project sponsor through meetings or emails, depending on the situation.

An update will be given to the NCC schools' operational group when they sit or upon request. This will consist of an update on progress, spend and highlight any risks and mitigations appropriate.

Formal reporting is completed by way of a monthly monitoring report to the Major Projects' Project Management Office.

### 7.4 Project Approach

*Set how the project will be delivered including:*

- *The project delivery team and their experience*
- *The project methodology used (APM/ Agile)*
- *Key documents and how they will be controlled/ signed off (configuration management) (may be reference to PMP here)*
- Change management
- Risk, issues and opportunity management
- Programme with key milestones, any phasing information
- Quality management
- Lessons learnt
- Project handover

#### **Managing scope and quality**

The project scope will be managed through the individual schemes specific scopes, which are compiled by joint working between Major Projects and the relevant contractors and specialists procured.



The project scopes will include any requirements specified of the ESFA standards and guidelines, City Council standards and all relevant requirements and guidelines. The quality of design will be managed accordingly by technical specialists and where appropriate the selected contractor respectively, throughout the process. Major Projects will act as the Client Project Manager on behalf of the schools, responsible for controlling the scope and delivery of the project within the timescales and budget available. All decisions will be made by Major Projects in conjunction with the school representatives concerning access and management.

### **Consultation and engagement**

Major Projects will continue to work closely with all school and governing bodies in delivering the projects in the programmes. Major Projects will continue to build on the positive relationships it has developed with schools. A series of meetings will be held to discuss and agree the programme of works, site operations, health and safety management and the timing of progress meetings through the duration of the works. Minutes of meetings will be recorded and issued in order to formalise discussions and any decisions made going forward. Major Projects will work with individual schools throughout the process concluding in handover of the schemes.

### **Project management**

The project will be managed in line with Association of Project Management (APM) principles using standard documentation developed by the Major Projects team. The Project Manager will be responsible for ensuring that key project documentation is developed and kept up to date to ensure the project is managed effectively, and lead the project team to ensure the project progresses in line with key milestones and the parameters set. Documentation to support the management of the process will be project documentation such as the programme, risk registers, lesson learned template (current and previous lessons learned) and change control management. The Project Manager will be supported by a Programme Manager, who will have oversight of the project and be able to support where issues and risks are identified. The project approach will be formalised in an ongoing Project Management Plan and the programme will be subject to a number of reporting and review requirements that provide governance assurance that the project is well managed and offers value for money.

## **8.0 List of Appendices to Executive Board Report**

<b>Appendix ref</b>	<b>Title</b>
Appendix 1:	Business Case
Appendix 2:	Grant Allocations 2024/25
Appendix 3:	Equality Impact Assessment ( EIA)
Appendix 4:	Carbon Impact Assessment (CIA)

**9.0 SENIOR RESPONSIBLE OFFICER/[SPONSOR] SIGN OFF**

**I confirm the information provided in this Business Case is the best information available to me, as SRO/Sponsor, at the time of the application.**

Signature:	
Name:	
Position:	



Capital Maintenance Programme – Grant Allocations 2023/24

School	Scope	Cost
Dunkirk Primary	Fire Alarm	£110,000
Dunkirk Primary	Roofing	£170,000
Berridge Primary	Fire Alarm	£110,000
Snapewood Primary	Fire Alarm	£120,000
Southwold Primary	Asbestos Removal	£170,000
Southwold Primary	Roofing	£170,000
Walter Halls Primary	Access	£130,000
Seely Primary	Heating	£220,000
Melbury Primary	Heating	£210,000
Crabtree Primary	Roofing	£180,000
Claremont Primary	Roofing and Windows	£140,000
Dovecote Primary	Fire Alarm	£120,000
Haydn Primary	Roofing	£170,000
Rufford Primary	Hot Water	£100,000
Contingency		£623,541
Total		£2,743,541

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**Equality Impact Assessment Form** Control Details:

Title: <b>If this is a budget EIA please ensure the title is the same as the title used within the budget booklet</b>	School Capital Maintenance Grant Allocations 2023/24
Author:	Caroline Butrymowicz
Director:	Catherine Underwood / Nick Lee
Department:	Children and Adults
Service Area:	Major Projects
Contact details:	<a href="mailto:caroline.butrymowicz@nottinghamcity.gov.uk">caroline.butrymowicz@nottinghamcity.gov.uk</a>
Strategic Budget EIA: Y/N (Does this EIA have an impact on the budget)  <b>If yes, please include the reference number</b>	N
Exempt from publication: Y/N (All EIA's are published on Nottingham Insight for public viewing unless specified. Exemption criteria is available on the EIA section on the Intranet)	N

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**1. Document Amendment Record:**

Version	Author	Date	Approved
1	Caroline Butrymowicz – Project Manager	01/06/23	

**2. Contributors/Reviewers** (Anyone who has contributed to this document will need to be named):

Name	Position	Date
Rosey Donovan	Equality and Employability Consultant	02/06/2023

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### 3. Glossary of Terms

Term	Description
DFE	Department for Education
NCC	Nottingham City Council
SCAPE	Systems, Components, Architectural Products and Environments, which is a Procurement Framework to appoint designers and contractors.
EIA	Equality Impact Assessment

### 4. Summary

(Please provide a brief description of proposal / policy / service being assessed)

This report focuses on accepting the 2023/24 grant funding received from the DFE to deliver the condition and maintenance programme for Nottingham City maintained Schools. The funding is to address health and safety and condition issues of maintained schools. Works to improve roofs, address heating systems, remove asbestos and safeguarding issues will be undertaken if the report is approved.

### 5. Information used to analyse the effects on equality:

(Please include information about how you have consulted/ have data from the impacted groups)

There is no significant benefit or adverse impact on any groups as a result of the works. The works will improve the condition and longevity of existing school buildings. The remit of these works is in the majority maintenance but one scheme will address and improve accessibility for young people.

If the report is approved then contractors will be procured using either the Scape Regional Framework, which is a direct award process although it is a competitive tender to get on the framework or by awarding to NCC Building Services. All of these are compliant routes for procuring works. The Scape Regional Framework bands works into categories, depending on the value of the works. It is likely that there may be a number of contractors appointed to carry out works. Contractors have key performance indicators in place to ensure they monitor local spend and involve small to medium enterprises where possible. The information is monitored by SCAPE and reviewed by the City Council Procurement team.

**6. Impacts and Actions:**

	<b>Could particularly benefit X</b>	<b>May adversely impact X</b>
People from different ethnic groups.	<input type="checkbox"/>	<input type="checkbox"/>
Men	<input type="checkbox"/>	<input type="checkbox"/>
Women	<input type="checkbox"/>	<input type="checkbox"/>
Trans	<input type="checkbox"/>	<input type="checkbox"/>
Disabled people or carers.	<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy/ Maternity	<input type="checkbox"/>	<input type="checkbox"/>
People of different faiths/ beliefs and those with none.	<input type="checkbox"/>	<input type="checkbox"/>
Lesbian, gay or bisexual people.	<input type="checkbox"/>	<input type="checkbox"/>

Older	<input type="checkbox"/>	<input type="checkbox"/>
Younger	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other (e.g. marriage/ civil partnership, looked after children, cohesion/ good relations, vulnerable children/ adults).	<input type="checkbox"/>	<input type="checkbox"/>
<b>Please underline the group(s) /issue more adversely affected or which benefits.</b>		

<b>How different groups could be affected</b> <small>(Summary of impacts)</small>	<b>Details of actions to mitigate, remove or justify negative impact or increase positive impact</b> <small>(or why action isn't possible)</small>
<p>Provide details for impacts / benefits on people in different protected groups.</p> <p>Note: the level of detail should be proportionate to the potential impact of the proposal / policy / service. Continue on separate sheet if needed (click and type to delete this note)</p> <p>The works will improve the condition of school buildings. It is proposed that the programme will be delivered by a blend of contractors who are internal colleagues from Building Services, or procured via the Scape Regional Framework (lower band) for the Midlands or who are appointed following competitive tender .</p>	<p>The schemes within the programme will be assessed for any impact on equality from inception through to completion and benefit realisation. This will be measured by liaising with the relevant contractors and schools to ensure there have been no adverse impacts on any particular group. This EIA will remain a live document and Major Projects will keep the EIA updated of any impacts and inform colleagues in the Equalities and Employability service area.</p> <p>The majority of the works will always be programmed to be completed during the main school summer holiday period. Structured phasing of the work will ensure any disturbance to either pupils and</p>

<p>The programme of work will ensure children in the City continue to both learn and thrive in their school buildings, without disruption to learning as a result of building issues. We are supporting schools to address issues both building condition issues and health and safety issues that they could not otherwise afford to resolve and rectify themselves. .</p> <p>The prioritisation of projects is based on keeping the buildings and grounds safe and to identify where there is a risk that the school will close or at least require solutions unless the works are completed for example due to heating failure. In the event of this occurring this document would be updated.</p>	<p>staff will be kept to a minimum and not impact on the school operationally or learning.</p>
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**7. Arrangements for future monitoring of equality impact of this proposal / policy / service:**

Once the works are completed we will ask schools to complete an end user feedback form on how we have performed and how the works were managed on site. As part of the benefit realisation stage of the project we will carry out post-occupancy reviews. These will be undertaken to ensure that the projects have met the needs of the individual schools.

**9. Outcome(s) of equality impact assessment:**

<input checked="" type="checkbox"/>	No major change needed	<input type="checkbox"/>	Adjust the policy/proposal
<input type="checkbox"/>	Adverse impact but continue	<input type="checkbox"/>	Stop and remove the policy/proposal

**10. Approved by (manager signature) and Date sent to equality team for publishing:**

<p><b>Approving Manager:</b> The assessment must be approved by the manager responsible for the service/proposal. Include a contact tel &amp; email to allow citizen/stakeholder feedback on proposals.</p>	<p><b>Date sent for advice: 3/2/2023</b> Send document or Link to: <a href="mailto:equalities@nottinghamcity.gov.uk">equalities@nottinghamcity.gov.uk</a></p>
<p><b>Approving Manager Signature:</b> <b>R Caswell</b></p>	<p><b>Date of final approval:</b> <b>01/06/23</b></p>

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<p><b>Before you send your EIA to the Equality and Employability Team for advice, have you:</b></p> <ol style="list-style-type: none"> <li>1. Read the guidance and good practice EIA's <a href="http://intranet.nottinghamcity.gov.uk/media/1924/simple-guide-to-eia.doc">http://intranet.nottinghamcity.gov.uk/media/1924/simple-guide-to-eia.doc</a></li> <li>2. Clearly summarised your proposal/ policy/ service to be assessed.</li> <li>3. Hyperlinked to the appropriate documents.</li> <li>4. Written in clear user-friendly language, free from all jargon (spelling out acronyms).</li> <li>5. Included appropriate data.</li> <li>6. Consulted the relevant groups or citizens or stated clearly, when this is going to happen.</li> <li>7. Clearly cross-referenced your impacts with SMART actions.</li> </ol>
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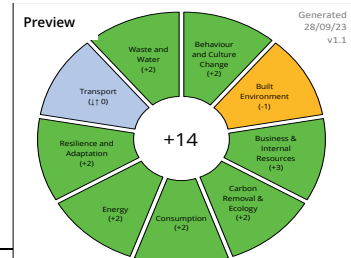


**PLEASE NOTE: FINAL VERSION MUST BE SENT TO EQUALITIES OTHERWISE RECORDS WILL REMAIN INCOMPLETE.**

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# Carbon Impact Assessment Dashboard Tool (v1.1)

Report Name	Capital Maintenance grant 2023/24
Report date	01/06/23
Report author	Caroline Butrymowicz
Project Notes	Proposals to be presented at Executive Board in October 2023



Category	Impact	Notes / justification for score / existing work (see guidance sheet or attached notes for more information)	Score
Behaviour and Culture Change	Communication & engagement	This is an opportunity to engage further with schools and students	+1
Behaviour and Culture Change	Wider influence	No measurable effect	-
Behaviour and Culture Change	Working with communities	This could be an opportunity to engage with partners who work with schools from both the community and other organisations .	+1
Behaviour and Culture Change	Working with partners	We will use this an opportunity to work with partners eg. Out of school clubs that operate	-
Built Environment	Building construction	We will ensure that where possible we will incorporate interventions that improve buildings fabric in a more environmentally friendly way and measure to BREEAM rating standards. For example we will increase insulation to roofs where possible	+1
Built Environment	Building use	Where appropriate we will include better lighting interventions and encourage lower carbon travel to site .	+1
Built Environment	Switching away from fossil fuels	For the 2024/25 programme of works we are expecting limited impact	-3
Business & internal resources	Developing green businesses	We will link with main contractors to see if we can develop better links with greener businesses if possible	+1
Business & internal resources	Marketable skills & training	We will continue to request and review all companies environmental policies and assess accordingly.	+1
Business & internal resources	Sustainability in business	Unaware at this time, as we have not entered the procurement stage	-
Business & internal resources	Material / infrastructure requirement	We will only use necessary resources encourage recycling where possible	+1
Carbon Removal & Ecology	Carbon storage	To be confirmed and developed during the scoping process	-
Carbon Removal & Ecology	Biodiversity & Ecology	We will not hinder the natural world. We will seek to improve it where we can for example installing bird nesting boxes.	+1
Carbon Removal & Ecology	Bee friendly city	We will contribute to this in any schemes that involve planting eg. security hedges	+1
Carbon Removal & Ecology	Carbon offsets	Unknown	-
Consumption	Food & Drink	Not applicable	-
Consumption	Products	We will always check our suppliers environmental policy and ensure if we tender any works this will be part of the selection criteria	+1
Consumption	Services	We will review this with the appointed contractor and sub contractors	-
Consumption	Local and low-carbon production	Our long term draft strategy is to reduce carbon production by including interventions that will mitigate production of carbon for example by considering how we can install lower carbon heating interventions and carry out related works to the fabric of buildings to ensure better insulation and retention of heat.	+1
Energy	Local renewable generation capacity	We will include in scope renewable energy options where possible - eg. By the installation of solar panels.	+1
Energy	Reducing energy demand	Any electrical systems will be more energy efficient eg. LED lighting	+1
Energy	Improved energy storage	unknown at this time	-
Resilience and Adaptation	Green / blue infrastructure	We will not negatively impact natural habitats and where possible we will create more water efficient systems	+1
Resilience and Adaptation	Natural flood management	When applicable to a scheme we will ensure we manage and improve flood risk	+1
Resilience and Adaptation	Drought vulnerability	N/A	-
Resilience and Adaptation	Flooding vulnerability	N/A	-
Resilience and Adaptation	Heatwave vulnerability	N/A	-
Transport	Staff travel requirement	N/A	-
Transport	Decarbonising vehicles	N/A	-
Transport	Improving infrastructure	In future programmes and where applicable we will encourage and try to improve the number of lower carbon methods of travel. This programme will not however include infrastructure works as the projects are to address capital maintenance issues.	+1
Transport	Supporting people to use active travel	Not applicable to this programme of works .	-
Transport	Reduced need to travel	Contractors will need to travel to site to deliver the works and at this time we do not have information on the type of energy used to power their fleet of vehicles.	-1
Waste and Water	Single-use plastic	We will use sustainable materials and not use plastic wherever possible and we will recycle materials building materials where we can.	+1
Waste and Water	End of life disposal / recycling	We will work with subcontractors to ensure that we recycle as much waste material as possible.	+1
Waste and Water	Waste volume	Unknown	-
Waste and Water	Water use	Unknown	-

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<b>Subject:</b>	Acceptance of the Department for Transport (DfT) Moving Traffic Enforcement (MTE) Powers
<b>Corporate Director(s)/Director(s):</b>	Sajeeda Rose, Corporate Director for Growth and City Development Paul Seddon, Director of Planning and Transport
<b>Portfolio Holder(s):</b>	Councillor Angela Kandola, Portfolio Holder for Highways, Transport and Planning
<b>Report author and contact details:</b>	Mark Jenkins, Head of Traffic & Flood Risk Management – <a href="mailto:mark.jenkins@nottinghamcity.gov.uk">mark.jenkins@nottinghamcity.gov.uk</a> Ext 65036
<b>Other colleagues who have provided input:</b>	Sue Thorpe, Service Manager, Technical Services & Systems, Mark Lethbridge, Technical Lead, Moving Traffic Enforcement (MTE) & Systems, Vendie Charles, Contracts & Commercial Solicitor and Paul Rogers - Commercial Finance Business Partner (G&CD).
<b>Subject to call-in:</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Key Decision:</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Criteria for Key Decision:</b>	
(a)	<input type="checkbox"/> Expenditure <input type="checkbox"/> Income <input type="checkbox"/> Savings of £750,000 or more taking account of the overall impact of the decision
<b>and/or</b>	
(b)	Significant impact on communities living or working in two or more wards in the City <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Type of expenditure:</b>	<input type="checkbox"/> Revenue <input type="checkbox"/> Capital If Capital, provide the date considered by Capital Board Date: Neither – <b>There is no expenditure involved with this decision</b>
<b>Total value of the decision:</b>	
<b>Wards affected:</b>	All
<b>Date of consultation with Portfolio Holder(s):</b>	Councillor Angela Kandola 31 <sup>st</sup> August 2023 <i>Previous PFH consultations 6<sup>th</sup> April 2023(Cllr A Wynter) 13<sup>th</sup> April 2022 (Cllr R Healy)</i>
<b>Relevant Council Plan Key Outcome:</b>	
Green, Clean and Connected Communities	<input type="checkbox"/>
Keeping Nottingham Working	<input type="checkbox"/>
Carbon Neutral by 2028	<input type="checkbox"/>
Safer Nottingham	<input type="checkbox"/>
Child-Friendly Nottingham	<input type="checkbox"/>
Living Well in our Communities	<input type="checkbox"/>
Keeping Nottingham Moving	<input checked="" type="checkbox"/>
Improve the City Centre	<input type="checkbox"/>
Better Housing	<input type="checkbox"/>
Serving People Well	<input type="checkbox"/>
<b>Summary of issues (including benefits to citizens/service users):</b>	
<p>The Department of Transport (DfT) have extended Moving Traffic Enforcement powers to local authorities by fully implementing Part 6 of the Traffic Management Act (TMA) 2004.</p> <p>Nottingham City Council (NCC) applied for these additional powers in February 2023 and were granted the formal Designation Order (to use these powers) in July 2023.</p> <p>This report is to seek formal approval to accept these additional powers.</p> <p>The potential benefits include better management the highway network, reduced congestion /</p>	

pollution and improved road safety.

**Does this report contain any information that is exempt from publication?**

No

**Recommendation(s):**

1. To accept the MTE additional powers granted under Part 6 of the TMA 2004.

## **1. Reasons for recommendations**

- 1.1 Accepting additional powers will support the effective management of the highway network.
- 1.2 The government's decision to fully implement Part 6 of the TMA 2004 will now allow councils outside of London and Cardiff to enforce further moving traffic restrictions via Automatic Number Plate Recognition (ANPR) Cameras. These are moving traffic restrictions that are already prohibited but Drivers continue to flout (i.e. banned Right or Left turn, illegal U turns, travelling the wrong way on One Way Streets, and incorrect vehicle movements through Yellow box junctions, Prohibition of Driving, Pedestrian Zones or No Entry's restrictions).
- 1.3 Accepting additional powers will assist in the efficient running of a live highway network and compliment Local Transport Strategies and Plans including access to good, reliable public transport.
- 1.4 NCC already enforces Bus Lanes under the TMA 2004, and the Traffic & Flood Risk Management service area already has this expertise in-house, therefore additional enforcement capacity will easily be integrated into the current system.
- 1.5 By accepting the powers NCC as the Highway Authority can better manage areas where engineering measures have been exhausted and safety is compromised.
- 1.6 This report is to confirm and have the adoption of the powers accepted and to highlight that a Moving Traffic Policy will outline NCC's process for MTE along with an Equality Impact Assessment (EIA) to support proceeding with the implementation.

## **2. Background (including outcomes of consultation)**

- 2.1 Part of the DfT's application process for these additional MTE powers was to formally consult with the Nottinghamshire Police Chief Constable. The Chief

Constable confirmed approval of our application in writing to the DfT on the 10<sup>th</sup> February 2023.

- 2.2 NCC carried out a 6 weeklong consultation with the general public where we had 345 responses, 73% confirmed taking the new powers was a good idea, 21% did not think it was a good idea and 6% were unsure.

### **3. Other options considered in making recommendations**

- 3.1 To not apply for the new powers – This option was not considered. By not adopting the new powers, NCC would be unable to enforce on-street moving traffic restrictions. Drivers may continue to contravene these restrictions and put all other road users at risk.

### **4. Consideration of Risk**

- 4.1 There are no risks, powers already granted by the DfT

### **5. Best Value Considerations, including consideration of Make or Buy where appropriate**

- 5.1 Best Value is demonstrated by a continual review of service provision, benchmarking performance and service costs against other local authorities and the commercial market. We have found significant efficiency gains by the “Doing It With Others” (DIWO) approach. NCC has worked in partnership with Leicester City Council (LCC) for many years benefitting from this arrangement through economies of scale and shared expertise. NCC enforce for LCC who have also been granted MTE powers. NCC receive an income for carrying out this service on behalf of LCC.

### **6. Finance colleague comments (including implications and value for money/VAT)**

- 6.1 The Commercial Finance Business Partner for Growth & City Development (G&CD) has stated the decision to accept DfT Moving Traffic Powers, has no direct financial Implication.
- 6.2 Any new costs arising from the acceptance of powers, outside of the standard operating budget for the service will require a new decision creating, and the relevant regulations adhered to.

### **7. Legal colleague comments**

- 7.1 A Senior Contracts & Commercial Solicitor provided the following comments on 16<sup>th</sup> August 2023.
- In the legal consideration, there appear to be no significant legal concerns arising from the proposal, provided that the Council complies with all legal requirements in the implementation and delivery process.
  - The Council is reminded that in implementing this proposal that it should comply with all statutory and regulatory requirements, and that it adheres to Public Law principles in respect to the Consultation, and the implementation of Part 6 of the TMA 2004.

- In the proposal, there appear to be no TUPE of staff implications from Nottingham Police to the Council, who enforce traffic restrictions contraventions.
- The police were consulted and supports the proposal that such traffic restriction enforcement should now be done by the council.

## 8. Other relevant comments

### 8.1 Colleagues working in the below teams are not required to comment on the application process:

- Procurement
- Strategic Assets and Property
- HR
- IT

## 9. Crime and Disorder Implications (If Applicable)

- 9.1 Being able to enforce moving traffic restrictions, NCC will be able to influence and change driver behaviour. This will create a safer environment for all road users.
- 9.2 If any location camera captures criminal activity, the process for the data sharing of information under GDPR will be followed by both NCC and Nottinghamshire Police.

## 10. Social value considerations (If Applicable)

- 10.1 Being able to enforce areas where high non driver compliance against restrictions is prevalent may provide a better sense of road safety to the surrounding communities.

## 11. Regard to the NHS Constitution (If Applicable)

N/A

## 12. Equality Impact Assessment (EIA)

- 12.1 Has the equality impact of the proposals in this report been assessed?

No

Yes

Attached as Appendix 1, and due regard will be given to any implications identified in it.

## 13. Data Protection Impact Assessment (DPIA)

- 13.1 Has the data protection impact of the proposals in this report been assessed?

No

Yes

Attached as Appendix 2, and due regard will be given to any implications identified in it.



**14. Carbon Impact Assessment (CIA)**

14.1 Has the carbon impact of the proposals in this report been assessed?

No

A CIA will be considered, and if needed, will be published in conjunction with our newly written MTE policy

Yes

**15. List of background papers relied upon in writing this report (not including published documents or confidential or exempt information)**

N/A

**16. Published documents referred to in this report**

16.1 EIA

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## Equality Impact Assessment (EIA) Tool

Please ensure you have read the [guidance pages](#) prior to completing this tool

### Document Control

<b>Control Details:</b>	
Title of EIA/ Decision (DDM):	Application for the designation Order to Enforce Moving Traffic (Moving Traffic Powers)
Name of author (Assigned to Pentana):	Mark Jenkins
Department:	Traffic & Flood Risk Management
Director:	Paul Seddon
Division:	Growth & City Development
Contact details:	Mark Lethbridge
Strategic Budget EIA:	No
<a href="#">Exempt from publication:</a>	No
Date decision due to be taken:	TBC

### Document Amendment Record

Version	Author	Date
1 <sup>st</sup> Draft	S Thorpe	January 2023

### Contributors/Reviewers (Anyone who has contributed to this document to be named)

Name	Title role	Date
Mark Lethbridge	Technical Lead – MTE & Systems	January 2023
Scott Harrison	Technical Lead – Traffic Management	March 2023
Rosey Donovan	Equality and Employability Consultant	12/04/2023

## Glossary of Terms

Term	Description
<b>MTE</b>	<b>Moving Traffic Enforcement</b>
<b>TRO</b>	<b>Traffic Regulation Order</b>
<b>TMA (2004)</b>	<b>Traffic Management Act (2004)</b>
<b>EO</b>	<b>Experimental Order</b>
<b>BPA</b>	<b>British Parking Association</b>

### Section 1 – Equality Impact (NCC staff/ Service users/ Citizen/ Community impact)

#### 1. a. Brief description of proposal/ policy/ service to be assessed

Nottingham City Council has a duty under the Traffic Management Act 2004 (TMA) to tackle congestion and disruption on the road network. The introduction of the Traffic Management Act 2004 has placed a duty on the City Council’s Traffic Manager to keep traffic moving to maximum efficiency. This includes pedestrians and cycles. The TMA 2004 gives councils more tools to manage parking policies, coordinate street works and enforce some moving traffic offences. Nottingham City Council already enforces Bus Lanes under the TMA and has applied for a designation order under Part 6 of the TMA to enforce further moving traffic offences. The Traffic & Flood Risk service area already has this expertise in house, therefore additional enforcement capacity could be easily integrated into the current system.

Local areas may benefit from better enforcement of prohibited movements such as

- Banned Right or left Turns
- Illegal U turns
- One Way Streets
- Yellow box junctions

- Prohibition of Driving
- Pedestrian Zones
- No Entry
- Incorrectly driving in a Bus Lane

From intelligence that has been gathered, using road safety reports, historical and up to date Highway Metrics data, officer intelligence, citizen engagement and consultation with Nottinghamshire Police, the Council is now proposing four trial locations where these new powers would provide additional safety benefits. The areas are:

-

**Maid Marian Way at its junction with Friar Lane**- No U Turn (Southbound to Northbound). U turning traffic is in direct conflict with a Green man phased pedestrian crossing creating a significant risk to road users.

**Sheriffs way/Queens Road at its junction with Arkwright Street**- No Left / No Right Turns into Arkwright Street. Turning vehicles are in direct conflict with a Green man pedestrian phasing creating a significant risk to road users and causes unnecessary congestion on Queens Road.

**Shakespeare Street section from its junction with Goldsmith Street** in an easterly direction for 110 metres (blocked paved pedestrian friendly area). Vehicle's travelling through an area of high pedestrian activity create a significant risk of injury to other road users.

**Victoria Embankment** from a point in line with the suspension bridge in a north westerly direction for approx. 240 metres. Vehicles traveling through the recreational area in front the war memorial create a significant risk of injury to other road users.

### 1. b. Information used to analyse the equalities implications

The four locations proposed have existing traffic restrictions prohibiting traffic as described. Any proposal that is introduced under the Traffic Regulation Order process will follow the statutory consultation process will be carried out. The statutory consultation protocol for implementing a permanent Traffic Regulation Order (TRO) or Experimental Orders (EO) is always followed, including statutory consultation with Fire Service, Police, Ambulance, Road Haulage and Freight Transport Association. Full consultation with other specific user groups such as Retail, Disabled and Road User Organisations, local Tenants and Residents Association and External Disability Inclusion Groups is carried out to avoid any adverse implications.

It is currently an offence for drivers to contravene the prohibitions described, but these offences can only be enforced by Nottingham Constabulary (or by Nottingham City Council as a Bus Lane offence -Shakespeare Street only). The powers applied for (if approved) will allow Nottingham City Council as Highway Authority to enforce moving traffic offences by way of Automated Number Plate Recognition Cameras at the 4 trial locations and any further locations as deemed appropriate where a Traffic Regulation Order (or Experimental Order) exist.

An MTE stakeholder group has been set up in 2022 and includes relevant stakeholders such as the British Parking Association (BPA), the Department for Transport (DfT) and other Local Authorities who have or are applying for the new Part 6 MTE powers.

Further consultation on the adoption of the powers has also taken place on Nottingham City Council's Transport website- see link below

<https://www.transportnottingham.com/consultation-on-new-powers-to-improve-safety-on-nottingham-roads/>

Any locations highlighted for future enforcement utilising these powers will be subject to the same requirements as the trial locations, so any proposals will be subject to a 6 week consultation advertised in a local paper and via on street notices and via a Nottingham City Council website. Following the introduction of moving enforcement powers, a 6 month warning period will be commenced for first time offenders (based on vehicle registration) at each new location.

**1. c. Who will be affected and how?**

Impact type (NCC staff/ Service users/ Citizens/ Community)	Equality group/ individual	Positive	Negative	None	Reasons for your assessment  (Including evidence)	Details of mitigation/ actions taken to advance equality	Details of any arrangements for future monitoring of equality impact  (Including any action plans)
	People from different ethnic groups	X	X	X			Any changes to the highway will be consulted on through the TRO statutory process which includes relevant stakeholders, the external disability involvement group, My Sight and the Disabled Employee

							<b>support Network.</b>
	<b>Men</b>			X	All road users are expected to follow the rules of the Highway Code		
	<b>Women</b>			X	All road users are expected to follow the rules of the Highway Code		
	<b>Trans</b>			X	All road users are expected to follow the rules of the Highway Code		
	<b>Disabled people/ carers</b>			X	All road users are expected to follow the rules of the Highway Code		
	<b>Pregnancy and maternity</b>			X	All road users are expected to follow the rules of the Highway Code		
	<b>Marriage/Civil Partnership</b>			X	All road users are expected to follow		



					the rules of the Highway Code		
	<b>People of different faiths/ beliefs and those with none</b>			X	All road users are expected to follow the rules of the Highway Code		
	<b>Lesbian/ Gay/ Bisexual people</b>			X	All road users are expected to follow the rules of the Highway Code		
	<b>Older</b>			X	All road users are expected to follow the rules of the Highway Code		
	<b>Younger</b>			X	All road users are expected to follow the rules of the Highway Code		
	<b>Other</b> (e.g. looked after children, cohesion/ good relations, vulnerable children/ adults), socio-economic background.  <b><i>Please underline the group(s) /issue more</i></b>	X			All user groups will benefit from the adoption of powers as road users will be encouraged to conform to prohibitions / restrictions/		

	<i>adversely affected or which benefits.</i>				provisions, with specific benefits for vulnerable road users		
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**1. d. Summary of any other potential impact (including cumulative impact/ human rights implications):**

No adverse impacts expected as this is an expansion of an existing process to allow the highway authority to use Part 6 of the TMA to help facilitate its duty under the Traffic Management Act 2004.

Positive impacts are enabling local circumstances to be taken into consideration when assessing a 'MTE Camera' to enforce a Traffic Order. The reduction of unauthorised vehicles from unwarranted routes, will help to manage journey times helping to improve the environment with cleaner air quality for children and young people.

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**Section 2 – Equality outcome**

**Please include summary of the actions identified to reduce disproportionate negative impact, advance equality of opportunity and foster good relations. Please pull out all of the mitigations you have identified and summarise them in this action plan**

Equality Outcome	Adjustments to proposal and/or mitigating SMART actions	Lead Officer	Date for Review/ Completion	Update/ complete
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Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act 2010.	<b>N/A</b>			
Advance equality of opportunity between those who share a protected characteristic and those who don't	<b>N/A</b>			
Foster good relations between those who share a protected characteristic and those who don't	<b>N/A</b>			
(Please add other equality outcomes as required – e.g. mitigate adverse impact identified for people with a disability)	<b>N/A</b>			

**Please note: All actions will need to be uploaded onto Pentana**

### Section 3 – Approval and publishing

<p><b>The assessment must be approved by the manager responsible for the service /proposal.</b>  <b>Approving Manager details</b> (name, role, contact details):</p> <p><b>Sue Thorpe – Service Manager – Technical Services &amp; Systems</b>  <a href="mailto:susan.thorpe@nottinghamcity.gov.uk">susan.thorpe@nottinghamcity.gov.uk</a> Ext: 65269</p>	<p><b>Date sent for advice:</b></p> <p><b>29<sup>th</sup> March 2023</b></p>
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<b>Approving Manager Signature:</b> 	<b>Date of final approval:</b> 17 <sup>th</sup> April 2023

For further information and guidance, please visit the [Equality Impact Assessment Intranet Pages](#)  
Alternatively, you can contact the Equality and Employability Team by telephone on 0115 876 2747

Send document or link for advice and/ or publishing to: [edi@nottinghamcity.gov.uk](mailto:edi@nottinghamcity.gov.uk)

PLEASE NOTE: FINAL VERSION MUST BE SENT TO EQUALITIES OTHERWISE RECORDS WILL REMAIN INCOMPLETE.



## **Nottingham City Council Data Protection Impact Assessment for ANPR and Manned Enforcement Camera Systems**

### **Location of ANPR camera system being assessed:**

Moving Traffic Enforcement & Clearway Parking Enforcement Camera system is based at Loxley House, Nottingham, NG2 3NG. The majority of our on street Bus Lane & Clearway Parking cameras are fixed and focus on an area on the highway within a bus lane and parking area. The cameras only record when a Vehicle Registration Mark (VRM) triggers the camera to capture a contravention. We have 5 PTZ enforcement cameras, 2 are used to enforce Zig-Zags outside schools and one is used to enforce red route parking, the other 2 cameras are mobile and used for bus lanes and clearway parking. The 5 cameras are operated by SIA qualified members of staff employed by Nottingham City Council who follow the code of conduct for camera enforcement.

**Date of assessment:** 20<sup>th</sup> February 2019 (Updated 23rd August 2023)

**Review date:** 20<sup>th</sup> February 2022

**Name of person responsible:** Mark Lethbridge

**Name of Data Protection Officer:** Naomi Matthews

### **GDPR and Data Protection Act 2018 and Surveillance Camera Code of Practice**

#### **Level One**

#### **1. What are the problems that you need to address in defining your purpose for using the surveillance camera system?**

the Traffic Management Act 2004 enacted in 2008 placed a duty on Nottingham City Council as the local traffic authority to ensure traffic could move freely on our roads and on the roads of nearby authorities. Within this this, Part 6 of the TM Act 2004 gave further powers; to use a certified approved device (CCTV) to issue PCNs for the parking contraventions at problem sites.

More recently the Secretary of State enabled the powers under Section 78 of the Traffic Management Act 2004 allowing approved Local Authorities to issue Penalty Charge Notices

(PCNs) for moving traffic contraventions by the use of approved devices i.e. CCTV recording systems. Following on from this

The purpose of using CCTV enforcement is to ensure that the council is fulfilling this duty by encouraging compliance of the restrictions which support the safe functioning of the network.

**2. Can surveillance camera technology realistically mitigate the risks attached to those problems?**

Yes, helps prevent non-exempt vehicles from abusing moving traffic restrictions and for safety issues where inconsiderate parking on school zig-zags by issuing PCNs. In those areas where CCTV enforcement has been used there has been a significant drop in the number of contraventions occurring.

The existence of an enforcement camera being signed on street is, so the motorist is made aware of the fact CCTV enforcement is taking place, legislation is clear on ensuring that the traffic authority complies with this.

**3. What other less privacy-intrusive solutions such as improved lighting has been considered?**

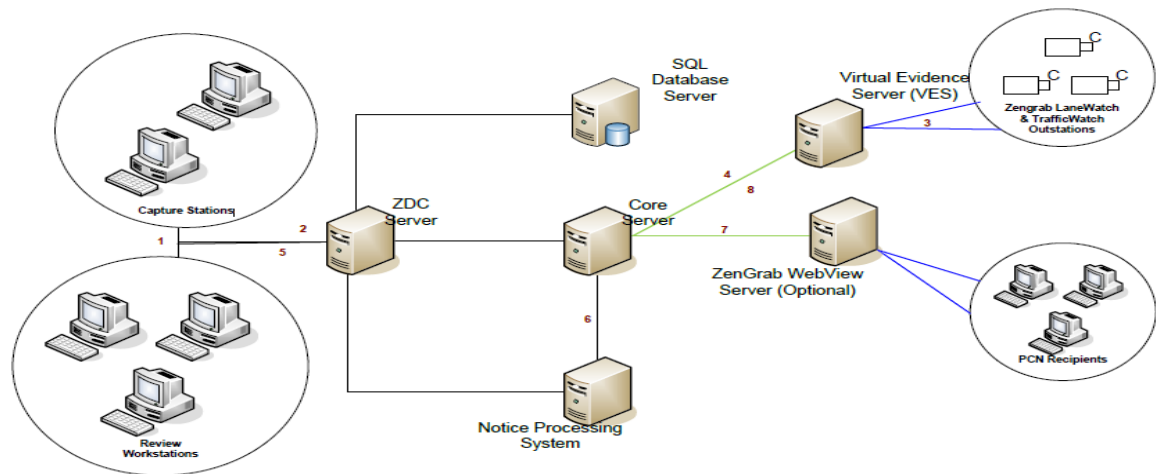
No other less privacy-intrusive solutions has been considered such as improved lighting

**4. What is the lawful basis for using the surveillance camera system?**

NCC use a DfT (Department for Transport) type approved camera system registered with the VCA (Vehicle Certification Agency) and we enforce under The Traffic Management Act 2004 Sections 78; The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 (SI No.2022/71)

**5. Can you describe the information flows?**

Footage of the contravention whether it be moving traffic or clearway parking is encrypted and sent to Siemens' virtual server. The footage is then unencrypted when reviewed by a qualified SIA member of staff in our secure BS7958 enforcement control centre. If the reviewer is satisfied a contravention has occurred the footage is securely delivered into the back office system where the request is made to the DVLA for the owners details. The Camera system contains no personal data at any time.



## 6. What are the views of those who will be under surveillance?

CCTV enforcement is only carried out on certain restrictions within the city boundary. All these restrictions have been introduced by Traffic Regulation Orders and are therefore governed by the Road Traffic Regulation Act 1984.

Contained within the legislation is the requirement to ensure that adequate consultation is carried out on the proposals and the consideration of any objections. Consultation is carried out with a number of stakeholders, including local councillors, organisational consultees such as the emergency services, freight and public transport providers as well as the general public themselves.

Positive publicity was carried out when the Authority first undertook CCTV enforcement in 2007 and this continued through permanent signing on street, warning of CCTV enforcement and the restrictions themselves.

Those that have been captured by CCTV enforcement by committing a contravention do have the ability to challenge their Penalty Charge Notice (PCN) via the statutory processes in place through the Traffic Penalty Tribunal adjudication service.

## 7. What are the benefits to be gained from using surveillance cameras?

Using unattended fixed ANPR cameras that work on a time schedule means we are able to record all contraventions committed during the hours of operation. This is an automated process and means the cameras are enforcing when necessary to ensure all road users are safe for potential conflict and public transport providers can carry out their timetable without hindrance.

## 8. What are the privacy risks arising from this surveillance camera system?

The vehicle is recorded, any persons and other vehicles caught on camera on the short video evidence pack are pixelated out for the 3 still images that appear on the PCN. After being reviewed by SIA qualified staff the PCN is issued and goes out to the recipient, they only see their vehicle committing the contravention. No personal data is stored on the camera enforcement system.

**9. Have any data protection by design and default features been adopted to reduce privacy intrusion? Could any features be introduced as enhancements?**

Members of the public and other vehicle caught on the video footage not related to the contravention are pixelated out and do not appear on the photographs on the PCN sent out to the appellant. As stated in question 8 before the PCN is issued it is manually reviewed by a SIA qualified member of staff working for Nottingham City Council.

**10. What organisations will be using the surveillance camera images, and where is the controller responsibility under the GDPR and Data Protection Act 2018?**

Nottingham City Council captures the contraventions and Nottingham City Council processes the PCNs within our administrative boundary. Nottingham City Council also has a legal agreement to process recordings from Leicester City ANPR cameras to issue PCNs for contraventions within Leicester City boundary. Copies of the footage, in line with the legislation covering CCTV enforcement, is made available to the Traffic Penalty Tribunal adjudication service as well as the owner/keeper of the vehicle committing the contravention.

**11. Do the images need to be able to recognise or identify individuals, or could the purpose be met using images in which individuals cannot be identified?**

The cameras only trigger and record if a contravention occurs on the highway. Footage generally lasts for 10 to 15 seconds and records enough evidence to prove a contravention has occurred. Other vehicles and pedestrians captured on the footage are pixelated out on the 3 images that appear on the PCN when printed out.

**12. How will you inform people that they are under surveillance and respond to any Subject Access Requests, the exercise of any other rights of data subjects, complaints or requests for information?**

Nottingham City Council has a short privacy notice on its website that is accessible for the issuance of Penalty Charge Notices (PCNs)

**13. How will you know if the particular camera system/hardware/software/firmware being considered does deliver the desired benefits now and in the future?**

The existing DfT approved camera system has the desired benefits by issuing PCNs to vehicles contravening moving traffic restrictions, red route and school zig-zags clear for free flowing traffic and pedestrian safety.

**14. What future demands may arise for the wider use of images and how will these be addressed?**

The camera footage is used solely for the production of PCNs. The cameras are not manufactured to do anything else other than record traffic contraventions.

**15. Have you considered the extent to which your surveillance camera system may interfere with the rights and freedoms conferred under the European Convention on Human Rights?**



The network of camera enforcement in Nottingham focuses solely on traffic contraventions and does not interfere with the right to respect for private and family life or other rights and freedoms under the European Convention on Human Rights.

**16. Do any of these measures discriminate against any particular sections of the community?**

Enforcement of moving traffic, red routes and school zig-zags do not discriminate against any particular sections of the community.

**GDPR and Data Protection Act 2018 and Surveillance Camera Code of Practice**

**Level Two**

**Step 1 – (Cameras Specification)**

<b>ID</b>	<b>Camera type</b>	<b>Makes and model used</b>	<b>Amount</b>	<b>Description</b>	<b>Justification and expected use</b>
1.	Standard Static LaneWatch Camera	Yunex	29	Static ANPR with no PTZ features available to the operator	To record vehicle contraventions on the highway
2.	HD Static LaneWatch Camera	Yunex	10	HD Static ANPR with no PTZ features available to the operator	To record vehicle contraventions on the highway
3.	Standard PTZ	Yunex	3	Manned camera with PTZ capabilities	To record vehicles contravening red routes and school zig-zags
4.	Standard PTZ within CCTV Car	TES	2	Manned camera with PTZ capabilities	To record vehicles contravening bus lanes, red routes and school zig-zags

**Step 2 (Location assessment)**

<b>CAT</b>	<b>Location type</b>	<b>Camera types used</b>	<b>Amount</b>	<b>Recording</b>	<b>Monitoring</b>	<b>Assessment of use of equipment (mitigations or justifications)</b>
A.	Moving Traffic	1, 2, & 4		During AM and PM Peak times and 24hrs	Bus lane contraventions during hours of operation	Cameras only record contravention
B.	Red Routes	2 & 3		24hrs	Red Route Highway	Cameras only record contravention
C.	School Zig-Zags	3 & 4		During school drop off and pick up	School Zig	Cameras only record contravention

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